

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

5963

Tuesday, 10 December 2002

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OFFICE OF THE PREMIER
OF THE PROVINCE OF
WESTERN CAPE

P.N. 436/2002

10 December 2002

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 11 of 2002: Businesses Amendment Act, 2002.

Buitengewone Provinsiale Koerant

5963

Dinsdag, 10 Desember 2002

As 'n Nuusblad by die Poskantoor Geregistreer

KANTOOR VAN DIE
PREMIER VAN DIE PROVINSIE
WES-KAAP

P.K. 436/2002

10 Desember 2002

Hierby word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 11 van 2002: Wysigingswet op Besighede, 2002.

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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the Premier)
(Assented to 10 December 2002)

AMENDMENT ACT

To amend the Businesses Act, 1991 (Act 71 of 1991), by amending existing definitions, inserting new definitions, and deleting old terminology and references so as to bring the Act in line with the provisions of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), as to the new municipal structures, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 1 of Act 71 of 1991 as amended by section 1 of Act 186 of 1993

1. Section 1 of Act 71 of 1991 (hereinafter referred to as "the Act") is amended as follows:

- (a) by the deletion of the definition of 'Administrator';
- (b) by the deletion of the definition of 'local authority';
- (c) by the substitution for the definition of 'Minister' of the following definition—
 " 'Minister' means the Minister of Trade and Industry **[and Tourism]**, acting after consultation with **[every Administrator or with the Administrator concerned, as the case may be]** the Provincial Minister";
- (d) by the insertion after the definition of 'Minister' of the following definition—
 " '**municipality**' means a metropolitan municipality, district municipality or local municipality, as the case may be, defined in section 1 of the Local Government: Municipality Structures Act, 1998 (Act 117 of 1998).";
- (e) by the insertion after the definition of 'prescribed' of the following definition—
 " '**Provincial Minister**' means the Provincial Minister responsible for economic development in the Province of the Western Cape";

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in be-
staande verordenings aan.

(Engelse teks deur die Premier geteken)
(Bekragtig op 10 Desember 2002)

WYSIGINGSWET

Om die Wet op Besighede, 1991 (Wet 71 van 1991), te wysig deur bestaande woordomsrywings te wysig, nuwe woordomsrywings in te voeg en ou terminologie en verwysings te skrap ten einde die Wet in ooreenstemming te bring met die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), ten opsigte van die nuwe munisipale strukture, en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 71 van 1991 soos gewysig deur artikel 1 van Wet 186 van 1993

- 5 1. Artikel 1 van Wet 71 van 1991 (hierna verwys as “die Wet”) word as volg gewysig:
- (a) deur die skapping van die woordomskrywing van ‘Administrateur’;
- (b) deur die vervanging van die woordomskrywing van ‘Minister’ met die volgende woordomskrywing—
- 10 “ ‘Minister’ die Minister van Handel en Nywerheid [en Toerisme], handelende na oorlegpleging met [elke Administrateur of met die betrokke Administrateur, na gelang van die geval] die Provinsiale Minister”;
- (c) deur die invoeging na die woordomskrywing van ‘Minister’ van die volgende woordomskrywing—
- 15 “ ‘munisipaliteit’ beteken ’n metropolitaanse munisipaliteit, distriksmunisipaliteit of plaaslike munisipaliteit, soos die geval mag wees, omskryf in artikel 1 van die Wet op Plaaslike Owerhede: Munisipale Strukture, 1998 (Wet 117 van 1998)”;
- (d) deur die skapping van die woordomskrywing van ‘plaaslike owerheid’;
- 20 (e) deur die invoeging na die woordomskrywing van ‘perseel’ van die volgende woordomskrywing—
- “ ‘Provinsiale Minister’ beteken die Provinsiale Minister verantwoordelik vir ekonomiese ontwikkeling in die Provinsie van die
- 25 Wes-Kaap”;

Amendment of section 6 of Act 71 of 1991 as amended by section 3 of Act 186 of 1993

2. Section 6 of the Act is amended by the substitution for subsection (6) of the following subsection—

“(6) A regulation shall in the province concerned have legal effect as if it were a proclamation issued by the [Administrator under section 14(2)(a) of the Provincial Government Act, 1986 (Act 69 of 1986)] Provincial Minister”.

Amendment of section 7 of Act 71 of 1991

3. Section 7 of Act 71 of 1991 is amended by the substitution for subsection (5) of the following subsection—

“(5) The amendment of a provision of an ordinance of a province by subsection (1) shall not affect the powers conferred upon the [Administrator] Provincial Minister [by section 14(2)(a) of the Provincial Government Act, 1986 (Act 69 of 1986)] in relation to the amendment, repeal or substitution of that or any other provision of that ordinance.”

Substitution for “Administrator” in Act 71 of 1991

4. The Act is amended by the substitution for the word “Administrator”, wherever it occurs, of the words “Provincial Minister”.

Substitution for “local authority” in Act 71 of 1991

5. The Act is amended by the substitution for the words “local authority”, wherever it occurs, of the word “municipality”.

Short title and date of commencement.

6. This Act is called the Businesses Amendment Act, 2002, and commences on a date determined by the Premier by proclamation in the *Provincial Gazette*.

Wysiging van artikel 6 van Wet 71 van 1991 soos gewysig deur artikel 3 van Wet 186 van 1993

2. Artikel 6 van die Wet word gewysig deur die vervanging van subartikel (6) deur die volgende subartikel—

- 5 “(6) ’n Regulasie het in die betrokke provinsie regskrag asof dit ’n proklamasie is wat die [Administrateur kragtens artikel 14(2)(a) van die Wet op Provinsiale Regering, 1986 (Wet 69 van 1986)] Provinsiale Minister uitgereik het.”

Wysiging van artikel 7 van Wet 71 van 1991

3. Artikel 7 van Wet 71 van 1991 word gewysig deur die vervanging van die subartikel (5) deur die volgende subartikel—

- 10 “(5) Die wysiging van ’n bepaling van ’n ordonnansie van ’n provinsie by subartikel (1) raak nie die bevoegdheid nie wat [by artikel 14(2)(a) van die Wet op Provinsiale Regering, 1986 (Wet 69 van 1986)] aan die [Administrateur] Provinsiale Minister verleen word met betrekking tot die wysiging, herroeping of
- 15 vervanging van daardie of enige ander bepaling van daardie ordonnansie.”

Vervanging van “Administrateur” in Wet 71 van 1991

4. Die Wet word gewysig deur die vervanging van die woord “Administrateur”, waar ookal dit voorkom, met die woorde “Provinsiale Minister”.

Vervanging van “plaaslike owerheid” in Wet 71 van 1991

- 20 5. Die Wet word gewysig deur die vervanging van die woorde “plaaslike owerheid”, waar ookal dit voorkom, met die woord “munisipaliteit”.

Kort titel en datum van inwerkingtreding

6. Hierdie Wet heet die Wysigingswet op Besighede, 2002, en tree in werking op ’n datum wat deur die Premier by proklamasie in die *Provinsiale Koerant* bepaal word.

