



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

Vol. 225

KAAPSTAD, 2 MAART 1984
CAPE TOWN, 2 MARCH 1984

No. 9080

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 360.

2 Maart 1984

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

No. 4 van 1984: Wet op die Ontwikkeling van Swart Gemeenskappe, 1984.

No. 360.

2 March 1984

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

No. 4 of 1984: Black Communities Development Act, 1984.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

WET

Om voorsiening te maak vir die doelgerigte ontwikkeling van Swart gemeenskappe buite die nasionale state; om sekere wette wat met betrekking tot sodanige gemeenskappe van toepassing is, te wysig en te konsolideer; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)

NADEMAAL dit die beleid van die Regering is dat die Swart gemeenskappe buite die nasionale state op 'n positiewe en doelgerigte wyse ontwikkel moet word en dat daardie gemeenskappe toegerus moet word met instellings wat al die behoeftede het wat nodig is vir die bereiking van hierdie oogmerk;

EN NADEMAAL voorsiening reeds gemaak is vir die ontwikkeling van stedelike Swart gemeenskappe tot volle outonomie op plaaslike bestuursvlak;

EN NADEMAAL dit nodig geword het om die positiewe rol van Administrasie in die bevordering van sodanige ontwikkeling te heromskryf en om daardie rade opnuut saam te stel en primêr as ontwikkelingsliggame in te rig;

EN NADEMAAL dit nodig is om vir die doeleindes van sodanige ontwikkeling 'n fonds in te stel ten einde die geld wat vir gemelde doeleindes nodig is, te verkry;

EN NADEMAAL dit wenslik geag word om bestaande wetgewing rakende verstedelike Swart gemeenskappe en bedoelde rade te hersien, te wysig en te konsolideer:

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

HOOFTUK 1**WOORDOMSKRYWING EN TOEPASSING**

Woordomskriving.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „Administrateur”, met betrekking tot 'n raad of 'n plaaslike bestuursliggaam, die Administrateur van die provinsie waarin daardie raad of plaaslike bestuursliggaam se regsgebied geleë is en die meerderheid van die lede van die uitvoerende komitee van daardie provinsie; (iv)
- (ii) „algemene plan” 'n algemene plan van 'n dorp of slegs 'n gedeelte van 'n dorp op die voorgeskrewe wyse op- 15 gestel en deur die Minister goedgekeur; (xviii)
- (iii) „beherende belang”, met betrekking tot 'n vereniging—
 - (a) 'n meerderheid van sy aandele; of
 - (b) aandele wat meer as die helfte van sy aandeelkapitaal 20 verteenwoordig; of
 - (c) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al sy aandele; of

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for the purposeful development of Black communities outside the national states; to amend and consolidate certain laws which apply with reference to such communities; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 22 February 1984.)

WHEREAS it is the policy of the Government that the Black communities outside the national states should be developed in a positive and purposeful manner and that such communities should be equipped with institutions having all such powers as may be required for the achievement of this goal;

AND WHEREAS provision has already been made for the development of urban Black communities towards full autonomy at local government level;

AND WHEREAS it has become necessary to redefine the positive role to be played by Administration Boards in the promotion of such development and for such purpose to reconstitute such boards and to equip them primarily as development bodies;

AND WHEREAS it is for the purposes of such development necessary to establish a fund in order to obtain such money as may be required for the said purposes;

AND WHEREAS it is considered expedient to revise and to amend and consolidate existing legislation affecting urbanized Black communities and the said boards:

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

CHAPTER 1

5 DEFINITIONS AND APPLICATION

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "accommodate" means to house or provide with lodging; and "accommodation" has a corresponding meaning; (xv)
- 10 (ii) "accommodation manager" means an accommodation manager referred to in section 58 (2); (iv)
- (iii) "acquire", in relation to land, means to acquire in any manner or to hire; and "acquisition" has a corresponding meaning; (xxxvii)
- 15 (iv) "Administrator", in relation to a board or local government body, means the Administrator of the province in which such board's or local government body's area of jurisdiction is situated, and the majority of the members of the executive committee of that province; (i)
- 20 (v) "association" means a partnership consisting of Black persons only, or any company or body of persons, corporate or unincorporate, in which a Black person has or Black persons have a controlling interest; (xxxvi)
- 25 (vi) "authorized officer" means—
 - (a) a commissioner;
 - (b) a magistrate, including an additional or an assistant magistrate;

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (d) aandeel wat aan die houer daarvan die reg op meer as die helfte van sy winste of bates verleen; of
- (e) aandeel wat aan die houer daarvan reg op 'n meerderheid of oorwig van stemme verleen; of 5
- (f) die bevoegdheid om, regstreeks of onregstreeks, deur die besit van die een of ander belang, hetsy van die in paragrawe (a) tot en met (e) bedoelde aard al dan nie, in 'n ander vereniging of op enige ander wyse, enige beheer van watter aard ook al 10 oor die bedrywighede of bates van die vereniging uit te oefen; (xi)
- (iv) „behuisingsbestuurder” ’n behuisingsbestuurder in artikel 58 (2) bedoel; (ii)
- (v) „belang”, met betrekking tot grond, ook enige reg uit 15 hoofde van ’n huurkontrak van of verband of serwituut oor of ’n beswaring van grond; (xxi)
- (vi) „bevoegde persoon”, met betrekking tot ’n reg van huurpag, ’n persoon in artikel 52 (2) bedoel wat bevoeg is om ’n reg van huurpag te besit; (x) 20
- (vii) „Direkteur-generaal” die Direkteur-generaal: Samewerking en Ontwikkeling, en ook enige ander beampte in die Staatsdiens wat op sy gesag optree; (xiv)
- (viii) „dorp” grond in artikel 35 (1) (a) of (b) vermeld; 25 (xxxix)
- (ix) „dorpsbeplanningskema” ’n stel reëls met betrekking tot ’n dorp wat voorsiening maak vir—
 - (a) die onderverdeling, aanleg of ontwikkeling van daardie dorp;
 - (b) die regulering van en verbod van bou op persele 30 in daardie dorp;
 - (c) die verandering van enige bestaande onderverdeling of aanleg van die dorp of ’n deel daarvan;
 - (d) die reservering van grond in die dorp vir plaaslike owerheids- of ander doeleindes; 35
 - (e) die sonering van grond in die dorp in gebiede om uitsluitlik of hoofsaaklik gebruik te word vir doeleindes van bewoning, besighede en nywerhede;
 - (f) die sloping van geboue of strukture in die dorp opgerig in stryd met ’n dorpsbeplanningskema; en 40
 - (g) enige ander aangeleentheid met betrekking tot die aanleg van enige dorp met die oog op die gekoördineerde en harmonieuse ontwikkeling daarvan op so ’n wyse dat die gesondheid, veiligheid, orde, aantreklikheid, gerief en algemene welsyn op die 45 doeltreffendste wyse bevorder word, met behoorlike inagneming van doeltreffendheid en besuiniging in die proses van ontwikkeling; (x)
- (x) „fonds” die Swart Gemeenskapsontwikkelings- en Wentelfonds deur artikel 47 ingestel; (xvii) 50
- (xi) „gemagtigde beampte”—
 - (a) ’n kommissaris;
 - (b) ’n landdros, met inbegrip van ’n addisionele of ’n assistent-landdros;
 - (c) ’n vrederegtter; 55
 - (d) ’n lid van die Suid-Afrikaanse Polisie of van die Suid-Afrikaanse Spoorwegpolisiemag;
 - (e) iemand aangestel deur ’n raad vir die beheer van ’n dorp buite die regsgebied van ’n plaaslike bestuur of om in of met betrekking tot so ’n dorp die 60 werksaamhede te verrig wat in verband staan met die handhawing van die goeie orde en vreedsame bestuur van so ’n dorp;
 - (f) ’n inspekteur;
 - (g) iemand aangestel kragtens artikel 34 (1) van die 65 Wet op Swart Plaaslike Bestuur, 1982 (Wet No. 102 van 1982);
 - (h) ’n lid van ’n kategorie van persone wat deur die Minister by kennisgewing in die *Staatskoerant* vermeld word; (vi)
- (xii) „geregistreer” geregistreer soos voorgeskryf; (xxxiii)
- (xiii) „grond” ook ’n belang in grond; (xxii)

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (c) a justice of the peace;
- (d) a member of the South African Police or the South African Railways Police Force;
- 5 (e) a person appointed by a board for the management of a town outside the area of jurisdiction of a local authority to perform within or in regard to such a town such functions as relate to the maintenance of the good order therein and the peaceful administration of such town;
- 10 (f) an inspector;
- (g) a person appointed under section 34 (1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- 15 (h) a member of a category of persons specified by the Minister by notice in the *Gazette*; (xi)
- (vii) "Black" or "Black person" means a person who is a Black as contemplated in the Population Registration Act, 1950 (Act No. 30 of 1950), and for the purpose of the exercise of the powers, the performance of functions or the carrying out of duties by a board in terms of any law, includes a person who is a Black in terms of any such law; (xxxiii)
- 20 (viii) "board" means a development board established under section 3; (xxviii)
- 25 (ix) "commissioner" means—
- (a) a Commissioner appointed under section 2 (2) of the Black Administration Act, 1927 (Act No. 38 of 1927), and includes an additional or assistant Commissioner so appointed; or
- 30 (b) in relation to an area for which no commissioner has been appointed, a magistrate or an additional or an assistant magistrate having jurisdiction in that area; (xviii)
- 35 (x) "competent person", in relation to a right of leasehold, means a person referred to in section 52 (2) competent to hold a right of leasehold; (vi)
- (xi) "controlling interest", in relation to any association, means—
- 40 (a) a majority of its shares; or
- (b) shares representing more than half of its share capital; or
- (c) shares of a value in excess of half of the aggregate value of all its shares; or
- 45 (d) shares entitling the holders thereof to more than half of its profits or assets; or
- (e) shares entitling the holders thereof to a majority or preponderance of votes; or
- 50 (f) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (a) to (e), inclusive, in any other association or otherwise, any control whatsoever over the activities or assets of the association; (iii)
- 55 (xii) "development area" means an area referred to in section 33; (xxii)
- (xiii) "development board area", in relation to a board, means the area for which that board has been established in terms of section 3; (xxiii)
- 60 (xiv) "Director-General" means the Director-General: Co-operation and Development, and includes any other officer in the public service acting under his authority; (vii)
- (xv) "employee" means a Black person who has to render services to an employer under a contract of service, whether in writing or otherwise, and includes a domestic servant; (xl)
- 65 (xvi) "employer" means the State, including the South African Transport Services, the Department of Posts and Telecommunications and any provincial administration, and any other person who employs or provides work for a Black person and remunerates or expressly or ta-

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (xiv) „hierdie Wet” ook die regulasies; (xxxviii)
- (xv) „huisves” om te herberg of van losies te voorsien; en het „huisvesting” ’n ooreenstemmende betekenis; (i)
- (xvi) „huurpagperseel” ’n perseel of ’n erf in ’n dorp geleë, op ’n algemene plan aangetoon en deur ’n landmeter 5 opgemeet; (xxv)
- (xvii) „inspekteur” ’n inspekteur kragtens artikel 42 of 62 aangestel; (xx)
- (xviii) „kommissaris”—
 - (a) ’n kragtens artikel 2 (2) van die Swart Administra- 10 sie Wet, 1927 (Wet No. 38 van 1927), aangestelde Kommissaris en ook ’n aldus aangestelde Addisionele of Assistent-kommissaris; of
 - (b) ten opsigte van ’n gebied waarvoor geen kommissaris aangestel is nie, ’n landdros of ’n addisionele 15 of ’n assistent-landdros met regsbevoegdheid in daardie gebied; (ix)
- (xix) „landmeter” iemand wat ingevolge die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), as ’n landmeter geregistreer is; (xxiii) 20
- (xx) „Minister” die Minister van Samewerking en Ontwikkeling; (xxix)
- (xxi) „nasionale state” ’n gebied waarvoor ’n wetgewende vergadering kragtens die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), ingestel is, ook 25 enige grond in ’n afgesonderde Swart gebied ooreenkomstig die bedoeling van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), en ook grond bedoel in artikel 21 (1) van daardie Wet vir sover daardie grond nie deel van die gebied van so ’n wetgewende vergadering uitmaak nie; (xxx) 30
- (xxii) „ontwikkelingsgebied” ’n gebied in artikel 33 bedoel; (xii)
- (xxiii) „ontwikkelingsraadsgebied”, met betrekking tot ’n raad, die gebied waarvoor daardie raad ingevolge artikel 3 ingestel is; (xiii) 35
- (xxiv) „plaaslike bestuur” ’n stadsraad of dorpsbestuur ingevolge die Wet op Swart Plaaslike Besture, 1982, ingestel; (xxvi)
- (xxv) „plaaslike bestuursgebied” die regsgebied van ’n plaaslike bestuur; (xxvii) 40
- (xxvi) „plaaslike bestuursliggaam” ’n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), maar nie ook ’n plaaslike bestuur nie; (xxviii) 45
- (xxvii) „publieke plek” ook—
 - (a) ’n straat, pad, deurgang, sanitêre gang, plein of oop ruimte aangetoon op die algemene plan van ’n dorp, maar nie ook enige erf aldus aangetoon waarvan die beheer by ’n raad of ’n plaaslike bestuur berus nie, tensy die eienaars van persele of erwe in die betrokke dorp ’n gemeenskaplike reg het op die erf waarvan die beheer aldus berus; 50
 - (b) enige perseel in ’n dorp geleë en wat die Minister van tyd tot tyd op die voorgeskrewe wyse as ’n publieke plek aandui, nadat hy die betrokke raad of plaaslike bestuur van sy voorneme verwittig het; (xxxii) 55
- (xxviii) „raad” ’n ontwikkelingsraad kragtens artikel 3 ingestel; (viii) 60
- (xxix) „reg van huurpag” ’n in artikel 52 bedoelde reg van huurpag, en ook ’n reg ten opsigte van ’n deel-huurpag-eenheid soos beoog in artikel 55, en het „huurpag” ’n ooreenstemmende betekenis; (xxxvii)
- (xxx) „registrasiekantoor” ’n registrasiekantoor soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937); (xxxv) 65
- (xxxi) „registrateur” ’n registrator soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937; (xxxiv)
- (xxxii) „regulasie” ’n regulasie ingevolge hierdie Wet uitgevaardig; (xxxvi)

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- citly undertakes to remunerate a Black person in money or in kind or both in money and in kind, or who permits such Black person or in any manner assists him to carry on or to conduct his business; (xxxix)
- 5 (xvii) "fund" means the Black Communities Development and Revolving Fund established by section 47; (x)
- (xviii) "general plan" means a general plan of a town or of a portion only of a town, drawn up in the prescribed manner and approved by the Minister; (ii)
- 10 (xix) "hostel" means any land set apart and developed under section 35 (1) (c), and includes any buildings referred to in that section; (xxxiv)
- (xx) "inspector" means any inspector appointed under section 42 or 62; (xvii)
- 15 (xxi) "interest", in relation to land, includes any right under a lease or a mortgage of, or a servitude or a charge over, land; (v)
- (xxii) "land" includes any interest in land; (xiii)
- (xxiii) "land surveyor" means a person registered as a land surveyor under the Land Surveyors Registration Act, 1950 (Act No. 14 of 1950); (xix)
- 20 (xxiv) "lay-out plan" means a plan indicating the relative situation in a town of premises, public places and zones in accordance with a town planning scheme; (xxxv)
- 25 (xxv) "leasehold site" means a site or an erf situated in a town, indicated on a general plan and surveyed by a land surveyor; (xvi)
- (xxvi) "local authority" means a town council or village council established under the Black Local Authorities Act, 1982; (xxiv)
- 30 (xxvii) "local authority area" means the area of jurisdiction of a local authority; (xxv)
- (xxviii) "local government body" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), but does not include a local authority; (xxvi)
- 35 (xxix) "Minister" means the Minister of Co-operation and Development; (xx)
- (xxx) "national states" means an area for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of 1971), includes any land in a scheduled Black area within the meaning of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and includes land referred to in section 21 (1) of that Act, in so far as such land has not been included in the area of such a legislative assembly; (xxi)
- 40 (xxxi) "prescribed" means prescribed by regulation; (xxxviii)
- (xxxii) "public place" includes—
- 50 (a) a street, road, thoroughfare, sanitary lane, square or open space reflected on the general plan of a town, but does not include any erf thus indicated the control of which is vested in a board or a local authority, unless the owners of sites or erven in the town concerned have a common right to the erf the control of which is so vested;
- 55 (b) any premises which are situated in a town and which the Minister may from time to time in the prescribed manner indicate as a public place, after he has informed the board or local authority of his intention; (xxvii)
- 60 (xxxiii) "registered" means registered as prescribed; (xii)
- (xxxiv) "registrar" means a registrar as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); (xxxi)
- 65 (xxxv) "registration office" means a registration office as defined in section 102 of the Deeds Registries Act, 1937; (xxx)
- (xxxvi) "regulation" means a regulation made in terms of this Act; (xxxii)
- (xxxvii) "right of leasehold" means a right of leasehold contem-

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (xxxiii) „Swarte” of „Swart persoon” 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 of die uitvoering van pligte ingevolge 'n wet deur 'n raad, ook iemand wat 'n Swarte ingevolge daardie wet is (vii) 5
- (xxxiv) „tehuis” enige kragtens artikel 35 (1) (c) afgesonderde en ontwikkelde grond, en ook geboue in daardie artikel vermeld; (xix) 10
- (xxxv) „uitlegplan” enige plan wat die betreklike ligging aantoon in 'n dorp van persele, openbare plekke en sones in ooreenstemming met 'n dorpsbeplanningskema; (xxiv)
- (xxxvi) „vereniging” 'n vennootskap wat slegs uit Swart persone bestaan of enige maatskappy of liggaam van persone, met of sonder regs persoonlikheid, waarin 'n Swart persoon of Swart persone 'n beherende belang het; (v) 15
- (xxxvii) „verkry”, met betrekking tot grond, op enige wyse verkry of huur; en het „verkryging” 'n ooreenstemmende betekenis; (iii) 20
- (xxxviii) „voorgeskryf” by regulasie voorgeskryf; (xxxi)
- (xxxix) „werkgewer” die Staat, met inbegrip van die Suid-Afrikaanse Vervoerdienste, die Departement van Pos- en Telekommunikasiewese en 'n provinsiale administrasie, en iemand anders wat 'n Swart persoon in diens het of aan hom werk verskaf en sodanige Swart persoon beloon of uitdruklik of stilswyend onderneem om hom te beloon, hetsy in kontant of *in natura*, of in kontant sowel as *in natura*, of wat 'n Swart persoon toelaat of hom op enige wyse help om sy besigheid voort te sit of te bedryf; (xvi) 30
- (xl) „werknemer” 'n Swart persoon wat aan 'n werkgewer dienste moet lewer ingevolge 'n dienskontrak, hetsy skriftelik al dan nie, en ook 'n huisbediende. (xv) 35

Toepassing van
Wet.

- 2. (1) Hierdie Wet is nie van toepassing in die nasionale state nie.
- (2) (a) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar— 40
 - (i) dat die bepalings van artikels 52, 53, 54, 55, 56 en 57 nie van toepassing is met betrekking tot 'n gebied daarin omskryf nie;
 - (ii) dat die bepalings van hierdie Wet nie van toepassing sal wees nie met betrekking tot 'n gebied daarin omskryf, synde 'n gebied bedoel in artikel 36A (2) van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971).
- (b) Die Staatspresident kan 'n proklamasie ingevolge paraagraaf (a) uitgereik, by dergelike proklamasie herroep of wysig. 50

HOOFSTUK II

ONTWIKKELINGSRAADSGBIEDE EN ONTWIKKELINGSRADE

Instelling van ont-
wikkelingsrade.

- 3. (1) (a) Die Minister kan by kennisgewing in die *Staatskoerant* enige gebied met ingang van die datum in die kennisgewing vermeld tot 'n ontwikkelingsraadsgebied verklaar. 55
- (b) So 'n gebied kan die regsgebied of 'n deel van die regsgebied van 'n plaaslike bestuursliggaam insluit, maar geen sodanige gebied of deel daarvan mag daarin opgeneem word nie behalwe na oorlegpleging met die betrokke plaaslike bestuursliggaam. 60
- (c) Behoudens die bepalings van subartikel (4) stel die Minister vir elke sodanige ontwikkelingsraadsgebied 'n raad bekend as 'n ontwikkelingsraad in, wat met betrekking tot daardie gebied die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat by hierdie Wet aan so 'n raad verleen, opgedra of opgelê word. 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- plated in section 52, and includes a right in respect of a sectional leasehold unit as contemplated in section 55, and "leasehold" has a corresponding meaning; (xxix)
- (xxxviii) "this Act" includes the regulations; (xiv)
- 5 (xxxix) "town" means land referred to in section 35 (1) (a) or (b); (viii)
- (xl) "town planning scheme" means a set of rules relating to a town, providing for—
- 10 (a) the subdivision, lay-out or development of that town;
- (b) the regulation and prohibition of building upon premises in that town;
- (c) the alteration of any existing subdivision or lay-out of that town or any part thereof;
- 15 (d) the reservation of land in the town for local authority or other public purposes;
- (e) the zoning of land in the town into areas to be used exclusively or mainly for residential, business or industrial purposes;
- 20 (f) the demolition of buildings or structures erected in the town in conflict with a town planning scheme; and
- (g) any other matter in connection with the lay-out of the town with a view to the co-ordinated and harmonious development thereof in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare, due regard being had to efficiency and economy in the process of development. (ix)
- 25
- 30 2. (1) This Act shall not apply in the national states.
- (2) (a) The State President may by proclamation in the *Gazette* declare—
- 35 (i) that the provisions of sections 52, 53, 54, 55, 56 and 57 shall not apply with reference to any area defined therein;
- (ii) that the provisions of this Act shall not apply with reference to any area defined therein being an area contemplated in section 36A (2) of the National States Constitution Act, 1971 (Act No. 21 of 1971).
- 40 (b) The State President may repeal or amend any proclamation issued in terms of paragraph (a) by like proclamation.
- Application of Act.

CHAPTER II

45 DEVELOPMENT BOARD AREAS AND DEVELOPMENT BOARDS

3. (1) (a) The Minister may by notice in the *Gazette* declare any area to be a development board area from a date specified in the notice. Establishment of development boards.
- 50 (b) Any such area may include the area of jurisdiction or any portion of the area of jurisdiction of a local government body, but no such area or such portion thereof may be included therein except after consultation with the local government body concerned.
- 55 (c) Subject to the provisions of subsection (4), the Minister shall for every such development board area establish a board, to be known as a development board, which shall in relation to that area exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon such a board by this Act.
- 60

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (d) 'n Swart Sakeadministrasiegebied wat ingevolge artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), verklaar is en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, word vanaf sodanige inwerkingtreding ingevolge hierdie artikel geag tot 'n ontwikkelingsraadsgebied verklaar te wees, en die administrasieraad wat ingevolge gemelde artikel 2 ten opsigte van sodanige administrasiegebied ingestel is, word vanaf sodanige inwerkingtreding geag as ontwikkelingsraad ten opsigte van sodanige ontwikkelingsraadsgebied ingestel te wees, en vanaf sodanige inwerkingtreding word 'n verwysing in enige wet of dokument na daardie administrasiegebied of na daardie Administrasieraad uitgelê as 'n verwysing na die betrokke ontwikkelingsraadsgebied of die ontwikkelingsraad.
- (2) 'n Raad is 'n regspersoon.
- (3) (a) Die Minister kan na oorlegpleging met die betrokke raad by kennisgewing in die *Staatskoerant* van tyd tot tyd 'n gebied by 'n ontwikkelingsraadsgebied insluit of 'n gebied daarvan uitsluit, of 'n ontwikkelingsraadsgebied of 'n deel daarvan by 'n ander ontwikkelingsraadsgebied insluit, en kan by soortgelyke kennisgewing verklaar dat 'n ontwikkelingsraadsgebied in die kennisgewing vermeld met ingang van 'n datum aldus vermeld ophou om 'n ontwikkelingsraadsgebied te wees.
- (b) Indien 'n gebied kragtens paragraaf (a) van 'n ontwikkelingsraadsgebied uitgesluit word en nie by 'n ander ontwikkelingsraadsgebied ingesluit word nie, kan die Minister by die kennisgewing waarby dit uitgesluit word of by 'n latere kennisgewing in die *Staatskoerant* enige bevoegdheid, plig of werksaamheid wat ten tyde van die uitsluiting ingevolge hierdie Wet by die betrokke raad berus het, ten opsigte van die uitgeslote gebied of 'n deel daarvan verleen, op lê of opdra aan enige plaaslike bestuursliggaam of 'n kommissaris in wie se regsgebied die uitgeslote gebied of betrokke deel daarvan geleë is.
- (c) 'n Plaaslike bestuursliggaam of kommissaris aan wie 'n bevoegdheid, plig of werksaamheid kragtens paragraaf (b) ten opsigte van 'n gebied verleen, opgelê of opgedra is, kan daardie bevoegdheid, plig of werksaamheid uitoefen, uitvoer of verrig asof die betrokke gebied 'n ontwikkelingsraadsgebied en die plaaslike bestuursliggaam of kommissaris die raad daarvan was.
- (4) Indien dit na die oordeel van die Minister nie wenslik is om 'n raad ten opsigte van 'n ontwikkelingsraadsgebied in te stel nie, kan hy by kennisgewing in die *Staatskoerant* 'n plaaslike bestuursliggaam, met die instemming van sodanige liggaam, of 'n kommissaris magtig en verplig om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat aan 'n raad by of kragtens hierdie Wet verleen, opgelê of opgedra is, en sodanige plaaslike bestuursliggaam of kommissaris, na gelang van die geval, word vanaf die datum van sodanige kennisgewing geag 'n raad te wees vir die doeleindes van hierdie Wet.
- (5) 'n Plaaslike bestuursliggaam word nie onthef 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.

Samestelling van raad.

4. (1) 'n Raad bestaan uit 'n voorsitter deur die Minister aangestel en ses ander lede aldus aangestel, van wie—
- (a) een hoofsaaklik op grond van sy wye kennis of ondervinding van plaaslike bestuursaangeleenthede aangestel word;
- (b) een hoofsaaklik op grond van sy wye kennis of ondervinding van stads- of streeksontwikkeling aangestel word;
- (c) een hoofsaaklik op grond van sy wye kennis of onder-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(d) Any Black Affairs administration area declared in terms of section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), and which existed immediately before the commencement of this Act, shall as from such commencement be deemed to have been declared to be a development board area in terms of this section, and the administration board established in terms of the said section 2 in respect of such administration board area shall as from such commencement be deemed to have been established as a development board in respect of such development board area, and as from such commencement any reference in any law or document to such administration area or to such administration board shall be construed as a reference to the development board area or the development board concerned.

(2) A board shall be a juristic person.

(3) (a) The Minister may after consultation with the board concerned by notice in the *Gazette* from time to time include any area in, or exclude any area from, any development board area, or include any development board area or any portion thereof in another development board area, and may by like notice declare that a development board area specified in the notice shall cease to be a development board area with effect from a date so specified.

(b) If any area is under paragraph (a) excluded from a development board area and is not included in any other development board area, the Minister may by the notice by which it is excluded or by any subsequent notice in the *Gazette*, in respect of the excluded area or any part thereof confer, impose or assign any power, duty or function which vested in the board concerned in terms of this Act, at the time of the exclusion, to or upon any local government body or any commissioner in whose area of jurisdiction the excluded area or the relevant part thereof is situated.

(c) A local government body or commissioner upon or to whom any power, duty or function has been conferred, imposed or assigned under paragraph (b) in respect of any area, may exercise, carry out or perform such power, duty or function as if the area concerned were a development board area and the local government body or commissioner were the board thereof.

(4) If in the opinion of the Minister it is not expedient to establish a board in respect of any development board area, he may by notice in the *Gazette* authorize and oblige any local government body or commissioner, with the concurrence of such body, or any commissioner, to exercise the powers, to perform the functions and to carry out the duties conferred upon, imposed upon or assigned to a board by or under this Act, and such local government body or commissioner, as the case may be, shall as from the date of such notice be deemed to be a board for the purposes of this Act.

(5) A local government body shall not be divested of any of its powers in respect of any portion of the area under its jurisdiction for which a board has been established in terms of this Act, except in so far as such powers have by or under this Act been vested in such board.

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

Constitution of board.

- (a) one shall be appointed on the ground mainly of his wide knowledge of or experience in local government matters;
- (b) one shall be appointed on the ground mainly of his wide knowledge of or experience in town or regional development;
- (c) one shall be appointed on the ground mainly of his

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

vinding van die handel of nywerheid of finansiële aangeleenthede aangestel word;

(d) een hoofsaaklik op grond van sy wye kennis of ondervinding van landbou of landelike ontwikkeling aangestel word;

(e) een die bekleër van 'n pos in die Staatsdiens, deur die Minister aangewys, is.

(2) Die Minister moet ten opsigte van elke lid van 'n raad, behalwe die voorsitter daarvan, 'n plaasvervangende lid aanstel, en hy moet wanneer hy so 'n aanstelling doen dieselfde oorwegings in aanmerking neem as dié wat ingevolge subartikel (1) ten opsigte van die aanstelling van die betrokke lid sou geld.

(3) Die Minister wys een van die lede van 'n raad aan om ondervoorsitter daarvan te wees.

(4) Wanneer die voorsitter afwesig is of nie in staat is om enige van sy werksaamhede te verrig nie, tree die ondervoorsitter as voorsitter gedurende sodanige afwesigheid of onvermoë op.

(5) Terwyl die ondervoorsitter as voorsitter waarneem het hy al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

Ampsduur van lede van raad.

5. (1) 'n Lid of 'n plaasvervangende lid van 'n raad word aangestel vir die tydperk en onderworpe aan die bedinge en voorwaardes wat die Minister in elke geval bepaal en kan by verstryking van sy ampstermyn weer aangestel word.

(2) 'n Lid of 'n plaasvervangende lid van 'n raad ontruim sy amp—

(a) indien hy bedank of die raad afgeskaf word;

(b) indien sy boedel gesekwestreer word of 'n kennisgewing ingevolge artikel 22 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), met betrekking tot hom gepubliseer word;

(c) indien 'n opnemingsbevel ingevolge artikel 9 (3) van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), ten opsigte van hom uitgereik word, of hy weens 'n misdryf ingevolge artikel 10 saamgelees met artikel 67 veroordeel word of weens 'n ander misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(d) behalwe in die geval van 'n lid in artikel 4 (1) (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

(e) in die geval van 'n lid in artikel 4 (1) (e) bedoelde lid, indien hy ophou om die kwalifikasie te besit uit hoofde waarvan hy as 'n lid van die raad aangestel is.

(3) Die Minister kan 'n lid of 'n plaasvervangende lid van 'n raad wat na sy oordeel skuldig was aan wangedrag of pligsverzuim of wat nie in staat is om die werksaamhede van 'n lid of 'n plaasvervangende lid van 'n raad behoorlik te verrig nie, te eniger tyd uit sy amp ontslaan.

Vergaderings van raad.

6. (1) Die eerste vergadering van 'n raad word gehou op die tyd en plek wat die Minister bepaal, en daarna word vergaderings, behoudens die bepalinge van subartikel (2), maandeliks, tensy die Minister anders gelas, gehou op die tye en plekke wat die raad of, indien deur die raad daartoe gemagtig, die voorsitter van die raad bepaal.

(2) Die voorsitter van 'n raad of, in sy afwesigheid, die ondervoorsitter kan te eniger tyd 'n spesiale vergadering van die raad belê, en moet so 'n vergadering belê binne 14 dae na ontvangs van 'n skriftelike versoek wat deur minstens drie lede van die raad onderteken is met die strekking dat die byeenroeping van so 'n vergadering verlang word.

(3) 'n Vergadering van 'n raad is toeganklik vir die publiek en nuusmedia behalwe waar die raad na goedvinde anders gelas, of ten opsigte van enige vergadering of ten opsigte van 'n besondere aangeleentheid wat by 'n vergadering oorweeg gaan word.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

wide knowledge of or experience in commerce or industry or financial affairs;

(d) one shall be appointed on the ground mainly of his wide knowledge of or experience in agriculture or rural development;

(e) one shall be the holder of an office in the public service, designated by the Minister.

(2) The Minister shall in respect of every member of a board, except the chairman thereof, appoint an alternate member, and he shall when making such an appointment have regard to the same considerations as those which would in terms of subsection (1) have applied in respect of the appointment of the member concerned.

(3) The Minister shall designate one of the members of a board to be vice-chairman thereof.

(4) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman shall act as chairman during such absence or inability.

(5) The vice-chairman shall while acting as chairman have all the powers and carry out all the functions of the chairman.

5. (1) A member or an alternate member of a board shall be appointed for such a period and subject to such terms and conditions as the Minister may in each case determine, and shall on termination of his period of office be eligible for reappointment.

Tenure of office of members of board.

(2) A member or an alternate member of a board shall vacate his office—

(a) if he resigns or the board is abolished;

(b) if his estate is sequestrated or a notice is published with reference to him in terms of section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);

(c) if a reception order is issued in respect of him in terms of section 9 (3) of the Mental Health Act, 1973 (Act No. 18 of 1973), or he is convicted of an offence under section 10 read with section 67 or he is convicted of any other offence and sentenced to imprisonment without the option of a fine;

(d) except in the case of a member referred to in section 4 (1) (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

(e) in the case of a member referred to in section 4 (1) (e), if he ceases to hold the qualification by virtue of which he was appointed as a member of a board.

(3) The Minister may at any time remove from office any member or any alternate member of a board who in his opinion has been guilty of misconduct or neglect of duty, or is unable adequately to fulfil the functions of a member or an alternate member of a board.

6. (1) The first meeting of a board shall be held at a time and place to be determined by the Minister, and thereafter meetings shall, subject to the provisions of subsection (2), be held monthly, unless the Minister otherwise directs, at such times and places as the board or, if authorized thereto by it, the chairman of the board, may determine.

Meetings of board.

(2) The chairman of a board, or in his absence, the vice-chairman, may at any time call a special meeting of the board, and shall call such a meeting within 14 days after receipt of a written request, signed by not less than three members of the board, to the effect that the calling of such a meeting is desired.

(3) A meeting of a board shall be open to the public and news media except where the board in its discretion directs otherwise either in respect of any meeting or in respect of any particular matter to be considered at any meeting.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

(4) Die meerderheid van alle lede van 'n raad maak 'n kworum vir 'n vergadering van die raad uit.

(5) Die voorsitter of, in sy afwesigheid, die ondervoorsitter van 'n raad moet by alle vergaderings daarvan waarop hy teenwoordig is, voorsit, en indien sowel die voorsitter as die ondervoorsitter van 'n vergadering afwesig is, moet die aanwesige lede een uit hul midde kies om op dié vergadering voor te sit.

(6) Die besluit van 'n meerderheid van die aanwesige lede van 'n raad op 'n vergadering van die raad maak die besluit van die raad uit: Met dien verstande dat by 'n staking van stemme oor 'n aangeleentheid, die persoon wat by so 'n vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

(7) Die bepalinge van subartikels (4) en (6) is *mutatis mutandis* van toepassing ten opsigte van 'n vergadering van 'n komitee van 'n raad.

(8) 'n Lid of 'n plaasvervangende lid van 'n raad mag nie aanwesig wees by of deelneem aan die bespreking van of 'n stemming oor 'n saak voor die raad, of 'n komitee daarvan, waarin hy of sy eggenote of sy vennoot of werkgewer, behalwe die Staat, of die vennoot of werkgewer, behalwe die Staat, van sy eggenote, regstreeks of onregstreeks 'n geldelike belang het nie.

Besoldiging en toelaes van lede van raad.

7. (1) Daar moet aan 'n lid of 'n plaasvervangende lid van 'n raad wat nie in die heeltidse diens van die Staat is nie, ten opsigte van sy dienste as sodanige lid die besoldiging en toelaes betaal word wat die Minister bepaal.

(2) 'n Lid of 'n plaasvervangende lid van 'n raad wat in die heeltidse diens van die Staat is, kan, benewens sy salaris en toelaes ten opsigte van daardie heeltidse diens, ten opsigte van sy dienste as lid van die raad die besoldiging ontvang wat deur die Minister onderworpe aan die wetsbepalinge op die Staatsdiens bepaal word.

(3) Enige besoldiging of toelaes wat ingevolge hierdie artikel betaalbaar word, moet uit die betrokke raad se fondse betaal word.

(4) 'n Raad moet aan die Direkteur-generaal ten bate van die Staatsinkomstefonds 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 sake van die raad aan 'n komitee van die raad toevertrou.

Aanstelling en bevoegdheid van komitees.

8. (1) 'n Raad stel uit sy lede aan—

- (a) 'n plaaslike bestuurskomitee, vir die bevordering van plaaslike bestuurswese in die gebied van die raad;
- (b) 'n behuisings- en administrasiekomitee, vir behuising en algemene administrasie deur die raad in sy gebied;
- (c) 'n beplannings- en ontwikkelingskomitee, vir die beplanning van die gebied van die raad en die ontwikkeling van gemeenskappe in daardie gebied;
- (d) die ander komitees wat die raad van tyd tot tyd paslik ag.

(2) 'n Raad kan na goedvinde enige van sy bevoegdhede oordra aan 'n komitee kragtens subartikel (1) aangestel, en kan wanneer hy 'n bevoegdheid aldus oordra, die opdragte gee en die voorwaardes ople wat hy as gepas ag.

(3) Die oordrag van 'n bevoegdheid aan 'n komitee ingevolge subartikel (2), ontdoen nie die raad van daardie bevoegdheid nie, en stappe gedoen of 'n besluit geneem deur die komitee is onderworpe aan hersiening en wysiging of intrekking deur die raad op die eersvolgende raadsvergadering, maar sonder om afbreuk te doen aan die geldigheid van enigiets wat voor sodanige hersiening wettiglik ingevolge so 'n oordrag deur of op gesag van die komitee gedoen is, 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.

Koöptasie en uitnodiging van persone om in komitees te dien of komitees te adviseer.

9. (1) (a) 'n Raad kan enige persoon koöpteer om in 'n komitee van die raad te dien of om 'n bepaalde vergadering daarvan in verband met 'n bepaalde aangeleentheid wat deur die komitee oorweeg word, by te woon: Met dien verstande dat—

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(4) The majority of all members of a board shall form a quorum for a meeting of the board.

(5) The chairman, or in his absence, the vice-chairman, of a board shall preside at all meetings thereof at which he is present, and if both the chairman and the vice-chairman are absent from any meeting the members present thereat shall elect one of their number to preside at such meeting.

(6) The decision of a majority of the members of a board present at any meeting thereof shall constitute a decision of the board: Provided that in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(7) The provisions of subsections (4) and (6) shall *mutatis mutandis* apply in respect of any meeting of a committee of a board.

(8) A member or an alternate member of a board shall not be present at or take part in the discussion of or vote upon any matter before the board, or any committee thereof, in which he or his spouse, or his partner or employer, other than the State, or the partner or employer, other than the State, of his spouse has, directly or indirectly, any pecuniary interest.

7. (1) There shall be payable to a member or an alternate member of a board who is not in the full-time employment of the State, such remuneration and allowances in respect of his services as such member as the Minister may determine. Remuneration and allowances of members of board.

(2) A member or an alternate member of a board who is in the full-time employment of the State, may in addition to his salary and allowances in respect of such full-time employment receive, in respect of his services as a member of the board, such remuneration as may be determined by the Minister subject to the laws governing the public service.

(3) Any remuneration or allowances which may become payable in terms of this section, shall be paid out of the funds of the board concerned.

(4) A board shall refund to the Director-General, for the benefit of the State Revenue Fund, any amount paid out of public funds by way of transport or subsistence allowances to a member or an alternate member of the board while engaged in connection with the business of the board, including any business of the board entrusted to a committee of the board.

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

- (a) a local government committee, for the promotion of local government affairs, in the area of the board;
 - (b) a housing and administration committee, for housing and general administration by the board in its area;
 - (c) a planning and development committee, for the planning of the area of the board and the development of communities in that area;
 - (d) such other committees as the board may from time to time consider appropriate.
- Appointment and powers of committees.

(2) A board may at its discretion delegate any of its powers to a committee appointed under subsection (1) and may, if it thus delegates any power, give such directions or impose such conditions as it may consider appropriate.

(3) The delegation of any power to a committee in terms of subsection (2), shall not divest the board of such power, and any steps taken or decision made by the committee shall be subject to review and amendment or cancellation by the board at the first ensuing meeting of the board, but without prejudice to the validity of anything lawfully done in terms of such delegation by or under the authority of the committee prior to such review, or to any right, privilege, obligation or liability already acquired, accrued or incurred as at the date of such review by virtue of anything so done.

9. (1) (a) A board may co-opt any person to serve on a committee of the board or to attend a particular meeting thereof in connection with a particular matter dealt with by the committee: Provided that— Co-opting and inviting of persons to serve on or advise committees.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

- (i) nie meer as drie persone gekoöpteer mag word om in enige bepaalde komitee te dien nie; en
- (ii) 'n lid van die raad die voorsitter moet wees van 'n komitee in artikel 8 (1) (a), (b) of (c) bedoel.
- (b) 'n Komitee van 'n raad kan enige persoon uitnooi om 'n bepaalde vergadering daarvan by te woon om die komitee te adviseer in verband met 'n bepaalde aangeleentheid wat deur die komitee oorweeg word. 5
- (2) 'n Persoon kragtens hierdie artikel gekoöpteer, kan aan die verrigtinge van die komitee in verband met die saak of op die vergadering ten opsigte waarvan hy gekoöpteer is, deelneem en is geregtig om ten opsigte van enige besluit van die komitee te stem. 10
- (3) Aan 'n persoon aldus gekoöpteer of uitgenooi wat nie in die heeltjydse diens van die Staat is nie, kan die besoldiging of toelaes betaal word wat die Minister in die algemeen of in 'n bepaalde geval bepaal. 15
- (4) Die bepalinge van subartikels (2), (3) en (4) van artikel 7 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon aldus gekoöpteer of uitgenooi en die besoldiging of toelaes wat aan hom betaalbaar mag wees. 20

Verbode praktyke.

- 10. (1) Behalwe met die toestemming van die raad mag 'n lid of werknemer van 'n raad nie regstreeks of onregstreeks—
 - (a) enige kommissie, besoldiging of beloning van iemand behalwe die raad vir of in verband met sy werksaamhede as 'n lid of werknemer van die raad of in verband met 'n transaksie waarby die raad 'n party is, aanneem nie; 25
 - (b) 'n transaksie met die raad in 'n ander hoedanigheid as 'n lid of werknemer van die raad aangaan nie, tensy sodanige transaksie in verband staan met die verskaffing aan hom van huisvesting in die betrokke ontwikkelingsraadsgebied of die lewering van 'n diens aan hom as inwoner van daardie ontwikkelingsraadsgebied; 30
 - (c) werk vir of ten behoeve van die raad in 'n ander hoedanigheid as 'n lid of werknemer van die raad verrig nie; 35
 - (d) namens iemand anders voor die raad of enige komitee of ander instelling van die raad verskyn in 'n ander hoedanigheid as 'n lid of werknemer van die raad nie. 40
- (2) 'n Lid of werknemer van 'n raad wat enige kommissie, besoldiging of beloning in stryd met die bepalinge van subartikel (1) (a) aangeneem het, moet aan die raad 'n bedrag betaal gelykstaande met die bedrag van daardie kommissie, besoldiging of beloning, of waar dit nie uit geld bestaan het nie, die waarde daarvan soos deur die raad bepaal. 45

Lede moet sekere belange bekend maak.

- 11. (1) 'n Lid van 'n raad wat 'n belang het by 'n voorgestelde kontrak wat die raad oorweeg om aan te gaan of 'n belang by 'n kontrak bekom nadat dit deur die raad aangegaan is, moet volle besonderhede betreffende die aard en omvang van sy belang ooreenkomstig die bepalinge van subartikel (2) of (3), na gelang van die geval, aan die raad bekend maak. 50
- (2) 'n Lid van 'n raad wat 'n belang het by 'n voorgestelde kontrak in subartikel (1) moet—
 - (a) indien die voorgestelde kontrak oorweeg word of gaan word op 'n vergadering van die raad of 'n komitee van die raad waarvan hy lid is, sy belang vóór sodanige vergadering by wyse van 'n skriftelike kennisgewing aan die raad of komitee of andersins op die vergadering bekend maak, of, indien dit om die een of ander rede nie vir hom moontlik is om sy belang voor of op sodanige vergadering bekend te maak nie, moet hy dit doen op die eerste vergadering van die raad of komitee daarna gehou waarop dit vir hom moontlik is om dit te doen, ongeag of die kontrak aangegaan is of nie; of 60
 - (b) indien die voorgestelde kontrak nie oorweeg word op 'n vergadering in paragraaf (a) vermeld nie, of oorweeg word of gaan word op 'n vergadering van 'n komitee van die raad waarvan hy nie lid is nie, sy belang by wyse van 'n skriftelike kennisgewing aan die raad be- 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (i) not more than three persons shall be co-opted to serve on any particular committee; and
- (ii) a member of the board shall be the chairman of a committee contemplated in section 8 (1) (a), (b) or (c).
- (b) A committee of a board may invite any person to attend any particular meeting thereof, to advise it in connection with a particular matter considered by the committee.
- (2) A person co-opted under this section may take part in the proceedings of the committee in connection with the matter or at the meeting in respect of which he has been co-opted, and shall be entitled to vote in respect of any decision of the committee.
- (3) A person so co-opted or invited who is not in the full-time employment of the State may be paid such remuneration or allowances as the Minister may determine generally or in any particular case.
- (4) The provisions of subsections (2), (3) and (4) of section 7 shall *mutatis mutandis* apply in respect of any person so co-opted or invited and the remuneration or allowances which may be payable to him.
- 10.** (1) Except with the consent of the board no member or employee of a board shall directly or indirectly—
- (a) accept any commission, remuneration or reward from any person other than the board for or in connection with his functions as a member or an employee of the board or in connection with any transaction to which the board is a party;
- (b) enter into any transaction with the board in a capacity other than that of a member or employee of the board, unless such transaction is connected with the provision of accommodation to him in the development board area concerned or the rendering of a service to him as a resident of such development board area;
- (c) perform work for or on behalf of the board in a capacity other than that of a member or employee of the board;
- (d) appear on behalf of any other person before the board or any committee or other institution of the board in a capacity other than that of a member or employee of the board.
- (2) Any member or employee of a board who has accepted any commission, remuneration or reward in contravention of the provisions of subsection (1) (a) shall pay to the board an amount equal to the amount of such commission, remuneration or reward, or where it did not consist of money, the value thereof as determined by the board.
- 11.** (1) A member of a board who is interested in a proposed contract which the board considers entering into or becomes interested in a contract after it has been entered into by the board shall disclose to the board full particulars relating to the nature and extent of his interest in accordance with the provisions of subsection (2) or (3), as the case may be.
- (2) A member of a board who is interested in a proposed contract referred to in subsection (1), shall—
- (a) if the proposed contract is or is to be considered at a meeting of the board or a committee of the board of which he is a member, disclose his interest before such meeting by way of a written notice to the board or committee or otherwise at such meeting, or, if for any reason it is not possible for him to disclose his interest before or at such meeting, he shall do so at the first meeting of the board or committee held thereafter at which it is possible for him to do so, irrespective of whether or not the contract has been entered into; or
- (b) if the proposed contract is not considered at any meeting referred to in paragraph (a), or is or is to be considered at a meeting of a committee of the board of which he is not a member, disclose his interest by means of a

Prohibited practices.

Members to disclose certain interests.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

kend maak binne sewe dae na die dag waarop hy vir die eerste keer van die voorgestelde kontrak of, indien die kontrak reeds aangegaan is, van die kontrak bewus geword het.

(3) 'n Lid van 'n raad wat 'n belang by 'n kontrak bekom nadat dit deur die raad aangegaan is, moet sy belang by wyse van 'n skriftelike kennisgewing aan die raad bekend maak binne sewe dae na die dag waarop hy aldus 'n belang bekom het.

(4) 'n Lid van 'n raad wat 'n belang het by 'n voorgestelde kontrak in subartikel (1) bedoel of 'n kontrak in subartikel (3) bedoel, is nie bevoeg om by enige verrigtinge van die raad of 'n komitee daarvan in verband met enige sodanige kontrak te stem nie.

Lede van raad nie bevoeg om werknemers van raad te wees nie.

12. (1) Iemand wat lid is van 'n raad is nie bevoeg om as 'n werknemer van daardie of enige ander raad aangestel te word nie.

(2) Iemand wat 'n werknemer van 'n raad is en lid van daardie of enige ander raad word, word geag as werknemer van die raad te bedank het op die datum van sy aanstelling as so 'n lid.

Geheimhouding.

13. 'n Lid of werknemer van 'n raad mag nie enige inligting openbaar wat hy by die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede of die uitvoering van sy pligte verkry het nie, behalwe—

(a) in die mate waarin dit vir die behoorlike uitvoering van hierdie Wet nodig mag wees;

(b) met die toestemming van die raad of Minister; of

(c) vir die doeleindes van geregtelike verrigtinge betreffende 'n aangeleentheid kragtens hierdie Wet.

Sekere onreëlmatighede raak nie handelinge van rade of komitees nie.

14. Geen besluit van 'n raad of 'n komitee van die raad, 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, die 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 of omdat 'n lid wat nie geregtig was om te stem nie, wel sy stem uitgebring 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 dié raad of so 'n komitee, wat toe aanwesig was en geregtig was om as lede sitting te neem en te stem.

Personeel van raad.

15. (1) Die werk verbonde aan die verrigting van sy werksaamhede deur 'n raad word op sy koste en onderworpe aan sy voorskrifte en onder sy beheer verrig deur—

(a) persone in die diens van 'n plaaslike bestuursliggaam of plaaslike bestuur wat ingevolge 'n ooreenkoms met sodanige plaaslike bestuursliggaam of plaaslike bestuur, met hulle toestemming, of ingevolge subartikel (5), tydelik na die raad se diens oorgeplaas word; en

(b) die ander persone wat deur die raad aangestel word op die voorwaardes en teen die besoldiging wat die raad, behoudens die ander bepalings van hierdie artikel, bepaal: Met dien verstande dat enigiemand wat onmiddellik voor die inwerkingtreding van hierdie Wet in die diens van 'n administrasieraad was, vanaf sodanige inwerkingtreding geag word aangestel te wees in die diens van die ontwikkelingsraad wat ingevolge artikel 3 (1) (d) geag word ten opsigte van die betrokke gebied ingestel te wees, onderworpe aan dieselfde voorwaardes as dié wat onmiddellik voor sodanige inwerkingtreding ten opsigte van hom gegeld het.

(2) Iemand wat ingevolge subartikel (1) (a) of (5) tydelik na die diens van 'n raad oorgeplaas word, bly, terwyl hy aldus oorgeplaas is, in alle opsigte onderworpe aan die wette wat betrekking op sy diens by die betrokke plaaslike bestuursliggaam of plaaslike bestuur het.

(3) 'n Raad word by die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees, en word vir dié

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

written notice to the board within seven days as from the day on which he first became aware of the proposed contract or, if it has already been entered into, of the contract.

- 5 (3) A member of a board who becomes interested in a contract after it has been entered into by the board shall disclose his interest by means of a written notice to the board within seven days after the day on which he so became interested.

- 10 (4) A member of a board who is interested in a proposed contract referred to in subsection (1), or a contract referred to in subsection (3), shall not be competent to vote at any proceedings of the board or a committee thereof in connection with any such contract.

- 15 12. (1) A person who is a member of a board shall not be competent to be appointed as an employee of that or any other board. Members of board not competent to be employees of board.

- (2) Any person who is an employee of a board and becomes a member of that or any other board, shall be deemed to have resigned as an employee of the board on the date of his appointment as such a member.

- 20 13. A member or an employee of a board shall not disclose any information obtained by him in the exercise of his powers, the performance of his functions or the carrying out of his duties, except— Preservation of secrecy.

- 25 (a) to the extent to which it may be necessary for the proper administration of this Act;
(b) with the consent of the board or Minister; or
(c) for the purposes of any legal proceedings relating to a matter under this Act.

- 30 14. No decision taken by, or act performed under the authority of, a board or committee, shall be invalid by reason merely 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 or of the fact that a member who was not entitled to vote, voted at the time when the decision was taken or that 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 and to vote. Certain irregularities shall not affect acts of boards or committees.

- 40 15. (1) The work incidental to the performance by a board of its functions shall be performed at its expense and subject to its directions and under its control by— Staff of board.

- 45 (a) persons in the service of a local government body or local authority who may in terms of an agreement with such local government body or local authority be seconded, with their consent, or in terms of subsection (5), to the service of the board; and
50 (b) such other persons as may be appointed by the board on such conditions and at such remuneration as the board may, subject to the other provisions of this section, determine: Provided that any person who immediately before the commencement of this Act was in the service of an administration board, shall as from such commencement be deemed to have been appointed to the service of the development board which in terms of section 3 (1) (d) is deemed to have been established in respect of the area concerned, subject to the same conditions of service as those which applied in respect of him immediately before such commencement.

- 55 (2) Any person seconded to the service of a board in terms of subsection (1) (a) or (5) shall while so seconded in all respects remain subject to the laws governing his employment under the local government body or local authority concerned.

- 60 (3) A board shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution, and shall for those purposes be

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

doel geag ingevolge artikel 4 van daardie Wet tot so 'n inrigting verklaar te wees vanaf die datum waarop dit ingevolge hierdie Wet ingestel word of geag word ingestel te wees.

(4) Ondanks andersluidende bepalings van 'n wet of van die reëls op 'n munisipale pensioenfonds, maar behoudens die bepalings van subartikel (18)— 5

- (a) word elke persoon wat kragtens subartikel (1) (b) in 'n vaste hoedanigheid in die diens van 'n raad aangestel word, behalwe 'n in subartikel (7) vermelde persoon, vanaf die datum van sy aanstelling 'n lid van, en dra hy by tot, die pensioenfonds kragtens genoemde Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingestel;
- (b) word iemand—
 - (i) op wie paragraaf (a) van hierdie subartikel of 15 paragraaf (a) van subartikel (8) van toepassing is;
 - (ii) wat voor sy aanstelling in diens was van 'n plaaslike bestuursliggaam of 'n plaaslike bestuur of van 'n raad en wat terwyl hy aldus in diens was, 'n lid was van 'n munisipale pensioenfonds; en 20
 - (iii) wat aldus aangestel is sonder onderbreking van die deurlopendheid van sy diens of na sodanige onderbreking as wat die Direkteur-generaal: Gesondheid en Welsyn in sy geval redelik en nodig ag, geag, ingevolge die regulasies kragtens genoemde Wet van krag, te gekies het om die dienstermyn wat ingevolge 'n wet of reëls op genoemde munisipale pensioenfonds as pensioengewende diens erken word, vir die doeleindes van die pensioenfonds kragtens genoemde Wet ingestel, as pensioengewende diens te reken; 30
- (c) word daar, ten opsigte van iemand wat aldus geag word aldus te gekies het, aan die aldus ingestelde pensioenfonds uit genoemde munisipale pensioenfonds 'n bedrag betaal gelyk aan die belang van die betrokke persoon in die bates van die genoemde munisipale pensioenfonds soos bereken deur die aktuaris van gemelde munisipale pensioenfonds in oorleg met 'n ander aktuaris wat vir die doeleindes van hierdie paragraaf aangewys word deur die Minister van Gesondheid en Welsyn of deur 'n beampte in die Departement van Gesondheid en Welsyn wat deur bedoelde Minister aangewys word; 40
- (d) indien die bedrag van die belang ingevolge paragraaf (c) bereken minder is as die bedrag wat, ingevolge die regulasies kragtens daardie Wet van krag, aan die pensioenfonds aldus ingestel, betaalbaar is ten opsigte van die in paragraaf (b) bedoelde pensioengewende diens van sodanige persoon, word die tekort uit die Staatsinkomstefonds aan daardie pensioenfonds betaal;
- (e) word daar by die bedrag wat ingevolge paragraaf (c) of (d) betaalbaar is, rente gevoeg teen die koers van vyf persent per jaar, jaarliks saamgestel op 31 Maart en bereken vanaf die datum waarop die betrokke persoon ooreenkomstig paragraaf (a) of ooreenkomstig subartikel (8) (a), na gelang van die geval, 'n lid word van en bydra tot die aldus ingestelde pensioenfonds tot op die datum waarop bedoelde bedrag ingevolge paragraaf (c) of (d) aan daardie fonds betaal word: Met dien verstande dat indien die totale bedrag wat ingevolge paragraaf (c) betaalbaar is, nie in 'n enkele bedrag betaal word nie, die koers waarteen rente betaalbaar is op die gedeelte van bedoelde totale bedrag wat bepaal word deur die Minister van Gesondheid en Welsyn of 'n beampte in die Departement van Gesondheid en Welsyn wat bedoelde Minister vir daardie doel aanwys, ses 55 persent per jaar is;
- (f) word daar, in die geval van iemand op wie paragraaf (b) van toepassing is en wat later regstreeks aangestel word in die diens van 'n plaaslike bestuur, by die totale bedrag van die bedrae wat ingevolge die regulasies kragtens genoemde Wet ten opsigte van sodanige aanstelling bepaal kan word, gevoeg— 60

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

deemed to have been declared to be such an institution in terms of section 4 of that Act, as from the date on which it is or is deemed to have been established in terms of this Act.

(4) Notwithstanding anything to the contrary contained in any law or in the rules governing any municipal pension fund, but subject to the provisions of subsection (18)—

- (a) every person appointed in a permanent capacity in the service of a board under subsection (1) (b), other than a person referred to in subsection (7), shall, as from the date of his appointment, become a member of and contribute to the pension fund established under the said Associated Institutions Pension Fund Act, 1963;
- (b) any person—
- (i) to whom paragraph (a) of this subsection or paragraph (a) of subsection (8) applies;
- (ii) who before his appointment was employed by a local government body or a local authority or a board and who, while so employed, was a member of a municipal pension fund; and
- (iii) who was so appointed without a break in the continuity of his employment or after such a break as the Director-General: Health and Welfare may in his case deem to be reasonable and necessary, shall be deemed to have elected, in terms of the regulations in force under the said Act, to reckon the period of service recognized as pensionable service in terms of any law or rules governing the said municipal pension fund, as pensionable service for the purposes of the pension fund established under the said Act;
- (c) there shall, in respect of any person so deemed to have so elected, be paid to the pension fund so established, out of the said municipal pension fund, an amount equal to the interest of the person concerned in the assets of the said municipal pension fund as calculated by the actuary of the said municipal pension fund in consultation with any other actuary designated for the purposes of this paragraph by the Minister of Health and Welfare or by any officer in the Department of Health and Welfare designated by the said Minister;
- (d) if the amount of the interest calculated in terms of paragraph (c) is less than the amount which, in terms of the regulations in force under the said Act, is payable to the pension fund so established in respect of the pensionable service of such person referred to in paragraph (b), the deficit shall be paid to that pension fund out of the State Revenue Fund;
- (e) there shall be added to any amount payable in terms of paragraph (c) or (d) interest at the rate of five per cent per annum, compounded annually on 31 March and calculated from the date on which the person concerned in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, becomes a member of and contributes to the pension fund so established, up to the date on which the said amount is paid to such fund in terms of paragraph (c) or (d): Provided that if the total amount payable in terms of paragraph (c) is not paid in one sum, the rate at which interest is payable on such portion of the said total amount as may be determined by the Minister of Health and Welfare or by an officer in the Department of Health and Welfare designated by the said Minister for such purpose, shall be six per cent per annum;
- (f) there shall, in the case of any person to whom paragraph (b) applies and who is subsequently directly appointed in the service of any local authority, be added to the aggregate of the amounts which may in terms of the regulations under the said Act be paid in respect of such appointment—

- (i) 'n bedrag gelyk aan die belang ingevolge paragraaf (c) bereken; en
- (ii) rente teen die koers van vyf persent per jaar, jaarliks saamgestel op 31 Maart, op die bedrag in subparagraaf (i) genoem, en bereken ten opsigte van die tydperk vanaf die datum waarop so iemand ooreenkomstig paragraaf (a) of ooreenkomstig subartikel (8) (a), na gelang van die geval, 'n lid geword het van en bygedra het tot die aldus ingestelde pensioenfonds, tot op die datum waarop bedoelde bedrag aan die betrokke munisipale pensioenfonds betaal word:

Met dien verstande dat sodanige totale bedrag bereken word ten opsigte van die tydperk vanaf die datum waarop so iemand aldus 'n lid geword het van en bygedra het tot die aldus ingestelde pensioenfonds, tot op die datum van sodanige regstreekse aanstelling;

- (g) word siekte- of vakansieverlof waarmee iemand in paragraaf (c) vermeld op die dag onmiddellik voor die datum van sy aanstelling ingevolge subartikel (1) (b) gekrediteer was, geag verlof te wees wat hy verdien het in die diens van die raad wat hom aldus aanstel;
- (h) raak die aanstelling kragtens subartikel (1) (b) van iemand in paragraaf (a) van subartikel (1) genoem, nie sy lidmaatskap van 'n geregistreerde vakvereniging binne die bedoeling van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), waarvan hy onmiddellik voor sodanige aanstelling 'n lid was nie.

(5) Wanneer die regsgebied van 'n plaaslike bestuursliggaam by die ontwikkelingsraadsgebied van 'n raad ingesluit word, moet sodanige plaaslike bestuursliggaam elke persoon wat in die departement of afdeling van sodanige liggaam wat Swart sake administreer, in diens is, tydelik oorplaas na die diens van sodanige raad, met ingang van die datum waarop sodanige regsgebied aldus ingesluit word, en vir die tydperk, maar hoogstens ses maande, waaroor sodanige liggaam en sodanige raad ooreenkom.

(6) 'n Raad na wie se diens iemand in diens van 'n plaaslike bestuursliggaam ingevolge subartikel (5) tydelik oorgeplaas word, moet gedurende die tydperk waarvoor sodanige persoon aldus tydelik oorgeplaas word, werk aan sodanige persoon aanbied in 'n pos wat ingevolge hierdie Wet by sodanige raad ingestel is, op die bedinge en voorwaardes en teen die besoldiging wat sodanige raad, behoudens die bepalinge van hierdie artikel, bepaal, maar wat nie minder gunstig is as bedinge, voorwaardes en besoldiging wat op hom van toepassing was as 'n persoon in diens van sodanige plaaslike bestuursliggaam nie.

(7) Iemand aan wie werk aangebied is ingevolge subartikel (6) en wat skriftelik kies om sodanige werk te aanvaar, word by die verstryking van die tydperk waarvoor hy ingevolge subartikel (5) tydelik na die diens van die betrokke raad oorgeplaas is, deur sodanige raad kragtens subartikel (1) (b) aangestel: Met dien verstande dat—

- (a) elke persoon aldus aangestel, behoudens die bepalinge van paragraaf (b) van hierdie voorbehoudsbepaling en van subartikel (8), vir pensioendoeleindes geag word nie aldus aangestel te gewees het nie, maar aldus tydelik oorgeplaas te bly;
- (b) ondanks andersluidende bepalinge van 'n wet of reëls op die munisipale pensioenfonds waarvan sodanige persoon 'n lid is, sodanige raad met ingang van die datum waarop so iemand aldus aangestel is aan genoemde fonds elke bedrag moet betaal wat betaalbaar is ten opsigte van so iemand deur die betrokke plaaslike bestuursliggaam, solank so iemand ingevolge paragraaf (a) geag word aldus tydelik oorgeplaas te bly;
- (c) paragrawe (g) en (h) van subartikel (4) *mutatis mutandis* van toepassing is op so iemand met ingang van genoemde datum.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (i) an amount equal to the interest calculated in terms of paragraph (c); and
- (ii) interest at the rate of five per cent per annum, compounded annually on 31 March, on the amount referred to in subparagraph (i), and calculated in respect of the period from the date on which such person, in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, became a member of and contributed to the pension fund so established, up to the date on which the said amount is paid to the municipal pension fund in question:
- Provided that such aggregate shall be calculated in respect of the period from the date on which such person so became a member of and contributed to the pension fund so established, up to the date of such direct appointment;
- (g) any sick or vacation leave which stood to the credit of any person referred to in paragraph (c) on the day immediately before the date of his appointment in terms of subsection (1) (b), shall be deemed to be leave earned by him in the service of the board so appointing him;
- (h) the appointment under subsection (1) (b) of any person referred to in paragraph (a) of subsection (1) shall not affect his membership of any registered trade union, within the meaning of the Labour Relations Act, 1956 (Act No. 28 of 1956), of which he was a member immediately before such appointment.
- (5) Whenever the area of jurisdiction of any local government body is included in the development board area of any board, such local government body shall second every person employed in the department or section of such body administering Black affairs, to the service of such board, with effect from the date on which such first-mentioned area is so included, and for such period, but not exceeding six months, as may be agreed upon between such body and such board.
- (6) A board to whose service any person employed by a local government body is seconded in terms of subsection (5), shall, during the period for which such person is so seconded, offer employment to such person in any post established in terms of this Act with such board on such terms and conditions and at such remuneration as such board may, subject to the provisions of this section, determine, but which shall not be less favourable than any terms, conditions and remuneration applicable to him as a person employed by such local government body.
- (7) Any person to whom employment has been offered in terms of subsection (6) and who elects in writing to accept such employment, shall on the expiry of the period for which he was in terms of subsection (5) seconded to the service of the board concerned, be appointed by such board under subsection (1) (b):
- Provided that—
- (a) every person so appointed shall, subject to the provisions of paragraph (b) of this proviso and of subsection (8), for pension purposes be deemed not to have been so appointed but to remain so seconded;
- (b) notwithstanding anything to the contrary contained in any law or rules governing the municipal pension fund of which such person is a member, such board shall, with effect from the date on which such person is so appointed, pay to the said fund every amount payable in respect of such person by the local government body concerned as long as such person is in terms of paragraph (a) deemed to remain so seconded;
- (c) paragraphs (g) and (h) of subsection (4) shall, with effect from the said date, *mutatis mutandis* apply to such person.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

(8) Elke persoon in subartikel (7) genoem, moet deur die betrokke raad aangesê word om 'n keuse uit te oefen, en kan skriftelik kies, nie later nie as ses maande na die datum waarop hy deur sodanige raad aangestel word, om lid te word van die pensioenfonds kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingestel, en daarop—

- (a) indien hy aldus kies, is subartikel (4) *mutatis mutandis* van toepassing op hom asof hy in die diens van sodanige raad aangestel is kragtens subartikel (1) (b) met ingang van die eerste dag van die tweede maand wat volg op die maand waarin hy sodanige keuse uitgeoefen het;
- (b) indien hy kies om nie sodanige lid te word nie of versuim om sodanige keuse uit te oefen binne genoemde ses maande of die langer tydperk wat die Direkteur-generaal: Gesondheid en Welsyn, of 'n beampte van sy Departement deur hom vir dié doel aangewys, in spesiale omstandighede goedkeur, bly die voorbehoudsbepaling by subartikel (7) op hom van toepassing solank hy in die diens van die betrokke raad bly.

(9) Elke persoon op wie paragraaf (a) van die voorbehoudsbepaling by subartikel (7) of subartikel (8) (b) van toepassing is, word, indien hy te eniger tyd solank daardie paragraaf of daardie subartikel op hom van toepassing is, bedank uit die diens van die betrokke raad en regstreeks aangestel word in die diens van 'n ander raad sonder onderbreking in die deurlopendheid van sy diens of na die onderbreking wat die Direkteur-generaal: Gesondheid en Welsyn redelik en nodig ag, vir pensioendoelendes geag te bedank het uit die diens van die plaaslike bestuursliggaam uit wie se diens hy ingevolge paragraaf (a) van die voorbehoudsbepaling by subartikel (7) geag word tydelik oorgeplaas te bly, en subartikel (4) is *mutatis mutandis* op hom van toepassing met ingang van die datum waarop hy aldus aangestel word.

- (10) (a) Iemand aan wie werk ingevolge subartikel (6) aangebied is en wat skriftelik kies om nie sodanige werk te aanvaar nie, word deur die betrokke plaaslike bestuursliggaam behandel ooreenkomstig die bepalings op sy diensvoorwaardes, besoldiging en pensioenregte: Met dien verstande dat, ondanks enigiets vervat in sodanige bepalings, indien die Minister, na oorlegpleging met sodanige plaaslike bestuursliggaam, van oordeel is dat iemand se keuse om nie sodanige werk of gepaste alternatiewe werk sonder vermindering van vergoeding wat hom deur sodanige plaaslike bestuursliggaam aangebied is, te aanvaar nie, onredelik is, so iemand geag word uit die diens van sodanige plaaslike bestuursliggaam ingevolge sodanige bepalings te bedank het: Met dien verstande voorts dat indien sodanige plaaslike bestuursliggaam aldus uitgawes aangaan wat hy, indien hierdie Wet nie aangeneem was nie, nie sou aangegaan het nie, die betrokke raad aan sodanige plaaslike bestuursliggaam die bedrag van daardie uitgawes moet oorbetal.

- (b) Die beslissing van die Minister kragtens paragraaf (a) is afdoende.

(11) Indien die pos van iemand wat uit hoofde van 'n aanbod ingevolge subartikel (6) aan hom gemaak, werk aanvaar het by en in die diens getree het van 'n raad, daarna deur daardie raad oortollig verklaar word—

- (a) moet daardie raad van sodanige oortolligheid aan so iemand kennis gee wat verstryk na ses maande of na die korter tydperk waaromtrent so iemand en daardie raad ooreenkom; en
- (b) moet so iemand by verstryking van sodanige kennisgewing deur daardie raad afgedank word, en daarop—
 - (i) indien hy ingevolge subartikel (8) 'n lid geword het van die pensioenfonds kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963,

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(8) Every person referred to in subsection (7) shall be called upon by the board concerned to exercise an election; and may elect in writing, not later than six months after the date on which he is appointed by such board, to become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963, and thereupon—

10 (a) if he so elects, subsection (4) shall *mutatis mutandis* apply to him as if he were appointed to the service of such board under subsection (1) (b) with effect from the first day of the second month following upon the month in which he made such election;

15 (b) if he elects not to become such a member or fails to exercise such election within the said six months or such period as the Director-General: Health and Welfare or an officer of his Department designated by him for the purpose may in special circumstances approve, the proviso to subsection (7) shall continue to apply to him as long as he remains in the service of the board concerned.

20 (9) Every person to whom paragraph (a) of the proviso to subsection (7), or subsection (8) (b), applies, shall, if at any time as long as that paragraph or that subsection applies to him, he resigns from the service of the board concerned and is appointed directly in the service of any other board, without a break in the
25 continuity of his employment or after such a break as the Director-General: Health and Welfare may deem reasonable and necessary, for pension purposes be deemed to have resigned from the service of the local government body from whose service he is, in terms of paragraph (a) of the proviso to subsection
30 (7), deemed to remain seconded, and subsection (4) shall *mutatis mutandis* apply to him with effect from the date on which he is so appointed.

(10) (a) Any person to whom employment has been offered in terms of subsection (6) and who elects in writing not to
35 accept such employment, shall be dealt with by the local government body concerned in terms of the provisions governing his conditions of service, remuneration and pension rights: Provided that notwithstanding anything contained in such provisions, if the Minister,
40 after consultation with such local government body, is of the opinion that any person's election not to accept such employment or appropriate alternative employment without reduction in remuneration offered to him
45 by such local government body, is unreasonable, such person shall be deemed to have resigned from the service of such local government body in terms of such provisions: Provided further that if such local government body so incurs expenditure which it would not
50 have incurred had this Act not been passed, the board concerned shall pay over to such local government body the amount of such expenditure.

(b) The decision of the Minister under paragraph (a) shall be final.

(11) If the post of any person who by virtue of an offer made
55 to him in terms of subsection (6), accepted employment with and entered into the service of any board, is thereafter declared redundant by such board—

(a) it shall give to such person notice of such redundancy, expiring after six months or after such shorter period as
60 may be agreed upon between such person and that board; and

(b) such person shall at the expiry of such notice be retired by that board, and thereupon—

65 (i) if he has in terms of subsection (8) become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963, he shall, for the purposes of the regulations governing

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

- ingestel, word hy by die toepassing van die regulasies op sodanige pensioenfonds en behoudens die bepalings van subartikel (12), geag aldus afgedank te gewees het by bereiking van die uitdienstredingsouderdom soos in genoemde regulasies omskryf: Met dien verstande dat by die vasstelling van 'n voordeel ingevolge genoemde regulasies aan hom betaalbaar, daar by sy pensioengewende diens die tydperk gevoeg word waarby sy genoemde uitdienstredingsleef tyd hoër is as sy leef tyd op die datum waarop hy aldus afgedank word, of 'n tydperk van vyf jaar, watter tydperk ook al die kortste is;
- (ii) indien hy nie aldus sodanige lid geword het nie, word hy geag deur die betrokke plaaslike bestuursliggaam weens oortolligheid afgedank te gewees het, en is die bepalings van subartikel (14) dan op hom van toepassing.
- (12) By die toepassing van subartikel (11) (b) (i) moet die pensioenfonds in daardie subartikel vermeld 'n voordeel bereken ingevolge die regulasies op sodanige pensioenfonds met inagneming van die bepalings van daardie subartikel betaal, en op die betrokke raad verhaal—
- (a) die volle bedrag van 'n betaling ten opsigte van 'n aldus betaalbare jaargeld gedoen tot die laaste dag van die maand waarin die betrokke persoon die uitdienstredingsleef tyd soos in vermelde regulasies omskryf, bereik;
- (b) met ingang van die eerste dag van die maand wat volg op die maand in paragraaf (a) genoem, die bedrag waarmee iedere betaling ten opsigte van sodanige jaargeld vermeerder word weens die tydperk wat ingevolge subartikel (11) (b) (i) by die pensioengewende diens van sodanige persoon gevoeg word;
- (c) die bedrag waarmee 'n aldus berekende gratifikasie verhoog word weens die tydperk wat aldus by die pensioengewende diens van sodanige persoon gevoeg word;
- (d) ingeval sodanige persoon sterf, die bedrag waarmee 'n voordeel ten gunste van die weduwee, 'n voordeelgeregtigde kind of 'n afhanklike van die persoon verhoog word weens die tydperk aldus by sy pensioengewende diens gevoeg.
- (13) Indien—
- (a) iemand in die diens van 'n raad tot die beskikking gestel word van 'n gemeenskapsraad vir die verrigting van werksaamhede soos in artikel 6 (1) (b) van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), bedoel, of van 'n plaaslike bestuur vir die verrigting van sy werksaamhede soos in artikel 35 (1) van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), bedoel;
- (b) die pos van so iemand na sodanige beskikbaarstelling by besluit van bedoelde raad oortollig verklaar word; en
- (c) bedoelde persoon nie paslik in die diens van die betrokke ontwikkelingsraad behou kan word nie—
- (i) moet daardie raad aan so iemand kennis van sodanige oortolligheid gee wat verstryk na ses maande of na die korter tydperk waaromtrent so iemand en die raad ooreenkom; en
- (ii) moet so iemand by verstryking van sodanige kennisgewing afgedank word deur daardie raad en daarop, indien hy ten tyde van sodanige beskikbaarstelling lid was van 'n pensioenfonds kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingestel, word hy by die toepassing van die regulasies op sodanige pensioenfonds en behoudens die bepalings van subartikel (12) geag aldus afgedank te gewees het by bereiking van die indienstredingsouderdom soos in ge-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

5 such pension fund and subject to the provisions of
subsection (12), be deemed to have been so retired
on attaining the retirement age as defined in the
said regulations: Provided that in determining any
benefit payable to him in terms of the said regu-
lations, there shall be added to his pensionable ser-
vice the period by which his said retirement age
exceeds his age at the date on which he is so re-
tired, or a period of five years, whichever is the
shorter period;

10 (ii) if he has not thus become such member, he shall
be deemed to have been retired by the local gov-
ernment body concerned by reason of redundancy,
and the provisions of subsection (14) shall then ap-
ply to him.

15 (12) For the purposes of subsection (11) (b) (i), the pension
fund referred to in that subsection shall, with due regard to the
provisions of that subsection, pay any benefit calculated in terms
of the regulations governing such pension fund, and recover
20 from the board concerned—

(a) the full amount of any payment made in respect of any
annuity so payable up to the last day of the month in
which the person concerned attains the retirement age
as defined in the said regulations;

25 (b) with effect from the first day of the month following
upon the month referred to in paragraph (a), the
amount by which every payment in respect of such an-
nuity is increased by reason of the period which is
added in terms of subsection (11) (b) (i) to the pension-
able service of such person;

30 (c) the amount by which any gratuity so calculated is in-
creased by reason of the period so added to the pen-
sionable service of such person;

35 (d) in the event of the death of such person, the amount by
which any benefit in favour of the widow, any eligible
child or any dependant of such person is increased by
reason of the period so added to his pensionable ser-
vice.

(13) Where—

40 (a) any person in the service of a board is placed at the dis-
posal of a community council for the performance of its
functions as contemplated in section 6 (1) (b) of the
Community Councils Act, 1977 (Act No. 125 of 1977),
or of a local authority for the performance of its func-
45 tions as contemplated in section 35 (1) of the Black
Local Authorities Act, 1982 (Act No. 102 of 1982);

(b) the post of such person is subsequent to such placing at
disposal by resolution of such board declared to be re-
dundant; and

50 (c) such person cannot be suitably retained in the service
of the development board concerned—

(i) such board shall give to such person notice of such re-
dundancy expiring after six months or after such short-
er period as may be agreed upon between such person
55 and the board; and

(ii) such person shall at the expiry of such notice be re-
tired by that board and thereupon such person, if at the
time of such placing at disposal he was a member of a
pension fund established under the Associated Institu-
tions Pension Fund Act, 1963, shall for the purposes of
60 the regulations governing such pension fund and sub-
ject to the provisions of subsection (12) be deemed to
have been so retired on attaining the retirement age as
defined in the said regulations: Provided that in deter-

noemde regulasies omskryf: Met dien verstande dat by die vasstelling van 'n voordeel betaalbaar aan so iemand ingevolge genoemde regulasies, daar by sy pensioengewende diens die tydperk gevoeg word waarby sy uitdienststredingleeftyd hoër is as sy leeftyd op die dag waarop hy aldus afgedank word, of 'n tydperk van vyf jaar, watter tydperk ook al die kortste is.

- (14) (a) Die betrokke munisipale pensioenfonds moet aan iemand in subartikel (11) (b) (ii) vermeld die betrokke voordeel, by of kragtens die wet of reëls op daardie pensioenfonds voorgeskryf, betaal: Met dien verstande dat by die vasstelling van sodanige voordeel, daar by sy pensioengewende diens gevoeg word die tydperk waarmee sy uitdienststredingleeftyd hoër is as sy leeftyd op die dag waarop hy aldus afgedank word, of 'n tydperk van vyf jaar, watter tydperk ook al die kortste is.
- (b) Gemelde munisipale pensioenfonds moet op die betrokke raad verhaal—
- (i) waar sodanige voordeel 'n jaargeld is of insluit, met ingang van die datum van so iemand se uitdienststreding tot op die datum waarop hy die leeftyd bereik waarop hy ingevolge sodanige wet of reëls verplig is om uit die diens van die betrokke plaaslike bestuursliggaam of plaaslike bestuur te tree of tot die datum waarop hy sterf, watter datum ook al die vroegste is, die volle bedrag van elke betaling ten opsigte van sodanige jaargeld;
 - (ii) waar 'n jaargeld in subparagraaf (i) genoem, ingevolge sodanige wet of reëls betaalbaar bly na die datum waarop so iemand aldus verplig is om af te tree, die bedrag (as daar is) waarmee elke betaling ten opsigte van sodanige jaargeld meer is as die bedrag wat ingevolge sodanige wet of reëls betaalbaar sou gewees het as sodanige persoon op die datum waarop hy werklik afgetree het, die leeftyd bereik het waarop hy aldus verplig is om af te tree;
 - (iii) waar sodanige voordeel 'n gratifikasie is of insluit, die volle bedrag van sodanige gratifikasie of 'n deel daarvan, soos deur 'n aktuaris deur sodanige munisipale pensioenfonds aangewys, op koste van sodanige raad, bepaal word met inagneming van die verhouding waarin so iemand se dienstermyn by sodanige plaaslike bestuursliggaam of plaaslike bestuur tot sy dienstermyn by sodanige raad staan.
- (c) Geen bedrag wat ingevolge sodanige wet of reëls deur 'n munisipale pensioenfonds op 'n plaaslike bestuursliggaam of plaaslike bestuur verhaal kan word, is, in 'n geval waarop hierdie subartikel van toepassing is, ten opsigte van die uitdienststreding van iemand op grond van oortolligheid, verhaalbaar nie.
- (15) 'n Raad word, met betrekking tot sy ontwikkelingsraadsgebied, by die toepassing van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), geag 'n plaaslike bestuur te wees binne die bedoeling van daardie Wet.
- (16) (a) Behoudens die bepalings van paragraaf (b) stel elke raad een persoon aan as Hoofdirekteur, wat die hoofuitvoerende beampte van daardie raad is.
- (b) Niemand word as Hoofdirekteur van 'n raad of in sodanige ander pos of poste onder 'n raad as wat die Minister te eniger tyd aandui, hetsy in die algemeen of met betrekking tot 'n bepaalde raad, aangestel nie tensy die Minister die aanstelling skriftelik goedgekeur het.
- (17) By die toepassing van hierdie artikel beteken „munisipale pensioenfonds” 'n superannuasie-, pensioen- of voorsieningsfonds of -skema (behalwe 'n assuranceskema) deur of ingevolge 'n wet ingestel ten bate van die werknemers van 'n plaaslike bestuursliggaam of plaaslike bestuur of van meer as een sodanige liggaam of bestuur.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

5 mining any benefit payable to him in terms of the said regulations, there shall be added to his pensionable service the period by which his said retirement age exceeds his age at the date on which he is so retired, or a period of five years, whichever is the shorter period.

10 (14) (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 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.

15 (b) The said municipal pension fund shall recover from the board concerned—

20 (i) where such benefit is or includes any annuity, the full amount of each payment in respect of such annuity, with effect from the date of such person's retirement up to the date on which he attains the age at which he is required in terms of such law or rules to retire from the service of the local government body or local authority concerned, or to the date of his death, whichever date is the earlier;

25 (ii) where any annuity referred to in subparagraph (i) remains payable, in terms of such law or rules, after the date on which such person is so required to retire, the amount (if any) by which every payment in respect of such annuity exceeds the amount which would have been payable in terms of such law or rules had such person, on the date on which he actually retired, attained the age at which he is so required to retire;

30 (iii) where such benefit is or includes any gratuity, the full amount of such gratuity or any portion thereof as determined by an actuary, designated by such municipal pension fund, at the expense of such board, due regard being had to the ratio which such person's period of service with such local government body or local authority bears to his period of service with such board.

35 (c) No amount which in terms of such law or rules may be recovered by a municipal pension fund from a local government body or local authority shall, in any case to which this subsection applies, be recoverable in respect of the retirement of any person on the ground of redundancy.

40 (15) A board shall in relation to its development board area for the purposes of the Labour Relations Act, 1956 (Act No. 28 of 1956), be deemed to be a local authority within the meaning of that Act.

45 (16) (a) Subject to the provisions of paragraph (b), each board shall appoint one person as Chief Director, who shall be the chief executive officer of that board.

50 (b) No person shall be appointed as Chief Director of a board or to such other post or posts under a board as the Minister may at any time designate, whether generally or with reference to a particular board, unless the Minister has approved the appointment in writing.

55 (17) For the purposes of this section "municipal pension fund" means any superannuation, pension or provident fund or scheme (other than an assurance scheme), established by or in terms of any law for the benefit of the employees of a local government body or local authority or of more than one such body or authority.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

(18) Waar daar in enige provinsie 'n mediese hulpfonds of mediese hulpskema vir werknemers en afgetrede werknemers, en hul afhanklikes, van plaaslike bestuursliggame in daardie provinsie bestaan, kan die Minister, na oorlegpleging met die Administrateur van daardie provinsie, bedoelde fonds of skema by kennisgewing in die *Staatskoerant* aanwys as 'n fonds of skema ook vir werknemers en afgetrede werknemers, en hul afhanklikes, van 'n raad wat in die kennisgewing vermeld word en waarvan die ontwikkelingsraadsgebied geheel of gedeeltelik in daardie provinsie geleë is, en daarop word 'n aldus vermeldde raad, by die toepassing van bedoelde fonds of skema en enige wet ingevolge waarvan dit ingestel is of vir die een of ander doel goedgekeur is, en ondanks andersluidende bepalings van daardie wet, geag 'n plaaslike bestuursliggaam soos in daardie wet beoog, te wees en dit te alle tersaaklike tye te gewees het.

(19) Die bepalings van paragrafe (b), (c), (d), (e), (f) en (g) van subartikel (4) is nie van toepassing ten opsigte van iemand wat vanaf 'n datum na 31 Desember 1977 kragtens subartikel (1) of kragtens die ooreenstemmende bepaling van die Wet op die Administrasie van Swart Sake, 1971, aangestel is nie.

Oogmerk van rade.

16. Die oogmerk van rade is om die lewensvatbaarheid, ontwikkeling en selfstandigheid van Swart gemeenskappe en sekere van hul instellings te bevorder, die welsyn van daardie gemeenskappe en Swart persone te bevorder, stappe te doen om die ekonomiese en maatskaplike verval van daardie gemeenskappe en persone te voorkom en, indien nodig, stappe te doen om daardie gemeenskappe en persone te rehabiliteer.

Rade het sekere plaaslike bestuurs-, behuisings-, ontwikkelings- en agentskapsfunksies.

17. Ten einde die oogmerk in artikel 16 vermeld, te bereik, het rade sekere plaaslike bestuurs-, behuisings-, ontwikkelings- en agentskapsfunksies ooreenkomstig die bepalings wat onderskeidelik in Hoofstukke III, IV en V vervat is.

Bates en laste van raad.

18. (1) Wanneer 'n raad ingestel is of geag word ingestel te wees, word die bates (met inbegrip van grond) of regte verkry en enige laste of verpligtings aangegaan, met betrekking tot 'n aangeleentheid ten opsigte waarvan daar ingevolge hierdie Wet bevoegdhede uitgeoefen, werksaamhede verrig of pligte uitgevoer kan of moet word deur daardie raad—

(a) voor die datum met ingang waarvan daardie raad ingestel is, deur 'n plaaslike bestuursliggaam wie se regsgebied of van wie se regsgebied 'n deel by die toepaslike kennisgewing kragtens artikel 3 (1) (a) in daardie raad se ontwikkelingsraadsgebied ingesluit is;

(b) voor die datum waarop 'n kennisgewing kragtens artikel 51 (1) (b) (v) van krag word, deur 'n plaaslike bestuursliggaam in sodanige kennisgewing vermeld wie se regsgebied of van wie se regsgebied 'n deel by sodanige kennisgewing in daardie raad se ontwikkelingsraadsgebied ingesluit is,

behalwe vir sover deur die Minister anders bepaal word, en onderworpe aan die voorwaardes, met inbegrip van voorwaardes met betrekking tot die betaling van vergoeding (as daar is) wat aldus bepaal word, en aan voorwaardes waaroor onderling tussen die betrokke plaaslike bestuursliggaam en daardie raad ooreengekom word, geag deur daardie raad verkry of aangegaan te wees.

(2) Wanneer 'n raad ingestel is, word die bates (met inbegrip van grond) of regte wat volgens die oordeel van die Minister verkry is en die laste of verpligtings wat volgens sy oordeel aangegaan is deur die Regering in daardie raad se ontwikkelingsraadsgebied, met betrekking tot 'n aangeleentheid ten opsigte waarvan daar ingevolge hierdie Wet bevoegdhede uitgeoefen, werksaamhede verrig of pligte uitgevoer kan of moet word deur daardie raad—

(a) voor die datum met ingang waarvan daardie raad ingestel is;

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(18) Where in any province there exists a medical aid fund or medical aid scheme for employees and retired employees, and their dependants, of local government bodies in that province, the Minister may, after consultation with the Administrator of that province, by notice in the *Gazette* designate such fund or scheme as a fund or scheme also for employees and retired employees, and their dependants, of any board which is specified in such notice and the development board area of which falls wholly or partly within that province, and thereupon any board so specified shall, for the purposes of such fund or scheme and any law in terms of which it has been established or has been approved for any purpose, and notwithstanding anything to the contrary in such law contained, be deemed to be and at all relevant times to have been a local government body as contemplated in such law.

(19) The provisions of paragraphs (b), (c), (d), (e), (f) and (g) of subsection (4) shall not apply in respect of any person appointed under subsection (1) or the corresponding provision of the Black Affairs Administration Act, 1971, as from any date after 31 December 1977.

16. The object of boards shall be to promote the viability, development and autonomy of Black communities and certain of their institutions, to promote the welfare of those communities and of Black persons, to take steps to prevent the economic and social decline of those communities and persons and, if necessary, to take steps to rehabilitate those communities and persons.

Object of boards.

17. In order to attain the object mentioned in section 16, boards shall have certain local government, housing, development and agency functions, in accordance with the provisions contained in Chapters III, IV and V, respectively.

Boards to have certain local government, housing, development and agency functions.

18. (1) Whenever a board has been established or is deemed to have been established, any assets (including land) or rights acquired and any liabilities or obligations incurred in relation to any matter in respect of which any powers may be exercised, any functions may be performed or any duties shall be carried out in terms of this Act by that board—

Assets and liabilities of board.

(a) before the date with effect from which that board has been established, by a local government body whose area of jurisdiction or any portion of which is by the relevant notice under section 3 (1) (a) included in that board's development board area;

(b) before the date on which a notice under section 51 (1) (b) (v) comes into force, by a local government body specified in such notice whose area of jurisdiction or any portion of which is by such notice included in that board's development board area,

shall, save as may be otherwise determined by the Minister, and subject to such conditions, including conditions relating to the payment of compensation (if any) as may be so determined, and to any conditions which may be mutually agreed upon between the local government body concerned and that board, be deemed to have been acquired or incurred by that board.

(2) Whenever a board has been established, any assets (including any land) or rights which in the opinion of the Minister have been acquired and any liabilities or obligations which in his opinion have been incurred by the Government, in that board's development board area, in relation to any matter in respect of which any powers may be exercised, functions may be performed or duties shall be exercised in terms of this Act by that board—

(a) before the date with effect from which that board has been established;

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (b) voor die datum waarop 'n kennisgewing kragtens artikel 51 (1) (b) (v) van krag word ten opsigte van 'n plaaslike bestuursliggaam in sodanige kennisgewing vermeld wie se regsgebied of van wie se regsgebied 'n deel by sodanige kennisgewing in daardie raad se regsgebied ingesluit is, 5

behalwe vir sover deur die Minister in oorleg met die Minister van Finansies anders bepaal word, en onderworpe aan die voorwaardes wat aldus bepaal word, geag deur daardie raad verkry of aangegaan te gewees het, en moet 'n bedrag voor so 'n datum met betrekking tot so 'n aangeleentheid deur die Minister bepaal, onderworpe aan die voorwaardes wat die Minister van Finansies bepaal, deur daardie raad aan die Minister ten bate van die Staatsinkomstefonds terugbetaal word.

(3) 'n Vraag of bates, regte, laste of verpligtings ingevolge subartikel (1) verkry of aangegaan is met betrekking tot 'n aangeleentheid ten opsigte waarvan daar ingevolge hierdie Wet deur 'n raad bevoegdhede uitgeoefen kan word, werksaamhede verrig kan word of pligte uitgevoer moet word, word beslis deur ooreenkoms tussen die Minister en die liggaam deur wie daardie bates, regte, laste of verpligtings verkry of aangegaan is of, by ontstentenis van sodanige ooreenkoms, deur die Ouditeur-generaal. 20

(4) Enige bate, reg, las of verpligting wat by 'n administrasieraad gevestig was onmiddellik voor die inwerkingtreding van hierdie Wet, word gevestig in die raad in artikel 3 (1) (d) bedoel. 25

Fondse van raad.

19. (1) Die algemene fondse van 'n raad bestaan—

- (a) in die mate en onderworpe aan die voorwaardes wat die Minister bepaal— 30
- (i) uit geld wat onmiddellik voor die datum waarop 'n kennisgewing kragtens artikel 3 (1) (a) van krag word, op krediet van 'n Swart inkomsterekening staan wat ingevolge 'n in sodanige kennisgewing vermelde wet gehou is deur 'n aldus vermelde plaaslike bestuursliggaam die geheel of 'n gedeelte van wie se regsgebied by sodanige kennisgewing by daardie raad se ontwikkelingsraadsgebied ingesluit is, of van enige ander rekening wat ingevolge enige ander wet deur sodanige plaaslike bestuursliggaam gehou word met betrekking tot 'n aangeleentheid ten opsigte waarvan daar ingevolge hierdie Wet bevoegdhede uitgeoefen of werksaamhede verrig kan word deur daardie raad; 35
 - (ii) uit geld wat by ontstentenis van hierdie Wet in 'n in 45 subparagraaf (i) vermelde rekening inbetaal sou gewees het;
 - (iii) uit geld wat aan 'n plaaslike bestuursliggaam ten bate van Swartes in die regsgebied van sodanige plaaslike bestuursliggaam toegeken, bemaak of geskenk word; 40
 - (iv) uit geld wat voor die datum waarop 'n in subparagraaf (i) genoemde kennisgewing van krag word, aan sodanige plaaslike bestuursliggaam aldus toegeken, bemaak of geskenk is en wat onmiddellik voor sodanige datum tot krediet van so 'n plaaslike bestuursliggaam staan; 50
- (b) uit geld verkry uit die verkoop of verhuur van grond of persele deur daardie raad;
- (c) uit bedrae wat aan hom betaalbaar mag word uit hoofde van hierdie Wet of 'n regulasie van krag in sy ontwikkelingsraadsgebied; 60
- (d) uit geld deur middel van 'n bankoortrekking deur hom van 'n handelsbank soos omskryf in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965), verkry met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal; 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (b) before the date on which a notice under section 51 (1) (b) (v) comes into force in respect of a local government body specified in such notice whose area of jurisdiction or any portion of which is by such notice included in that board's administration area,
- 5 shall, save as may be otherwise determined by the Minister in consultation with the Minister of Finance, and subject to such conditions as may be so determined, be deemed to have been acquired or incurred by that board, and any amount paid by the
- 10 Minister before any such date in relation to any such matter shall, subject to such conditions as the Minister of Finance may determine, be repaid by that board to the Minister for the benefit of the State Revenue Fund.
- (3) Any question as to whether, in terms of subsection (1),
- 15 any assets, rights, liabilities or obligations have been acquired or incurred in relation to any matter in respect of which any powers may be exercised, any functions may be performed or any duties shall be carried out in terms of this Act by a board, shall be determined by agreement between the Minister and the body by
- 20 which those assets, rights, liabilities or obligations were acquired or incurred or, failing such agreement, by the Auditor-General.
- (4) Any asset, right, liability or obligation vested in an administration board immediately before the commencement of this Act, shall be vested in the board referred to in section 3 (1)
- 25 (d).

19. (1) The general funds of a board shall consist—

Funds of board.

- (a) to such extent and subject to such conditions as the Minister may determine—
- 30 (i) of any moneys standing, immediately before the date on which a notice under section 3 (1) (a) comes into force, to the credit of any Black revenue account kept in terms of any law specified in such notice by a local government body so specified, the whole or any portion of whose area of jurisdiction
- 35 has by such notice been included in that board's development board area, or of any other account kept in terms of any other law by such local government body in relation to any matter in respect of which any powers may be exercised or any functions may be performed in terms of this Act by that board;
- 40 (ii) of any moneys which, had this Act not been passed, would have been paid into any account referred to in subparagraph (i);
- 45 (iii) of any moneys which may be granted, bequeathed or donated to any local government body for the benefit of the Blacks in the area of jurisdiction of such local government body;
- 50 (iv) of any moneys so granted, bequeathed or donated to any such local government body prior to the date on which a notice referred to in subparagraph (i) comes into force and standing to the credit of any such local government body immediately prior to such date;
- 55 (b) of moneys derived from the sale or lease of land or premises by the board;
- (c) of any amounts which may become payable to it under this Act or any regulation in force in its development board area;
- 60 (d) of moneys obtained by it, with the approval of the Minister and subject to such conditions as he may determine, by means of a bank overdraft from a commercial bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

- (e) uit bedrae wat aan hom betaal word kragtens artikel 38~~sex~~ van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936);
- (f) uit lenings (behalwe lenings in paragraaf (d) beoog) deur hom verkry met die goedkeuring van die Minister, 5 verleen in oorleg met die Minister van Finansies;
- (g) uit bedrae uit enige ander bron verkry.

(2) Die Minister bepaal niks kragtens subartikel (1) (a) nie behalwe na oorlegpleging met die betrokke plaaslike bestuurslig- 10 gaam.

(3) Die geld in subartikel (1) (a) (iii) of (iv) genoem, word deur die betrokke raad aangewend vir die doeleindes en onderworpe aan die voorwaardes, as daar is, wat in die toepaslike toekenning, bemaking of skenking vermeld word.

(4) Die opbrengs van 'n lening kragtens subartikel (1) (f) vir 15 'n aangewese doel verkry, word in 'n afsonderlike rekening inbe- taal en uitsluitlik vir daardie doel aangewend.

(5) 'n Raad moet 'n volledige en juiste rekening laat hou van alle geld wat deur hom ontvang of uitgegee is.

(6) Geld in besit van 'n raad wat nie vir onmiddellike gebruik 20 nodig is nie, kan, behoudens die bepalings van subartikel (7), deur hom belê word by die Staatskuldkommissaris of op die ander wyse wat goedgekeur word, en onderworpe aan die voor- waardes wat deur die Minister in oorleg met die Minister van Fi- 25 nansies bepaal word.

(7) 'n Raad betaal van tyd tot tyd aan die Suid-Afrikaanse Ontwikkelingstrust by die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingestel, uit geld wat tot sy krediet staan die bedrae wat in elke geval deur die Minister goedgekeur 30 word.

Administrasie van
raad se geldsake.

20. (1) Die in artikel 15 (16) bedoelde Hoofdirekteur van 'n raad is die rekenpligtige beampte van daardie raad vir die doel- eindes van hierdie Wet en is as sodanig belas met die verant- woording van al die geld deur die raad ontvang en al die beta- 35 lings deur die raad gedoen.

(2) Tensy andersins van 'n raad kragtens artikels 29 en 31 ge- lees met die bepalings van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), vereis word, word geen uitgawe 40 deur 'n raad aangegaan nie behalwe ooreenkomstig 'n begroting van inkomste en uitgawe deur die Minister goedgekeur.

(3) Die bepalings van artikels 39 (2), 40, 42, 45, 46, 47 en 48 van die Wet op Swart Plaaslike Besture, 1982, is *mutatis mutan- dis* ten opsigte van 'n raad en sy geldsake van toepassing, en by sodanige toepassing word 'n verwysing in daardie bepalings na daardie Wet of 'n ander bepaling daarvan as 'n bepaling in hier- 45 die subartikel genoem, uitgelê as 'n verwysing na hierdie Wet of die ooreenstemmende bepaling daarvan, na gelang van die ge- val.

Ouditering van re-
kenings.

21. Die boeke en rekenings en balansstaat van 'n raad word 50 deur die Ouditeur-generaal geouditeer.

Belasbaarheid van
grond wat aan raad
behoort.

22. Belastinge kan gehêf word op grond wat in 'n dorp geleë is en wat aan 'n raad behoort, ongeag of daardie grond aan ie- mand, met inbegrip van 'n plaaslike bestuur, beskikbaar gestel is of nie, hetsy by wyse van 'n reg van huurpag of 'n ander reg tot 55 bewoning.

Algemene bevoegd-
hede van Minister
met betrekking tot
raad.

23. (1) (a) Indien 'n raad versuim om 'n handeling te verrig wat hy ingevolge die bepalings van hierdie Wet gemag- tigt of verplig word om te verrig, of sodanige handeling op so 'n wyse verrig dat daar, volgens oordeel van die Minister, nie aan die oogmerke van hierdie Wet gevolg 60 gegee word nie, het die Minister, benewens enige an- der bevoegdheid wat uitdruklik ingevolge hierdie Wet aan hom verleen word, die bevoegdheid om so 'n raad by skriftelike kennisgewing te gelas om sodanige han-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (e) of any moneys paid to it under section 38sex of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);
- 5 (f) of any loans (other than loans contemplated in paragraph (d)) obtained by it with the approval of the Minister granted in consultation with the Minister of Finance;
- (g) of any amounts obtained from any other source.
- (2) No determination shall be made by the Minister under 10 subsection (1) (a) except after consultation with the local government body concerned.
- (3) The moneys referred to in subsection (1) (a) (iii) or (iv) shall be applied by the board concerned for the purposes and subject to the conditions, if any, specified in the relevant grant, 15 bequest or donation.
- (4) The proceeds of any loan obtained under subsection (1) (f) for any specified purpose shall be paid into a separate account and devoted exclusively to that purpose.
- (5) A board shall cause a full and correct account to be kept 20 of all amounts received or expended by it.
- (6) Any moneys in the possession of a board which are not required for immediate use, may, subject to the provisions of subsection (7), be invested by it with the Public Debt Commissioners or in such other manner as may be approved, and subject to 25 such conditions as may be determined, by the Minister in consultation with the Minister of Finance.
- (7) A board shall from time to time pay to the South African Development Trust established by the Development Trust and Land Act, 1936 (Act No. 18 of 1936), such amounts from funds 30 standing to its credit as may in each case be approved by the Minister.
20. (1) The Chief Director of a board, referred to in section 15 (16), shall be the accounting officer of such board for the purposes of this Act and as such shall be charged with the responsibility of accounting for all moneys received by the board and all 35 payments made by the board. Administration of board's finances.
- (2) Save where a board is otherwise required under sections 29 and 31, read with the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), no expenditure shall be incurred by a board otherwise than in accordance with estimates 40 of revenue and expenditure approved by the Minister.
- (3) The provisions of sections 39 (2), 40, 42, 45, 46, 47 and 48 of the Black Local Authorities Act, 1982, shall *mutatis mutandis* apply in respect of a board and its finances, and in such application 45 any reference in those provisions to that Act or any provision thereof, other than a provision mentioned in this subsection, shall be construed as a reference to this Act or the corresponding provision thereof, as the case may be.
21. The books and statements of account and balance sheet of 50 a board shall be audited by the Auditor-General. Auditing of accounts.
22. Rates may be levied upon any land which is situated within a town and which is owned by a board, irrespective of whether such land has been made available to any person, including a local authority, by way of a right of leasehold or any 55 other occupational right. Rateability of land owned by board.
23. (1) (a) If a board fails to perform any act which in terms of this Act it is empowered or required to perform, or performs any such act in such a manner that, in the opinion of the Minister, effect is not given to the objects of this Act, the Minister shall, in addition to any other powers specifically conferred upon him in terms 60 General powers of Minister with respect to board.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

deling te verrig of om sodanige handeling ooreenkomstig die in daardie kennisgewing vermelde voorskrifte van die Minister te verrig, binne 'n tydperk wat in die kennisgewing aangegee word.

- (b) As so 'n raad versuim om ten genoë van die Minister 5
aan so 'n kennisgewing te voldoen, kan hy, na skriftelike kennisgewing aan die raad, bedoelde handeling verrig en alles doen wat nodig is om aan so 'n kennisgewing gevolg te gee, en vir daardie doel word hy bekleed met al die regte en bevoegdhede wat die raad in verband met die verrigting van so 'n handeling het.

(2) Die bepalings van artikel 26 (2) is *mutatis mutandis* van toepassing ten opsigte van uitgawe deur die Minister aangegaan in die uitoefening van sy bevoegdhede kragtens subartikel (1).

- (3) (a) Die Minister kan te eniger tyd, ondanks die bepalings 15
van subartikel (1), by skriftelike kennisgewing aan 'n raad, bedoelde raad gelas om binne 'n tydperk in bedoelde kennisgewing vermeld, 'n verslag aan hom voor te lê oor enige aspek met betrekking tot die toepassing van hierdie Wet deur die raad of deur 'n komitee of 20
beampte daarvan, en kan ook daardie raad gelas om aan hom binne 'n tydperk in bedoelde of 'n latere kennisgewing vermeld, afskrifte te stuur van enige besluite wat deur bedoelde raad of komitee geneem is of daarna geneem word aangaande enige aangeleentheid met betrekking tot sodanige bestuur wat in bedoelde kennisgewing vermeld word.

- (b) Wanneer 'n raad of 'n komitee daarvan by kennisgewing ingevolge paragraaf (a) gelas word om afskrifte van besluite aan die Minister te stuur, word, tensy die 30
Minister anders gelas, 'n besluit van 'n klas in so 'n kennisgewing vermeld, nie deur bedoelde raad uitgevoer of verder uitgevoer nie of word daar nie deur bedoelde raad of deur 'n komitee of beampte daarvan verder daarop gehandel nie, totdat bedoelde besluit 35
deur die Minister goedgekeur is.

Verhaal deur plaaslike bestuursliggaam of plaaslike bestuur van sekere uitgawes.

24. 'n Plaaslike bestuursliggaam of plaaslike bestuur kan op 'n raad uitgawes verhaal wat deur sodanige plaaslike bestuursliggaam of plaaslike bestuur in verband met 'n aangeleentheid binne die bestek van sodanige raad aangegaan is en wat volgens die oordeel van die Minister nie aangegaan sou gewees het indien hierdie Wet nie aangeneem was nie.

Toepassing van Wet 94 van 1970 op rade.

25. By die toepassing van die Wet op Beperking van Regsgedinge (Provinsiale en Plaaslike Besture), 1970 (Wet No. 94 van 1970), word 'n raad geag 'n „plaaslike bestuur” te wees soos omskryf in artikel 1 van daardie Wet.

Bevoegdhede van Minister met betrekking tot plaaslike bestuursliggaam.

26. (1) Indien 'n plaaslike bestuursliggaam nalaat om 'n handeling te verrig wat hy deur of ingevolge die bepalings van hierdie Wet gemagtig of verplig word om met betrekking tot 'n raad te verrig, of so 'n handeling op so 'n wyse verrig dat volgens sodanige raad se oordeel die doel waarvoor sodanige handeling aldus gemagtig of verplig word, nie bereik word nie, moet sodanige raad dienooreenkomstig verslag doen aan die Minister, wat, na oorlegpleging met die betrokke Administrateur en onderworpe aan die voorwaardes wat die Minister bepaal, sodanige plaaslike bestuursliggaam by skriftelike kennisgewing deur die tussenkoms van daardie Administrateur gegee, kan gelas om sodanige handeling te verrig of om daardie handeling te verrig ooreenkomstig die voorskrifte in die kennisgewing uiteengesit, binne 'n tydperk in die kennisgewing vermeld, en indien sodanige plaaslike bestuursliggaam versuim om ten genoë van die Minister aan die kennisgewing te voldoen, kan hy, na oorlegpleging met daardie Administrateur, en na skriftelike kennisgewing aan sodanige plaaslike bestuursliggaam, sodanige raad gelas om sodanige handeling te verrig en enigiets te doen wat nodig mag 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

of this Act, have power to require such board by written notice, to perform such act in accordance with the directions of the Minister set forth in such notice, within a period specified in such notice.

- 5 (b) If such board fails to comply with such notice to the satisfaction of the Minister he may, after written notice to the board, perform such act and do all such things as may be necessary to give effect to such notice, and shall for that purpose have all the rights and powers which the board may have in connection with the performance of such act.

10 (2) The provisions of section 26 (2) shall *mutatis mutandis* apply in respect of any expenditure incurred by the Minister in the exercise of his powers under subsection (1).

- 15 (3) (a) The Minister may at any time, notwithstanding the provisions of subsection (1), by notice in writing to a board, require such board to submit to him within a period stated in such notice, a report on any aspect relating to the administration of this Act by such board or by any committee or officer thereof, and may in addition require such board to submit to him within a period stated in such or any subsequent notice, copies of any resolutions taken or which may thereafter be taken by such board or committee on any matter relating to such administration as may be stated in such notice.

- 20 (b) When a board or a committee thereof is required by notice under paragraph (a) to submit copies of resolutions to the Minister, no resolution of a class stated in any such notice shall, unless the Minister otherwise directs, be implemented or be further implemented or be further acted upon by such board or by any committee or any officer thereof, until such resolution has been approved by the Minister.

- 35 24. Any local government body or local authority may recover from any board any expenditure incurred by such local government body or local authority in connection with any matter within the purview of such board which in the opinion of the Minister would not have been incurred if this Act had not been passed.

Recovery by local government body or local authority of certain expenditure.

- 40 25. For the purposes of the Limitation of Legal Proceedings (Provincial and Local Authorities) Act, 1970 (Act No. 94 of 1970), a board shall be deemed to be a "local authority" as defined in section 1 of the said Act.

Application of Act 94 of 1970 to boards.

- 45 26. (1) If a local government body neglects to perform any act which by or under the provisions of this Act it is empowered or required to perform in relation to a board, or performs any such act in such a manner that, in the opinion of such board, the purpose for which such act is so empowered or required is not achieved, such board shall report accordingly to the Minister, who may, after consultation with the Administrator concerned, and subject to such conditions as the Minister may determine, require such local government body, by written notice given through the intervention of such Administrator, to perform such act, or to perform such act in accordance with the directions set forth in such notice, within a period to be specified in such notice, and if such local government body fails to comply with such notice to the satisfaction of the Minister, he may, after consultation with such Administrator and after written notice to such local government body, direct such board to perform such act

Powers of Minister with respect to local government body.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

wees om aan genoemde kennisgewing gevolg te gee, en sodanige raad het vir dié doel al die regte en bevoegdhede wat sodanige plaaslike bestuursliggaam in verband met die verrigting van sodanige handeling het.

(2) Indien sodanige plaaslike bestuursliggaam sonder voldoende en gegronde rede versuim om binne die tydperk vasgestel in 'n kennisgewing kragtens subartikel (1), of binne 'n verlenging van daardie tydperk deur die Minister na oorlegpleging met daardie Administrateur verleen, aan 'n in daardie kennisgewing vermelde voorskrif te voldoen, kan sodanige raad, met die goedkeuring van die Minister en na skriftelike kennisgewing aan sodanige plaaslike bestuursliggaam, die koste deur sodanige raad aangegaan in verband met die verrigting van 'n handeling of enigiets deur hom gedoen ooreenkomstig 'n lasgewing deur die Minister kragtens subartikel (1), verhaal—

- (a) deur aksie in 'n bevoegde hof teen die plaaslike bestuursliggaam; of
- (b) deur 'n spesiale belasting te hef op alle belasbare eiendom geleë binne sodanige plaaslike bestuursliggaam se regsgebied; of
- (c) deur van die bevoegde gesag betaling te verkry by wyse van aftrekking van 'n subsidie, toekenning of ander geld uit die Staatsinkomstefonds of deur daardie Administrateur aan sodanige plaaslike bestuursliggaam betaalbaar,

of deur middel van aldie of enige twee van sodanige verhaalmetodes, en 'n sertifikaat van sodanige raad aangaande die bedrag van sodanige koste is *prima facie*-bewys van daardie bedrag.

Ontbinding of
afskaffing van
raad.

27. (1) Wanneer 'n raad nie meer 'n ontwikkelingsgebied het nie aangesien sy eertydse gebied òf in sy geheel òf gedeeltelik by 'n ander raad of rade se gebiede kragtens artikel 3 (3) ingesluit is of wanneer 'n raad se gebied in sy geheel of gedeeltelik ingevolge 'n kennisgewing kragtens daardie artikel opgehou het om 'n ontwikkelingsraadsgebied te wees of in sy geheel of gedeeltelik by 'n afgesonderde Swart gebied soos in die Ontwikkelings- trust en Grond Wet, 1936 (Wet No. 18 van 1936), omskryf, ingesluit is, kan die Minister by kennisgewing in die *Staatskoerant* eersgenoemde raad met ingang van 'n datum in die kennisgewing vermeld, afgeskaf verklaar te wees.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* 'n raad of alle rade ontbind met ingang van 'n datum in sodanige kennisgewing vermeld.

(3) Wanneer 'n raad ingevolge subartikel (1) of (2) afgeskaf of ontbind word—

- (a) ontruim 'n lid of plaasvervangende lid van daardie raad sy amp met ingang van die datum van sodanige afskaffing of ontbinding, soos vermeld in die kennisgewing uitgereik kragtens subartikel (1) of (2);
- (b) val al die bates, regte, laste en verpligtings van daardie raad toe soos die Minister in daardie kennisgewing uiteensit, en word 'n verwysing in 'n wet of dokument na daardie raad in soverre dit verband hou met daardie bate, reg, las of verpligting uitgelê soos in daardie kennisgewing bepaal;
- (c) moet die betrokke registrateur van aktes al die inskrywings en endossemente in sy registers en op die titelbewyse van grond wat behoort het aan 'n raad wat aldus ontbind of afgeskaf is, laat maak wat nodig is om aan die bepalings van hierdie artikel gevolg te gee.

Bevoegdhede van
Minister waar geld-
sake van raad onge-
sond raak.

28. (1) Indien die Minister van mening is dat die geldsake van 'n raad in 'n ongesonde toestand geraak het, kan hy daardie raad gelas om die stappe vir die herstel van die toestand te doen wat die Minister na goeie dunnke voorskryf.

(2) Indien die raad versuim om die stappe ooreenkomstig die lasgewing van die Minister te doen binne 'n tydperk deur die Minister bepaal, kan die Minister by kennisgewing in die *Staats-*

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

and do all such things as may be necessary to give effect to such notice, and such board shall for that purpose have all the rights and powers which such local government body has in connection with the performance of such act.

- 5 (2) If such local government body should without good and sufficient reason fail within the period fixed in any notice given under subsection (1), or within any extension of that period granted by the Minister after consultation with such Administrator, to comply with any requirement specified in that notice,
- 10 such board may, with the approval of the Minister and after written notice to such local government body, recover the costs incurred by such board in connection with the performance of any act or the doing of anything in accordance with a direction of the Minister given under subsection (1)—
- 15 (a) by action in a competent court against such local government body; or
- (b) by levying a special rate upon all rateable property within the area under the jurisdiction of such local government body; or
- 20 (c) by obtaining payment from the competent authority by way of deduction from any subsidy, grant or other moneys payable out of the State Revenue Fund or payable by such Administrator to such local government body,
- 25 or by all three or any two of such methods of recovery, and a certificate by such board as to the amount of such costs shall be *prima facie* proof of that amount.

27. (1) Whenever a board has no development board area, its former area having been included either in whole or in part in the area of another board or boards under section 3 (3), or whenever a board's area has by notice under that section ceased either in whole or in part to be a development board area, or has been included either in whole or in part within a 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.

Dissolution or abolition of board.

- (2) The Minister may by notice in the *Gazette* dissolve any or all boards with effect from a date to be specified in such notice.

- 40 (3) When a board is abolished or dissolved in terms of subsection (1) or (2)—

- (a) any member or alternate member of such a board shall vacate his office with effect from the date of such abolition or dissolution as specified in the notice issued under subsection (1) or (2);
- 45 (b) all the assets, rights, liabilities and obligations of that board shall devolve as the Minister may determine in such notice, and any reference in any law or document to such board in so far as it is connected with such asset, right, liability or obligation shall be construed as may be directed in that notice;
- 50 (c) the registrar of deeds concerned shall cause all such endorsements and entries to be made in his registers and on the title deeds of any land which was owned by any
- 55 board so dissolved or abolished as may be necessary to give effect to the provisions of this section.

28. (1) If the Minister is of the opinion that the finances of a board have become unsound, he may direct such board to take such steps for restoring the position as the Minister may in his discretion direct.

Powers of Minister where finances of board become unsound.

- (2) If the board fails to take the steps in accordance with the Minister's direction within a period determined by him, the Min-

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

koerant en met ingang van 'n datum in die kennisgewing bepaal, die raad ontbind.

(3) Die Minister kan, indien hy die raad ontbind, na goedvinde—

- (a) die raad hersaamstel; of
- (b) die hersamestelling van die raad uitstel en in die kennisgewing waarby hy die raad aldus ontbind het of by latere kennisgewing in die *Staatskoerant*, een of meer persone op die voorwaardes wat hy goed ag, aanstel om die sake van die raad te behartig solank dit die Minister behaag.

(4) Die persoon of persone wat uit hoofde van 'n aanstelling kragtens subartikel (3) die sake van die raad behartig, het al die bevoegdhede, werksaamhede, pligte, regte en verpligtings van die raad asof hy of hulle die raad was, maar moet by die uitoefening, verrigting of uitvoering daarvan ooreenkomstig die Minister se voorskrifte, as daar is, handel.

HOOFSTUK III

PLAASLIKE BESTUURSFUNKSIE VAN RAAD

Regte, bevoegdhede, werksaamhede, pligte en verpligtinge van raad ten opsigte van plaaslike bestuursgebiede in sy ontwikkelingsraadsgebied geleë.

29. (1) 'n Raad is behoudens die bepalings van subartikel (2), 20 met betrekking tot 'n plaaslike bestuursgebied wat in sy ontwikkelingsraadsgebied geleë is—

- (a) in die geval van 'n raad wat ingevolge artikel 3 (1) (d) ten opsigte van daardie ontwikkelingsraadsgebied geag word ingestel te wees, bekleë en belas met die regte, bevoegdhede, werksaamhede, pligte en verpligtinge waarmee die betrokke administrasieraad onmiddellik voor die inwerkingtreëning van hierdie Wet bekleë en belas was;
- (b) in die geval van 'n raad wat kragtens artikel 3 (1) ingestel word, bekleë en belas met al die regte, bevoegdhede, werksaamhede, pligte en verpligtinge waarmee 'n administrasieraad ingevolge artikel 11 (1) (e) (i) (aa), (bb) of (cc) van die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), bekleë en belas sou wees as daardie Wet van krag gebly het;
- (c) in die geval van 'n in paragraaf (a) of (b) vermelde raad, bekleë en belas met die regte, bevoegdhede, werksaamhede, pligte en verpligtinge wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, hetsy ten opsigte van rade in die algemeen of ten opsigte van daardie besondere raad bepaal.

(2) Indien 'n plaaslike bestuur ingevolge die Wet op Swart Plaaslike Bestuur, 1982 (Wet No. 102 van 1982), of hierdie Wet, behalwe ingevolge 'n delegasie kragtens subartikel (3), bekleë of belas is met 'n reg, bevoegdheid, werksaamheid, plig of verpligting, word die raad in wie se ontwikkelingsraadsgebied daardie owerheid geleë is, ontdoen of onthef van daardie reg, bevoegdheid, werksaamheid, plig of verpligting.

(3) Wanneer 'n raad ingevolge hierdie artikel optree—

- (a) moet die raad sover prakties moontlik, in oorleg met die betrokke plaaslike bestuur optree;
- (b) kan die raad na goedvinde aan bedoelde plaaslike bestuur enige van die in subartikel (1) beoogde regte, bevoegdhede, werksaamhede, pligte of verpligtinge deleger en kan hy, wanneer hy dit aldus deleger, die opdragte gee of die voorwaardes opleë wat hy dienstig ag;
- (c) kan die raad te eniger tyd enige sodanige in paragraaf (b) bedoelde delegasie intrek;
- (d) moet die raad die bepalings van die Wet op Swart Plaaslike Bestuur, 1982, *mutatis mutandis* toepas, behalwe dat—
 - (i) hy die prosedure moet volg wat vir rade voorgeskryf is, en nie die prosedure wat vir 'n plaaslike bestuur voorgeskryf mag wees nie;

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

ister may by notice in the *Gazette* and with effect from a date determined in the notice dissolve the board.

(3) The Minister may, if he dissolves the board, in his discretion—

- 5 (a) reconstitute the board; or
- (b) defer the reconstitution of the board and, in the notice by which he has so dissolved the board or by any subsequent notice in the *Gazette*, appoint one or more persons, on such conditions as he may think fit, to manage
- 10 the affairs of the board during his pleasure.
- (4) The person or persons managing the affairs of the board by virtue of an appointment under subsection (3), shall have all the powers, functions, duties, rights and obligations of the board as if he or they were the board, but shall in the exercise, performance or carrying out thereof act in accordance with the instructions, if any, of the Minister.
- 15

CHAPTER III

LOCAL GOVERNMENT FUNCTION OF BOARD

20 29. (1) A board shall subject to the provisions of subsection (2), in respect of a local authority area situated within its development board area—

- 25 (a) in the case of a board deemed to have been established in terms of section 3 (1) (d) in respect of that development board area, be vested and charged with all the rights, powers, functions, duties and obligations with which the administration board concerned had been vested or charged immediately before the commencement of this Act;
- 30 (b) in the case of a board established under section 3 (1), be vested and charged with all the rights, powers, functions, duties and obligations with which an administration board would have been vested and charged in terms of section 11 (1) (e) (i) (aa), (bb) or (cc) of the Black Affairs Administration Act, 1971, (Act No. 45 of
- 35 (c) in the case of a board referred to in paragraph (a) or (b), be vested and charged with all the rights, powers, functions, duties and obligations which the Minister may from time to time by notice in the *Gazette* determine in respect of boards generally or in respect of that particular board.
- 40

Rights, powers, functions, duties and obligations of board in respect of local authority areas situated within its development board area.

(2) If a local authority is in terms of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or this Act, except by virtue of a delegation in terms of subsection (3), vested or

45 charged with a right, power, function, duty or obligation the board within whose development board area that authority is situated shall be divested or relieved of such right, power, function, duty or obligation.

(3) When a board acts in terms of this section—

- 50 (a) the board shall as far as is practicable act in consultation with the local authority concerned;
- (b) the board may in its discretion delegate to such local authority any of the rights, powers, functions, duties or obligations contemplated in subsection (1) and may when so delegating give such directions or impose such conditions as it may consider appropriate;
- 55 (c) the board may at any time withdraw any such delegation contemplated in paragraph (b);
- (d) the board shall apply the provisions of the Black Local Authorities Act, 1982, *mutatis mutandis*, except that—
- 60 (i) it shall follow such procedure as may have been prescribed for boards and not the procedure which may have been prescribed for a local authority;

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (ii) hy geen bevoegdheid sal hê om verordeninge soos in artikel 27 van daardie Wet beoog, te maak nie, maar 'n aangeleentheid wat andersins by wyse van 'n verordening gereël moet word, word op versoek van die raad deur die Minister gereël by wyse van kennisgewing afgekondig in die *Staatskoerant*. 5

(4) 'n Raad moet ten opsigte van die verskillende gebiede waarin hy ingevolge hierdie artikel optree, aparte fondse en rekenings hou. 10

(5) Enige uitgawe deur 'n raad aangegaan by die toepassing van die bepalings van hierdie artikel ten opsigte van 'n besondere plaaslike bestuursgebied word bestry uit gelde wat daardie raad toeval as gevolg van die uitvoering, verrigting of uitoefening van die pligte, werksaamhede en bevoegdhede in hierdie artikel vermeld ten opsigte van daardie plaaslike bestuursgebied. 15

Wanneer raad as agent van plaaslike bestuur optree.

30. (1) 'n Raad is bevoeg om namens 'n plaaslike bestuur binne sy ontwikkelingsraadsgebied op te tree met betrekking tot enige van die regte, bevoegdhede, werksaamhede, pligte of verpligtings van 'n plaaslike bestuur vermeld in die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), uit hoofde van 'n ooreenkoms aangegaan tussen die raad en die betrokke plaaslike bestuur en deur die Minister goedgekeur en behoudens die bedinge en voorwaardes vermeld in die ooreenkoms. 20

(2) Indien die raad uit hoofde van 'n ooreenkoms ingevolge subartikel (1), enige personeel van die raad aan die plaaslike bestuur afstaan, is die bedrag wat deur die plaaslike bestuur aan die raad ten opsigte van sodanige personeel betaalbaar is, die totale koste wat deur die raad aangegaan is om sodanige personeel in diens te hou. 25 30

Raad kan as stadsraad optree met betrekking tot dorpe buite plaaslike bestuursgebiede.

31. (1) 'n Raad is met betrekking tot elke dorp wat in sy ontwikkelingsraadsgebied maar buite 'n plaaslike bestuursgebied geleë is, beklee en belas met—

- (a) al die regte, bevoegdhede, werksaamhede, pligte en verpligtings van 'n stadsraad ingevolge die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982); 35
- (b) die bykomende regte, bevoegdhede, werksaamhede, pligte en verpligtings wat van tyd tot tyd deur die Staatspresident ingevolge artikel 24 (2) van bedoelde Wet ten opsigte van stadsrade in die algemeen bepaal word; 40
- (c) die ander regte, bevoegdhede, werksaamhede, pligte en verpligtings wat hierdie Wet uitdruklik bepaal. 45

(2) Wanneer 'n raad ingevolge subartikel (1) as 'n stadsraad optree— 45

- (a) moet hy sover doenlik, in oorleg met 'n plaaslike komitee ingestel in die gebied ingevolge artikel 5 van die Wet op Swart Plaaslike Besture, 1982, optree;
- (b) moet hy die bepalings van die Wet op Swart Plaaslike Besture, 1982, toepas behalwe in soverre sodanige bepalings nie bestaanbaar met hierdie Wet is nie; 50
- (c) het die raad geen bevoegdheid om verordeninge te maak nie, maar moet 'n aangeleentheid wat andersins by wyse van 'n verordening gereël moet word, op versoek van die raad deur die Minister gereël word by kennisgewing gepubliseer in die *Staatskoerant*. 55

Bestuur van dorpe en tehuise.

32. (1) 'n Raad stel of wys 'n beampte in sy diens aan om—

- (a) 'n tehuis of 'n dorp of 'n gedeelte van 'n dorp waarin hy enige of al die pligte van 'n plaaslike bestuur verrig, te bestuur; 60
- (b) enige behuising of ander akkommodasie in 'n dorp wat aan hom behoort, te bestuur,

en kan 'n ander beampte as 'n adjunk of 'n assistent vir so 'n beampte aanstel of aanwys.

(2) Die in subartikel (1) bedoelde beampte moet die dorp, tehuis, behuising of ander akkommodasie ingevolge hierdie Wet bestuur en moet ooreenkomstig die opdragte wat hy van tyd tot tyd van die raad ontvang, handel.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (ii) it shall not have the power to make by-laws as contemplated in section 27 of that Act, but any matter which may otherwise be regulated by by-law, shall at the request of the board be regulated by the Minister by notice published in the *Gazette*.

5 (4) A board shall in respect of the different areas in which it acts in terms of this section, keep separate funds and accounts.

(5) Any expenditure incurred by a board in the application of the provisions of this section in respect of a particular local authority area, shall be defrayed from moneys accruing to that board as a result of the carrying out, performance or exercise of the duties, functions and powers referred to in this section in respect of that local authority area.

30. (1) A board shall have power to act within its development board area on behalf of a local authority in respect of any of the rights, powers, functions, duties or obligations of a local authority referred to in the Black Local Authorities Act, 1982 (Act No. 102 of 1982), in terms of an agreement entered into by the board and the local authority concerned and approved by the Minister and on such terms and conditions as may be specified in such agreement.

Board acting as agent for local authority.

(2) If by virtue of an agreement in terms of subsection (1), the board assigns any staff of the board to the local authority, the remuneration payable by the local authority to the board in respect of such staff shall be the total cost to the board of employing such staff.

31. (1) A board shall in respect of every town in its development board area but outside a local authority area be vested and charged with—

Board may act as town council in respect of towns outside local authority areas.

- 30 (a) all the rights, powers, functions, duties and obligations of a town council in terms of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- 35 (b) the additional rights, powers, functions, duties and obligations which the Minister may from time to time determine in terms of section 24 (2) of the said Act in respect of town councils generally;
- (c) such other rights, powers, functions, duties and obligations as are expressly provided for in this Act.

(2) When acting as a town council as contemplated in subsection (1) a board—

- 40 (a) shall act, in so far as practicable, in consultation with any local committee established in such area in terms of section 5 of the Black Local Authorities Act, 1982;
- 45 (b) shall apply the provisions of the Black Local Authorities Act, 1982, save in so far as such provisions are inconsistent with this Act;
- (c) shall have no power to make any by-laws, but any matter otherwise to be regulated by by-laws, shall be regulated by the Minister at the request of the board by notice published in the *Gazette*.

32. (1) A board shall appoint or designate an officer in its service to manage—

Management of towns and hostels.

- 55 (a) any hostel or any town or portion of a town in which it performs some or all of the functions of a local authority;

(b) any housing or other accommodation owned by it in a town,

and may appoint or designate any other officer as the deputy or assistant to such officer.

60 (2) The officer referred to in subsection (1) shall manage the town, hostel, housing or other accommodation in terms of this Act and shall act in accordance with such instructions as he may from time to time receive from the board.

HOOFSTUK IV

BEHUISINGS- EN ONTWIKKELINGSFUNKSIE VAN RAAD

Ontwikkelingsge-
biede.

33. Die Minister kan op versoek van 'n raad 'n gebied buite 'n plaaslike bestuursgebied maar in die ontwikkelingsraadsgebied geleë, aanwys as 'n ontwikkelingsgebied waarop 'n dorp of te- 5
huis gestig mag word of waarop bepaalde ondernemings of pro-
jekte in artikel 36 (1) (e) bedoel deur die raad bevorder kan
word.

Besondere bepa-
lings insake die ver-
kryging en benut-
ting van grond deur
raad.

34. (1) 'n Raad kan met die goedkeuring van die Minister grond geleë binne of buite sy ontwikkelingsraadsgebied wat hy 10
nodig ag vir die bereiking van sy oogmerk verkry deur ooreen-
koms met die eienaar van sodanige grond, of, by ontstentenis
van sodanige ooreenkoms, behoudens die bepalinge van hierdie
artikel en onderworpe aan 'n verpligting om vergoeding te be-
taal, deur onteiening. 15

(2) Indien 'n raad verlang om grond te verkry en sodanige grond deel van 'n plaas uitmaak en sodanige verkryging na die oordeel van die Minister van Landbou die volle en voordelige okkupasie van die restant van so 'n plaas uitermate sou belemmer, kan die raad daardie grond slegs onteien indien hy so 'n ge- 20
deelte van daardie restant onteien as wat na die oordeel van ge-
melde Minister onder die omstandighede van die geval redelik
is.

(3) Indien 'n Swarte wat woon op grond waarvan hy die eienaar is of waarin hy 'n belang het, ingevolge die bepalinge van hierdie Wet verplig word om elders as op daardie grond te woon, moet die betrokke raad op sy versoek bedoelde grond of belang verkry teen 'n prys wat, by ontstentenis van ooreenkoms, bepaal word asof bedoelde grond ingevolge subartikel (1) onteien is. 25

(4) (a) Die bepalinge van artikels 6 tot en met 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), geld *mutatis mutandis* ten opsigte van die onteiening van grond kragtens subartikel (1) (a). 30

(b) By die toepassing van artikels 6 tot 23 van genoemde Wet ingevolge paragraaf (a) van hierdie subartikel— 35

(i) word 'n verwysing in daardie artikels na „Minister” en „Staat” as 'n verwysing na die betrokke raad uitgelê; en

(ii) word 'n verwysing in daardie artikels na „artikel 2” as 'n verwysing na subartikel (1) (a) van hierdie artikel uitgelê. 40

(5) Vir die doeleindes van die uitoefening van die bevoegdhede in subartikel (1) bedoel, word 'n raad by die toepassing van die Behuisingwet, 1966 (Wet No. 4 van 1966), geag 'n plaaslike bestuur te wees, en moet hy daardie bevoegdhede uitoefen 45
ooreenkomstig die betrokke bepalinge van enige wet wat daardie bestuur beheers.

(6) Wanneer 'n raad kragtens die bepalinge van subartikel (1)—

(a) grond verkry wat buite sy ontwikkelingsraadsgebied, 50
maar binne die gebied van 'n plaaslike bestuurslig-
gaam, geleë is, kan die Minister, met die instemming
van die betrokke Administrateur en behoudens die
voorwaardes wat die Administrateur bepaal, by kennis-
gewing in die *Staatskoerant* verklaar dat daardie grond 55
vanaf sodanige verkryging nie langer binne die regsge-
bied van die plaaslike bestuursliggaam binne wie se
regsgebied dit voor sodanige verkryging geleë was, val
nie, en in alle opsigte onder die gesag van die raad
waardeur dit verkry is, val; 60

(b) grond buite sy ontwikkelingsraadsgebied, maar nie binne die regsgebied van 'n plaaslike bestuursliggaam nie, verkry, val daardie grond vanaf sodanige verkryging in alle opsigte onder die gesag van sodanige raad.

(7) By die instelling van 'n plaaslike bestuur in die ontwikkelingsraadsgebied van 'n raad, moet bedoelde raad— 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

CHAPTER IV

HOUSING AND DEVELOPMENT FUNCTION OF BOARD

33. The Minister may at the request of a board designate an area situated outside a local authority area but within the development board area, as a development area on which a town or hostel may be established or on which certain undertakings or projects referred to in section 36 (1) (e) may be promoted by the board.

Development areas.

34. (1) A board may with the approval of the Minister acquire such land situated within or outside its development board area as it may consider necessary for the achievement of its objects, either by agreement with the owner of such land or, in the absence of such agreement, by expropriation, subject to the provisions of this section and subject to an obligation to pay compensation.

Particular provisions relating to acquisition or use of land by board.

(2) If a board wishes to acquire land and such land is portion of a farm and such acquisition would in the opinion of the Minister of Agriculture unduly interfere with the full and beneficial occupation of the remainder of the farm, the board shall not be entitled to expropriate such land unless it expropriates such portion of that remainder as is in the opinion of the said Minister reasonable in the circumstances of the case.

(3) If any Black residing on land of which he is the owner or in which he holds any interest is required under the provisions of this Act to reside elsewhere than on such land, the board in question shall at his request acquire such land at a price which shall, in the absence of an agreement, be determined as if such land had been expropriated in terms of subsection (1).

(4) (a) The provisions of sections 6 to 23, inclusive, of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of the expropriation of any land under subsection (1) (a).

(b) In the application of sections 6 to 23 of the said Act in terms of paragraph (a) of this subsection—

(i) any reference in those sections to "Minister" and "State" shall be construed as a reference to the board in question; and

(ii) any reference in the said sections to "section 2" shall be construed as a reference to subsection (1) of this section.

(5) For the purposes of the exercise of the powers referred to in subsection (1), a board shall in the application of the Housing Act, 1966 (Act No. 4 of 1966), be deemed to be a local authority and shall exercise such powers in accordance with the relevant provisions of any law governing such authority.

(6) When a board under the provisions of subsection (1)—

(a) acquires land outside its development board area, but within the area of a local government body, the Minister, with the concurrence of the Administrator concerned and subject to such conditions as the Administrator may determine, may declare by notice in the *Gazette* that such land shall, from such acquisition, cease to be within the area of jurisdiction of the local government body within whose area of jurisdiction it was situated prior to such acquisition and shall fall in all respects under the authority of the board which has acquired it;

(b) acquires land outside its development board area and not within the area under the authority of a local government body, such land shall, from the date of such acquisition, fall in all respects under the jurisdiction of such board.

(7) On the establishment of a local authority in the development board area of a board, the said board shall—

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (a) op versoek van daardie plaaslike bestuur en met die instemming van die Minister, maar behoudens sodanige voorwaardes waarop onderling ooreengekom word, aan bedoelde plaaslike bestuur oordra—
 - (i) die openbare plekke wat aan die raad behoort en binne die regsgebied van die plaaslike bestuur geleë is; 5
 - (ii) sodanige ander grond wat die plaaslike bestuur nodig ag vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede ingevolge die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982); 10
- (b) alle ander grond in die plaaslike bestuursgebied wat aan hom behoort, aan die Staat oordra. 15

(8) Die betrokke registrateur moet by oorlegging aan hom van die transportakte van grond deur die Staat, 'n raad of 'n plaaslike bestuur ingevolge hierdie Wet verkry of van grond wat by die Staat, 'n raad of 'n plaaslike bestuur berus, bedoelde transportakte endosseer, sonder betaling van enige reg, geld of voordeeling, met die strekking dat die grond daarin omskryf by die Staat of die betrokke raad of plaaslike bestuur berus en bring die nodige inskrywings in sy registers aan, en daarna word bedoelde transportakte vir alle doeleindes as die titelbewys van die Staat of die betrokke raad of plaaslike bestuur ten opsigte van die betrokke grond beskou. 25

(9) Alle grond binne 'n plaaslike bestuursgebied wat by die Staat berus, is onderworpe aan beheer deur die Minister, wat—

- (a) enige sodanige grond beskikbaar kan stel behoudens die voorwaardes deur hom bepaal, aan 'n raad of 'n plaaslike bestuur vir die uitoefening van sy bevoegdhede ingevolge 'n bepaling van hierdie Wet of 'n ander wet; 30
- (b) enige van die grond beskikbaar kan stel behoudens die voorwaardes deur hom bepaal, aan 'n dorpsontwikkelaar vir die ontwikkeling van 'n dorp; of
- (c) te eniger tyd enige grond aldus beskikbaar gestel, kan intrek of andersins na goeddunke oor sodanige grond kan beskik om die belange van verstedelike Swart gemeenskappe te bevorder. 35

Stigting van dorpe en tehuise.

35. (1) 'n Raad kan met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal— 40

- (a) enige grond geleë binne sy ontwikkelingsgebied afsonder en ontwikkel vir bewoning deur of vir die nywerheids- of besigheidsdoeleindes van Swart persone; 45
- (b) enige grond aldus geleë vir gemelde doeleindes afsonder en by grond in paragraaf (a) vermeld, voeg; 50
- (c) enige grond waarvan hy die eienaar is of wat ingevolge artikel 34 (9) (a) aan hom beskikbaar gestel is, behoudens die voorwaardes wat op sodanige beskikbaarstelling van toepassing is, afsonder en ontwikkel as grond waarop geboue opgerig kan word, deur of die raad self, 'n plaaslike bestuur, 'n werkgewer, of enige ander gesag deur die Minister daartoe gemagtig, vir die huisvesting van Swartes wat of ongetroud is of nie van hul gesinne vergesel is nie. 55

(2) Die Minister moet by kennisgewing in die *Staatskoerant* die in subartikel (1) (a), (b) of (c) bedoelde grond omskryf, en die voorlegging van die betrokke *Staatskoerant* word in alle geregtelike verrigtinge geag *prima facie*-bewys te wees dat die grond daarin vermeld behoorlik as 'n dorp of tehuis, na gelang van die geval, omskryf en afgesonder is. 60

(3) (a) Die wette wat in die betrokke provinsie van krag is met betrekking tot die stigting van dorpe, is nie ten opsigte van die kragtens subartikel (1) (a) of (b) bedoelde grond van toepassing nie. 65

(b) 'n Algemene plan, maar nie 'n algemene plan soos omskryf in artikel (1) nie, of 'n gedeelte van sodanige algemene plan van 'n dorp of 'n gedeelte van 'n dorp geleë op grond bedoel in subartikel (1) (a) of (b) en

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (a) at the request of such local authority and with the approval of the Minister but subject to such conditions as may be mutually agreed upon, transfer to the said local authority—
- 5 (i) the public places belonging to the board and situated within the local authority area;
- (ii) such other land which such local authority considers necessary for the exercise of its powers and the performance of its functions under the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- 10 (b) transfer all other land owned by it in the local authority area, to the State.

(8) The registrar concerned shall upon production to him of the title deed of any land acquired by or which vests in the State, a board or a local authority under this Act, endorse that title deed, without any duty, fee or charge being paid, to the effect that the land therein described is vested in the State or the board or local authority concerned and shall make the necessary entries in his registers, and thereupon the said title deed shall for all purposes be regarded as the title deed of the State or the board or local authority concerned in respect of the land in question.

- (9) All land within a local authority area which vests in the State shall be subject to the control of the Minister, who may—
- 25 (a) make any such land available, subject to such conditions as he may determine, to a board or a local authority for the exercise of its powers under a provision of this Act or any other law;
- (b) make any such land available subject to such conditions as he may determine, to a township developer for the development of a town; or
- 30 (c) at any time withdraw any land thus made available or otherwise deal with such land as he may deem fit in order to further the interests of urbanized Black communities.
- 35

35. (1) A board may with the approval of the Minister and subject to such conditions as he may determine—

Establishment of towns and hostels.

- (a) set apart and develop any land within its development area for occupation by or for the industrial or business purposes of Black persons;
- 40 (b) set apart any land so situated for the said purposes and add such land to land referred to in paragraph (a);
- (c) set apart and develop any land owned by it or rendered available to it under section 34 (9) (a), subject to the conditions applying to such rendering available, as land on which buildings may be erected either by the board itself, a local authority, an employer, or any other body authorized thereto by the Minister, for the accommodation of Blacks who are either unmarried or are not accompanied by their families.
- 45
- 50

(2) The Minister shall by notice in the *Gazette* define the land referred to in subsection (1) (a), (b) or (c), and the production of the *Gazette* concerned shall in any legal proceedings be deemed to be *prima facie* proof that the land mentioned therein has been duly defined and set apart as a town or as a hostel, as the case may be.

55

- (3) (a) The laws in force in the province concerned relating to the establishment of townships shall not apply in respect of the land referred to in subsection (1) (a) or (b).
- 60 (b) A general plan, not being a general plan as defined in section 1, or portion of such a general plan of a town or portion of a town situated on land referred to in subsection (1) (a) or (b) and registered in terms of the

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

ingevolge die Opmetingswet, 1927 (Wet No. 9 van 1927), in die kantoor van die Landmeter-generaal of ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), in 'n registrasiekantoor geregistreer, word ondanks enige andersluidende wetsbepalings op die versoek van die Minister en na oorlegpleging met die Administrateur òf in die geheel òf gedeeltelik deur die betrokke Landmeter-generaal of registrateur van aktes gerojêer: Met dien verstande dat sodanige rojering slegs mag geskied indien die raad al die erwe en al die openbare plekke wat op sodanige plan of gedeelte van 'n plan aangedui word, verkry het.

(4) 'n Gebied wat bepaal en afgesonder is kragtens die bepaling van artikel 2 (1) (c) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), en wat geleë is in die administrasiegebied soos omskryf in die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), van 'n administrasieraad, soos aldus omskryf, watter administrasiegebied kragtens artikel 3 as die ontwikkelingsraadsgebied van 'n raad geag word ingestel te wees, word geag kragtens subartikel (1) 20 (a), (b) of (c), onderskeidelik, afgesonder te wees.

(5) 'n Proklamasie, regulasie, kennisgewing, voorskrif, goedkeuring, magtiging, verbod, vereiste, opgaaf, lisensie, permit, sertifikaat of dokument uitgevaardig, uitgereik, hernu, afgekondig, gemaak, gegee of verleen, en enige ander stappe gedoen— 25

(a) ten opsigte van 'n dorp of tehuis, is ook van toepassing met betrekking tot 'n uitbreiding van daardie dorp of tehuis, na gelang van die geval;

(b) ten opsigte van 'n persoon, perseel of gebied binne die dorp of tehuis en wat onmiddellik voor die inwerking-treding van hierdie Wet van krag was, bly behoudens die bepaling van subartikel (6) ten opsigte van so 'n persoon, perseel of gebied van toepassing of van krag. 30

(6) 'n Regulasie in subartikel (5) bedoel wat deur 'n plaaslike bestuursliggaam uitgevaardig is, word, ondanks andersluidende bepaling, geag deur die Minister kragtens hierdie Wet uitgevaardig te wees. 35

Raad kan dorp of tehuis ontwikkel.

36. (1) 'n Raad kan behoudens artikels 23 (2) en 24 (3) van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal of wat voorgeskryf word en, in die geval van grond in artikel 34 (9) vermeld, behoudens die voorwaardes in daardie artikel vermeld— 40

(a) 'n dorp of 'n bepaalde gedeelte daarvan ontwikkel ooreenkomstig 'n uitlegplan deur die Minister goedgekeur, of 'n dorpsbeplanningskema, of 'n skema soos omskryf in artikel 1 van die Behuisingswet, 1966 (Wet No. 4 van 1966), in die betrokke gebied uitvoer, geboue daarop oprig, dienste en geriewe voorsien, strate aanlê en ander openbare plekke beskikbaar stel; 50

(b) geld leen of opneem teen sekerheid van die raad of plaaslike bestuur se bates of andersins;

(c) persone, werkgewers, verenigings of dorpsontwikkelaars toelaat of magtig om 'n belang in grond in 'n ontwikkelingsgebied te bekom vir die oprigting daarop van huise of geboue of vir die ontwikkeling van sodanige grond vir doeleindes deur die raad goedgekeur; 55

(d) grond wat aan hom behoort, verkoop, verhuur, verhipotekeer of andersins daarvoor beskik of dit andersins beswaar of dit verruil vir ander grond of dit vir enige doel skenk of daarmee handel op enige ander wyse wat die raad dienstig ag; 60

(e) binne sy ontwikkelingsraadsgebied ondernemings en projekte wat die bevordering van die belange en die ontwikkeling en opheffing van Swart gemeenskappe of 'n bepaalde deel daarvan op ekonomiese, sosiale of kulturele gebied of selfbestuur op plaaslike bestuursvlak, met inbegrip van die opleiding van die personeel 65

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

Land Survey Act, 1927 (Act No. 9 of 1927), in the office of the Surveyor-General or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in a deeds registry shall, notwithstanding anything to the contrary in any other law, at the request of the Minister and after consultation with the Administrator, be cancelled, either in whole or in part, by the Surveyor-General or Registrar of Deeds concerned: Provided that such cancellation shall only be effected if the board has acquired all the erven and all the public spaces reflected on such plan or portion of a plan.

(4) Any area defined and set apart under the provisions of section 2 (1) (c) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and situated in the administration area as defined in the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), of an administration board as so defined, which administration area is under section 3 deemed to have been established as the development board area of a board, shall be deemed to have been set apart under subsection (1) (a), (b) or (c), respectively.

(5) A proclamation, regulation, notice, direction, approval, authority, prohibition, requirement, return, licence, permit, certificate or document issued, renewed, promulgated, made, given or granted and any other action taken—

(a) in respect of any town or hostel, shall also apply with reference to any extension of such town or hostel, as the case may be;

(b) in respect of any person, premises or area within any such town or hostel and in force immediately prior to the commencement of this Act, shall, subject to the provisions of subsection (6), continue to apply and remain in force in respect of any such person, premises or area.

(6) Any regulation referred to in subsection (5) made by a local government body shall, notwithstanding anything to the contrary in any law, be deemed to have been made by the Minister under this Act.

36. (1) A board may, subject to sections 23 (2) and 24 (3) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), with the approval of the Minister and subject to such conditions as he may determine or which may be prescribed and, in the case of land referred to in section 34 (9), subject to the conditions mentioned in that section—

Board may develop town or hostel.

(a) develop a town or any particular portion thereof in accordance with a lay-out plan approved by the Minister, or a town planning scheme, or carry out a scheme as defined in section 1 of the Housing Act, 1966 (Act No. 4 of 1966), in the area concerned, construct buildings thereon, provide services and amenities, build streets and render other public places available;

(b) borrow or take up money against security of the board's or local authority's assets or otherwise;

(c) permit or authorize persons, employers, associations or township developers to acquire an interest in land in a development area for the construction thereon of dwellings or buildings or for the development of such land for purposes approved by the board;

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

(e) within its development board area initiate, plan, establish, carry out and co-ordinate undertakings and projects directed at the promotion of the interests and the development and upliftment of Black communities or any particular section thereof, in the economic, social or cultural spheres or self-government at local gov-

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

van enige plaaslike bestuur, inisieer, beplan, stig, uitvoer en koördineer of finansiële of ander hulp in verband daarmee verleen en met enige plaaslike bestuursliggaam of enige streekwelsynsraad of welsynsorganisasie vermeld in die Wet op Nasionale Welsyn, 1978 (Wet No. 100 van 1978), in verband met sodanige ondernemings en projekte saamwerk;

(f) die reg van okkupasie van 'n woning of ander gebou of van 'n perseel in 'n dorp of tehuis van die hand sit hetsy by wyse van 'n reg van huurpag of andersins;

(g) geld voorskiet of boumateriaal op krediet verskaf vir die oprigting van woonhuise of ander geboue.

(2) 'n Raad of plaaslike bestuur keur nie sonder skriftelike magtiging van die Minister 'n bouplan vir die oprigting of verandering van of die aanbouing aan 'n gebou wat strydig is met enige bepaling van 'n goedgekeurde uitlegplan, dorpsbeplanningskema of 'n ander in paragraaf (a) van subartikel (1) vermelde skema, goed nie.

Verandering of
afskaffing van
dorpe en tehuise.

37. (1) Die Minister kan behoudens die bepalings van subartikel (2) uit eie beweging of op versoek van 'n raad of 'n plaaslike bestuur, na gelang van die geval—

(a) wanneer dit aan hom blyk dat die toestande waarin persone in 'n dorp of tehuis of 'n gedeelte daarvan woon, sodanig is dat tensy daardie dorp of tehuis of gedeelte daarvan verander of afgeskaf word, die gesondheid of veiligheid van die publiek oor die algemeen of van enige groep persone in gevaar gestel mag word; of

(b) wanneer dit aan hom blyk dat die verandering of afskaffing van die dorp of tehuis of gedeelte daarvan wenslik is met die oog op enige dorps- of streeksbeplanning wat ingevolge of ter bevordering van die oogmerke van hierdie Wet of enige ander wet onderneem word,

na oorlegpleging met enige raad of plaaslike bestuur wat volgens sy oordeel daardeur geraak mag word, by skriftelike kennisgewing die betrokke raad of plaaslike bestuur gelas of magtig om die in daardie kennisgewing vermelde stappe te doen om daardie dorp of tehuis te verander of af te skaf, behoudens sodanige voorwaardes betreffende vergoeding, as daar is, reëlins betreffende behuising en die sluiting van publieke plekke wat hy in beoogde kennisgewing gelas.

(2) Wanneer 'n dorp of 'n tehuis of gedeelte daarvan kragtens subartikel (1) verander of afgeskaf is, publiseer die Minister 'n kennisgewing met daardie strekking in die *Staatskoerant*, en die *Staatskoerant* wat sodanige kennisgewing bevat, word in alle geregtelike verrigtinge geag *prima facie*-bewys te wees dat die grond daarin vermeld nie meer 'n gebied of stuk grond is wat as 'n dorp of 'n tehuis omskryf of afgesonder is nie.

Prosedure by ver-
andering of
afskaffing van dor-
pe of tehuise.

38. (1) Indien 'n raad of 'n plaaslike bestuur die Minister se lasgewing of magtiging kragtens artikel 37 (1) ontvang het om 'n dorp of tehuis of 'n gedeelte daarvan te verander of af te skaf, kan enigiemand ten opsigte van wie daar ten genoeë van 'n kommissaris, deur middel van beëdigde verklarings aan hom voorgelê, bewys word dat hy op of na 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, en sonder skriftelike verlof van die raad of plaaslike bestuur, daardie dorp of tehuis of gedeelte daarvan binnegegaan het of daarbinne was, op aansoek van daardie raad of plaaslike bestuur, na gelang van die geval, of van die Direkteur-generaal, en kragtens 'n lasbrief uitgereik deur daardie Kommissaris en aan 'n lid van die Suid-Afrikaanse Polisie gerig, met sy persoonlike besittings van sodanige dorp of tehuis of gedeelte daarvan verwyder word na 'n ander plek, hetsy binne of buite die ontwikkelingsraadsgebied van daardie raad, waar na die oordeel van die Direkteur-generaal toereikende huisvesting beskikbaar is, en die Direkteur-generaal kan stappe laat doen vir die sloping van 'n gebou of struktuur

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- ernment level, including the training of the staff of any local authority, or render financial or other assistance in connection therewith, and co-operate with any local government body or any regional welfare board or welfare organization referred to in the National Welfare Act, 1978 (Act No. 100 of 1978), in connection with such undertakings and projects;
- (f) dispose of the right of occupation of a dwelling or other building or of premises in a town or hostel whether by way of a right of leasehold or otherwise;
- (g) advance money or supply material on credit for the construction of dwellings or other buildings.
- (2) A board or a local authority shall not without the written authority of the Minister approve any building plan for the erection or alteration of or addition to any building which would be in conflict with any provision of an approved lay-out plan, town planning scheme or other scheme referred to in paragraph (a) of subsection (1).

37. (1) The Minister may, subject to the provisions of subsection (2), of his own initiative or at the request of a board or a local authority, as the case may be —
- (a) whenever it appears to him that the conditions under which persons are living in a town or hostel or any portion thereof are such that unless such town or hostel or portion thereof is altered or disestablished, the health or safety of the public generally or of any group of persons may be endangered; or
- (b) whenever it appears to him that the alteration or disestablishment of any such town or hostel or portion thereof is desirable having regard to any town or regional planning undertaken under or in furtherance of the objects of this Act or any other law,
- after consultation with any board or local authority which in his opinion may be affected thereby, by notice in writing direct or authorize the board or local authority concerned to take such steps as may be mentioned in that notice for the amendment or disestablishment of such town or hostel or portion thereof subject to such conditions as to compensation (if any), arrangements relating to housing and the closing of public places as may be directed by him in such notice.
- (2) Whenever a town or hostel or portion thereof has been amended or disestablished under subsection (1) the Minister shall publish a notice to that effect in the *Gazette*, and the *Gazette* containing such notice shall in any legal proceedings be deemed to be *prima facie* proof that the land referred to therein is no longer an area or a piece of land defined and set apart as a town or hostel.

Alteration or disestablishment of towns and hostels.

38. (1) If a board or a local authority has received the direction or authorization of the Minister under section 37 (1) to alter or disestablish any town or hostel or portion thereof, any person who is proved to the satisfaction of a commissioner, by means of affidavits placed before him, to have entered or to have been, on or after a date fixed by the Minister by notice in the *Gazette*, and without the permission in writing of the board or local authority, within such town or hostel or portion thereof, may, on the application of such board or local authority, as the case may be, or of the Director-General, and under a warrant issued by such commissioner and addressed to a member of the South African Police, be removed, with his personal effects, from such town or hostel or portion thereof to any other place whether within or outside the development board area of such board, where in the opinion of the Director-General adequate accommodation is available, and the Director-General may cause steps to be taken

Procedure on alteration or disestablishment of towns or hostels.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

wat op of na gemelde datum in daardie dorp of tehuis deur daardie persoon opgerig is.

(2) So 'n raad of plaaslike bestuur kan, tot die in subartikel (1) vermelde datum, die oprigting of verandering van 'n gebou of struktuur in so 'n dorp of tehuis verbied, of toelaat onderworpe aan die voorwaardes wat hy oplê.

(3) (a) Wanneer 'n dorp of tehuis of 'n gedeelte daarvan ingevolge artikel 37 (1) verander of afgeskaf is en 'n kennisgewing te dien effekte ingevolge artikel 37 (2) gepubliseer is, is enigiemand wat daarna sonder die skriftelike verlot van die betrokke raad of plaaslike bestuur die grond in daardie kennisgewing vermeld, betree of daarop is, aan 'n misdryf skuldig.

(b) Die hof wat iemand aan 'n oortreding van hierdie subartikel skuldig bevind, kan benewens die oplegging van die straf waarvoor hierdie Wet voorsiening maak, op aansoek van sodanige raad of plaaslike bestuur, na gelang van die geval, of die Direkteur-generaal, 'n lid van die Suid-Afrikaanse Polisie beveel om daardie persoon en sy persoonlike besittings te verwyder na die plek in subartikel (1) vermeld.

(4) Tensy die Minister anders gelas, is geen vergoeding betaalbaar nie ten opsigte van 'n gebou of struktuur of verbetering daaraan—

(a) opgerig of aangebring strydig met 'n in subartikel (2) bedoelde verbod of voorwaarde;

(b) opgerig of aangebring op of na die in subartikel (1) bedoelde datum;

(c) wat kragtens subartikel (1) gesloop is;

(d) opgerig of aangebring deur 'n inwoner van 'n dorp of tehuis wat by ooreenkoms met die betrokke raad of plaaslike bestuur afstand gedoen het van 'n eis om vergoeding wat hy sou hê ten opsigte van 'n gebou, struktuur of verbetering weens die verandering of afskaffing ingevolge artikel 37 (1) van daardie dorp of tehuis.

Bevoegdhede om dorpe en tehuise in sekere omstandighede te beheer.

39. (1) Indien 'n Administrateur by die verrigting van die werksaamhede aan hom opgedra deur die Gesondheidswet, 1977 (Wet No. 63 van 1977), die administrasie van en die beheer oor 'n dorp of 'n tehuis op hom geneem het, kan die Staatspresident by proklamasie in die *Staatskoerant* verklaar dat, vanaf 'n daarin bepaalde datum, alle werksaamhede deur die Administrateur verrig, deur die Minister verrig moet word, en vir daardie doel het die Minister al die bevoegdhede wat deur daardie Wet aan die Administrateur verleen word.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* die administrasie en die beheer van 'n dorp of tehuis wat kragtens hierdie artikel in die Minister gevestig is, weer in die betrokke raad of plaaslike bestuur vestig, vanaf 'n datum en onderworpe aan die voorwaardes wat in die proklamasie bepaal word.

(3) Enige uitgawe redelikerwys deur die Minister kragtens hierdie artikel aangegaan, kan vir sover dit meer bedra as die inkomste verkry deur die verrigting van die werksaamhede aan hom kragtens subartikel (1) opgedra, deur die Minister verhaal word—

(a) deur middel van 'n aksie in 'n bevoegde hof teen die betrokke raad of plaaslike bestuur;

(b) deur die heffing van 'n spesiale belasting op eiendom binne die ontwikkelingsraadsgebied van daardie raad;

(c) deur aftrekking van 'n subsidie, toekenning of ander geld wat uit die Staatsinkomstefonds aan daardie raad of plaaslike bestuur betaalbaar is; of

(d) deur enige kombinasie van sodanige metodes van verhaal,

en 'n sertifikaat deur die Minister onderteken, is *prima facie*-wys van die bedrag wat deur die raad of plaaslike bestuur kragtens hierdie artikel verskuldig is.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

for the demolition of any building or structure erected on or after the said date in such town or hostel by such person.

(2) Any such board or local authority may until the date mentioned in subsection (1), prohibit, or permit but subject to such conditions as it may impose, the construction or alteration of any building or structure in such town or hostel.

(3) (a) Whenever any town or hostel or portion thereof has been amended or disestablished in terms of section 37 (1), and a notice to that effect has been published in terms of section 37 (2), any person who thereafter without the written permission of the board or local authority concerned, enters or is on the land referred to in such notice, shall be guilty of an offence.

(b) The court convicting any person of a contravention of this subsection may in addition to imposing any penalty provided for by this Act, on the application of such board or local authority, as the case may be, or the Director-General, order a member of the South African Police to remove such person and his personal effects to the place referred to in subsection (1).

(4) Unless the Minister otherwise directs, no compensation shall be payable in respect of any building or structure or improvement thereto—

(a) erected or made in contravention of any prohibition or condition referred to in subsection (2);

(b) erected or made on or after the date referred to in subsection (1);

(c) demolished under subsection (1);

(d) erected or made by a resident of a town or hostel who, by agreement with the board or local authority concerned, has waived any claim to compensation he would have in respect of any building, structure or improvement by reason of the amendment or disestablishment in terms of section 37 (1) of such town or hostel.

35 39. (1) If an Administrator in the performance of the functions assigned to him by the Health Act, 1977 (Act No. 63 of 1977), has assumed the administration and control of any town or hostel, the State President may by proclamation in the *Gazette* declare that, from a date specified therein, all functions performed by the Administrator shall be performed by the Minister, who, for that purpose, shall have all the powers conferred upon the Administrator by that Act.

Powers to control towns and hostels in certain circumstances.

(2) The State President may by proclamation in the *Gazette* again vest in the board or the local authority concerned the administration and control of a town or hostel vested in the Minister under this section, as from a date and subject to such conditions as may be specified in such proclamation.

(3) Any expenditure reasonably incurred by the Minister under this section which is in excess of revenue derived from the performance of the functions vested in him by subsection (1) may be recovered by the Minister—

(a) by action in a competent court against the board or local authority concerned;

(b) by levying a special rate upon property within the development board area of that board;

(c) by deduction from any subsidy, grant or other money payable out of the State Revenue Fund to that board or local authority; or

(d) by any combination of such methods for recovery,

and a certificate signed by the Minister shall be *prima facie* evidence of the amount due by the board or local authority under this section.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

Verblyf van Kleurlinge in dorpe.

40. (1) Ondanks andersluidende bepalings van hierdie Wet, maar behoudens die bepalings van subartikels (2), (3) en (4) kan 'n persoon wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as 'n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurdes geklassifiseer is (hieronder 'n Kleurling genoem), en wat by die inwerkingtre- 5 ding van hierdie Wet gewoonlik woonagtig was in 'n dorp, en sy afstammeling, in so 'n dorp woon of, in geval van die afskaffing daarvan, in 'n dorp wat in die plek daarvan opgerig is, en kan hulle, solank hulle aldus bly woon, persele daarin vir hul eie be- 10 woning huur.

(2) 'n Kleurling wat ingevolge subartikel (1) toegelaat is of toegelaat word om in 'n dorp te woon, is, terwyl hy aldus woonagtig is, onderhewig aan enige wet wat ten opsigte van daardie dorp van toepassing is. 15

(3) Indien die Minister na raadpleging met die Minister van Gemeenskapsontwikkeling en die raad of plaaslike bestuur van 'n dorp, oortuig is dat daar in 'n gebied buite die dorp voldoende en geskikte huisvesting of grond tesame met die nodige water, sanitêre en ander geriewe vir Kleurlinge wat in daardie dorp woonagtig is, beskikbaar is, kan hy by kennisgewing in die Staatskoerant verklaar dat, vanaf 'n datum in die kennisgewing 20 vermeld, die bepalings van subartikel (1) ophou om van toepassing te wees ten opsigte van daardie dorp met betrekking tot Kleurlinge wat onmiddellik voor daardie datum in daardie dorp 25 woonagtig was.

(4) (a) Wanneer die kommissaris van die betrokke gebied op grond van 'n verklaring uitgereik op gesag van die betrokke raad, of plaaslike bestuur, na gelang van die geval, oortuig is dat enige Kleurling ondanks 'n kennisgewing in subartikel (3) bedoel, voortgaan om in die dorp te woon, kan hy die bevel uitreik, die instruksies gee en die bevoegdheid verleen wat redelikerwys nodig is— 30

(i) om die verwydering van bedoelde persoon van daardie dorp te bewerkstellig; 35

(ii) om die verplasing van bedoelde persoon na sodanige ander plek, hetsy binne of buite sy jurisdiksiegebied, as wat hy bepaal, te bewerkstellig;

(iii) om te verseker dat alle geboue of bouwerke wat deur of vir so 'n persoon in sodanige dorp opgerig 40 is, gesloop en daaruit verwyder word:

Met dien verstande dat—

(aa) gemelde kommissaris so 'n bevel nie uitreik nie tensy hy oortuig is dat gemelde beëdigde verklaring in beide amptelike tale opgestel was en op 'n 45 ooglopende plek in die dorp of op of in die nabyheid van bedoelde gebou opgeplak was, tesame met 'n kennisgewing wat bedoelde persone daarvan verwittig dat 'n aansoek om hul verwydering by die kommissaris gedoen sal word, en dat be- 50 doelde kennisgewing minstens drie dae voordat die aansoek gedoen is, aldus opgeplak was;

(bb) sodanige persoon geregtig is om voor daardie kommissaris deur een of meer persone of deur 'n advokaat of prokureur verteenwoordig te wees, en om 55 of by wyse van beëdigde verklaring of deur sodanige verteenwoordigers op die bewerings in die beëdigde verklarings uiteengesit, te antwoord.

(b) Indien 'n persoon in paragraaf (a) vermeld, te eniger tyd ooreenkomstig paragraaf (a) na 'n besondere plek 60 verplaas is, en die kommissaris in wie se gebied so 'n plek geleë is, oortuig is, as gevolg van inligting aan hom verstrekkend, of na persoonlike ondersoek, dat bedoelde plek nie geskikte huisvesting vir genoemde persoon bied nie, of dat hy op meer geskikte wyse elders 65 gehuisves kan word, of dat hy nie 'n geskikte werk binne 'n redelike afstand van so 'n plek het nie, kan so 'n kommissaris alle redelike stappe doen ten einde ge-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

40. (1) Notwithstanding anything to the contrary in this Act contained, but subject to the provisions of subsections (2), (3) and (4), any person classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Cape Coloured, Malay, Griqua or Other Coloured Group (hereinafter referred to as a coloured person) who was ordinarily resident in a town at the commencement of this Act, and his descendants, may reside in such town or, in the event of its disestablishment, in any town established in place thereof, and as long as they continue so to reside, may lease premises for their own occupation therein.

Residence of
coloured persons in
towns.

(2) Any coloured person who in terms of subsection (1) may reside or is permitted to reside in any town shall, while he so resides, be subject to any law which may apply in respect of such town.

(3) If the Minister is satisfied after consultation with the Minister of Community Development and the local management of a town, that in any area outside the town adequate and suitable accommodation or land together with the necessary water, sanitary and other services is available for coloured persons residing in that town, he may by notice in the *Gazette* declare that as from a date specified in the notice the provisions of subsection (1) shall cease to operate in respect of such town in relation to coloured persons who were resident in such town immediately before such date.

(4) (a) Whenever the commissioner of the area concerned is satisfied by virtue of an affidavit issued on the authority of the board or local authority concerned, as the case may be, that any coloured person continues to reside in a town notwithstanding a notice contemplated in subsection (3), he may issue such order, give such instructions and confer such authority as may be reasonably necessary—

(i) to effect the removal of such person from that town;

(ii) to effect the transfer of such person to such other place, whether within or outside his area of jurisdiction, as he may indicate;

(iii) to ensure the demolition and removal from such town of all buildings and structures which may have been erected thereon by such person or on his behalf:

Provided that—

(aa) the said commissioner shall not issue any such order unless he is satisfied that the said affidavit, drawn up in both official languages, had been posted up in a conspicuous place in the town or on or in the vicinity of the relevant building, together with a notice informing the persons concerned that an application will be made to the commissioner for their removal, and that such notice had been thus posted up for a period of at least three days before the application was made;

(bb) such person shall be entitled to be represented before that commissioner by one or more persons or by an advocate or attorney, and to reply either by affidavit or through such representatives to the allegations set out in the affidavits.

(b) If a person referred to in paragraph (a) has at any time been transferred to any particular place in accordance with paragraph (a), and the commissioner within whose area such place is situated, is satisfied, on the ground of information placed before him or on personal investigation, that the said place provides no suitable accommodation for the said person, or that he can be more suitably accommodated elsewhere or that he has no proper employment within reasonable distance from such place, such commissioner may take all reasonable

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

noemde persoon na 'n ander geskikte plek binne of buite daardie kommissaris se gebied wat hy mag goed-dink oor te plaas, en vir daardie doel het daardie kom-missaris al die bevoegdhede wat aan 'n kommissaris kragtens paragraaf (a) verleen is. 5

(5) 'n Kleurling wat kragtens hierdie artikel 'n dorp moet ver-laat, is op die vergoeding geregtig wat die Minister, of in die al-gemeen of in die besonder, na oorlegpleging met die betrokke raad gelas.

Beperkings op be-skikking oor grond of persele in dorpe.

41. (1) Grond of 'n perseel in 'n dorp wat aan die Staat, 'n 10 raad of 'n plaaslike bestuur, na gelang van die geval, behoort, of by hom berus, kan—

- (a) verhuur word aan 'n Swart persoon, 'n werkgewer, 'n dorpsontwikkelaar of 'n vereniging ingevolge hierdie Wet; 15
- (b) beskikbaar gestel word soos beoog in artikel 34 (9) of vir die verskaffing van huisvesting aan 'n Swarte in daardie dorp of gedeelte daarvan of in 'n tehuis inge-volge hierdie Wet;
- (c) beskikbaar gestel word vir die verlening van regte van 20 huurpag ingevolge hierdie Wet.

(2) Behoudens die uitdruklike bepalings van hierdie Wet of die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), of behalwe waar die Minister dit na oorlegpleging met die raad of plaaslike bestuur, na gelang van die geval, goedkeur, 25 mag niemand 'n ooreenkoms of transaksie aangaan vir die verkryging van grond of 'n perseel in 'n dorp geleë of van 'n reg op sodanige grond of perseel of 'n belang daarin of serwituut daar-oor, of so 'n reg, belang of serwituut hou nie.

(3) Iemand wat deelneem aan 'n poging tot verkryging of aan 30 'n ooreenkoms of transaksie of aan 'n handeling of versuim om iets te doen wat met hierdie artikel in stryd is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en as die handeling of ver- 35 suim wat die misdryf uitmaak, 'n voortgesette handeling of ver-suim is, is so iemand strafbaar met 'n verdere boete van hoogstens R10 ten opsigte van elke dag waarop die handeling of versuim voortduur of by wanbetaling met verdere gevangenis-straf vir 'n tydperk van hoogstens vyf dae vir elke dag waarop 40 die handeling of versuim voortduur.

Raad kan inspek-teurs aanstel.

42. (1) 'n Raad kan skriftelik 'n werknemer van sodanige raad as 'n inspekteur aanstel of aanwys, wat vir die doeleindes van hierdie Wet, te alle redelike tye—

- (a) (i) 'n perseel in sodanige raad se ontwikkelingsraads- 45 gebied wat aan die raad behoort of waarop huis-vesting opgerig is wat aan die raad behoort of deur hom beheer word, kan betree;
- (ii) enige tehuis wat deur die raad gestig is, kan be-tree; 50
- (b) iemand wat in of op so 'n perseel vermeld in paragraaf (a) gevind word, kan ondervra;
- (c) die titelbewyse, boeke of ander aantekenings van ie-mand wat op enige wyse op die eiendomsreg of okku-pasie van of verblyf op grond of 'n perseel vermeld in 55 paragraaf (a) betrekking het, kan inspekteer, en uit-treksels uit sodanige titelbewyse, boeke of ander aante-kenings kan maak;
- (d) iemand kan aansê om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van of 60 verblyf op sodanige grond of so 'n perseel vermeld in paragraaf (a) of met betrekking tot die teenwoordig-heid van enige persoon daarop, te verstrek;
- (e) iemand kan aansê om inligting betreffende sy magti-ging om op grond of 'n perseel vermeld in paragraaf 65 (a) te wees, te verstrek.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

steps for the transfer of the said person to another suitable place, whether within or outside the said commissioner's area, as he may indicate, and for such purpose such commissioner shall have unconditionally all the powers conferred on a commissioner under paragraph (a).

(5) Any coloured person required under this section to leave a town shall be entitled to such compensation as the Minister may, either generally or specially, after consultation with the board concerned, direct.

41. (1) Land or premises in a town owned by or vested in the State, a board or a local authority, as the case may be, may be—

Limitations on disposal of land or premises in towns.

- (a) leased to a Black person, an employer, a township developer or an association in terms of this Act;
- (b) be made available as contemplated in section 34 (9) or for the provision of accommodation to a Black in that town or portion thereof or in a hostel in terms of this Act;
- (c) made available for the granting of rights of leasehold in terms of this Act.

(2) Subject to the express provisions of this Act or the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or except where the Minister after consultation with the board or local authority, as the case may be, so approves, no person shall enter into any agreement or transaction for the acquisition of land or premises situated in a town, or of any right to such land or premises or of any interest therein or servitude thereover, or hold such right, interest or servitude.

(3) Any person who is a party to any attempted acquisition or to any agreement or transaction or to any act or default which is in conflict with this section, shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or in default of payment to imprisonment for a period not exceeding six months, and if any such act of default constituting the offence is a continuing one, such person shall be liable to a further fine not exceeding R10 for every day on which the act or default continues or, in default of payment, to further imprisonment for a period not exceeding five days for every day on which such act or default continues.

42. (1) A board may appoint or designate in writing any employee of such board as an inspector, who may for the purposes of this Act at all reasonable times—

Board may appoint inspectors.

- (a) (i) enter upon any premises in such board's development board area owned by it or on which housing owned or controlled by the board has been erected;
- (ii) enter any hostel established by the board;
- (b) question any person found in or upon any such premises referred to in paragraph (a);
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or occupation of or residence on land or premises referred to in paragraph (a) and make extracts from such title deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on such land or premises referred to in paragraph (a) or relating to the presence of any person thereon;
- (e) call upon any person to furnish any information as to his authority to be on any land or premises referred to in paragraph (a).

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

(2) By die toepassing van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), die Wet op Swart Arbeid, 1964 (Wet No. 67 van 1964), en die regulasies kragtens daardie wette uitgevaardig, is 'n inspekteur 'n vredesbeampte soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977). 5

(3) 'n Inspekteur—

- (a) kan by die verrigting van sy werksaamhede ingevolge subartikel (1) deur 'n tolk of ander assistent vergesel wees; en 10
- (b) moet op versoek van enige persoon wat deur die verrigting van daardie werksaamhede geraak word, bewys van sy aanstelling as inspekteur ingevolge subartikel (1), toon.

(4) 'n Tolk of assistent word, terwyl hy ingevolge die wettige opdragte optree van 'n inspekteur wat hy vergesel, geag so 'n inspekteur te wees, en 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of verhinderende of belemmerende van of bemoeiende met 'n tolk of assistent terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur, verhinderende of belemmerende van of bemoeiende met daardie inspekteur te wees. 20

(5) Iemand wat—

- (a) homself valslik as so 'n inspekteur voordoen;
- (b) 'n inspekteur by die uitoefening van sy bevoegdheid of 25 die verrigting van sy werksaamhede of pligte ingevolge hierdie artikel of 'n kragtens artikel 66 uitgevaardigde regulasie hinder, belemmer of weerstaan of hom met so 'n inspekteur bemoei, of sonder gegronde rede weier of versuim om inligting, besonderhede of dokumente deur 30 so 'n inspekteur vereis, te verstrek, of versuim om aan 'n vereiste deur so 'n inspekteur gestel, te voldoen;
- (c) ten einde 'n inspekteur te dwing om 'n handeling met betrekking tot die uitoefening van sy bevoegdheid of 35 die verrigting van sy werksaamhede te verrig of na te laat, of omdat so 'n inspekteur so 'n handeling verrig of nagelaat het, daardie inspekteur dreig of geweld of dwang voorstel teen daardie inspekteur of enige van sy naasbestaandes of afhanklikes of dreig om die eiendom van daardie inspekteur of enige van sy naasbestaandes 40 of afhanklikes te beskadig of die beskadiging daarvan voorstel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf. 45

Vorderings vir huur en huisvesting.

43. (1) Die huurgeld betaalbaar vir die bewoning van 'n huis of gebou wat aan die raad behoort of deur hom beheer word in 'n dorp en wat aan 'n inwoner van die dorp beskikbaar gestel is en die bedrag bereken vir huisvesting in 'n tehuis, bedra soveel as wat die Minister van tyd tot tyd as 'n redelike en billike huurgeld bepaal, behalwe waar sodanige huis, gebou of tehuis opgerig is uit fondse ingevolge die Behuisingswet, 1966 (Wet No. 4 van 1966), beskikbaar gestel, in watter geval die huurgeld van tyd tot tyd deur die Minister van Gemeenskapsontwikkeling bepaal word. 50 55

(2) Die—

- (a) huurgeld wat betaalbaar is vir die okkupasie van 'n huis of gebou in 'n dorp;
- (b) bedrag wat vir huisvesting in 'n tehuis gevorder word. 60

by die inwerkingtrede van hierdie Wet, word geag huurgeld of 'n bedrag te wees wat ingevolge subartikel (1) vasgestel is.

Dienstegelde.

44. (1) (a) Ondanks die bepalinge van artikels 29 (1) en 31 (1), saamgelees met die bepalinge van die Wet op Swart Plaaslike Bestuur, 1982 (Wet No. 102 van 1982), bedra 65 die bedrae deur 'n raad gevorder vir water, beligting, sanitêre en ander dienste verskaf aan 'n dorp of tehuis

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(2) For the purposes of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), the Black Labour Act, 1964 (Act No. 67 of 1964), and the regulations made under those Acts, an inspector shall be a peace officer as defined in section 5 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(3) An inspector—

- (a) may be accompanied by an interpreter or other assistant in the performance of his functions under subsection (1); and
- 10 (b) shall at the request of any person who is affected by the performance of such functions exhibit proof of his appointment as an inspector in terms of subsection (1).

(4) An interpreter or assistant shall, while acting under the lawful directions of any such inspector whom he accompanies, 15 be deemed to be such an inspector, and any question put through, reply made to, requirement made by or obstruction or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstruction or hindering of or interference with such an inspector.

(5) Any person who—

- (a) falsely holds himself out to be such an inspector;
 - (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 25 or any regulation made under section 66, 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;
 - 30 (c) in order to compel any inspector to do or to abstain from doing any act in respect of the exercise of his powers or the performance of his functions, or on account of such inspector having done or abstained from doing such an act, threatens or suggests the use of violence to or restraint upon such inspector or any of his 35 relatives or dependants, or threatens or suggests any injury to the property of such inspector or of any of his relatives or dependants,
- 40 shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

43. (1) The rental payable for the occupation of any house or building owned or controlled by a board in a town and made 45 available to a resident in such town and the amount charged for accommodation in a hostel shall be such as the Minister may from time to time determine to be a fair and reasonable rental, except where such house, building or hostel has been erected out of funds made available under the Housing Act, 1966 (Act 50 No. 4 of 1966), in which event such rental shall be determined from time to time by the Minister of Community Development.

(2) The—

- (a) rental payable for the occupation of a house or building in a town;
- 55 (b) amount charged for accommodation in a hostel, at the commencement of this Act, shall be deemed to be a rental or an amount determined in terms of subsection (1).

44. (1) (a) Notwithstanding the provisions of sections 29 (1) and 31 (1) read with the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), the charges made by a board for water, lighting, sanitary and other services rendered to a town or hostel or to 60 any inhabitant thereof shall be such as the board may

Charges for rent and accommodation.

Charges for services.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

of aan 'n inwoner daarvan, soveel as wat die raad van tyd tot tyd as 'n redelike en billike bedrag bepaal.

- (b) Bedrae wat deur die bevoegde gesag by die inwerking-treding van hierdie Wet bereken is vir dienste in paragraaf (a) bedoel, word, totdat dit ingevolge hierdie artikel gewysig word, geag die bedrae te wees wat ingevolge daardie paragraaf bepaal en betaalbaar is. 5

(2) 'n Raad kan by besluit—

- (a) enige bedrae wat hy gemagtig is om te vorder, vasstel;
(b) van tyd tot tyd sodanige vasstelling wysig of intrek; en 10
(c) die datum waarop die vasstelling, wysiging of intrekking in werking tree, bepaal.

(3) Waar 'n raad ingevolge subartikel (2) gelde vasstel of 'n vasstelling wysig, kan hy tussen verskillende klasse gebruikers of onroerende goed onderskei op die gronde wat hy redelik ag. 15

(4) Nadat 'n besluit soos beoog in subartikel (2) geneem is, laat die hoofdirekteur van die raad op sy kennisgewingbord en in 'n nuusblad soos bedoel in artikel 110 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en wat in die betrokke ontwikkelingsraadsgebied sirkuleer, 'n kennisgewing publiseer waarin— 20

- (a) die algemene strekking van sodanige besluit uiteengesit word; en
(b) die datum (wat 'n datum is wat hoogstens 30 dae na die datum van sodanige kennisgewing is) waarop die vasstelling of wysiging in werking tree, vermeld word. 25

(5) 'n Raad kan ten opsigte van enige inwoner van 'n dorp of tehuis op grond van die behoefte van sodanige inwoner algehele of gedeeltelike kwytskelding verleen van gelde en ander vorderings ten opsigte van huur, watervoorsienings-, sanitêre, gesondheids-, geneeskundige en ander dienste, of van 'n samevoeging van sulke dienste, wat deur hom ingevolge hierdie Wet betaal moet word.

Summiere prosedure vir verhaal van agterstallige bedrae.

45. (1) 'n Lasbrief tot eksekusie teen die roerende goed van iemand wat versuim het om enige bedrag waarvoor hy ingevolge hierdie Wet aanspreeklik is ten opsigte van sy verblyf in 'n dorp of tehuis, te betaal, kan uitgereik word deur die kommissaris van die gebied indien hy oortuig is, na ondersoek gehou na behoorlike kennisgewing aan die betrokke en nadat so iemand die geleentheid gebied is om sy saak te stel, dat die bedrag deur daardie persoon verskuldig is. 40

(2) So 'n lasbrief word ten uitvoer gelê op dieselfde wyse asof dit uitgereik was ingevolge 'n gewone vonnis van 'n kommissarishof bedoel in artikel 10 van die Swart Administrasiewet, 1927 (Wet No. 38 van 1927). 45

Diverse plaaslike bestuursbedrywighede van raad.

46. (1) 'n Raad is binne sy ontwikkelingsraadsgebied bekleed en belas met al die regte, bevoegdhede, werksaamhede, pligte en verpligtings, vir sover dit op die behuising van Swartes betrekking het—

- (a) van 'n plaaslike bestuur soos omskryf in die Behuisingswet, 1966 (Wet No. 4 van 1966); en 50
(b) van 'n gemeenskapsontwikkelingsraad bedoel in artikel 13 van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966),

en by die toepassing van hierdie artikel word 'n verwysing in daardie artikel na „Minister” uitgelê as 'n verwysing na die Minister soos in hierdie Wet omskryf.

(2) Die bepalinge van artikel 51 (2) en (3) is *mutatis mutandis* van toepassing met betrekking tot die regte, bevoegdhede, werksaamhede, pligte en verpligtings waarmee 'n raad ingevolge subartikel (1) bekleed en belas word. 60

Swart Gemeenskapsontwikkelings- en Wentelfonds.

47. (1) Daar word hierby 'n fonds ingestel met die naam die Swart Gemeenskapsontwikkelings- en Wentelfonds wat deur die Direkteur-generaal geadministreer word en waarin gestort word— 65

- (a) die geld wat deur die Parlement vir die doeleindes van die fonds bewillig word;

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- from time to time determine to be a fair and reasonable amount.
- (b) Any charges made by the competent authority at the commencement of this Act for services contemplated in paragraph (a) shall until amended in terms of this section be deemed to be the charges made and payable under that paragraph.
- 5 (2) A board may by resolution—
- (a) determine any charges which it is authorized to make;
- 10 (b) from time to time amend or withdraw such determination; and
- (c) determine the date on which such determination, amendment or withdrawal shall come into operation.
- (3) Where a board determines charges or amends a determination in terms of subsection (2), it may differentiate between different classes of users or property on such grounds as it may deem reasonable.
- (4) After a resolution as contemplated in subsection (2) has been passed, the chief director of the board shall cause to be
- 20 published on his notice board and in a newspaper as contemplated in section 110 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and circulating in the development board area concerned, a notice in which—
- (a) the general purport of such resolution is set out; and
- 25 (b) the date (which shall be a date not less than 30 days after the date of such notice) is stated on which the determination or amendment shall come into operation.
- (5) A board may remit in respect of any resident in a town or hostel on the ground of indigency of such resident the whole or
- 30 any portion of any fees and other charges for rent, water, sanitary, health, medical and other services or any combination of such services payable by him in terms of this Act.
45. (1) A warrant of execution against the movable property of any person who has failed to pay any amount payable by him under this Act in respect of his residence in a town or hostel, may be issued by the commissioner of the area, if he is satisfied, after inquiry which was held after due notice had been given to the person concerned and such person had been given an opportunity of being heard, that the amount is due by that person.
- 40 (2) Such warrant shall be executed in like manner as if it had been issued pursuant to an ordinary judgment of a commissioner's court referred to in section 10 of the Black Administration Act, 1927 (Act No. 38 of 1927).
46. (1) A board shall within its development board area be vested and charged with all the rights, powers, functions, duties and obligations, in so far as they relate to the housing of Blacks—
- (a) of a local authority as defined in the Housing Act, 1966 (Act No. 4 of 1966); and
- 50 (b) of a community development board referred to in section 13 of the Community Development Act, 1966 (Act No. 3 of 1966),
- and in the application of this section any reference in that section to "Minister" shall be construed as a reference to the Minister as defined in this Act.
- 55 (2) The provisions of section 51 (2) and (3) shall apply *mutatis mutandis* in respect of the rights, powers, functions, duties and obligations with which a board is vested and charged under subsection (1).
- 60 47. (1) There is hereby established a fund to be known as the Black Communities Development and Revolving Fund to be administered by the Director-General and into which shall be paid—
- (a) such money as may be appropriated by Parliament for the purposes of the fund;

Summary procedure for recovery of amounts in arrear.

Miscellaneous local government activities of a board.

Black Communities Development and Revolving Fund.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

- (b) geld wat ingevolge 'n wetsbepaling aan die fonds betaalbaar is;
 - (c) enige betaling of terugbetaling, met of sonder rente, ten opsigte van enige voorskot toegestaan of waarborg gegee deur die fonds; 5
 - (d) geld aan die fonds geskenk mits die doel van die skenking of voorwaarde daaraan verbonde na die mening van die Minister nie met die doeleindes waarvoor die fonds aangewend kan word, onbestaanbaar is nie;
 - (e) geld deur die fonds verkry uit enige ander bron. 10
- (2) Die fonds word aangewend—
- (a) om sodanige koste in verband met die administrasie van die fonds en sodanige ander uitgawes as wat die Minister bepaal, te bestry;
 - (b) om aan Swart persone, 'n raad of 'n plaaslike bestuur 15 geld voor te skiet vir die beter ontwikkeling (met inbegrip van opmetingskoste in dorpe) van die grond of gebiede wat deur sodanige Swartes geokkupeer word;
 - (c) waar enige geld wat aangewend staan te word, geskenk is, vir die bereiking van die doel van die skenking; 20
 - (d) om oor die algemeen die materiële, morele en maatskaplike welsyn van Swart persone te ondersteun en te ontwikkel en om gemeenskapsontwikkelings- of ander projekte wat na die mening van die Minister bevorderlik is vir die bereiking van enige van die doeleindes 25 waarvoor die fonds aangewend kan word, te inisieer, te borg of te finansier, of om uitgawes in verband daarmee te bestry, en die algemene aard van die bevoegdhede wat deur hierdie paragraaf verleen word, word nie deur die bepalings van die voorafgaande paragrawe 30 beperk nie.
- (3) Die rekenings van die fonds moet deur die Ouditeur-generaal geouditeer word.

Verrigting van sekere werksaamhede van Gemeenskapsontwikkelingsraad deur Direkteur-generaal.

48. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal dat vanaf 'n datum in die kennisgewing 35 vermeld en onderworpe aan die voorwaardes wat hy bepaal, die Direkteur-generaal met betrekking tot 'n dorp, of ten opsigte van Swartes in enige ander gebied wat die Minister bepaal, die werksaamhede en bevoegdhede van die Gemeenskapsontwikkelingsraad ingestel deur artikel 2 (1) van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), wat die Minister bepaal, verrig en uitoefen. 40

(2) Vanaf die datum kragtens subartikel (1) bepaal, is die bepalings van die Wet op Gemeenskapsontwikkeling, 1966, *mutatis mutandis* van toepassing met betrekking tot die verrigting en uitoefening van sodanige werksaamhede en bevoegdhede deur die Direkteur-generaal, en vir die doeleindes van dié toepassing word enige verwysing in daardie Wet— 45

- (a) na die "raad" of "Sekretaris" uitgelê as 'n verwysing na die Direkteur-generaal; en 50
- (b) na die Gemeenskapsontwikkelingsfonds, die Minister of 'n inspekteur uitgelê as 'n verwysing na, onderskeidelik, die fonds, die Minister van Samewerking en Ontwikkeling of 'n gemagtigde beampte.

Samewerking deur rade, plaaslike bestuursliggame en Staat.

49. (1) Behoudens die bepalings van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), en die goedkeuring van die Minister, na voorlegging, in die geval van 'n plaaslike bestuursliggaam wat kragtens 'n provinsiale ordonnansie ingestel is, aan die Administrateur van die betrokke provinsie of, in die geval van 'n plaaslike bestuursliggaam wat nie aldus ingestel is 60 nie of van 'n plaaslike bestuur, aan die vergelykbare gesag, kan 'n raad met 'n ander raad of 'n plaaslike bestuursliggaam of 'n plaaslike bestuur of 'n by wet ingestelde liggaam of met die Staat saamwerk by die uitvoering of nakoming van enige van of al die bepalings van hierdie Wet, of by die stigting of bestuur 65 van 'n dorp of tehuis of die voorsiening of gebruik van werke,

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (b) money payable to the fund under any law;
- (c) any payment or repayment, with or without interest, in respect of any advance or guarantee made or given by the fund;
- 5 (d) money donated to the fund, provided the purpose of the donation or any condition attached thereto is in the opinion of the Minister not inconsistent with the purposes for which the fund may be utilized;
- (e) money obtained by the fund from any other source.
- 10 (2) The fund shall be utilized—
 - (a) to defray such costs in connection with the administration of the fund and such other expenditure as the Minister may determine;
 - (b) to make advances to black persons, a board or a local authority for the better development (including survey costs in towns) of the land or areas occupied by such Blacks;
 - (c) if any money to be utilized has been donated to the fund, to attain the purpose of such donation;
 - 20 (d) generally, to assist and develop the material, moral and social well-being of Black persons and to initiate, to sponsor or to finance, or to defray expenses connected with, any community development or other projects which in the opinion of the Minister are conducive to the attainment of any of the purposes for which the fund may be utilized, the general nature of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.
 - 25
- (3) The accounts of the fund shall be audited by the Auditor-General.
- 30

- 48. (1) The Minister may from time to time by notice in the *Gazette* determine that from a date specified in the notice and subject to such conditions as he may determine, the Director-General shall with reference to any town, or in respect of Blacks in any other area determined by the Minister, perform and exercise such of the functions and powers of the Community Development Board established by section 2 (1) of the Community Development Act, 1966 (Act No. 3 of 1966), as the Minister may determine.
- 35
- (2) As from the date specified under subsection (1), the provisions of the Community Development Act, 1966, shall *mutatis mutandis* apply with reference to the exercise of such powers and the performance of such functions by the Director-General, and for the purposes of such application any reference in that Act—
- 40
- 45
 - (a) to the "board" or "Secretary" shall be construed as a reference to the Director-General; and
 - (b) to the Community Development Fund, the Minister or an inspector shall be construed as a reference to the fund, the Minister of Co-operation and Development or an authorized officer, respectively.
- 50

Performance of certain functions of Community Development Board by Director-General.

- 49. (1) Subject to the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and the approval of the Minister, after reference, in the case of a local government body established under a provincial ordinance, to the Administrator of the province concerned or, in the case of a local government body not so established, or a local authority, to the comparable authority, a board may co-operate with any other board, local government body or local authority or a body established by law or with the State in applying or complying with all or any of the provisions of this Act, or in the establishment or administration
- 55
- 60

Co-operation by boards, local government bodies and State.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

dienste of toerusting wat in die behoeftes van die liggame wat al-
dus saamwerk, voorsien.

(2) Ondanks andersluidende wetsbepalings kan alle inkomste verkry uit en alle uitgawes aangegaan in verband met 'n onderneming waarby 'n raad en 'n plaaslike bestuur of plaaslike bestuursliggaam of ander liggaam of die Staat soos in subartikel (1) beoog, saamwerk, aan die samewerkende partye toegedeel word op die wyse wat bepaal word deur die Minister na oorlegpleging met daardie raad en daardie plaaslike bestuur of plaaslike bestuursliggaam of ander liggaam, en, indien die Staat een van die samewerkende partye is, met die Minister van Finansies.

(3) (a) Wanneer die Minister kragtens subartikel (1) goedkeur dat saamgewerk word by die stigting of bestuur van 'n dorp of tehuis of by die voorsiening of gebruik van werke, dienste of toerusting, kan hy dit doen op die bedinge en voorwaardes wat hy goedvind en, in die besonder, dat 'n samewerkende party ten opsigte van enige sodanige dorp of tehuis, of die inwoners daarvan, of met betrekking tot sodanige werke, dienste of toerusting, tot uitsluiting van enige ander samewerkende party die bevoegdhede, met inbegrip van, in die geval van 'n plaaslike bestuursliggaam of plaaslike bestuur, die uitvaardiging van regulasies ingevolge hierdie Wet, uitoefen en die werksaamhede verrig wat in hierdie Wet of in enige wet wat bedoelde raad beheer, vervat is en wat hy vermeld wanneer hy sodanige goedkeuring verleen.

(b) Die Minister kan die in paragraaf (a) vermelde bedinge en voorwaardes opleë ondanks die feit dat die betrokke dorp, tehuis, werke, dienste of toerusting in die geheel of gedeeltelik op grond wat andersins buite die ontwikkelingsraadsgebied of regsgebied val van die plaaslike bestuur of plaaslike bestuursliggaam wat die bevoegdhede moet uitoefen en die werksaamhede moet verrig wat in daardie paragraaf vermeld word.

(4) 'n Raad wat kragtens 'n ingevolge subartikel (1) goedgekeurde ooreenkoms om saam te werk, verantwoordelikheid ingevolge paragraaf (a) van subartikel (3) aanvaar vir die bestuur en beheer van 'n dorp, tehuis, werke, dienste of toerusting wat nie in sy ontwikkelingsraadsgebied geleë is nie, het ten opsigte van enige aangeleentheid betreffende die ontwikkeling of bestuur daarvan, al die bevoegdhede wat hy sou gehad het indien bedoelde dorp, tehuis, werke, dienste of toerusting binne sy ontwikkelingsraadsgebied geleë was.

(5) 'n Goedkeuring ingevolge subartikel (1) en die bedinge en voorwaardes van sodanige goedkeuring of 'n opsomming daarvan word by kennisgewing in die *Staatskoerant* bekend gemaak, en sodanige goedkeuring, bedinge en voorwaardes tree in werking by sodanige publikasie.

Fondse van raad
betreffende sy
werksaamhede in-
gevolge hierdie
Hoofstuk.

50. (1) 'n Raad moet ten opsigte van sy werksaamhede ingevolge hierdie Hoofstuk 'n aparte rekening hou.

(2) Die rekening in subartikel (1) vermeld, moet gekrediteer word met—

- (a) geld toegeken, bemaak en geskenk aan die raad ten einde hom in staat te stel om enige werksaamheid in hierdie Hoofstuk vermeld, te verrig;
- (b) geld deur die raad verkry uit die verkoop of die verhuur van grond of persele;
- (c) geld verkry uit die voorsiening van dienste in hierdie Hoofstuk vermeld;
- (d) geld deur die raad verkry by wyse van lenings (met inbegrip van oortrekkings op enige bankrekening van die raad) aangegaan met die goedkeuring van en behoudens die voorwaardes bepaal deur die Minister;
- (e) geld verkry kragtens die Behuisingswet, 1966 (Wet No. 4 van 1966), of die Gemeenskapsontwikkingswet, 1966 (Wet No. 3 van 1966);

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

of any town or hostel or the provision or use of works, services or plant serving the needs of the bodies so co-operating.

(2) Notwithstanding anything contained in any law, any revenue derived from and any expenditure incurred in connection with any undertaking in which any board and a local authority or local government body or other body or the State co-operate as contemplated in subsection (1), may be apportioned among the co-operating parties in such a manner as may be determined by the Minister after consultation with such board and such local authority or local government body or other body and, if the State is one of the co-operating parties, with the Minister of Finance.

(3) (a) When the Minister approves under subsection (1) the co-operation for the establishment or administration of any town or hostel or the provision or use of any works, services or plant, he may do so on such terms and conditions as he may deem fit and, in particular, that a co-operating party may, to the exclusion of any other co-operating party, exercise in relation to any such town or hostel, or the inhabitants thereof, or in relation to such work, services or plant, such powers, including (in the case of a local government body or local authority) the making of regulations under this Act, and perform such functions as are contained in this Act or in any law governing such board, as he may specify when granting such approval.

(b) The Minister may impose the terms and conditions referred to in paragraph (a) notwithstanding the fact that the town, hostel, works, services or plant concerned is situated, wholly or partly, on land otherwise outside the development board area or area of jurisdiction of the local authority or local government body which is to exercise the powers and to perform the functions referred to in the said paragraph.

(4) Any board which under any agreement to co-operate approved under subsection (1), assumes responsibility under paragraph (a) of subsection (3) for the administration and control of a town, hostel, works, services or plant which is not situated within its development board area, shall in any matter connected with the development or administration thereof, have all the powers it would have had if such town, hostel, works, service or plant had been situated within its development board area.

(5) Any approval under subsection (1) and the terms and conditions of such approval or a summary thereof shall be made known by notice published in the *Gazette*, and such approval, terms and conditions shall come into operation on such publication.

50. (1) A board shall in connection with its functions in terms of this Chapter keep a separate account.

(2) The account referred to in subsection (1) shall be credited with—

Funds of board relating to its functions in terms of this Chapter.

- (a) money granted, bequeathed or donated to the board in order to enable it to perform any function referred to in this Chapter;
- (b) money derived from the sale or lease of land or premises by the board;
- (c) money derived from the supply of services referred to in this Chapter;
- (d) money obtained by the board by way of loans (including overdrafts on any bank account of the board) concluded with the approval of and subject to such conditions determined by the Minister;
- (e) money obtained in terms of the Housing Act, 1966 (Act No. 4 of 1966), or the Community Development Act, 1966 (Act No. 3 of 1966);

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

(f) geld uit enige ander bron verkry vir die doeleindes van hierdie Hoofstuk.

(3) Die rekening word gedebiteer met die bedrag van enige uitgawes deur die betrokke raad in verband met die verrigting van sy werksaamhede ingevolge hierdie Hoofstuk aangegaan. 5

HOOFSTUK V

AGENTSAPSFUNKSIE VAN RAAD

Raad bevoeg en verplig om vir of ten behoewe van ander op te tree.

51. (1) 'n Raad—

(a) kan binne of buite sy ontwikkelingsraadsgebied namens 'n Staatsdepartement of 'n by of kragtens wet ingestelde liggaam optree ingevolge 'n ooreenkoms deur die raad en die betrokke departement of liggaam aangegaan en deur die Minister goedgekeur, op die voorwaardes en bedinge (as daar is) in die ooreenkoms vermeld; 15

(b) is bekleed en belas met al die regte, bevoegdhede, werksaamhede, pligte en verpligtings—

(i) van 'n plaaslike bestuur ingevolge die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962);

(ii) van 'n stedelike plaaslike bestuur ingevolge die Wet op Swart Arbeid, 1964 (Wet No. 67 van 1964); 20

(iii) van 'n stedelike plaaslike bestuur ingevolge die Wet op Bydraes ten opsigte van Swart Arbeid, 1972 (Wet No. 29 van 1972); 25

(iv) van 'n stedelike plaaslike bestuur ingevolge artikel 23 (1) van die Drankwet, 1977 (Wet No. 87 van 1977);

(v) vir sover dit op Swartes alleen betrekking het, van 'n plaaslike bestuursliggaam of 'n kommissaris ingevolge die wette wat deur die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vermeld word, maar behoudens die voorwaardes, wysigings of uitsonderings wat aldus vermeld word.

(2) Enige regte, bevoegdhede, werksaamhede, pligte en verpligtinge waarmee 'n raad uit hoofde van die bepalings van subartikel (1) bekleed en belas word, gaan op sodanige raad oor tot uitsluiting van enige ander in daardie subartikel vermelde liggaam of gesag.

(3) Vir die doeleindes van die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede ingevolge subartikel (1), en by die toepassing van die bepalings van 'n wet in daardie subartikel genoem of beoog, word 'n raad ten opsigte van sy ontwikkelingsraadsgebied geag 'n liggaam of gesag te wees soos dié wie se bevoegdhede en werksaamhede hy kragtens daardie subartikel gemagtig word om uit te oefen of te verrig, en vir gemelde doeleindes word sy ontwikkelingsraadsgebied geag die regsgebied van sodanige liggaam of gesag te wees. 45

(4) Die Minister kan 'n raad magtig of beveel om, in die mate wat hy bepaal, 'n bevoegdheid uit te oefen of 'n plig uit te voer wat verleen is of opgelê is aan 'n kommissaris of 'n arbeidskakeelbeampte by of kragtens Hoofstuk IV van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), in daardie deel van die raad se ontwikkelingsgebied wat geleë is buite 'n „voorgeskrewe gebied” soos omskryf in artikel 49 van daardie Wet en wat nie ingevolge artikel 25 (1) (d) van daardie Wet van die toepassing van daardie Hoofstuk uitgesluit is nie. 50

HOOFSTUK VI

HUURPAG

Verlening van huurpag.

52. (1) (a) 'n Raad, plaaslike bestuur of dorpsontwikkelaar kan— 60

(i) in die geval van 'n raad, ten opsigte van grond waarvan hy of die Staat die geregistreerde eienaar

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(f) money obtained from any other source for the purposes of this Chapter.

(3) The account shall be debited with the amount of any expenditure incurred by the board concerned in connection with the performance of its functions in terms of this Chapter.

CHAPTER V

AGENCY FUNCTION OF BOARD

51. (1) A board—

Board entitled and obliged to act for or on behalf of others.

- (a) may within or outside its development board area act on behalf of any State department, or any body established by or under any law, in terms of any agreement entered into by the board and the department or body concerned and approved by the Minister, on conditions and terms (if any) as may be specified in the agreement;
- (b) shall be vested and charged with all the rights, powers, functions, duties and obligations—
- (i) of a local authority in terms of the Sorghum Beer Act, 1962 (Act No. 63 of 1962);
 - (ii) of an urban local authority in terms of the Black Labour Act, 1964 (Act No. 67 of 1964);
 - (iii) of an urban local authority in terms of the Contributions in respect of Black Labour Act, 1972 (Act No. 29 of 1972);
 - (iv) of an urban local authority in terms of section 23 (1) of the Liquor Act, 1977 (Act No. 87 of 1977);
 - (v) in so far as they relate to Blacks only, of a local government body or a commissioner 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.

(2) Any rights, powers, functions, duties and obligations with which a board is vested and charged by virtue of the provisions of subsection (1), shall devolve upon such board to the exclusion of any other body or authority mentioned in that subsection.

(3) For the purposes of the exercise of its powers and the performance of its functions in terms of subsection (1), and in the application of the provisions of any law mentioned or contemplated in that subsection, a board shall in respect of its development board area be deemed to be such a body or authority as that whose powers and functions it is under that subsection empowered to exercise or perform, and for the said purposes its development area shall be deemed to be the area of jurisdiction of such body or authority.

(4) The Minister may authorize or order a board to exercise or carry out to the extent which the Minister may determine, a power or duty conferred or imposed upon a commissioner or a labour liaison officer by or under Chapter IV of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), in that part of such board's development area which is situated outside a "prescribed area" as defined in section 49 of that Act and which has not in terms of section 25 (1) (d) of that Act been excluded from the operation of the said Chapter.

CHAPTER VI

LEASEHOLD

52. (1) (a) A board, local authority or township developer may—

Granting of leasehold.

- (i) in the case of a board, in respect of land of which it or the State is the registered owner or which

- is of wat by hom of by die Staat berus of wat aan sodanige raad ooreenkomstig die bepalings van artikel 34 (9) beskikbaar gestel is; en
- (ii) in die geval van 'n plaaslike bestuur of 'n dorpsontwikkelaar, ten opsigte van grond wat ooreenkomstig die bepalings van artikel 34 (9) aan so 'n plaaslike bestuur of ontwikkelaar beskikbaar gestel is,
- op aansoek aan hom op die voorgeskrewe wyse en op die voorwaardes in die algemeen voorgeskryf of deur die Minister in 'n bepaalde geval goedgekeur, op die voorgeskrewe wyse 'n reg van huurpag ten opsigte van 'n huurpagperseel geleë op daardie grond, verleen aan 'n bevoegde persoon vir 'n tydperk van 99 jaar soos vanaf die datum van sodanige verlening: Met dien verstande dat waar so 'n reg van huurpag ingevolge hierdie Wet aan 'n ander bevoegde persoon oorgedra word, die geldigheidsduur 'n dergelike tydperk van 99 jaar is, bereken vanaf die dag van sodanige oordrag.
- (b) 'n Voorwaarde onderworpe waaraan huurpag ten opsigte van 'n huurpagperseel kragtens paragraaf (a) verleen word, kan bepaal dat sodanige perseel slegs deur Swartes gebruik mag word: Met dien verstande dat indien huurpag ten opsigte van enige sodanige perseel verleen word aan enige bevoegde persoon wat nie 'n Swarte is nie, 'n voorwaarde wat die gebruik van daardie perseel beperk tot doeleindes van bewoning deur Swartes, nie bedoelde bevoegde persoon belet om daardie perseel vir sodanige doeleindes te ontwikkel en te administreer nie.
- (2) Huurpag kan verkry word deur—
- (a) 'n Swarte bedoel in artikel 10 (1) (a) of (b) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), wat nie 'n Swarte is soos in artikel 12 (1) van daardie Wet bedoel nie;
- (b) die vrou of deelgenoot in 'n gebruikelike verbinding van 'n persoon in paragraaf (a) bedoel, by die afsterwe van sodanige persoon;
- (c) 'n afstammeling van 'n persoon in paragraaf (a) vermeld wat sodanige huurpag by wyse van vererwing verkry;
- (d) 'n dorpsontwikkelaar deur die Minister vir die doeleindes van die besit van sodanige huurpag goedgekeur;
- (e) 'n vereniging of 'n persoon deur die Minister vir doeleindes van die besit van sodanige huurpag goedgekeur;
- (f) 'n persoon wat behoort tot 'n kategorie van persone deur die Minister by kennisgewing in die *Staatskoerant* goedgekeur.
- (3) (a) Die goedkeuring van die Minister kragtens subartikels (2) (d), (e) en (f) kan verleen word onderworpe aan die voorwaardes wat die Minister na goedvinde bepaal.
- (b) Sodanige voorwaardes kan 'n voorwaarde bevat met die strekking dat die goedkeuring slegs vir 'n besondere doel, of vir 'n bepaalde tydperk, of totdat 'n bepaalde gebeurtenis plaasvind, van krag sal wees.
- (4) (a) Huurpag word verleen teen betaling aan die betrokke raad, of waar die reg verleen is deur 'n plaaslike bestuur of ander persoon, aan daardie plaaslike bestuur of persoon van 'n bedrag ten opsigte van daardie reg en enige verbetering op die betrokke huurpagperseel, of teen die verstrekking ten genoeë van daardie eienaar van sekerheid vir die betaling van daardie bedrag by registrasie.
- (b) Die in paragraaf (a) bedoelde bedrag word bepaal en is betaalbaar op die voorgeskrewe wyse, en daardie wyse moet voorsiening maak dat betaling van die bedrag ook by wyse van afbetaling kan geskied.
- (5) Ondanks die bepalings van subartikel (1) maar behoudens die bepalings van subartikels (6) en (7) kan 'n huurpag verleen word ten opsigte van 'n perseel wat in 'n dorp geleë is, alhoewel

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- vests in it or the State or which has been made available to such board in terms of the provisions of section 34 (9); and
- 5 (ii) in the case of a local authority or township developer, in respect of land made available to such local authority or developer in terms of the provisions of section 34 (9),
- 10 on application made to it in the prescribed manner and on the conditions prescribed generally or approved by the Minister in any particular case, grant to a competent person in the prescribed manner in respect of any leasehold site situated on such land, a right of leasehold for a period of 99 years calculated as from the date of the granting thereof: Provided that where such a right
- 15 of leasehold is in terms of this Act transferred to another competent person in terms of this Act, the currency shall be for a like period of 99 years, calculated as from the date of such transfer.
- 20 (b) A condition subject to which leasehold is granted in respect of a leasehold site under paragraph (a) may provide that such site shall be used solely by Blacks: Provided that where leasehold in respect of any such site is granted to any competent person who is not a Black, a condition restricting the use of such site to residential
- 25 purposes for Blacks shall not prohibit such competent person from developing and administering such site for the said purposes.
- (2) Leasehold may be acquired by—
- 30 (a) a Black referred to in section 10 (1) (a) or (b) of the Black (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), who is not a Black referred to in section 12 (1) of that Act;
- 35 (b) the wife or partner in a customary union of a person contemplated in paragraph (a) upon the decease of such person;
- (c) a person who is a descendant of a person referred to in paragraph (a) who acquired such leasehold by inheritance;
- 40 (d) a township developer who has been approved by the Minister for the purposes of holding such leasehold;
- (e) an association or a person who has been approved by the Minister for the holding of such leasehold;
- 45 (f) a person belonging to a category of persons approved by the Minister by notice in the *Gazette*.
- (3) (a) The approval by the Minister under subsection (2) (d), (e) and (f) may be granted subject to such conditions as the Minister may in his discretion determine.
- 50 (b) Such conditions may among others contain a condition to the effect that the approval shall be valid only for a particular purpose or for a specified period or until the taking place of a particular event.
- (4) (a) Leasehold shall be granted against payment to the board in question, or where the right was granted by a local authority or any other person, to that local authority or person, of an amount in respect of such right
- 55 and any improvements on the leasehold site in question, or against the furnishing of security to the satisfaction of that board for the payment of such amount upon registration.
- 60 (b) The amount referred to in paragraph (a) shall be determined and be payable in the manner prescribed, and such manner shall provide that payment of the amount may also be made by way of instalments.
- (5) Leasehold may notwithstanding the provisions of subsection (1) but subject to the provisions of subsections (6) and (7) be granted in respect of premises situated within a town,

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

dit nie deur 'n landmeter opgemeet is nie, en sodanige huurpag kan geregistreer en met 'n verband beswaar word, mits—

- (a) die betrokke perseel op die voorgeskrewe wyse geïdentifiseer is;
 - (b) die raad, plaaslike bestuur of dorpsontwikkelaar, na gelang van die geval, die betrokke perseel, aldus geïdentifiseer, binne 'n tydperk van vier jaar vanaf sodanige verlening deur 'n landmeter laat opmeet.
- (6) Indien die perseel ten opsigte waarvan huurpag toegestaan is, nie deur 'n landmeter opgemeet is nie, mag oor daardie huurpag nie beskik word nie behalwe by wyse van 'n verkoping in eksekusie in geval van insolvensie of erfopvolging.
- (7) Indien die raad, plaaslike bestuur of dorpsontwikkelaar wat 'n in subartikel (5) bedoelde huurpag verleen het, versuim om die betrokke perseel in die in subartikel (6) bedoelde tydperk deur 'n landmeter te laat opmeet, kan die houer van die betrokke huurpag dit aldus laat opmeet, en in so 'n geval moet daardie raad, plaaslike bestuur of dorpsontwikkelaar die voorgeskrewe deel van die opmetingskoste betaal.
- (8) Indien die grense van 'n perseel ten opsigte waarvan huurpag toegestaan is, wanneer dit deur 'n landmeter opgemeet word nie wesentlik dieselfde blyk te wees nie as die grense van daardie perseel soos ingevolge hierdie artikel geïdentifiseer—
- (a) kan die houer van daardie huurpag wat ten opsigte van die in paragraaf (i) bedoelde perseel toegestaan is, sonder benadeling van enige ander eis om skadevergoeding wat hy teen die raad, plaaslike bestuur of dorpsontwikkelaar mag hê, bedoelde reg laat rojeer en enige betalings wat deur hom voor sodanige rojering gemaak is voortspruitende uit bedoelde reg, van die raad, plaaslike bestuur of dorpsontwikkelaar terugvorder;
 - (b) moet die raad, plaaslike bestuur of dorpsontwikkelaar die verbandhouer vergoed vir enige skade wat deur sodanige verbandhouer gely mag word as gevolg van sodanige rojering.
- (9) Indien huurpag ingevolge hierdie artikel verleen is ten opsigte van 'n perseel wat nie deur 'n landmeter opgemeet is nie, moet die registrateur van aktes die huurpagakte op die voorgeskrewe wyse endosseer.
- (10) Wanneer 'n huurpag ten opsigte van 'n perseel verleen word, word sodanige huurpag eers van krag wanneer die huurpag in die toepaslike aktekantoor geregistreer word op die voorgeskrewe wyse.
- (11) (a) Waar huurpag te koop aangebied word by 'n verkoping in eksekusie of by 'n verkoping wat volg op die insolvensie of likwidasië van die houer van die huurpag, kan die reg slegs deur 'n bevoegde persoon of deur die betrokke raad gekoop word, maar waar die opbrengs van die verkoping nie voldoende is om die vonnisskuld en koste of die skuld na gelang van die geval, en alle eise wat voorkeur bo sodanige vonnisskuld en koste of sodanige skuld het, te verhaal nie, kan enige verbandhouer die reg koop vir 'n bedrag wat gelyk is aan die bedrag van die vonnisskuld en koste of die skuld, na gelang van die geval, en die bedrag van enige voorkeureise.
- (b) Indien 'n verbandhouer 'n huurpag kragtens paragraaf (a) koop, kan hy, behoudens die bepalings van paragraaf (c), die reg van die hand sit of aan die betrokke raad of aan enige bevoegde persoon.
 - (c) Die betrokke raad kan op die voorgeskrewe wyse en op die voorwaardes waarop met die houer van 'n huurpag ooreengekom word, dié reg koop, en kan na verloop van die voorgeskrewe tydperk die reg van 'n verbandhouer in paragrafe (a) en (b) vermeld ten behoeve van hom aan 'n bevoegde persoon verkoop vir 'n bedrag wat gelykstaan met die bedrag van die vonnisskuld en koste of die skuld, na gelang van die geval, en die bedrag van enige voorkeureise.
- (12) Waar 'n huurpag verleen of oorgedra word aan 'n bevoegde persoon wat nie 'n Swarte is nie, kan die Minister ondanks die bepalings van artikel 53 (5) bepaal dat sodanige reg,

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

although such premises have not been surveyed by a surveyor, and such leasehold may be registered and hypothecated, provided—

- 5 (a) the premises concerned have been identified in the prescribed manner;
 (b) the board, local authority or township developer, as the case may be, causes the premises concerned, so identified, to be surveyed by a surveyor within a period of four years from such grant.

10 (6) If the premises in respect of which leasehold has been granted, have not been surveyed by a surveyor, such leasehold may not be disposed of except by way of a sale in execution in the event of insolvency or succession.

15 (7) If the board, local authority or township developer who granted a leasehold referred to in subsection (5), fails to have the premises concerned surveyed by a surveyor within the period referred to in subsection (6), the holder of the leasehold may cause the premises to be so surveyed, and in any such case such board, local authority or township developer shall pay the prescribed part of the costs of the survey.

20 (8) If the boundaries of premises in respect of which leasehold has been granted, when surveyed by a surveyor appear not to be substantially the same as the boundaries of those premises as identified in terms of this section—

25 (a) the holder of such leasehold may without prejudice to any other claim as to damages which he may have against the board, local authority or township developer, cause such right to be cancelled and claim any payments made by him, prior to such cancellation, consequential to such right, from the board, local authority or township developer;

30 (b) the board, local authority or township developer shall compensate the mortgagee in respect of any loss which may have been suffered by such mortgagee as a result of such cancellation.

35 (9) When leasehold is granted in terms of this section in respect of premises which have not been surveyed by a surveyor, the registrar of deeds shall certify the deed of leasehold in the prescribed manner.

40 (10) If leasehold is granted in respect of any premises, such leasehold shall take effect only when the leasehold is registered in the appropriate deeds registry in the prescribed manner.

45 (11) (a) Where a leasehold is offered for sale at a sale in execution or at a sale in consequence of the insolvency or liquidation of the holder of the leasehold, the right may be purchased only by a competent person or by the board concerned, but where the proceeds of the sale are not sufficient to recover the judgment debt and costs or the debt, as the case may be, and all claims that are preferent to such judgment debt and costs or such debt, any mortgagee may purchase such right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of the said preferent claims.

50 (b) If a mortgagee purchases a leasehold under paragraph (a), he may, subject to the provisions of paragraph (c), dispose thereof either to the board concerned or to any competent person.

55 (c) The board concerned may in the manner prescribed and on the conditions agreed upon with the holder of a leasehold, purchase such right, and may after expiry of the prescribed period sell to a competent person on behalf of a mortgagee referred to in that paragraph (a) and (b) to a competent person such right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of any preferent claims.

60 (12) Where a right of leasehold is granted or transferred to a competent person who is not a Black, the Minister may, notwithstanding the provisions of section 53 (5), determine that such

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

terwyl dit deur daardie persoon besit of uitgeoefen word, onderworpe is aan die beperkings wat die Minister bepaal.

(13) 'n Bevoegde persoon wat die houer is van 'n geregistreerde huurpag en wat, in die geval van 'n Swarte, ophou om regtens bevoeg te wees om in die betrokke dorp te woon of, in die geval van 'n vereniging of 'n ander persoon wat nie 'n Swarte is nie, ophou om 'n bevoegde persoon te wees, verbeur daardeur nie die huurpag nie.

(14) Die bepalings van artikel 2 van die Wet op Vervreemding van Grond, 1981 (Wet No. 68 van 1981), is *mutatis mutandis* van toepassing met betrekking tot enige vervreemding van 'n huurpag, en enige verwysing na „grond” in bedoelde artikel word uitgelê as 'n verwysing na die betrokke huurpag.

(15) Geen ander geld as geld wat voorgeskryf word, is betaalbaar ten opsigte van 'n transaksie aangegaan of die verrigting van 'n handeling ingevolge hierdie Wet nie.

Registrasie van
huurpag en regsge-
volge van sodanige
registrasie.

53. (1) Behoudens die bepalings van artikels 56 en 57 word 'n huurpag ooreenkomstig die bepalings van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), geregistreer.

(2) 'n Bevoegde persoon aan wie 'n huurpag toegeken is, is geregtig op 'n sertifikaat, in die voorgeskrewe vorm, uitgereik deur die registrateur ten tyde van sodanige registrasie of te eniger voorgeskrewe tyd daarna, waarin die feit van registrasie van die huurpag ten opsigte van die betrokke huurpagperseel vermeld word.

(3) Die sertifikaat vermeld in subartikel (2) dien ten gunste van die geregistreerde houer daarvan as bewys—

- (a) van registrasie van die betrokke huurpag;
- (b) behoudens die bepalings van hierdie Wet, van die reg om die betrokke huurpagperseel te okkupeer vir die doeleindes in artikel 52 (1) vermeld;
- (c) van die vestiging van die regte in subartikel (5) bedoel.

(4) Die registrateur registreer nie die toekenning of oordrag van 'n huurpag nie tensy die besonderhede wat hy vereis en wat aantoon dat bevredigende reëlins getref is met betrekking tot die betaling van enige bedrag wat as gevolg van die betrokke transaksie betaalbaar is, aan hom voorgelê word.

(5) Registrasie kragtens subartikel (1) van 'n huurpag verleen, behoudens die bepalings van hierdie Wet, aan die houer van die reg van huurpag die reg om—

- (a) behoudens die bepalings van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), en enige regulasies of verordeninge betreffende die oprigting van veranderinge aan of sloping van geboue, enige gebou op die betrokke huurpagperseel op te rig, of om enige geboue daarop te verander of te sloop;
- (b) enige gebou op die perseel te okkupeer ooreenkomstig die regulasies en enige voorwaardes, of in die algemeen voorgeskryf of deur die Minister in 'n bepaalde geval goedgekeur en, behalwe waar die Minister anders ge- las, aangebring teenoor die inskrywing in die register wat op die betrokke perseel betrekking het;
- (c) die huurpag by wyse van 'n verband te beswaar; en
- (d) die huurpag aan 'n ander bevoegde persoon te vervreem, waarby die reg om die perseel te onderverhuur of die huurpag te bemaak inbegrepe is: Met dien verstande dat waar so 'n huurpag bemaak word of toeval aan 'n persoon, liggaam van persone of organisasie wat nie bevoeg is om dit te besit nie, slegs die netto opbrengs van die verkoping van die huurpag, aan so 'n persoon, liggaam van persone of organisasie oorge- maak word.

(6) Geen bepaling van die Wet op Seëlregte, 1968 (Wet No. 77 van 1968), is van toepassing met betrekking tot 'n dokument verly of 'n transaksie aangegaan of 'n ander handeling verrig ingevolge hierdie artikel of artikel 54 of 55 nie.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

right shall, while it is held or exercised by such person, be subject to such restrictions as may be specified by the Minister.

(13) A competent person who is the holder of a registered leasehold and who, in the case of a Black, ceases to be legally competent to reside in the town concerned or, in the case of an association or any other person who is not a Black, ceases to be a competent person, shall not thereby forfeit the leasehold.

(14) The provisions of section 2 of the Alienation of Land Act, 1981 (Act No. 68 of 1981), shall apply *mutatis mutandis* with respect to any alienation of a leasehold, and any reference to "land" in the said section shall be construed as a reference to the relevant leasehold.

(15) No money, other than such money as may be prescribed, shall be payable in respect of any transaction entered into or the performance of any act in terms of this Act.

53. (1) Subject to the provisions of sections 56 and 57 a leasehold shall be registered in accordance with the provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

Registration of leasehold and legal effect of such registration.

(2) A competent person to whom a leasehold has been granted shall be entitled to a certificate in the prescribed form, issued by the registrar at the time of such registration or at any prescribed time thereafter, stating the fact of registration of the leasehold in respect of the leasehold site in question.

(3) The certificate referred to in subsection (2) shall serve as proof in favour of the registered holder thereof—

- (a) of registration of the leasehold in question;
- (b) subject to the provisions of this Act, of the right to occupy the leasehold site in question, for the purpose referred to in section 52 (1);
- (c) of the vesting of the rights referred to in subsection (5).

(4) The registrar shall not register the grant or transfer of a leasehold unless such particulars as he may require are submitted to him whereby it is shown that satisfactory arrangements have been made with regard to the payment of any amount payable by reason of the transaction in question.

(5) Registration under subsection (1) of a leasehold shall, subject to the provisions of this Act, vest in the holder of the leasehold—

- (a) subject to the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and any regulations or by-laws relating to the erection, alteration or demolition of buildings, the right to erect on the leasehold site in question any building or improvements, or to alter or demolish any such buildings or improvements;
- (b) the right to occupy any building on the site in accordance with the regulations and any conditions, prescribed generally or approved by the Minister in any particular case and, except when the Minister otherwise directs, endorsed against the entry in the register relating to the site in question;
- (c) the right to encumber, by means of a mortgage, the leasehold; and
- (d) the right to dispose of the leasehold to any other competent person, which shall include the right to sub-let or bequeath the leasehold: Provided that where such leasehold is bequeathed to or devolves upon any person, body of persons or organization not competent to hold it, only the net proceeds of the sale of the leasehold shall be transferred to such person, body of persons or organization.

(6) No provision of the Stamp Duties Act, 1968 (Act No. 77 of 1968), shall apply with reference to any document executed or any transaction entered into or any other act performed in terms of this section or section 54 or 55.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

Oordrag van gere-
gistreerde huurpag.

54. (1) 'n Geregistreerde huurpag ten opsigte van 'n huurpag-perseel kan slegs by wyse van 'n akte soos voorgeskryf of deur endossement op die voorgeskrewe wyse, en onderworpe aan enige bestaande voorwaardes, aan 'n ander bevoegde persoon of aan 'n verbandhouer of 'n raad oorgedra word. 5

(2) Geen oordrag van 'n huurpag geskied alvorens bewys aan die registrateur verstrekkend word dat daar op die datum van so 'n oordrag geen vordering, geld of ander bedrag ten opsigte van die betrokke perseel deur die houer van bedoelde reg aan die betrokke raad of plaaslike bestuur verskuldig is nie. 10

Deel-huurpageen-
hede.

55. (1) Ondanks andersluidende wetsbepalings kan enige huurpagperseel of 'n groep huurpagpersele aangewend word vir die daarstelling van deel-huurpageenhede met die gepaardgaande gemeenskaplike eiendom ooreenkomstig die Wet op Deeltitels, 1971 (Wet No. 66 van 1971). 15

(2) Vir die doeleindes van die toepassing van die Wet op Deeltitels, 1971, ingevolge subartikel (1)—

- (a) omvat „sertifikaat van geregistreerde deeltitel” waar dit ook al in bedoelde Wet voorkom, 'n „sertifikaat van deel-huurpag”; 20
- (b) beteken „ontwikkelaar” 'n raad of enigiemand wat kragtens hierdie Wet gemagtig is om grond wat aan hom behoort of deur hom kragtens 'n huurpag besit word en wat binne 'n dorp geleë is en waarop 'n gebou of geboue geleë is of opgerig gaan word wat hy verdeel 25 het of voornemens is om te verdeel in twee of meer dele ingevolge 'n skema, of sy regsopvolger en vir die doel van die uitbreiding van so 'n gebou ook die betrokke regspersoon en vir die doel van die heroprigting ooreenkomstig die relevante geregistreerde deelplan 30 van 'n gebou wat geag word vernietig te wees, ook die regspersoon of die persoon aan wie die regspersoon die grond opgedra het;
- (c) beteken „plaaslike bestuur” 'n raad of plaaslike bestuur soos in hierdie Wet omskryf; 35
- (d) beteken „Minister” die Minister soos in hierdie Wet omskryf;
- (e) beteken „eienaar” iemand wat die geregistreerde eienaar is van 'n huurpag ten opsigte van die betrokke deelhuurpageenheid; 40
- (f) word 'n verwysing na „Registrasie van Aktes Wet”, uitgelê as 'n verwysing na daardie Wet, saamgelees met die toepaslike bepalings van hierdie Wet;
- (g) word 'n verwysing na „hierdie Wet” uitgelê as 'n verwysing na die Wet op Deeltitels, 1971, saamgelees met 45 artikel 52 en hierdie artikel;
- (h) word 'n verwysing na die titelbewys van die betrokke grond en 'n verbandakte ten opsigte van die betrokke grond, indien 'n huurpag ten opsigte van die betrokke huurpagperseel uitgereik is, uitgelê as 'n verwysing na 50 'n sertifikaat van huurpag en die verband oor die huurpag;
- (i) word 'n sertifikaat van deel-huurpag aan die ontwikkelaar uitgereik ten opsigte van elke deel en sy onverdeelde deel in die gemeenskaplike eiendom kragtens 55 artikel 8 (2) (d) van daardie Wet;
- (j) word 'n reg van deel-huurpag op die bedinge en voorwaardes vervat in artikel 52 *mutatis mutandis* toegeken, en al die bepalings van bedoelde artikel is *mutatis mutandis* van toepassing op deel-huurpagregte kragtens 60 hierdie artikel geregistreer en toegestaan;
- (k) is die regulasies ingevolge die Wet op Deeltitels, 1971, uitgevaardig nie van toepassing nie, maar regulasies betreffende aangeleenthede in bedoelde Wet beoog, kan deur die Minister ingevolge hierdie Wet uitgevaar- 65 dig word;
- (l) kan die Minister sodanige regulasies uitvaardig wat hy dienstig ag om behoorlike uitvoering te gee aan sodanige toepassing.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

54. (1) A registered leasehold in respect of a leasehold site may be transferred to another competent person, or to a mortgagee or a board, only by means of a deed as prescribed or by an endorsement in the manner prescribed, and subject to any existing conditions. Transfer of registered leasehold.

(2) No transfer of any leasehold shall be effected until proof is furnished to the registrar that no charge, fee or other due is at the date of such transfer owing in respect of the site in question by the holder of such leasehold to the board or local authority concerned.

55. (1) Notwithstanding anything to the contrary in any law contained any leasehold site or a group of leasehold sites may be utilized for the provision of sectional leasehold units with the accompanying common property in accordance with the Sectional Titles Act, 1971 (Act No. 66 of 1971). Sectional leasehold units.

(2) For the purposes of the application of the Sectional Titles Act, 1971, in terms of subsection (1)—

- (a) "certificate of registered sectional title" includes, whenever used in the said Act, a "certificate of sectional leasehold right";
- (b) "developer" means a board, or any other person who is authorized by this Act to develop land owned by him or held by him under a right of leasehold and situated within a town and on which a building or buildings are situated or are to be erected which he has divided or intends to divide into two or more sections in terms of a scheme, or his successor-in-title and for the purpose of the extension of such a building also the body corporate concerned and for the purpose of the rebuilding in accordance with the relevant registered sectional plan of a building that is deemed to have been destroyed, includes the body corporate or the person to whom the body corporate has transferred the land;
- (c) "local authority" means a board or a local authority as defined in this Act;
- (d) "Minister" means the Minister as defined in this Act;
- (e) "owner" means the person who is a registered owner of a leasehold in respect of the sectional leasehold unit concerned;
- (f) any reference to "Deeds Registry Act" shall be construed as a reference to that Act, read with the relevant provisions of this Act;
- (g) any reference to "this Act" shall be construed as a reference to the Sectional Titles Act, 1971, read with section 52 and this section;
- (h) any reference to the title deed of the land in question and any mortgage bond in respect of the land shall, if a leasehold has been issued in respect of the relevant leasehold site, be construed as a reference to the certificate of leasehold title and the mortgage of the leasehold;
- (i) a certificate of sectional leasehold shall be issued in terms of section 8 (2) (d) of that Act to the developer in respect of each section and its undivided share in the common property;
- (j) a right of sectional leasehold shall be granted on the terms and conditions *mutatis mutandis* contained in section 52, and all the provisions of that section shall *mutatis mutandis* apply to sectional leasehold rights registered and granted in terms of this section;
- (k) the regulations made under the said Sectional Titles Act, 1971, shall not apply, but regulations relating to matters contemplated in the said Act may be made by the Minister under this Act;
- (l) the Minister may make such regulations as he may deem expedient to give proper effect to such application.

Wet No. 4, 1984

- WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

(3) In die geval van enige strydigheid tussen die bepalings van die Wet op Deeltitels, 1971, en dié van hierdie Wet, geniet laasgenoemde voorrang.

Besondere bepalings met betrekking tot registrasie van huurpag.

56. (1) Ondanks die bepalings van artikels 3 (1) (p), 16 en 77 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), 5
hoef 'n dokument in verband met die registrasie of oordrag of sessie van 'n huurpag nie deur 'n notaris geattesteer te word nie, en sodanige dokument word op die voorgeskrewe wyse uitgevoer en geregistreer.

(2) Ondanks die bepalings van artikel 6 van die Registrasie 10
van Aktes Wet, 1937, kan 'n registrateur 'n huurpag rojeer indien die raad, plaaslike bestuur of dorpsontwikkelaar en die houer van die huurpag daartoe ooreenkom.

(3) Ondanks die bepalings van artikel 43 (5) van die Registrasie van Aktes Wet, 1937, kan 'n raad, plaaslike bestuur of dorps- 15
ontwikkelaar huurpag ten opsigte van 'n huurpagperseel verleen sonder om eers 'n sertifikaat van geregistreerde titel ten opsigte van sodanige huurpagperseel te bekom.

(4) Tensy in hierdie wet of die regulasies anders bepaal, is die bepalings van die Registrasie van Aktes Wet, 1937, van toepas- 20
sing op die registrasie van 'n huurpag wat kragtens hierdie Wet verleen is.

(5) (a) Vanaf die inwerkingtreding van artikel 53 en hierdie artikel word alle sertificate van huurpag en verbande 25
geregistreer kragtens die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), ten opsigte van huurpagpersele, geag kragtens hierdie Wet geregistreer te gewees het.

(b) So gou doenlik na sodanige inwerkingtreding oorhandig 'n registrateur bedoel in artikel 6B van die Swartes 30
(Stadsgebiede) Konsolidasiewet, 1945, alle boeke, dokumente, registers en aantekeninge wat deur hom gehou word en wat betrekking het op sodanige regte, aan die betrokke registrateur.

(c) Vanaf sodanige inwerkingtreding word enige dokument 35
uitgereik of handeling verrig in die kantoor van eersgenoemde registrateur, geag in die kantoor van laasgenoemde registrateur uitgereik of verrig te gewees het.

Regulasies met betrekking tot huurpag.

57. (1) Die Minister moet voordat hy regulasies wat betrek- 40
king het op die registrasie van huurpagte en aanverwante aangeleenthede uitvaardig, met die registrasieregulasieraad bedoel in artikel 9 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), raadpleeg.

(2) 'n Regulasie met betrekking tot 'n aangeleentheid in sub- 45
artikel (1) bedoel wat kragtens 'n by hierdie Wet herroepe wet uitgevaardig is, word geag kragtens hierdie wet uitgevaardig te gewees het.

HOOFSTUK VII

DIVERSE BEPALINGS

50

Huisvestingsvoorskrifte en behuisingsbestuurder.

58. (1) 'n Werkgewer wat in 'n voorgeskrewe kategorie val, moet voorsiening maak vir die voorgeskrewe huisvesting of behuising van sy Swart werknemers of die gesinne van sodanige werknemers.

(2) 'n Werkgewer moet 'n behuisingsbestuurder aanstel, wat 55
deur die Direkteur-generaal goedgekeur moet word, ten opsigte van elke behuisingskompleks onder sy beheer en wat gebruik word vir die behuising van vyftig of meer Swart werknemers, waarin enige van die Swart werknemers van daardie werkgewer gehuisves word. 60

(3) Niemand mag vir meer as een werkgewer as behuisingsbestuurder optree nie, behalwe met die magtiging van die Direkteur-generaal.

(4) 'n Behuisingsbestuurder verrig sy werksaamhede ooreen-
komstig die bepalings van hierdie Wet en onderworpe aan die 65
voorskrifte van die Direkteur-generaal.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

(3) In the event of any conflict between the provisions of the Sectional Titles Act, 1971, and those of this Act, the latter shall prevail.

56. (1) Notwithstanding the provisions of sections 3 (1) (p), 16 5 and 77 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), no document relating to the registration or transfer or cession of a right of leasehold need be attested by a notary, and such document shall be executed and registered in the manner prescribed. Special provisions in respect of registration of leasehold.

(2) Notwithstanding the provisions of section 6 of the Deeds 10 Registries Act, 1937, a registrar may cancel a leasehold if the board, local authority or township developer and the holder of the leasehold agree thereto.

(3) Notwithstanding the provisions of section 43 (5) of the Deeds Registries Act, 1937, a board, local authority or township 15 developer may grant a leasehold in respect of a leasehold site without first obtaining a certificate of registered title in respect of that leasehold site.

(4) Unless it is otherwise provided in this Act or the regulations, the provisions of the Deeds Registries Act, 1937, shall 20 apply to the registration of a leasehold granted in terms of this Act.

(5) (a) From the commencement of section 53 and this section 25 all certificates of leasehold and mortgage bonds registered in terms of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), in respect of leasehold sites shall be deemed to have been registered in terms of this Act.

(b) As soon as practicable after such commencement a 30 registrar contemplated in section 6B of the Blacks (Urban Areas) Consolidation Act, 1945, shall hand all books, documents, registers and records held by him and relating to such rights, over to the registrar concerned.

(c) As from such commencement any document issued or 35 act done in the office of the first-mentioned registrar shall be deemed to have been issued or done at the office of the last-mentioned registrar.

57. (1) The Minister shall, before he makes regulations concerning the registration leaseholds and related matters, consult 40 with the deeds registries regulation board contemplated in section 9 of the Deeds Registries Act, 1937, (Act No. 47 of 1937). Regulations in respect of leasehold.

(2) A regulation in respect of a matter referred to in subsection (1) made under any law repealed by this Act, shall be deemed to have been made under this Act.

45

CHAPTER VII

MISCELLANEOUS PROVISIONS

58. (1) An employer falling in a prescribed category shall provide the prescribed accommodation or housing for his Black employees or the families of such employees. Accommodation directives and accommodation manager.

50 (2) An employer shall appoint an accommodation manager, to be approved by the Director-General, in respect of every accommodation complex under his control and used for the housing of fifty or more Black employees, in which any of the Black employees of that employer is accommodated.

55 (3) No person shall act as accommodation manager for more than one employer except with the authorization of the Director-General.

(4) An accommodation manager shall perform his functions in accordance with the provisions of this Act and subject to the 60 rections of the Director-General.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

Fasiliteite wat deur werkgewers of persone wat oor Swart werknemers aangestel is, beskikbaar gestel moet word aan persone wat werksaamhede kragtens hierdie Wet verrig.

59. (1) 'n Werkgewer of persoon wat oor Swart werknemers aangestel is, moet alle redelike fasiliteite beskikbaar stel aan 'n kommissaris, inspekteur of ander persoon wat werksaamhede verrig wat kragtens hierdie Wet aan hom opgedra is, ten einde hom in staat te stel om sy werksaamhede doeltreffend te verrig. 5

(2) 'n Werkgewer of persoon wat versuim om aan die bepalinge van subartikel (1) te voldoen, is aan 'n misdryf skuldig.

Opskorting van munisipale verordeninge ten opsigte van 'n myn of bedryf.

60. Die Staatspresident kan by proklamasie in die *Staatskoerant* die toepassing van 'n verordening wat deur 'n plaaslike bestuur of 'n plaaslike bestuursliggaam uitgevaardig is en wat betrekking het op 'n aangeleentheid wat by regulasie gereël word, ten opsigte van 'n myn of bedryf soos in die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), bedoel, opskort, maar geen geregtelike stappe wat voor die datum van die opskorting ingevolge die opgeskorte verordening gedoen is, word daardeur geraak nie; Met dien verstande dat geen proklamasie wat so 'n verordening opskort, sonder voorafgaande raadpleging met bedoelde bestuur of plaaslike bestuursliggaam uitgereik word nie. 10 15

Raad moet sekere inligting verstrek.

61. (1) Die Direkteur-generaal kan van tyd tot tyd van 'n raad vereis om aan hom voor te lê die inligting betreffende enige werksaamheid of bedrywigheid van daardie raad kragtens hierdie Wet of kragtens enige ander wet daarin vermeld, wat hy bepaal. 20

(2) Indien 'n raad versuim om die in subartikel (1) bedoelde inligting binne die tydperk deur die Direkteur-generaal bepaal, te verstrek, kan die Direkteur-generaal sodanige inligting op die wyse wat hy dienstig ag, laat verkry en die koste aangegaan by die verkryging van sodanige inligting op die raad wat in gebreke is, verhaal. 25

Minister kan inspekteurs aanstel.

62. (1) (a) Die Minister kan een of meer beamptes in die Departement van Samewerking en Ontwikkeling as inspekteurs aanstel, wat bevoeg is om te alle redelike tye nadat kennis aan die raad of aan 'n plaaslike bestuur wat betrokke mag wees, gegee is, 'n dorp of tehuis, en enige perseel geleë buite 'n dorp waarop Swartes gehuisves word of vermoed word gehuisves te word, te inspekteer en ondersoek in te stel na enige of alle aspekte van die administrasie deur sodanige raad of plaaslike bestuur of deur 'n beampte daarvan ingevolge die bepalinge van hierdie Wet. 30 35 40

(b) Die in paragraaf (a) bedoelde inspekteur het vir die doel van sy inspeksie en ondersoek te alle redelike tye toegang tot die boeke en aantekeninge van die betrokke raad of plaaslike bestuur of beampte daarvan en kan enige van die bevoegdhede van 'n inspekteur in artikel 42 vermeld, uitoefen. 45

(c) 'n Inspekteur in paragraaf (a) vermeld, moet met die betrokke raad of plaaslike bestuur beraadslaag en moet in oorleg met daardie raad of plaaslike bestuur ondersoek instel na aangeleenthede rakende die welsyn van Swartes wat onder sy aandag kom. 50

(d) 'n Kommissaris word geag kragtens paragraaf (a) as 'n inspekteur vir sy regsgebied aangestel te gewees het.

(2) Die betrokke raad of plaaslike bestuur moet alle redelike hulp aan 'n in subartikel (1) bedoelde inspekteur verleen by die uitoefening van sy pligte of die verrigting van sy werksaamhede. 55

(3) 'n Inspekteur wat kragtens hierdie Wet 'n inspeksie uitvoer, moet, wanneer nodig, 'n skriftelike verslag aan die Minister deurstuur aangaande die feite wat gedurende so 'n inspeksie aan die lig gekom het, en die Minister laat 'n afskrif van bedoelde verslag aan die betrokke raad of plaaslike bestuur deurstuur. 60

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

59. (1) An employer or person in charge of Black employees shall afford every reasonable facility to a commissioner, inspector or any other person performing functions assigned to him under this Act, in order to enable him to carry out his functions effectively.

Facilities to be afforded by employers or persons in charge of Black employees to persons performing functions under this Act.

(2) Any employer or person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

60. The State President may by proclamation in the *Gazette* in respect of any mine or works referred to in the Mines and Works Act, 1956 (Act No. 27 of 1956), suspend the operation of any by-law made by a local authority or any local government body and relating to any matter dealt with by regulation, but no legal proceedings which before the date of the suspension have been taken under the suspended by-law shall be affected thereby: Provided that no proclamation suspending any such by-law shall be issued without prior consultation with such authority or local government body.

Suspension of municipal by-laws in respect of any mine or works.

61. (1) The Director-General may from time to time require a board to submit to him such information relating to any function or activity of such board under this Act or under any other law referred to therein as he may determine.

Board to furnish certain information.

(2) If a board fails to submit the information referred to in subsection (1) within the period determined by the Director-General, the Director-General may cause such information to be obtained in such manner as he may consider expedient and recover the cost incurred in connection therewith from the board in default.

62. (1) (a) The Minister may appoint one or more officers in the Department of Co-operation and Development as inspectors, who may at all reasonable times after notice to the board or local authority which may be concerned, inspect any town or hostel, and any premises situated outside a town upon which Blacks are accommodated or suspected of being accommodated, and investigate any or all aspects of the administration by such board or local authority or by an officer thereof in terms of the provisions of this Act.

Minister may appoint inspectors.

(b) The inspector referred to in paragraph (a) shall for the purpose of his inspection and investigation have access at all reasonable times to the books and records of such board or local authority or officer thereof, and may exercise any of the powers of an inspector referred to in section 42.

(c) An inspector referred to in paragraph (a) shall confer with the board or local authority concerned, and shall, in consultation with such board or local authority, enquire into any matter concerning the welfare of Blacks which may come to his notice.

(d) A commissioner shall be deemed to have been appointed under paragraph (a) as an inspector in respect of the area of his jurisdiction.

(2) The board or local authority concerned shall accord all reasonable facilities to any inspector referred to in subsection (1) in the exercise of his powers or the performance of his functions.

(3) An inspector carrying out an inspection under this Act shall when necessary transmit a written report to the Minister as to the facts ascertained during such inspection, and the Minister shall cause a copy of any such report to be transmitted to the board or local authority concerned.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

Voorbehoude.

63. Geen bepaling van hierdie Wet word so uitgelê nie dat dit—

- (a) van toepassing is op huisvesting op 'n myn of by 'n bedryf binne die bedoeling van daardie uitdrukkings soos in artikel 1 van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), omskryf, vir Swartes in diens van die persoon wat so 'n myn of bedryf voortsit, wat vir sover dit die ligging daarvan betref, deur die Minister of iemand wat op sy gesag handel, goedgekeur is; of
- (b) van toepassing is op huisvesting op enige ander plek vir die huisvesting van Swartes wat die Minister, onderworpe aan die voorwaardes deur hom bepaal, van die toepassing daarvan uitsluit.

Regterlike gesag wat bevoeg is betreffende verhoor van sekere sake.

64. 'n Oortreding van 'n bepaling van hierdie Wet deur 'n Swart persoon word deur 'n kommissaris verhoor, en 'n siviele aksie wat gefundeer is op 'n handeling of versuim wat uit so 'n bepaling voortspruit, kan ook in 'n kommissarishof of 'n landdroshof verhoor word, ongeag wie die partye is en ongeag of die saak andersins buite die regsbevoegdheid van daardie hof sou val al dan nie: Met dien verstande dat 'n party wat 'n siviele ge- ding in 'n ander hof as die hof van 'n kommissaris aanhangig maak, koste slegs teen die tarief wat in die hof van 'n kommissaris van toepassing is, kan verhaal.

Delegering deur Minister.

65. (1) Die Minister kan 'n bevoegdheid by of kragtens hierdie Wet aan hom verleen, behalwe 'n bevoegdheid bedoel in artikel 25 66 of wat by kennisgewing in die *Staatskoerant* uitgeoefen moet word, aan 'n beampte in die Departement van Samewerking en Ontwikkeling delegeer.

(2) Geen delegering van 'n bevoegdheid kragtens subartikel (1) belet die uitoefening van die betrokke bevoegdheid deur die Minister self nie.

Regulasies.

66. (1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig betreffende—

- (a) die prosedure wat gevolg moet word by die bestelling van 'n kennisgewing of dokument kragtens hierdie Wet;
- (b) die prosedure wat gevolg moet word om 'n transaksie vir die doeleindes van hierdie Wet geregistreer te kry;
- (c) die indiensneming van beamptes en ander persone, met inbegrip van inspekteurs, vir die bestuur en beheer van dorpe of tehuise of vir die verrigting van dienste wat kragtens hierdie wet verrig moet word, en die bevoegd- hede, pligte en werksaamhede van sodanige beamptes en persone, met inbegrip van die toesig deur sodanige beamptes en persone van die behuising van Swartes buite stadsgebiede;
- (d) die bevoegdhede en pligte van gemagtigde beamptes ten opsigte van die betreding en deursoeking, met of sonder lasbrief, van 'n perseel waarop daar op redelike gronde vermoed word dat 'n Swarte strydig met hierdie Wet woonagtig is of gehuisves word;
- (e) die bedinge en voorwaardes van verblyf in dorpe en tehuise, die beskikbaarstelling van huisvesting daarin, die toewysing van persele daarin, en die bestuur en beheer van bedoelde dorpe en tehuise en van die huisvesting en openbare plekke daarin;
- (f) die voorsiening van behuising, hetsy in 'n dorp of 'n tehuise, deur werkgewers en entrepreneurs, en die voorskryfte wat nagekom moet word wanneer werknemers gehuisves word;
- (g) die kategorieë van werkgewers wat ingevolge artikel 58 gelas kan word om huisvesting te voorsien aan hulle werknemers of die gesinne van sodanige werknemers, die verkryging van grond vir so 'n doel en die voorskryfte waaraan bedoelde werkgewers moet voldoen, die

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

63. Nothing in this Act shall be construed as—

Savings.

- 5 (a) applying to any accommodation upon any mine or works within the meaning of those terms as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), for Blacks employed by the person operating such mine or works, which has, in so far as its situation is concerned, been approved by the Minister or any person acting under his authority; or
- 10 (b) applying to any accommodation at any other place for accommodating Blacks which the Minister may, subject to such conditions as he may determine, exclude from its operation.

64. Any contravention of a provision of this Act by a Black person shall be heard by a commissioner, and any civil action founded on an act or omission arising from such a provision may be heard also in the court of a commissioner or a magistrate's court, irrespective of who the parties may be and irrespective of whether or not the matter would otherwise be beyond the jurisdiction of such a court: Provided that a party who institutes such a civil action in a court other than the court of a commissioner, may recover costs only in accordance with the scale which is applicable in the court of a commissioner.

Judicial authority concerning hearing of certain cases.

65. (1) The Minister may delegate any power conferred upon him by or under this Act, other than a power referred to in section 66 or to be exercised by notice in the *Gazette*, to an officer in the Department of Co-operation and Development.

Delegation by Minister.

(2) No delegation of a power under subsection (1) shall prevent the exercise of the relevant power by the Minister himself.

66. (1) The Minister may make regulations not inconsistent with this Act as to— Regulations.

- 30 (a) the procedure to be followed in the service of any notice or document under this Act;
- (b) the procedure to be followed to have a transaction registered for the purposes of this Act;
- 35 (c) the employment of officers and other persons, including inspectors, for the management and control of towns or hostels and for the performance of any services required to be performed under this Act, and the powers, duties and functions of such officers and persons, including the supervision by such officers and persons of the housing of Blacks outside urban areas;
- 40 (d) the powers and duties of authorized officers in respect of entry upon and search, with or without warrant, of any premises on which it is reasonably suspected that a Black is residing or is being accommodated in contravention of this Act;
- 45 (e) the terms and conditions of residence in towns and hostels, the making available of accommodation therein, the allocation of sites therein, and the management and control of such towns and hostels and of the accommodation and public places therein;
- 50 (f) the provision of housing, whether in a town or hostel, by employers and entrepreneurs, and the requirements to be observed when employees are housed;
- 55 (g) the categories of employers who may be required under section 58 to provide accommodation for their employees or the families of such employees, the acquisition of land for such a purpose and the requirements to be observed by such employers, the conditions under

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984

- voorwaardes waaronder bedoelde werknemers of gesinne aldus gehuisves word, die omstandighede waaronder bedoelde huisvesting beëindig kan word en die prosedure wat gevolg moet word vir die uitsetting van iemand aldus gehuisves; 5
- (h) die verkryging van grond vir die doeleindes van dorpe en tehuise, en die oprigting van wonings en geboue daarop;
- (i) die voorskiet van fondse of die voorsiening van materiaal aan die inwoners van dorpe vir die oprigting van wonings of ander geboue, vir eie bewoning of gebruik, en die voorwaardes vir die terugbetaling daarvan; 10
- (j) die behoorlike nakoming van die bepalings van artikel 52;
- (k) die prosedure wat gevolg moet word om 'n dorp te ver- 15
ander of af te skaf;
- (l) die kategorieë van persone wat en die wyse waarop en die omstandighede waaronder persone vrygestel kan word van enige of al die bepalings van hierdie Wet, en die prosedure wat gevolg moet word vir die intrekking 20
van so 'n vrystelling;
- (m) die bevoegdhede en pligte van behuisingsbestuurders en hul assistente in behuising vir enkellopendes en gesinne (met inbegrip van die bevoegdheid om iemand wat 'n oortreding begaan, of deur hulle verdink word 'n 25
oortreding te begaan het, te arresteer of aan te hou en te deursoek vir gevaarlike wapens, bedwelmende drank, dagga of afhanklikheidsvormende stowwe of dit te konfiskeer of te vernietig), die byhou van die boeke, registers, aantekeninge en rekeninge en die voorlê van 30
sodanige opgawes betreffende die bewoners in bedoelde behuising wat die Direkteur-generaal van tyd tot tyd verlang, en die ondersoek van bedoelde boeke, registers, aantekeninge en rekenings deur die Direkteur-generaal en die delegering deur behuisingsbestuurders 35
van hul bevoegdhede aan persone wat onder hul beheer optree en wat skriftelik deur die kommissaris van die gebied waarin die betrokke huisvesting geleë is, goedgekeur is;
- (n) (i) die vorm van enige register, vorm, verbandakte of 40
ander dokument wat betrekking het op 'n aangeleentheid in hierdie Wet bedoel, en die wyse waarop 'n algemene plan opgestel moet word;
- (ii) die verrigting van 'n werksaamheid ingevolge hierdie Wet en die prosedure wat in verband daarmee 45
gevolg moet word, met inbegrip van die persoon wat 'n reg van huurpag kan toeken of kan laat registreer;
- (iii) die prosedure waarvolgens en omstandighede 50
waaronder 'n algemene plan van 'n dorp of 'n deel daarvan gerojear of gewysig kan word en openbare plekke in bedoelde dorp of 'n gedeelte daarvan gesluit kan word;
- (iv) die voorwaardes en die wyse waarop 'n reg van 55
huurpag toegeken, oorgedra of andersins vervreem mag word, die berekening van die geld betaalbaar ten opsigte van 'n reg van huurpag, die koopprys van verbeterings op huurpagpersele ten opsigte waarvan 'n reg van huurpag toegeken word, en die 60
wyse waarop sodanige geld of koopprys betaal moet word;
- (v) die wyse waarop met 'n verbandakte gehandel moet word, die wyse waarop en die vorm waarin toestemming verleen moet word vir die rojering 65
van 'n verband, die prosedure wat in verband met die oproep van 'n verband gevolg moet word en die voorkeurorde van verbande en ander eise ten opsigte van die opbrengs van die betrokke perseel;

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- 5 which such employees or families are to be accommodated, the circumstances whereunder such accommodation may be terminated and the procedure to be followed for the ejection of persons thus accommodated;
- (h) the acquisition of land for purposes of towns and hostels, and the construction of dwellings or buildings thereon;
- (i) the advancing of funds or the supply of material to the residents of towns for the construction of dwellings or other buildings for their own occupation or use and the conditions for repayment thereof;
- (j) the proper carrying out of the provisions of section 52;
- 15 (k) the procedure to be followed to have a town amended or disestablished;
- (l) the categories of persons who may be and the manner in which and the circumstances under which persons may be exempted from all or any of the provisions of this Act, and the procedure to be followed for the withdrawal of such exemption;
- 20
- (m) the powers and duties of accommodation managers and their assistants in single and married quarters (including the power to arrest and detain any person committing or suspected by them of committing or having committed an offence and to search for, to confiscate or to destroy dangerous weapons, intoxicating liquor, dagga or any dependence-producing substances), the keeping of such books, registers, records and accounts and the submission of such returns regarding the residents in such quarters as may be required by the Director-General from time to time, and the inspection of such books, registers, records and accounts by the Director-General and the delegation by accommodation managers of their powers to persons acting under their control and who have been approved in writing by the commissioner of the area in which the quarters in question are situated;
- 25
- (n) (i) the form of any register, form, mortgage bond or other document relating to a matter referred to in this Act and the manner of preparation of a general plan;
- 30 (ii) the performance of any function in terms of this Act and the procedure to be followed in connection therewith, including the person who may grant a right of leasehold or may have such right registered;
- 35 (iii) the procedure and circumstances under which a general plan of a town or any portion thereof may be cancelled or amended by the surveyor-general and public places in such town or portion thereof may be closed;
- 40 (iv) the conditions on which and the manner in which a right of leasehold may be granted, transferred or otherwise disposed of, the determination of the money payable in respect of a right of leasehold, the purchase price of improvements on leasehold sites in respect of which a right of leasehold is granted, and the manner in which such money or purchase price shall be paid;
- 45
- 50 (v) the manner in which a mortgage bond shall be dealt with, the manner and form in which approval shall be granted for the cancellation of a mortgage, the procedure to be followed in respect of the foreclosure of a mortgage and the order of preference of mortgages and other claims in respect of the proceeds of the site concerned;
- 55
- 60
- 65

- (vi) die geld betaalbaar ten opsigte van enige handeling verrig ingevolge artikel 52 of die regulasies wat daarop betrekking het en die wyse waarop met sodanige geld gehandel moet word;
- (vii) die beheer oor die onderverhuring van huurpag- 5
persele en deel-huurpagpersele en die verhuring van verbeterings daarop;
- (viii) die beskerming van die regte van die houer van 'n reg van huurpag in geval van die afskaffing van 'n dorp; 10
- (ix) die wyse waarop 'n geskil in verband met die ligging van bakens besleg moet word en die persone of liggame wat sodanige geskille moet besleg en die wyse waarop bakens vervang word;
- (x) die tydperk waartydens 'n verbandhouer wat enige 15
reg van huurpag ingevolge hierdie Wet koop, daardie reg mag behou;
- (o) die bevoegdheide, werksaamhede en pligte van inspekteurs kragtens hierdie Wet aangestel;
- (p) die prosedure in verband met die vra en aanneem van 20
tenders vir die uitvoering van werk ten behoeve van 'n raad of vir die verskaffing van goedere of materiaal aan 'n raad;
- (q) die aanvaarding of die instelling en instandhouding, deur 'n raad of deur 'n raad gesamentlik met 'n ander 25
raad of rade, van 'n mediese hulpfonds of -skema of 'n behuisingskema ten opsigte van die werknemers van so 'n raad;
- (r) oor die algemeen, enige ander aangeleentheid waarvan die reëling na die oordeel van die Minister nodig of 30
wenslik is vir die doeltreffende uitvoering van enige bepaling van hierdie Wet of vir die doeltreffende verrigting van werksaamhede wat aan 'n raad of 'n plaaslike bestuur ingevolge hierdie Wet opgedra is.
- (2) (a) Ondanks die bepalings van artikel 51— 35
 - (i) sluit die bevoegdheide daarby aan 'n raad verleen, nie die bevoegdheid in om kragtens 'n wet daarin genoem of beoog regulasies uit te vaardig nie;
 - (ii) berus so 'n bevoegdheid wat by ontstentenis van die bepalings van subparagraaf (i) deur 'n raad uit- 40
geoefen sou kon word, by die Minister, en kan dit deur hom of in die algemeen of met betrekking tot die ontwikkelingsraadsgebied van 'n bepaalde raad of deel van sodanige gebied uitgeoefen word.
- (b) 'n Regulasie deur die Minister uit hoofde van die bepa- 45
lings van paragraaf (a) (ii) uitgevaardig, word in die *Staatskoerant* afgekondig.
- (3) 'n Regulasie uitgevaardig kragtens 'n wet deur hierdie Wet herroep, word geag kragtens subartikel (1) uitgevaardig te wees en bly voortbestaan ondanks die herroeping van bedoelde Wet. 50
- (4) Verskillende regulasies kan kragtens hierdie artikel ten opsigte van verskillende gebiede en ten opsigte van verskillende kategorieë van persone uitgevaardig word.
- (5) Die regulasies kan vir 'n oortreding daarvan strawwe voor- 55
skryf.
- (6) 'n Raad moet afskrifte van die regulasies kragtens subartikel (1) uitgevaardig in sy kantore beskikbaar stel vir die inligting van belanghebbende persone.

Misdrywe en
strawwe.

67. (1) 'n Lid of werknemer van 'n raad wat 'n bepaling van artikel 10 (1) of 13 oortree, of 'n lid van 'n raad wat versuim om 60
aan 'n bepaling van artikel 11 te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel daardie boete as daardie gevangenisstraf.

(2) Iemand wat 'n ander bepaling van hierdie Wet oortree, is, 65
indien geen straf deur hierdie Wet bepaal word nie, by skuldigbevinding strafbaar met 'n boete van hoogstens R250 of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande en, in die geval van 'n voortdurende oortreding, met 'n

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

- (vi) the money payable in respect of any act performed in terms of section 52 or the regulations relating thereto and the manner in which such money shall be dealt with;
- 5 (vii) the control over the sub-lease of leasehold sites and leasehold units and the letting of improvements thereon;
- 10 (viii) the protection of the rights of the holder of a right of leasehold in the event of the abolition of a town;
- 15 (ix) the manner in which any dispute in connection with the location of beacons shall be adjudicated, the persons or bodies required to adjudicate upon such disputes and the manner in which beacons shall be replaced;
- (x) the period during which a mortgagee who in terms of this Act purchases any right of leasehold, may retain that right;
- 20 (o) the powers, functions and duties of inspectors appointed under this Act;
- (p) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of a board or for the supply of any goods or materials to a board;
- 25 (q) the adoption or the establishment and maintenance, by a board or by a board jointly with any other board or boards, of a medical aid fund or scheme or a housing scheme in respect of the employees of any such board;
- 30 (r) in general, any other matter the regulation of which is, in the opinion of the Minister, necessary or desirable for the effective carrying out of any provision of this Act, or for the effective performance of functions assigned to a board or a local authority in terms of this Act.
- 35 (2) (a) Notwithstanding the provisions of section 51—
- (i) the powers conferred thereby on a board shall not include the power to make regulations under any law mentioned or contemplated therein;
- 40 (ii) any such power which but for the provisions of subparagraph (i) would have been exercisable by a board, shall be vested in the Minister, and may be exercised by him either generally or in relation to the development board area of any particular board or part of such area.
- 45 (b) Any regulation made by the Minister by virtue of the provisions of paragraph (a) (ii) shall be published in the *Gazette*.
- (3) Any regulation made under a law repealed by this Act shall be deemed to have been made under subsection (1) and
- 50 shall continue to apply notwithstanding the repeal of such Act.
- (4) Different regulations may be made under this section in respect of different areas and in respect of different categories of persons.
- 55 (5) The regulations may prescribe penalties for any contravention thereof.
- (6) A board shall cause copies of the regulations made under section (1) to be available in its offices for the information of interested persons.

67. (1) A member or an employee of a board who contravenes a provision of section 10 (1) or 13, or a member of a board who fails to comply with a provision of section 11, shall be guilty of an offence and be liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Offences and penalties.

65 (2) Any person who contravenes any other provision of this Act shall, where no penalty is provided for by this Act, be liable on conviction to a fine not exceeding R250 or in default of payment to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to an additional fine not

Wet No. 4, 1984**WET OP DIE ONTWIKKELING VAN SWART GEMEENSKAPPE, 1984**

bykomende boete van hoogstens R20 of by wanbetaling 'n eweredige tydperk van bykomende gevangenisstraf vir elke dag waarop die oortreding voortduur: Met dien verstande dat die duur van so 'n eweredige tydperk van bykomende gevangenisstraf nie drie maande te bowe gaan nie.

5

Sekere boetes word aan raad betaal.

68. Tensy die Minister anders bepaal, hetsy in die algemeen of in 'n besondere geval, word 'n boete ten opsigte van 'n oortreding van 'n bepaling van hierdie Wet, gepleeg binne die ontwikkelingsraadsgebied van daardie raad, wanneer dit verhaal is, aan daardie raad oorbetaal.

10

Herroeping van wette, en voorbehoud.

69. (1) Die wette in die Bylae vermeld, word hierby herroep of gewysig in die mate aangedui in die derde kolom daarvan.

(2) Enigiets gedoen of wat geag word gedoen te wees kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

15

Kort titel en inwerkingtreding.

70. (1) Hierdie Wet heet die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) bepaal word ten opsigte van die verskillende bepalings van hierdie Wet, en ten opsigte van artikel 69 in soverre dit betrekking het op verskillende wette, of verskillende bepalings van 'n wet, in die Bylae vermeld.

20

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

exceeding R20 or, in default of payment, to a proportionate period of additional imprisonment for each day during which the offence continues: Provided that the duration of any such proportionate period of additional imprisonment shall not exceed
5 three months.

68. Unless the Minister otherwise determines, either generally or in a particular case, a fine in respect of a contravention of a provision of this Act committed within the development board area of a board shall, when recovered, be paid over to that
10 board.

Certain fines to be paid to board.

69. (1) The laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

Repeal of laws, and savings.

(2) Anything done or deemed to have been done under any
15 provision of any law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of the Act.

70. (1) This Act shall be called the Black Communities Development Act, 1984, and shall come into operation on a date to be
20 fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

(2) Different dates may be fixed under subsection (1) in respect of the different provisions of this Act, and in respect of section 69 in so far as it relates to different laws or different provisions of any law mentioned in the Schedule.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

Bylae

WETTE HERROEP OF GEWYSIG (Artikel 69)

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 25 van 1930..	Swartes (Stadsgebiede) Wet, 1923, Wysigingswet, 1930	Die herroeping van die geheel.
Wet No. 46 van 1937..	Wet tot Wysiging van die Wette op Swartes, 1937	Die herroeping van artikels 2 tot 32.
Wet No. 23 van 1938..	Wysigingswet op Swart Verteenwoordiging, 1938	Die herroeping van die geheel.
Wet No. 35 van 1941..	Wet tot Bekragtiging van Kaapse Verbande, 1941	Die herroeping van die geheel.
Wet No. 36 van 1944..	Wet tot Wysiging van die Wette op Swartes, 1944	Die herroeping van artikels 2 tot 17 en 25, 26 en 27.
Wet No. 25 van 1945..	Swartes (Stadsgebiede) Konsolidasiewet, 1945	1. Die herroeping van die geheel, behalwe artikels 1, 9, 9bis, 10, 10bis, 11, 12, 13, 14, 31, 41A, 43, 43bis, 43ter en 47: Met dien verstande dat die bepalings vermeld in paragrawe 2 en 3 nie ingesluit is by die geheel waarna in hierdie paragraaf verwys word nie. 2. Die herroeping van artikels 6B en 6D. 3. Die herroeping van artikel 29.
Wet No. 42 van 1946..	Swartes (Stadsgebiede) Wysigingswet, 1946 ...	Die herroeping van die geheel.
Wet No. 45 van 1947..	Wet tot Wysiging van die Wette op Swartes, 1947	Die herroeping van artikels 1 tot 7.
Wet No. 68 van 1951..	Wet op Swart Owerhede, 1951	Die herroeping van artikel 19 en die Bylae.
Wet No. 54 van 1952..	Wet tot Wysiging van die Swart Wette, 1952 ...	Die herroeping van artikels 33 tot 38.
Wet No. 67 van 1952..	Swartes (Afskaffing van Passe en Koördinerings van Dokumente) Wet, 1952	1. Die wysiging van artikel 1— (a) deur die omskrywing van „gemagtigde beampte” deur die volgende omskrywing te vervang: „gemagtigde beampte” ’n gemagtigde beampte soos in artikel 1 van die [Stadsgebiedewet] Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, omskryf;”; en (b) deur die omskrywing van „Stadsgebiedewet” te skrap. 2. Die herroeping van artikel 8. 3. Die wysiging van artikel 10 deur in subartikel (1) die woorde „lokasie, Swart dorp of Swart tehuis wat kragtens artikel twee van die Stadsgebiedewet ingestel is” deur die woorde „dorp in die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, bedoel” te vervang. 4. Die skraping in Deel 1 van die Bylae van die verwysings na alle Wette daarin vermeld, behalwe die verwysing na die Swart Administrasie Wet, 1927.
Wet No. 19 van 1954..	Wet op die Hervestiging van Swartes, 1954	Die herroeping van die geheel.
Wet No. 36 van 1954..	Wysigingswet op Swart Verteenwoordiging, 1954	Die herroeping van die geheel.
Wet No. 16 van 1955..	Swartes (Stadsgebiede) Wysigingswet, 1955 ...	Die herroeping van artikels 2, 3, 7, 8, 10 en 11.
Wet No. 69 van 1956..	Wysigingswet op Swartes (Stadsgebiede), 1956	Die herroeping van die geheel.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

Schedule

LAWS REPEALED OR AMENDED (Section 69)

No. and year of law	Short title	Extent of repeal or amendment
Act No. 25 of 1930 ...	Blacks (Urban Areas) Act, 1923, Amendment Act, 1930	The repeal of the whole.
Act No. 46 of 1937 ...	Black Laws Amendment Act, 1937	The repeal of sections 2 to 32.
Act No. 23 of 1938 ...	Representation of Blacks (Amendment) Act, 1938	The repeal of the whole.
Act No. 35 of 1941 ...	Cape Mortgage Bonds Validation Act, 1941 ...	The repeal of the whole.
Act No. 36 of 1944 ...	Black Laws Amendment Act, 1944	The repeal of sections 2 to 17 and 25, 26 and 27.
Act No. 25 of 1945 ...	Blacks (Urban Areas) Consolidation Act, 1945	1. The repeal of the whole, except sections 1, 9, 9bis, 10, 10bis, 11, 12, 13, 14, 31, 41A, 43, 43bis, 43ter and 47: Provided that the provisions specified in paragraphs 2 and 3 shall not be included in the whole referred to in this paragraph. 2. The repeal of sections 6B and 6D. 3. The repeal of section 29.
Act No. 42 of 1946 ...	Blacks (Urban Areas) Amendment Act, 1946	The repeal of the whole.
Act No. 45 of 1947 ...	Black Laws Amendment Act, 1947	The repeal of sections 1 to 7.
Act No. 68 of 1951 ...	Black Authorities Act, 1951	The repeal of section 19 and the Schedule.
Act No. 54 of 1952 ...	Black Laws Amendment Act, 1952	The repeal of sections 33 to 38.
Act No. 67 of 1952 ...	Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952	1. The amendment of section 1— (a) 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] Black Communities Development Act, 1984;"; and (b) by the deletion of the definition of "Urban Areas Act". 2. The repeal of section 8. 3. The amendment of section 10 by the substitution in subsection (1) for the words "location, Black village or Black hostel established under section two of the Urban Areas Act" of the words "town referred to in the Black Communities Development Act, 1984". 4. The deletion in Part 1 of the Schedule of the references to all laws mentioned therein, except the reference to the Black Administration Act, 1927.
Act No. 19 of 1954 ...	Blacks Resettlement Act, 1954	The repeal of the whole.
Act No. 36 of 1954 ...	Representation of Blacks Amendment Act, 1954	The repeal of the whole.
Act No. 16 of 1955 ...	Blacks (Urban Areas) Amendment Act, 1955	The repeal of sections 2, 3, 7, 8, 10 and 11.
Act No. 69 of 1956 ...	Blacks (Urban Areas) Amendment Act, 1956	The repeal of the whole.

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 36 van 1957..	Wysigingswet op Swart Wetgewing, 1957.....	Die herroeping van artikels 24 tot 28, 35 tot 40, 43 tot 49 en 51.
Wet No. 79 van 1957..	Verdere Wysigingswet op Swart Wetgewing, 1957.....	Die herroeping van artikel 9.
Wet No. 93 van 1962..	Verdere Algemene Regswysigingswet, 1962...	Die herroeping van artikel 43.
Wet No. 51 van 1963..	Wet op die Beter Administrasie van Aangewese Gebiede, 1963.....	Die herroeping van die geheel.
Wet No. 76 van 1963..	Wysigingswet op Swart Wetgewing, 1963.....	Die herroeping van artikels 8 tot 11 en 18.
Wet No. 93 van 1963..	Verdere Algemene Regswysigingswet, 1963...	Die herroeping van artikel 21.
Wet No. 42 van 1964..	Wysigingswet op Swart Wetgewing, 1964.....	Die herroeping van artikels 40 tot 44, 52 tot 60, 62, 63, 65 tot 71, 74, 75, 81, 82, 85 en 96 tot 99.
Wet No. 67 van 1964..	Wet op Swart Arbeid, 1964.....	Die herroeping van die geheel.
Wet No. 24 van 1965..	Bouverenigingswet, 1965.....	1. Die wysiging van artikel 1— (a) deur die omskrywing van „administrasieraad” te skrap; (b) deur die omskrywing van „reg van huurpag” deur die volgende omskrywing te vervang: „reg van huurpag” ’n reg van huurpag ooreenkomstig die bedoeling van Hoofstuk VI van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, en, behalwe in artikel 22 (1) (mB) (vi), ook ’n reg van deelhuurpag ooreenkomstig die bedoeling van genoemde Hoofstuk;” en (c) deur paragraaf (g) van die omskrywing van „stedelike vaste eiendom” deur die volgende paragraaf te vervang: „(g) ’n reg van huurpag wat [ingevolge artikel 6A (4) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, geregistreer is mits daardie reg van huurpag] ’n oorblywende termyn van minstens twintig jaar het;” 2. Die wysiging van artikel 40 deur in subparagraaf (iii) van paragraaf (b) van subartikel (2) die woorde „aan ’n administrasieraad” te skrap.
Wet No. 63 van 1966..	Wysigingswet op Swart Wetgewing, 1966.....	Die herroeping van artikel 4.
Wet No. 56 van 1968..	Wysigingswet op Swart Wetgewing, 1968.....	Die herroeping van artikels 2 en 4 (1).
Wet No. 19 van 1970..	Wysigingswet op Swart Wetgewing, 1970.....	Die herroeping van artikels 4, 5, 7, 8, 9 en 10 tot 15.
Wet No. 45 van 1971..	Wet op die Administrasie van Swart Sake, 1971.....	Die herroeping van die geheel behalwe artikel 26.
Wet No. 29 van 1972..	Wet op Bydraes ten opsigte van Swart Arbeid, 1972.....	1. Die wysiging van artikel 1— (a) deur in subartikel (1) die omskrywing van „Administrasieraad” en „Arbeidswet” te skrap; (b) deur in subartikel (1) voor die omskrywing van „gemagtigde beampte” die volgende omskrywing in te voeg: „Direkteur-generaal’ die Direkteur-generaal: Samewerking en Ontwikkeling;” (c) deur in subartikel (1) die omskrywing van „gemagtigde beampte” deur die volgende omskrywing te vervang: „gemagtigde beampte” ’n gemagtigde beampte soos omskryf in

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
Act No. 36 of 1957 ...	Black Laws Amendment Act, 1957	The repeal of sections 24 to 28, 35 to 40, 43 to 49 and 51.
Act No. 79 of 1957 ...	Black Laws Further Amendment Act, 1957	The repeal of section 9.
Act No. 93 of 1962 ...	General Law Further Amendment Act, 1962 ..	The repeal of section 43.
Act No. 51 of 1963 ...	Better Administration of Designated Areas Act, 1963	The repeal of the whole.
Act No. 76 of 1963 ...	Black Laws Amendment Act, 1963	The repeal of sections 8 to 11 and 18.
Act No. 93 of 1963 ...	General Laws Further Amendment Act, 1963	The repeal of section 21.
Act No. 42 of 1964 ...	Black Laws Amendment Act, 1964	The repeal of sections 40 to 44, 52 to 60, 62, 63, 65 to 71, 74, 75, 81, 82, 85 and 96 to 99.
Act No. 67 of 1964 ...	Black Labour Act, 1964	The repeal of the whole.
Act No. 24 of 1965 ...	Building Societies Act, 1965	1. The amendment of section 1— (a) by the deletion of the definition of "administration board"; (b) by the substitution for the definition of "right of leasehold" of the following definition: <u>"right of leasehold" means a right of leasehold within the meaning of Chapter VI of the Black Communities Development Act, 1984, and includes, except in section 22 (1) (mB) (vi), a right of sectional leasehold within the meaning of the said Chapter;"</u>; and (c) by the substitution for paragraph (g) of the definition of "urban immovable property" of the following paragraph: <u>"(g) any right of leasehold [registered in terms of section 6A (4) of the Blacks (Urban Areas) Consolidation Act, 1945, provided such right of leasehold has] having a remaining period of not less than twenty years;"</u>. 2. The amendment of section 40 by the deletion in subparagraph (iii) of paragraph (b) of subsection (2) of the words "to an administration board".
Act No. 63 of 1966 ...	Black Laws Amendment Act, 1966	The repeal of section 4.
Act No. 56 of 1968 ...	Black Laws Amendment Act, 1968	The repeal of sections 2 and 4 (1).
Act No. 19 of 1970 ...	Black Laws Amendment Act, 1970	The repeal of sections 4, 5, 7, 8, 9 and 10 to 15.
Act No. 45 of 1971 ...	Black Affairs Administration Act, 1971	The repeal of the whole except section 26.
Act No. 29 of 1972 ...	Contributions in respect of Black Labour Act, 1972	1. The amendment of section 1— (a) by the deletion in subsection (1) of the definitions of "Administration Board" and "area of jurisdiction"; (b) by the substitution in subsection (1) for the definition of "authorized officer" of the following definition: <u>"authorized officer" means an authorized officer as defined in section 1 of the [Urban Areas Act] Black Communities Development Act, 1984;"</u>; (c) by the insertion in subsection (1) after the definition of "Black employee" of the following definition: <u>"board" means a development board established by section 3 of the</u>

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		artikel 1 van die [Stadsgebiedewet] Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;" (d) deur in subartikel (1) die omskrywing van „Minister” deur die volgende omskrywing te vervang: „Minister” die Minister van [Plurale Betrekkings] Samewerking en Ontwikkeling;" (e) deur in subartikel (1) die volgende omskrywings na die omskrywing van „omskrewe gebied” in te voeg: „plaaslike bestuur” ’n stadsraad of dorpsbestuur wat kragtens die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), ingestel is; „raad” ’n ontwikkelingsraad ingestel by artikel 3 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;" (f) deur in subartikel (1) die omskrywings van „regsgebied”, „Sekretaris”, „Stadsgebiedewet” en „stedelike plaaslike bestuur” te skrap; en (g) deur in subartikel (1) die omskrywing van „werkgewer” deur die volgende omskrywing te vervang: „werkgewer” ’n persoon (met inbegrip van die Staat, [en] ’n [stedelike] raad of ’n plaaslike bestuur, hetsy bydraes aan sodanige [stedelike] raad of plaaslike bestuur betaalbaar is of nie) [by wie ’n Swart werknemer ingevolge die Arbeidswet of die regulasies daarkragtens 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 verskaf en hom beloon of uitdruklik of stilswyend onderneem om hom te beloon, hetsy in kontant of <i>in natura</i> of sowel in kontant as <i>in natura</i>, 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 betekenisse." 2. Die wysiging van artikel 2 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] in bedoelde gebied, of in ’n deel daarvan in daardie kennisgewing aangedui, [as ’n los arbeider te werk of] vir eie rekening in ’n winsgewende bedrywigheid of as onafhanklike aanwerner werk [te] verrig, en op wie daardie kennisgewing van toepassing is." 3. Die vervanging van artikel 3 deur die volgende artikel: „Aan wie bydraes betaal moet word. 3. (1) ’n Bydrae betaalbaar deur ’n werkgewer ten opsigte van ’n Swart werknemer, of deur ’n Swarte in paragraaf (b) van artikel 2 (1) bedoel, word betaal— (a) indien die gebied waarin bedoelde Swart werkne-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		<u>Black Communities Development Act, 1984;</u>; (d) by the insertion in subsection (1) after the definition of "defined area" of the following definition: <u>"Director-General: Co-operation and Development;"</u>; (e) by the substitution in subsection (1) for the definition of "employer" of the following definition: <u>"employer" means any person (including the State, [and] any [urban] board or local authority, whether or not contributions are payable to such [urban] board or 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 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;"</u>; (f) by the deletion in subsection (1) of the definition of "Labour Act"; (g) by the insertion in subsection (1) before the definition of "Minister" of the following definition: <u>"local authority" means a town council or village council established under the Black Local Authorities Act, 1982, (Act No. 102 of 1982);"</u>; (h) by the substitution in subsection (1) for the definition of "Minister" of the following definition: <u>"Minister means the Minister of [Plural Relations] Co-operation and Development;"</u>; and (i) by the deletion in subsection (1) of the definitions of "Secretary", "Urban Areas Act" and "urban local authority". 2. The amendment of section 2 by the substitution for paragraph (b) of subsection (1) of the following paragraph: <u>"(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."</u> 3. The substitution for section 3 of the following section: <u>3. (1) A contribution payable by an employer in respect of a Black employee, or by a Black referred to in paragraph (b) of section 2 (1), shall be paid—</u> <u>(a) if the area in which such Black employee is em-</u>

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		mer in diens is of bedoelde Swarte [toegelaat word om te werk of werk te verrig] werk 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 vermeld [toegelaat word, buite] werk verrig, in die regsgebied van 'n [Administrasieraad maar] raad 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 voormeld [toegelaat word] werk verrig, buite die regsgebied van 'n [stedelike] raad en van 'n plaaslike bestuur val, aan die Kommissaris in wie se regsgebied bedoelde Swart werknemer in diens is of bedoelde Swarte soos voormeld [toegelaat word] werk verrig, na gelang van die geval. (2) Indien 'n Swart werknemer in die loop van sy diens in meer as een omskrewe gebied, of in meer as een van die regsgebiede in subartikel (1) bedoel in dieselfde omskrewe gebied, diens moet doen, word die bydrae wat ten opsigte van hom vir 'n bepaalde maand betaalbaar is, betaal in die omskrewe gebied waarin, of, na gelang van die geval, aan die [stedelike] raad, plaaslike bestuur of Kommissaris in wie se regsgebied bedoelde Swart werknemer in die loop van daardie maand hoofsaaklik diens doen, of, waar daar 'n geskil daaromtrent ontstaan, in die omskrewe gebied of, na gelang van die geval, aan die [stedelike] raad, plaaslike bestuur of Kommissaris deur die [Sekretaris] Direkteur-generaal aangewys." 4. Die vervanging van artikel 4 deur die volgende artikel: „Aanwending van bydraes. 4. (1) Bydraes deur 'n [stedelike] raad of plaaslike bestuur ontvang, word in [die Swart] sy inkomsterekening gestort [wat hy ingevolge artikel 19 (1) van die Stadsgebiedewet hou].

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		ployed 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 Board] a board, but outside the area of jurisdiction of a local authority, to the [Administration Board] board in question; (b) if the area in which such Black employee is employed or such Black [is permitted] performs work as aforesaid, falls [outside] in the area of jurisdiction of [an Administration board but] a board and 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 [any urban] a board and of a 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. (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] <u>Director-General.</u>" 4. The substitution for section 4 of the following section: "Utilization of contribu- tions. 4. (1) Contributions received by [an urban] a board or local authority shall be paid into [the Black] its revenue account [kept by it in terms of section 19 (1) of the Urban Areas Act]."

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		(2) Ondanks andersluidende wetsbepalings, kan die Minister, na oorlegpleging met 'n [stedelike] raad of plaaslike bestuur aan wie daar na die oordeel van die Minister dienste ten opsigte van Swartes wat in die gebied van sodanige [stedelike] raad of plaaslike bestuur werksaam is, deur 'n ander [stedelike] raad of plaaslike bestuur gelewer is, sodanige [stedelike] raad of plaaslike bestuur gelas om uit die bydraes ingevolge subartikel (1) in sy [Swart] inkomsterekening gestort, aan bedoelde ander [stedelike] raad of plaaslike bestuur 'n bedrag deur die Minister bepaal, te betaal, wat laasgenoemde [stedelike] raad of plaaslike bestuur in sy [Swart] inkomsterekening stort. (3) Bydraes deur 'n Kommissaris ontvang, word aan die [Sekretaris] Direkteur-generaal oorgedra en kan deur die [Sekretaris] Direkteur-generaal aangewend word vir 'n diens, uitgawe of toekenning ten opsigte waarvan die Minister skriftelik sertifiseer dat dit in die belang van Swartes is." 5. Die herroeping van artikel 5. 6. Die wysiging van artikel 6 deur subartikel (1) deur die volgende subartikel te vervang: „(1) 'n [Stedelike] Raad of plaaslike bestuur waaraan bydraes betaalbaar is, kan een of meer gemagtigde beamptes in sy diens skriftelik aanstel as inspekteurs, wat vir die doeleindes van die uitvoering van die bepalinge van hierdie Wet en die regulasies, die bevoegdhede, werksaamhede en pligte het wat by regulasie voorgeskryf word." 7. Die wysiging van artikel 7 deur paragraaf (a) deur die volgende paragraaf te vervang: „(a) die tye wanneer en die wyse waarop bydraes wat aan 'n [stedelike] raad, 'n plaaslike bestuur of 'n Kommissaris betaalbaar is, betaal moet word, die besonderhede wat aan so 'n [stedelike] raad, plaaslike bestuur of Kommissaris verstrekk moet word deur 'n werkgewer of 'n Swarte in artikel 2 (1) (b) bedoel, en die tye wanneer en die vorm waarin sodanige besonderhede verstrekk moet word;" 8. Die wysiging van artikel 8— (a) deur subartikel (2) deur die volgende subartikel te vervang: „(2) Die hof wat iemand skuldig bevind weens 'n misdryf wat bestaan uit 'n versuim, soos in subartikel (1) (a) bedoel, om 'n bedrag te betaal wat by wyse van bydraes deur hom aan 'n [stedelike] raad of 'n 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 be-

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		(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] Director-General and may be utilized by the [Secretary] Director-General for any service, expenditure or grant in respect of which the Minister certifies in writing that it is in the interests of Blacks." 5. The repeal of section 5. 6. The amendment of section 6 by the substitution for subsection (1) of the following subsection: "(1) [An urban] A board or 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 carrying out of the provisions of this Act and the regulations, have such powers, functions and duties as may be prescribed by regulation." 7. The amendment of section 7 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] a board, a local authority or a Commissioner shall be paid, the particulars to be furnished to such [urban] a board, 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;" 8. The amendment of section 8— (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

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		trokke [stedelike] raad, 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 [stedelike] raad, plaaslike bestuur of Kommissaris was.”; en (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 ingevolge hierdie Wet, word aan die betrokke [stedelike] raad, plaaslike bestuur of Kommissaris betaal, en die bepalings van artikel 4 is <i>mutatis mutandis</i> ten opsigte daarvan van toepassing.”. 9. Die herroeping van artikel 9. 10. Die wysiging van die lang titel deur die uitdrukking „tot wysiging van artikel 19 van die Swartes (Stadsgebiede) Konsolidasiewet, 1945,” te skrap.
Wet No. 30 van 1972...	Tweede Wysigingswet op Swart Wetgewing, 1972	Die herroeping van artikels 1 en 6.
WetNo. 7 van 1973	Wysigingswet op Swart Wetgewing, 1973	Die herroeping van artikels 5, 10, 16 en 17.
WetNo. 62 van 1973 ...	Algemene Regswysigingswet, 1973	Die herroeping van artikel 42.
WetNo. 70 van 1974 ...	Wysigingswet op Swart Wetgewing, 1974	Die herroeping van artikels 15 (1) en 25.
WetNo. 9 van 1975	Wysigingswet op Swart Wetgewing, 1975	Die herroeping van artikels 2, 3, 4 en 9.
WetNo. 57 van 1975 ...	Algemene Regswysigingswet, 1975	Die herroeping van artikel 37.
WetNo. 4 van 1976	Wysigingswet op Swart Wetgewing, 1976	Die herroeping van artikels 8, 11, 29 en 30.
WetNo. 115 van 1977 ..	Tweede Wysigingswet op Swart Wetgewing, 1977	Die herroeping van artikel 1.
WetNo. 119 van 1977 ..	Wysigingswet op Swart Wetgewing, 1977	Die herroeping van artikels 5, 6, 9, 12 en 13.
WetNo. 12 van 1978 ...	Wysigingswet op Swart Wetgewing, 1978	Die herroeping van artikels 4 en 11.
WetNo. 97 van 1978 ...	Swartes (Stadsgebiede) Wysigingswet, 1978	Die herroeping van artikels 2 en 4.
WetNo. 102 van 1978 ..	Tweede Wysigingswet op Swart Wetgewing, 1978	Die herroeping van artikels 6 en 16.
WetNo. 16 van 1979 ...	Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979	Die herroeping van artikels 7 en 8.
WetNo. 98 van 1979 ...	Tweede Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979	Die herroeping van artikels 6 tot 9 en 12.
WetNo. 111 van 1981 ..	Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1981	Die herroeping van artikel 2.
Wet No. 102 van 1982	Wet op Swart Plaaslike Besture, 1982	1. Die wysiging van artikel 1— (a) deur voor die omskrywing van „administrateur” die volgende omskrywing in te voeg: „administrasiegebied”, met betrekking tot 'n ontwikkelingsraad, 'n ontwikkelingsraadsgebied soos omskryf in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;”; (b) deur die omskrywing van „dorp” deur die volgende omskrywing te vervang:

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		to pay to the [urban] board, local authority or Commissioner concerned an amount equal to the amount so due plus an additional amount not exceeding ten per cent 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.”; and (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 <i>mutatis mutandis</i> apply in respect thereof.”. 9. The repeal of section 9. 10. The amendment of the long title by the deletion of the expression “to amend section 19 of the Blacks (Urban Areas) Consolidation Act, 1945.”.
Act No. 30 of 1972 ...	Second Black Laws Amendment Act, 1972	The repeal of sections 1 and 6.
Act No. 7 of 1973	Black Laws Amendment Act, 1973	The repeal of sections 5, 10, 16 and 17.
Act No. 62 of 1973 ...	General Law Amendment Act, 1973	The repeal of section 42.
Act No. 70 of 1974 ...	Black Laws Amendment Act, 1974	The repeal of sections 15 (1) and 25.
Act No. 9 of 1975	Black Laws Amendment Act, 1975	The repeal of sections 2, 3, 4 and 9.
Act No. 57 of 1975 ...	General Law Amendment Act, 1975	The repeal of section 37.
Act No. 4 of 1976	Black Laws Amendment Act, 1976	The repeal of sections 8, 11, 29 and 30.
Act No. 115 of 1977 ..	Second Black Laws Amendment Act, 1977	The repeal of section 1.
Act No. 119 of 1977 ..	Black Laws Amendment Act, 1977	The repeal of sections 5, 6, 9, 12 and 13.
Act No. 12 of 1978 ...	Black Laws Amendment Act, 1978	The repeal of sections 4 and 11.
Act No. 97 of 1978 ...	Blacks (Urban Areas) Amendment Act, 1978	The repeal of sections 2 and 4.
Act No. 102 of 1978 ..	Second Black Laws Amendment Act, 1978	The repeal of sections 6 and 16.
Act No. 16 of 1979 ...	Laws on Plural Relations and Development Amendment Act, 1979	The repeal of sections 7 and 8.
Act No. 98 of 1979 ...	Laws on Plural Relations and Development Second Amendment Act, 1979	The repeal of sections 6 to 9 and 12.
Act No. 111 of 1981 ..	Laws on Co-operation and Development Amendment Act, 1981	The repeal of section 2.
Act No. 102 of 1982 ..	Black Local Authorities Act, 1982	1. The amendment of section 1— (a) by the insertion after the definition of “accounting officer” of the following definition: “‘administration area’, in relation to a development board, means a development board area as defined in section 1 of the Black Communities Development Act, 1984.”; (b) by the substitution in the Afrikaans text in the definition of “hoof-uitvoerende beampte” for the word “dorpsraad” of the word “dorpsbestuur”;

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		„dorp' 'n dorp soos omskryf in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;”; (c) deur in die omskrywing van „hoofuitvoerende beampte” die woord „dorpsraad deur die woord „dorpsbestuur” te vervang; en (d) deur die omskrywing van „ontwikkelingsraad” deur die volgende omskrywing te vervang: „ontwikkelingsraad’ 'n raad soos omskryf in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;” 2. Die wysiging van artikel 2— (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang: „(a) in die geval van 'n dorpsbestuur wat kragtens paragraaf (b) van daardie subartikel ontbind word, bepaal dat— (i) die dorpsbestuur ontbind word met ingang van die datum van die eerste gewone vergadering van die stadsraad wat ingestel word vir 'n gebied waarvoor die dorpsbestuur ingestel is of wat die gebied van die dorpsbestuur insluit; [(i) dat] (ii) iets wat deur of ten opsigte van daardie dorpsbestuur kragtens hierdie Wet of 'n ander wet gedoen is, na sy ontbinding en behoudens die beperkings, kwalifikasies en voorwaardes in die kennisgewing vermeld, geag word gedoen te wees deur [die] of ten opsigte van daardie stadsraad [wat ingestel word ten opsigte van die gebied waarvoor daardie dorpsbestuur ingestel was]; [(ii) dat] (iii) die bates, laste, regte en verpligtinge van daardie dorpsbestuur vanaf die datum waarop die [stadsraad ingestel] dorpsbestuur ontbind word, oorgaan op daardie stadsraad; [(iii) dat] (iv) iemand wat onmiddellik voor die ontbinding van die dorpsbestuur 'n aanstelling as 'n werknemer van die dorpsbestuur gehou het, vanaf die datum waarop die [stadsraad ingestel] dorpsbestuur ontbind word en behoudens die voorwaardes en ooreenkomstig die voorskrifte in die kennisgewing vermeld, deur die stadsraad in 'n pos op sy diensstaat aangestel moet word;”; (b) deur in paragraaf (a) van subartikel (4) die uitdrukking „subartikel (3) (a) (ii)” deur die uitdrukking „subartikel (3) (a) (iii)” te vervang. 3. Die wysiging van artikel 24— (a) deur in subartikel (1) die woord „stadsraad” deur die woorde „plaaslike bestuur” te vervang;

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		(c) by the substitution for the definition of "development board" of the following definition: <u>"development board" means a board as defined in section 1 of the Black Communities Development Act, 1984;</u> (d) by the substitution for the definition of "township" of the following definition: <u>"township" means a town as defined in section 1 of the Black Communities Development Act, 1984;</u> 2. The amendment of section 2— (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph: <u>"(a) in the case of a village council which is dissolved under paragraph (b) of that subsection, provide that—</u> <i>(i) the village council shall be dissolved as from the date of the first ordinary meeting of the town council established for an area for which the village council was established or which includes the area of the village council;</i> [(i) that] (ii) anything done by or in respect of that village council under this Act or any other law shall after its dissolution and subject to such limitations, qualifications and conditions as may be specified in the notice, be deemed to have been done by or in respect of [the] that town council [which is established in respect of the area for which that village council was established]; [(ii) that] (iii) the assets, liabilities, rights and obligations of that village council shall as from the date on which [that town council is established] the village council is dissolved devolve upon that town council; [(iii) that] (iv) any person who immediately before the dissolution of that village council held an appointment as an employee of that village council shall as from the date on which [that town council is established] the village council is dissolved and subject to such conditions and in accordance with such directives as may be contained in the notice be appointed by the town council to a post under its establishment;"; and (b) by the substitution in paragraph (a) of subsection (4) for the expression "subsection (3) (a) (ii)" of the expression "subsection (3) (a) (iii)". 3. The amendment of section 24— (a) by the substitution in subsection (1) for the words "town council" of the words "local authority";

Wet No. 4, 1984

WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		(b) deur in subartikel (2) die woorde „stadsrade” en „stadsraad” deur onderskeidelik die woorde „plaaslike besture” en „plaaslike bestuur” te vervang; en (c) deur in subartikel (3) die woord „stadsraad” oral waar dit voorkom deur die woorde „plaaslike bestuur” te vervang. 4. Die wysiging van artikel 56 deur na paragraaf (o) van subartikel (1) die volgende paragrawe in te voeg: „(oA) die lisensiering deur plaaslike besture van handelsbesighede en beroepe; (oB) die heffing van eiendomsbelasting deur plaaslike besture;”. 5. Die invoeging van die volgende artikel na artikel 56: „Herroeping 56A. (1) Behoudens die bepalinge van subartikel (2), word die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), die Wysigingswet op Gemeenskapsrade, 1978 (Wet No. 28 van 1978), artikels 13, 14, 15 en 16 van die Tweede Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979 (Wet No. 98 van 1979), en artikels 3, 4, 5 en 6 van die Tweede Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1980 (Wet No. 94 van 1980), hierby herroep. (2) Subartikel (1) tree in werking op 'n datum deur die Staatspresident by proklamasie in die <u>Staatskoerant</u> bepaal.”.

BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

No. and year of law	Short title	Extent of repeal or amendment
		(b) by the substitution in subsection (2) for the words "town councils" and "town council" of the words "local authorities" and "local authority", respectively; and (c) by the substitution in subsection (3) for the words "town council", wherever they occur, of the words "local authority". 4. The amendment of section 56 by the insertion after paragraph (o) of subsection (1) of the following paragraphs: "(oA) the licensing by local authorities of trading undertakings and occupations; (oB) the levying of property rates by local authorities;" 5. The insertion of the following section after section 56: "Repeal of laws. 56A. (1) Subject to the provisions of subsection (2), the Community Councils Act, 1977 (Act No. 125 of 1977), the Community Councils Amendment Act, 1978 (Act No. 28 of 1978), sections 13, 14, 15 and 16 of the Laws on Plural Relations and Development Second Amendment Act, 1979 (Act No. 98 of 1979), and sections 3, 4, 5 and 6 of the Laws on Co-operation and Development Second Amendment Act, 1980 (Act No. 94 of 1980), are hereby repealed. (2) Subsection (1) shall come into operation on a date fixed by the State President by proclamation in the Gazette."

