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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

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**KANTOOR VAN DIE EERSTE MINISTER**

**OFFICE OF THE PRIME MINISTER**

**No. 1778.**

**22 Augustus 1984**

**No. 1778.**

**22 August 1984**

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

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

**No. 117 van 1984: Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984.**

**No. 117 of 1984: Local Government Bodies Franchise Act, 1984.**

# WET

Tot reëling van stemreg ten opsigte van plaaslike owerheidsliggame; en om voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 12 Julie 1984.)

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

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - (i) “belasbare eiendom” eiendom waarop eiendoms- of ander belasting ingevolge ’n bepaling van die een of ander wet aan ’n plaaslike owerheidsliggaam betaal word; (xi)
  - (ii) “bestuursliggaam” ’n instelling of liggaam—
    - (a) ingestel kragtens wet as ’n raadplegende, buurt- sake- of bestuurskomitee uitsluitlik vir ’n gebied wat vir bewoning of gebruik deur lede van die Kleurling- of Indiërbevolkingsgroep aangewys is; of
    - (b) ingestel kragtens die Wet op Landelike Kleurling- gebiede, 1979 (Wet No. 1 van 1979), van die Ver- teenwoordigende Kleurlingraad, waarvan die lede of ’n lid of lede verkies moet word; (vii)
  - (iii) “bevolkingsgroep” die Blanke, die Kleurling- of die In- diërbevolkingsgroep of enige ander bevolkingsgroep behalwe die Blanke, die Kleurling- of die Indiërbevol- kingsgroep; (viii)
  - (iv) “Blanke bevolkingsgroep” die bevolkingsgroep waar- toe persone behoort wat ingevolge die Bevolkingsregi- strasiewet, 1950, as Blankes geklassifiseer is of bevoeg is om aldus geklassifiseer te word of aldus geklassifiseer sou kon word as daardie Wet op hulle van toepassing was; (xiv)
  - (v) “eiendom” onroerende eiendom, en ook ’n aandeel in onroerende eiendom wat in die kantoor van ’n registra- teur van aktes as ’n onverdeelde aandeel geregistreer is, maar nie ook ’n soos voormeld geregistreeerde tyds- delingbelang ooreenkomstig die bedoeling van die Wet op die Beheer van Eiendomstydskdeling, 1983 (Wet No 75 van 1983), nie; (ix)
  - (vi) “geregistreeerde adres”, met betrekking tot ’n persoon wat as ’n kieser ingevolge die Kieswet, 1979, geregi- streer is, die woonadres wat ingevolge artikel 13 (1) (d) van daardie Wet ten opsigte van die betrokke persoon in ’n kieserslys vir ’n kiesafdeling van ’n Huis van die Parlement aangegee word; (xii)
  - (vii) “Indiërbevolkingsgroep” die bevolkingsgroep waartoe persone behoort wat ingevolge die Bevolkingsregistra- siewet, 1950, as lede van die Indiërgroep geklassifiseer is of bevoeg is om aldus geklassifiseer te word of aldus



# ACT

**To regulate voting rights in respect of local government bodies;  
and to provide for incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 12 July 1984.)*

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

1. (1) In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "appropriate electoral law", in relation to a local government body, means a law regulating the registration of voters for, and the election of members of, the local government body concerned; (xiii)
- 10 (ii) "Coloured population group" means the population group to which persons belong who are classified or qualified to be classified as members of the Cape Coloured, Malay or Griqua group or the group Other Coloureds in terms of the Population Registration Act, 1950, or who would be so classified had the provisions of that Act applied to them; (viii)
- 15 (iii) "Indian population group" means the population group to which persons belong who are classified or qualified to be classified as members of the Indian group in terms of the Population Registration Act, 1950, or who would be so classified had the provisions of that Act applied to them; (vii)
- 20 (iv) "juristic person" includes a deceased estate and a trust but excludes—
- 25 (a) a local government body;
- (b) a town council or village council contemplated in the Black Local Authorities Act, 1982;
- (c) a development board within the meaning of the Black Communities Development Act, 1984;
- (d) a regional services council contemplated in the Regional Services Councils Act, 1984; and
- 30 (e) the State; (xii)
- (v) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), in respect of which a provincial council is authorized to make ordinances and the members or a member or members of which are to be elected, but excludes a management body; (x)
- 35 (vi) "local government body" means a local authority or a management body and, for the purposes of the application of section 2 to a person who is a member of the—
- 40 (a) White population group, means a local authority other than a local authority referred to in paragraph (b) or (c);

- geklassifiseer sou kon word as daardie Wet op hulle van toepassing was; (iii)
- (viii) "Kleurlingbevolkingsgroep" die bevolkingsgroep waartoe persone behoort wat ingevolge die Bevolkingsregistrasiewet, 1950, as lede van die Kaapse Kleurling-, Maleier- of Griekwagroup of die groep Ander Gekleurdes geklassifiseer is of bevoeg is om aldus geklassifiseer te word of aldus geklassifiseer sou kon word as daardie Wet op hulle van toepassing was; (ii)
- (ix) "kwalifiserende waarde" 'n bedrag kragtens subartikel 10 (2) bepaal; (x)
- (x) "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), ten opsigte waarvan 'n provinsiale raad ordonnansies kan maak en waarvan 15 die lede of 'n lid of lede verkies moet word, maar nie ook 'n bestuursliggaam nie; (v)
- (xi) "plaaslike owerheidsliggaam" 'n plaaslike owerheid of 'n bestuursliggaam en, by die toepassing van artikel 2 met betrekking tot 'n persoon wat 'n lid is van die— 20
- (a) Blanke bevolkingsgroep, 'n plaaslike owerheid behalwe 'n plaaslike owerheid bedoel in paragraaf (b) of (c);
- (b) Kleurlingbevolkingsgroep, 'n bestuursliggaam of plaaslike owerheid wat ingestel is uitsluitlik vir 'n 25 gebied wat vir bewoning of gebruik deur lede van die Kleurlingbevolkingsgroep aangewys is; of
- (c) Indiërbevolkingsgroep, 'n bestuursliggaam of plaaslike owerheid wat ingestel is uitsluitlik vir 'n gebied wat vir bewoning of gebruik deur lede van 30 die Indiërbevolkingsgroep aangewys is; (vi)
- (xii) "regspersoon" ook 'n bestorwe boedel en 'n trust maar uitgesonderd—
- (a) 'n plaaslike owerheidsliggaam;
- (b) 'n stadsraad of dorpsbestuur beoog in die Wet op 35 Swart Plaaslike Besture, 1982;
- (c) 'n ontwikkelingsraad ooreenkomstig die bedoeling van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984;
- (d) 'n streeksdiensteraad beoog in die Wet op 40 Streeksdiensterade, 1984; en
- (e) die Staat; (iv)
- (xiii) "toepaslike kieswet", met betrekking tot 'n plaaslike owerheidsliggaam, 'n wet tot reëling van die registrasie van kiesers vir, en die verkiesing van lede van, die be- 45 trokke plaaslike owerheidsliggaam; (i)
- (xiv) "wyk" 'n kiesafdeling soos van tyd tot tyd in die regsgebied van 'n plaaslike owerheidsliggaam afgebaken vir die doeleindes van verkiesings vir so 'n plaaslike owerheidsliggaam, of, indien geen sodanige kiesafdelings af- 50 gebaken is nie, daardie regsgebied. (xiii)
- (2) (a) Die Minister van Staatkundige Ontwikkeling en Beplanning moet, na oorlegpleging met die Raad vir die Koördinerende van Plaaslike Owerheidsaangeleenthede ingestel by artikel 2 van die Wet op die Bevordering 55 van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), by kennisgewing in die *Staatskoerant* 'n bedrag as die kwalifiserende waarde vir die doeleindes van hierdie Wet bepaal.
- (b) 'n Kennisgewing kragtens paragraaf (a) kan deur genoemde Minister na oorlegpleging met genoemde Raad by kennisgewing in die *Staatskoerant* gewysig word.
- (c) Verskillende bedrae kan kragtens hierdie subartikel ten opsigte van verskillende kategorieë plaaslike owerheidsliggame bepaal word. 65



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- (b) Coloured population group, means a management body or local authority established exclusively for an area designated for occupation or use by members of the Coloured population group; or
- 5 (c) Indian population group, means a management body or local authority established exclusively for an area designated for occupation or use by members of the Indian population group; (xi)
- (vii) "management body" means any institution or body—
- 10 (a) established under any law as a consultative, local affairs or management committee exclusively for an area designated for occupation or use by members of the Coloured or Indian population group; or
- 15 (b) established under the Rural Coloured Areas Act, 1979 (Act No. 1 of 1979), of the Coloured Persons Representative Council,
- the members or a member or members of which are to be elected; (ii)
- 20 (viii) "population group" means the White, the Coloured or the Indian population group or any population group other than the White, the Coloured or the Indian population group; (iii)
- (ix) "property" means immovable property, and also a share in immovable property registered in the office of a registrar of deeds as an undivided share, excluding a time-sharing interest within the meaning of the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), registered as aforesaid; (v)
- 25 (x) "qualifying value" means an amount determined under subsection (2); (ix)
- (xi) "ratable property" means property in respect of which property or other rates are paid to a local government body in terms of a provision of any law; (i)
- 35 (xii) "registered address", in relation to a person registered as a voter in terms of the Electoral Act, 1979, means the residential address included in terms of section 13 (1) (d) of that Act in respect of the person concerned in a voters' list for an electoral division of a House of Parliament; (vi)
- 40 (xiii) "ward" means a ward as from time to time delimited in the area of jurisdiction of a local government body for the purposes of elections for such local government body, or, if no such wards have been delimited, that area of jurisdiction; (xiv)
- 45 (xiv) "White population group" means the population group to which persons belong who are classified or qualified to be classified as a White person in terms of the Population Registration Act, 1950, or who would be so classified had the provisions of that Act applied to them.
- 50 (iv)
- (2) (a) The Minister of Constitutional Development and Planning shall, after consultation with the Council for the Co-ordination of Local Government Affairs established by section 2 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), by notice in the *Gazette* determine an amount as the qualifying value for the purposes of this Act.
- 55 (b) A notice under paragraph (a) may by notice in the *Gazette* be amended by the said Minister after consultation with the said Council.
- 60 (c) Different amounts may be determined under this subsection in respect of different categories of local government bodies.
- 65 2. (1) Subject to the provisions of subsection (2)—
- (a) every person who in terms of the Electoral Act, 1979 (Act No. 45 of 1979), is registered as a voter in respect of a House of Parliament and whose registered address

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adres op 'n plek binne die regsgebied van 'n plaaslike owerheidsliggaam geleë is; en

(b) elke persoon wat ingevolge die Kieswet, 1979, as 'n kieser ten opsigte van 'n Huis van die Parlement geregistreer is, en elke regspersoon wat ingevolge artikel 3 geag word 'n lid te wees van die Blanke, die Kleurling- of die Indiërbevolkingsgroep, en die eienaar is van belasbare eiendom in die regsgebied van 'n plaaslike owerheidsliggaam waarvan die waarde, of die totale waarde in die geval van twee of meer eiendomme, gelyk aan of hoër as die kwalifiserende waarde is, en wat nie geraak word nie deur 'n onbevoegdheid ingevolge die toepaslike kieswet wat ten opsigte van daardie plaaslike owerheidsliggaam van toepassing is, by nakoming van en behoudens die bepalinge van so 'n kieswet geregtig om as kieser geregistreer te word ten opsigte van, en om te stem by 'n verkiesing vir, die plaaslike owerheidsliggaam ingestel vir die gebied, in die geval van 'n in paragraaf (a) bedoelde persoon, waarin sy geregistreerde adres geleë is, of, in die geval van 'n in paragraaf (b) bedoelde persoon, waarin die betrokke belasbare eiendom waarvan hy die eienaar is, geleë is.

## (2) 'n Persoon—

- (a) bedoel in paragraaf (a) van subartikel (1) word as 'n kieser ten opsigte van 'n verkiesing vir 'n plaaslike owerheidsliggaam geregistreer in die wyk van daardie plaaslike owerheidsliggaam waarin sy geregistreerde adres geleë is, en is, terwyl hy aldus geregistreer is, geregtig om by elke verkiesing in daardie wyk een stem uit te bring ten opsigte van elke lid van die plaaslike owerheidsliggaam wat in daardie wyk gekies moet word; of
- (b) bedoel in paragraaf (b) van daardie subartikel word as kieser ten opsigte van 'n verkiesing vir 'n plaaslike owerheidsliggaam geregistreer in elke wyk waarin belasbare eiendom geleë is waarvan hy die eienaar is en waarvan die waarde, of die totale waarde in die geval van twee of meer eiendomme, gelyk aan of hoër as die kwalifiserende waarde is, en is, terwyl hy aldus geregistreer is, geregtig om by elke verkiesing in so 'n wyk een stem uit te bring ten opsigte van elke lid van die plaaslike owerheidsliggaam wat in daardie wyk gekies moet word:

Met dien verstande dat 'n persoon wat ten opsigte van 'n bepaalde plaaslike owerheidsliggaam aan die kwalifikasies vermeld in sowel paragraaf (a) as paragraaf (b) van subartikel (1) voldoen, geregtig is—

- (i) om ten opsigte van 'n verkiesing vir daardie plaaslike owerheidsliggaam as 'n kieser beoog in paragraaf (a) en ook as 'n kieser beoog in paragraaf (b) van hierdie subartikel geregistreer te word; en
- (ii) om by 'n verkiesing vir daardie plaaslike owerheidsliggaam 'n stem beoog in paragraaf (a) en ook 'n stem beoog in paragraaf (b) van hierdie subartikel uit te bring.

## 3. (1) By die toepassing van hierdie Wet—

- (a) word 'n regspersoon wat 'n maatskappy is soos omskryf in artikel 1 van die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), geag lid te wees van die bevolkingsgroep waartoe die persoon behoort wat die beheersende belang, ooreenkomstig die bedoeling van daardie Wet, in daardie regspersoon hou;
- (b) word 'n bestorwe boedel geag lid te wees van die bevolkingsgroep waartoe die gestorwe persoon behoort het;
- (c) word 'n trust wat geadministreer word ten behoeve van 'n persoon of persone wat tot 'n bepaalde bevolkingsgroep behoort, geag lid te wees van die bevolkingsgroep waartoe daardie persoon of persone behoort;
- (d) word 'n regspersoon wat die eienaar is van belasbare eiendom in die regsgebied van 'n plaaslike owerheids-

Toepassing  
van Wet met  
betrekking tot  
regspersone.



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is situated at a place within the area of jurisdiction of a local government body; and

- (b) every person who in terms of the Electoral Act, 1979, is registered as a voter in respect of a House of Parliament, and every juristic person which in terms of section 3 is deemed to be a member of the White, the Coloured or the Indian population group, and who or which is the owner of ratable property in the area of jurisdiction of a local government body of which the value, or the total value in the case of two or more properties, is equal to or higher than the qualifying value,

and who or which is not subject to any disqualification in terms of the appropriate electoral law applicable in respect of that local government body, shall on compliance with and subject to the provisions of such an electoral law be entitled to be registered as a voter in respect of, and to vote in any election for, the local government body established for the area, in the case of a person referred to in paragraph (a), in which his registered address is situated, or, in the case of a person referred to in paragraph (b), in which the ratable property concerned of which he is the owner is situated.

(2) A person—

- (a) referred to in paragraph (a) of subsection (1) shall be registered as a voter in respect of an election for a local government body in the ward of that local government body in which his registered address is situated, and shall, while he is so registered, be entitled in every election in that ward to cast one vote in respect of each member of the local government body who has to be elected in that ward; or

- (b) referred to in paragraph (b) of that subsection shall be registered as a voter in respect of an election for a local government body in every ward in which ratable property is situated of which he is the owner and of which the value, or the total value in the case of two or more properties, is equal to or higher than the qualifying value and shall, while he is so registered, be entitled in every election in such a ward to cast one vote in respect of each member of the local government body who has to be elected in that ward:

Provided that a person complying with the qualifications mentioned in paragraph (a) and in paragraph (b) of subsection (1) in respect of any particular local government body, shall be entitled—

- (i) to be registered in respect of an election for that local government body as a voter contemplated in paragraph (a) and also as a voter contemplated in paragraph (b) of this subsection; and
- (ii) to cast in an election for that local government body a vote contemplated in paragraph (a) and also a vote contemplated in paragraph (b) of this subsection.

3. (1) For the purposes of this Act—

- (a) a juristic person which is a company as defined in section 1 of the Group Areas Act, 1966 (Act No. 36 of 1966), shall be deemed to be a member of the population group to which the person who in that juristic person holds the controlling interest within the meaning of that Act, belongs;
- (b) a deceased estate shall be deemed to be a member of the population group to which the deceased person belonged;
- (c) a trust which is administered in respect of a person or persons belonging to a particular population group shall be deemed to be a member of the population group to which that person or persons belong;
- (d) a juristic person which is the owner of ratable property in the area of jurisdiction of a local government body,

Application of  
Act with respect  
to juristic  
persons.

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liggaam, behalwe 'n regs persoon bedoel in paragraaf (a), (b) of (c), geag lid te wees van dié bevolkingsgroep waartoe persone behoort wat ingevolge artikel 2 (1) (a) stemreg ten opsigte van daardie plaaslike owerheidsliggaam het;

(e) bring niemand 'n stem ten behoeve van 'n regs persoon by 'n verkiesing vir 'n plaaslike owerheidsliggaam uit nie tensy hy—

(i) 'n lid is van die bevolkingsgroep waartoe persone behoort wat ingevolge artikel 2 (1) (a) stemreg ten opsigte van daardie plaaslike owerheidsliggaam het en ingevolge die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kieser ten opsigte van 'n Huis van die Parlement geregistreer is;

(ii) 'n direkteur, aandeelhouer, lid of werknemer van daardie regs persoon is, of, indien daardie regs persoon 'n bestorwe boedel of 'n trust is, hy die eksekuteur of trustee of 'n direkteur, aandeelhouer of werknemer van die eksekuteur of trustee is; en

(iii) skriftelik deur daardie regs persoon daartoe gemagtig is;

(f) word 'n bestorwe boedel of 'n trust geag die eienaar van enige eiendom in die boedel of trust te wees;

(g) bring niemand 'n stem ten behoeve van meer as een regs persoon uit nie.

(2) Subparagraaf (ii) van subartikel (1) (e) is nie van toepassing nie ten opsigte van 'n regs persoon wat nie 'n direkteur, aandeelhouer, lid of werknemer het wat 'n lid van die toepaslike bevolkingsgroep ooreenkomstig die voorskrifte van subparagraaf (i) van daardie subartikel is nie, of, indien daardie regs persoon 'n bestorwe boedel of 'n trust is, indien die eksekuteur of trustee nie so 'n lid is of nie 'n direkteur, aandeelhouer of werknemer het wat so 'n lid is nie.

Behoud van sekere regte.

4. 'n Persoon, behalwe 'n regs persoon, wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n kieser ten opsigte van die een of ander plaaslike owerheidsliggaam geregistreer is ingevolge die toepaslike kieswet wat op daardie plaaslike owerheidsliggaam van toepassing is, verbeur nie bloot vanweë die bepalinge van hierdie Wet sy reg ingevolge daardie kieswet om aldus as 'n kieser geregistreer te wees en om te stem by 'n verkiesing vir daardie plaaslike owerheidsliggaam nie.

Kort titel en inwerkingtreding.

5. (1) Hierdie Wet heet die Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, wat nie 'n datum vroeër as die datum bedoel in artikel 6 (3) van die Kieswet, 1979, soos vervang deur artikel 13 van die Wysingswet op Bevolkingsregistrasie en Verkiesings, 1984, mag wees nie.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van die verskillende provinsies bepaal word.

(3) 'n Verwysing in hierdie Wet na die inwerkingtreding daarvan word uitgelê as 'n verwysing na die toepaslike datum wat aldus bepaal is.



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other than a juristic person referred to in paragraphs (a), (b) or (c), shall be deemed to be a member of the population group to which persons who in terms of section 2 (1) (a) have the right to vote in respect of that local government body, belong;

5 (e) no person shall in any election for a local government body cast a vote on behalf of a juristic person unless he—

10 (i) is a member of the population group to which persons who in terms of section 2 (1) (a) have the right to vote in respect of that local government body, belong and is in terms of the Electoral Act, 1979 (Act No. 45 of 1979), registered as a voter in respect of a House of Parliament;

15 (ii) is a director, a shareholder, a member or an employee of that juristic person, or, if that juristic person is a deceased estate or a trust, he is the executor or trustee or a director, a shareholder or an employee of the executor or trustee; and

20 (iii) has been authorized thereto in writing by that juristic person;

(f) a deceased estate or a trust shall be deemed to be the owner of any property in the estate or trust;

25 (g) no person shall cast a vote on behalf of more than one juristic person.

(2) Subparagraph (ii) of subsection (1) (e) shall not apply in respect of a juristic person which does not have a director, a shareholder, a member or an employee who is a member of the appropriate population group in accordance with the requirements of subparagraph (i) of that subsection, or, if that juristic person is a deceased estate or a trust, if the executor or trustee is not such a member or does not have a director, a shareholder or an employee who is such a member.

35 4. A person, other than a juristic person, who immediately prior to the commencement of this Act is registered as a voter in respect of any local government body in terms of the appropriate electoral law applicable to that local government body, shall not by reason only of the provisions of this Act forfeit his right in terms of that electoral law to be so registered as a voter and  
40 to vote in an election for that local government body.

Retention of certain rights.

45 5. (1) This Act shall be called the Local Government Bodies Franchise Act, 1984, and shall commence on a date to be determined by the State President by proclamation in the *Gazette*, which may not be a date earlier than the date referred to in section 6 (3) of the Electoral Act, 1979, as substituted by section 13 of the Population Registration and Elections Amendment Act, 1984.

Short title and commencement.

(2) Different dates may be determined in terms of subsection (1) in respect of the different provinces.

50 (3) A reference in this Act to the commencement thereof shall be construed as a reference to the appropriate date so determined.