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GOVERNMENT NOTICE

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. R. 1015 12 July 1995

REGULATIONS MADE UNDER SECTION 26D OF
THE WATER ACT, 1956

The Minister of Water Affairs and Forestry has under the powers vested in him by section 26D of the Water Act, 1956 (Act No. 54 of 1956), made the regulations in the Schedule relating to the establishment, powers, duties and functions of local water supply and sanitation committees.

SCHEDULE

Definitions

1. In these regulations—

“**annual general meeting**”, in relation to a committee, means a public meeting convened by the committee concerned for the purposes set out in regulation 11 (1);

“**committee**” shall have the meaning assigned thereto in section 26A of the Act;

“**community**” means a community occupying land for residential and related purposes, in respect of which no local authority exists or a local authority having jurisdiction over that land is not able to render a water supply and sanitation service in respect of that community;

“**Department**” shall have the meaning assigned thereto in section 1 of the Act;

“**Director-General**” shall have the meaning assigned thereto in section 1 of the Act;

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN WATERWESE EN BOSBOU

No. R. 1015 12 Julie 1995

REGULASIES UITGEVAARDIG KRAGTENS
ARTIKEL 26D VAN DIE WATERWET, 1956

Die Minister van Waterwese en Bosbou het kragtens die bevoegdhede aan hom verleen by artikel 26D van die Waterwet, 1956 (Wet No. 54 van 1956), die regulasies in die Bylae betreffende die instelling, magte, pligte en werksaamhede van plaaslike waterverskaffings- en sanitasiekomitees uitgevaardig.

BYLAE

Definisies

1. In hierdie regulasies beteken—

“**Departement**” dieselfde as die betekenis daaraan geheg in artikel 1 van die Wet;

“**die Wet**” die Waterwet, 1956 (Wet No. 54 van 1956);

“**Direkteur-generaal**” dieselfde as die betekenis daaraan geheg in artikel 1 van die Wet;

“**doelmatige kennisgewing**”, met betrekking tot 'n openbare vergadering van 'n gemeenskap byeen-geroep vir die doeleindes van hierdie regulasies, skriftelike of mondelinge kennisgewing van die datum, tyd en plek van, en die aangeleenthede waaraan aandag gegee gaan word by die vergadering, gegee op 'n wyse en op so 'n tydstip voor die vergadering as wat gebruikelikerwys in die gemeenskap aanvaar word as voldoende kennisgewing van 'n openbare vergadering;

"effective notice", in relation to a public meeting of a community convened for the purposes of these regulations, means written or oral notice of the date, time and venue of, and the issues to be dealt with at that meeting, given in a manner and at such time in advance of the meeting, as is customarily accepted in that community as adequate notice of a public meeting;

"Minister" shall have the meaning assigned thereto in section 1 of the Act;

"public meeting", in relation to a community, means a meeting of the members of that community convened for the purposes of these regulations by giving effective notice, which meeting shall be open for attendance by all persons resident in that community who are customarily accepted in that community as adults, and at which every such adult present shall have the right to participate in the business dealt with at that meeting, including the right to cast a vote on any issue to be voted upon;

"Regional Director" means a Regional Director of the Department;

"special meeting", in relation to a committee, means a public meeting convened by the committee concerned for the purposes set out in regulation 11 (2);

"the Act" means the Water Act, 1956 (Act No. 54 of 1956);

"voluntary society" means any voluntary society with legal personality, including any other juristic person, having as its object or as one of its objects, the rendering or promoting of a service similar to a water supply and sanitation service to a community or any constituent part of a community; and

"water supply and sanitation service" shall have the meaning assigned thereto in section 26A of the Act.

Petitions by voluntary societies for the establishment of committees

2. (1) Any voluntary society (hereinafter referred to as "the petitioning society") may, in respect of the community with which it is involved, petition the Minister for the establishment of a committee.

(2) A petition under subregulation (1) shall be submitted in writing to the appropriate Regional Director under the signature of the chairperson of the petitioning society and shall be accompanied by documentary proof of a resolution by the members of that society authorizing the submission of such a petition on behalf of that society.

(3) A petition under subregulation (1) shall contain—

(a) a description of the community in question including an estimate of the present population of the community;

"gemeenskap" 'n gemeenskap wat grond vir woon- en verwante doeleindes okkupeer, ten opsigte waarvan geen plaaslike owerheid bestaan of 'n plaaslike owerheid wat regsbevoegdheid met betrekking tot daardie grond het, nie in staat is om 'n waterverskaffings- en sanitasiediens aan daardie gemeenskap te lewer nie;

"jaarlikse algemene vergadering", met betrekking tot 'n komitee, 'n openbare vergadering byeengeroep deur die betrokke komitee vir die doeleindes uiteengesit in regulasie 11 (1);

"komitee" dieselfde as die betekenis daaraan geheg in artikel 26A van die Wet;

"Minister" dieselfde as die betekenis daaraan geheg in artikel 1 van die Wet;

"openbare vergadering", met betrekking tot 'n gemeenskap, 'n vergadering van die lede van daardie gemeenskap byeengeroep vir die doeleindes van hierdie regulasies by wyse van doelmatige kennisgewing, welke vergadering toeganklik is vir alle persone wat in die gemeenskap woonagtig is wie gebruiklikerwys in die gemeenskap as volwassenes aanvaar word, en waarby elke sodanige volwassene wat teenwoordig is, die reg het om deel te neem aan die verrigtinge by daardie vergadering, met inbegrip van die reg om 'n stem uit te bring oor enige aangeleentheid waaroor daar gestem word;

"spesiale vergadering", met betrekking tot 'n komitee, 'n openbare vergadering byeengeroep deur die betrokke komitee vir die doeleindes uiteengesit in regulasie 11 (2);

"Streekdirekteur" 'n Streekdirekteur van die Departement;

"vrywillige vereniging" enige vrywillige vereniging met regspersoonlikheid, met inbegrip van enige ander regspersoon, waarvan die oogmerk of een van die oogmerke is, die lewering of bevordering van 'n diens soortgelyk aan 'n waterverskaffings- en sanitasiediens aan 'n gemeenskap of enige samestellende deel daarvan; en

"waterverskaffings- en sanitasiediens" dieselfde as die betekenis daaraan geheg in artikel 26A van die Wet.

Vertoë deur vrywillige verenigings vir die instelling van komitees

2. (1) Enige vrywillige vereniging (hierna "die petitionerende vereniging" genoem) kan, met betrekking tot die gemeenskap waarby dit betrokke is, 'n versoek tot die Minister rig vir die instelling van 'n komitee.

(2) 'n Versoek kragtens subregulasie (1) word skriftelik aan die toepaslike Streekdirekteur voorgelê, onderteken deur die voorsitter van die petitionerende vereniging en moet vergesél wees van dokumentêre bewys van 'n besluit van die lede van daardie vereniging wat die voorlegging van sodanige versoek namens daardie vereniging magtig.

(3) 'n Versoek kragtens subregulasie (1) bevat—

(a) 'n beskrywing van die betrokke gemeenskap met inbegrip van 'n skatting van die huidige bevolking van die gemeenskap;

(b) a description of the land occupied by the community in question and a statement on whether the land is situated within the area of jurisdiction of a local authority and if it is so situated, the reasons why the local authority concerned is not able to render the desired water supply and sanitation service;

(c) a description of the prevailing conditions in the community with regard to the availability of access to members of the community to water suitable for use for basic domestic purposes and to basic sanitation facilities;

(d) particulars (if available) of other existing voluntary societies (if any), formed to promote the rendering of a water supply and sanitation service in respect of that community or any constituent part thereof, including the names and addresses of any such societies and the names and addresses of any contact persons;

(e) a statement on the proven support in the community for the petitioning society and its object and full particulars of the manner in which such support was demonstrated;

(f) a copy of the petitioning society's constitution and in the event that the constitution has not been reduced to writing, an account of the events that resulted in the forming of the society and the accepted rules under which it functions; and

(g) particulars of any water supply and sanitation service which is being rendered by the petitioning society and of any investigations conducted or planned by the petitioning society in connection with the rendering of such a service.

Inquiry into and adjudication of the subject matter of petitions

3. (1) The Regional Director shall cause a petition submitted in accordance with regulation 2, to be dealt with in accordance with these regulations by an officer of the Department or, on such terms and conditions as may be agreed upon, by any body or person designated by him or her.

(2) An officer, body or person referred to in subregulation (1) (hereinafter referred to as "the adjudicator"), shall inquire into and adjudicate the subject matter of the petition and may for this purpose—

(a) call on the petitioning society to provide him or her with additional particulars to substantiate or amplify the subject matter of the petition, in which event, the adjudicator may render such assistance to the petitioning society, as he or she may consider necessary under the circumstances; and

(b) conduct such further inquiries as he or she may consider necessary to substantiate or amplify the subject matter of the petition.

(b) 'n beskrywing van die grond wat deur die betrokke gemeenskap geokkupeer word en 'n verklaring oor of die grond binne die regsgebied van 'n plaaslike owerheid geleë is en indien dit aldus geleë is, die redes waarom die betrokke plaaslike owerheid nie in staat is om die verlangde waterverskaffings- en sanitasiediens te lewer nie;

(c) 'n beskrywing van heersende toestande in die gemeenskap met betrekking tot die beskikbaarheid vir lede van die gemeenskap van toegang tot water wat geskik is vir gebruik vir basiese huishoudelike doeleindes en tot basiese sanitasiefasiliteite;

(d) besonderhede (indien beskikbaar) van enige ander bestaande vrywillige verenigings (indien enige), wat tot stand gebring is ter bevordering van die lewering van 'n waterverskaffings- en sanitasiediens ten opsigte van daardie gemeenskap of enige samestellende deel daarvan, insluitende die name en adresse van enige sodanige verenigings en die name en adresse van enige kontakpersone;

(e) 'n verklaring betreffende die bewese ondersteuning binne die gemeenskap vir die betrokke vereniging en sy oogmerk en volle besonderhede van die wyse waarop sodanige ondersteuning aangetoon is;

(f) 'n afskrif van die konstitusie van die petisionerende vereniging en indien die konstitusie nie op skrif gestel is nie, 'n relaas van gebeure wat uitloop het op die totstandkoming van die vereniging en die aanvaarde reëls waaronder dit funksioneer; en

(g) besonderhede van enige waterverskaffings- en sanitasiediens wat deur die petisionerende vereniging gelewer word en van enige ondersoek wat onderneem of beplan word deur die petisionerende vereniging in verband met die lewering van sodanige diens.

Onderzoek na en beoordeling van die inhoud van verzoeken

3. (1) Die Streekdirekteur sien toe dat 'n versoek voorgelê ooreenkomstig regulasie 2, ooreenkomstig hierdie regulasies verder gevoer word deur 'n beampte van die Departement of, op die bedinge en voorwaardes waarop ooreengekom word, deur 'n liggaam of persoon deur hom of haar aangewys.

(2) 'n Beampte, liggaam of persoon bedoel in subregulasie (1) (hierna "die beoordelaar" genoem), moet ondersoek instel na en die inhoud van 'n versoek beoordeel en kan vir die doel—

(a) die petisionerende vereniging versoek om hom of haar van verdere besonderhede te voorsien ter ondersteuning of aanvulling van die inhoud van die versoek, in welke geval, die beoordelaar die bystand aan die petisionerende vereniging kan verleen wat hy of sy onder die omstandighede nodig ag; en

(b) die verdere ondersoek onderneem wat hy of sy nodig ag ter ondersteuning of aanvulling van die inhoud van die versoek.

(3) On completion of the inquiries contemplated in subregulation (2), the adjudicator shall prepare and submit to the Regional Director, a report in which he or she shall—

(a) set out his or her findings on the subject matter of the petition;

(b) express a motivated opinion on the support enjoyed by the petitioning society and any other relevant voluntary society in that community; and

(c) identify any issue which in his or her opinion could detrimentally influence the efficient functioning of a committee if established as petitioned for and make recommendations with regard to any steps that in his or her opinion can be taken to eliminate or minimise such detrimental influence.

Consideration of petitions

4. After considering a petition submitted in accordance with regulation 2 and the subsequent report by an adjudicator the Regional Director may—

(a) instruct the adjudicator to proceed with the consultation with the community in question required by section 26C(2) of the Act; or

(b) instruct the adjudicator to take such further steps as would in the opinion of the Regional Director promote a favourable decision on the petition after completion of such steps and on the resubmission of the adjudicator's report to him.

Consultation with communities

5. (1) The adjudicator shall, in collaboration with the petitioning society and subject to the further provisions of this regulation, make the arrangements he or she considers necessary for the required consultation and consult with the community in question or with any constituency of the community and with such other bodies or persons as may have been determined by the Minister in terms of section 26C(2) of the Act, with regard to the matters referred to in the said section of the Act.

(2) In the process of conducting the consultation contemplated in this regulation, an adjudicator shall regularly report to an officer of the Department designated by the Director-General, on the manner in which any consultation is conducted and the results of the consultation and shall, through such officer, inform himself or herself of any views the Minister may hold with regard to any matter under consultation.

(3) An adjudicator shall, in the course of the consultation contemplated in this regulation, endeavour to have a draft constitution accepted in principle by the community concerned which shall to the fullest extent possible comply with the requirements set out in subregulation (4), which draft constitution is intended to serve as the constitution of the envisaged committee after its establishment.

(4) The draft constitution contemplated in subregulation (3) shall—

(a) state the object of the committee to be the rendering, in accordance with the provisions of any regulations made under section 26D of the

die Wet, 'n waterverskaffings- en sanitasiediens ten opsigte van die betrokke gemeenskap te lewer, behoudens enige lasgewing wat van tyd tot tyd deur die Minister uitgereik word kragtens artikel 26C (1) van die Wet;

(b) vermeld dat behoudens regulasie 8 (3), die konstitusie slegs gewysig kan word by wyse van 'n besluit te dien effekte, aangeneem met 'n tweederde meerderheid by 'n spesiale vergadering;

(c) die getal lede aandui, wat nie minder as drie mag wees nie, waaruit die komitee bestaan, van wie—

(i) nie meer as twee, op grond van hul tegniese, finansiële of ander vaardigheid om die komitee by te staan in die uitoefening of verrigting van sy bevoegdhede, pligte en werksaamhede, deur die verkose lede van die komitee aangestel kan word, welke aanstelling die goedkeuring vereis van twee-derdes van die verkose lede;

(ii) die res behalwe by die eerste verkiesing van lede van die komitee, slegs by 'n jaarlikse algemene vergadering of 'n spesiale vergadering gekies word, en van wie minstens een-derde vroue moet wees.

(d) die kwalifikasies vir verkiesing as, die amps-termyn van, en die ontruiming van hul amp as, lede van die komitee vasstel en kan voorsiening maak vir 'n prosedure vir die vul van toevallige vakatures op die komitee deur die komitee, in afwagting van die verkiesing van 'n persoon om die vakature te vul;

(e) bepaal dat die totale bedrag van enige vergoeding of toelaes wat aan elke lid van die komitee betaal is gedurende 'n finansiële jaar, in die finansiële state van die komitee vir daardie finansiële jaar getoon moet word;

(f) bepaal dat enige lid van die gemeenskap te alle redelike tye daarop geregtig is om insae te verkry in al die finansiële inskrywings en stawende bewysstukke van die komitee;

(g) voorsiening maak—

(i) vir die verkiesing en die ampstermyn van die voorsitter en van enige ander ampsbekleër van die komitee;

(ii) vir die byeenroep van en die kworum by vergaderings van die komitee;

(iii) behoudens regulasie 9 (2), vir die vergoeding van, en die betaling van toelaes vir uitgawes aan, lede van die komitee;

(iv) vir die delegering of opdra van 'n bevoegdheid, plig of werksaamheid wat by of kragtens die Wet aan die komitee toegewys is of deur die konstitusie in die komitee vestig, aan die voorsitter of 'n ander ampsbekleër van die komitee of 'n beampte of werknemer van die komitee;

(v) vir die wyse waarop vorderings met betrekking tot 'n waterverskaffings- en sanitasiediens wat deur die komitee gelewer word of gelewer gaan word, behoudens regulasie 9 (1) (j), gehef

Act, of a water supply and sanitation service in respect of the community in question, subject to any direction issued from time to time by the Minister in terms of section 26C (1) of the Act;

(b) state that subject to regulation 8 (3), the constitution may only be amended by a resolution to that effect, passed with a two-thirds majority at a special meeting;

(c) specify the number of members, which shall not be less than three, constituting the committee, of whom—

(i) not more than two may, on account of their technical, financial or other ability to assist the committee in the exercise or performance of its powers, duties and functions, be appointed by the elected members of the committee, which appointment shall require the approval of two-thirds of the elected members;

(ii) the remainder shall, except for the first election of members of the committee, only be elected at an annual general meeting or a special meeting, and of whom at least one-third shall be women;

(d) determine the qualifications for election as, the period of office of, and the vacating of their office as, members of the committee, and may provide a procedure for the filling of casual vacancies in a committee by the committee, pending the election of a person to fill the vacancy;

(e) require that the total amount of any remuneration or allowances paid to each member of the committee during a financial year, shall be shown in the financial statements of the committee for that financial year;

(f) state that any member of the community shall at all reasonable times be entitled to inspect all the financial entries and supporting vouchers of the committee;

(g) provide—

(i) for the election and the period of office of the chairperson and of any other functionary of the committee;

(ii) for the convening of and the quorum at meetings of the committee;

(iii) subject to regulation 9 (2), for the remuneration of, and the payment of allowances for expenses to, a member of the committee;

(iv) for the delegation or assignment of any power, duty or function entrusted to the committee by or under the Act or vested in the committee by its constitution, to the chairperson or other functionary of the committee or an officer or an employee of the committee;

(v) for the manner in which charges relating to the water supply and sanitation service rendered or to be rendered by the committee shall, subject to regulation 9 (1) (j), be assessed, the persons

die Wet, 'n waterverskaffings- en sanitasiediens ten opsigte van die betrokke gemeenskap te lewer, behoudens enige lasgewing wat van tyd tot tyd deur die Minister uitgereik word kragtens artikel 26C (1) van die Wet;

(b) vermeld dat behoudens regulasie 8 (3), die konstitusie slegs gewysig kan word by wyse van 'n besluit te dien effekte, aangeneem met 'n tweederde meerderheid by 'n spesiale vergadering;

(c) die getal lede aandui, wat nie minder as drie mag wees nie, waaruit die komitee bestaan, van wie—

(i) nie meer nie as twee, op grond van hul tegniese, finansiële of ander vaardigheid om die komitee by te staan in die uitoefening of verrigting van sy bevoegdhede, pligte en werksaamhede, deur die verkose lede van die komitee aangestel kan word, welke aanstelling die goedkeuring vereis van twee-derdes van die verkose lede;

(ii) die res behalwe by die eerste verkiesing van lede van die komitee, slegs by 'n jaarlikse algemene vergadering of 'n spesiale vergadering gekies word, en van wie minstens een-derde vroue moet wees.

(d) die kwalifikasies vir verkiesing as, die ampstermyn van, en die ontruiming van hul amp as, lede van die komitee vasstel en kan voorsiening maak vir 'n prosedure vir die vul van toevallige vakatures op die komitee deur die komitee, in afwagting van die verkiesing van 'n persoon om die vakature te vul;

(e) bepaal dat die totale bedrag van enige vergoeding of toelaes wat aan elke lid van die komitee betaal is gedurende 'n finansiële jaar, in die finansiële state van die komitee vir daardie finansiële jaar getoon moet word;

(f) bepaal dat enige lid van die gemeenskap te alle redelike tye daarop geregtig is om insae te verkry in al die finansiële inskrywings en stawende bewysstukke van die komitee;

(g) voorsiening maak—

(i) vir die verkiesing en die ampstermyn van die voorsitter en van enige ander ampsbekleër van die komitee;

(ii) vir die byeenroep van en die kworum by vergaderings van die komitee;

(iii) behoudens regulasie 9 (2), vir die vergoeding van, en die betaling van toelaes vir uitgawes aan, lede van die komitee;

(iv) vir die delegering of opdra van 'n bevoegdheid, plig of werksaamheid wat by of kragtens die Wet aan die komitee toegewys is of deur die konstitusie in die komitee vestig, aan die voorsitter of 'n ander ampsbekleër van die komitee of 'n beampte of werknemer van die komitee;

(v) vir die wyse waarop vorderings met betrekking tot 'n waterverskaffings- en sanitasiediens wat deur die komitee gelewer word of gelewer gaan word, behoudens regulasie 9 (1) (j), gehef

from whom and the manner in which such charges shall be recovered and the steps that the committee may take on failure to pay such charges on time, including the payment of interest on outstanding charges;

(vi) for the manner in which any material or service required by the committee for or in connection with the rendering of a water supply and sanitation service shall be procured and for the acceptance of donations in kind or otherwise by the committee;

(vii) for the number of persons who shall constitute a quorum at any annual general meeting or special meeting; and

(viii) for the number of members of the community who may in terms of regulation 11 (2) request the committee to convene a special meeting and for the procedure at an annual general meeting and a special meeting.

(5) On conclusion of the consultation contemplated in this regulation to the satisfaction of the officer referred to in subregulation (2), the adjudicator shall prepare a report—

(a) on the manner in which the consultation was conducted and on the results of the consultation, dealing specifically with each of the issues referred to in section 26C (2) of the Act; and

(b) on his or her endeavours to prepare and have accepted the draft constitution contemplated in subregulation (3),

incorporating a copy of the draft constitution with a covering memorandum specifying any requirement of subregulation (4) which could not be complied with, and the reasons in his or her opinion for such non-compliance.

(6) The Director-General shall cause a petition submitted in accordance with regulation 2 together with the reports prepared in accordance with regulation 3 (3) and subregulation (5) of this regulation, to be submitted to the Minister.

Establishment of committees

6. (1) After consideration of a petition submitted in accordance with regulation 2 and the reports prepared in accordance with regulations 3 (3) and 5 (5), the Minister may—

(a) accept the draft constitution notwithstanding the fact that in one or more respects it does not comply with the requirements set out in regulation 5 (4); and

(b) subject to regulation 7 (2), establish the committee by notice in the *Gazette*, which notice shall—

(i) state the name assigned to the committee;

(ii) contain a description of the area of jurisdiction of the committee;

(iii) state that the constitution of the committee shall be the constitution certified in terms of regulation 8 (1); and

moet word, die persone van wie en die wyse waarop sodanige vorderings verhaal moet word en die stappe wat die komitee kan doen in geval van versuim om die vorderings betyds te betaal, met inbegrip van die betaling van rente op uitstaande vorderings;

(vi) die wyse waarop enige goed of diens wat deur die komitee benodig word vir of in verband met die lewering van 'n waterverskaffings- en sanitasiediens verkry moet word en vir die aanneem van donasies *in natura* of andersins deur die komitee;

(vii) vir die getal persone wat 'n kworum uitmaak by 'n jaarlikse algemene vergadering of 'n spesiale vergadering; en

(viii) vir die getal lede van die gemeenskap wat kragtens regulasie 11 (2) die komitee kan versoek om 'n spesiale vergadering byeen te roep en vir die prosedure by 'n jaarlikse algemene vergadering of 'n spesiale vergadering.

(5) Na afhandeling van die raadpleging bedoel in hierdie regulasie tot die tevredenheid van die beampte vermeld in subregulasie (2), moet die beoordelaar 'n verslag saamstel—

(a) oor die wyse waarop die raadpleging onderneem is en oor die resultaat van die raadpleging, met besondere verwysing na elkeen van die aanleenthede vermeld in artikel 26C (2) van die Wet; en

(b) oor sy of haar pogings om die konsepkonstitusie bedoel in subregulasie (3) op te stel en aanvaar te kry,

waarby ingesluit moet word, 'n afskrif van die konsepkonstitusie met 'n dekkende memorandum waarin vermeld word enige vereiste van subregulasie (4) waaraan nie voldoen kon word nie, met die redes na sy of haar oordeel vir sodanige nie-voldoening.

(6) Die Direkteur-generaal moet toesien dat 'n versoek voorgelê ooreenkomstig regulasie 2 tesame met die verslae saamgestel ooreenkomstig regulasie 3 (3) en subregulasie (5) van hierdie regulasie, aan die Minister voorgelê word.

Instelling van komitees

6. (1) Na oorweging van 'n versoek voorgelê ooreenkomstig regulasie 2 en die verslae saamgestel ooreenkomstig regulasies 3 (3) en 5 (5), kan die Minister—

(a) die konsepkonstitusie aanvaar ondanks die feit dat dit in een of meer opsigte nie voldoen aan die vereistes uiteengesit in regulasie 5 (4) nie; en

(b) behoudens regulasie 7 (2), die komitee by kennisgewing in die *Staatskoerant* instel, welke kennisgewing—

(i) die naam toegeken aan die komitee moet vermeld;

(ii) 'n beskrywing van die regsgebied van die komitee moet bevat;

(iii) moet vermeld dat die konstitusie van die komitee die konstitusie sal wees wat kragtens regulasie 8 (1) gesertifiseer is; en

(iv) state that the committee shall for all purposes relating to the rendering of a water supply and sanitation service to the community in question, be deemed to be the legal successor of the petitioning society.

(2) If the Minister is not prepared to make a decision as provided for in subregulation (1), he or she may—

(a) cause such further steps to be taken as would in the opinion of the Minister promote a favourable decision on the petition after completion of such steps and on the resubmission of the petition to him or her; or

(b) refuse the petition, whereupon the petitioning society shall be notified of the Minister's decision and the reasons for the decision.

(3) The description of the area of jurisdiction of a committee contemplated in subregulation 1 (b) (ii) may be in terms of—

(a) references to cadastral properties; or

(b) references to natural features or man-made structures of such prominence and permanency as would allow identification of the area of jurisdiction of the committee by members of the community in question.

Commencement of functioning of committees

7. (1) Pursuant to the establishment of a committee in accordance with regulation 6 (1), the Director-General shall, in collaboration with the petitioning society, cause a public meeting of the community in question to be convened and a meeting of the members of the petitioning society, to have such resolutions taken at that meetings as are necessary—

(i) to adopt, subject to regulation 8 (1), the draft constitution accepted by the Minister in terms of regulation 6 (1) (a), as the constitution of the committee;

(ii) to lawfully transfer all the relevant assets and liabilities of the petitioning society to the committee;

(iii) lawfully dissolve the petitioning society, if this is indicated,

and to elect the first members of the committee.

(2) In the event that the Director-General fails in his efforts to convene a meeting or to have a resolution referred to in subregulation (1) taken, he or she shall submit the matter to the Minister and the Minister may—

(a) revoke the notice referred to in regulation 6 (1) (b) by notice in the *Gazette*; or

(b) instruct the Director-General to have such further steps taken as would in the opinion of the Minister, result in compliance with the provisions of subregulation (1).

Constitutions of committees

8. (1) An officer of the Department designated for this purpose by the Director-General shall in respect of a committee established under regulation 6 (1), after the requirements of regulation 7 (1) have been com-

(iv) moet vermeld dat die komitee vir alle doeleindes met betrekking tot die lewering van 'n waterverskaffings- en sanitasiediens aan die betrokke gemeenskap, geag word die regsopvolger te wees van die petisionerende vereniging.

(2) Indien die Minister nie bereid is om 'n besluit soos voorsien in subregulasie (1) te neem nie, kan hy of sy—

(a) die verdere stappe laat doen wat na die oordeel van die Minister 'n gunstige besluit oor die versoek kan bevorder na die voltooiing van sodanige stappe en die hervorlegging van die versoek aan hom of haar; of

(b) die versoek van die hand wys waarop die petisionerende vereniging verwittig moet word van die Minister se besluit en die redes vir die besluit.

(3) Die beskrywing van die regsgebied van 'n komitee bedoel in subregulasie (1) (b) (ii) kan in die vorm wees van—

(a) verwysings na kadastrale eiendomme; of

(b) verwysings na natuurlike landskapkenmerke of mensgemaakte strukture van sodanige opvallende en duursame aard dat dit die identifisering van die regsgebied van die komitee deur lede van die betrokke gemeenskap moontlik maak.

Aanvang van werksaamhede van komitees

7. (1) Na die instelling van 'n komitee ooreenkomstig regulasie 6 (1), moet die Direkteur-generaal, in medewerking met die petisionerende vereniging, 'n openbare vergadering van die betrokke gemeenskap laat byeenroep en 'n vergadering van die lede van die petisionerende vereniging om die besluite by die vergaderings te laat neem wat nodig is—

(i) om, behoudens regulasie 8 (1), die konsepkonstitusie wat ooreenkomstig regulasie 6 (1) (a) deur die Minister aanvaar is, as die konstitusie van die komitee aan te neem;

(ii) om regsgeldiglik al die betrokke bates en laste van die petisionerende vereniging aan die komitee oor te dra;

(iii) om regsgeldiglik die petisionerende vereniging te ontbind indien dit aangewese is,

en om die eerste lede van die komitee te kies.

(2) In die geval dat die Direkteur-generaal faal in sy pogings om 'n vergadering byeen te roep of 'n besluit bedoel in subregulasie (1) te laat neem, lê hy of sy die aangeleentheid aan die Minister voor en die Minister kan—

(a) die kennisgewing bedoel in regulasie 6 (1) (b) by kennisgewing in die *Staatskoerant* herroep; of

(b) die Direkteur-generaal opdrag gee om die verdere stappe te doen wat na die oordeel van die Minister daartoe sal lei dat voldoen word aan die bepalinge van subregulasie (1).

Konstitusies van komitees

8. (1) 'n Beampde van die Departement vir die doel deur die Direkteur-generaal aangewys, moet ten opsigte van 'n komitee ingestel kragtens regulasie 6 (1), na voldoening aan die vereistes van regulasie 7

plied with, issue a certificate under his hand certifying the establishment of the committee in terms of section 26C of the Act and certifying the constitution accepted by the Minister in terms of regulation 6 (1) (a), a copy of which shall be attached to the certificate, to be the constitution of the committee.

(2) The certificate referred to in subregulation (1) shall be handed to the chairperson of the committee for safe-keeping by the committee.

(3) A resolution taken at a special meeting to amend the constitution contemplated in subregulation (1), with regard to a matter referred to in regulation 5 (4) (a), (b) or (c) (i) or (ii) or (g) (vii) or (viii), shall have no legal effect unless notice of the proposed amendment has been given in writing to the appropriate Regional Director by the committee concerned, at least 30 days in advance of the date determined for the special meeting at which the proposed amendment is to be considered by the community in question, and the committee has prior to the said meeting been notified that the proposed amendment is acceptable to the Minister.

Powers of committees

9. (1) A committee shall, subject to the provisions of the Act, these regulations and its constitution, have the power—

(a) to construct or otherwise acquire and to operate and maintain any water work or other facility for or in connection with the rendering of a water supply and sanitation service;

(b) to acquire a right to a supply of water for use for or in connection with the rendering of a water supply and sanitation service by the committee;

(c) to render a water supply and sanitation service subject to any direction issued by the Minister in terms of section 26C (1) of the Act;

(d) to undertake the supply of water to any person in accordance with a direction issued by the Minister under section 26C (3) of the Act;

(e) to prevent the unlawful abstraction of water from, or the unlawful use of, any facility provided by the committee for or in connection with the rendering of a water supply and sanitation service or from a supply of water contemplated in paragraph (d);

(f) to prevent the waste or the unbeneficial use of water under the control of the committee;

(g) to appoint such employees as the committee may from time to time deem necessary at such salaries, wages or remuneration and with such rights, privileges and other conditions of service as the committee may determine;

(h) to procure the services of such agents, consultants and contractors as the committee may from time to time deem necessary;

(i) to hire, buy or otherwise acquire such movable or immovable property as the committee may deem necessary for the exercise or perfor-

(1), 'n sertifikaat onder sy handtekening uitreik, waarin gesertifiseer word dat die komitee kragtens artikel 26C van die Wet ingestel is en waarin gesertifiseer word dat die konstitusie wat kragtens regulasie 6 (1) (a) deur die Minister aanvaar is, waarvan 'n afskrif by die sertifikaat aangeheg moet wees, die konstitusie van die komitee is.

(2) Die sertifikaat bedoel in subregulasie (1) moet aan die voorsitter van die komitee oorhandig word vir veilige bewaring deur die komitee.

(3) 'n Besluit geneem by 'n spesiale vergadering van 'n komitee om die konstitusie bedoel in subregulasie (1) te wysig met betrekking tot 'n aangeleentheid vermeld in regulasie 5 (4) (a), (b) of (c) (i) of (ii) of (g) (vii) of (viii), het geen regsrag nie tensy kennisgewing van die voorgestelde wysiging skriftelik aan die toepaslike Streekdirekteur gegee is deur die betrokke komitee, minstens 30 dae voor die datum wat vasgestel is vir die spesiale vergadering waarop die voorgestelde wysiging oorweeg staan te word deur die betrokke gemeenskap en die komitee voor die bedoelde vergadering verwittig is dat die voorgestelde wysiging vir die Minister aanvaarbaar is.

Bevoegdhede van komitees

9. (1) 'n Komitee is behoudens die bepalings van die Wet, hierdie regulasies en sy konstitusie, bevoeg—

(a) om enige waterwerk of ander fasiliteit te hou of andersins te verkry en te bedryf en in stand te hou vir of in verband met die lewering van 'n water-verskaffings- en sanitasiediens;

(b) om 'n reg op 'n voorraad water te bekom vir gebruik vir of in verband met die lewering van 'n water-verskaffings- en sanitasiediens deur die komitee;

(c) om 'n water-verskaffings- en sanitasiediens te lewer behoudens enige lasgewing deur die Minister uitgereik kragtens artikel 26C (1) van die Wet;

(d) om die verskaffing van water aan enige persoon te onderneem in ooreenstemming met 'n lasgewing deur die Minister uitgereik kragtens artikel 26C (3) van die Wet;

(e) om die onwettige onttrekking van water uit, of die onwettige gebruik van, enige fasiliteit deur die komitee daargestel vir of in verband met die lewering van 'n water-verskaffings- en sanitasiediens of uit enige watervoorraad bedoel in paragraaf (d) te voorkom;

(f) om die verkwing of onvoordelige gebruik van water onder beheer van die komitee te voorkom;

(g) om die werknemers wat die komitee van tyd tot tyd nodig ag aan te stel teen die salarisse, lone en vergoeding en met die regte, voorregte en ander diensvoorwaardes wat die komitee bepaal;

(h) om die dienste van die verteenwoordigers, raadgewers en kontrakteurs te verkry wat die komitee van tyd tot tyd nodig ag;

(i) om die roerende en onroerende eiendom wat die komitee nodig ag by die uitoefening of verrigting van sy bevoegdhede, pligte en werksaam-

mance of its powers, duties and functions and to let, sell or otherwise dispose of property so acquired: Provided that immovable property shall not be bought or otherwise acquired or sold or otherwise disposed of except with the approval of the Minister;

(j) to assess charges at a uniform rate on a basis to be determined from time to time by the committee, in relation to the water supply and sanitation service rendered or to be rendered by the committee: Provided that such charges shall be assessed with due regard to the ability of the community concerned to afford such charges and that revenue resulting from such charges shall not exceed the cost incurred by the committee in the rendering of such service: Provided further that a committee may assess charges at different rates, having due regard to services rendered or contributions made in kind by members of the community, in connection with the rendering of a water supply and sanitation service;

(k) to write-off any charges assessed by it which the committee deems irrecoverable;

(l) to raise money by way of loans or an overdraft from its bankers: Provided that no loan shall be concluded by a committee except with the prior approval of the community by way of a resolution adopted at a special meeting.

(2) A member of a committee shall not—

(a) receive any salary, allowance, fee or reward for, on account of, or by reason of his or her being a member of the committee, except such remuneration or allowances as are provided for in the constitution of the committee to cover expenses incurred by such a member in the performance of the duties of a member;

(b) enter into a contract with the committee, with a value exceeding R1 000 or have a direct interest in such a contract,

except with the prior approval of the Regional Director.

(3) Nothing in subregulation (2) contained shall be construed as preventing a member of a committee from receiving such remuneration as may be agreed upon for services rendered by him or her otherwise than as a member, in connection with the administration of the committee's affairs: Provided that the total amount of such remuneration paid to each member of the committee during a financial year, shall be shown in the financial statements of the committee for that financial year.

Financial year, financial records and annual financial statements of committees

10. (1) The financial year of a committee shall end on a date in each year as determined from time to time by the committee.

(2) A committee shall—

(a) open an account in the name of the committee with any bank contemplated in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), and the

hede te huur, te koop of andersins te verkry en om eiendom wat aldus verkry is, te verhuur, te verkoop of andersins daarvoor te beskik: Met dien verstande dat onroerende eiendom nie gekoop of andersins verkry word of verkoop of andersins oor beskik word nie behalwe met die goedkeuring van die Minister;

(j) om vorderings te hef teen 'n eenvormige tarief op 'n grondslag soos van tyd tot tyd deur die komitee bepaal staan te word, met betrekking tot die waterverskaffings- en sanitasiediens wat deur die komitee gelewer word of gelewer staan te word: Met dien verstande dat sodanige vorderings gehêf word met inagneming van die vermoë van die betrokke gemeenskap om sodanige vorderings te bekostig en dat inkomste verkry uit sodanige vorderings nie die uitgawe aangegaan deur die komitee in die lewering van sodanige diens, mag oorskry nie: Met dien verstande voorts dat 'n komitee vorderings kan hef teen verskillende tariewe met inagneming van dienste gelewer of bydraes *in natura* gemaak deur lede van die gemeenskap in verband met die lewering van 'n waterverskaffings- en sanitasiediens;

(k) om enige vordering deur hom gehêf wat die komitee oninvorderbaar ag, af te skryf; en

(l) om geld op te neem by wyse van lening of 'n oortrekking van sy bankiers: Met dien verstande dat 'n komitee geen lening aangaan nie behalwe met die vooraf goedkeuring van die gemeenskap by wyse van 'n besluit aangeneem by 'n spesiale vergadering.

(2) 'n Lid van 'n komitee—

(a) ontvang nie enige salaris, toelae, fooi of beloning vir, uit hoofde van, of omrede van sy of haar lidmaatskap van die komitee nie uitgesonder sodanige vergoeding of toelae waarvoor in die konstitusie van die komitee voorsiening gemaak word, ter dekking van uitgawes aangegaan deur so 'n lid in die verrigting van die pligte van 'n lid;

(b) sluit nie 'n ooreenkoms of hou regstreeks 'n belang in 'n ooreenkoms met die komitee waarvan die waarde R1 000 oorskry nie,

behalwe met die vooraf goedkeuring van die Streekdirekteur.

(3) Die bepalings van subregulasie (2) word nie so uitgelê nie dat dit 'n lid van 'n komitee verhoed om vergoeding te ontvang waarop ooreengekom is vir dienste deur hom of haar gelewer anders as 'n lid, in verband met die administrasie van die komitee se sake: Met dien verstande dat die totale bedrag van sodanige vergoeding wat gedurende 'n finansiële jaar aan elke lid van die komitee betaal is, in die finansiële state van die komitee vir daardie finansiële jaar getoon moet word.

Finansiële jaar, finansiële aantekeninge en jaarlikse finansiële state van komitees

10. (1) Die finansiële jaar van 'n komitee eindig op 'n dag in elke jaar soos van tyd tot tyd deur die komitee bepaal.

(2) 'n Komitee moet—

(a) 'n rekening in die naam van die komitee oopmaak by enige bank bedoel in artikel 1 van die Bankwet, 1990 (Wet No. 94 van 1990) en die

committee may from time to time close such account and open another such account in which shall be deposited all money received by the committee and from which all payments by or on behalf of the committee, shall be made; and

(b) appoint a person as auditor of the committee: Provided that if the person is not registered as an accountant and auditor in terms of the Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991), the appointment of such person shall be subject to the prior approval of the community in question, by way of a resolution adopted at an annual general meeting or a special meeting.

(3) A committee shall cause full and correct entries to be made of all moneys received and expended by it as well as revenue due to the committee but not yet received and financial obligations incurred by the committee but not yet paid.

(4) A committee shall in respect of each financial year, cause financial statements to be prepared comprising a statement of income and expenditure for the financial year in question and a balance sheet of assets and liabilities reflecting the committee's financial position at the end of that financial year.

(5) The financial statements referred to in subregulation (4) shall—

(a) as soon as possible after the closing of the financial year to which they relate, be audited by the committee's auditor and for this purpose the auditor shall have access to all financial entries and supporting vouchers of the committee; and

(b) after certification by the committee's auditor as a reasonable reflection of the committee's financial transactions for, and the committee's financial position at the end of the financial year in question, be signed by two members of the committee designated by the committee and submitted to the annual general meeting for confirmation.

Annual general meetings and special meetings of committees

11. (1) A committee shall annually within four months after the end of the preceding financial year, convene an annual general meeting at which—

(a) the committee shall report on the activities of the committee during that financial year; and

(b) the financial statements of the committee for that financial year shall be submitted for confirmation.

(2) A committee may at any time if it deems it desirable, and shall whenever required to do so under any provision of these regulations or the constitution of the committee, convene a special meeting: Provided that if not less than the number of members of the community

komitee kan van tyd tot tyd sodanige rekening sluit en 'n ander sodanige rekening oopmaak, waarin alle geld wat deur die komitee ontvang word gedeponeer moet word en waaruit alle betalings deur of ten behoeve van die komitee, gemaak moet word; en

(b) 'n persoon as ouditeur van die komitee aanstel: Met dien verstande dat indien die persoon nie kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991) geregistreer is nie, die aanstelling onderhewig is aan die vooraf goedkeuring van die betrokke gemeenskap by wyse van 'n besluit aangeneem by 'n jaarlikse algemene vergadering of 'n spesiale vergadering.

(3) 'n Komitee moet toesien dat volledige en korrekte aantekeninge gehou word van alle gelde deur hom ontvang en uitgegee en van alle inkomste aan die komitee verskuldig maar nog nie ontvang nie en finansiële verpligtings deur die komitee aangegaan maar nog nie betaal nie.

(4) 'n Komitee moet ten opsigte van elke finansiële jaar, finansiële state laat opstel bestaande uit 'n staat van inkomste en uitgawe vir die betrokke finansiële jaar en 'n balansstaat van bates en laste wat die komitee se finansiële posisie aan die einde van daardie finansiële jaar weergee.

(5) Die finansiële state bedoel in subregulasie (4) moet—

(a) so gou doenlik na die einde van die finansiële jaar waarop dit betrekking het deur die komitee se ouditeur geouditeer word en vir die doel het die ouditeur volle insae in alle finansiële aantekeninge en stawende bewysstukke van die komitee; en

(b) na sertifisering deur die komitee se ouditeur as 'n getroue weergawe van die komitee se finansiële transaksies vir, en die komitee se finansiële posisie aan die einde van die betrokke finansiële jaar, deur twee lede van die komitee deur die komitee aangewys onderteken word en aan die jaarlikse algemene vergadering voorgelê word vir bevestiging.

Jaarlikse algemene vergaderings en spesiale vergaderings van komitees

11. (1) 'n Komitee moet jaarliks binne vier maande na die einde van die voorafgaande finansiële jaar, 'n jaarlikse algemene vergadering byeenroep waarop—

(a) die komitee verslag moet doen van sy bedrywighede gedurende daardie finansiële jaar; en

(b) die finansiële state van die komitee vir daardie finansiële jaar voorgelê moet word vir bevestiging.

(2) 'n Komitee kan te eniger tyd indien hy dit wenslik ag, en moet wanneer dit uit hoofde van enige bepaling van hierdie regulasies of die konstitusie van die komitee vereis word, 'n spesiale vergadering byeenroep: Met dien verstande dat indien nie minder nie as die

specified for this purpose in the committee's constitution, request the committee to convene a special meeting in order to debate any specified matter, the committee shall convene such meeting: Provided further that the committee may refuse such request if, during the preceding twelve months, a special meeting was convened at which the same or substantially the same matter was debated and dealt with.

Publication of by-laws of committees

12. A copy of each by-law made by a committee regarding a matter referred to in—

(a) section 26E(a), (b), (d), (e) or (f) of the Act shall, during office hours, be open for inspection by any member of the community in question at the office of the committee or, in the case of a committee which does not have an office, on appointment be open for inspection at the place of residence of any member of the committee; and

(b) section 26E (c) of the Act, shall on his assumption of office as a member of the committee, be made available to such member.

Entry upon land

13. (1) The chairperson of a committee and any person authorised thereto in writing by such chairperson may—

(a) after reasonable notice to the owner or occupier of any land, enter upon such land and perform thereon any act as may be necessary for the purpose of—

(i) complying with any provision of these regulations or the constitution or by-laws of the committee; or

(ii) making any enquiry or undertaking any investigation with a view to determining the feasibility of rendering a water supply and sanitation service;

(b) at any time enter upon any land for the purpose of ascertaining whether any provision of a by-law made under section 36E (a) or (b) is being complied with.

(2) In the exercise of a power under subregulation (1) (a), no building or enclosed space attached to a dwelling shall be entered upon, except with the consent of the occupier thereof.

Unlawful use of water supply and sanitation service

14. No person shall—

(a) make use of a water supply and sanitation service rendered by a committee or of any facility provided by a committee for or in connection with such service;

(b) abstract any water under the control of a committee,

in contravention of any by-law of the committee made under section 26E (a) or (b) of the Act.

getal lede van die gemeenskap wat vir hierdie doel in die konstitusie van die komitee vasgestel is, die komitee versoek om 'n spesiale vergadering byeen te roep ten einde 'n vermelde aangeleentheid te bespreek, die komitee so 'n vergadering moet byeenroep: Met dien verstande voorts dat die komitee so 'n versoek kan weier indien, gedurende die voorafgaande twaalf maande, 'n spesiale vergadering byeengeroep is waarop dieselfde of wesenlik dieselfde aangeleentheid bespreek en mee gehandel is.

Publikasie van verordenings van komitees

12. 'n Afskrif van elke verordening deur 'n komitee gemaak met betrekking tot 'n aangeleentheid vermeld in—

(a) artikel 26E(a), (b), (d), (e) of (f) van die Wet, moet gedurende kantoorure beskikbaar wees vir insae deur enige lid van die betrokke gemeenskap by die kantoor van die komitee of, in die geval van 'n komitee wat nie 'n kantoor het nie, op afspraak ter insae wees by die woonplek van enige lid van die komitee; en

(b) artikel 26E (c) van die Wet, by sy of haar ampsaanvaarding as lid van die komitee, aan sodanige lid beskikbaar gestel word.

Betreding van grond

13. (1) Die voorsitter van 'n komitee en enige persoon wat skriftelik daartoe gemagtig is deur sodanige voorsitter kan—

(a) na redelike kennisgewing aan die eienaar of okkupeerder van enige grond, daardie grond betree en daarop enige handeling verrig wat nodig is vir die doeleindes van—

(i) voldoening aan enige bepaling van hierdie regulasies of die konstitusie of verordeninge van die komitee; of

(ii) die rig van enige navraag of die doen van enige ondersoek ten einde die uitvoerbaarheid te bepaal van die lewering van 'n waterverskaffings- en sanitasiediens;

(b) te eniger tyd enige gronde betree ten einde vas te stel of enige bepaling van 'n verordening uit hoofde van artikel 26E (a) of (b) aan voldoen word.

(2) By die uitoefening van 'n bevoegdheid uit hoofde van subregulasie (1) (a) mag geen gebou of omslote ruimte verbonde aan 'n woning betree word nie, behalwe met die instemming van die okkupeerder daarvan.

Wederregtelike gebruik van waterverskaffings- en sanitasiediens

14. Niemand mag—

(a) 'n waterverskaffings- en sanitasiediens gelewer deur 'n komitee of enige fasiliteit deur 'n komitee vir of in verband met sodanige diens daargestel gebruik nie;

(b) water onder beheer van 'n komitee onttrek nie,

in stryd met enige verordening deur die komitee gemaak uit hoofde van artikel 26E (a) of (b) van die Wet.

Attendance of meetings by officers of the Department and returns to be submitted to the Department

15. (1) Any officer of the Department or, on such conditions as may be agreed upon, any other person, designated by the Director-General, shall be entitled to attend any meeting of a committee and any annual general meeting or special meeting and to participate in the business dealt with at such meeting but shall not be entitled to cast a vote on any matter.

(2) The chairperson of a committee shall cause—

(a) a copy of the financial statements signed by two members of the committee in accordance with regulation 10 (5) (b);

(b) a copy of the minutes of each annual general meeting and special meeting contemplated in regulation 11; and

(c) a copy of any by-law of the committee contemplated in regulation 12 and any amendment thereof,

to be submitted to the Regional Director within 21 days from the date on which it becomes available.

Investigation into the affairs of committees by officers of the Department

16. (1) The Minister may, in the event that—

(a) at an annual general meeting or a special meeting, the financial statements of the committee are not confirmed or, as the case may be, a motion of no confidence in a committee is accepted; or

(b) he or she is of the opinion that the powers, duties or functions of a committee are not properly exercised or performed, or that there is reason to suspect that a member or an officer or employee of a committee is conducting himself or herself improperly in the exercise or performance of his or her powers, duties or functions; or

(c) he or she is of the opinion that consideration should be given to the rendering of a water supply and sanitation service to the community in question by a local authority.

designate an officer of the Department or, on such terms and conditions as may be agreed upon, any other person, to investigate the affairs of the committee and to report to the Minister thereon.

(2) For the purposes of an investigation contemplated in subregulation (1), the officer or other person concerned shall have free and unhindered access to any property of the committee and to any books or other documents of the committee and he or she may make such enquiries or take such statements from any person as he or she deems necessary.

(3) If the Minister, after consideration of the report of an officer or other person contemplated in subregulation (1) and any representations made by the committee or the local authority in question or a member of that committee or of the community in question, is convinced that it is desirable, the Minister may—

(a) by notice in writing to all the members of that committee, terminate the period of office of any or all of the members with effect from a date men-

Bywoning van vergaderings deur beamptes van die Departement en opgewas wat aan die Departement voorgelê moet word

15. (1) Enige beampte van die Departement of, op die voorwaardes waarop ooreengekom word, enige ander persoon, deur die Direkteur-generaal aangewys, is daarop geregtig om enige vergadering van 'n komitee en enige jaarlikse algemene vergadering of spesiale vergadering by te woon en aan die verrigtinge by sodanige vergadering deel te neem maar is nie daarop geregtig om 'n stem oor enige aangeleentheid uit te bring nie.

(2) Die voorsitter van 'n komitee moet toesien dat—

(a) 'n afskrif van die finansiële state ooreenkomstig regulasie 10 (5) (b) deur twee lede van die komitee onderteken;

(b) 'n afskrif van die notule van elke jaarlikse algemene vergadering en spesiale vergadering bedoel in regulasie 11; en

(c) 'n afskrif van enige verordening van die komitee bedoel in regulasie 12 en enige wysiging daarvan,

binne 21 dae vanaf die datum waarop dit beskikbaar raak, aan die Streekdirekteur voorgelê word.

Ondersoek na die sake van komitees deur beamptes van die Departement

16. (1) Die Minister kan, indien—

(a) by enige jaarlikse algemene vergadering of 'n spesiale vergadering, die finansiële state van die komitee nie bevestig word nie of, na gelang van die geval, 'n mosie van wantroue in die komitee aanvaar word; of

(b) hy of sy van oordeel is dat die bevoegdhede, pligte of werksaamhede van die komitee nie na behore uitgeoefen of verrig word nie, of dat daar rede is om te vermoed dat 'n lid of 'n beampte of werknemer van 'n komitee homself of haarself onbehoorlik gedra in die uitoefening of verrigting van sy of haar bevoegdhede, pligte of werksaamhede; of

(c) hy of sy van oordeel is dat oorweging verleen behoort te word aan die lewering van 'n water-verskaffings- en sanitasiediens ten opsigte van die betrokke gemeenskap deur 'n plaaslike owerheid,

'n beampte van die Departement, of op die bedinge en voorwaardes waarop ooreengekom word, enige ander persoon aanwys om die sake van die komitee te ondersoek en daarvoor aan die Minister verslag te doen.

(2) Vir die doeleindes van 'n ondersoek bedoel in subregulasie (1), het die betrokke beampte of persoon vrye en onbelemmerde toegang tot enige eiendom van die komitee en tot enige boeke of ander dokumente van die komitee en hy of sy kan die navrae doen en die verklarings by enige persoon afneem wat hy of sy nodig ag.

(3) Indien die Minister, na oorweging van 'n verslag van 'n beampte of ander persoon bedoel in subregulasie (1) of enige vertoë deur die komitee gerig of deur 'n betrokke plaaslike owerheid of deur 'n lid van die komitee of van die betrokke gemeenskap, van oordeel is dat dit wenslik is, kan die Minister—

(a) by skriftelike kennisgewing aan al die lede van daardie komitee, die ampstermyn van enige of al die lede beëindig vanaf 'n datum vermeld in die

tioned in the notice and, in the event that the period of office of all the members is terminated, direct the Director-General to cause a public meeting of the community in question to be convened for the election of new members of that committee; or

(b) by notice in writing to the committee, make known his intention to disestablish the committee in terms of section 26C (5) of the Act and his intentions regarding the future rendering of a water supply and sanitation service to the community in question, as more fully provided for in regulation 17.

Winding up of the affairs of committees and disestablishment of committees

17. (1) If the Minister gives notice under regulation 16 (3) (b) of his intention to disestablish a committee, the Director-General shall, by notice in writing to each member of the committee, terminate the period of office of all the members of the committee and, as the case may be—

(a) cause such steps to be taken as he or she deems necessary, to enable the Minister to render or cause to be rendered under section 26B of the Act, the water supply and sanitation service being rendered by the committee, which steps may include the transfer to the State of any assets of the committee, in which event, the liabilities of the committee shall be met from funds appropriated by Parliament for the purpose; or

(b) cause such steps to be taken as he or she deems necessary, to terminate the water supply and sanitation service rendered by the committee and to arrange, in collaboration with all the creditors of the committee, for the liquidation of the assets of the committee to the best advantage of such creditors; or

(c) cause such steps to be taken as he or she deems necessary, to enable the local authority involved to render the water supply and sanitation service rendered by the committee, which steps may include the transfer to and the take-over by the said local authority of all the assets and liabilities of the committee.

(2) After complying with the requirements of sub-regulation (1), the committee shall in terms of section 26C (5) of the Act be disestablished by notice in the *Gazette*.

kennisgewing en, indien die ampstermyn van al die lede beëindig word, die Direkteur-generaal opdrag gee om 'n openbare vergadering van die betrokke gemeenskap byeen te roep vir die verkiesing van nuwe lede van die komitee; of

(b) by skriftelike kennisgewing aan die komitee, sy voorneme bekend maak om die komitee kragtens artikel 26C (5) van die Wet af te skaf en sy voornemens met betrekking tot die toekomstige lewering van 'n waterverskaffings- en sanitasiediens aan die betrokke gemeenskap soos meer volledig voorsiening voor gemaak word in regulasie 17.

Afhandeling van die sake van komitees en die afskaffing van komitees

17. (1) Indien die Minister uit hoofde van regulasie 16 (3) (b) kennis gegee het van sy voorneme om 'n komitee af te skaf, moet die Direkteur-generaal, by skriftelike kennisgewing aan elke lid van die komitee, die ampstermyn van al die lede van die komitee beëindig en, na gelang van die geval—

(a) die stappe laat doen wat hy of sy nodig ag ten einde die water verskaffings- en sanitasiediens wat deur die komitee gelewer word, uit hoofde van artikel 26B deur of ten behoeve van die Minister te laat lewer, welke stappe kan insluit, die oordrag van alle bates van die komitee aan die Staat, in welke geval, die laste van die komitee afgelos word uit gelde vir die doel deur die Parlement bewillig; of

(b) die stappe laat doen wat hy of sy nodig ag ten einde die waterverskaffings- en sanitasiediens wat deur die komitee gelewer word te staak en in medewerking met al die krediteure van die komitee, reëlins te tref vir die tegeldemaking van al die bates van die komitee tot die beste voordeel van sodanige krediteure; of

(c) die stappe laat doen wat hy of sy nodig ag ten einde die betrokke plaaslike owerheid in staat te stel om die waterverskaffings- en sanitasiediens wat deur die komitee gelewer word, te lewer, welke stappe kan insluit, die oordrag aan en die aanvaarding van die bates en laste van die komitee deur die genoemde plaaslike owerheid.

(2) Na voldoening aan die vereistes van subregulasie (1), word die komitee kragtens artikel 26C (5) van die Wet by kennisgewing in die *Staatskoerant* afgeskaf.

IMPORTANT ANNOUNCEMENT

*Closing times **PRIOR TO PUBLIC HOLIDAYS** for*

LEGAL NOTICES
GOVERNMENT NOTICES **1995**

*The closing time is **15:00** sharp on the following days:*

- ▶ **3 August, Thursday, for the issue of Friday 11 August**
- ▶ **21 September, Thursday, for the issue of Friday 29 September**
- ▶ **20 December, Wednesday, for the issue of Friday 29 December**
- ▶ **28 December, Thursday, for the issue of Friday 5 January 1996**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

*Sluitingstye **VOOR VAKANSIEDAE** vir*

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1995**

*Die sluitingstyd is stiptelik **15:00** op die volgende dae:*

- ▶ **3 Augustus, Donderdag, vir die uitgawe van Vrydag 11 Augustus**
- ▶ **21 September, Donderdag, vir die uitgawe van Vrydag 29 September**
- ▶ **20 Desember, Woensdag, vir die uitgawe van Vrydag 29 Desember**
- ▶ **28 Desember, Donderdag, vir die uitgawe van Vrydag 5 Januarie 1996**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

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