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PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 121, 1982

WEGNEEM VAN SEKERE GEBIEDE IN DIE DISTRIK INGWAVUMA UIT KWAZULU

Nademaal dit in belang van die voortsetting van doeltreffende administrasie en die goeie orde nodig is dat die geskil oor die geldigheid van Proklamasie R. 109 van 1982 uit die weg geruim word;

En nademaal ek van oordeel is dat vertraging in verband daarmee tot nadeel van die algemene belang sou strek;

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), en artikel 30 (4) van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), hierby—

(a) verklaar dat, ondanks die bepalings van enige ander wet of regsreël—

(i) die gebiede bedoel in artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), wat deel uitmaak van die gebied van 'n stamowerheid of gemeenskapsowerheid ingestel ingevolge die bepalings van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951), in die distrik Ingwavuma (hieronder "die Gebiede" genoem), ophou om deel uit te maak van die gebied waarvoor die KwaZulu- Wetgewende Vergadering by die Proklamasie op die KwaZulu-konstitusie, 1972 (Proklamasie R. 70 van 1972), ingestel is;

(ii) die kapteins wat ingevolge paragraaf (b) van subartikel (1) van artikel 2 van Deel II van Bylae II by die Proklamasie op die KwaZulukonstitusie, 1972 (Proklamasie R. 70 van 1972), deur die Ingwavuma-streeksowerheid as lede van die KwaZulu- Wetgewende Vergadering aangestel is en die lid van genoemde Wetgewende Vergadering wat ingevolge paragraaf (d) van daardie subartikel verkies is, ophou om lede van daardie Wetgewende Vergadering te wees;

PROCLAMATION

by the State President of the Republic of South Africa

No. R. 121, 1982

EXCISION OF CERTAIN AREAS IN THE DISTRICT OF INGWAVUMA FROM KWAZULU

Whereas it is necessary in the interests of the continuation of effective administration and good order to remove the dispute concerning the validity of Proclamation R. 109 of 1982;

And whereas I am of the opinion that delay in regard thereto would be prejudicial to the public interest;

Now, therefore, under and by virtue of the powers vested in me by section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), and section 30 (4) of the National States Constitution Act, 1971 (Act 21 of 1971), I hereby—

(a) declare that, notwithstanding the provisions of any other law or legal rule—

(i) the areas referred to in section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), which form part of the area of a tribal or community authority established in terms of the provisions of the Black Authorities Act, 1951 (Act 68 of 1951), in the District of Ingwavuma (hereinafter referred to as "the Areas"), shall cease to form part of the area for which the KwaZulu Legislative Assembly has been established under the KwaZulu Constitution Proclamation, 1972 (Proclamation R. 70 of 1972);

(ii) the chiefs appointed in terms of paragraph (b) of subsection (1) of section 2 of Part II of Schedule II to the KwaZulu Constitution Proclamation, 1972 (Proclamation R. 70 of 1972), by the Ingwavuma Regional Authority as members of the KwaZulu Legislative Assembly, and the member of the said Legislative Assembly elected in terms of paragraph (d) of that subsection shall cease to be members of that Legislative Assembly;

(iii) geen lid van die KwaZulu- Wetgewende Vergadering ingevolge genoemde paragraaf (d) ten opsigte van die Gebiede verkies word nie;

(iv) die administratiewe beheer van, en alle regte, bevoegdhede, gesag, pligte, verpligtinge en werksaamhede in verband met die een of ander aangeleentheid wat onmiddellik voor 18 Junie 1982 uit hoofde van die een of ander wet in die Gebiede berus het by die Regering of 'n ander gesag van KwaZulu of 'n persoon of liggaam deur daardie Regering of so 'n gesag aangewys, vanaf daardie datum berus by die Minister van Samewerking en Ontwikkeling of 'n persoon of liggaam deur hom aangewys;

(v) behoudens die bepalings van hierdie Proklamasie, alle wette wat in die Gebiede van krag was onmiddellik voor 18 Junie 1982 van krag bly in die Gebiede totdat hulle deur die bevoegde gesag herroep word of behalwe vir sover hulle deur hom gewysig word; en

(vi) 'n kennisgewing, lisensie, sertifikaat, magtiging, goedkeuring, vrystelling of enigiets wat uitgereik, verleen of gedoen is deur die bevoegde gesag kragtens 'n bepaling van 'n wet in subparagraaf (v) bedoel ten opsigte van die Gebiede onmiddellik voor 18 Junie 1982, van krag bly vir die tydperk waarvoor dit kragtens die betrokke wet van krag sou gebly het, tensy dit vroeër deur die bevoegde gesag ingetrek of gewysig word;

(b) die Proklamasie op die KwaZulukonstitusie, 1972 (Proklamasie R. 70 van 1972), wysig ooreenkomstig die Bylae hierby;

(c) Proklamasie R. 109 van 1982 herroep; en

(d) verklaar dat hierdie Proklamasie geag word op 18 Junie 1982 in werking te getree het: Met dien verstande dat die geldigheid van enigiets wat op of na 25 Junie 1982 en voor 29 Junie 1982 in of ten opsigte van die Gebiede deur die Regering of 'n ander gesag van KwaZulu gedoen is nie deur die bepalings van hierdie paragraaf geraak word nie tensy die Minister van Samewerking en Ontwikkeling anders bepaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agt-en-twintigste dag van Junie Eenduisend Negehoonderd Twee-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

(a) Skrap paragraaf (i) van Bylae I.

(b) Vervang paragraaf (ii) van Bylae I deur die volgende paragraaf:

“(ii) Die gebiede bedoel in artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), wat deel uitmaak van die gebied van 'n stamowerheid of gemeenskapsowerheid ingestel ingevolge die bepalings van die Wet op Swart Owerhede, 1951 (Wet 68 van 1951) (hieronder in hierdie Bylae bepaalde gebiede genoem), in die distrik Piet Retief;”.

(c) Vervang die woord “vyf-en-vyfzig” in artikel 2 (1) (d) van Deel II van Bylae II deur die woord “vier-en-vyfzig”.

(d) Skrap paragraaf (a) van artikel 3 (1) van Deel II van Bylae II.

(iii) no member of the KwaZulu Legislative Assembly shall be elected in terms of the said paragraph (d) in respect of the Areas;

(iv) the administrative control of, and all rights, powers, authorities, duties, obligations and functions in connection with any matter which, by virtue of any law, were vested, immediately prior to 18 June 1982, in the Areas in the Government or any other authority of KwaZulu or a person or body designated by that Government or any such authority shall, from that date vest in the Minister of Co-operation and Development or a person or body designated by him;

(v) subject to the provisions of this Proclamation, all laws which were in force in the Areas immediately prior to 18 June 1982 shall continue in force in the Areas until repealed or except in so far as they may be amended by the competent authority; and

(vi) any notice, licence, certificate, authority, approval, exemption or anything issued, granted or done by the competent authority under any provision of a law referred to in subparagraph (v) immediately prior to 18 June 1982 in respect of the Areas shall remain in force for the period for which it would have remained in force under the law concerned, unless it is sooner withdrawn or amended by the competent authority;

(b) amend the KwaZulu Constitution Proclamation, 1972 (Proclamation R. 70 of 1972), in accordance with the Schedule hereto;

(c) repeal Proclamation R. 109 of 1982; and

(d) declare that this Proclamation shall be deemed to have come into operation on 18 June 1982: Provided that the validity of anything done by the Government or any other authority of KwaZulu in or in respect of the Areas on or after 25 June 1982 and before 29 June 1982 shall not be affected by the provisions of this paragraph unless the Minister of Co-operation and Development determines otherwise.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of June, One thousand Nine hundred and Eighty-two.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

(a) Delete paragraph (i) of Schedule I.

(b) Substitute the following paragraph for paragraph (ii) of Schedule I:

“(ii) the areas referred to in section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), which form part of the area of a tribal or community authority established in terms of the provisions of the Black Authorities Act, 1951 (Act 68 of 1951) (hereinafter in this Schedule referred to as defined areas), in the District of Piet Retief;”.

(c) Substitute the word “fifty-four” for the word “fifty-five” in section 2 (1) (d) of Part II of Schedule II.

(d) Delete paragraph (a) of section 3 (1) of Part II of Schedule II.

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