



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1291.

25 Junie 1986

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

No. 58 van 1986: Wysigingswet op Swart Plaaslike Owerhede, 1986.

STATE PRESIDENT'S OFFICE

No. 1291.

25 June 1986

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

No. 58 of 1986: Black Local Authorities Amendment Act, 1986.

Wet No. 58, 1986

WYSIGINGSWET OP SWART PLAASLIKE OWERHEDE, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

- [** **]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Swart Plaaslike Besture, 1982, ten einde sekere uitdrukkings te skrap, te omskryf of nader te omskryf; voorsiening te maak vir die instelling van dorpskomitees; voorsiening te maak dat gemeenskapsrade geag word dorpskomitees te wees; aan die Minister die bevoegdheid te verleen om te bepaal dat 'n plaaslike owerheid uitgesluit word van die gebied van 'n plaaslike owerheidsliggaam; voorsiening te maak dat lede van 'n dorpsraad, dorpskomitee of plaaslike owerheidskomitee wat ontbind word, vir die onverstreke tydperk van hul ampstermyn kan aanbly as lede van 'n stadsraad of dorpsraad wat in die plek daarvan ingestel mag word; verdere kwalifikasies vir lede en stemgeregtigdes te stel; voorsiening te maak dat 'n plaaslike owerheid in sekere omstandighede die tariewe vir dienste wat deur hom verskaf word, kan verhoog; die aanstelling en bevoegdhede van wetstoepassingsbeamptes verder te reël; af te sien van die vereiste dat finansiële state van 'n plaaslike owerheid ter Tafel gelê word; die delegering van bevoegdhede verder te reël; die Minister se bevoegdheid om regulasies te maak, uit te brei; en voorsiening te maak vir die uitleg van sekere verwysings in ander wette en sekere uitdrukkings in genoemde Wet; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1986.)

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

Wysiging van artikel 1 van Wet 102 van 1982, soos gewysig deur artikel 10 van Wet 102 van 1983 en artikel 69 van Wet 4 van 1984.

1. Artikel 1 van die Wet op Swart Plaaslike Besture, 1982 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van "Departement" deur die volgende omskrywing te vervang: 5
 "Departement" die Departement van **[Samewerking en Ontwikkeling]** Staatkundige Ontwikkeling en **Beplanning**;"
 - (b) deur in subartikel (1) die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:
 "Direkteur-generaal" die Direkteur-generaal: **[Samewerking en Ontwikkeling]** Staatkundige Ontwikkeling en **Beplanning**;"
 - (c) deur in subartikel (1) na die omskrywing van "dorp" 15 die volgende omskrywings in te voeg:
 "dorpskomitee" 'n dorpskomitee kragtens artikel 2 (1)
 (a) ingestel;

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GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Black Local Authorities Act, 1982, so as to delete, define or further define certain expressions; to provide for the establishment of town committees; to provide that community councils be deemed to be town committees; to confer on the Minister the power to determine that a local authority be excluded from the area of a local government body; to provide that members of a town council, town committee or local authority committee which may be dissolved, may, for the unexpired period of their term of office, remain members of any city council or a town council which may be established in the place thereof; to extend the qualifications for members and voters; to provide that a local authority may under certain circumstances increase tariffs for services rendered by it; to further regulate the appointment of law enforcement officers and their powers; to abolish the requirement that financial statements be tabled; to further regulate the delegation of powers; to extend the power of the Minister to make regulations; and to provide for the interpretation of certain references in other laws and certain expressions in the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 18 June 1986.)

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

1. Section 1 of the Black Local Authorities Act, 1982 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the substitution in subsection (1) for the definition of “chief executive officer” of the following definition:

“‘chief executive officer’, in relation to a city council, a town council **[or a village council]**, a town committee or a local authority committee, means a person

10 appointed under section 30 (1) as the town clerk of a [town] city council, or the [village] town secretary of a [village council] town council or the secretary of a town committee or of a local authority committee;”;
 - 15 (b) by the insertion in subsection (1) after the definition of “chief executive officer” of the following definition:

“‘city council’ means a city council established under

20 section 2 (1) (a) or (b);”;
 - (c) by the substitution in subsection (1) for the definition of “Department” of the following definition:

“‘Department’ means the Department of **[Co-operation and Development]** Constitutional Development and Planning;”;

Amendment of section 1 of Act 102 of 1982, as amended by section 10 of Act 102 of 1983 and section 69 of Act 4 of 1984.

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- 'dorpsraad' 'n dorpsraad kragtens artikel 2 (1) (a) ingestel;”;
- (d) deur in subartikel (1) die omskrywing van “dorpsbestuur” te skrap;
- (e) deur in subartikel (1) die omskrywing van “hoof- uitvoerende beampte” deur die volgende omskrywing te vervang:
 “‘hoof- uitvoerende beampte’, met betrekking tot ‘n stadsraad, [of ‘n dorpsbestuur] ‘n dorpsraad, ‘n dorpskomitee of ‘n plaaslike owerheidskomitee, ie- 10
mand kragtens artikel 30 (1) as die stadsklerk van ‘n stadsraad of die dorpsekreteraris van ‘n [dorpsbestuur] dorpsraad of die sekretaris van ‘n dorpskomitee of van ‘n plaaslike owerheidskomitee aange-
stel;”;
- (f) deur in subartikel (1) die omskrywing van “Minister” 15
 deur die volgende omskrywing te vervang:
 “‘Minister’ die Minister van [Samewerking en Ontwikkeling] Staatkundige Ontwikkeling en Beplanning;”;
- (g) deur in subartikel (1) na die omskrywing van “ontwikkelingsraad” die volgende omskrywings in te voeg:
 “‘plaaslike owerheid’” ‘n stadsraad, ‘n dorpsraad, ‘n dorpskomitee of ‘n plaaslike owerheidskomitee;
 ‘plaaslike owerheidskomitee’ ‘n plaaslike owerheidskomitee kragtens artikel 2 (1) (a) ingestel;
 ‘plaaslike owerheidsliggaam’ ‘n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);”;
- (h) deur in subartikel (1) die omskrywings van “plaaslike bestuur”, “plaaslike bestuursliggaam” en “plaaslike komitee” te skrap;
- (i) deur in subartikel (1) die omskrywing van “stadsraad” deur die volgende omskrywing te vervang:
 “‘stadsraad’ ‘n stadsraad kragtens artikel 2 (1) (a) of 35 (b) ingestel.”.

Vervanging van artikel 2 van Wet 102 van 1982, soos gewysig deur artikel 69 van Wet 4 van 1984 en artikel 7 van Wet 110 van 1985.

2. (1) Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

- “Instelling van stads- rade, dorps- rade, dorps- komitees en plaaslike owerheidskomitees.
2. (1) Die Minister kan by kennisgewing in die Staatskoerant— 40
- (a) na oorlegpleging met die administrateur van die provinsie waarin en met die ontwikkelingsraad in die administrasiegebied waarvan die betrokke gebied geleë is, ‘n stadsraad, ‘n dorpsraad, ‘n dorpskomitee of ‘n plaaslike owerheidskomitee onder ‘n naam in die kennisgewing vermeld, instel vir ‘n gebied kragtens subartikel (2) (a) omskryf; 45
- (b) op versoek van of na oorlegpleging met ‘n dorpsraad of twee of meer dorpsrade, daardie dorpsraad of dorpsrade ontbind en ‘n dorpsraad of ‘n stadsraad onder ‘n naam in die kennisgewing vermeld, instel vir die gebied waarvoor daardie dorpsraad of dorpsrade ingestel was; 50
- (c) op versoek van of na oorlegpleging met ‘n dorpskomitee of plaaslike owerheidskomitee of twee of meer dorpskomitees of plaaslike owerheidskomitees, na gelang van die geval, ‘n dorpskomitee of plaaslike owerheidskomitee of twee of meer dorpskomitees of plaaslike owerheidskomitees ontbind en ‘n dorpsraad onder ‘n naam in die kennisgewing vermeld, instel vir die gebied waarvoor daardie dorpskomitee of dorpskomitees of plaaslike owerheidskomitee of 55 60

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- (d) by the substitution in subsection (1) for the definition of "Director-General" of the following definition:
 "Director-General" means the Director-General: **[Co-operation and Development]** Constitutional Development and Planning;"
- (e) by the substitution in subsection (1) for the definition of "local authority" of the following definition:
 "local authority" means a city council, a town council, **[or a village council]** a town committee or a local authority committee;"
- (f) by the insertion in subsection (1) after the definition of "local authority" of the following definition:
 "local authority committee" means a local authority committee established under section 2 (1) (a);"
- (g) by the deletion in subsection (1) of the definition of "local committee";
- (h) by the substitution in subsection (1) for the definition of "local government body" of the following definition:
 "local government body" means an institution or body contemplated in section 84 (1) (f) of the **[Republic of South Africa Constitution]** Provincial Government Act, 1961 (Act No. 32 of 1961);"
- (i) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
 "Minister" means the Minister of **[Co-operation and Development]** Constitutional Development and Planning;"
- (j) by the insertion in subsection (1) after the definition of "this Act" of the following definition:
 "town committee" means a town committee established under section 2 (1) (a);"
- (k) by the substitution in subsection (1) for the definition of "town council" of the following definition:
 "town council" means a town council established under section 2 (1) (a) **[or (b), and includes a town council to which the status of a city council was awarded under subsection (1) (c) of that section];**" and
- (l) by the deletion in subsection (1) of the definition of "village council".

2. (1) The following section is hereby substituted for section 2 of the principal Act:

"Establishment of city councils, town councils, town committees and local authority committees.

2. (1) The Minister may by notice in the *Gazette*—

- (a) after consultation with the administrator of the province in which and with the development board in the administration area of which the area in question is situated, establish under a name mentioned in the notice a city council, a town council, a town committee or a local authority committee for an area defined in terms of subsection (2) (a);
- (b) at the request of or after consultation with any town council or two or more town councils, dissolve that town council or those town councils and establish under a name mentioned in the notice a town council or a city council for the area for which that town council was or those town councils were established;
- (c) at the request of or after consultation with any town committee or local authority committee or two or more town committees or local authority committees, as the case may be, dissolve any town committee or local authority committee or two or more town committees or local authority committees and establish under a name mentioned in the notice a town council for the area for which that town committee or local authority committee was or those town committees or

Substitution of section 2 of Act 102 of 1982, as amended by section 69 of Act 4 of 1984 and section 7 of Act 110 of 1985.

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- plaaslike owerheidskomitees, na gelang van die geval, ingestel was;
- (d) die naam van 'n plaaslike owerheid verander;
- (e) 'n plaaslike owerheid op versoek van of na oorlegpleging met daardie plaaslike owerheid ontbind indien die behoefte daaraan na die Minister se oordeel nie meer bestaan nie. 5
- (2) 'n Administrateur kan by kennisgewing in die *Staatskoerant* en na oorlegpleging met die Minister en met die ontwikkelingsraad in die administrasiegebied waarvan die betrokke gebied geleë is— 10
- (a) 'n gebied wat bestaan uit een of meer dorpe of 'n gedeelte of gedeeltes van 'n dorp of dorpe, omskryf;
- (b) die regsgebied van 'n plaaslike owerheid, na oorlegpleging met die betrokke plaaslike owerheid, verander deur enige gedeelte daarvan uit te sluit of 'n dorp of 'n gebied of 'n gedeelte van 'n dorp of gebied daarby te voeg. 15
- (3) By die toepassing van hierdie Wet word— 20
- (a) 'n gemeenskapsraad ingestel kragtens artikel 2 (1) van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), en wat onmiddellik voor die inwerkingtreding van hierdie paragraaf soos vervang deur die Wysigingswet op Swart Plaaslike Owerhede, 1986, bestaan, vanaf sodanige inwerkingtreding geag 'n dorpskomitee te wees, en word die gebied van so 'n gemeenskapsraad geag die gebied van so 'n dorpskomitee te wees, en word 'n verwysing in enige wet of stuk na 'n gemeenskapsraad uitgelê as 'n verwysing na 'n dorpskomitee; 25
- (b) 'n plaaslike komitee soos onmiddellik voor die inwerkingtreding van die Wysigingswet op Swart Plaaslike Owerhede, 1986, in hierdie Wet omskryf, geag 'n plaaslike owerheidskomitee te wees en word die gebied van so 'n plaaslike komitee geag die gebied van die plaaslike owerheidskomitee te wees, en word 'n verwysing in enige wet of stuk na 'n plaaslike komitee uitgelê as 'n verwysing na 'n plaaslike owerheidskomitee; 30
- (c) 'n dorpsbestuur soos onmiddellik voor die inwerkingtreding van die Wysigingswet op Swart Plaaslike Owerhede, 1986, in hierdie Wet omskryf, geag 'n dorpsraad te wees en word die gebied van so 'n dorpsbestuur geag die gebied van die dorpsraad te wees, en word 'n verwysing in enige wet of stuk na 'n dorpsbestuur uitgelê as 'n verwysing na 'n dorpsraad. 35
- (4) 'n Plaaslike owerheid kragtens hierdie artikel ingestel of wat daarkragtens geag word 'n plaaslike owerheid te wees, is 'n regspersoon. 40
- (5) 'n Kennisgewing in subartikel (1) bedoel, kan voorts— 45
- (a) in die geval van 'n dorpsraad wat kragtens paragraaf (b) van daardie subartikel ontbind word, bepaal dat— 50
- (i) die dorpsraad ontbind word met ingang van die datum van die eerste gewone vergadering van die dorpsraad of stadsraad wat ingestel word vir 'n gebied waarvoor die dorpsraad ingestel is of wat die gebied van die dorpsraad insluit; 60
- (ii) iets wat deur of ten opsigte van daardie dorpsraad 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 of ten op— 65

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local authority committees, as the case may be, were established;

- (d) alter the name of a local authority;
- (e) dissolve a local authority at the request of or after consultation with that local authority if in the opinion of the Minister the need for it no longer exists.

(2) An administrator may by notice in the *Gazette* and after consultation with the Minister and with the development board in the administration area of which the area in question is situated—

- (a) define an area consisting of one or more townships or a portion or portions of a township or townships;
- (b) alter the area of jurisdiction of a local authority after consultation with the local authority concerned, by excluding any portion therefrom or by adding thereto a township or an area or portion of a township or area.

(3) For the purposes of this Act—

- (a) a community council established under section 2 (1) of the Community Councils Act, 1977 (Act No. 125 of 1977), and which still exists immediately prior to the commencement of this paragraph as substituted by the Black Local Authorities Amendment Act, 1986, shall from such commencement be deemed to be a town committee and the area of such community council shall be deemed to be the area of such town committee, and any reference in any law or document to a community council shall be construed as a reference to a town committee;
- (b) a local committee as defined in this Act immediately prior to the commencement of the Black Local Authorities Amendment Act, 1986, shall be deemed to be a local authority committee and the area of such local committee shall be deemed to be the area of such local authority committee and any reference in any law or document to a local committee shall be construed as a reference to a local authority committee;
- (c) a village council as defined in this Act immediately prior to the commencement of the Black Local Authorities Amendment Act, 1986, shall be deemed to be a town council and the area of such village council shall be deemed to be the area of such town council and any reference in any law or document to a village council shall be construed as a reference to a town council.

(4) A local authority established under this section or which is deemed thereunder to be a local authority, shall be a juristic person.

(5) A notice referred to in subsection (1) may in addition—

- (a) in the case of a town council which has been dissolved under paragraph (b) of that subsection, provide that—
- (i) the town council shall be dissolved as from the date of the first ordinary meeting of the town council or city council established for an area for which the town council was established or which includes the area of the town council;
- (ii) anything done by or in respect of that town council under this Act or any other law shall, after its dissolution and subject to the limitations, qualifications and conditions specified in the notice, be deemed to have

- sigte van daardie dorpsraad of stadsraad, na gelang van die geval;
- (iii) die bates, laste, regte en verpligtinge van daardie dorpsraad vanaf die datum waarop die dorpsraad ontbind word, oorgaan op daardie dorpsraad of stadsraad, na gelang van die geval; 5
- (iv) iemand wat onmiddellik voor die ontbinding van daardie dorpsraad 'n aanstelling as 'n werknemer van daardie dorpsraad gehou het, vanaf die datum waarop die dorpsraad ontbind word, en behoudens sodanige voorwaardes en ooreenkomstig sodanige voorskrifte in die kennisgewing vermeld, deur die dorpsraad of stadsraad in 'n pos op sy diensstaat aangestel moet word; 10
- (b) in die geval van 'n plaaslike owerheid wat kragtens paragraaf (e) van bedoelde subartikel ontbind is, voorsiening maak—
- (i) vir die bereddering van die bates, laste, regte en verpligtinge van daardie plaaslike owerheid, deur iemand deur die Minister vir dié doel aangewys; 20
- (ii) vir die beskikking oor enige oorblywende bates van daardie plaaslike owerheid nadat al sy skulde betaal is; 25
- (c) bepaal dat wanneer 'n dorpsraad, 'n dorpskomitee of 'n plaaslike owerheidskomitee kragtens subartikel (1) (b) of (c) ontbind word en 'n stadsraad of 'n dorpsraad kragtens genoemde subartikel ingestel word, die lede van sodanige dorpsraad, dorpskomitee of plaaslike owerheidskomitee, na gelang van die geval, geag word vir die onverstreke tydperk van hulle ampstermyn lede van die ingestelde stadsraad of dorpsraad, na gelang van die geval, te wees. 30
- (6) (a) Die bepalings van subartikel (5) (a) is *mutatis mutandis* ten opsigte van 'n dorpskomitee of plaaslike owerheidskomitee, na gelang van die geval, wat kragtens subartikel (1) (c) ontbind is, van toepassing. 35
- (b) Die bepalings van subartikel (5) (a) (ii), (iii), (iv) en (c) is *mutatis mutandis* van toepassing ten opsigte van 'n gemeenskapsraad wat kragtens subartikel (3) (a) geag word 'n dorpskomitee te wees. 40
- (7) 'n Registrateur soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), moet by voorlegging aan hom van 'n sertifikaat deur die Minister dat 'n reg ten opsigte van onroerende goed in sodanige sertifikaat beskryf uit hoofde van subartikel (5) (a) (iii) of (6) op 'n stadsraad of dorpsraad, na gelang van die geval, oorgegaan het, die inskrywings of aantekeninge wat hy nodig ag in of op enige tersaaklike register, sertifikaat of ander stuk in sy kantoor of aan hom voorgelê, maak ten einde daardie reg op die naam van daardie stadsraad of dorpsraad, na gelang van die geval, te registreer. 45
- (8) Geen seëlreg, kantoorgelde of ander gelde is ten opsigte van 'n registrasie beoog in subartikel (7), betaalbaar nie. 50
- (9) Indien 'n administrateur die regsgebied van 'n plaaslike owerheid kragtens subartikel (2) (b) wil verander, kan hy die betrokke plaaslike owerheid gelas om op eie koste die opmeting van grond wat die administrateur bepaal, deur 'n landmeter te laat uitvoer, en indien die plaaslike owerheid versuim om binne 'n redelike tydperk aan die lasgewing te voldoen, kan die administrateur daardie opmeting laat 55

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- been done by or in respect of that town council or city council, as the case may be;
- 5 (iii) the assets, liabilities, rights and obligations of that town council shall as from the date on which the town council is dissolved devolve upon that town council or city council, as the case may be;
- 10 (iv) any person who immediately before the dissolution of that town council held an appointment as an employee of that town council shall, as from the date on which the town 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 or city council to a post under its establishment;
- 15 (b) in the case of a local authority which is dissolved under paragraph (e) of the said subsection, provide—
- 20 (i) for the winding-up of the assets, liabilities, rights and obligations of that local authority by a person designated for that purpose by the Minister;
- 25 (ii) for the disposal of any remaining assets of that local authority after all its debts have been paid;
- (c) provide that when a town council, town committee or local authority committee is dissolved under subsection (1) (b) or (c) and a city council or town council is established under the said subsection, the members of such town council, town committee or local authority committee, as the case may be, shall, for the unexpired period of their term of office, be deemed to be members of the city council or town council so established, as the case may be.
- 30 (6) (a) The provisions of subsection (5) (a) shall *mutatis mutandis* apply in respect of a town committee or a local authority committee, as the case may be, dissolved under subsection (1) (c).
- 35 (b) The provisions of subsection (5) (a) (ii), (iii), (iv) and (c) shall *mutatis mutandis* apply in respect of a community council deemed to be a town committee under subsection (3) (a).
- 40 (7) A registrar as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), shall, on submission to him of a certificate by the Minister that a right in respect of immovable property described in such certificate devolved upon a city council or town council, as the case may be, by virtue of subsection (5) (a) (iii) or (6), make such entries or endorsements as he may deem necessary in or on any relevant register, certificate or other document in his office or laid before him, in order to register such right in the name of that city council or town council, as the case may be.
- 45 (8) No stamp duty or office or other fees shall be payable in respect of a registration contemplated in subsection (7).
- 50 (9) If an administrator intends to alter the area of jurisdiction of a local authority under subsection (2) (b), he may direct the local authority concerned to cause a survey by a land surveyor of any land determined by the administrator to be carried out at its own expense, and if that local authority fails to comply with that direction within a reasonable period the administrator may cause that survey to be carried out
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uitvoer en die koste daarvan op die plaaslike owerheid verhaal.

(10) Die Minister kan, indien hy dit dienstig ag, by kennisgewing in die *Staatskoerant* verklaar dat die gebied van 'n plaaslike owerheid, of van 'n plaaslike owerheid wat ingestel staan te word kragtens subartikel (1) (a), wat geleë is binne die regsgebied van 'n plaaslike owerheidsliggaam, vanaf 'n datum in bedoelde kennisgewing vermeld, uitgesluit word van die regsgebied van sodanige plaaslike owerheidsliggaam, en die Minister kan die plaaslike owerheid gelas om op eie koste die opmeting van grond wat hy bepaal, deur 'n landmeter te laat uitvoer, en indien die plaaslike owerheid versuim om binne 'n redelike tyd aan die lasgewing te voldoen, kan die Minister daardie opmeting laat uitvoer en die koste daarvan op die plaaslike owerheid verhaal.”

(2) Paragraaf (a) van subartikel (3) van artikel 2 van die Hoofwet soos vervang deur subartikel (1) van hierdie artikel tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Herroeping van artikel 4 van Wet 102 van 1982, soos vervang deur artikel 11 van Wet 102 van 1983.

3. Artikel 4 van die Hoofwet word hierby herroep.

Herroeping van artikel 5 van Wet 102 van 1982.

4. Artikel 5 van die Hoofwet word hierby herroep.

Wysiging van artikel 7 van Wet 102 van 1982.

5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Verkiesing om die lede van 'n plaaslike **[bestuur]** owerheid te verkies, word so gou doenlik na die instelling van daardie plaaslike **[bestuur]** owerheid of na die verstryking van die ampstermyn van lede in artikel 2 (5) (c) bedoel, gehou, en van tyd tot tyd daarna met tussenpose van hoogstens die voorgeskrewe tydperk, wat minstens 3 jaar en hoogstens 5 jaar moet wees.”

Wysiging van artikel 8 van Wet 102 van 1982.

6. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Behoudens die bepalings van subartikel (3) is niemand **[is]** bevoeg om as lid van 'n plaaslike **[bestuur]** owerheid verkies te word of so 'n lid te wees nie indien—”;

(b) deur die volgende paragraaf na paragraaf (b) van subartikel (2) in te voeg:

“(bA) hy skuldig bevind is aan 'n misdryf waarby oneerlikheid of korrupsie betrokke was;”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Lid van 'n plaaslike **[bestuur]** owerheid wat kragtens subartikel (2) (bA) of (c) onbevoeg is om as lid van 'n plaaslike owerheid verkies te word of so 'n lid te wees of wat kragtens artikel 49 (2) onbevoeg verklaar is om die amp van lid van 'n plaaslike **[bestuur]** owerheid te beklee, is vir 'n tydperk van vyf jaar nadat hy onbevoeg geword het of na sodanige verklaring nie bevoeg om as so 'n lid verkies of aangestel te word nie.”

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and may recover the costs thereof from the local authority.

5 (10) The Minister may, if he deems it expedient, by notice in the *Gazette* declare that the area of a local authority, or of a local authority to be established under subsection (1) (a), which is situated in the area of jurisdiction of a local government body, shall be excluded from the area of jurisdiction of such local government body as from a date mentioned in the said notice, and the Minister may direct the local authority to cause a survey by a land surveyor of any land determined by him to be carried out at its own expense, and if that local authority fails to comply with that direction within a reasonable period, the Minister may cause that survey to be carried out and recover the costs thereof from the local authority.”

(2) Paragraph (a) of subsection (3) of section 2 of the principal Act as substituted by subsection (1) of this section shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

3. Section 4 of the principal Act is hereby repealed.

Repeal of section 4 of Act 102 of 1982, as substituted by section 11 of Act 102 of 1983.

4. Section 5 of the principal Act is hereby repealed.

Repeal of section 5 of Act 102 of 1982.

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 7 of Act 102 of 1982.

25 “(1) An election to elect the members of a local authority shall be held as soon as may be practicable after the establishment of that local authority, or after the expiration of the term of office of members referred to in section 2 (5) (c), and from time to time thereafter at intervals not exceeding the prescribed period which shall not be less than 3 years or more than 5 years.”

6. Section 8 of the principal Act is hereby amended—

Amendment of section 8 of Act 102 of 1982.

35 (a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Subject to the provisions of subsection (3) no person shall be competent to be elected as a member of a local authority or to be such a member, if—”;

40 (b) by the insertion of the following paragraph after paragraph (b) of subsection (2):

“(bA) he has been convicted of an offence involving dishonesty or corruption;” and

(c) by the substitution for subsection (3) of the following subsection:

45 “(3) A member of a local authority who is incompetent under subsection (2) (bA) or (c) to be elected as a member of a local authority or to be such a member or who has been declared incompetent under section 49 (2) to hold office as a member of a local authority shall for a period of five years after he became incompetent or after such declaration not be competent to be elected or appointed as such a member.”

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Wysiging van
artikel 23 van
Wet 102 van 1982.

7. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (i) van paragraaf (c) van subartikel (1) deur die volgende subparagraaf te vervang:
“(i) behoudens die bepalings van enige ander wet, onroerende goed, of ’n reg ten opsigte van onroerende goed, **[in sy gebied]** verkry;”;
- (b) deur subparagraaf (i) van paragraaf (l) van subartikel (1) deur die volgende subparagraaf te vervang:
“(i) in die geval van ’n **[dorpsbestuur]** dorpsraad, ’n dorpskomitee of ’n plaaslike owerheidskomitee, 10 die aangeleenthede in die Bylae uiteengesit wat die Minister van tyd tot tyd met betrekking tot **[dorpsbestuur]** dorpsrade, dorpskomitees of plaaslike owerheidskomitees in die algemeen of met betrekking tot die betrokke **[dorpsbestuur]** dorpsraad, 15 dorpskomitee of plaaslike owerheidskomitee by kennisgewing in die *Staatskoerant* bepaal; en”;
- (c) deur die volgende paragraaf by subartikel (1) te voeg:
“(q) kan die tariewe vir dienste gelewer met betrekking tot aangeleenthede in die Bylae uiteengesit of vir die voorsiening of gebruik van enige van die fasiliteite in die Bylae bedoel, van tyd tot tyd by verordening bepaal: Met dien verstande dat in ’n geval waar enige verskaffer van dienste aan ’n plaaslike owerheid die tariewe vir dienste deur hom verskaf, 25 van tyd tot tyd verhoog, die plaaslike owerheid by besluit alle of enigeen van die tariewe betaalbaar deur sy verbruikers ten opsigte van die lewering of voorsiening deur hom van dienste wat deur so ’n verhoging geraak word, kan verhoog in die mate 30 wat die plaaslike owerheid afdoende ag om die tarief deur die plaaslike owerheid betaalbaar, te dek vanaf ’n datum waarop die plaaslike owerheid vir daardie verhoogde tarief aanspreeklik is of word: Met dien verstande voorts dat sodanige besluit na 35 ses maande vanaf die datum waarop dit aange- neem is, verval, tensy die verhoging voor die verstryking van bedoelde ses maande by verordening bekend gemaak is;” en
- (d) deur subartikel (2) deur die volgende subartikel te ver- 40 vang:
“(2) Tensy, in die geval van ’n **[dorpsbestuur]** dorpsraad, ’n dorpskomitee of ’n plaaslike owerheidskomitee, ’n kennisgewing in subartikel (1) (l) (i) bedoel, of, in die geval van ’n stadsraad, die Minister by kennisge- 45 wing in die *Staatskoerant* in die algemeen of in ’n bepaalde geval, anders bepaal, gaan die reg, bevoegdheid, werksaamheid, plig of verpligting waarmee die plaaslike **[bestuur]** owerheid ingevolge subartikel (1) (l) bekleed en belas word, ten opsigte van die gebied van 50 daardie plaaslike **[bestuur]** owerheid op die plaaslike **[bestuur]** owerheid oor tot uitsluiting van die ontwikkelingsraad of plaaslike **[bestuursliggaam]** owerheidslig- gaam of enige ander gesag wat ten opsigte van daardie gebied met daardie reg, bevoegdheid, werksaamheid, 55 plig of verpligting onmiddellik voor die publikasie van die kennisgewing kragtens subartikel (1) (l) (i) of die instelling van die plaaslike **[bestuur]** owerheid, na ge- lang van die geval, bekleed en belas was.”.

Wysiging van
artikel 24 van
Wet 102 van 1982,
soos gewysig deur
artikel 69 van
Wet 4 van 1984.

8. Artikel 24 van die Hoofwet word hierby gewysig deur para- 60 graaf (b) van subartikel (2) deur die volgende paragraaf te ver- vang:

- “(b) wat met betrekking tot so ’n aangeleentheid by of krag- tens ’n wet aan ’n ontwikkelingsraad of plaaslike **[be-**

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7. Section 23 of the principal Act is hereby amended—

Amendment of
section 23 of
Act 102 of 1982.

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (1) of the following subparagraph:

“(i) subject to the provisions of any other law, acquire immovable property, or any right in respect of immovable property **[situated in its area]**”;

- (b) by the substitution for subparagraph (i) of paragraph (l) of subsection (1) of the following subparagraph:

“(i) in the case of a **[village] town council, a town committee or a local authority committee, such matters set forth in the Schedule as the Minister may from time to time by notice in the Gazette determine with reference to [village] town councils, town committees or local authority committees generally or with reference to the [village] town council, town committee or local authority committee concerned; and**”;

- (c) by the addition to subsection (1) of the following paragraph:

“(q) may from time to time by by-law determine the tariffs for services rendered with regard to matters set forth in the Schedule or for the supply or use of any of the facilities referred to in the Schedule: Provided that in a case where any supplier of services to any local authority from time to time increases the tariffs to be paid for such services supplied by it, the local authority may by resolution increase all or any of the tariffs payable by its consumers in respect of the supply or provision by it of services which are affected by such increase, to an extent which the local authority deems sufficient to cover the tariffs payable by the local authority from a date on which the local authority is or becomes liable for that increased tariff: Provided further that such resolution shall lapse after six months from the date on which it was passed unless the increase is made known by by-law before the expiry of the said six months;”;

- (d) by the substitution for subsection (2) of the following subsection:

“(2) Unless, in the case of a **[village] town council, a town committee or a local authority committee, a notice referred to in subsection (1) (l) (i) or, in the case of a [town] city council, the Minister by notice in the Gazette, generally or in a particular case, otherwise provides, the right, power, function, duty or obligation with which a local authority is invested and charged in terms of subsection (1) (l) shall in respect of the area of that local authority devolve upon that local authority to the exclusion of the development board or local government body or any other authority which immediately prior to the publication of the notice under subsection (1) (l) (i) or the establishment of the local authority, as the case may be, was invested and charged in respect of that area with that right, power, function, duty or obligation.**”.

8. Section 24 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

Amendment of
section 24 of
Act 102 of 1982,
as amended by
section 69 of
Act 4 of 1984.

- “(b) which, with regard to any such matter, has been or may

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stuursliggaam] owerheidsliggaam verleen of opgedra is of kan word.”.

Wysiging van
artikel 25 van
Wet 102 van 1982.

9. Artikel 25 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) indien die plaaslike **[bestuur]** owerheid ’n **[dorpsbestuur]** dorpsraad, dorpskomitee of plaaslike owerheidskomitee is, voorskrifte bevat betreffende die wyse of voorwaardes waarop of die omstandighede waarin so ’n reg, bevoegdheid, werksaamheid, plig of verpligting deur die **[dorpsbestuur]** dorpsraad, dorpskomitee of plaaslike owerheidskomitee uitgeoefen kan word of verrig of nagekom moet word;”.

Wysiging van
artikel 30 van
Wet 102 van 1982,
soos gewysig deur
artikel 15 van
Wet 102 van 1983.

10. Artikel 30 van die Hoofwet word hierby gewysig—

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

“(1) ’n Plaaslike **[bestuur]** owerheid moet iemand, in die geval van ’n plaaslike **[bestuur]** owerheid wat ’n stadsraad is, as die stadsklerk van daardie stadsraad, of in die geval van ’n plaaslike **[bestuur]** owerheid wat ’n **[dorpsbestuur]** dorpsraad is, as die dorpssekretaris van daardie **[dorpsbestuur]** dorpsraad, of in die geval van ’n plaaslike owerheid wat ’n dorpskomitee of ’n plaaslike owerheidskomitee is, as die sekretaris van daardie dorpskomitee of plaaslike owerheidskomitee, aanstel.”; en

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

“(2) Die stadsklerk van ’n stadsraad is die hoof- uitvoerende beampte van dié stadsraad, **[en]** die dorps- sekretaris van ’n **[dorpsbestuur]** dorpsraad is die hoof- uitvoerende beampte van dié **[dorpsbestuur]** dorps- raad, en die sekretaris van ’n dorpskomitee of ’n plaaslike owerheidskomitee is die hoof- uitvoerende beampte van dié dorpskomitee of plaaslike owerheidskomitee.”.

Wysiging van
artikel 34 van
Wet 102 van 1982.

11. Artikel 34 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (c) van subartikel (1) die volgende paragraaf in te voeg:

“(cA) die ondersoek van enige misdryf of beweerde misdryf daarin;”;

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

“(d) die toepassing van verordeninge deur hom en verordeninge en regulasies deur die Minister kragtens [artikel 27] hierdie Wet gemaak;”; en

(c) deur die volgende subartikels na subartikel (2) in te voeg:

“(2A) By die toepassing van artikel 5 van die Dier- beskermingswet, 1962 (Wet No. 71 van 1962), en arti- kel 14 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), word iemand deur die plaaslike owerheid kragtens subartikel (1) aangestel, binne die regsgebied van daardie plaaslike owerhede geag ’n poli- siebeampte te wees.

(2B) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet kan iemand wat kragtens sub- artikel (1) aangestel is, sy bevoegdhede uitoefen en sy pligte verrig in die regsgebied van ’n ander plaaslike owerheid met die toestemming van die plaaslike ower- heid wat hom aangestel het, die ander plaaslike ower- heid en die Distrikskommandant van Polisie in wie se

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be assigned to any development board or any local government body by or under any law.”.

9. Section 25 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 25 of Act 102 of 1982.

“(a) if such local authority is a **[village] town** council, a town committee or a local authority committee, contain directions with respect to the manner in which, the conditions on which or the circumstances in which any such right, power, function, duty or obligation may be exercised or shall be performed or fulfilled by the **[village] town** council, town committee or local authority committee;”.

10. Section 30 of the principal Act is hereby amended— Amendment of section 30 of Act 102 of 1982, as amended by section 15 of Act 102 of 1983.

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

“(1) A local authority shall appoint a person, in the case of a local authority which is a **[town] city** council, as the town clerk of that **[town] city** council, or in the case of a local authority which is a **[village] town** council, as the **[village] town** secretary of that **[village] town** council, or in the case of a local authority which is a town committee or a local authority committee, as the secretary of that town committee or local authority committee.”; and

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

“(2) The town clerk of a **[town] city** council shall be the chief executive officer of the **[town] city** council, **[and] the [village] town** secretary of a **[village] town** council shall be the chief executive officer of the **[village] town** council, and the secretary of a town committee or a local authority committee shall be the chief executive officer of the town committee or local authority committee.”.

11. Section 34 of the principal Act is hereby amended—

(a) by the insertion after paragraph (c) of subsection (1) of the following paragraph: Amendment of section 34 of Act 102 of 1982.

“(cA) the investigation of any offence or alleged offence therein;”;

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

“(d) the enforcement of by-laws made by it and by-laws and regulations made by the Minister under **[section 27] this Act**;”;

(c) by the insertion after subsection (2) of the following subsection:

“(2A) For the purposes of section 5 of the Animals Protection Act, 1962 (Act No. 71 of 1962), and section 14 of the Mental Health Act, 1973 (Act No. 18 of 1973), any person appointed by the local authority under subsection (1) shall within the area of jurisdiction of that local authority be deemed to be a police officer or police official, as the case may be.

(2B) Notwithstanding anything to the contrary contained in this Act or any other law, any person appointed under subsection (1) may exercise his powers and perform his functions in the area of jurisdiction of any other local authority with the consent of the local authority who appointed him, the other local authority and the District Commandant of Police in whose area the

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gebied die ander plaaslike owerheid geleë is, in welke geval daar geag word dat hy deur daardie ander plaaslike owerheid kragtens subartikel (1) aangestel is.”.

Wysiging van
artikel 41 van
Wet 102 van 1982.

12. Artikel 41 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Binne drie maande na die datum van die vergadering in subartikel (1) (b) bedoel, lewer die plaaslike owerheid op die voorgeskrewe wyse kommentaar op die finansiële state en die verslag in subartikel (1) (b) bedoel en lê die rekenpligtige beamppte sodanige kommentaar onverwyld aan die Direkteur-generaal voor, wat enige verdere stappe wat hy nodig ag, kan doen.”.

Wysiging van
artikel 50 van
Wet 102 van 1982.

13. Artikel 50 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer by geregtelike verrigtinge deur ’n plaaslike **[bestuur]** owerheid ingestel vir die verhaal van ’n bedrag aan hom verskuldig ten opsigte van huur of die verskaffing van huisvesting of ’n **[munisipale]** diens, die vraag ontstaan of iemand met ’n bepaalde naam enige bedrag op ’n bepaalde dag of gedurende ’n bepaalde tydperk aan daardie plaaslike **[bestuur]** owerheid betaal het of nie, word ’n geskrif wat ’n beëdigde verklaring heet te wees van iemand wat in daardie verklaring beweer dat hy ’n werknemer van daardie plaaslike **[bestuur]** owerheid is en dat niemand met daardie naam enige bedrag op daardie dag of gedurende daardie tydperk aan die plaaslike **[bestuur]** owerheid betaal het nie, by blote voorlegging by sodanige verrigtinge deur enigiemand as *prima facie*-bewys aanvaar van die feite daarin vermeld.”.

Vervanging van
artikel 52 van
Wet 102 van 1982.

14. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van Wet 94 van 1970. 52. By die toepassing van die Wet op die Beperking van Regsgedinge (Provinsiale en Plaaslike Besture), 1970 (Wet No. 94 van 1970), word ’n stadsraad, **[of]** ’n **[dorpsbestuur]** dorpsraad, ’n dorpskomitee of ’n plaaslike owerheidskomitee geag ’n plaaslike bestuur te wees soos omskryf in artikel 1 van daardie Wet.”.

Vervanging van
artikel 55 van
Wet 102 van 1982.

15. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegering deur Minister, administrateur en direkteur. 55. (1) Die Minister kan ’n bevoegdheid by of kragtens hierdie Wet aan hom verleen—
(a) aan ’n administrateur deleger; of
(b) behalwe ’n bevoegdheid bedoel in artikel 2, 27, 29 of 56 of wat by kennisgewing in die *Staatskoerant* uitgeoefen moet word, aan ’n beamppte in die Departement deleger.

(2) Die administrateur kan met die goedkeuring van die Minister ’n bevoegdheid, behalwe ’n bevoegdheid bedoel in artikels 2, 27, 29 en 56 of wat by kennisgewing in die *Staatskoerant* uitgeoefen moet word by of ingevolge hierdie Wet aan hom verleen, aan ’n beamppte in die betrokke provinsiale administrasie of ’n beamppte in diens van ’n plaaslike owerheidsliggaam in sy gebied deleger of so ’n beamppte magtig om ’n plig by of ingevolge hierdie Wet aan hom opgedra, te verrig.

(2) (3) Die direkteur kan met die goedkeuring van die Direkteur-generaal ’n bevoegdheid by hierdie Wet of enige ander wet aan hom verleen aan ’n beamppte in die Departement dele-

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other local authority is situated, in which case it shall be deemed that he has been appointed by that other local authority under subsection (1).”

12. Section 41 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 41 of Act 102 of 1982.

“(4) Within three months after the date of the meeting contemplated in subsection (1) (b), the local authority shall, in the prescribed manner, comment on the financial statements and the report referred to in subsection (1) (b), and the accounting officer shall forthwith submit such comments to the Director-General, who may take such further steps as he may deem necessary.”

13. Section 50 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 50 of Act 102 of 1982.

“(1) Whenever in any judicial proceedings instituted by a local authority for the recovery of an amount due to it in respect of rent or the provision of accommodation or any [municipal] service, the question arises whether a person bearing a particular name did or did not on any particular day or during any particular period pay any amount to that local authority, a writing purporting to be an affidavit made by a person who in that affidavit alleges that he is an employee of that local authority and that no person bearing that name paid any amount to the local authority on that day or during that period, shall on its mere production at those proceedings by any person be *prima facie* proof of the facts stated therein.”

14. The following section is hereby substituted for section 52 of the principal Act:

Substitution of section 52 of Act 102 of 1982.

30 “Application of Act 94 of 1970. 52. For the purposes of the Limitation of Legal Proceedings (Provincial and Local Authorities) Act, 1970 (Act No. 94 of 1970), a [town] city council, [or] a [village] town council, a town committee or a local authority committee shall be deemed to be a local authority as defined in section 1 of that Act.”

15. The following section is hereby substituted for section 55 of the principal Act:

Substitution of section 55 of Act 102 of 1982.

40 “Delegation by Minister, administrator and director. 55. (1) The Minister may delegate any power conferred upon him by or under this Act—
(a) to an administrator; or
(b) excluding a power referred to in section 2, 27, 29 or 56 or to be exercised by notice in the *Gazette*, to an officer in the Department.
(2) The administrator may with the approval of the Minister delegate any power conferred upon him by or under this Act, excluding a power referred to in sections 2, 27, 29 and 56 or to be exercised by notice in the *Gazette*, to any officer in the provincial administration in question or any officer in the employment of a local government body in his area or authorize any such officer to perform any duty assigned to him by or under this Act.

55 [(2)] (3) The director may with the approval of the Director-General delegate any power conferred upon him by this Act or any other law to an officer in the Department or authorize any

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geer of so 'n beampte magtig om 'n plig by hierdie Wet of enige ander wet aan hom opgedra, te verrig.

[(3)] (4) Geen delegering van 'n bevoegdheid kragtens subartikel (1), [of] (2) of (3) belet die 5 uitvoering van die betrokke bevoegdheid deur die Minister, die administrateur of die direkteur, na gelang van die geval, self nie.”.

Wysiging van artikel 56 van Wet 102 van 1982, soos gewysig deur artikel 69 van Wet 4 van 1984.

16. Artikel 56 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (e) van subartikel (1) te skrap; 10
(b) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

“(f) die onttrekking deur lede van 'n plaaslike **[bestuur]** owerheid, 'n uitvoerende komitee of 'n spesiale komitee bedoel in artikel 21 [of 'n plaaslike komitee] van deelname aan die verrigtinge van 'n vergadering van die plaaslike **[bestuur]** owerheid, uitvoerende komitee of spesiale komitee [of plaaslike komitee] op grond van 'n persoonlike, geldelike of ander belang by 'n aangeleentheid onder oorweging 20 deur so 'n vergadering;”;

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

“(g) die vereistes waaraan lede van 'n plaaslike **[bestuur]** owerheid of 'n uitvoerende komitee [of 'n 25 plaaslike komitee] moet voldoen om verlof tot afwesigheid van 'n vergadering van die plaaslike **[bestuur]** owerheid of uitvoerende komitee [of plaaslike komitee] te verkry;”.

Invoeging van artikel 56B in Wet 102 van 1982.

17. Die volgende artikel word hierby in die Hoofwet na artikel 30 56A ingevoeg:

“Uitleg van sekere verwysings in ander wette. **56B.** Behalwe vir sover die een of ander wet anders bepaal of uit die samehang daarvan anders blyk, word 'n verwysing in sodanige ander wet na instellings of liggame soos bedoel in artikel 84 (1) (f) van 35 die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), uitgelê as 'n verwysing na ook 'n plaaslike owerheid soos bedoel in hierdie Wet.”.

Vervanging en uitleg van sekere uitdrukkinge.

18. (1) Die Hoofwet word hierby gewysig deur die uitdrukkinge “dorpsbestuur”, “plaaslike bestuur”, “plaaslike bestuursliggaam” en “plaaslike komitee”, en “town council” in die Engelse teks, waar dit ook al voorkom, deur onderskeidelik die uitdrukkinge “dorpsraad”, “plaaslike owerheid”, “plaaslike owerheidsliggaam”, “plaaslike owerheidskomitee” en “city council” te vervang. 40

(2) Vanaf die inwerkingtreding van hierdie Wet word 'n verwysing in 'n regulasie of verordening kragtens die Hoofwet uitgevaardig of in enige stuk na “dorpsbestuur”, “plaaslike bestuur”, “plaaslike bestuursliggaam” en “plaaslike komitee”, en “town council” in die Engelse teks, as onderskeidelik 'n verwysing na “dorpsraad”, “plaaslike owerheid”, “plaaslike owerheidsliggaam”, “plaaslike owerheidskomitee”, “city council” uitgelê. 50

Vervanging van artikel 57 van Wet 102 van 1982.

19. Artikel 57 van die Hoofwet word hierby deur die volgende artikel vervang: 55

“Kort titel en inwerkingtreding. **57.** Hierdie Wet heet die Wet op Swart Plaaslike **[Besture]** Owerhede, 1982, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.”.

Herroeping van item 29 van die Bylae by Wet 102 van 1982.

20. Item 29 van die Bylae by die Hoofwet word hierby herroep. 60

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such officer to perform any duty assigned to him by this Act or any other law.

[(3)] (4) No delegation of a power under subsection (1), **[or] (2) or (3)** shall prevent the exercise of the relevant power by the Minister, the administrator or the director himself, as the case may be."

16. Section 56 of the principal Act is hereby amended—

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

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

"(f) the recusal of members of a local authority, an executive committee or a special committee referred to in section 21 **[or a local committee]** from participation in the proceedings of a meeting of such local authority, executive committee or special committee **[or local committee]** on the ground of personal, pecuniary or other interests in a matter under consideration by such a meeting;"

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

"(g) the requirements with which members of a local authority or an executive committee **[or a local committee]** shall comply to obtain leave of absence from a meeting of such a local authority or executive committee **[or local committee]**;"

Amendment of section 56 of Act 102 of 1982, as amended by section 69 of Act 4 of 1984.

17. The following section is hereby inserted in the principal Act after section 56A:

56B. Save as is otherwise provided in any law or where the context thereof otherwise indicates any reference in such other law to institutions or bodies referred to in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), shall be construed as a reference also to a local authority referred to in this Act."

Insertion of section 56B in Act 102 of 1982.

18. (1) The principal Act is hereby amended by the substitution for the expressions "local committee", "town council" and "village council", and "plaaslike bestuur" and "plaaslike bestuursliggaam" in the Afrikaans text, wherever they occur, of the words "local authority committee", "city council", "town council", "plaaslike owerheid" and "plaaslike owerheidsliggaam", respectively.

Substitution and interpretation of certain expressions.

(2) From the commencement of this Act any reference in any regulation or by-law made under the principal Act or in any document to "local committee", "town council", "village council", and "plaaslike bestuur" and "plaaslike bestuursliggaam" in the Afrikaans text, shall be construed as a reference to "local authority committee", "city council", "town council", "plaaslike owerheid" and "plaaslike owerheidsliggaam", respectively.

19. The following section is hereby substituted for section 57 in the Afrikaans text of the principal Act:

Substitution of section 57 of Act 102 of 1982.

57. Hierdie Wet heet die Wet op Swart Plaaslike **[Besture]** Owerhede, 1982, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal."

20. Item 29 of the Schedule to the principal Act is hereby repealed.

Repeal of item 29 of the Schedule to Act 102 of 1982.

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WYSIGINGSWET OP SWART PLAASLIKE OWERHEDE, 1986

Vervanging van
die lang
titel van
Wet 102 van 1982.

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

“WET

Om voorsiening te maak vir die instelling van plaaslike **[komitees]** owerheidskomitees **[dorpsbesture]** dorpsrade, **[en]** 5
stadsrade en dorpskomitees vir Swart persone in sekere gebiede; vir die aanstelling van 'n direkteur van Plaaslike Bestuur; en vir aangeleenthede wat daarmee in verband staan.”.

Kort titel.

22. Hierdie Wet heet die Wysigingswet op Swart Plaaslike 10 Owerhede, 1986.

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

Substitution of
long title of
Act 102 of 1982.

"ACT

5 To provide for the establishment of local authority committees, **[village]** town councils, **[and town]** city councils and town committees for Black persons in certain areas; for the appointment of a Director of Local Government; and for incidental matters."

22. This Act shall be called the Black Local Authorities Short title.
10 Amendment Act, 1986.

