Mr. Watkin·

MENIKO

DIE PROVINSIE TRANSVAAL

Buitengewone Offisiële Koerant.

(As 'n Nuusblad by die Poskantoor Geregistreer)

THE PROVINCE OF TRANSVAAL

Official Gazette Extraordinary.

(Registered at the Post Office as a Newspaper)

Vol. CLXXIV.] PRYS 6d. PRETORIA, 9 SEPTEMBER 9 SEPTEMBER 1960. PRICE 6d. [2855.

PROVINSIALE ADMINISTRASIE.

ADMINISTRATEURSKENNISGEWING.

Onderstaande kennisgewing wat betrekking het op die administrasie van die Provinsie Transvaal word op gesag van die Administrateur vir algemene inligting gepubliseer.

J. H. O. VAN GRAAN,
Provinsiale Sekretaris.

Kantoor van die Administrateur van Transvaal, Pretoria.

Administrateurskennisgewing No. 684.] [9 September 1960.

Onderstaande Ontwerpordonnansie word vir algemene inligting gepubliseer:—

'N

ONTWERPORDONNANSIE

Tot wysiging van die Munisipale Verkiesings Ordonnansie 1927, die Ordonnansie op Plaaslike Bestuur, 1939, en die Wysigingsordonnansie op Munisipale Verkiesings, 1950, om die Ordonnansie op die Verkiesing van Burgemeesters en Onderburgemeesters in Aangewese Munisipaliteite, 1951, te herroep; om die Ordonnansie op Munisipale Verkiesings (Uitstel), 1960, te wysig; om ten opsigte van sekere stads- of dorpsrade voorsiening te maak vir die instelling van 'n bestuurskomitee om verantwoordelik te wees vir die administrasie van aangeleenthede rakende so 'n raad, en vir die omstandighede waarin komitees vir 'n grootstadsraad en so 'n bestuurskomitee ingestel kan word; om ten opsigte van 'n raad verdere voorsiening te maak in verband met die aanstelling van 'n stadsklerk; om in sekere gevalle voorsiening te maak vir die aanstelling van 'n klerk van die raad; en om voorsiening te maak vir aangeleenthede in verband daarmee.

DIE Provinsiale Raad van Transvaal VERORDEN AS VOLG:—

Woordomskrywing.

1. In hierdie Ordonnansie, tensy uit die samehang anders blyk, beteken—

(i) „Administrateur" die amptenaar aangestel ingevolge die bepalings van artikel *agt-en-sestig* van die „Zuid-Afrika Wet, 1909", handelende op die advies en met die toestemming van die Uitvoerende Komitee van die Provinsie; (i)

(ii) „algemene verkiesing" 'n algemene verkiesing soos in artikel *twee* van die Munisipale Verkiesings Ordonnansie 1927 (Ordonnansie No. 4 van 1927), genoem; (iv)

(iii) „bestuurskomitee" 'n bestuurskomitee in subartikel (1) van artikel *een-en-vyftig* genoem; (v)

(iv) „klerk van die Raad" 'n klerk van die Raad in paragraaf (*b*) van artikel *twee-en-sestig* genoem; (iii)

(v) „Raad van Advies" die Raad van Advies insake Plaaslike Bestuur ingevolge subartikel (1) van artikel *twee* van die Ordonnansie op die beheer oor Plaaslike Bestuur, 1958 (Ordonnansie No. 21 van 1958), ingestel; (ii)

en enige ander woord of uitdrukking waaraan 'n betekenis in die Ordonnansie op Plaaslike Bestuur, 1939 toegeken is, het daardie betekenis.

PROVINCIAL ADMINISTRATION.

ADMINISTRATOR'S NOTICE.

The following notice relating to the administration of the Province of the Transvaal is published under the authority of the Administrator for general information.

J. H. O. VAN GRAAN,
Provincial Secretary.

Office of the Administrator of Transvaal, Pretoria.

Administrator's Notice No. 684.] [9 September 1960.

The following Draft Ordinance is published for general information:—

A

DRAFT ORDINANCE

To amend the Municipal Elections Ordinance 1927, the Local Government Ordinance, 1939, and the Municipal Elections Amendment Ordinance, 1950; to repeal the Election of Mayors and Deputy-Mayors in Designated Municipalities Ordinance, 1951, and to amend the Municipal Elections (Postponement) Ordinance, 1960; to provide for the establishment of a Management Committee for certain town and village councils to be responsible for the administration of matters relating to such a council and for the circumstances in which committee may be established for a city council and such management committee; to make further provision relating to the appointment of a town clerk of a council and for the appointment of a clerk of the council in certain cases; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

1. In this Ordinance, unless the context otherwise indicates— Definitions.

(i) "Administrator" means the officer appointed under the provisions of section *sixty-eight* of the South Africa Act 1909, acting on the advice and with the consent of the Executive Committee of the Province; (i)

(ii) "Advisory Board" means the Local Government Advisory Board established in terms of sub-section (1) of section *two* of the Local Government Control Ordinance, 1958 (Ordinance No. 21 of 1958); (v)

(iii) "clerk of the council" means a clerk of the council referred to in paragraph (*b*) of section *sixty-two;* (iv)

(iv) "general election" means a general election referred to in section *two* of the Municipal Elections Ordinance 1927 (Ordinance No. 4 of 1927); (ii)

(v) "management committee" means a management committee referred to in sub-section (1) of section *fifty-one*; (iii)

and any other word or expression to which a meaning has been assigned in the Local Government Ordinance, 1939, shall bear that meaning.

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Hierdie Ordonnansie word as een gelees met Ordonnansie op Plaaslike Bestuur, 1939.

2. Hierdie Ordonnansie, uitgenome vir sover dit betrekking het op wysigings van die Munisipale Verkiesings Ordonnansie 1927, die Wysigingsordonnansie op Munisipale Verkiesings, 1950 en die herroeping van die Ordonnansie op die Verkiesing van Burgemeesters en Onderburgemeesters in Aangewese Munisipaliteite, 1951 en die wysiging van die Ordonnansie op Munisipale Verkiesings (Uitstel), 1960, word gelees as een met die Ordonnansie op Plaaslike Bestuur, 1939.

Wysiging van artikel 2 van Ordonnansie 4 van 1927, soos gewysig by artikel 3 van Ordonnansie 19 van 1950 en artikel 1 van Ordonnansie 18 van 1953.

3. Artikel twee van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig—

(*a*) deur na die omskrywing van „aanvang van hierdie Ordonnansie" die volgende omskrywing in te voeg:

„,toevallige vakature' beteken 'n toevallige vakature in artikel *sewe-en-twintig, twee-en-dertig* of *honderd een-en-dertig* genoem;"; en

(*b*) deur na die omskrywing van „Raad" die volgende omskrywing in te voeg:

„,algemene verkiesing' beteken enige verkiesing in artikel *vier-en-twintig* of *honderd ses-en-twintig* genoem;".

Wysiging van artikel 7 van Ordonnansie 4 van 1927.

4. Artikel *sewe* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur die uitdrukking „onmiddellik aangevul word op die wyse deur hierdie Ordonnansie voorgeskrewe, dog nietemin onderworp aan die hierna gemaakte bepalings omtrent vakatures wat ontstaan binne drie maande vanaf die jaarlikse verkiesing bedoel in artikel *vier-en-twintig* of in artikel *een-honderd ses-en-dertig*" deur die uitdrukking „aangevul word op die wyse by hierdie Ordonnansie bepaal" te vervang.

Wysiging van artikel 8 van Ordonnansie 4 van 1927, soos vervang deur artikel 7 van Ordonnansie 19 van 1950 en soos gewysig by artikel 3 van Ordonnansie 26 van 1951.

5. Artikel *agt* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iedereen wie se naam voorkom op 'n kieserslys opgestel ingevolge artikel *agt* van die Wet ten opsigte van enige verkiesingsafdeling of gedeelte van 'n verkiesingsafdeling binne die munisipaliteit waarin hy woonagtig is, is, behoudens die bepalings van artikels *nege* en *tien*, geregtig om te stem by enige algemene verkiesing of verkiesing om 'n toevallige vakature aan te vul.".

Wysiging van artikel 9 van Ordonnansie 4 van 1927, soos vervang deur artikel 8 van Ordonnansie 9 van 1950 en soos gewysig by artikel 4 van Ordonnansie 26 van 1951 en artikel 1 van Ordonnansie 11 van 1957.

6. Artikel *nege* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iedereen wat, op die eerste dag van September van die jaar wat die jaar voorafgaan waarin 'n algemene verkiesing gehou staan te word, bevoeg is om op die kieserslys of lys vir 'n munisipaliteit geregistreer te word, is, wanneer hy geregistreer is ingevolge die bepalings van hierdie Ordonnansie, geregtig om by sodanige verkiesing te stem.".

Wysiging van artikel 10 van Ordonnansie 4 van 1927, soos vervang deur artikel 9 van Ordonnansie 19 van 1950.

7. Artikel *tien* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur in subartikel (1) die woord „jaarlikse" deur die woord „algemene" te vervang.

Herroeping van artikel 11 van Ordonnansie 4 van 1927, soos gewysig by artikel 10 van Ordonnansie 19 van 1950 en artikel 12 van Ordonnansie 26 van 1951.

8. Artikel *elf* van die Munisipale Verkiesings Ordonnansie 1927, word hierby, vir sover dit nie reeds herroep is nie, herroep.

This Ordinance to be read as one with Local Government Ordinance, 1939.

2. This Ordinance, except in so far as it refers to amendments to the Municipal Elections Ordinance, 1927, the Municipal Elections Amendment Ordinance, 1950, the repeal of the Election of Mayors and Deputy-Mayors in Designated Municipalities Ordinance, 1951, and the amendment of the Municipal Elections (Postponement) Ordinance, 1960, shall be read as one with the Local Government Ordinance, 1939.

Amendment of section 2 of Ordinance 4 of 1927 as amended by section 3 of Ordinance 19 of 1950 and section 1 of Ordinance 18 of 1953.

3. Section *two* of the Municipal Elections Ordinance, 1927, is hereby amended—

(*a*) by the insertion after the definition of "commencement of this Ordinance" of the following definition:

"'casual vacancy' means a casual vacancy referred to in section *twenty-seven, thirty-two* or *one hundred and thirty-one*;"; and

(*b*) by the insertion after the definition of "council" of the following definition:

"'general election' means any election referred to in section *twenty-four* or *one hundred and twenty-six*;".

Amendment of section 7 of Ordinance 4 of 1927.

4. Section *seven* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution for the expression "forthwith be filled up in manner directed by this Ordinance, but subject nevertheless to the provisions hereinafter made as to vacancies occurring within three months of the annual election referred to in section *twenty-four* or in section *one hundred and thirty-six*" of the expression "be filled up in the manner provided for in this Ordinance;".

Amendment of section 8 of Ordinance 4 of 1927, as substituted by section 7 of Ordinance 19 of 1950 and as amended by section 3 of Ordinance 26 of 1951.

5. Section *eight* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any person whose name appears on a voters' list prepared in terms of section *eight* of the Act in respect of any electoral division or portion of an electoral division within the municipality in which he is resident, shall, subject to the provisions of sections *nine* and ten, be entitled to vote at any general election or election to fill a casual vacancy.".

Amendment of section 9 of Ordinance 4 of 1927, as substituted by section 8 of Ordinance 9 of 1950 and as amended by section 4 of Ordinance 26 of 1951 and section 1 of Ordinance 11 of 1957.

6. Section *nine* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any person who as at the first day of September of the year preceding the year in which a general election is to be held, is qualified to be enrolled on the voters' roll or list for a municipality shall, when enrolled under the provisions of this Ordinance, be entitled to vote at such election.".

Amendment of section 10 of Ordinance 4 of 1927, as substituted by section 9 of Ordinance 19 of 1950.

7. Section *ten* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution in sub-section (1) for the word "annual" of the word "general".

Repeal of section 11 of Ordinance 4 of 1927, as amended by section 10 of Ordinance 19 of 1950 and section 12 of Ordinance 26 of 1951.

8. Section *eleven* of the Municipal Elections Ordinance 1927, in so far as it has not already been repealed, is hereby repealed.

Wysiging van artikel 12 van Ordonnansie 4 van 1927, soos gewysig by artikel 2 van Ordonnansie 9 van 1937, artikel 1 van Ordonnansie 4 van 1942, artikel 2 van Ordonnansie 9 van 1943 en soos vervang deur artikel 11 van Ordonnansie 19 van 1950 en gewysig by artikel 5 van Ordonnansie 26 van 1951 en artikel 2 van Ordonnansie 11 van 1957.

9. Artikel *twaalf* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig—

(*a*) deur in subparagraaf (iii) van paragraaf (*e*) van subartikel (1) die woord „Januarie" deur die woord „Mei" te vervang;

(*b*) deur in subparagraaf (i) van paragraaf (*h*) van subartikel (1) die woorde „een-en-dertigste dag van Mei" deur die woorde „dertigste dag van September" te vervang;

(*c*) deur in paragraaf (*a*) van subartikel (2) die woord „jaarlikse" deur die woord „algemene" te vervang;

(*d*) deur in paragraaf (*a*) van subartikel (3) die woorde „Januarie van enige jaar waarin 'n jaarlikse" deur die woorde „Mei van die jaar wat die jaar voorafgaan waarin 'n algemene" en deur die woord „Januarie" waar dit vir die tweede keer voorkom, deur die woord „Mei" te vervang; en

(*e*) deur in paragraaf (*b*) van subartikel (3) die woord „jaarlikse" deur die woord „algemene" te vervang.

Amendment of section 12 of Ordinance 4 of 1927, as amended by section 2 of Ordinance 9 of 1937, section 1 of Ordinance 4 of 1942, section 2 of Ordinance 9 of 1943 and as substituted by section 11 of Ordinance 19 of 1950 and amended by section 5 of Ordinance 26 of 1951 and section 2 of Ordinance 11 of 1957.

9. Section *twelve* of the Municipal Elections Ordinance 1927, is hereby amended—

(*a*) by the substitution in sub-paragraph (iii) of paragraph (*e*) of sub-section (1) for the word "January" of the word "May";

(*b*) by the substitution in sub-paragraph (i) of paragraph (*h*) of sub-section (1) for the words "thirty-first day of May" of the words "thirtieth day of September";

(*c*) By the substitution in paragraph (*a*) of sub-section (2) for the word "annual" of the word "general";

(*d*) by the substitution in paragraph (*a*) of sub-section (3) for the words "January of any year in which an annual" of the words "May of the year preceding the year in which a general" and for the word "January", where it occurs for the second time, of the word "May";

(*e*) by the substitution in paragraph (*b*) of sub-section (3) for the word "annual" of the word "general".

Wysiging van artikel 15 van Ordonnansie 4 van 1927, soos gewysig by artikel 3 van Ordonnansie 9 van 1937, artikel 3 van Ordonnansie 9 van 1943, artikel 11 van Ordonnansie 18 van 1943, artikel 1 van Ordonnansie 13 van 1945, artikel 12 van Ordonnansie 19 van 1950, artikel 6 van Ordonnansie 26 van 1951 en artikel 4 van Ordonnansie 11 van 1957.

10. Artikel *vyftien* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig—

(*a*) deur in subparagraaf (i) van paragraaf (*a*) van subartikel (1) die woorde „Junie en Julie" waar hulle ook al voorkom, deur die woorde „Oktober en November" en die woorde „eenmaal elke drie jaar" deur die woorde „in elke jaar wat 'n algemene verkiesing voorafgaan" te vervang;

(*b*) deur in paragraaf (c) van subartikel (1) die woorde „Mei van die jaar waarin 'n jaarlikse" deur die woorde „September van die jaar wat die jaar voorafgaan waarin 'n algemene" te vervang;

(*c*) deur paragraaf (*b*) van subartikel (3) deur die volgende paragraaf te vervang:

„(*b*) die maande Oktober en November van enige volgende jaar voor 'n algemene verkiesing vasstel as die maande waarin die Raad die volgende kieserslys ooreenkomstig die bepalings van hierdie Ordonnansie moet opstel.";

(*d*) deur in subartikel (4) die woorde „Januarie en April" en „driejaarlikse" deur onderskeidelik die woorde „April en Julie" en „vyfjaarlikse" te vervang; en

(*e*) deur in subartikel (6) die woorde „jaarlikse verkiesing en nie later as die een-en-dertigste dag van Mei daarna nie" deur die woorde „algemene verkiesing en nie later as die dertigste dag van September in die jaar wat die eersvolgende algemene verkiesing voorafgaan" te vervang.

Amendment of section 15 of Ordinance 4 of 1927, as amended by section 3 of Ordinance 9 of 1937, section 3 of Ordinance 9 of 1943, section 11 of Ordinance 18 of 1943, section 1 of Ordinance 13 of 1945, section 12 of Ordinance 19 of 1950, section 5 of Ordinance 26 of 1951 and section 4 of Ordinance 11 of 1957.

10. Section *fifteen* of the Municipal Elections Ordinance 1927, is hereby amended—

(*a*) by the substitution in sub-paragraph (i) of paragraph (*a*) of sub-section (1) for the words "June and July", wherever they occur, of the words "October and November" and for the words "every three years" of the words "in every year preceding a general election";

(*b*) by the substitution in paragraph (*c*) of sub-section (1) for the words "May of the years in which an annual" of the words "September of the year preceding the year in which a general";

(*c*) by the substitution for paragraph (*b*) of sub-section (3) of the following paragraph:

"(*b*) fix the months of October and November of any subsequent year prior to a general election as the months in which the council shall frame the next roll in accordance with the provisions of this Ordinance.";

(*d*) by the substitution in sub-section (4) for the words "January and April" and "triennial" of the words "April and July" and "quinquennial" respectively; and

(*e*) by the substitution in sub-section (6) for the words "annual election and not later than the thirty-first day of May thereafter" of the words "general election and not later than the thirtieth day of September in the year preceding the next succeeding general election".

Wysiging van artikel 19 van Ordonnansie 4 van 1927, soos gewysig by artikel 1 van Ordonnansie 13 van 1945 en soos vervang deur Ordonnansie 19 van 1950 en gewysig by artikel 7 van Ordonnansie 26 van 1951 en artikel 5 van Ordonnansie 11 van 1957.

11. Artikel *negentien* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur in paragraaf (*b*) van die voorbehoudsbepaling by subartikel (1) die woorde „Mei in enige jaar waarin 'n jaarlikse" deur die woorde „September van die jaar wat die jaar voorafgaan waarin 'n algemene" en die woord „jaarlikse" deur die woord „algemene" te vervang.

Amendment of section 19 of Ordinance 4 of 1927, as amended by section 1 of Ordinance 13 of 1945 and as substituted by Ordinance 19 of 1950 and amended by section 7 of Ordinance 26 of 1951 and section 5 of Ordinance 11 of 1957.

11. Section *nienteen* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution in paragraph (*b*) of the proviso to sub-section (1) for the words "May in any year in which an annual" of the words "September of the year preceding the year in which a general" and for the word "annual" of the word "general".

Wysiging van artikel 23 van Ordonnansie 4 van 1927, soos gewysig by artikel 6 van Ordonnansie 11 van 1957.

12. Artikel *drie-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur in subartikel (1) al die woorde na die woord „word" aan die end van die eerste sin deur die volgende te vervang:

„Die raadslede verkies by sodanige eerste verkiesing beklee tensy hulle andersins hulle amp ontruim hul amp tot en met die dag wat die dag van die eersvolgende algemene verkiesing voorafgaan.".

Vervanging van artikel 24 van Ordonnansie 4 van 1927.

13. Artikel *vier-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby deur die volgende artikel vervang:

„Algemene verkiesing van raadslede.

24. 'n Verkiesing van alle lede van 'n Raad moet op die eerste Woensdag in Maart 1962 gehou word en 'n dergelike verkiesing moet op die eerste Woensdag in Maart van elke vyfde jaar daarna plaasvind.".

Vervanging van artikel 25 van Ordonnansie 4 van 1927.

14. Artikel *vyf-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby deur die volgende artikel vervang:

„Ampstermyn van raadslede by algemene verkiesing verkies.

25. 'n Raadslid verkies by 'n algemene verkiesing, beklee, tensy hy andersins sy amp ontruim, sy amp tot en met die dag wat die dag van die eersvolgende algemene verkiesing voorafgaan.".

Wysiging van artikel 26 van Ordonnansie 4 van 1927.

15. Artikel *ses-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur die woorde „aftree of sy setel op andere" deur die woorde „se setel op enige" te vervang.

Wysiging van artikel 27 van Ordonnansie 4 van 1927.

16. Artikel *sewe-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur subartikel (2) deur die volgende subartikels te vervang:

„(2) Wanneer 'n toevallige vakature in die Raad ontstaan, moet die raadslid verkies te word ter aanvulling van sodanige vakature verkies word op die wyse bepaal vir die verkiesing van kandidate by die algemene verkiesing: Met dien verstande dat as sodanige vakature binne drie maande voor die eersvolgende algemene verkiesing ontstaan en daar hoogstens drie sulke vakatures is, sodanige vakature nie aangevul word nie maar bly bestaan totdat daardie algemene verkiesing gehou word.

(3) Iedereen verkies om 'n toevallige vakature aan te vul beklee tensy hy andersins sy amp ontruim sy amp vir die onverstreke ampstydperk van die raadslid in wie se plek hy verkies is.".

Wysiging van artikel 101 van Ordonnansie 4 van 1927.

17. Artikel *honderd-en-een* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig deur in subartikel (6) die woord „jaarlikse" deur die woord „algemene" te vervang.

Wysiging van artikel 126 van Ordonnansie 4 van 1927, soos gewysig by artikel 8 van Ordonnansie 9 van 1937.

18. Artikel *honderd ses-en-twintig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby gewysig:

(*a*) deur subartikel (1) deur die volgende subartikel te vervang—

„(1) 'n Verkiesing van alle lede van 'n dorpsraad moet op die eerste Woensdag in Maart 1962 gehou word en 'n dergelike verkiesing moet op die eerste Woensdag in Maart van elke vyfde jaar daarna gehou word."; en

(*b*) deur in subartikel (2) die woorde „sal, met inagname van die bepalings van subseksie (1) die dag vir hou van die verkiesing vasstel en hy sal minstens veertien dae voor die dag aldus vasgestel" deur die woorde „moet, minstens veertien dae voor die datum in subartikel (1) bepaal" te vervang.

12. Section *twenty-three* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution in sub-section (1) for all the words after the word "ward" of the following:

Amendment of section 23 of Ordinance 4 of 1927, as amended by section 6 of Ordinance 11 of 1957.

"The councillors elected at such first election shall, unless they shall otherwise cease to hold office, hold office until the day preceding the day of the next succeeding general election.".

13. The following section is hereby substituted for section *twenty-four* of the Municipal Elections Ordinance 1927:

Substitution of section 24 of Ordinance 4 of 1927.

"General election of councillors.

24. An election of all members of a council shall be held on the first Wednesday in March, 1926, and a like election shall take place on the first Wednesday in March of every fifth year thereafter.".

14. The following section is hereby substituted for section *twenty-five* of the Municipal Elections Ordinance 1927:

Substitution of section 25 of Ordinance 4 of 1927.

"Period of office of councillors elected at general election.

25. A councillor elected at a general election, unless he shall otherwise cease to hold office, shall hold office until the day preceding the day of the next succeeding general election.".

15. Section *twenty-six* of the Municipal Elections Ordinance 1927, is hereby amended by the deletion of the words "retiring or" and the word "other".

Amendment of section 26 of Ordinance 4 of 1927.

16. Section *twenty-seven* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution for sub-section (2) of the following sub-sections:

Amendment of section 27 of Ordinance 4 of 1927.

"(2) Whenever any casual vacancy occurs in the council, the councillor to be elected to fill such vacancy shall be elected in the manner provided for the election of candidates at the general election: Provided that if such vacancy occurs within three months of the next succeeding general election and there are not more than three such vacancies, such vacancy shall not be filled but shall remain until the holding of that general election.

(3) Any person elected to fill a casual vacancy shall unless he shall otherwise cease to hold office, hold office for the unexpired period of office of the councillor in whose stead such person has been elected.".

17. Section *one hundred and one* of the Municipal Elections Ordinance 1927, is hereby amended by the substitution in sub-section (6) for the word "annual" of the word "general".

Amendment of section 101 of Ordinance 4 of 1927.

18. Section *one hundred and twenty-six* of the Municipal Elections Ordinance 1927, is hereby amended—

Amendment of section 126 of Ordinance 4 of 1927, as amended by section 8 of Ordinance 9 of 1937.

(*a*) by the substitution for sub-section (1) of the following sub-section:—

"(1) An election of all members of a village council shall be held on the first Wednesday in March, 1962, and a like election shall be held on the first Wednesday in March of every fifth year thereafter."; and

(*b*) by the substitution in sub-section (2) for the words: "subject to the provisions of sub-section (1), fix the day for holding the election, and not less than fourteen days before the day so fixed, he shall" of the words "not less than fourteen days before the date mentioned in sub-section (1)".

Vervanging van artikel 131 van Ordonnansie 4 van 1927, soos gewysig by artikel 9 van Ordonnansie 9 van 1937 en artikel 40 van Ordonnansie 19 van 1950.

19. Artikel *honderd een-en-dertig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby deur die volgende artikel vervang:

„Toevallige vakatures. **131.** (1) Ingeval 'n vakature ontstaan as gevolg van enigeen van die omstandighede in artikel *sewe* genoem, moet die voorsitter van die Raad die stadsklerk van enige sodanige vakature in kennis stel en laasgenoemde moet, uitgesonderd in die omstandighede in subartikel (2) genoem, onverwyld 'n vergadering van geregistreerde kiesers vir die munisipaliteit belê vir die doel om sodanige vakature aan te vul op die wyse vroeër hierin bepaal.

(2) As enige sodanige vakature binne drie maande voor die eersvolgende algemene verkiesing ontstaan en daar hoogstens drie sulke vakatures is, word sodanige vakature nie aangevul nie maar bly bestaan totdat daardie algemene verkiesing gehou word.

(3) Iedereen verkies om 'n toevallige vakature aan te vul, beklee, tensy hy andersins sy amp ontruim sy amp vir die onverstreke ampstydperk van die raadslid in wie se plek hy verkies is.".

Substitution of section 131 of Ordinance 4 of 1927, as amended by section 9 of Ordinance 9 of 1937 and section 40 of Ordinance 19 of 1950.

19. The following section is hereby substituted for section *one hundred and thirty-one* of the Municipal Elections Ordinance 1927:—

"Casual vacancies. **131.** (1) In the event of a vacancy occurring as a result of any of the circumstances mentioned in section *seven*, the chairman of the council shall notify any such vacancy to the town clerk, who shall, except in the circumstances mentioned in sub-section (2), forthwith summon a meeting of enrolled voters for the municipality for the purpose of filling such vacancy in the manner hereinbefore provided.

(2) If any such vacancy occurs within three months prior to the next succeeding general election, such vacancy shall not be filled but shall remain until the holding of that general election.

(3) Any person elected to fill a casual vacancy shall, unless he shall otherwise cease to hold office, hold office for the unexpired period of office of the councillor in whose stead such person has been elected.".

Vervanging van artikel 134 van Ordonnansie 4 van 1927.

20. (1) Artikel *honderd vier-en-dertig* van die Munisipale Verkiesings Ordonnansie, 1927, word hierby deur die volgende artikel vervang:

„Ampstermyn van raadslede by eerste verkiesing verkies. **134.** Die raadslede by 'n eerste verkiesing ingevolge artikel *honderd drie-en-dertig* verkies, beklee, tensy hulle andersins hulle amp ontruim, hul amp tot en met die dag wat die dag van die eersvolgende algemene verkiesing voorafgaan.".

Substitution of section 134 of Ordinance 4 of 1927.

20. (1) The following section is hereby substituted for section *one hundred and thirty-four* of the Municipal Elections Ordinance 1927:

"Period of office of councillors elected at first election. **134.** The councillors elected at a first election in terms of section *one hundred and thirty-three* shall, unless they shall otherwise cease to hold office, hold office until the day preceding the day of the next succeeding general election.".

Herroeping van artikel 135 van Ordonnansie 4 van 1927.

21. Artikel *honderd vyf-en-dertig* van die Munisipale Verkiesings Ordonnansie, 1927, word hierby herroep.

Repeal of section 135 of Ordinance 4 of 1927.

21. Section *one hundred and thirty-five* of the Municipal Elections Ordinance 1927, is hereby repealed.

Herroeping van artikel 136 van Ordonnansie 4 van 1927.

22. Artikel *honderd ses-en-dertig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby herroep.

Repeal of section 136 of Ordinance 4 of 1927.

22. Section *one hundred and thirty-six* of the Municipal Elections Ordinance 1927, is hereby repealed.

Vervanging van artikel 137 van Ordonnansie 4 van 1927.

23. Artikel *honderd sewe-en-dertig* van die Munisipale Verkiesings Ordonnansie 1927, word hierby deur die volgende artikel vervang:

„Ampstermyn van raadslede by algemene verkiesing verkies. **137.** 'n Raadslid by 'n algemene verkiesing verkies, beklee, tensy hy andersins sy amp ontruim, sy amp tot en met die dag wat die dag van die eersvolgende algemene verkiesing voorafgaan.".

Substitution of section 137 of Ordinance 4 of 1927.

23. The following section is hereby substituted for section *one hundred and thirty-seven* of the Municipal Elections Ordinance 1927:

"Period of office of councillors elected at general election. **137.** A councillor elected at a general election shall, unless he shall otherwise cease to hold office, hold office until the day preceding the day of the next succeeding general election.".

Vervanging van artikel 16 van Ordonnansie 17 van 1939.

24. (1) Artikel *sestien* van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), word hierby deur die volgende artikel vervang:—

„Verkiesing van burgemeester. **16.** (1) Ten opsigte van elke raad word daar—

(*a*) na die eerste verkiesing van raadslede, deur die raadslede wat teenwoordig is op 'n spesiale vergadering deur die stadsklerk vir die doel belê; en

(*b*) op 'n datum in elke jaar, met ingang van die jaar 1962, gedurende Maart en nie later nie as die vyftiende dag daarvan, deur die raadslede wat teenwoordig is op 'n spesiale vergadering deur die stadsklerk vir die doel belê; en

Substitution of section 16 of Ordinance 17 of 1939.

24. The following section is hereby substituted for section *sixteen* of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939):

"Election of mayor. **16.** (1) In respect of every council there shall be elected—

(*a*) after the first election of councillors, by the councillors present at a special meeting convened by the town clerk for that purpose; and

(*b*) on a date in each year, with effect from the year 1962, during March but not later than the fifteenth day thereof, by the councillors present at a special meeting convened by the town clerk for that purpose; and

(c) indien 'n spesiale vergadering belê word vir die verkiesing van 'n bestuurskomitee vir 'n raad ooreenkomstig die bepalings van subartikel (1) van artikel *twee-en-vyftig* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, voor Maart 1962, deur die raadslede wat teenwoordig is op daardie vergadering, voordat die bestuurskomitee verkies word,

een raadslid verkies as burgemeester van die munisipaliteit waarvoor hy aldus verkies word en sodanige verkiesing geskied by volstrekte meerderheid van sodanige lede op 'n wyse deur die Administrateur by regulasie bepaal te word en vir die geval van 'n staking van stemme, kan daar aldus bepaal word dat 'n beslissing verkry kan word deur middel van loting: Met dien verstande dat geen sodanige verkiesing gehou word voor enige algemene verkiesing soos omskryf in artikel *twee* van die Munisipale Verkiesings Ordonnansie 1927, nie, indien so'n algemene verkiesing in die betrokke jaar gehou word.

(2) Die burgemeester aanvaar onverwyld sy amp en bly, tensy sy amp vroeër vakant raak, in sy amp aan totdat sy opvolger ingevolge subartikel (1) verkies word.

(3) By die verkiesing van 'n burgemeester indien die voorsitter nie beskikbaar is nie en die raad nie een uit sy geledere aanwys om as voorsitter op te tree nie tree die stadsklerk as voorsitter op.

(4) Indien die persoon wat as voorsitter by 'n vergadering gehou ingevolge subartikel (1), optree—

(a) 'n lid van die raad is, het hy ingeval van 'n staking van stemme by die verkiesing van die burgemeester, geen beslissende stem nie; of

(b) nie 'n lid van die raad is nie, word sodanige persoon by die vasstelling van die kworum wat by sodanige vergadering teenwoordig moet wees nie, in aanmerking geneem nie en is hy nie geregtig om te stem nie.

(5) Ingeval die amp van burgemeester om 'n ander rede vakant raak as die verstryking van die tydperk waarvoor sodanige burgemeester verkies is, word 'n opvolger op die tweede gewone vergadering gehou nadat die vakature ontstaan het, deur die raadslede wat teenwoordig is, uit hulle geledere verkies ooreenkomstig die prosedure in subartikel (1) bepaal en sodanige opvolger aanvaar onverwyld sy amp en dien, tensy sy amp vroeër vakant raak, as burgemeester vir die onverstreke tydperk waarvoor sy voorganger verkies was.

(6) Indien 'n burgemeester om watter rede ook al nie op 'n vergadering in subartikel (5) bedoel, verkies word nie, kan hy op die eerste gewone vergadering van die raad wat daarna gehou word of op 'n spesiale vergadering deur die stadsklerk vir die doel belê, verkies word: Met dien verstande dat sodanige verkiesing nie sonder die goedkeuring van die Administrateur later as een maand na die datum van sodanige tweede gewone vergadering in subartikel (5) genoem, mag plaasvind nie.

(c) if a special meeting is convened for the election of a management committee for a council in terms of the provisions of sub-section (1) of section *fifty-two* of the Local Government (Administration and Elections) Ordinance, 1960, before March, 1962, by the councillors present at that meeting before the management committee is elected,

one councillor as mayor of the municipality for which he is so elected, and such election shall be by absolute majority of such members in a manner to be provided by the Administrator by regulation and in the event of an equality of votes provision may be so made for a decision to be arrived at by lot: Provided that no such election shall be held prior to any general election as defined in section *two* of the Municipal Elections Ordinance 1927, if such general election is held in the said year.

(2) The mayor shall forthwith enter upon his office and unless his office be sooner vacated, continue therein until his successor be elected in terms of sub-section (1).

(3) If at the election of a mayor, the chairman is not available and the council has not elected one of its members to act as chairman, the town clerk shall act as chairman.

(4) If the person acting as chairman at a meeting held in terms of sub-section (1)—

(a) is a member of the council, he shall, in the event of an equality of votes at the election of the mayor, not have a casting vote; or

(b) is not a member of the council, such person shall in determining the quorum necessary for the holding of such meeting not to be taken into account and he shall not be entitled to vote thereat.

(5) If the office of mayor becomes vacant for any other reason than the expiry of the period of which such mayor was elected, a successor shall at the ordinary meeting next but one held after the vacancy occurred, be elected by the councillors who are present, from amongst themselves in accordance with the procedure provided for in sub-section (1) and such successor shall forthwith enter upon his office and serve as mayor for the unexpired period for which his predecessor was elected unless his office is sooner vacated.

(6) If a mayor for any reason whatsoever is not elected at a meeting referred to in sub-section (5), he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting convened by the town clerk for that purpose: Provided that without the approval of the Administrator such election may not take place later than one month after the date of such second ordinary meeting referred to in sub-section (5).

(7) Indien die verkiesing in subartikel (6) bedoel, nie binne die daarin vermelde tydperk plaasvind nie, moet die stadsklerk oor sodanige feit onverwyld aan die Administrateur verslag doen, of indien die stadsklerk versuim om aldus verslag te doen, kan die Administrateur self daarvan kennis neem.

(8) By ontvangs van 'n verslag ingevolge subartikel (7) of kennisname ingevolge daardie subartikel, kan die Administrateur, tensy hy van mening is dat aan die bepalings van artikel *honderd nege-en-sestig* gevolg gegee moet word, die versuim van die raad kondoneer en gelas dat die verkiesing gehou word op 'n datum deur hom bepaal.".

(2) Enige burgermeester wat sy amp beklee by die inwerkingtreding van hierdie Ordonnansie uit hoofde van 'n verkiesing gehou ingevolge artikel *sestien* van die Ordonnansie op Plaaslike Bestuur, 1939, bly in sy amp aan totdat sy opvolger verkies word ingevolge die bepalings van daardie artikel, soos vervang deur subartikel (1) van hierdie artikel: Met dien verstande dat enige toevallige vakature in die amp van burgemeester wat ontstaan voordat sodanige opvolger verkies word, gevul word asof subartikel (1) van hierdie artikel nie verorden was nie.

Wysiging van artikel 17 van Ordonnansie 17 van 1939.

25. (1) Artikel *sewentien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur subartikel (1) te vervang deur die volgende subartikel:

„(1) (*a*) Op 'n vergadering van die raad gehou ingevolge subartikel (1) van artikel *sestien*, kies die raadslede wat teenwoordig is, een raadslid as onderburgemeester van die munisipaliteit waarvoor hy aldus verkies word, en die bepalings van artikel *sestien* is *mutatis mutandis* op enige sodanige verkiesing van toepassing.

(*b*) Die onderburgemeester aanvaar onverwyld sodanige amp en bly, tensy sy amp vroeër vakant raak, in sy amp aan totdat sy opvolger ingevolge paragraaf (*a*) verkies word.

(*c*) Ingeval die amp van onderburgemeester om 'n ander rede vakant raak as die verstryking van die tydperk waarvoor sodanige onderburgemeester verkies is, word 'n opvolger op die tweede gewone vergadering gehou nadat die vakature ontstaan het, deur die raadslede wat teenwoordig is uit hulle geledere verkies ooreenkomstig die prosedure in paragraaf (*a*) bepaal, en sodanige opvolger aanvaar onverwyld sy amp en dien, tensy sy amp vroeër vakant raak, as onderburgemeester vir die onverstreke tydperk waarvoor sy voorganger verkies was.

(*d*) Indien 'n onderburgemeester om watter rede ook al nie soos in hierdie subartikel voorgeskryf, verkies word nie, kan hy op die eerste gewone vergadering van die raad wat daarna gehou word of op 'n spesiale vergadering van die raad deur die stadsklerk vir die doel belê, verkies word.".

(2) Enige onderburgemeester wat sy amp beklee by die inwerkingtreding van hierdie Ordonnansie uit hoofde van 'n verkiesing gehou ingevolge artikel *sewentien* van die Ordonnansie op Plaaslike Bestuur, 1939, bly in sy amp aan totdat sy opvolger verkies word ingevolge die bepalings van daardie artikel, soos vervang deur subartikel (1) van hierdie artikel: Met dien verstande dat enige toevallige vakature in die amp van onderburgemeester wat ontstaan voordat sodanige opvolger verkies word, gevul word asof subartikel (1) van hierdie artikel nie verorden was nie.

(7) If the election referred to in sub-section (6) does not take place within the period mentioned therein, the town clerk shall forthwith furnish the Administrator with a report of such fact, or if the town clerk fails so to report, the Administrator may himself take cognizance thereof.

(8) On receipt of a report made in terms of sub-section (7) or having taken cognizance in terms of that sub-section, the Administrator may, unless he is of the opinion that effect must be given to the provisions of section *one hundred and sixty-nine*, condone the failure of the council and direct that the election be held on a date determined by him."

(2) Any mayor who at the commencement of this Ordinance holds office by virtue of an election held in terms of section *sixteen* of the Local Government Ordinance 1939, shall continue in office until his successor is elected in terms of the provisions of that section as substituted by sub-section (1) of this section: Provided that any casual vacancy in the office of mayor which occurs prior to the election of his successor, shall be filled as if sub-section (1) of this section had not been enacted.

Amendment of section 17 of Ordinance 17 of 1939.

25. (1) Section *seventeen* of the Local Government Ordinance, 1939, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) (*a*) At a meeting of the council held in terms of sub-section (1) of section *sixteen*, the councillors present shall elect one councillor as deputy-mayor of the municipality for which he is so elected, and the provisions of section *sixteen* shall apply *mutatis mutandis* to any such election.

(*b*) The deputy-mayor shall forthwith enter upon such office and, unless his office be sooner vacated, continue therein until his successor be elected in terms of paragraph (*a*).

(*c*) If the office of deputy-mayor becomes vacant for any other reason than the expiry of the period for which such deputy-mayor was elected, a successor shall at the ordinary meeting next but one held after the vacancy occurred, be elected by the councillors who are present from amongst themselves in accordance with the procedure provided for in paragraph (*a*) and such successor shall forthwith enter upon his office and serve as deputy-mayor for the unexpired period for which his predecessor was elected unless his office is sooner vacated.

(*d*) If a deputy-mayor for any reason whatsoever is not elected as provided for in this sub-section, he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting of the council convened by the town clerk for that purpose.".

(2) Any deputy-mayor who at the commencement of this Ordinance holds office by virtue of an election held in terms of section *seventeen* of the Local Government Ordinance, 1939, shall continue in office until his successor is elected in terms of the provisions of that section, as substituted by sub-section (1) of this section: Provided that any casual vacancy in the office of deputy-mayor which occurs prior to the election of his successor, shall be filled as if sub-section (1) of this section had not been enacted.

Wysiging van artikel 18 van Ordonnansie 17 van 1939.

26. Artikel *agtien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur na die woord „moet" waar dit vir die eerste maal voorkom, die woorde „, behoudens die bepalings van artikel *drie-en-vyftig* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960,", in te voeg.

Vervanging van artikel 19 van Ordonnansie 17 van 1939.

27. Artikel *negentien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby deur die volgende artikel vervang:

„Toelaes aan burgemeester, onderburgemeester en raadslede.

19. (1) Die raad kan uit sy inkomste sodanige bedrag tot die beskikking van die burgemeester stel as 'n toelae vir algemene doeleindes as wat die raad toereikend ag met inagname van die omstandighede.

(2) Die bedrag van die toelae in subartikel (1) genoem, word vasgestel by die aanvang van die burgemeester se ampstermyn, en mag nie gewysig word, hetsy deur verhoging of verlaging, gedurende sodanige ampstermyn nie.

(3) Van die besteding van die toelae in subartikel (1) genoem, word verslag gedoen aan die finansiële komitee genoem in artikel *nege-en-twintig* of aan die bestuurskomitee soos omskryf in artikel *een* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, na gelang van die geval, maar is nie onderworpe aan ouditering nie.

(4) Die raad kan ook 'n bedrag toeken as 'n persoonlike toelae aan die burgemeester wat altesaam hoogstens een-derde mag bedra van die toelae genoem in subartikel (1).

(5) Die besteding van die toelae in subartikel (4) genoem, is nie onderworpe aan ouditering nie en die handtekening van die burgemeester daarvoor is voldoende.

(6) Wanneer die pligte verbonde aan die amp van burgemeester vir 'n onafgebroke tydperk van minstens veertien dae deur die onderburgemeester vervul word in die omstandighede beoog in subartikel (2) van artikel *sewentien* word die toelae wat ingevolge subartikels (1) en (4) aan die burgemeester betaalbaar is, aan die onderburgemeester betaal.

(7) Die raad van enige grootstadsraad en van enige ander stadsraad wat daartoe deur die Administrateur gemagtig is, kan uit sy inkomste 'n bedrag toeken as 'n persoonlike toelae aan die onderburgemeester van hoogstens die helfte van die toelae in subartikel (4) genoem en die bepalings van subartikel (5) is *mutatis mutandis* van toepassing op die besteding van sodanige toelae: Met dien verstande dat sodanige toelae nie betaalbaar is wanneer die bepalings van subartikel (6) van toepassing is nie.

(8) Die raad kan, met die toestemming van die Administrateur en onderworpe aan sodanige voorwaardes as wat hy in elke geval bepaal uit die inkomste van die raad 'n toelae aan die lede van sodanige raad betaal asook 'n addisionele toelae aan die voorsitter in die omstandighede beoog in subartikel (1) van artikel *drie-en-vyftig* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960.

(9) Enige toelae in hierdie artikel genoem is maandeliks betaalbaar en die bepalings van Hoofstuk IV word nie geag op die betaling van enige sodanige toelae van toepassing te wees nie.".

Amendment of section 18 of Ordinance 17 of 1939.

26. Section *eighteen* of the Local Government Ordinance, 1939, is hereby amended by the insertion after the word "shall" where it occurs for the first time, of the words ", subject to the provisions of section *fifty-three* of the Local Government (Administration and Elections) Ordinance, 1960,".

Substitution of section 19 of Ordinance 17 of 1939.

27. The following section is hereby substituted for section *nineteen* of the Local Government Ordinance, 1939:

"Allowances to mayor, deputy-mayor and councillors.

19. (1) The council may out of its revenue make available to the mayor such amount as an allowance for general purposes as the council may deem sufficient in the circumstances.

(2) The amount of the allowance referred to in sub-section (1) shall be determined at the commencement of the mayor's term of office, and shall not be varied either by way of increase or decrease during such term of office.

(3) The expenditure of the allowance referred to in sub-section (1) shall be accounted for to the finance committee referred to in section *twenty-nine* or to the management committee as defined in section *one* of the Local Government (Administration and Elections) Ordinance, 1960, as the case may be, but shall not be subject to audit.

(4) The council may also grant an amount as a personal allowance to the mayor in the aggregate not exceeding one-third of the allowance referred to in sub-section (1).

(5) The expenditure of the allowance referred to in sub-section (4) shall not be subject to audit and the signature of the mayor therefor shall be sufficient.

(6) Whenever the duties of the office of mayor are performed for a continuous period of not less than fourteen days by the deputy-mayor in the circumstances contemplated in sub-section (2) of section *seventeen*, the allowance which is payable to the mayor in terms of sub-sections (1) and (4) shall be paid to the deputy-mayor.

(7) The council of any city council and of any other town council authorised thereto by the Administrator, may out of its revenue grant an amount as a personal allowance to the deputy-mayor not exceeding half of the allowance referred to in sub-section (4) and the provisions of sub-section (5) shall apply *mutatis mutandis* to the expenditure of such allowance: Provided that such allowance shall not be payable where the provisions of sub-section (6) apply.

(8) The council may with the consent of the Administrator and subject to such conditions as he may in each case determine, pay out of the revenue of the council an allowance to the members of such council, as well as an additional allowance to the chairman in the circumstances contemplated in sub-section (1) of section *fifty-three* of the Local Government (Administration and Elections) Ordinance, 1960.

(9) Any allowance referred to in this section shall be payable monthly and the provisions of Chapter IV shall not be deemed to apply to the payment of any such allowance.".

Vervanging van artikel 20 van Ordonnansie 17 van 1939.

28. (1) Artikel *twintig* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby deur die volgende artikel vervang:

„Gewone vergaderings van die raad.

20. (1) Die raad hou 'n gewone vergadering vir die verrigting van sake so dikwels as wat nodig mag wees, maar minstens een maal per maand, gereken van die eerste dag van Januarie van elke jaar met 'n tussenpose van hoogstens agt weke.

(2) Na 'n algemene verkiesing soos omskryf in artikel *twee* van die Munisipale Verkiesings Ordonnansie 1927, word die eerste gewone vergadering van die raad deur die stadsklerk belê en op daardie vergadering besluit die raad oor die datum en uur van sy verdere gewone vergaderings en daarna belê die stadsklerk sodanige vergaderings ooreenkomstig sodanige besluit of enige wysiging daarvan: ".

(2) Subartikel (1) tree in werking op die eerste dag van Januarie 1961.

Vervanging van artikel 21 van Ordonnansie 17 van 1939.

29. Artikel *een-en-twintig* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby deur die volgende artikel vervang:

„Spesiale vergaderings.

21. Die burgemeester, wat nie 'n lid is nie van 'n bestuurskomitee soos omskryf in artikel *een* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, of die voorsitter in subartikel (1) van artikel *drie-en-vyftig* van bedoelde Ordonnansie genoem, kan te eniger tyd, en moet op skriftelike versoek van minstens een-derde van die raadslede, of waar die raad uit meer as twintig lede bestaan, op skriftelike versoek van minstens ses lede en die stadsklerk moet waar hy deur wet vereis word, 'n spesiale vergadering van die raad belê by wyse van skriftelike kennisgewing waarin die doel van die vergadering vermeld word.".

Wysiging van artikel 22 van Ordonnansie 17 van 1939.

30. Artikel *twee-en-twintig* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur die woorde „burgemeester of stadsklerk" te vervang deur die woorde „stadsklerk of klerk van die raad waar laasgenoemde ingevolge artikel *twee-en-sestig* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, aangestel is".

Wysiging van artikel 24 van Ordonnansie 17 van 1939.

31. Artikel *vier-en-twintig* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur die volgende voorbehoudsbepaling aan die end daarvan toe te voeg:

„: Met dien verstande dat as die raad sy kworum bepaal het op meer as die helfte van die aantal lede van die raad, en dit word onmoontlik vanweë vakatures in die raad om sodanige kworum te verkry, en die oorblywende aantal raadslede nog gelykstaande is met die helfte of meer van die volle raad, die raad geregtig is om, ondanks die bepalings van 'n hoër kworum, sy sake te verrig".

Wysiging van artikel 25 van Ordonnansie 17 van 1939.

32. Artikel *vyf-en-twintig* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur die woorde „Behalwe soos bepaal in artikel *sestien* hiervan" te vervang deur die woorde „Uitgenome waar anders bepaal,".

Substitution of section 20 of Ordinance 17 of 1939.

28. (1) The following section is hereby substituted for section *twenty* of the Local Government Ordinance, 1939:

"Ordinary meetings of the council.

20. (1) The council shall hold an ordinary meeting for the dispatch of business as often as may be necessary, but not less than once a month, calculated from the first day of January of each year at an interval of not more than eight weeks.

(2) After a general election as defined in section *two* of the Municipal Election Ordinance 1927, the first ordinary meeting of the council shall be convened by the town clerk, and at that meeting the council shall decide upon the date and hour of its further ordinary meetings and thereafter the town clerk shall convene such meetings in accordance with such decision or any amendment thereof.".

(2) Sub-section (1) shall come into operation on the first day of January, 1961.

Substitution of section 21 of Ordinance 17 of 1939.

29. The following section is hereby substituted for section *twenty-one* of the Local Government Ordinance, 1939:

"Special meetings.

21. The mayor, who is not a member of a management committee as defined in section *one* of the Local Government (Administration and Elections) Ordinance, 1960, or the chairman referred to in sub-section (1) of section *fifty-three* of that Ordinance, may at any time and shall upon written request of not less than one-third of the members of the council, or, where the council consists of more than twenty members, upon written request of not less than six members, and the town clerk shall, where he is required by law, convene a special meeting of the council by means of a written notice wherein the purpose of the meeting shall be stated.".

Amendment of section 22 of Ordinance 17 of 1939.

30. Section *twenty-two* of the Local Government Ordinance, 1939, is hereby amended by the substitution for the words "mayor or by the town clerk" of the words "town clerk or clerk of the council where the latter has been appointed in terms of section *sixty-two* of the Local Government Ordinance (Administration and Elections), 1960.".

Amendment of section 24 of Ordinance 17 of 1939.

31. Section *twenty-four* of the Local Government Ordinance, 1939, is hereby amended by the addition at the end thereof of the following proviso:

" : Provided that if the council has fixed its quorum at more than half of the number of members of the council, and it becomes impossible owing to vacancies in the council to obtain such quorum, and the remaining number of members of the council is still equal to half or more of the full council, the council shall, notwithstanding the provisions regarding a higher quorum, be entitled to conduct its business.".

Amendment of section 25 of Ordinance 17 of 1939.

32. Section *twenty-five* of the Local Government Ordinance, 1939, is hereby amended by the substitution for the words "Save as is provided in section *sixteen* hereof" of the words "Save as is otherwise provided,".

Vervanging van artikel 116 van Ordonnansie 17 van 1939.

33. (1) Artikel *honderd-en-sestien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby deur die volgende artikel vervang:

„Verkiesing van voorsitter. 116. Op 'n vergadering van die raad gehou in die omstandighede beoog in subartikel (1) van artikel *sestien*, kies die raadslede wat teenwoordig is, een raadslid as voorsitter van die raad waarvoor hy aldus verkies word, en daarna is die bepalings van artikel *sestien mutatis mutandis*, van toepassing."

(2) Enige voorsitter wat sy amp beklee by die inwerkingtreding van hierdie Ordonnansie bly in sy amp aan totdat sy opvolger verkies word ingevolge die bepalings van artikel *honderd-en-sestien* van die Ordonnansie op Plaaslike Bestuur, 1939, soos vervang deur subartikel (1) van hierdie artikel: Met dien verstande dat enige toevallige vakature in die amp van voorsitter wat ontstaan voordat sodanige opvolger verkies word, gevul word asof hierdie en die volgende artikel nie verorden was nie.

Substitution of section 116 of Ordinance 17 of 1939.

33. (1) The following section is substituted for section *one hundred and sixteen* of the Local Government Ordinance, 1939:

"Election of chairman. 116. At a meeting of the council held in the circumstances contemplated in sub-section (1) of section *sixteen*, the councillors present shall elect one councillor as chairman of the council for which he is so elected, and thereafter the provisions of section *sixteen* apply *mutatis mutandis*.".

(2) Any chairman who holds office at the commencement of this Ordinance shall continue in office until his successor is elected in terms of the provisions of section *one hundred and sixteen* of the Local Government Ordinance, 1939, as amended by sub-section (1) of this section: Provided that any casual vacancy in the office of chairman which occurs before such successor is elected, shall be filled as if this and the following section had not been enacted.

Herroeping van artikel 117 van Ordonnansie 17 van 1939.

34. Artikel *honderd-en-sewentien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby herroep.

Repeal of section 117 of Ordinance 17 of 1939.

34. Section *one hundred and seventeen* of the Local Government Ordinance, 1939, is hereby repealed.

Wysiging van artikel 118 van Ordonnansie 17 van 1939.

35. (1) Artikel *honderd-en-agtien* van die Ordonnansie op Plaaslike Bestuur, 1939, word hierby gewysig deur in subartikel (1) die woorde „die laaste twee voorafgaande artikels" deur die woorde „artikel *honderd-en-sestien*" te vervang.

(2) Enige adjunk-voorsitter wat sy amp beklee by die inwerkingtreding van hierdie Ordonnansie bly in sy amp aan totdat sy opvolger verkies word ingevolge die bepalings van artikel *honderd-en-agtien* van die Ordonnansie op Plaaslike Bestuur, 1939, soos gewysig by subartikel (1) van hierdie artikel: Met dien verstande dat enige toevallige vakature in die amp van adjunk-voorsitter wat ontstaan voordat sodanige opvolger verkies word, gevul word asof hierdie artikel nie verorden was nie.

Amendment of section 118 of Ordinance 17 of 1939.

35. (1) Section *one hundred and eighteen* of the Local Government Ordinance, 1939, is hereby amended by the substitution for the words "the last two preceding sections" of the words "section *one hundred and sixteen*".

(2) Any deputy-chairman who holds office at the commencement of this Ordinance, shall remain in office until his successor is elected in terms of the provisions of section *one hundred and eighteen* of the Local Government Ordinance, 1939, as amended by sub-section (1) of this section: Provided that any casual vacancy in the office of deputy-chairman which occurs before such successor is elected, shall be filled as if this section had not been enacted.

Invoeging van nuwe artikel 169 in Ordonnansie 17 van 1939.

36. Die volgende artikel hierby word na artikel *honderd agt-en-sestig* van die Ordonnansie op Plaaslike Bestuur, 1939, ingevoeg:

„Administrateur kan namens raad optree in sekere omstandighede. 169. Waar, na die mening van die Administrateur, enige plaaslike bestuur versuim het om gevolg te gee aan enige bepaling van hierdie Ordonnansie of enige ander Ordonnansie wat op daardie plaaslike bestuur van toepassing is, kan hy, nadat hy 'n geleentheid aan die betrokke plaaslike bestuur verleen het om vertoë daaromtrent aan hom voor te lê, daardie plaaslike bestuur gelas om binne 'n tydperk deur hom vasgestel uitvoering te gee aan bedoelde bepaling en indien die plaaslike bestuur versuim om aan die lasgewing van die Administrateur gevolg te gee, kan hy namens die plaaslike bestuur optree en enige koste in verband daarmee aangegaan van die plaaslike bestuur verhaal.".

Insertion of new section 169 in Ordinance 17 of 1939.

36. The following section is hereby inserted after section *one hundred and sixty-eight* of the Local Government Ordinance, 1939:

"Administrator may act on behalf of council in certain circumstances. 169. Where, in the opinion of the Administrator, any local authority has failed to give effect to any provision of this Ordinance or any other ordinance which applies to such local authority, he may, after he has given the local authority concerned an opportunity to submit representations to him in connection therewith, direct such local authority to give effect to such provision within a period determined by him, and should the local authority fail to give effect to the direction of the Administrator, he may act on behalf of the local authority and recover any costs incurred in connection therewith from the local authority.".

Wysiging van artikel 1 van Ordonnansie 19 van 1950.

37. Artikel *een* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur die omskrywings van „tussenverkiesing" en „algemene verkiesing" te skrap.

Amendment of section 1 of Ordinance 19 of 1950.

37. Section *one* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of the definitions of "by-election" and "general election".

Herroeping van artikel 6 van Ordonnansie 19 van 1950.

38. Artikel *ses* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby herroep.

Repeal of section 6 of Ordinance 19 of 1950.

38. Section *six* of the Municipal Elections Amendment Ordinance, 1950, is hereby repealed.

Wysiging van artikel 7 van Ordonnansie 19 van 1950.

39. Artikel *sewe* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Amendment of section 7 of Ordinance 19 of 1950.

39. Section *seven* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Wysiging van artikel 8 van Ordonnansie 19 van 1950.

40. Artikel *agt* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 9 van Ordonnansie 19 van 1950.

41. Artikel *nege* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 11 van Ordonnansie 19 van 1950.

42. Artikel *elf* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 16 van Ordonnansie 19 van 1950.

43. Artikel *sestien* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 17 van Ordonnansie 19 van 1950.

44. Artikel *sewentien* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 19 van Ordonnansie 19 van 1950, soos gewysig by artikel 13 van Ordonnansie 26 van 1951.

45. Artikel *negentien* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby gewysig—

(*a*) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die eerste algemene verkiesing van raadslede van 'n munisipaliteit wat ingevolge die eerste voorbehoudsbepaling van subartikel (2) van artikel *twee* 'n aangewese munisipaliteit verklaar is, moet gehou word op sodanige datum as wat die Administrateur by kennisgewing in die *Provinsiale Koerant* bepaal."; en

(*b*) deur in subartikel (2) die woorde „die voorbehoudsbepaling van" te skrap en die woord „Mei" deur die woord „September" te vervang.

Herroeping van artikel 20 van Ordonnansie 19 van 1950.

46. Artikel *twintig* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby herroep.

Herroeping van artikel 21 van Ordonnansie 19 van 1950.

47. Artikel *een-en-twintig* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby herroep.

Herroeping van artikel 36 van Ordonnansie 19 van 1950.

48. Artikel *ses-en-dertig* van die Wysigingsordonnansie op Munisipale Verkiesings, 1950, word hierby herroep.

Herroeping van Ordonnansie 8 van 1951.

49. (1) Die Ordonnansie op die Verkiesing van Burgemeesters en Onderburgemeesters in Aangewese Munisipaliteite 1951 (Ordonnansie 8 van 1951), word hierby herroep.

(2) Enige burgemeester of onderburgemeester van 'n munisipaliteit wat sy amp beklee by die inwerkingtreding van hierdie Ordonnansie uit hoofde van 'n verkiesing ingevolge artikel *twee* of *drie* van die Ordonnansie op die Verkiesing van Burgemeesters en Onderburgemeesters in Aangewese Munisipaliteite, 1951, bly in sy amp aan totdat sy opvolger verkies word ingevolge die bepalings van artikel *sestien* of *sewentien* van die Ordonnansie op Plaaslike Bestuur, 1939: Met dien verstande dat enige toevallige vakature in die amp van burgemeester of onderburgemeester wat ontstaan voordat sodanige opvolger verkies word, gevul word asof subartikel (1) van hierdie artikel nie verorden was nie.

Vervanging van artikel 1 van Ordonnansie 27 van 1960.

50. Artikel *een* van die Ordonnansie op Munisipale Verkiesings (Uitstel), 1960 (Ordonnansie No. 27 van 1960) word hierby deur die volgende artikel vervang:

„Verlenging van ampstermyn van raadslede van stads- en dorpsrade.

1. Ondanks andersluidende wetsbepalings, bly enige raadslid van 'n stads- of dorpsraad wie se ampstermyn op die datum van die jaarlikse of algemene verkiesing in Oktober 1960 of 1961 sou verstryk ingevolge die bepalings van die

40. Section *eight* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Amendment of section 8 of Ordinance 19 of 1950.

41. Section *nine* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Amendment of section 9 of Ordinance 19 of 1950.

42. Section *eleven* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Amendment of section 11 of Ordinance 19 of 1950.

43. Section *sixteen* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Amendment of section 16 of Ordinance 19 of 1950.

44. Section *seventeen* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended by the deletion of sub-section (2).

Amendment of section 17 of Ordinance 19 of 1950.

45. Section *nineteen* of the Municipal Elections Amendment Ordinance, 1950, is hereby amended—

Amendment of section 19 of Ordinance 19 of 1950 as amended by section 13 of Ordinance 26 of 1951.

(*a*) by the substitution for sub-section (1) of the following sub-section:

"(1) The first general election of councillors of a municipality declared to be a designated municipality in terms of the first proviso to sub-section (2) of section *two* shall be held on such date as the Administrator may specify by notice in the *Provincial Gazette*"; and

(*b*) by the deletion in sub-section (2) of the words "the proviso to" and the substitution for the word "May" of the word "September".

46. Section *twenty* of the Municipal Elections Amendment Ordinance, 1950, is hereby repealed.

Repeal of section 20 of Ordinance 19 of 1950.

47. Section *twenty-one* of the Municipal Elections Amendment Ordinance, 1950, is hereby repealed.

Repeal of section 21 of Ordinance 19 of 1950.

48. Section *thirty-six* of the Municipal Elections Amendment Ordinance, 1950, is hereby repealed.

Repeal of section 36 of Ordinance 19 of 1950.

49. (1) The Election of Mayors and Deputy-mayors in Designated Municipalities Ordinance, 1951 (Ordinance No. 8 of 1951), is hereby repealed.

Repeal of Ordinance 8 of 1951.

(2) Any mayor or deputy-mayor of a municipality who holds office at the commencement of this Ordinance by virtue of an election held in terms of section *two* or *three* of the Election of Mayors and Deputy-mayors in Designated Municipalities Ordinance, 1951, shall remain in office until his successor is elected in terms of the provisions of section *sixteen* or *seventeen* of the Local Government Ordinance, 1939: Provided that any casual vacancy in the office of mayor or deputy-mayor which occurs before such successor is elected, shall be filled as if sub-section (1) of this section had not been enacted.

50. The following section is hereby substituted for section *one* of the Municipal Elections (Postponement) Ordinance, 1960 (Ordinance No. 27 of 1960):

Substitution of section 1 of Ordinance 27 of 1960.

"Extension of period of office of councillors of town and village councillors.

1. Notwithstanding anything to the contrary in any other law contained, any councillor of a town or village council whose period of office would have expired on the day of the annual or general election in October, 1960 or 1961 in terms of the provisions of the Muni-

Munisipale Verkiesings Ordonnansie 1927 (Ordonnansie No 4 van 1927) of die Wysigingsordonnansie op Munisipale Verkiesings, 1950 (Ordonnansie No. 19 van 1950), tensy hy andersins ophou om raadslid te wees, in sy amp aan tot en met die dag wat die dag van die algemene verkiesing soos omskryf in artikel *een* van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, voorafgaan.".

Instelling van bestuurskomitee vir sekere plaaslike besture.

51. (1) Behoudens die bepalings van hierdie Ordonnansie, word daar vir elke stadsraad, 'n bestuurskomitee ingestel wat vir die administrasie van aangeleenthede rakende so 'n raad verantwoordelik is, tensy die Administrateur voordat 'n verkiesing soos beoog in subartikel (1) van artikel *twee-en-vyftig* gehou is, by kennisgewing in die *Provinsiale Koerant* gelas dat die bepalings van hierdie subartikel nie op enige besondere stadsraad, vir 'n tydperk deur hom bepaal van toepassing is nie.

(2) Die Administrateur kan die tydperk in subartikel (1) genoem, te enige tyd inkort of verleng.

(3) Die Administrateur kan die bepalings van subartikel (1) by kennisgewing in die *Provinsiale Koerant*, met ingang van 'n datum in sodanige kennisgewing vermeld, van toepassing maak op enige dorpsraad.

Verkiesing van bestuurskomitee.

52. (1) Ten opsigte van elke raad waarvoor 'n bestuurskomitee ingestel moet word, word daar—

(*a*) na die eerste verkiesing van raadslede vir so 'n raad, waar so 'n eerste verkiesing op of na die inwerkingtreding van hierdie Ordonnansie gehou word, op die vergadering gehou ingevolge die bepalings van artikel *sestien* van die Ordonnansie op Plaaslike Bestuur, 1939; of

(*b*) in omstandighede nie in paragraaf (*a*) bedoel nie op 'n spesiale vergadering deur die stadsklerk belê op 'n datum in die jaar 1961 gedurende Maart nie later nie as die vyftiende dag daarvan; en

(*c*) in iedere geval na elke algemene verkiesing op die vergadering in paragraaf (*a*) genoem

nadat die burgemeester en onderburgemeester verkies is, 'n bestuurskomitee deur die raad uit sy geledere verkies ooreenkomstig die bepalings van hierdie artikel en sodanige bestuurskomitee bestaan, in die geval van 'n raad van—

(i) *twintig of meer lede, uit vyf lede; of*

(ii) minder as twintig lede, uit drie lede.

(2) Die lede van die bestuurskomitee bly in hulle amp aan totdat hulle opvolgers ooreenkomstig die bepalings van paragraaf (*c*) van subartikel (1) verkies is tensy enige lid voor verstryking van sy ampstermyn ophou om lid van die raad te wees ooreenkomstig die bepalings van hierdie Ordonnansie of vir sy amp bedank.

(3) Wanneer daar tot die verkiesing van lede van die bestuurskomitee oorgegaan word, vra die voorsitter van die raad om nominasies en hy aanvaar geen sodanige nominasie nie tensy dit skriftelik gedoen word en behoorlik onderteken is deur die voorsteller, die sekondant en die genomineerde wat daarby sy aanvaarding van die nominasie te kenne gee.

(4) Indien soveel nominasies ontvang word as die aantal vakatures in die bestuurskomitee, verklaar die voorsitter van die raad die kandidate behoorlik verkose lede van die bestuurskomitee.

cipal Elections Ordinance 1927 (Ordinance No. 4 of 1927) or the Municipal Elections Amendment Ordinance, 1950 (Ordinance No. 19 of 1950), shall, unless he otherwise ceases to be a councillor, continue in office up to and including the day preceding the day of the general election as defined in section *one* of the Local Government (Administration and Elections) Ordinance, 1960.".

Establishment of management committee for certain local authorities.

51. (1) Subject to the provisions of this Ordinance, a management committee shall be established for each town concil which shall be responsible for the administration of matters affecting such council unless the Administrator before an election as contemplated in sub-section (1) of section *fifty-two* has been held, has directed by notice in the *Provincial Gazette* that the provisions of this sub-section shall not apply to any particular town council for a period determined by him.

(2) The Administrator may at any time reduce or extend the period referred to in sub-section (1).

(3) The Administrator may by notice in the *Provincial Gazette* apply the provisions of sub-section (1) to any village council with effect from a date stated in such notice.

Election of management committee.

52. (1) In respect of every council for which a management committee shall be established—

(*a*) after the first election of councillors for such a council, where such first election is held on or after the commencement of this Ordinance, at the meeting held in terms of the provisions of section *sixteen* of the Local Government Ordinance, 1939; or

(*b*) in circumstances not contemplated in paragraph (*a*) at a special meeting convened by the town clerk on a date in the year 1961 during March but not later than the fifteenth day thereof; and

(*c*) in any event after each general election at the meeting referred to in paragraph (*a*),

after the mayor and deputy-mayor have been elected, a management committee shall be elected by the council from amongst its members in accordance with the provisions of this section and such management committee shall consist, in the case of a council of—

(i) twenty or more members, of five members; or

(ii) less than twenty members, of three members.

(2) The members of the management committee shall continue in office until their successors have been elected in accordance with the provisions of paragraph (*c*) of sub-section (1) unless any member, before the expiry of his term of office, ceases to be a member of the council in accordance with the provisions of this Ordinance, or resigns his office.

(3) Whenever members of the management committee are to be elected, the chairman of the council shall call for nominations and he shall not accept any such nomination unless it be in writing and properly signed by the proposer, the seconder and the nominee who thereby signifies his acceptance of the nomination.

(4) If as many nominations are received as there are vacancies in the management committee, the chairman of the council shall declare the candidates duly elected members of the management committee.

(5) Indien daar minder nominasies ontvang word as die aantal vakatures in die bestuurskomitee, verklaar die voorsitter van die raad die kandidate behoorlik verkose lede van die bestuurskomitee en word enige vakature wat nog in die bestuurskomitee bestaan, geag 'n toevallige vakature te wees en word aangevul op die wyse in subartikel (7) uiteengesit.

(6) Indien daar meer nominasies ontvang word as die aantal vakatures in die bestuurskomitee, gelas die voorsitter van die raad dat daar onverwyld oorgegaan word tot 'n stemming, waarin die kandidate verkies word deur 'n volstrekte meerderheid van die aantal raadslede wat op die betrokke vergadering teenwoordig is op 'n wyse deur die Administrateur voorgeskryf te word en vir die geval van 'n staking van stemme kan daar insgelyks voorgeskryf word dat 'n beslissing verkry kan word deur middel van loting.

(7) Enige toevallige vakature in die bestuurskomitee word deur die raad aangevul op die wyse in subartikel (6) bepaal en word aangevul op 'n vergadering van die raad op 'n datum wat nie vroeër is as veertien dae, en nie later is as twee-en-veertig dae nadat sodanige vakature ontstaan het nie, tensy die Administrateur 'n verlenging van sodanige tydperk toestaan, en waar enige toevallige vakature nie aldus aangevul word nie kan die Administrateur 'n raadslid benoem om die vakature aan te vul.

(8) Indien 'n gewone vergadering van die raad nie binne die tydperk bepaal in subartikel (7) gehou staan te word nie, belê die stadsklerk 'n spesiale vergadering van die raad binne daardie tydperk.

Verkiesing van voorsitter en ondervoorsitter van raad in sekere gevalle.

53. (1) Indien die burgemeester tot lid van die bestuurskomitee verkies word, verkies die raad onmiddellik op die wyse bepaal vir die verkiesing van 'n burgemeester in subartikel (1) van artikel *sestien* van die Ordonnansie op Plaaslike Bestuur, 1939, iemand uit sy geledere, wat nie 'n lid van die bestuurskomitee is nie, om as voorsitter van die raad op te tree en sodanige lid is daarna vir alle doeleindes die voorsitter van die raad solank as die burgemeester 'n lid van die bestuurskomitee is.

(2) Indien die onderburgemeester tot lid van die bestuurskomitee verkies word, verkies die raad onmiddellik op die wyse bepaal vir die verkiesing van 'n onderburgemeester in subartikel (1) van artikel *sewentien* van die Ordonnansie op Plaaslike Bestuur, 1939, iemand uit sy geledere wat nie 'n lid van die bestuurskomitee is nie, om as voorsitter van die raad op te tree in die afwesigheid van die voorsitter in subartikel (1) genoem.

(3) Ingeval die voorsitter soos in subartikels (1) en (2) bedoel, gedurende sy ampstermyn as voorsitter tot lid van die bestuurskomitee verkies word, ontruim hy onmiddellik sodanige amp en die raad kies ingevolge daardie subartikels iemand uit sy eie geledere wat nie 'n lid van die bestuurskomitee is nie, om sodanige amp te beklee vir die onverstreke tydperk waarvoor sy voorganger verkies was.

Verkiesing van voorsitter en ondervoorsitter van bestuurskomitee.

54. (1) Onmiddellik nadat die uitslag van 'n verkiesing van die bestuurskomitee op 'n vergadering gehou ingevolge artikel *twee-en-vyftig* bekend is en, waar van toepassing, daar aan die bepalings van artikel *drie-en-vyftig* voldoen is, kies die raad een van die lede van die bestuurskomitee as voorsitter en 'n ander lid as ondervoorsitter van die bestuurskomitee, en die bedoelde voorsitter word verkies op die wyse bepaal in subartikel (1) en die bedoelde ondervoorsitter op die wyse bepaal in subartikel (2) van artikel *drie-en-vyftig*.

(5) If the number of nominations received is less than the number of vacancies in the management committee, the chairman of the council shall declare the candidates duly elected members of the management committee, and any vacancy which still exists in the management committee shall be deemed to be a casual vacancy and shall be filled in the manner provided for in sub-section (7).

(6) If more nominations are received than the number of vacancies existing in the management committee, the chairman of the council shall direct that a vote be taken forthwith, in which the candidates shall be elected by an absolute majority of the number of councillors present at that meeting in a manner to be prescribed by the Administrator and in the event of an equality of votes, provision may likewise be made for a decision to be arrived at by lot.

(7) Any casual vacancy in the management committee shall be filled by the council in the manner provided for in sub-section (6) and shall be filled at a meeting of the council on a date not less than fourteen days and not more than forty-two days after such vacancy occurred, unless the Administrator grants an extension of such period, and where any casual vacancy is not so filled the Administrator may appoint a councillor to fill the vacancy.

(8) If an ordinary meeting of the council is not due to be held within the period provided for in sub-section (7) the town clerk shall convene a special meeting of the council within that period.

Election of chairman and deputy-chairman of council in certain cases.

53. (1) If the mayor is elected as a member of the management committee, the council shall forthwith, in the manner provided for the election of a mayor in sub-section (1) of section *sixteen* of the Local Government Ordinance, 1939, elect one of its members, who is not a member of the management committee to act as chairman and such member shall, thereafter for all purposes be the chairman of the council for as long as the mayor is a member of the management committee.

(2) If the deputy-mayor is elected as a member of the management committee, the council shall forthwith in the manner provided for the election of a deputy-mayor in sub-section (1) of section *seventeen* of the Local Government Ordinance, 1939, elect one of its members who is not a member of the management committee to act as chairman of the council in the absence of the chairman referred to in sub-section (1).

(3) If the chairman referred to in sub-sections (1) and (2) is during his terms of office as chairman elected a member of the management committee, he shall immediately vacate such office, and the council shall in terms of those sub-sections elect one of its members who is not a member of the management committee to hold such office for the unexpired period for which his predecessor was elected.

Election of chairman and deputy-chairman of management committee.

54. (1) Immediately after the result of an election of the management committee at a meeting held in terms of section *fifty-two* is known, and, where applicable, the provisions of section *fifty-three* have been complied with, the council shall elect one of the members of the management committee as chairman and another member as deputy-chairman thereof and such chairman shall be elected in the manner provided for in sub-section (1) and such deputy-chairman in the manner provided for in sub-section (2) of section *fifty-three*.

(2) Die voorsitter of ondervoorsitter verkies ingevolge subartikel (1) bly in sy amp aan, tensy sy amp vroeër vakant raak, tot die verkiesing van die daaropvolgende bestuurskomitee.

(3) Wanneer daar 'n toevallige vakature in die amp van voorsitter of ondervoorsitter genoem in subartikel (1) ontstaan, kies die raad binne die tydperk in subartikel (7) van artikel *twee-en-vyftig* bepaal, 'n voorsitter of ondervoorsitter, na gelang van die geval, en enige sodanige verkiesing geskied op die wyse in subartikel (1) bepaal.

(4) Enige voorsitter of ondervoorsitter verkies ingevolge subartikel (3) bly in sy amp aan, tensy sy amp vroeër vakant raak, vir die onverstreke tydperk waarvoor sy voorganger verkies was.

Prosedure op vergaderings van bestuurskomitee.

55. (1) In die geval van 'n bestuurskomitee bestaande uit vyf lede, is drie lede 'n kworum en in die geval van 'n bestuurskomitee bestaande uit drie lede, is twee lede 'n kworum.

(2) Behoudens die bepalings van subartikels (3) en (4), reël 'n bestuurskomitee sy eie prosedure en alle vrae word met 'n gewone meerderheid van stemme beslis.

(3) Die Administrateur kan regulasies maak betreffende die prosedure en verrigtinge van 'n bestuurskomitee maar sodanige regulasies geld slegs by ontstentenis van verordeninge soos in subartikel (4) beoog.

(4) 'n Raad kan verordeninge maak betreffende die prosedure en verrigtinge van 'n bestuurskomitee en sodanige verordeninge word aldus gemaak ingevolge die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939, en is in alle opsigte aan daardie Ordonnansie onderworpe.

(5) Die bestuurskomitee hou 'n gewone vergadering minstens twee maal per maand.

(6) 'n Spesiale vergadering van 'n bestuurskomitee—

(*a*) kan deur die voorsitter belê word nadat hy die lede minstens vier-en-twintig uur vooraf kennis van sodanige vergadering en die doel daarvan gegee het of met korter kennisgewing waar al die lede daartoe inwillig;

(*b*) moet deur die voorsitter belê word as hy daartoe skriftelik versoek word deur die meerderheid van die lede en die doel van die spesiale vergadering vermeld word,

en op so 'n spesiale vergadering word geen ander sake verrig nie as die waarvoor die spesiale vergadering belê is.

(7) Op 'n vergadering van 'n bestuurskomitee is slegs lede teenwoordig en enige persoon in diens van die raad wat op versoek of in opdrag van die bestuurskomitee teenwoordig is en enigiemand anders wat, met die toestemming van die bestuurskomitee, voor daardie komitee verskyn.

(8) Van al die verrigtinge op 'n vergadering van die bestuurskomitee of enige komitee daarvan word op sodanige wyse notule gehou as wat by regulasie of verordening soos in subartikels (3) en (4) beoog, bepaal word en sodanige notule word onverwyld ter insae van die lede van die raad ter tafel gelê.

(9) Sodanige notule word aangeteken in 'n boek wat spesiaal vir dié doel gehou word en word op dieselfde of die onmiddellik daaropvolgende gewone vergadering bekragtig.

(10) Wanneer sodanige notule aldus aangeteken en onderteken is deur die voorsitter van die vergadering of voorgee aldus onderteken te gewees het, word sodanige notule geag, by ontstentenis van bewys van onjuistheid, 'n korrekte weergawe van die verrigtinge te wees, waarvan dit is of voorgee die notule te wees.

(11) Sodanige notule word deur die klerk van die raad in sy sorg en bewaring gehou.

(2) The chairman or deputy-chairman elected in terms of sub-section (1) shall unless he sooner vacates his office remain in office, until the election of the succeeding management committee.

(3) When a casual vacancy occurs in the office of chairman or deputy-chairman referred to in sub-section (1), the council shall within the period provided for in sub-section (7) of section *fifty-two*, elect a chairman or deputy-chairman, as the case may be, and any such election shall take place in the manner provided for in sub-section (1).

(4) Any chairman or deputy-chairman elected in terms of sub-section (3) shall, unless he sooner vacates his office, remain in office for the unexpired period for which his predecessor was elected.

Procedure at meetings of management committee.

55. (1) In the event of a management committee consisting of five members, three members shall form a quorum, and in the event of a management committee consisting of three members, two members shall form a quorum.

(2) Subject to the provisions of sub-sections (3) and (4) the management committee shall regulate its own procedure, and all questions shall be decided by an ordinary majority of votes.

(3) The Administrator may make regulations relating to the procedure and business of a management committee, but such regulations shall only apply in the absence of by-laws as contemplated in sub-section (4).

(4) A council may make by-laws relating to the procedure and business of a management committee, and such by-laws shall be made in terms of the provisions of the Local Government Ordinance, 1939, and shall in all respects be subject to that Ordinance.

(5) The management committee shall hold an ordinary meeting at least twice a month.

(6) A special meeting of a management committee—

(*a*) may be convened by the chairman after he has given the members at least twenty-four hours prior notice of such meeting and has stated the purpose thereof or, with shorter notice where all the members agree thereto;

(*b*) shall be convened by the chairman if requested thereto in writing by the majority of the members and the purpose of the special meeting has been stated,

and at such special meeting no other business than that for which the special meeting was convened, shall be transacted.

(7) Only members may be present at a meeting of a management committee and any person in the service of the council who attends at the request or direction of the management committee and any other person, who, with the consent of the management committee, appears before it.

(8) Minutes of all the proceedings of the meeting of the management committee or any committee thereof shall be kept in such manner as may be provided for by regulation or by-law as contemplated in sub-sections (3) and (4) and such minutes shall forthwith be tabled for the information of the members of the council.

(9) Such minutes shall be recorded in a book specially kept for that purpose and shall be confirmed at the same or next succeeding ordinary meeting.

(10) Whenever such minutes have been so recorded and signed by the chairman of the meeting or purport so to have been signed, such minutes shall, in the absence of proof of error, be deemed to be a correct record of the proceedings of which it is or purports to be the minutes.

(11) Such minutes shall be kept in the custody and control of the clerk of the council.

(12) Die voorsitter van die bestuurskomitee presideer op alle vergaderings waarop hy teenwoordig is en gedurende enige tydperk waarin daar nie 'n voorsitter van die bestuurskomitee is nie of wanneer daar wel 'n voorsitter is en hy om enige rede nie in staat of bevoeg is om as sodanig op tree nie, of afwesig is, tree die ondervoorsitter van die bestuurskomitee op as voorsitter daarvan en is sodanige ondervoorsitter beklee met al die bevoegdhede, pligte en funksies van die voorsitter en ingeval daar geen voorsitter en ondervoorsitter is nie of indien hulle albei om enige rede nie in staat of bevoeg is om op te tree of afwesig is, kies die oorblywende lede van die bestuurskomitee, indien 'n kworum teenwoordig is, een uit hul geledere om as voorsitter op te tree.

(13) Waar die raad oortuig is dat 'n bestuurskomitee tydelik nie kan funksioneer nie omdat om watter rede ook al 'n lid of lede afwesig is en daar dus vir die vergaderings van so 'n komitee nie 'n kworum soos beoog in subartikel (1) verkry kan word nie, kan die raad 'n raadslid verkies op die wyse bepaal in artikel *twee-en-vyftig* om tydelik in die bestuurskomitee te dien in die plek van enige bepaalde lid van die bestuurskomitee wat aldus afwesig is tot tyd en wyl laasgenoemde lid weer 'n vergadering van die bestuurskomitee bywoon.

(14) As 'n lid van die bestuurskomitee ophou om 'n lid van die raad te wees of versuim om sonder voorafverkreë toestemming van die bestuurskomitee drie agtereenvolgende gewone vergaderings daarvan by te woon, hou hy *ipso facto* op om lid van die bestuurskomitee te wees.

Addisionele omstandighede waarin lede van 'n bestuurskomitee ophou om hulle amp te beklee.

56. (1) Waar minstens een-derde van die raadslede, of waar die raad uit meer as twintig lede bestaan, minstens ses raadslede, op 'n gewone vergadering skriftelik versoek dat 'n spesiale vergadering van die raad belê word om 'n mosie van wantroue in die bestuurskomitee te bespreek, belê die stadsklerk 'n spesiale vergadering van die raad vir daardie doel binne een-en-twintig dae van sodanige versoek.

(2) Indien die raad op 'n spesiale vergadering soos in subartikel (1) bedoel met 'n meerderheid van stemme wat nie minder is nie as 'n meerderheid van die volle raad, besluit dat hy geen vertroue het in die wyse waarop die bestuurskomitee sy werksaamhede verrig nie, kan hy voorts besluit dat al die lede van die bestuurskomitee ophou om hulle amp te beklee word, en daarna hou al sodanige lede op om lede van die bestuurskomitee te wees.

(3) Onmiddellik nadat die lede van die bestuurskomitee ophou om hulle amp te beklee ingevolge die bepalings van subartikel (2), gaan die raad daartoe oor om lede van die bestuurskomitee te kies op die wyse voorgeskryf in artikel *twee-en-vyftig* wat in hulle amp aanbly vir die onverstreke termyn van hulle voorgangers, tensy enige lid ophou om lid van die bestuurskomitee te wees: Met dien verstande dat as die lede van 'n bestuurskomitee ingevolge die bepalings van hierdie artikel ophou om hulle amp te beklee binne twee maande voor die datum van 'n algemene verkiesing, die raad kan besluit om geen bestuurskomitee te kies nie en in so 'n geval oefen die raad die bevoegdhede, funksies en pligte van die bestuurskomitee uit.

Funksies van bestuurskomitee.

57. (1) Die funksies van die bestuurskomitee is om—

(*a*) sorg te dra dat die besluite van die raad uitgevoer word;

(12) The chairman of the management committee shall preside at all meetings at which he is present and during any period during which there is no chairman of the management committee or where there is a chairman who for any reason is not able or qualified to act as such, or is absent, the deputy-chairman of the management committee shall act as chairman thereof and such deputy-chairman shall be vested with all the powers, duties and functions of the chairman, and in the event of there being no chairman or deputy-chairman or if they are both for any reason not able or qualified to act or are absent, the remaining members of the management committee shall, if a quorum is present, elect one of their members to act as chairman.

(13) Where the council is satisfied that a management committee is unable temporarily to function owing to the absence for any reason whatever of a member or members, and no quorum as contemplated in sub-section (1) can be obtained for the meetings of such committee the council may elect a councillor in the manner provided for in section *fifty-two* to serve temporarily on the management committee in place of any particular member of the management committee who is so absent until such time as the latter member again attends a meeting of the management committee.

(14) If a member of the management committee ceases to be a member of the council or fails without the prior permission of the management committee to attend three successive ordinary meetings thereof, he shall *ipso facto* cease to be a member of the management committee.

55. (1) Where not less than one-third of the councillors, or where the council consists of more than twenty members, not less than six councillors, at an ordinary meeting request in writing that a special meeting of the council be convened to discuss a motion of no confidence in the management committee, the town clerk shall convene a special meeting of the council for that purpose within twenty-one days of such request.

Additional circumstances wherein members of a management committee cease to hold office.

(2) If the council at a special meeting as contemplated in sub-section (1) resolves by a majority of votes being not less than a majority of the full council, that it has no confidence in the manner in which the management committee is carrying out its functions, it may further resolve that all the members of the management committee shall cease to hold office and thereupon all such members shall cease to be members of the management committee.

(3) Immediately after the members of the management committee have ceased to hold office in terms of the provisions of sub-section (2), the council shall proceed to elect members of the management committee in the manner provided for in section *fifty-two* who shall unless any member shall otherwise cease to hold office remain in office for the unexpired period of their predecessors: Provided that if the members of a management committee cease to hold office in terms of the provisions of this section within two months of the date of a general election, the council may resolve not to elect a management committee and in such event the powers, functions and duties of the management committee shall be exercised by the council.

57. The functions of the management committee are—

Functions of management committee.

(*a*) to ensure that the resolutions of the council are carried out;

(*b*) enige aangeleentheid te oorweeg wat aan die raad ingevolge die bepalings van enige wet toevertrou of van 'n plaaslike bestuursraad is, uitgenome enige aangeleentheid wat die raad die bestuurskomitee versoek het om nie te oorweeg nie, en die raad te dien van advies en aanbevelings by die raad te doen in verband daarmee;

(*c*) 'n begroting van inkomste en uitgawe van die raad op te stel en vir daardie doel word enige verwysing in artikel *agt-en-vyftig* van die Ordonnansie op Plaaslike Bestuur, 1939, na 'n finansiële komitee vertolk 'n verwysing na die bestuurskomitee te wees;

(*d*) enige persoon aan te stel as 'n beampte van die raad uitgenome die bekleër van die pos van stadsklerk, geneeskundige gesondheidsbeampte, hoof van 'n departement en enige ander pos deur die raad bepaal, en ten opsigte van so 'n beampte word enige verwysing in artikel *twee-en-sestig* van die Ordonnansie op Plaaslike Bestuur, 1939, en in enige verordening met betrekking tot die diensvoorwaardes van beamptes van die raad, na die raad vertolk 'n verwysing na die bestuurskomitee te wees en enige beampte aangestel voor die inwerkingtreding van hierdie Ordonnansie wat aan 'n klas beampte behoort wat deur die bestuurskomitee aangestel kan word, word geag deur die bestuurskomitee aangestel te gewees het;

(*e*) toesig te hou oor die besteding van alle geld deur die raad deur middel van sy goedgekeurde begroting beskikbaar gestel en alle ander geld of fondse wat tot die beskikking van die raad gestel is; en

(*f*) maandeliks aan die raad verslag te doen oor die uitoefening van al sy funksies.

(2) Ondanks die bepalings van paragraaf (*d*) van subartikel (1), kan die raad gelas dat die funksies in daardie paragraaf bedoel slegs deur die raad met ingang van 'n bepaalde datum verrig word.

(3) 'n Bestuurskomitee kan ook enige beampte van die raad skors wat hy nie ingevolge paragraaf (*d*) van subartikel (1) mag aanstel nie: Met dien verstande dat die bestuurskomitee niemand in die betrekking van stadsklerk, geneeskundige gesondheidsbeampte of hoof van 'n departement mag skors nie tensy hy daarvan oortuig is dat op grond van growwe onreëlmatigheid, oneerlikheid of pligsversuim dit in die belang van die raad is dat enige sodanige beampte onverwyld geskors word: Voorts met dien verstande dat sodanige tydperk van skorsing vir 'n tydperk van hoogstens tien dae kan wees tensy die raad voor die tydperk van skorsing verstreke is, sodanige skorsing bekragtig.

(4) Die Administrateur kan te eniger tyd ten opsigte van enige besondere raad gelas dat die funksies in paragraaf (3) bedoel slegs deur sodanige raad uitgeoefen word.

Opdrag van verdere bevoegdhede deur raad aan bestuurskomitee en beamptes.

58. (1) Behoudens die bepalings van subartikel (3), kan die raad sodanige verdere funksies, pligte en bevoegdhede, uitgenome die bevoegdheid om verordeninge te maak, belastings te hef of te verminder, tariewe of gelde op te lê of te verminder of lenings aan te gaan, aan die bestuurskomitee opdra, met of sonder sodanige beperkings of voorwaardes as wat die raad goed ag: Met dien verstande dat die raad geen voorstel tot heffing of vermindering van belastings, tot heffing of vermindering van tariewe of gelde kan oorweeg nie, tensy die voorstel na die bestuurskomitee verwys is en die bestuurskomitee daaroor verslag gedoen het en die bestuurskomitee moet aldus verslag doen.

(*b*) to consider any matter entrusted to the council in terms of the provisions of any law or is of a local government nature excluding any matter which the council has requested the management committee not to consider, and to advise the council and to make recommendations to the council in connection therewith;

(*c*) to prepare estimates of revenue and expenditure of the council and for that purpose any reference in section *fifty-eight* of the Local Government Ordinance, 1939, to a finance committee shall be construed as a reference to the management committee;

(*d*) to appoint any person as an officer of the council other than the incumbent of the post of town clerk, medical officer of health, head of a department and any other post determined by the council, and in respect of such officer any reference to the council in section *sixty-two* of the Local Government Ordinance, 1939, and in any by-law relating to the conditions of service of officers of the council, shall be construed as a reference to the management committee, and any officer appointed before the commencement of this Ordinance being a class of officer who may be appointed by the management committee, shall be deemed to have been appointed by the management committee;

(*e*) to control the expenditure of all moneys voted by the council in its approved estimates, and all other moneys or funds made available to the council; and

(*f*) to report monthly to the council on the carrying out of all its functions.

(2) Notwithstanding the provisions of paragraph (*d*) of sub-section (1), the council may direct that the functions referred to in that paragraph shall only be carried out by the council with effect from a fixed date.

(3) A management committee may also suspend any officer of the council who was not appointed by it in terms of paragraph (*d*) of sub-section (1): Provided that the management committee shall not suspend any incumbent of the post of town clerk, medical officer of health, or head of a department unless it is satisfied that, on the grounds of gross irregularity, dishonesty or dereliction of duty, it is in the interests of the council that any such officer be suspended forthwith: Provided further that such period of suspension may not be for a period exceeding ten days unless the council prior to the expiry of such period of suspension confirms such suspension.

(4) The Administrator may at any time in respect of any particular council direct that the functions referred to in paragraph (3) shall only be carried out by such council.

58. (1) Subject to the provisions of sub-section (3), the council may confer such further functions, duties and powers on the management committee with or without such restrictions or conditions as the council may deem fit other than the power to make by-laws, to levy or reduce rates, to levy or reduce tariffs or fees or to raise loans: Provided that the council shall not consider any proposal for the levying or reduction of rates, for the levying or the reduction of tariffs or fees unless the proposal has been referred to the management committee, and the management committee has reported thereon and the management committee shall thus report.

Conferment of further powers by council on management committee and officers.

Funksies, bevoegdhede en pligte van stadsklerk.

66. (1) Benewens enige ander funksie, bevoegdheid of plig aan hom opgedra of opgelê ingevolge hierdie Ordonnansie of enige ander wet, is 'n stadsklerk—

(*a*) ten opsigte van 'n raad waarvoor 'n bestuurskomitee ingestel is—

(i) belas met en verantwoordelik aan die bestuurskomitee vir die behoorlike uitvoering van alle opdragte van die raad en die bestuurskomitee, die koördinasie van die werksaamhede van die raad en die algemene toesig, beheer en doeltreffendheid van die administrasie, organisasie en bestuur van die raad se departemente, afdelings of vertakkings;

(ii) die enigste kanaal van verbinding tussen die bestuurskomitee en die raad se departemente, afdelings of vertakkings;

(*b*) ten opsigte van 'n raad waarvoor 'n bestuurskomitee nie ingestel is nie—

(i) belas met en verantwoordelik aan die raad vir die behoorlike uitvoering van alle opdragte van die raad, die koördinasie van die werksaamhede van die raad en die algemene toesig, beheer en doeltreffendheid van die Administrasie, organisasie en bestaan van die raad se departemente, afdelings of vertakkings;

(ii) die enigste kanaal van verbinding tussen die raad en die raad se departemente, afdelings of vertakkings.

(2) Elke hoof van 'n departement, afdeling of vertakking is, uitgenome ten opsigte van sodanige funksies, pligte of bevoegdhede wat ingevolge enige wet aan hom toevertrou of opgelê is, ondergeskik en verantwoording verskuldig aan die stadsklerk vir die behoorlike bestuur van die departement, afdeling of vertakking aan sodanige hoof toevertrou.

Voorbehoude ten opsigte van stadsklerk in diens by inwerkingtreding van hierdie Ordonnansie.

67. (1) Iedereen wat die amp van stadsklerk van 'n raad by die inwerkingtreding van hierdie Ordonnansie, beklee en wat nie ingevolge die bepalings van artikel *twee-en-sestig* as stadsklerk aangestel is nie, bly, ondanks andersluidende wetsbepalings, in die diens van die raad aan sonder vermindering van salaris, toelaes en ander emolumente en sonder verlies van enige ander voorregte tensy sodanige vermindering of verlies geskied ooreenkomstig sy diens- of aanstellingsvoorwaardes en geen sodanige persoon word uit die diens van die raad ontslaan of 'n verminderde salaris, toelae of ander emolumente betaal of van sy voorregte ingevolge sy diens- of aanstellingsvoorwaardes ontsê sonder die toestemming van die Administrateur nie.

(2) Wanneer die Administrateur sy toestemming ingevolge subartikel (1) verleen, kan hy sodanige toestemming onderworpe maak aan sodanige voorwaardes betreffende die betaling van 'n pensioen of ander aftredingsvoordeel as wat hy goedvind: Met dien verstande dat die Administrateur by die bepaling van enige sodanige pensioen- of ander aftredingsvoordeel geen swaarder las op enige pensioenfonds of voorsieningsfonds mag plaas nie as wat deur sodanige pensioen- of voorsieningsfonds ingevolge die wetsbepalings wat daarop van toepassing is betaalbaar sou wees op die datum waarop sodanige persoon uit die diens van die raad tree nie en enige betaling wat nie uit enige sodanige fonds gedoen word nie, word uit die inkomste van die raad betaal.

Functions, powers and duties of a town clerk.

66. (1) In addition to any other function, power or duty conferred or imposed upon him in terms of this Ordinance or any other law, a town clerk—

(*a*) in respect of a council for which a management committee has been established—

(i) shall be charged with and be responsible to the management committee for the proper carrying out of all directions of the council and the management committee the co-ordination of the activities of the council and the general supervision, control and efficiency of the administration, organisation and management of the council's departments, sections or branches;

(ii) shall be the only channel of communication between the management committee and the council's departments, sections or branches;

(*b*) in respect of a council for which a management committee has not been established—

(i) shall be charged with and be responsible to the council for the proper carrying out of all directions of the council, the co-ordination of the activities of the council and the general supervision control and efficiency of the administration, organisation and management of the council's departments, sections or branches;

(ii) shall be the only channel of communication between the council and its departments, sections or branches.

(2) Every head of a department, section or branch, shall, except in respect of such functions, duties or powers as are conferred or imposed on him by virtue of any law, be subordinate and responsible to the town clerk for the proper management of the department, section or branch entrusted to such head.

Savings in respect of town clerk in office at commencement of this Ordinance.

67. (1) Every person occupying the office of town clerk of a council at the commencement of this Ordinance and who has not been appointed as town clerk in terms of the provisions of section *sixty-two* shall, notwithstanding anything to the contrary in any other law contained, remain in the service of the council without reduction in salary, allowances and other emoluments and without loss of any other privileges enjoyed by him unless such reduction or loss is effected in accordance with his condition of service or appointment and no such person shall be discharged from the service of the council or be paid a reduced salary, allowance or other emoluments or be deprived of his privileges in terms of his conditions of service or appointment without the consent of the Administrator.

(2) When the Administrator grants his consent in terms of sub-section (1) he may make such consent subject to such conditions relating to the payment of a pension or other retirement benefit as he may deem fit: Provided that the Administrator when determining any such pension or any other retirement benefit shall not place any greater burden on any pension fund or provident fund as that which would have been payable by such pension or provident fund in terms of the provisions of the law applicable thereto on the date on which such person leaves the service of the council and any payment not made out of any such fund shall be paid out of the revenue of the council.

Klerk van die raad.

68. Die klerk van die raad, behoudens die bepalings van hierdie Ordonnansie en enige ander wet—

(*a*) is verantwoordelik vir die opstel van agenda, die voorlegging van stukke en aanbevelings en die notulering van die verrigtinge van die raad, bestuurskomitee en enige ander komitee van die raad of bestuurskomitee;

(*b*) moet sorg dra dat alle regsaangeleenthede van die raad, bestuurskomitee en enige ander komitee van die raad of bestuurskomitee die nodige aandag geniet;

(*c*) is verantwoordelik vir die veilige bewaring van die stukke, oorkondes en registers van die raad, die bestuurskomitee en enige ander komitee van die raad of bestuurskomitee; en

(*d*) is verantwoordelik vir die uitvoering van enige ander plig of opdrag aan hom opgelê of gegee deur die raad, die bestuurskomitee of die stadsklerk.

Clerk of the council.

68. The clerk of the council shall, subject to the provisions of this Ordinance and any other law—

(*a*) be responsible for the preparation of agenda, the submission of documents and recommendations and the minuting of the proceedings of the council, management committee and any other committee of the council or management committee;

(*b*) ensure that all legal matters of the council, management committee and any other committee of the council or management committee receive the necessary attention;

(*c*) be responsible for the safe custody of the documents, records and registers of the council, the management committee and any other committee of the council or management committee; and

(*d*) be responsible for the carrying out of any other duty or direction imposed or given by the council, the management committee or the town clerk.

Vryheid van spreke in vergaderings van raad en bestuurskomitee.

69. Daar is vryheid van spreke in enige vergadering van die raad, die bestuurskomitee of enige komitee van die raad of bestuurskomitee met betrekking tot enige saak wat ingevolge enige wet aan die raad, die bestuurskomitee of komitee daarvan toevertrou is en geen lid van die raad of die bestuurskomitee of komitee daarvan is behoudens andersluidende wetsbepalings regtens aanspreeklik vir enigiets wat hy in sodanige vergadering gesê het of die wyse waarop hy sy stem uitgebring het nie.

Freedom of speech in meetings of council and management committee.

69. There shall be freedom of speech at any meeting of the council, the management committee or any committee of the council or management committee in regard to any matter which in terms of any law has been entrusted to the council, the management committee or committee thereof, and no member of the council or the management committee or committee thereof shall except where otherwise provided for in any other law be legally responsible of anything said by him at such meeting or the manner in which he has exercised his vote.

Bevoegdheid van Administrateur om regulasies te maak.

70. Die Administrateur kan regulasies maak wat nie onbestaanbaar met die bepalings van hierdie Ordonnansie is nie—

(*a*) ten opsigte van enige saak wat ingevolge hierdie Ordonnansie beoog, vereis of toegelaat word om voorgeskryf te word; en

(*b*) om die doelstellings en oogmerke van hierdie Ordonnansie in die algemeen beter te kan uitvoer.

Power of Administrator to make regulations.

70. The Administrator may make regulations not inconsistent with the provisions of this Ordinance—

(*a*) in respect of any matter which in terms of this Ordinance is contemplated, required or permitted to be prescribed; and

(*b*) for the better carrying out generally of the objects and purposes of this Ordinance.

Sekere bepalings van Ordonnansie 17 van 1939 nie van toepassing te wees op stads- of dorpsrade met bestuurskomitee.

71. Ten opsigte van enige stads- of dorpsraad waarvoor 'n bestuurskomitee ingestel is, word geag dat die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939—

(*a*) soos vervat in artikels *agt-en-twintig*, *nege-en-twintig* en *dertig* herroep is: Met dien verstande dat die bepalings van bedoelde artikel *dertig* van toepassing bly ten opsigte van enige komitee ingevolge subartikel (1) van artikel *nege-en-tagtig* van daardie Ordonnansie, benoem; en

(*b*) soos vervat in subartikel (1) van artikel *vyf-en-dertig* gewysig is deur die uitdrukking „finansiële komitee" te vervang deur die uitdrukking „bestuurskomitee".

Certain provisions of Ordinance 17 of 1939 not to be applicable to town and village councils with management committees.

71. In respect of any town or village council for which a management committee has been established, it shall be deemed that the provisions of the Local Government Ordinance, 1939—

(*a*) as contained in sections *twenty-eight*, *twenty-nine* and *thirty* have been repealed: Provided that the provisions of the said section *thirty* shall remain applicable in respect of any committee appointed in terms of sub-section (1) of section *eighty-nine* of that Ordinance; and

(*b*) as contained in sub-section (1) of section *thirty-five* have been amended by the substitution for the words "financial committee" of the words "management committee".

Kort titel.

72. Hierdie Ordonnansie heet die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960.

T.A.A. 3/1/50/24.

Short title.

72. This Ordinance shall be called the Local Government (Administration and Elections) Ordinance, 1960.

T.A.A. 3/1/50/24.

LOSKOPDAM OPENBARE OORD: PLEKBESPREKING.

Die publiek kan plekke in die Openbare Oord bespreek. Besprekings moet regstreeks met Die Bestuurder, Loskopdam Openbare Oord, Pk. Damwal, oor Middelburg, Transvaal, gereël word.

LOSKOPDAM PUBLIC RESORT: RESERVATIONS.

The public may reserve accommodation in the Public Resort. Reservations must be made direct with The Manager, Loskopdam Public Resort, P.O. Damwal, via Middelburg, Transvaal.

(2) Die raad kan die bestuurskomitee magtig om van die funksies, pligte en bevoegdhede wat aan die bestuurskomitee ingevolge hierdie Ordonnansie opgedra is, aan 'n komitee saamgestel ingevolge artikel *sestig* of aan die stadsklerk of aan enige ander beampte te delegeer, onderworpe aan sodanige voorwaardes of beperkings as wat die raad bepaal met betrekking tot die uitoefening van sodanige funksies, pligte en bevoegdhede deur die stadsklerk of enige ander beampte van die raad en die Administrateur word onverwyld van sodanige delegasie in kennis gestel: Met dien verstande dat geen funksie, plig of bevoegdheid ingevolge paragraaf (*d*) van subartikel (1) van artikel *sewe-en-vyftig* aldus gedelegeer mag word nie uitgenome ten opsigte van sodanige beampte of klas beamptes as wat die Administrateur bepaal.

(3) Die delegasie ingevolge die bepalings van subartikel (1) van enige funksie, plig of bevoegdheid aan die bestuurskomitee of aan 'n komitee aangestel ingevolge artikel *sestig* geskied soos deur die raad by verordening bepaal, en die Administrateur kan enige bevoegdheid wat ingevolge subartikel (2) aan die stadsklerk of ander beampte van die raad gedelegeer is te eniger tyd herroep deur sodanige raad skriftelik in kennis te stel van sodanige herroeping of hy kan die uitoefening van sodanige bevoegdheid onderworpe maak aan sodanige voorwaardes as wat hy goed ag: Met dien verstande dat geen sodanige herroeping die uitoefening te goeder trou van enige sodanige bevoegdheid voor sodanige herroeping ongeldig maak nie.

Komitees om bestuurskomitee van hulp te wees, kan deur raad of bestuurskomitee benoem word.

59. Die raad of die bestuurskomitee kan van tyd tot tyd een of meer komitees uit sy geledere benoem om enige aangeleentheid waaroor die raad seggenskap het of enige ander voorstel of skema wat betrekking het of mag hê op die werksaamhede van die raad, te ondersoek en daaroor verslag aan die bestuurskomitee te doen, en enige sodanige komitee reël sy eie prosedure.

Komitees van groot stadsrade.

60. (1) Indien 'n grootstadsraad van mening is dat die bestuurskomitee vanweë die aard en omvang van die bevoegdhede, funksies en pligte wat aan die bestuurskomitee opgedra is of sal word, nie in staat is of sal wees om sodanige bevoegdhede, funksies en pligte na behore uit te voer of te vervul nie, kan die raad die Administrateur versoek om magtiging om 'n komitee uit die geledere van die raad met sodanige bevoegdhede, funksies en pligte as wat die raad bepaal vir hetsy 'n algemene of spesiale doel, aan te stel.

(2) Die Administrateur kan 'n versoek genoem in subartikel (1) op sodanige voorwaardes goedkeur as wat hy bepaal en die raad kan daarna so 'n komitee aanstel: Met dien verstande dat die bestuurskomitee van tyd tot tyd een van sy lede aanwys as 'n lid van so 'n komitee en hy is die voorsitter daarvan.

(3) Elke komitee in subartikel (2) genoem, kies 'n ondervoorsitter wat in die afwesigheid van die voorsitter, presideer, en waar beide die voorsitter en ondervoorsitter by enige vergadering van die komitee afwesig is, kies sodanige komitee een uit sy geledere om te presideer.

(4) Die raad moet die kworum van enige komitee in subartikel (2) genoem, vasstel.

(5) Iedere sodanige komitee doen verslag aan die bestuurskomitee van die sake deur hom in behandeling geneem soos deur die bestuurskomitee bepaal.

(6) Elke sodanige komitee hou, behoudens enige opdragte van die raad, sy vergaderings na goeddunke en kan enige vergadering verdaag.

(7) Alle vrae voor sodanige komitee word met 'n meerderheid van stemme beslis en in die geval van 'n staking van stemme het die presiderende lid 'n tweede of beslissende stem.

(2) The council may authorise the management committee to delegate the functions, duties and powers, conferred on the management committee in terms of this Ordinance, to a committee appointed in terms of section *sixty* or to the clerk or to any other officer, subject to such conditions or restrictions as the council may impose in relation to the exercise of such functions, duties and powers by the town clerk or any other officer of the council and the Administrator shall forthwith be advised of such delegation: Provided that no function, duty or power in terms of paragraph (*d*) of sub-section (1) of section *fifty-seven* shall be so delegated except in respect of such officer or class of officer as the Administrator may determine.

(3) The delegation in terms of the provisions of sub-section (1) of any function, duty or power to the management committee or to a committee appointed in terms of section *sixty* shall take place as determined by the council by by-law and the Administrator may at any time withdraw any power delegated to the town clerk or other officer of the council in terms of sub-section (2) by written notice to such council of such withdrawal, or he may make the exercise of such power subject to such conditions as he may deem fit: Provided that no such withdrawal shall invalidate the bona fide exercise of any such power prior to such withdrawal.

59. The council or the management committee may from time to time appoint one or more committees from its members to inquire into any matter falling within the jurisdiction of the council or of any other proposal or scheme which relates or may relate to the business of the council, and to report thereon to the management committee, and such committee shall regulate its own procedure.

Committees to assist management committee may be appointed by council or management committee.

60. (1) If a city council is of the opinion that the management committee, owing to the nature and extent of the powers, functions and duties which have or will be conferred on it, is or will be unable to carry out or fulfil such powers, functions and duties satisfactorily, the council may request the Administrator to authorise the appointment of a committee from the members of the council with such powers, functions and duties as may be determined by the council for either a general or special purpose.

Committees of city councils.

(2) The Administrator may approve a request referred to in sub-section (1) on such conditions as he may determine and the council may thereafter appoint such committee: Provided that the management committee shall from time to time appoint one of its members as a member of such committee who shall be the chairman thereof.

(3) Every committee referred to in sub-section (2) shall elect a deputy-chairman who shall preside in the absence of the chairman, and where both the chairman and deputy-chairman are absent from any meeting of the committee, such committee shall elect one of its members to preside.

(4) The council shall determine the quorum of any committee referred to in sub-section (2).

(5) Every such committee shall report to the management committee on the matters dealt with by it as determined by the management committee.

(6) Every such committee shall subject, to any directions by the council, hold its meetings at its discretion, and may adjourn any meeting.

(7) All questions before such committee shall be determined by a majority of votes and, in the event of an equality of votes, the presiding member shall have a second or casting vote.

(8) Op 'n vergadering van so 'n komitee kan slegs lede teenwoordig wees en enige persoon in diens van die raad wat op versoek of in opdrag van so 'n komitee teenwoordig is en enigiemand anders wat met die toestemming van die komitee voor daardie komitee verskyn: Met dien verstande dat enige lid van die raad die vergaderings van enige komitee kan bywoon, maar hy is nie stemgeregtig daarop nie.

(9) Die Administrateur kan by kennisgewing in die *Provinsiale Koerant* die bepalings van hierdie artikel op enige ander raad van toepassing maak.

Vergoeding en toelaes aan lede van bestuurskomitee betaalbaar.

61. (1) Die raad kan met die toestemming van die Administrateur, sodanige vergoeding en toelaes aan die lede van die bestuurskomitee (insluitende 'n lid in subartikel (13) van artikel *vyf-en-vyftig* genoem) betaal as wat die raad bepaal en daardie vergoeding en toelaes kan verskil uit hoofde van die amp deur 'n lid in so 'n komitee beklee: Met dien verstande dat die bedrag van sodanige vergoeding en toelaes deur die raad vasgestel word voor die verkiesing van die voorsitter en lede van die bestuurskomitee: Voorts met dien verstande dat die Administrateur by die goedkeuring van sodanige vergoeding en toelaes voorwaardes kan stel betreffende die omstandighede waaronder sodanige vergoeding en toelaes betaalbaar is.

(2) Enige vergoeding of toelaes in subartikel (1) genoem is maandeliks betaalbaar en die bepalings van Hoofstuk IV van die Ordonnansie op Plaaslike Bestuur, 1939, word nie geag op die betaling van enige sodanige vergoeding of toelae van toepassing te wees nie.

Aanstelling van stadsklerk en klerk van die Raad.

62. Voor of op 'n datum deur die Administrateur bepaal te word ten opsigte van elke stadsraad of waar hy dit dienstig ag, enige dorpsraad, moet ooreenkomstig die bepalings van artikel *twee-en-sestig* van die Ordonnansie op Plaaslike Bestuur, 1939, maar met inagname van die bepalings van hierdie Ordonnansie, stappe gedoen word om—

(*a*) 'n stadsklerk aan te stel wat die hoof-uitvoerende en -administratiewe beampte van die raad is: Met dien verstande dat tensy die Administrateur anders gelas, die salaris van die stadsklerk te alle tye hoogstens tien persent hoër moet wees as die van die volgende hoogsbesoldigde beampte van die raad; en

(*b*) 'n klerk van die raad aan te stel.

Prosedure by aanstelling van stadsklerk vir stads- of dorpsraad.

63. (1) Enige stadsklerk van 'n stads- of dorpsraad wat nie ingevolge artikel *twee-en-sestig* aangestel is nie, hou op om die amp van stadsklerk te beklee op die datum waarop die stadsklerk aangestel ingevolge daardie artikel diens aanvaar het.

(2) Indien daar op of na die inwerkingtreding van hierdie Ordonnansie en voor die datum bepaal ooreenkomstig artikel *twee-en-sestig*, 'n vakature is in die amp van 'n stadsklerk, soos beoog in subartikel (1), vul die raad nie sodanige vakature aan nie behalwe ooreenkomstig die bepalings van subartikel (3) of (4) maar stel een van sy permanente beamptes aan om as stadsklerk waar te neem tot tyd en wyl die amp van stadsklerk aldus hierdie artikel aangevul is en die persoon wat aangestel is, sy amp aanvaar het: Met dien verstande dat sodanige waarnemende aanstelling nie langer mag wees nie as vir 'n tydperk deur die Administrateur bepaal nadat die bepalings van subartikel (3) of (4) van toepassing geword het.

(3) Wanneer die raad optree om 'n stadsklerk aan te stel ingevolge artikel *twee-en-sestig*, kan hy voor of op die datum ooreenkomstig daardie artikel bepaal, enigeen van sy permanente beamptes in die amp van stadsklerk aanstel of hy kan vir hierdie doel ingevolge subartikel (4) optree.

(8) Only members may be present at a meeting of such committee, and any person in the service of the council who attends at the request or direction of such committee and any other person who with the consent of such committee appears before it: Provided that any member of the council may attend the meetings of any committee but he shall not be entitled to vote thereat.

(9) The Administrator may by notice in the *Provincial Gazette* apply the provisions of this section to any other council.

Remuneration and allowances payable to members of management committee.

61. (1) The council may with the consent of the Administrator pay such remuneration and allowances to the members of the management committee [including a member referred to in sub-section (13) of section *fifty-five*] as the council may determine, and such remuneration and allowances may vary by virtue of the office held by such member on such committee: Provided that the amount of such remuneration and allowances shall be determined prior to the election of the chairman and members of the management committee: Provided further that the Administrator may when approving of such remuneration and allowances impose conditions relating to the circumstances under which such remuneration and allowances shall be payable.

(2) Any remuneration or allowance referred to in sub-section (1) shall be payable monthly and the provisions of Chapter IV of the Local Government Ordinance, 1939, shall not be deemed to apply to any such remuneration or allowance.

Appointment of town clerk and clerk of the council.

62. Before or on a date to be determined by the Administrator in respect of every town council or, where he deems it expedient, any village council, steps shall be taken in terms of the provisions of section *sixty-two* of the Local Government Ordinance, 1939, but with due regard to the provisions of this Ordinance—

(*a*) to appoint a town clerk who is the chief executive and administrative officer of the council: Provided that unless the Administrator otherwise directs, the salary of the town clerk shall at all times be not more than ten per cent higher than that of the next highest paid officer of the council; and

(*b*) to appoint a clerk of the council.

Procedure for appointment of town clerk for town or village council.

63. (1) Any town clerk of a town or village council who has not been appointed in terms of section *sixty-two*, shall cease to hold office as town clerk on the date on which the town clerk appointed in terms of that section, has assumed office.

(2) If on or after the commencement of this Ordinance and before the date determined in terms of section *sixty-two*, a vacancy exists in the office of a town clerk as contemplated in sub-section (1), the council shall not fill such vacancy otherwise than in accordance with the provisions of sub-section (3) or (4), but shall appoint one of its permanent officers to act as town clerk until the office of town clerk is so filled and the person thus appointed has assumed office: Provided that such acting appointment shall not exceed a period determined by the Administrator after the provisions of sub-section (3) or (4) have become applicable.

(3) Whenever the council takes steps to appoint a town clerk in terms of section *sixty-two*, it may before or on the date determined in accordance with that section, appoint any of its permanent officers to the office of town clerk or it may for that purpose act in terms of sub-section (4).

(4) Indien die raad nie 'n aanstelling ingevolge subartikel (3) doen nie, vra hy deur middel van drie advertensies gedurende 'n tydperk van hoogstens twee weke in minstens een Engelse en een Afrikaanse koerant wat in die munisipaliteit gelees word, aansoeke van applikante om aanstelling in die amp van stadsklerk, meld die sluitingsdatum vir sodanige aansoeke, en lê iedere aansoek onverwyld na sodanige sluitingsdatum aan die Raad van Advies voor.

(5) Wanneer die raad enige aansoek in subartikel (4) bedoel aan die Raad van Advies voorlê, kan die raad sodanige aanbeveling omtrent enige applikant doen as wat hy goed ag.

(6) Nadat die Raad van Advies na oorlegpleging met die raad alle aansoeke oorweeg het, stel die Raad van Advies 'n lys op van applikante wat na sy mening geskik en bevoeg is vir aanstelling in die amp van stadsklerk, en lê sodanige lys aan die raad voor.

(7) Die raad stel daarna een van die applikante, wie se naam voorkom op die lys in subartikel (6) bedoel aan in die amp van stadsklerk, tensy die raad van mening is dat nie een van sodanige applikante geskik en bevoeg vir sodanige aanstelling is nie.

(8) Indien die Raad van Advies van mening is dat nie een van die applikante geskik en bevoeg is vir aanstelling nie, stel hy die raad dienooreenkomstig in kennis.

(9) Indien die raad iemand as stadsklerk, ingevolge subartikel (7) beoog, aangestel het en sodanige persoon sou om enige rede nie diens aanvaar nie, stel die raad onverwyld 'n ander applikant uit die lys in subartikel (6) bedoel aan, tensy nie een van die oorblywende applikante na die mening van die raad geskik en bevoeg vir aanstelling is nie of nie een van sodanige applikante meer vir aanstelling beskikbaar is nie.

(10) Indien ingevolge van die bepalings van subartikel (7) of (8), na gelang van die geval, niemand as stadsklerk aangestel word nie, of indien soos in subartikel (9) beoog, niemand as stadsklerk diens aanvaar en geen ander applikant vir aanstelling beskikbaar is nie, is die bepalings van subartikel (4) *mutatis mutandis* van toepassing en moet die raad, in geval die Administrateur 'n tydperk ingevolge subartikel (2) bepaal het, die vakature ingevolge die bepalings van subartikel (4) adverteer met 'n sluitingsdatum wat minstens twee maande is voor die verstryking van die tydperk wat aldus deur die Administrateur bepaal is en die bepalings van subartikels (5) en (6) is van toepassing.

(11) Nadat die raad die lys van geskikte en bevoegde applikante van die Raad van Advies ontvang het ingevolge subartikel (10), moet hy 'n applikant uit daardie lys of uit die lys in subartikel (6) genoem as stadsklerk aanstel.

(12) Ondanks andersluidende bepalings in hierdie Ordonnansie vervat, kan die raad te eniger tyd binne een maand nadat hy die lys van applikante deur die Raad van Advies ingevolge subartikel (10) opgestel, ontvang het en as hy nie enigeen van die kandidate deur die Raad van Advies aanbeveel, wil aanstel nie, hom op die Administrateur beroep om die lyste in subartikel (11) genoem, te wysig en die Administrateur gee die eindbeslissing.

(13) Vir die doel om 'n lys van applikante ingevolge subartikel (6) of (10) op te stel kan die Raad van Advies, nadat hy die raad geraadpleeg het, enige applikant versoek om voor hom te verskyn vir 'n onderhoud en die raad of sy gemagtigde verteenwoordiger is geregtig om by sodanige onderhoud teenwoordig te wees en vrae aan sodanige applikant te stel.

(4) If the council does not make an appointment in terms of sub-section (3), it shall by means of three advertisements during a period of not more than two weeks in at least one English and one Afrikaans newspaper circulating in the municipality, call for applications for appointment to the office of town clerk state the closing date for such applications and shall after such closing date for such applications submit forthwith every application to the Advisory Board.

(5) When the council submits any application referred to in sub-section (4) to the Advisory Board, the council may make such recommendation regarding any applicant as it may deem fit.

(6) After the Advisory Board, after consultation with the council, has considered all the applications, the Advisory Board shall prepare a list of applicants who, in its opinion, are suitable and qualified for appointment to the office of town clerk and shall submit such list to the council.

(7) The council shall thereafter appoint one of the applicants whose name appears on the list referred to in sub-section (6) of the office of town clerk, unless the council is of the opinion that no such applicant is suitable and qualified for such appointment.

(8) If the Advisory Board is of the opinion that no such applicant is suitable and qualified for appointment, it shall advise the council accordingly.

(9) If the council has appointed a person as town clerk in terms of sub-section (7) and such person should for any reason not assume duty, the council shall forthwith appoint another applicant from the list referred to in sub-section (6), unless none of the remaining applicants in the opinion of the council is suitable and qualified for appointment or no such applicant is still available for appointment.

(10) If in terms of the provisions of sub-section (7) or (8), as the case may be, no person is appointed as town clerk, or, if as contemplated in sub-section (9) no one has assumed duty as town clerk and no other applicant is available for appointment, the provisions of sub-section (4) shall apply *mutatis mutandis* and the council shall, if the Administrator has determined a period in terms of sub-section (2), advertise the vacancy in terms of the provisions of sub-section (4), with a closing date at least two months prior to the expiration of the period so determined by the Administrator, and the provisions of sub-sections (5) and (6) shall apply.

(11) After the council has received the list of suitable and qualified candidates from the Advisory Board in terms of sub-section (10), it shall appoint an applicant from that list or from the list mentioned in sub-section (6) as town clerk.

(12) Notwithstanding anything to the contrary in this Ordinance contained, the council may at any time within one month after receipt of the list of applicants prepared by the Advisory Board in terms of sub-section (10) and if it does not wish to appoint any of the candidates recommended by the Advisory Board, appeal to the Administrator to amend the lists referred to in sub-section (11) and his decision shall be final.

(13) For the purpose of preparing a list of applicants in terms of sub-section (6) or (10) the Advisory Board may after consultation with the council, require any applicant to appear before it for an interview and the council or its representative shall be entitled to be present at such interview and to put questions to such applicant.

(14) Wanneer 'n applikant versoek word om voor die Raad van Advies te verskyn ingevolge subartikel (13), word die reis- en verblyfkoste van sodanige applikant deur die raad betaal ooreenkomstig die hoogste tarief wat op die beamptes van die raad van toepassing is vir reise in die Unie van Suid-Afrika en, by ontstentenis van sodanige tarief, word sodanige bedrag aan sodanige applikant betaal as wat die Raad van Advies in die omstandighede billik ag.

(15) Indien die raad weier, versuim of in gebreke bly om in enige opsig aan die bepalings van hierdie artikel te voldoen, kan die Administrateur, nadat hy die raad minstens veertien dae vooraf kennis gegee het van sy voorneme om dit te doen, enige funksie, plig of bevoegdheid vervul of uitvoer wat ingevolge die bepalings van hierdie artikel aan die raad opgedra of opgelê is: Met dien verstande dat as die Administrateur aldus optree dit nie vir hom nodig is om te voldoen aan enige bepaling betreffende die opstel van 'n lys van geskikte en bevoegde kandidate en die voorlegging daarvan aan die Raad van Advies nie.

(16) Enige uitgawe wat deur die Administrateur aangegaan word in die vervulling of uitvoering van enige funksie, plig of bevoegdheid ingevolge subartikel (15), word uit die inkomste van die raad betaal.

(17) As iemand deur die Administrateur ingevolge subartikel (15) as stadsklerk aangestel is, aanvaar hy sy amp op 'n datum deur die Administrateur bepaal.

(18) As daar te eniger tyd nadat 'n stadsklerk ooreenkomstig die bepalings van hierdie artikel aangestel is, 'n vakature in die amp van stadsklerk ontstaan, stel die raad onverwyld een van sy permanente beamptes aan om in die amp van stadsklerk waar te neem en die raad doen onverwyld stappe om sodanige vakature ooreenkomstig die bepalings van subartikels (4) tot en met (11) aan te vul.

(19) Wanneer daar so 'n vakature in die amp van stadsklerk ontstaan, gee die raad onverwyld kennis van die vakature aan die Raad van Advies en indien die Raad van Advies daarna van mening is dat die raad versuim het of in gebreke gebly het of onredelik geweier het om sodanige vakature aan te vul, kan hy by die Administrateur aanbeveel dat hy die bepalings van subartikel (15) toepas en die Administrateur kan dienooreenkomstig optree.

(20) Indien 'n stadsklerk om enige rede vir meer as drie dae nie sy funksies, bevoegdhede of pligte kan vervul of uitvoer nie, stel die raad een van sy permanente beamptes aan om gedurende die tydperk waarin sodanige stadsklerk nie sy funksies, bevoegdhede of pligte kan vervul of uitvoer nie, tydelik as stadsklerk waar te neem.

(21) Ondanks andersluidende bepalings in hierdie Ordonnansie vervat, kan die raad met die toestemming van die Administrateur enigiemand anders as 'n permanente beampte aanstel om die funksies, bevoegdhede of pligte van die stadsklerk tydelik te vervul of uit te voer as die raad die Administrateur daarvan oortuig dat nie een van sy permanente beamptes geskik of bevoeg is om tydelik as stadsklerk waar te neem nie.

Stadsklerk nie hoof van enige bepaalde departement te wees nie.

64. Sonder die goedkeuring van die Administrateur mag 'n stadsklerk soos in artikel *twee-en-sestig* beoog, nie hoof van enige bepaalde departement, afdeling of vertakking van die betrokke plaaslike bestuur wees nie.

Meer as een stadsklerk kan in sekere gevalle aangestel word.

65. Met die toestemming van die Administrateur kan 'n grootstadsraad meer as een beampte aanstel as stadsklerk en die Administrateur kan by die verlening van sodanige toestemming of te eniger tyd daarna sodanige voorwaardes bepaal as wat hy goed ag, en hy moet bepaal hoe enige verskil van mening tussen sodanige stadsklerke opgelos moet word.

(14) Where an applicant is required to appear before the Advisory Board in terms of sub-section (13), the travelling and subsistences expenses of such applicant shall be paid by the council according to the highest tariff applicable to officers of the council for travelling in the Union of South Africa and in the absence of such tariff, such amount shall be paid to such applicant as the Advisory Board shall deem reasonable in the circumstances.

(15) If the council refuses, fails or neglects to comply in any respect with the provisions of this section, the Administrator may, after having given the council not less than fourteen days prior notice of his intention so to do, carry out or exercise any function, duty or power which, in terms of the provisions of this section has been conferred or imposed on the council: Provided that if the Administrator so acts it shall not be necessary for him to comply with any provision relating to the preparation of a list of suitable and qualified candidates and the submission thereof to the Advisory Board.

(16) Any expenditure incurred by the Administrator in carrying out or exercising any function, duty or power in terms of sub-section (15) shall be paid out of the revenue of the council.

(17) If a person has been appointed as town clerk by the Administrator in terms of sub-section (15), he shall assume office on a date determined by the Administrator.

(18) If at any time after a town clerk has been appointed in accordance with the provisions of this section, a vacancy occurs in the office of town clerk, the council shall forthwith appoint one of its permanent officers to act in the office of town clerk and the council shall forthwith take steps to fill such vacancy in accordance with the provisions of sub-sections (4) to (11) inclusive.

(19) When such vacancy occurs in the office of town clerk, the council shall forthwith give notice of the vacancy to the Advisory Board, and if the Advisory Board is thereupon of the opinion that the council has failed, neglected or unreasonably refused to fill such vacancy, it may recommend to the Administrator that he apply the provisions of sub-section (15) and the Administrator may act accordingly.

(20) If a town clerk is unable for any reason to carry out or exercise for more than three days his functions, powers and duties, the council shall appoint one of its permanent officers to act temporarily as town clerk during the period in which such town clerk is unable to carry out or exercise his functions, powers or duties.

(21) Notwithstanding anything to the contrary in this Ordinance contained, the council may with the consent of the Administrator appoint any person other than a permanent officer temporarily to carry out or exercise the functions, powers or duties of the town clerk if the council satisfies the Administrator that not one of its permanent officers is suitable or qualified to act temporarily as town clerk.

64. Except with the consent of the Administrator, a town clerk as contemplated in section *sixty-two* shall not be the head of any particular department, section or branch of the local authority concerned.

Town clerk not to be head of any particular department.

65. With the consent of the Administrator, a city council may appoint more than one officer as town clerk and the Administrator may, when granting such consent or at any time thereafter, impose such conditions as he may deem fit and he shall determine in what manner any difference of opinion between such town clerks is to be resolved.

More than one town clerk may be appointed in certain cases.

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Kurper-, Karp- en Forel-vingerlinge: £2. 10s. per 100 tot 500, daarna £1 per 100.

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