



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

PRICE + 1c GST 20c PRYS + 1c AVB

Registered at the Post Office as a Newspaper ABROAD 30c BUITELANDS As 'n Nuusblad by die Poskantoor Geregistreer
POST FREE · PÓSVRY

Vol. 184]

PRETORIA, 31 OCTOBER 1980
OKTOBER 1980

[No. 7281

GENERAL NOTICE

NOTICE 775 OF 1980

**DEPARTMENT OF CO-OPERATION AND
DEVELOPMENT**

**BLACK COMMUNITY DEVELOPMENT
BILL**

The following Draft Bill is hereby published for general information and comment.

Any comment or representations thereon should be forwarded to the Director-General of Co-operation and Development P.O. Box 384, Pretoria, 0001, within 14 days of publication hereof.

BILL

To amend the Black Administration Act, 1927, so as to further regulate the prohibition of acts intended to cause hostility between population groups; to amend the Black Affairs Administration Act, 1971, so as to provide for the reconstitution and more effective functioning of development boards and the redefinition of their powers and functions; to amend the Contributions in respect of Black Labour Act, 1972, so as to effect certain consequential amendments; to amend the Second Black Laws Amendment Act, 1978, so as to change the official title or name of certain holders of office and institutions; to amend the Borders of Particular States Extension Act, 1980, so as to further regulate the transfer of rights in respect of certain land; to repeal certain laws; and to provide for matters connected therewith.

Introduced by the Minister of Co-operation and Development.

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows:

Amendment of section 29 of Act 38 of 1927, as amended by section 4 of Act 79 of 1957 and section 3 of Act 70 of 1974

ALGEMENE KENNISGEWING

KENNISGEWING 775 VAN 1980

**DEPARTEMENT VAN SAMEWERKING
EN ONTWIKKELING**

**WETSONTWERP OP SWART GEMEENSKAPS-
ONTWIJKELING**

Die volgende Konsepwetsontwerp word hierby vir algemene inligting en vir kommentaar gepubliseer.

Kommentaar op die Wetsontwerp of vertoë daaromtrent, moet binne 14 dae na publikasie hiervan aan die Direkteur-generaal van Samewerking en Ontwikkeling, Posbus 384, Pretoria, 0001, gestuur word.

WETSONTWERP

Tot wysiging van die Swart Administrasie Wet, 1927, ten einde die verbod op handelinge wat daarop gemik is om vyandskap tussen bevolkingsgroepe te veroorsaak, verder te reël; tot wysiging van die Wet op die Administrasie van Swart Sake, 1971, ten einde voorsiening te maak vir die hersamestelling en doeltreffender werking van ontwikkelingsrade en die heromskrywing van hul bevoegdhede en werksamhede; tot wysiging van die Wet op Bydraes ten opsigte van Swart Arbeid, 1972, ten einde sekere gevoldlike wysigings aan te bring; tot wysiging van die Tweede Wysigingswet op Swart Wetgewing, 1978, ten einde die ampstittel of naam van sekere ampsbekleers en instellings te verander; tot wysiging van die Wet op die uitbreiding van Grense van Bepaalde State, 1980, ten einde die oordrag van regte ten opsigte van sekere grond verder te reël; tot herroeping van sekere wette; en om vir verbandhoudende aangeleenthede voorsiening te maak.

*Ingedien deur die Minister van Samewerking en
Ontwikkeling*

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 29 van Wet 38 van 1927, soos gewysig deur artikel 4 van Wet 79 van 1957 en artikel 3 van Wet 70 van 1974

1. Section 29 of the Black Administration Act, 1927 (Act 38 of 1927), is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person who utters any words or [does] performs any other act or thing whatever with intent to [promote any feeling] cause, encourage or foment feelings of hostility between [Blacks and Europeans], different population groups of the Republic shall be guilty of an offence and liable on conviction to [imprisonment for a period not exceeding one year or to a fine of one hundred pounds, or both] a fine not exceeding two thousand rand or in default of payment to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.";

(b) by the substitution in subsection (2) for the ultimate paragraph of the following paragraph:

"If any magistrate before whom any such case is brought is satisfied that it is anything which may reasonably be calculated to cause or promote any feeling of hostility between [Blacks and Europeans] different population groups of the Republic he may by writing authorize the destruction thereof or its confiscation to the [Crown] State but no such order shall be carried into effect until a period of one month has elapsed after the date of such order and the decision of the magistrate in that behalf shall be subject to review.";

Amendment of section 1 of Act 45 of 1971, as amended by section 25 of Act 70 of 1974.

2. Section 1 of the Black Affairs Administration Act, 1971 (Act 45 of 1971) (hereinafter referred to as the principal Act) is hereby amended—

(a) by the substitution for the definition of "Black" of the following definition:

"Black" means a person who is a [Black within the meaning of the Population Registration Act, 1950 (Act No. 30 of 1950), and for the purpose of the exercise of powers or the performance of functions by a board in terms of any law, includes a person who is a Black in terms of such law] member of the Black group as defined in section 12 (1) (b) of the Group Areas Act, 1966 (Act 36 of 1966);";

(b) by the substitution for the definition of "board" of the following definition:

"'board' means [an Administration] a development board established by section 2;";

(c) by the insertion of the following definition after the definition of "board":

"'local authority' includes any council referred to in the Black Community Development Act, 1981, and any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);".

Amendment of section 2 of Act 45 of 1971

3. Section 2 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) (a) The Minister may by notice in the Gazette declare any area outside the national states to be [a Black Affairs] an administration area with effect from such date as may be specified in the notice and may by like notice exclude any area from

1. Artikel 29 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), word hierby gewysig—

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

"(1) Elkeen wat woorde uit of enige ander handeling of ding [doen] verrig met die doel om vyandige gevoelens tussen [Swartes en blanke] verskillende bevolkingsgroep in die Republiek te [bevorder] veroorsaak, aan te moedig of aan te stook is skuldig aan 'n misdryf en by veroordeling strafbaar met [gevangenisstraf van hoogstens een jaar of met 'n boete van honderd pond of met albei] 'n boete van hoogstens tweeduiseend rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.";

(b) deur die laaste paragraaf van subartikel (2) deur die volgende paragraaf te vervang:

"Indien 'n landdros voor wie [sulk] so 'n saak gebring word oortuig is dat dit iets is wat redelik verwag kan word om vyandige gevoelens tussen [Swartes en blanke] verskillende bevolkingsgroep in die Republiek te bevorder mag hy skriftelik die vernietiging van verbeuring daarvan aan die [Kroon] Staat magtig maar geen sodanige bevel word uitgevoer voor 'n tydperk van een maand na die datum van sodanige bevel verloop is en die beslissing van die landdros in die opsig is vatbaar vir hersiening."

Wysiging van artikel 1 van Wet 45 van 1971, soos gewysig deur artikel 25 van Wet 70 van 1974

2. Artikel 1 van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971) (hierna die Hoofwet genoem) word hierby gewysig—

(a) deur die woordomskrywing van "Swarte" deur die volgende woordomskrywing te vervang:

"'Swarte' iemand wat 'n [Swarte binne die bedoeling van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), is en, vir die doel van die uitoefening van bevoegdhede of die verrigting van werksaamhede ingevolge 'n wet deur 'n raad, ook iemand wat ingevolge sodanige wet 'n Swarte is] lid is van die Swart groep soos omskryf in artikel 12 (1) (b) van die Groepsgebiedewet, 1966 (Wet 36 van 1966);";

(b) deur die woordomskrywing van "raad" deur die volgende woordomskrywing te vervang:

"'raad' 'n [Administrasieraad] ontwikkelingsraad wat by artikel 2 ingestel is;";

(c) deur die volgende woordomskrywing na die woordomskrywing van "Minister" in te voeg:

"'plaaslike bestuur' ook 'n raad waarna in die Wet op Swart Gemeenskapsontwikkeling, 1981, verwys word en 'n inrigting of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), bedoel";.

Wysiging van artikel 2 van Wet 45 van 1971

3. Artikel 2 van die Hoofwet word hierby gewysig—

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

"(1) (a) Die Minister kan by kennisgewing in die Staatskoerant enige gebied buite die nasionale state met ingang van die datum in die kennisgewing vermeld, 'n [Swart Sakeadministrasiegebied] administrasiegebied verklaar en kan by soortgelyke kennisgewing 'n gebied uit 'n raad se regsgebied sny of

any board's administration area or include any board's administration area or any portion thereof in the administration area of any other board.

(b) Any such area may include the area or any portion of the area under the jurisdiction of an urban local authority or of a local authority referred to in section 11 [(1) (e) (i) (aa) or (bb) but no such area or such portion thereof shall be included therein except after consultation with the urban local authority or local authority concerned] but where a council referred to in the Black Community Development Act, 1981, is likely to be affected, no such area or portion thereof shall be included therein except after consultation with that council.

(c) For every such [Black Affairs] administration area there shall be a board to be known as [an Administration] a development board which shall in relation to that area exercise the powers and perform the functions and duties conferred or imposed upon such a board by or under this Act.”;

(b) by the deletion of the proviso to subsection (3);

(c) by the substitution for subsection (4) of the following subsection:

“(4) Any urban local authority, local authority or local government body referred to or contemplated in section 11 [(1) (e) (i) (aa), (bb) or (dd) or 11 (1) (e) (ii)] shall not be divested of any of its powers in respect of any portion of the area under its jurisdiction for which a board is established in terms of this Act, except in so far as such powers are by or under this Act vested in such board.”.

Amendment of section 3 of Act 45 of 1971, as amended by section 16 of Act 7 of 1973 and section 29 of Act 4 of 1976

4. Section 3 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A board shall consist of a chairman to be appointed by the Minister and six other members so appointed, of whom—

(a) one shall have a wide knowledge of or experience in local government;

(b) one shall have a wide knowledge of or experience in town and regional development;

(c) one shall have a wide knowledge of or experience in commerce or industries or in financial affairs;

(d) one shall have a wide knowledge of or experience in farming or in rural development;

(e) one shall be a person in the full-time employment of the State.”;

(b) by the deletion of subsections (2) and (3);

(c) by the substitution for subsection (5) of the following subsection:

“(5) The Minister shall designate one of the members of a board referred to in subsection (1) (a), (b), [or] (c) or (d) to be vice-chairman thereof.”;

(d) by the insertion of the following subsection after subsection (6):

“(7) Notwithstanding anything to the contrary in this section contained, a board may co-opt any person on an ad hoc basis to serve on or to attend

‘n raad se administrasiegebied of ‘n gedeelte daarvan in die administrasiegebied van ‘n ander raad insluit.

(b) So ‘n gebied kan die regsgebied of ‘n deel van die regsgebied van ‘n in artikel 11 [(1) (e) (aa) of (bb)] genoemde stedelike plaaslike bestuur of plaaslike bestuur insluit, [maar geen sodanige gebied of sodanige deel daarvan mag daarin opgeneem word nie behalwe na oorlegpleging met die betrokke stedelike plaaslike bestuur of plaaslike bestuur] dog indien ‘n bestuur in die Wet op Swart Gemeenskapsontwikkeling, 1981, bedoel moontlik geraak sou word, word so ‘n gebied of deel daarvan nie daarby ingesluit nie behalwe na raadpleging met daardie bestuur.

(c) Vir elke sodanige [Swart Sakeadministrasiegebied] administrasiegebied is daar ‘n raad bekend as ‘n [Administrasieraad] ontwikkelingsraad wat met betrekking tot daardie gebied die bevoegdhede uitoefen en die werksaamhede en pligte verrig wat by of kragtens hierdie Wet aan so ‘n raad verleen of opgedra word.”;

(b) deur die voorbehoudsbepaling van subartikel (3) te skrap;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ‘n Stedelike plaaslike bestuur, plaaslike bestuur of plaaslike bestuursliggaam wat in artikel 11 [(1) (e) (i) (aa), (bb) of (dd) of 11 (1) (e) (ii)] genoem of beoog word, word nie onthet van enige van sy bevoegdhede ten opsigte van ‘n deel van sy regsgebied waarvoor ‘n raad ingevolge hierdie Wet ingestel is nie, behalwe vir sover sodanige bevoegdhede by of kragtens hierdie Wet in daardie raad gevestig is.”.

Wysiging van artikel 3 van Wet 45 van 1971, soos gewysig deur artikel 16 van Wet 7 van 1973 en artikel 29 van Wet 4 van 1976

4. Artikel 3 van die Hoofwet word hierby gewysig—

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

“(1) ‘n Raad bestaan uit ‘n voorsitter deur die Minister aangestel en ses lede aldus aangestel, van wie—

(a) een ‘n wye kennis het van of ondervinding het in plaaslike bestuur;

(b) een ‘n wye kennis het van of ondervinding het in stads- en streeksbeplanning;

(c) een ‘n wye kennis het van of ondervinding het in handel of nywerheid of in finansiële aangeleenthede;

(d) een ‘n wye kennis het van of ondervinding het in landbou of in landelike ontwikkeling;

(e) een in die heeltydse diens van die Staat is.”;

(b) deur subartikels (2) en (3) te skrap;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Minister wys een van die in subartikel (1) (a), (b), [of] (c) of (d) genoemde lede van ‘n raad aan om ondervoorsitter daarvan te wees.”;

(d) deur die volgende subartikel na subartikel (6) in te voeg:

“(7) Ondanks ‘n andersluidende bepaling in hierdie artikel, kan die raad iemand op ‘n ad hoc basis koöpteer om te dien op of om ‘n vergadering

any meeting of the board or of any committee thereof, if it considers the presence of such person on such board or committee or at such meeting to be in the interests of that board or committee or for the more effective promotion of the objects of the board.”.

Amendment of section 4 of Act 45 of 1971, as amended by section 30 of Act 4 of 1976

5. Section 4 (2) of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) if he resigns or dies or the board is abolished [in terms of section 25];”;

(b) by the substitution for paragraph (d) of the following paragraph:

“(d) except in the case of a member referred to in section 3 (1) [(d)] (e) or his alternate, if he has absented himself from three consecutive meetings of the board without its leave, which shall not be granted for a period exceeding six months in any period of twelve months. [;or]”;

(c) by the deletion of paragraph (e).

Amendment of section 6 of Act 45 of 1971

6. Section 6 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) There shall be payable to a member or an alternate to a member of a board who is not in the full-time employment of the State, *or to any person co-opted in terms of section 3 (7)*, such remuneration and allowances in respect of his services as the Minister may determine.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) A board shall refund to the [Secretary for Plural Relations and Development] *Department of Co-operation and Development*, for the benefit of the State Revenue Fund, any amount paid out of public funds by way of transport and subsistence allowance to a member or an alternate to a member of the board whilst engaged in connection with the business of the board, including any such business entrusted to [the executive committee appointed in terms of section 7 or any committee appointed under section 11] *a committee thereof*.”.

Substitution of section 7 of Act 45 of 1971, as amended by section 17 of Act 7 of 1973

7. The following section is hereby substituted for section 7 of the principal Act:

“Appointment and powers of committees

7. (1) *A board shall appoint from among its members—*

(a) regional and planning committee which shall interest itself in planning and in community development in the administration area;

(b) a housing committee which shall interest itself in housing administration and general administration by the board in the administration area;

(c) such other committees as it may from time to time consider appropriate.

(2) A person co-opted under this Act to serve on or to attend any meeting of a committee shall have the right to vote on any matter considered at a meeting to which he has been co-opted.

van die raad of 'n komitee daarvan by te woon, indien hy die teenwoordigheid van so iemand op daardie raad of komitee of by daardie vergadering in die belang ag van daardie raad of komitee of vir die doeltreffender bevordering van die oogmerke van die raad.”.

Wysiging van artikel 4 van Wet 45 van 1971, soos gewysig deur artikel 30 van Wet 4 van 1976

5. Artikel 4 (2) van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) indien hy bedank of te sterwe kom of die raad [ingevolge artikel 25] afgeskaf word;”;

(b) deur paragraaf (d) deur die volgende paragraaf te vervang:

“(d) behalwe in die geval van 'n lid in artikel 3 (1) [(d)] (e) genoem of sy plaasvervanger, indien hy van drie agtereenvolgende vergaderings van die raad afwesig was sonder verlof van die raad, wat nie vir 'n langer tydperk as ses maande in 'n tydperk van twaalf maande toegestaan word nie.[: of]”;

(c) deur paragraaf (e) te skrap.

Wysiging van artikel 6 van Wet 45 van 1971

6. Artikel 6 van die Hoofwet word hierby gewysig—

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

“(1) Daar moet aan 'n lid of 'n plaasvervanger van 'n lid van 'n raad, wat nie in die heeltydse diens van die Staat is nie, *of aan iemand wat ingevolge artikel 3 (7) gekoöpteer is*, ten opsigte van sy dienste die besoldiging en toelaes betaal word wat die Minister bepaal.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) 'n Raad moet aan die [Sekretaris van Plurale Betrekkinge en Ontwikkeling] *Departement van Samewerking en Ontwikkeling* ten bate van die Gekonsolideerde Inkomstefonds die bedrag terugbetaal wat by wyse van vervoer- of onderhoudstoelae uit openbare fondse betaal word aan 'n lid of 'n plaasvervanger van 'n lid van die raad terwyl hy besig is met die sake van die raad, met inbegrip van sodanige sake wat aan [die ingevolge artikel 7 aangestelde uitvoerende komitee of 'n kragtens artikel 11 aangestelde komitee] *'n komitee daarvan toevertrou word*.”.

Vervanging van artikel 7 van Wet 45 van 1971, soos gewysig deur artikel 17 van Wet 7 van 1973

7. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aanstelling en bevoegdhede van komitee

7. (1) *'n Raad stel uit sy lede aan—*

(a) 'n streeks- en beplanningskomitee wat hom sal beywer vir beplanning en in gemeenskapsontwikkeling in die administrasiegebied;

(b) 'n behuisingskomitee wat hom sal beywer in behuisingsadministrasie en 'n algemene administrasie deur die Raad in die administrasiegebied;

(c) sodanige ander komitees wat hy van tyd tot tyd paslik ag.

(2) Iemand wat ingevolge hierdie Wet gekoöpteer is om te dien op of om 'n vergadering van 'n komitee by te woon het die reg om te stem oor 'n saak wat oorweeg word by 'n vergadering van die komitee waar toe hy gekoöpteer is.

(3) (a) A board may vest in a committee appointed by it, such of its powers as it may deem fit.

(b) The vesting of any powers in a committee under paragraph (a) shall not have the effect of divesting the board of those powers and any action taken or decision made by any such committee shall be subject to review at the first ensuing meeting of the board but without prejudice to the validity of anything lawfully done by or under the authority of the committee prior to such review, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the date of such review by virtue of anything so done.”.

Substitution of section 9 of Act 45 of 1971

8. The following section is hereby substituted for section 9 of the principal Act:

“Certain irregularities not to affect acts of boards or committees

9. No decision taken by or act performed under the authority of, a board or [the executive committee or] any [other] committee thereof, shall be invalid by reason only of a defect in the appointment of a person purporting to be a member of, or the existence of a vacancy on, that board or any such committee, or of the fact that a person who was not entitled to sit as a member of that board or any such committee sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of that board or any such committee who were present at the time and entitled to sit as members.”.

Amendment of section 10 of Act 45 of 1971, as amended by section 42 of Act 62 of 1973 and section 12 of Act 119 of 1977

9. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (13) of the following paragraph:

“(a) The municipal pension fund concerned shall pay to any person referred to in subsection (11) (b) (ii) the benefit concerned, prescribed by or under the law or rules governing such pension fund: *Provided that in determining any such benefit there shall be added to his pensionable service, if in excess of 10 years, the period by which his retirement age exceeds his age at the date on which he is retired or a period of five years, whichever is the shorter period.*”.

Amendment of section 11 of Act 45 of 1971

10. Section 11 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The [object] objects of a board [is] are to plan, co-ordinate, promote and carry out the development of the Black community in its administration area with a view to such community's ultimate self-determination on local government level, to administer within its administration area matters affecting Blacks so as to give effect to the purposes of this Act, and to that end a board shall, in addition to any other powers vested in it by or under this Act or by any regulation in force, in terms of section 22, in its administration area—

(a) have power, with the approval of the Minister, and subject to such conditions as he may determine,

(3) (a) ’n Raad kan sodanige van sy bevoegdhede, wat hy dienstig ag, verleen aan ’n komitee deur hom aangestel.

(b) Die verlening van bevoegdhede aan ’n komitee ingevolge paragraaf (a) het nie die uitwerking om die raad van daardie bevoegdhede te onthef nie en enige stappe gedoen of besluit geneem deur so ’n komitee is onderworpe aan hersiening op die eersvoëgende vergadering van die raad, maar sonder om afbreuk te doen aan die geldigheid van enigiets voor sodanige hersiening deur of op gesag van sodanige komitee wettiglik gedoen, of aan ’n reg, voorreg, verpligting of aanspreeklikheid wat op die datum van sodanige hersiening reeds uit hoofde van enigiets aldus gedoen, verkry, opgeloop of aangegaan is.”.

Vervanging van artikel 9 van Wet 45 van 1971

8. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Sekere onreëlmataighede raak nie handelinge van rade of komitees nie

9. Geen besluit van ’n raad of [sy uitvoerende komitee of ’n ander] komitee van hom, of handeling op gesag van ’n raad of so ’n komitee verrig, is ongeldig nie bloot vanweë ’n gebrek by die aanstelling van ’n vermeende lid van, of die bestaan van ’n vakature in, dié raad of so ’n komitee, of omdat iemand wat nie geregtig was om as ’n lid van dié raad of so ’n komitee sitting te neem nie, as ’n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad of so ’n komitee, wat toe aanwesig was en geregtig was om as lede sitting te neem.”.

Wysiging van artikel 10 van Wet 45 van 1971, soos gewysig deur artikel 42 van Wet 62 van 1973 en artikel 12 van Wet 119 van 1977

9. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (13) deur die volgende paragraaf te vervang:

“(a) Aan iemand in subartikel (11) (b) (ii) genoem, moet die betrokke munisipale pensioenfonds die betrokke voordeel, by of kragtens die wet of reëls op daardie pensioenfonds voorgeskryf, betaal: *Met dien verstande dat by die vasselling van sodanige voordeel, daar by sy pensioengewende diens, indien meer as 10 jaar, die tydperk gevoeg word waarby sy uitdiens-tredingsleeftyd hoër is as sy leeftyd op die dag waarop hy aldus afgedank word, of ’n tydperk van vyf jaar, welke tydperk die kortste is.*”.

Wysiging van artikel 11 van Wet 45 van 1971

10. Artikel 11 van die Hoofwet word hierby gewysig—

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

“(1) Die [oogmerk] oogmerke van ’n raad is om die ontwikkeling van die Swart gemeenskap in sy gebied te beplan, te koördineer, te bevorder en uit te voer tot daardie gemeenskap se uiteindelike self-besikking op plaaslike bestuursvlak, ten einde aan die doeleindes van hierdie Wet gevold te gee, binne sy administrasiegebied aangeleenthede rakende Swartes te administreer, en te dien einde is ’n raad benewens enige ander bevoegdhede by of kragtens hierdie Wet of by ’n regulasie ingevolge artikel 22 in sy administrasiegebied van krag, aan hom verleent—

(a) bevoeg om met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy

to acquire by purchase, exchange or otherwise, or hire, such property [and to appoint such servants] as it may consider necessary for the exercise of its powers and the performance of its functions;

[(b) have power to appoint from among its members one or more committees and to vest in a committee so appointed such of its powers as it may deem fit: Provided that the vesting of any powers in any such committee shall not have the effect of divesting the board or its executive committee referred to in section 7 of those powers, and that any action taken or decision made by any such committee shall be subject to review at the first ensuing meeting of the board and, where a meeting of such executive committee takes place before such a meeting of the board, also at that meeting of such executive committee, but without prejudice to the validity of anything lawfully done by or under the authority of such committee prior to such review, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the date of such review by virtue of anything so done;]

[(c)] (b) have power, with the approval of the Minister and subject to such conditions as he may determine either generally or in any particular case—

(i) to develop any land belonging to the board and to provide services and amenities, in its administration area, for Blacks;

(ii) to sell, let, hypothecate or otherwise dispose of or encumber any land belonging to the board or to exchange it for other land or to donate it for any purpose or to deal therewith in any other manner as the board may deem fit;

(iii) to inaugurate, establish, plan, co-ordinate and carry on, or assist therewith, of community development undertakings or such other projects in such fields as the Minister may determine and which are intended to benefit and develop, culturally or otherwise, a Black community in its administration area and to collaborate with a local authority, the regional welfare board or welfare agencies in its administration area for the furtherance of its objects;”;

[(d)] (c) have power to obtain such loans on such terms and conditions as the Minister in consultation with the Minister of Finance may approve;

[(e)] (d) within its administration area be vested and charged with—

(i) all the rights, powers, functions, duties and obligations—

(aa) of an urban local authority in terms of the [Blacks (Urban Areas) Consolidation Act 1945 (Act No. 25 of 1945), the Black Services Levy Act, 1952 (Act No. 64 of 1952), the] Urban Black Councils Act, 1961 (Act No. 79 of 1961) [, and the Black Labour Act, 1964 (Act No. 67 of 1964)];

(bb) of a local authority in terms of the Sorghum Beer Act, 1962 (Act No. 63 of 1962); and, in so far as they relate to the housing of Blacks, in terms of the Housing Act, 1966 (Act No. 4 of 1966);

(cc) of an urban local authority in terms of section 23 of the Liquor Act, 1977 (Act 87 of 1977);

bepaal, deur aankoop, ruil of andersins die eiendom te verkry of te huur [en die dienaars aan te stel] wat die raad vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede nodig ag;

[(b) bevoeg om uit sy lede een of meer komitees aan te stel en om na goedgunke van sy bevoegdhede aan 'n aldus saamgestelde komitee oor te dra: Met dien verstande dat die oordrag van bevoegdhede aan so 'n komitee nie die uitwerking het om die raad of sy in artikel 7 genoemde uitvoerende komitee van daardie bevoegdhede te onthef nie, en dat stappe gedoen of 'n besluit geneem deur so 'n komitee onderworpe is aan hersiening op die eersvolgende vergadering van die raad en, waar 'n vergadering van sodanige uitvoerende komitee voor sodanige vergadering van die raad plaasvind, ook op daardie vergadering van sodanige uitvoerende komitee, maar sonder om afbreuk te doen aan die geldigheid van enigiets voor sodanige hersiening deur of op gesag van sodanige komitee wettiglik gedoen, of aan 'n reg, voorreg, verpligting of aanspreeklikheid wat op die datum van sodanige hersiening reeds uit hoofde van enigiets aldus gedoen, verkry, opgeloop of aangegaan is;]

[(c)] (b) bevoeg om met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal, hetsy in die algemeen of in 'n besondere geval—

(i) grond wat aan die raad behoort te ontwikkel en dienste en geriewe in sy administrasiegebied vir Swartes te voorsien;

(ii) grond wat aan die raad behoort, te verkoop, te verhuur, te verhipotikeer of andersins daaroor te beskik of dit andersins te bewaar of vir ander grond te verruil of vir enige doel te skenk of op enige ander wyse daarvan te handel soos die raad goedvind;

(iii) gemeenskapsontwikkelingsondernemings of sodanige ander projekte op sodanige terreine wat die Minister bepaal en wat bedoel is om 'n Swart gemeenskap in sy administrasiegebied te bevoordeel en te ontwikkel, kultureel of andersins, te inisieer, in te stel, te beplan, te koördineer en uit te voer of daarvan behulpsaam te wees en om saam te werk met 'n plaaslike bestuur, die streekswelsynsraad of welsynsliggame in sy administrasiegebied vir die bevordering van sy oogmerke;”;

[(d)] (c) bevoeg om lenings op die bedinge en voorwaardes wat die Minister in oorelog met die Minister van Finansies goedkeur, te verkry;

[(e)] (d) binne sy administrasiegebied beklee en belas met—

(i) al die regte, bevoegdhede, werksaamhede, pligte en verpligtings—

(aa) van 'n stedelike plaaslike bestuur ingevolge die [Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), die Wet op Heffings vir Swart Dienste, 1952 (Wet No. 64 van 1952), die] Wet op Stedelike Swart Rade, 1961 (Wet No. 79 van 1961 [, en die Wet op Swart Arbeid, 1964 (Wet No. 67 van 1964)];

(bb) van 'n plaaslike bestuur ingevolge die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962), en vir sover dit op die behuising van Swartes betrekking het, ingevolge die Behuisingswet, 1966 (Wet No. 4 van 1966);

(cc) van 'n stedelike plaaslike bestuur ingevolge artikel 23 van die Drankwet, 1977 (Wet 87 van 1977);

(dd) in so far as they relate to Blacks only, of an urban local authority or a local government body or a Commissioner *in the capacity of such authority or body* in terms of such laws as may from time to time be specified by the Minister by notice in the *Gazette*, but subject to such conditions, modifications or exceptions as may be so specified;

(ii) such rights, powers, functions, duties and obligations, in so far as they relate to Blacks only, of an urban local authority or a local government body in terms of the relevant ordinance establishing local authorities or in terms of any other ordinance as the Minister may from time to time after consultation with the Administrator specify by notice in the *Gazette*, but subject to such conditions, modifications or exceptions as may be specified in the notice;

(e) have power to act in its administration area for and on behalf of any State Department or body established by law, subject to such terms and conditions as may be agreed upon between the board and such department or body and approved by the Minister.”;

(b) by the deletion of subsections (4), (5) and (6).

Substitution of section 15 of Act 45 of 1971

11. The following section is hereby substituted for section 15 of the principal Act:

“Exemption from rates of property belonging to a board”

15. No rates shall be levied upon any land or premises owned by a board [which have been defined, set apart and laid out as a Black residential area within the meaning of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945)] save where such land or premises is subject to a lease when rates may be levied on that land in the hands of the lessee.”.

Amendment of section 17 of Act 45 of 1971

12. Section 17 of the principal Act is hereby amended—

(a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on or presence of any person on such land or premises;”;

(b) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) obstructs, hinders, resists or interferes with any such inspector in the exercise of his powers or the performance of his functions or duties in terms of this section or any regulation made under section 22 [(2)] (3) (b), or refuses or fails without reasonable cause to furnish any information, particulars or documents required by any such inspector, or fails to comply with any requirement made by any such inspector.”.

Repeal of section 20 of Act 45 of 1971

13. Section 20 of the principal Act is hereby repealed.

Repeal of section 21 of Act 45 of 1971

14. Section 21 of the principal Act is hereby repealed.

(dd) vir sover dit op Swartes alleen betrekking het, van 'n stedelike plaaslike bestuur of 'n plaaslike bestuursliggaam of 'n Kommissaris *in die hoedanigheid van sodanige owerheid of liggaam* ingevolge die wette wat deur die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vermeld word, maar behoudens die voorwaardes, wysings of uitsonderings wat aldus vermeld word;

(ii) die regte, bevoegdhede, werksaamhede, pligte en verplittings, vir sover dit op Swartes alleen betrekking het, van 'n stedelike plaaslike bestuur of 'n plaaslike bestuursliggaam ingevolge die toepaslike ordonnansie wat plaaslike besture instel of ingevolge 'n ander ordonnansie wat die Minister na oorlegpleging met die Administrateur by kennisgewing in die *Staatskoerant* van tyd tot tyd vermeld, maar behoudens die voorwaardes, wysings of uitsonderings wat in die kennisgewing vermeld word;

(e) bevoeg om in sy administrasiegebied namens 'n Staatsdepartement of 'n by wet ingestelde liggaam op te tree, behoudens die bedinge en voorwaardes waartoe ooreenkom mag word tussen die raad en daardie departement of liggaam en deur die Minister goedgekeur.”;

(b) deur subartikels (4), (5) en (6) te skrap.

Vervanging van artikel 15 van Wet 45 van 1971

11. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrystelling van belasting van eiendom wat aan 'n raad behoort”

15. Geen belastings word gehef op grond of persele wat aan 'n raad behoort [en wat as 'n Swartwoongebied binne die bedoeling van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bepaal, afgesonderd en aangelê is] nie, behalwe waar die grond of persele aan 'n huurkontrak onderhewig is, in welke geval belasting gehef kan word op daardie grond in besit van die huurder.”.

Wysiging van artikel 17 van Wet 45 van 1971

12. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) iemand kan aansê om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van of verblyf op of teenwoordigheid van so iemand op sodanige grond of so 'n perseel te verstrek.”;

(b) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) so 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte ingevolge hierdie artikel of 'n kragtens artikel 22 [(2)] (3) (b) uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n inspekteur bemoei, of sonder gegrond rede weier of versuim om inligting, besonderhede of dokumente deur so 'n inspekteur vereis, te verstrek of versuim om aan 'n vereiste deur so 'n inspekteur gestel, te voldoen.”.

Herroeping van artikel 20 van Wet 45 van 1971

13. Artikel 20 van die Hoofwet word hierby herroep.

Herroeping van artikel 21 van Wet 45 van 1971

14. Artikel 21 van die Hoofwet word hierby herroep.

Amendment of section 22 of Act 45 of 1971

15. Section 22 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (e) of subsection (3);
- (b) by the substitution for subsection (4) of the following subsection:

“(4) Different regulations may be made in respect of different [boards] administration areas or different parts of any such area or different classes of [employers of Black labourers, or of Black labourers, in any such area] persons.”;

- (c) by the repeal of subsections (5), (6) and (9).

Repeal of section 23 of Act 45 of 1971

16. Section 23 of the principal Act is hereby repealed.

Repeal of section 24 of Act 45 of 1971

17. Section 24 of the principal Act is hereby repealed.

Amendment of section 25 of Act 45 of 1971

18. Section 25 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever any board's administration area is [under section 2 (3)] included in any other board's administration area, or is included within any scheduled Black area as defined in the Development Trust and Land Act, 1936 (Act No. 18 of 1936), the Minister may by notice in the *Gazette* declare the first-mentioned board to be abolished with effect from a date to be specified in the notice.”.

Insertion of section 25A in Act 45 of 1971

19. The following section is hereby inserted after section 25 of the principal Act:

Action where financial position of a board deteriorates

25A. (1) The Minister may whenever the finances of a board have in his opinion become unsound, instruct that board to take such steps for restoring the position to a satisfactory basis as he may deem fit.

(2) In the event of a board failing to take the necessary steps in accordance with the Minister's instruction within a period determined by the Minister, he may by notice in the Gazette with effect from a date specified therein—

(a) remove the persons who are members of the board from office;

(b) disestablish or abolish the board or cause such administration area or part thereof to be administered by him in such manner as he may consider expedient;

(c) take such other action as he may consider expedient.

(3) The Minister may, when he acts in terms of subsection (2) (a) in such notice or in any subsequent notice—

(a) reconstitute the board in such manner as he may deem fit;

(b) appoint one or more persons to manage the affairs of the board during his pleasure according to the provisions of this Act and such directions as the Minister may consider expedient.

(4) The Minister may, when he acts in terms of subsection (2) (b) in such notice or in any subsequent

Wysiging van artikel 22 van Wet 45 van 1971

15. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (e) van subartikel (3) te skrap;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Verskillende regulasies kan ten opsigte van verskillende [rade se] administrasiegebiede of verskillende dele van so 'n gebied of verskillende klasse [werkgewers van Swart arbeiders of Swart arbeiders in so 'n gebied] persone uitgevaardig word.”;

- (c) deur subartikels (5), (6) en (9) te skrap.

Herroeping van artikel 23 van Wet 45 van 1971

16. Artikel 23 van die Hoofwet word hierby herroep.

Herroeping van artikel 24 van Wet 45 van 1971

17. Artikel 24 van die Hoofwet word hierby herroep.

Wysiging van artikel 25 van Wet 45 van 1971

18. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel vervang:

“(1) Wanneer 'n raad se administrasiegebied by 'n ander raad se administrasiegebied [kragtens artikel 2 (3)] ingesluit word, of by 'n afgesonderde Swart gebied soos in die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), omskryf, ingesluit word, kan die Minister by kennisgewing in die Staatskoerant eersgenoemde raad met ingang van 'n datum in die kennisgewing vermeld, afgeskaf verklaar.”.

Invoeging van artikel 25A in Wet 45 van 1971

19. Die volgende artikel word na artikel 25 van die Hoofwet ingevoeg:

Optrede waar die finansiële toestand van 'n raad agteruit gaan

25A. (1) Die Minister kan wanneer die finansies van 'n raad na sy oordeel ongesond geword het, die raad gelas om sodanige stappe wat hy goedkink, te doen om die toestand op 'n bevredigende basis te herstel.

(2) Ingeval die raad in gebreke bly om die nodige stappe te doen ooreenkomstig die lasgewing van die Minister binne 'n tydperk deur die Minister voorskryf, kan hy by kennisgewing in die Staatskoerant en met ingang van 'n daarin bepaalde datum—

(a) die persone wat dan lede van die raad is, van hul amp ontheft;

(b) die raad ophef of afskaf en sy administrasiegebied of deel daarvan deur hom laat administreeer op 'n wyse wat hy dienstig ag;

(c) sodanige ander stappe doen as wat hy dienstig ag.

(3) Die Minister kan indien hy ingevolge subartikel (2) (a) optree, in so 'n kennisgewing of in 'n latere kennisgewing—

(a) die raad hersaanstel op 'n wyse wat hy dienstig ag;

(b) een of meer persone aanstel om solank dit hom bekaag, die sake van die raad te behartig ooreenkomstig die bepalings van hierdie Wet en sodanige voorstaprifte as wat die Minister dienstig ag.

(4) Die Minister kan, indien hy ingevolge subartikel 2 (b) optree, in die kennisgewing of in 'n

notice make such order as he may deem necessary for the purpose of effecting the disestablishment or abolition of the board or the administration of the area concerned.

(5) When the Minister appoints one or more persons in terms of subsection (3) (b) to manage the affairs of the board, such person or persons shall be vested with all the rights and powers conferred on members of the board by this Act.

(6) When the Minister appoints one or more persons to manage the affairs of a board for a specified period, the board shall be reconstituted immediately on the expiration of such period in such a manner as the Minister may deem fit.”.

Repeal of section 26 of Act 45 of 1971

20. Section 26 of the principal Act is hereby repealed.

Substitution of the long title of Act 45 of 1971

21. The following long title is hereby substituted for the long title of the principal Act:

“[To make better provision for the Administration of Black Affairs outside the national states, and for that purpose to provide for the establishment of Administration Boards; and to provide for incidental matters.] To provide for the establishment of development boards outside the national states so as to promote and carry out community development and other projects amongst Black communities with a view to a community's ultimate self-determination on local government level; to make better provision for the administration of Black affairs outside the national states by such boards; and to provide for matters connected therewith.”.

Amendment of section 1 of Act 29 of 1972

22. Section 1 of the Contributions in respect of Black Labour Act, 1972 (Act 29 of 1972) (hereinafter referred to as the Labour Contribution Act is hereby amended—

(a) by die deletion of the definition of “Administration Board”;

(b) by the deletion of the definition of “area of jurisdiction”;

(c) by the substitution for the definition of “authorized officer” of the following definition:

“‘authorized officer’ means an authorized officer as defined in [section 1 of the Urban Areas Act] the Black Community Development Act, 1981;”;

(d) by the substitution for the definition of “Black” of the following definition:

“‘Black’ means a [Black as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950)] person who is a member of the Black group as defined in section 12 (1) (b) of the Group Areas Act, 1966 (Act 3 of 1966);”;

(e) by the insertion of the following definition after the definition of “Black employee”:

“‘board’ means a development board established by section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971);”;

(f) by the substitution for the definition of “employer” of the following definition:

“‘employer’ means any person (including the State) [and any urban local authority, whether or not contributions are payable to such urban local authority) with whom a Black employee is or is required to be registered in terms of the Labour Act or the regulations made under it, or] who

latere kennisgewing sodanige bevel uitvaardig as wat hy nodig ag om die opheffing of afskaffing van die raad of die administrasie van die betrokke gebied bewerkstellig.

(5) As die Minister een of meer persone ingevolge subartikel (3) (b) aanstel om die sake van die raad te behartig, is daardie persoon of persone met al die regte en bevoegdhede beklee waarmee lede van die raad by hierdie Wet beklee word.

(6) As die Minister 'n persoon of persone benoem om die sake van 'n raad vir 'n tydperk te behartig, word die raad onmiddellik by versstryking van daardie tydperk hersaamgestel op 'n wyse wat die Minister goed ag.”.

Herroeping van artikel 26 van Wet 45 van 1971

20. Artikel 26 van die Hoofwet word hierby herroep.

Vervanging van die lang titel van Wet 45 van 1971

21. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“[Om vir die administrasie van Swart sake buite die Swart state beter voorsiening te maak en om vir daardie doel vir die instelling van Administrasierade voorsiening te maak; en om vir bykomstige aangeleenthede voorsiening te maak.] Om voorsiening te maak vir die instelling van ontwikkelingsrade buite die nasionale state ten einde gemeenskapsontwikkeling en ander projekte onder Swart gemeenskappe te bevorder en uit te voer tot 'n gemeenskap se uitendelike selfbeskikking op plaaslike bestuursvlak; om beter voorsiening te maak vir die administrasie van Swart sake buite die nasionale state deur die rade; en om vir daarmee verbandhoudende aangeleenthede voorsiening te maak.”.

Wysiging van artikel 1 van Wet 29 van 1972

22. Artikel 1 van die Wet op Bydraes ten opsigte van Swart Arbeid, 1972 (Wet 29 van 1972) (hierna die Wet op Bydraes genoem) word hierby gewysig—

(a) deur die woordomskrywing van “Administrasieraad” te skrap;

(b) deur die woordomskrywing van “regsgebied” te skrap;

(c) deur die woordomskrywing van “gemagtigde beampye” deur die volgende woordomskrywing te vervang:

“‘gemagtigde beampye’ ‘n gemagtigde beampye soos omskryf in [artikel 1 van die Stadsgebiedewet] die Wet op Swart Gemeenskapsontwikkeling, 1981;”;

(d) deur die woordomskrywing van “Swarte” deur die volgende woordomskrywing te vervang:

“‘Swarte’ [‘n Swarte soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)] iemand wat ‘n lid is van die Swart groep soos omskryf in artikel 12 (1) (b) van die Groepsgebiedewet, 1966 (Wet 3 van 1966);”;

(e) deur die volgende woordomskrywing na die woordomskrywing van “plaaslike bestuur” in te voeg:

“‘raad’ ‘n ontwikkelingsraad ingestel by artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);”;

(f) deur die woordomskrywing van “werkgewer” deur die volgende woordomskrywing te vervang:

“‘werkgewer’ ‘n persoon (met inbegrip van die Staat) [en ‘n stedelike plaaslike bestuur, hetsy bydraes aan sodanige stedelike plaaslike bestuur betaalbaar is of nie] by wie ‘n Swart werknemer ingevolge die Arbeidswet of die regulasies daarkragtens

employs or provides work for any Black (except a Black referred to in section 2 (1) (b) and remunerates or expressly or tacitly undertakes to remunerate him in money or in kind or both in money and in kind, or who permits any Black (except a Black referred to in section 2 (1) (b)) to assist him in any manner in the carrying on or conducting of his business and 'employ', 'employed' and 'employment' have corresponding meanings;"

(g) by the deletion of the definition of "Labour Act";

(h) by the insertion of the following definition after the definition of "inspector":

"local authority' means a village council or a town council as defined in the Black Community Development Act, 1981;"

(i) by the deletion of the definition of "Urban Areas Act";

(j) by the deletion of the definition of "urban local authority";

(k) by the deletion of subsection (2).

Amendment of section 2 of Act 29 of 1972, as amended by section 27 of Act 102 of 1972 (and section 12 of Act 16 of 1979)

23. Section 2 of the Labour Contribution Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) by each Black who [is in terms of the Labour Act or the regulations made under it permitted to work as a casual labourer, or to perform] performs any work on his own account in any remunerative activity or as an independent contractor, in such area or in any part of it indicated in that notice, and to whom that notice applies.".

Amendment of section 3 of Act 29 of 1972

24. Section 3 of the Labour Contribution Act is hereby amended—

(a) by the substitution for paragraphs (a), (b) and (c) of subsection (1) of the following paragraphs:

"(a) if the area in which such Black employee is employed or such Black [is permitted to work or perform] performs any work as contemplated in that paragraph, falls in the area of jurisdiction of [an Administration] a board but outside the area of jurisdiction of a local authority, to the [Administration] board in question;

(b) if the area in which such Black employee is employed or such Black [is permitted] performs work as aforesaid, falls in the area of jurisdiction of a board and within the area of jurisdiction of a local authority [outside the area of jurisdiction of an Administration Board but in the area of jurisdiction of any other urban local authority], to the [other urban] local authority in question;

(c) if the area in which such Black employee is employed or such Black [is permitted] performs work as aforesaid falls outside the area of jurisdiction of a board and of a [any urban] local authority, to the Commissioner in whose area of jurisdiction such Black employee is employed or such Black [is permitted] performs work as aforesaid, as the case may be.";

uitgevaardig, geregistreer is of moet word, of] wat 'n Swarte (behalwe 'n Swarte bedoel in artikel 2 (1) (b) in diens het of aan hom werk verskat en hom beloon of uitdruklik of stilswyend onderneem om hom te beloon, hetsy in kontant of in natura of sowel in kontant as in natura, of wat 'n Swarte (behalwe 'n Swarte bedoel in artikel 2 (1) (b)) toelaat om hom op enigerlei wyse te help om sy besigheid voort te sit of te dryf, en het "diens", "in diens" en "diensverrigting" ooreenstemmende betekenis;"

(g) deur die woordomskrywing van "Arbeidswet" te skrap;

(h) deur die volgende woordomskrywing na die woordomskrywing van "omskrewe gebied" in te voeg:

"plaaslike bestuur' 'n dorpsbestuur of 'n stadsraad soos omskryf in die Wet op Swart Gemeenskapsonwikkeling, 1981;"

(i) deur die woordomskrywing van "Stadsgebiedewet" te skrap;

(j) deur die woordomskrywing van "stedelike plaaslike bestuur" te skrap;

(k) deur subartikel (2) te skrap.

Wysiging van artikel 2 van Wet 29 van 1972, soos gewysig deur artikel 27 van Wet 102 van 1972 en artikel 12 van Wet 16 van 1979

23. Artikel 2 van die Wet op Bydraes word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

"(b) deur elke Swarte wat [kragtens die Arbeidswet of die regulasies daarkragtens uitgevaardig, toegelaat word om] 'n bedoelde gebied, of 'n deel daarvan in daardie kennisgewing aangedui [as 'n los arbeider te] werk verrig of] vir eie rekening in 'n winsgewende bedrywigheid of as onafhanklike aannemer [werk te verrig], en op wie daardie kennisgewing van toepassing is.".

Wysiging van artikel 3 van Wet 29 van 1972

24. Artikel 3 van die Wet op Bydraes word hierby gewysig—

(a) deur paragrawe (a), (b) en (c) van subartikel (1) deur die volgende paragrawe te vervang:

"(a) indien die gebied waarin bedoelde Swart werknemer in diens is of [bedoelde Swarte toegeelaat word om te werk of] werk [te] verrig soos in daardie paragraaf beoog, in die regsgebied van 'n [Administrasieraad] raad, maar buite die regsgebied van 'n plaaslike bestuur val, aan die betrokke (Administrasieraad) raad;

(b) indien die gebied waarin bedoelde Swart werknemer in diens is of bedoelde Swarte soos voorgemeld [toegelaat word] werk verrig, [buite] in die regsgebied van 'n [Administrasieraad] raad, [maar] en in die regsgebied van 'n [ander stedelike] plaaslike bestuur val, aan die betrokke [ander stedelike] plaaslike bestuur;

(c) indien die gebied waarin bedoelde Swart werknemer in diens is of bedoelde Swarte soos vermeld [toegelaat word] werk verrig, buite die regsgebied van 'n raad en van 'n [stedelike] plaaslike bestuur val, aan die Kommissaris in wie se regsgebied bedoelde Swart werknemer in diens is of bedoelde Swarte soos vermeld [toegelaat word] werk verrig, na gelang van die geval;"

(b) by the substitution for subsection (2) of the following subsection:

"(2) If a Black employee is in the course of his employment required to serve in more than one defined area or in more than one of the areas of jurisdiction referred to in subsection (1) in the same defined area, the contribution payable in respect of him for any particular month shall be paid in the defined area in which, or, as the case may be, to the [urban] board, local authority or Commissioner in whose area of jurisdiction, such Black employee is primarily employed in the course of that month, or, where a dispute in that regard arises, in the defined area or, as the case may be, to the [urban] board, local authority or Commissioner, designated by the [Secretary] Director-General of the Department of Co-operation and Development."

Substitution of section 4 of Act 29 of 1972

25. The following section is hereby substituted for section 4 of the Labour Contribution Act:

"Utilization of contributions.

4. (1) Contributions received by [an urban] a board or by a local authority shall be paid into the [Black] revenue account kept by it [in terms of section 19 (1) of the Urban Areas Act].

(2) Notwithstanding the provisions of any other law, the Minister, after consultation with [an urban] a board or a local authority to which any services in respect of Blacks employed in its area have in the opinion of the Minister been rendered by any other [urban] board or local authority, may direct such [urban] board or local authority to pay, out of the contributions paid into its [Black] revenue account in terms of subsection (1), to such other [urban] board or local authority, an amount determined by the Minister, which the last-mentioned [urban] board or local authority shall pay into its [Black] revenue account.

(3) Contributions received by a Commissioner shall be transferred to the [Secretary] Department of Co-operation and Development and may be utilized [by the Secretary] for any service, expenditure or grant in respect of which the Minister certifies in writing that it is in the interests of Blacks."

Amendment of section 5 of Act 29 of 1972, as amended by section 28 of Act 102 of 1972 and section 13 of Act 16 of 1979

26. Section 5 of the Labour Contribution Act is hereby amended—

(a) by the deletion of paragraph (b) of subsection (1);

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) any amount [in terms of any regulations made under the Labour Act, for the placing in employment of a Black by a labour bureau as defined in that Act] payable under any law for the placing or keeping in employment of a Black."

Amendment of section 6 of Act 29 of 1972

27. Section 6 of the Labour Contribution Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A board or a [An urban] local authority to which contributions are payable, may in writing appoint one or more authorized officers in its service as inspectors who shall, for the purpose of the

(b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Indien 'n Swart werknemer in die loop van sy diens in meer as een omskewe gebied, of in meer as een van die regsgebiede in subartikel (1) bedoel in dieselfde omskewe gebied, diens moet doen, word die bydrae wat ten opsigte van hom vir 'n bepaalde maand betaalbaar is, betaal in die omskewe gebied waarin, of, na gelang van die geval aan die raad, [stedelike] plaaslike bestuur of Kommissaris in wie se regsgebied[,] bedoelde Swart werknemer bedoelde Swart werknemer in die loop van daardie maand hofsaaklik diens doen, of, waar daar 'n geskil daaromtrent ontstaan, in die omskewe gebied of, na gelang van die geval, aan die raad, [stedelike] plaaslike bestuur of Kommissaris deur die [Sekretaris] Direkteur-generaal van die Departement van Samewerking en Ontwikkeling aange wys."

Vervanging van artikel 4 van Wet 29 van 1972

25. Artikel 4 van die Wet op Bydraes word hierby deur die volgende artikel vervang:

"Aanwending van bydraes

4 (1) Bydraes deur 'n raad of deur 'n [stedelike] plaaslike bestuur ontvang, word in die [Swart] inkomsterekening gestort wat hy [ingevolge artikel 19 (1) van die Stadsgebiedewet] hou.

(2) Ondanks andersluidende wetsbepaling, kan die Minister, na oorlegpleging met 'n raad of 'n [stedelike] plaaslike bestuur aan wie daar na die oordeel van die Minister dienste ten opsigte van Swartes wat in die gebied van sodanige raad of plaaslike bestuur werkzaam is, deur 'n ander raad of [stedelike] plaaslike bestuur gelewer is, sodanige raad of [stedelike] plaaslike bestuur gelas om uit die bydraes ingevolge subartikel (1) in sy [Swart] inkomsterekening gestort, aan bedoelde ander raad of [stedelike] plaaslike bestuur, 'n bedrag deur die Minister bepaal, te betaal, wat laasgenoemde raad of [stedelike] plaaslike bestuur in sy [Swart] inkomsterekening stort.

(3) Bydraes deur 'n Kommissaris ontvang, word aan die [Sekretaris] Departement van Samewerking en Ontwikkeling oorgedra en kan [deur die Sekretaris] aangewend word vir 'n diens, uitgawe of toekenning ten opsigte waarvan die Minister skriftelik sertificeer dat dit in die belang van Swartes is."

Wysiging van artikel 5 van Wet 29 van 1972, soos gewysig deur artikel 28 van Wet 102 van 1972 en artikel 13 van Wet 16 van 1979

26. Artikel 5 van die Wet op Bydraes word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) te skrap;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

"(c) 'n bedrag[, ingevolge regulasies kragtens die Arbeidswet uitgevaardig, vir die indiensplasing van 'n Swarte deur 'n arbeidsburo soos in daardie Wet omskryf] betaalbaar ingevolge 'n wetsbepaling vir die indiensplasing of die indienshouding van 'n Swarte."

Wysiging van artikel 6 van Wet 29 van 1972

27. Artikel 6 van die Wet op Bydraes word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Raad of 'n [Stedelike] plaaslike bestuur waaraan bydraes betaalbaar is, kan een of meer gemagtigde beambtes in sy diens skriftelik aanstel as inspektors wat vir die doeleindes van die uitvoering van die

carrying out of the provisions of this Act and the regulations, have such powers, functions and duties as may be prescribed by regulation.”.

Amendment of section 7 of Act 29 of 1972

28. Section 7 of the Labour Contribution Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) the times at which and the manner in which contributions [payable to an urban local authority or a Commissioner] shall be paid, the particulars to be furnished [to such urban local authority or Commissioner] by any employer or any Black referred to in section (2) (1) (b), and the times at which and the form in which such particulars shall be furnished;”.

Amendment of section 8 of Act 29 of 1972

29. Section 8 of the Labour Contribution Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The court convicting any person of an offence consisting of a failure, as contemplated in subsection (1) (a), to pay an amount due [by him] to [an urban] *a board or a local authority* or a Commissioner by way of contributions may, in addition to imposing any penalty in respect of that offence, order the person convicted to pay to the [urban] *board or local authority* or Commissioner concerned an amount equal to the amount so due plus an additional amount not exceeding ten percent thereof or one rand, whichever is the greater and such order may be executed as if it were a civil judgment against that person and in favour of the [urban] *board, local authority* or Commissioner concerned.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) Any fine recovered or bail estreated in connection with any offence in terms of this Act shall be paid to the [urban] *board, local authority* or Commissioner concerned, and the provisions of section 4 shall *mutatis mutandis* apply in respect thereof.”.

Repeal of section 9 of Act 29 of 1972

30. Section 9 of the Labour Contribution Act is hereby repealed.

Amendment of section 17 (1) of Act 102 of 1978

31. Section 17 (1) of the Second Black Laws Amendment Act, 1978 (Act 102 of 1978), is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) the words [‘Secretary for Bantu Administration and Development’ the words ‘Secretary for Plural Relations and Development’;] ‘Secretary for Co-operation and Development’ the words ‘Director-General of Co-operation and Development’;”;

(b) by the substitution for paragraph (p) of the following paragraph:

“(p) the words [‘Bantu Affairs Administration Board’ the words ‘Administration Board’;] ‘Administration Board’ the words ‘development board’;”.

bepalings van hierdie Wet en die regulasies, die bevoegdhede, werkzaamhede en pligte het, wat by regulasie voorgeskryf word.”.

Wysiging van artikel 7 van Wet 29 van 1972

28. Artikel 7 van die Wet op Bydraes word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) die tye wanneer en die wyse waarop bydraes [wat aan ’n stedelike plaaslike bestuur of ’n Kommissaris betaalbaar is,] betaal moet word, die besonderhede wat [aan so ’n stedelike plaaslike bestuur of Kommissaris] verstrek moet word deur ’n werkewer of ’n Swarte in artikel 2 (1) (b) bedoel, en die tye wanneer en die vorm waarin sodanige besonderhede verstrek moet word;”.

Wysiging van artikel 8 van Wet 29 van 1972

29. Artikel 8 van die Wet op Bydraes word hiertoe gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die hof wat iemand skuldig bevind weens ’n misdryf wat bestaan uit ’n versum, soos in subartikel (1) (a) bedoel, om ’n bedrag te betaal wat by wyse van bydraes [deur hom] aan ’n *raad of ’n [stedelike] plaaslike bestuur of ’n Kommissaris* verskuldig is, kan, benewens ’n straf ten opsigte van daardie misdryf op te lê, die veroordeelde beveel om aan die betrokke *raad of [stedelike] plaaslike bestuur of Kommissaris* ’n bedrag te betaal wat gelyk is aan die bedrag aldus verskuldig plus ’n bykomende bedrag van hoogstens tien persent daarvan of een rand, watter ook al die grootste is, en so ’n bevel kan ten uitvoer gelê word asof dit ’n siviele vonnis teen daardie persoon en ten gunste van die betrokke *raad, [stedelike] plaaslike bestuur of Kommissaris* was.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Boete wat verhaal of borgtog wat verbeur word in verband met ’n misdryf ingevalle hierdie Wet, word aan die betrokke *raad, [stedelike] plaaslike bestuur of Kommissaris* betaal, en die bepalings van artikel 4 is *mutatis mutandis* ten opsigte daarvan van toepassing.”.

Herroeping van artikel 9 van Wet 29 van 1972

30. Artikel 9 van die Wet op Bydraes word hierby herroep.

Wysiging van artikel 17 (1) van Wet 102 van 1978

31. Artikel 17 (1) van die Tweede Wysigingswet op Swart Wetgewing, 1978 (Wet 102 van 1978), word hierby gewysig—

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) die woorde [Sekretaris van Bantoe-administrasie en -ontwikkeling deur die woorde ‘Sekretaris van Plurale Betrekkinge en Ontwikkeling’] *Sekretaris van Samewerking en Ontwikkeling* deur die woorde *Direkteur-generaal van Samewerking en Ontwikkeling* vervang;”;

(b) deur paragraaf (p) deur die volgende paragraaf te vervang:

“(p) die woord [Bantoesake-administrasieraad] ‘Administrasieraad’ deur die woord ‘Ontwikkelingsraad’ vervang;”.

Amendment of section 2 of Act 2 of 1980

32. Section 2 of the Borders of Particular States Extension Act, 1980 (Act 2 of 1980), is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any right of the Government of the Republic of South Africa or the South African Development Trust mentioned in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), in respect of land in regard to which a proclamation has been issued under section 1 (1), shall *unless such proclamation otherwise determines*, vest in the state concerned without the payment of any duty or fee or charge."

Repeal of laws

33. The laws mentioned in the Schedule to this Act are hereby repealed to the extent indicated in the third column of that Schedule.

Short title and commencement

34. (1) This Act shall be called the Laws on Co-operation and Development Amendment Act, 1981, and shall come into operation on a date to be fixed by the State President by Proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act and in respect of different laws mentioned in the Schedule.

SCHEDULE
LAWS REPEALED

No. and year	Short title	Extent of repeal
32 of 1909 (Cape of Good Hope)	Private Locations Act	The whole.
24 of 1920...	Black Registered Voters Relief Act, 1887 (Cape) Amendment Act	The whole.
25 of 1930...	Blacks (Urban Areas) Act, 1923, Amendment Act	The whole.
23 of 1938...	Representation of Blacks (Amendment) Act	The whole.
35 of 1941...	Cape Mortgage Bonds Validation Act	The whole.
36 of 1944...	Black Laws Amendment Act	Sections 26 and 27.
68 of 1951...	Black Authorities Act	The Schedule.
67 of 1952...	Blacks (Abolition of Passes and Co-ordination of Documents) Act	All references in part "Part I" of the Schedule to Act 24 of 1932.
19 of 1954...	Blacks Resettlement Act	The whole.
36 of 1954...	Representation of Blacks Amendment Act	The whole.
64 of 1960...	Finance Act.....	Section 14.
93 of 1962...	General Law Further Amendment Act	Section 43.
51 of 1963...	Better Administration of Designated Areas Act	The whole.
93 of 1963...	General Law Further Amendment Act	Section 21.
42 of 1964...	Black Laws Amendment Act	Sections 81, 82, 96 to 99 inclusive.
30 of 1972...	Second Black Laws Amendment Act	Section 1.
94 of 1974...	Second General Law Amendment Act	Section 1.

Wysiging van artikel 2 van Wet 2 van 1980

32. Artikel 2 van die Wet op die Uitbreiding van die Grense van bepaalde State, 1980 (Wet 2 van 1980), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Enige reg van die Regering van die Republiek van Suid-Afrika of die Suid-Afrikaanse Ontwikkelingstrust in artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), vermeld, ten opsigte van grond in verband waar mee 'n proklamasie kragtens artikel 1 (1) uitgereik is, gaan, *tensy daardie proklamasie anders bepaal*, oor op die betrokke staat, sonder betaling van enige reg van geld of koste."

Herroeping van Wette

33. Die Wette genoem in die Bylae van hierdie Wet word herroep tot die mate aangedui in die derde Kolum van daardie Bylae.

Kort titel en inwerkingtreding

34. (1) Hierdie Wet heet die Wysigingswet op Wette op Samewerking en Ontwikkeling, 1981, en tree in werking op 'n datum deur die Staatspresident by Proklamasie in die *Staatskoerant* bepaal te word.

(2) Verskillende datum kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet en ten opsigte van verskillende wette in die Bylae vermeld, bepaal word.

BYLAE
WETTE HERROEP

No. en jaar	Kort titel	Mate herroep
32 van 1902 (Kaap die Goeie Hoop)	Private Locations Act	Die geheel.
24 van 1920...	Geregistreerde Kiezers (Swartes) Verlichtings Wet, 1887 (Kaap) Wijzigings Wet	Die geheel.
25 van 1930...	Swartes (Stadsgebiede) Wet, 1923, Wysigingswet	Die geheel.
23 van 1938...	Wysigingswet op Swart Verteenwoordiging Wet op Bekragting van Kaapse Verbande	Die geheel.
35 van 1941...	Wet op Wysiging van die Wette op Swartes Wet op Swart Owerhede	Die geheel.
36 van 1944...	Wet op Wysiging van Swartes en Koördinering van Dokumente) Wet	Artikels 26 en 27.
68 van 1951...	Wet op die Hervestiging van Swartes	Die bylae.
67 van 1952...	Wysigingswet op Swart Verteenwoordiging	Alle verwysings in deel "Deel I" van die Bylae na Wet 24 van 1932.
9 van 1954...	Finansiewet.....	Die geheel.
36 van 1954...	Verdere Algemene Regs-wysigingswet	Die geheel.
64 van 1960...	Wet op die Beter Administrasie van Aan-gewese Gebiede	Artikel 14.
93 van 1962...	Verdere Algemene Regs-wysigingswet	Artikel 43.
51 van 1963...	Wet op die Beter Administrasie van Aan-gewese Gebiede	Die geheel.
93 van 1963...	Verdere Algemene Regs-wysigingswet	Artikel 21.
42 van 1964...	Wysigingswet op Swart Wetgewing	Artikels 81, 82, 96 tot en met 99.
30 van 1972...	Tweede Wysigingswet op Swart Wetgewing	Artikel 1.
94 van 1974...	Tweede Algemene Regs-wysigingswet	Artikel 1.

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