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STAATSKOERANT

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 699.

31 Maart 1980.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 24 van 1980: Wet op die Suid-Afrikaanse Kleurlingraad, 1980.

No. 699.

31 March 1980.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 24 of 1980: South African Coloured Persons Council Act, 1980.

Wet No. 24, 1980

WET OP DIE SUID-AFRIKAANSE KLEURLINGRAAD, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om vir 'n Suid-Afrikaanse Kleurlingraad voorsiening te maak en sy bevoegdhede en pligte te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Maart 1980.)*

Aanhel.

NADEMAAL die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika by die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), ingestel is;

EN NADEMAAL die lede van die regerende party in genoemde Raad en van die party in opposisie teen die regerende party in genoemde Raad, en ook ander lede van genoemde Raad begerig is dat dié Raad ontbind word en nie weer kragtens genoemde Wet saamgestel word nie;

EN NADEMAAL, indien genoemde Raad ontbind word, dit wenslik is om ander voorsiening te maak:

WORD DAAR DERHALWE BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Instelling van Suid-Afrikaanse Kleurlingraad.

1. (1) Hierby word 'n raad ingestel bekend as die Suid-Afrikaanse Kleurlingraad (hieronder die Kleurlingraad genoem), wat bestaan uit die getal lede, maar hoogstens 30, wat deur die Staatspresident benoem word. 5

(2) Niemand anders as 'n Kleurling mag tot lid van die Kleurlingraad benoem word nie.

(3) Ondanks andersluidende bepalings van die een of ander wet kan iemand wat in die diens is van die Staat (met inbegrip van die Spoorweg- en Haweadministrasie en die Departement van Pos- en Telekommunikasiewese) of van 'n raad of liggaam wat by of kragtens 'n wet ingestel is en wie se fondse in die geheel of ten dele bestaan uit geld wat die Parlement ten bate van dié raad of liggaam bewillig het, tot lid van die Kleurlingraad benoem word, en die voorwaardes in subartikel (4) bedoel, kan met so 'n benoeming in verband staan. 10

(4) 'n Lid van die Kleurlingraad beklee sy amp vir die tydperk en op die voorwaardes wat die Staatspresident ten tyde van sy benoeming bepaal: Met dien verstande dat sodanige tydperk nie strek tot 'n datum na 1 April 1982 nie. 20

(5) By die toepassing van hierdie artikel beteken „Kleurling” dieselfde as in die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964). 25

Uitvoerende bestuur.

2. (1) Daar is 'n uitvoerende bestuur van die Kleurlingraad wat bestaan uit—

(a) 'n Administrateur van Kleurlingsake, wat voorsitter van die uitvoerende bestuur is; en

SOUTH AFRICAN COLOURED PERSONS COUNCIL ACT, 1980

Act No. 24, 1980

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for a South African Coloured Persons Council and to determine its powers and duties; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 27 March 1980.)*

WHEREAS the Coloured Persons Representative Council of the Republic of South Africa was established by the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964); Preamble.

AND WHEREAS the members of the governing party in the said Council and of the party in opposition to the governing party in the said Council, and also other members of the said Council are desirous that that Council be dissolved and not be constituted again under the said Act;

AND WHEREAS, if the said Council is dissolved, it is desirable to make other provision:

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) There is hereby established a council to be known as the South African Coloured Persons Council (hereinafter referred to as the Coloured Persons Council), which shall consist of so many members, but not exceeding 30, as may be nominated by the State President. Establishment of South African Coloured Persons Council.

(2) No person other than a Coloured person shall be nominated as a member of the Coloured Persons Council.

(3) Notwithstanding anything to the contrary in any law contained, any person in the service of the State (including the Railways and Harbours Administration and the Department of Posts and Telecommunications) or of any board or body which has been established by or under any law and whose funds consist wholly or partly of moneys appropriated by Parliament in aid of such board or body, shall be capable of being nominated as a member of the Coloured Persons Council, and the conditions referred to in subsection (4) may have a bearing on any such nomination.

(4) A member of the Coloured Persons Council shall hold office for such period and on such conditions as the State President may determine at the time of his nomination: Provided that such period shall not extend to a date after 1 April 1982.

(5) For the purposes of this section "Coloured person" has the meaning assigned to it in the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964).

2. (1) There shall be an executive of the Coloured Persons Council consisting of— Executive.

(a) an Administrator of Coloured Affairs, who shall be chairman of the executive; and

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uitgelê) word geag 'n verwysing na onderskeidelik die Sekretaris van Kleurlingbetrekkings en die Departement van Kleurlingbetrekkings te wees.

Uitleg van
artikel 17 van
Wet 49 van 1964.

6. Tot die datum ingevolge artikel 4 (2) bepaal, word paragraaf (b) van subartikel (6) van artikel 17 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), geag soos volg te lui:

„(b) Behalwe in die geval van die voorsitter, aan wie die behartiging van finansies hierby opgedra word, wys die Staatspresident ten opsigte van elk van die oorige aangeleenthede in paragraaf (a) bedoel een van die lede van die uitvoerende bestuur aan om namens dié bestuur en onder sy opdrag die bevoegdhede uit te oefen en die werksaamhede en pligte te verrig wat met daardie aangeleenthede in verband staan.”.

Wetgewende
bevoegdheid.

7. (1) Tot die datum ingevolge artikel 4 (2) bepaal, geld die bepalinge van artikels 21 (1), 23, 24 en 25 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), nie met betrekking tot die Kleurlingraad nie.

(2) Die Kleurlingraad kan enige wetsontwerp ten opsigte van enige onderwerp wat deur die Minister van Kleurlingbetrekkings na die Kleurlingraad vir kommentaar verwys word, oorweeg en aan dié Minister sy kommentaar of aanbevelings daaromtrent verstrek.

(3) Behoudens die bepalinge van hierdie artikel en op aanbeveling van die Kleurlingraad ingevolge subartikel (2), kan die Staatspresident tot die datum in subartikel (1) bedoel by proklamasie in die *Staatskoerant* wette maak ten opsigte van enige onderwerp wat val binne 'n aangeleentheid bedoel in artikel 17 (6) (a) van die Wet op die Verteenwoordigende Kleurlingraad, 1964.

(4) Indien die Staatspresident van voorneme is om so 'n wet te maak, word 'n afskrif van die betrokke voorgename proklamasie in die Senaat en in die Volksraad ter Tafel gelê, en bly dit op bedoelde Tafels vir 'n tydperk van minstens 14 agtereenvolgende dae.

(5) Indien die Senaat en die Volksraad so 'n voorgename proklamasie nie afkeur nie, kan die Staatspresident die betrokke wet sonder wesenlike wysigings by proklamasie in die *Staatskoerant* afkondig.

(6) So 'n wet het regskrag alleen solank en vir sover dit nie met 'n Wet van die Parlement in stryd is nie.

Wysiging van
artikel 22 van
Wet 49 van 1964,
soos vervang deur
artikel 16 van
Wet 52 van 1968
en gewysig deur
artikel 24 van
Wet 101 van 1969,
artikel 4 van
Wet 87 van 1970,
artikel 6 van
Wet 99 van 1972,
artikel 30 van
Wet 62 van 1973,
artikel 1 van
Wet 32 van 1975
en artikel 52 van
Wet 66 van 1975.

8. Artikel 22 van die Wet op die Verteenwoordigende Kleurlingraad, 1964, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Die begroting van uitgawes van die Raad word deur die uitvoerende bestuur opgestel vir voorlegging aan die Minister, wat, in oorleg met die Minister van Finansies, 'n bedrag bepaal wat, ter bestryding van daardie uitgawes, aan die Parlement vir bewilliging voorgelê sal word, en die begroting van uitgawes van die Raad word daarna deur die voorsitter van die uitvoerende bestuur aan die Raad voorgelê vir bespreking van die onderskeie begrotingsposte en vir beskikbaarstelling, by besluit, van gelde vir die dienste in laasgenoemde begroting vermeld: Met dien verstande dat die Raad, by verdere besluit, die voorsitter van die uitvoerende bestuur kan magtig om virement toe te pas vir die doeleindes wat dienstig geag word.”.

Kort titel en in-
werkingtrekking.

9. Hierdie Wet heet die Wet op die Suid-Afrikaanse Kleurlingraad, 1980, en tree op 1 April 1980 in werking.

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Representative Council Act, 1964 (Act No. 49 of 1964), shall be construed as a reference to the Secretary for Coloured Relations and the Department of Coloured Relations, respectively.

6. Until such date as may be fixed in terms of section 4 (2), paragraph (b) of subsection (6) of section 17 of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), shall be deemed to read as follows: Construction of section 17 of Act 49 of 1964.

“(b) Except in the case of the chairman, to whom the management of finance is hereby assigned, the State President shall in respect of each of the remaining matters referred to in paragraph (a) designate one of the members of the executive to exercise and perform on behalf of the executive and under its directions the powers, functions and duties incidental to the matter in question.”.

7. (1) Until such date as may be fixed in terms of section 4 (2), the provisions of sections 21 (1), 23, 24 and 25 of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), shall not apply with reference to the Coloured Persons Council. Legislative power.

(2) The Coloured Persons Council may consider any bill, in respect of any subject, which is referred by the Minister of Coloured Relations to the Coloured Persons Council for comment, and furnish that Minister with its comment or recommendations concerning it.

(3) Subject to the provisions of this section and on the recommendation of the Coloured Persons Council in terms of subsection (2), the State President may until the date referred to in subsection (1) make laws by proclamation in the *Gazette* in respect of any subject falling within any matter referred to in section 17 (6) (a) of the Coloured Persons Representative Council Act, 1964.

(4) If the State President intends to make any such law, a copy of the proposed proclamation concerned shall be laid on the Tables of the Senate and of the House of Assembly, and shall remain on the said Tables for a period of not less than 14 consecutive days.

(5) If the Senate and the House of Assembly do not disapprove of any such proposed proclamation, the State President may by proclamation in the *Gazette* publish the law concerned without material amendments.

(6) Any such law shall have the force of law as long and as far only as it is not repugnant to any Act of Parliament.

8. Section 22 of the Coloured Persons Representative Council Act, 1964, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 22 of Act 49 of 1964, as substituted by section 16 of Act 52 of 1968 and amended by section 24 of Act 101 of 1969, section 4 of Act 87 of 1970, section 6 of Act 99 of 1972, section 30 of Act 62 of 1973, section 1 of Act 32 of 1975 and section 52 of Act 66 of 1975.

“(a) The estimates of expenditure by the Council shall be prepared by the executive for submission to the Minister who shall, in consultation with the Minister of Finance, determine the amount for defraying that expenditure which shall be submitted to Parliament for appropriation, and the estimates of expenditure of the Council shall thereafter be submitted by the chairman of the executive to the Council for a discussion of the several votes and for the appropriation, by resolution, of moneys for the services specified in the last-mentioned estimates: Provided that the Council may by further resolution empower the chairman of the executive to apply virement for such purposes as are deemed expedient.”.

9. This Act shall be called the South African Coloured Persons Council Act, 1980, and shall come into operation on 1 April 1980. Short title and commencement.

