



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1407.

1 Julie 1986

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

No. 75 van 1986: Wet op die Afskaffing van Ontwikkelingsliggame, 1986.

No. 1407.

1 July 1986

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

No. 75 of 1986: Abolition of Development Bodies Act, 1986.

Wet No. 75, 1986

WET OP DIE AFSKAFFING VAN ONTWIKKELINGSLIGGAME, 1986

**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 afskaffing van sekere liggame; vir die oordrag van die bevoegdhede, bates, laste, regte, pligte, verpligtinge en personeel van so 'n liggaam aan 'n owerheids-gesag; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 27 Junie 1986.)*

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

Woordomskrywing.

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

“Minister” die Minister van Staatkundige Ontwikkeling en Beplanning;

“ontwikkelingsliggaam”—

- (a) 'n ontwikkelingsraad, soos bedoel in artikel 3 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984); 10
- (b) die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede ingestel by artikel 2 van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal; 15
- (c) 'n afdelingsraad ingestel kragtens artikel 8 van die Ordonnansie op Afdelingsrade, 1976 (Ordonnansie No. 18 van 1976), van die Kaap die Goeie Hoop;
- (d) die Raad op Ontwikkeling en Dienste vermeld in artikel 1 van die Ordonnansie op die Raad op Ontwikkeling en Dienste, 1941 (Ordonnansie No. 20 van 1941), van Natal; of
- (e) 'n streekwaterdienskorporasie ingestel kragtens artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal; 25

“owerheids-gesag”—

- (a) 'n Minister van die Republiek aangestel kragtens die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), wat 'n Staatsdepartement administreer; 30
- (b) 'n Administrateur aangestel ingevolge artikel 7 van die Wet op Provinsiale Regering, 1986;
- (c) 'n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985); 35
- (d) 'n plaaslike owerheid bedoel in artikel 1 van die Wet op Streeksdiensterade, 1985; of
- (e) enige ander liggaam by of kragtens wet ingestel en deur die Minister goedgekeur. 40

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

## 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 provide for the abolition of certain bodies; for the transfer of the powers, assets, liabilities, rights, duties, obligations and staff of such a body to a public authority; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)*  
*(Assented to 27 June 1986.)*

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

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

Definitions.

“development body” means—

- 5 (a) a development board referred to in section 3 of the Black Communities Development Act, 1984 (Act No. 4 of 1984);
- 10 (b) the Transvaal Board for the Development of Peri-Urban Areas established by section 2 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal;
- 15 (c) a divisional council established under section 8 of the Divisional Councils Ordinance, 1976 (Ordinance No. 18 of 1976), of the Cape of Good Hope;
- (d) the Development and Services Board mentioned in section 1 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), of Natal; or
- 20 (e) a regional water services corporation established under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal;

“Minister” means the Minister of Constitutional Development and Planning;

25 “public authority” means—

- (a) a Minister of the Republic appointed under the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), administering a department of State;
- 30 (b) an Administrator appointed in terms of section 7 of the Provincial Government Act, 1986;
- (c) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- 35 (d) a local authority referred to in section 1 of the Regional Services Councils Act, 1985; or
- (e) any other body established by or under any law and approved by the Minister.

## Wet No. 75, 1986

## WET OP DIE AFSKAFFING VAN ONTWIKKELINGSLIGGAME, 1986

Afskaffing van  
ontwikkelings-  
liggame.

2. (1) Die ontwikkelingsliggame bedoel in paragrawe (a) en (b) van die omskrywing van "ontwikkelingsliggaam" word hierby met ingang 1 Julie 1986 afgeskaf.

(2) Ondanks die bepalings van enige ander wet kan die Minister by kennisgewing in die *Staatskoerant* vanaf 'n datum in die kennisgewing genoem, welke datum nie later sal wees as 30 Junie 1987 nie, 'n ontwikkelingsliggaam bedoel in paragraaf (c), (d) of (e) van die omskrywing van "ontwikkelingsliggaam" afskaf.

(3) Die Minister oefen die bevoegdhede by subartikel (2) aan hom verleen, uit na oorleg met—

(a) die Administrateur van die provinsie waarin die betrokke ontwikkelingsliggaam geleë is;

(b) die betrokke ontwikkelingsliggaam; en

(c) enige ander liggaam of persoon wat hy goedgevind.

(4) 'n Lid of plaasvervangende lid van 'n ontwikkelingsliggaam wat ingevolge die bepalings van subartikel (1) of (2) afgeskaf word, ontruim sy amp met ingang van die datum van sodanige afskaffing.

Oordrag van bates,  
laste, regte, pligte en  
verpligtinge.

3. (1) (a) Ondanks andersluidende bepalings van die een of ander wet vestig alle bates, laste, regte, pligte en verpligtinge van die ontwikkelingsliggame bedoel in kolom 1 van Bylae 1 op 1 Julie 1986 in die Administrateurs van die onderskeie provinsiale administrasies genoem in kolom 2 van daardie Bylae, wat die bates, laste, regte, pligte en verpligtinge van elke ontwikkelingsliggaam wat aldus in hulle vestig as 'n afsonderlike eenheid moet administreer totdat daarmee ingevolge die bepalings van subartikel (2) gehandel word.

(b) Ondanks die bepalings van artikel 20 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), en artikel 33 van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943, van Transvaal, is die betrokke provinsiale sekretaris die rekenpligtige beampte ten opsigte van geld en goed wat ingevolge paragraaf (a) in die Administrateur vestig.

(2) (a) Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, by kennisgewing in die *Staatskoerant* die bates, laste, regte, pligte en verpligtinge in subartikel (1) (a) bedoel van die Administrateur in wie dit aldus vestig, oordra aan die owerheidsgesag wat hy goedgevind, met ingang van 'n datum in die kennisgewing vermeld.

(b) Die bates, laste, regte, pligte en verpligtinge van 'n ontwikkelingsliggaam wat ingevolge artikel 2 (2) afgeskaf word, gaan vanaf die datum van sodanige afskaffing, oor op dié owerheidsgesag en onderworpe aan dié voorwaardes wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

(3) Die Minister oefen die bevoegdhede wat by subartikel (2) aan hom verleen word, uit met die instemming van die Minister van Finansies.

(4) (a) Onroerende eiendom wat deel uitmaak van die bates in subartikel (1) (a) bedoel, word nie terwyl dit in 'n Administrateur vestig op sy naam geregistreer nie.

(b) Onroerende eiendom wat in die naam van 'n ontwikkelingsliggaam geregistreer sou word as dit nie vir die aanname van hierdie Wet was nie, word, ondanks die bepalings van hierdie Wet, in die naam van die betrokke ontwikkelingsliggaam geregistreer.

(c) Ondanks die bepalings van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), word onroerende eiendom wat deel uitmaak van die bates in subartikel (2) (a) bedoel, op die naam van bedoelde owerheidsgesag geregistreer asof dit vanaf die betrokke ontwikkelingsliggaam bedoel in subartikel (1) (a) aan hom oorgedra word.

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

2. (1) The development bodies referred to in paragraphs (a) and (b) of the definition of "development body" are hereby abolished with effect from 1 July 1986.

Abolition of development bodies.

(2) Notwithstanding the provisions of any other law, the Minister may by notice in the *Gazette* abolish any development body referred to in paragraph (c), (d) or (e) of the definition of "development body" with effect from a date mentioned in such notice, which date shall not be later than 30 June 1987.

(3) The Minister shall exercise the powers conferred upon him by subsection (2) after consultation with—

- (a) the Administrator of the province in which the development body concerned is situated;
- (b) the development body concerned; and
- (c) any other body or person that he deems necessary.

(4) A member or alternate member of any development body abolished in terms of the provisions of subsection (1) or (2) shall vacate his office with effect from the date of such abolition.

3. (1) (a) Notwithstanding anything to the contrary in any law contained, all the assets, liabilities, rights, duties and obligations of the development bodies referred to in column 1 of Schedule 1 shall, with effect from 1 July 1986, vest in the Administrators of the various provincial administrations mentioned in column 2 of that Schedule, who shall administer the assets, liabilities, rights, duties and obligations of each of the development bodies so vesting in them as a separate entity until they are dealt with in terms of the provisions of subsection (2).

Transfer of assets, liabilities, rights, duties and obligations.

(b) Notwithstanding the provisions of section 20 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), and section 33 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, of Transvaal, the provincial secretary concerned shall be the accounting officer in respect of money and property vesting in the Administrator in terms of paragraph (a).

(2) (a) The Minister may, subject to such conditions as he may determine, by notice in the *Gazette* transfer the assets, liabilities, rights, duties and obligations referred to in subsection (1) (a) from the Administrator in which they so vest to such public authority as he may deem fit, with effect from a date mentioned in the notice.

(b) The assets, liabilities, rights, duties and obligations of any development body abolished in terms of section 2 (2) shall as from the date of such abolition, pass to such public authority and subject to such conditions as the Minister may determine by notice in the *Gazette*.

(3) The Minister shall exercise the powers conferred upon him by subsection (2) with the concurrence of the Minister of Finance.

(4) (a) Immovable property forming part of the assets referred to in subsection (1) (a) shall not, while it so vests in the Administrator, be registered in his name.

(b) Immovable property which would have been registered in the name of a development body but for the adoption of this Act, shall, notwithstanding the provisions of this Act, be registered in the name of the development body concerned.

(c) Notwithstanding the provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), any immovable property forming part of the assets referred to in subsection (2) (a) shall be registered in the name of the public authority in question as if it was transferred to it from the relevant development body referred to in subsection (1) (a).

Wet No. 75, 1986

## WET OP DIE AFSCAFFING VAN ONTWIKKELINGSLIGGAME, 1986

- (d) 'n Registrateur soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937, moet by voorlegging aan hom van 'n sertifikaat deur die Minister dat onroerende goed in sodanige sertifikaat beskryf uit hoofde van subartikel (2) op 'n owerheidsgesag oorgedra is, die inskrywings c<sup>o</sup> aantekeninge wat hy nodig ag in of op enige tersaaklike titelakte, register, sertifikaat of ander stuk in sy kantoor of aan hom voorgelê, maak ten einde daardie eiendom op naam van daardie owerheidsgesag te registreer. 5 10
- (e) Geen seëlreg, kantoorgelde of ander gelde is ten opsigte van 'n registrasie in paragraaf (d) bedoel, betaalbaar nie.

Oorplasing van personeel.

4. (1) Elke persoon wat op 30 Junie 1986 in diens is van 'n ontwikkelingsliggaam in kolom 1 van Bylae 1 vermeld en wat op 1 Julie 1986 by daardie ontwikkelingsliggaam in diens sou gewees het indien dit nie vir die aanname van hierdie Wet was nie, word met ingang van laasgenoemde datum in die diens geplaas van die Administrateur in beheer van die betrokke provinsiale administrasie wat in kolom 2 van Bylae 1 teenoor die naam van daardie ontwikkelingsraad vermeld word, totdat so 'n persoon ingevolge subartikel (5) na 'n owerheidsgesag oorgeplaas en deur daardie owerheidsgesag in diens geneem word.

(2) Voor of na 1 Julie 1986 word niemand in subartikel (1) bedoel se dienste met of sonder pensioen beëindig of sy pos oortolig verklaar nie, en verkry niemand enige reg tot uitdienstreding met die oog op of as gevolg van die afskaffing van die ontwikkelingsliggaam in wie se diens hy onmiddellik voor die betrokke datum was nie.

(3) (a) Ondanks die bepalings van enige ander wet, maar behoudens die bepalings van hierdie Wet, bly die bepalings van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), behalwe vir sover dit die bedinging en vasstelling van sy beloning ten opsigte van sy diens betref, van toepassing op 'n persoon in subartikel (1) bedoel: Met dien verstande dat in die geval van 'n persoon wat ingevolge subartikel (5) deur 'n owerheidsgesag bedoel in paragraaf (a) of (b) van die omskrywing van "owerheidsgesag" in diens geneem word, gemelde Wet vanaf die datum van bedoelde oorplasing en indiensneming slegs van toepassing is in die mate waarin dit op persone in diens van die Staat ten opsigte van hulle diens as sodanig, van toepassing is. 35 40

(b) Ondanks die bepalings van subartikel (5) kan 'n Administrateur enige persoon in subartikel (1) bedoel ingevolge die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), vir diens oorplaas na of afstaan aan of sy dienste tot die beskikking stel van 'n owerheidsgesag bedoel in paragraaf (c) van die omskrywing van "owerheidsgesag", asof hierdie Wet nie aangeneem is nie. 45 50

(4) (a) Die bepalings van enige dienskontrak asook alle diensvoorwaardes wat op 30 Junie 1986 op 'n persoon in subartikel (1) bedoel van toepassing was en op 1 Julie 1986 op hom van toepassing sou gewees het indien dit nie vir die aanname van hierdie Wet was nie, bly behoudens die bepalings van paragraaf (b), en van subartikel (3) (a), onveranderd op hom van toepassing totdat hy ingevolge subartikel (5) na 'n owerheidsgesag oorgeplaas en deur daardie owerheidsgesag in diens geneem word. 55 60

(b) Die diensvoorwaardes in paragraaf (a) bedoel, kan gedurende die tydperk in subartikel (1) bedoel slegs op aanbeveling van die Kommissie vir Administrasie (hieronder die "Kommissie" genoem) gewysig word, mits sodanige wysiging gunstiger diensvoorwaardes vir die betrokke persoon tot gevolg het as dié wat op 30 Junie 1986 op hom van toepassing was. 65

(5) (a) Met ingang van 'n datum wat die Minister bepaal,

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

- (d) A registrar defined in section 102 of the Deeds Registries Act, 1937, shall, on submission to him of a certificate by the Minister that immovable property described in such certificate has been transferred to a public authority in terms of subsection (2), make such entries or endorsements as he may deem necessary in or on any relevant title deed, register, certificate or other document in his office or laid before him, in order to register such property in the name of that public authority.
- (e) No stamp duty or office or other fees shall be payable in respect of a registration contemplated in paragraph (d).

4. (1) Every person in the service of a development body referred to in column 1 of Schedule 1 on 30 June 1986 and who on 1 July 1986 would have been in the service of that development body but for the adoption of this Act, shall with effect from the latter date be placed in the service of the Administrator in control of the relevant provincial administration mentioned in column 2 of Schedule 1 opposite the name of that development board until such person is transferred to a public authority in terms of subsection (5) and is employed by that public authority.

(2) Before or after 1 July 1986 the services of any person referred to in subsection (1) shall not be terminated with or without a pension nor shall his post be declared to be redundant nor shall he obtain any right to retire with a view to or as a result of the abolition of the development body by which he was employed immediately prior to the date in question.

(3) (a) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of this Act, the provisions of the Labour Relations Act, 1956 (Act No. 28 of 1956), shall continue to apply to a person referred to in subsection (1) save in so far as the negotiation and determination of his remuneration in respect of his employment are concerned: Provided that in the case of any person who, in terms of subsection (5), is employed by a public authority referred to in paragraph (a) or (b) of the definition of "public authority", the said Act shall, as from the date of such transfer and taking into employment, only apply to the extent to which it applies to persons in the service of the State in respect of their services as such.

(b) Notwithstanding the provisions of subsection (5), the Administrator may in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), transfer or second any person referred to in subsection (1) or make the services of such person available to a public authority referred to in paragraph (c) of the definition of "public authority" as if this Act had not been adopted.

(4) (a) The provisions of any contract of service and the conditions of service applying to any person referred to in subsection (1) on 30 June 1986 and which would have applied to him on 1 July 1986 but for the adoption of this Act, shall without change, subject to the provisions of paragraph (b) and of subsection (3) (a), continue to apply to him until he is transferred to a public authority in terms of subsection (5) and is employed by that authority.

(b) The conditions of service referred to in paragraph (a) may, during the period referred to in subsection (1), be amended only on the recommendation of the Commission for Administration (hereinafter referred to as the "Commission"), provided that any such amendment shall result in more favourable conditions of service to the person concerned than those applying to him on 30 June 1986.

(5) (a) A person referred to in subsection (1) shall, subject to

Transfer of  
staff.

word 'n persoon in subartikel (1) bedoel behoudens die bepalings van paragraaf (b) oorgeplaas na en in diens geneem deur dié owerheidsgesag wat die Minister op aanbeveling van die Kommissie bepaal ingevolge die wette wat die indienshouding van personeel deur daardie owerheidsgesag reël. 5

- (b) 'n Persoon in subartikel (a) bedoel, kan slegs met sy instemming na 'n owerheidsgesag bedoel in paragraaf (d) van die omskrywing van "owerheidsgesag" oorgeplaas en deur daardie owerheidsgesag in diens geneem word. 10

(6) Indien 'n persoon ingevolge subartikel (5) oorgeplaas word na en aangestel word in die diens van 'n owerheidsgesag bedoel in paragraaf (a) of (b) van die omskrywing van "owerheidsgesag", word hy aangestel en in diens gehou op die voorwaardes wat vir die aanstelling en indienshouding van beamptes en werknemers in die Staatsdiens geld, tensy die Kommissie, met die instemming van die Minister van Finansies, ander voorwaardes aanbeveel: Met dien verstande dat— 15

- (a) geen persoon se salaris of salarisskaal by sy oorplasing en aanstelling verlaag word nie;
- (b) vakansieverlof wat tot 'n persoon se krediet by die betrokke ontwikkelingsliggaam staan, tot sy krediet in die Staatsdiens staan;
- (c) pensioengewende diens deur 'n persoon verrig by 'n ontwikkelingsliggaam geag word pensioengewende diens te wees wat deur hom in die Staatsdiens verrig is;
- (d) aan 'n persoon nie as gevolg van sodanige oorplasing en aanstelling 'n minder gunstige aftree-ouderdom toegeken word nie as dié wat hy in die diens van die ontwikkelingsliggaam gehad het; 30
- (e) aan 'n persoon binne ses maande, of die langer tydperk wat die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling dienstig ag, na sy oorplasing na en aanstelling by die betrokke owerheidsgesag, 'n eenmalige keuse verleen word om lid te bly van die pensioenfonds waarvan hy lid was terwyl hy in diens van die ontwikkelingsliggaam was, of om, onderworpe aan die voorwaardes bepaal deur die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling, lid te word van die pensioenfonds van toepassing op beamptes of werknemers in die Staatsdiens; 40
- (f) enige tugstappe ingestel of beoog teen sodanige persoon ingevolge die bepalings van 'n wet ten opsigte van beweerde wangedrag gepleeg voor die datum van sy oorplasing en aanstelling, ingevolge die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), afgehandel word asof die betrokke persoon ten tyde van die pleging van die wangedrag 'n beampte of werknemer in die Staatsdiens was. 50

(7) Indien 'n persoon ingevolge subartikel (5) oorgeplaas word na en aangestel word in die diens van 'n owerheidsgesag bedoel in paragraaf (c) of (d) van die omskrywing van "owerheidsgesag", word hy aangestel en in diens gehou op dié voorwaardes en geniet hy dié regte en voorregte wat nie minder gunstig is nie as dié wat op hom van toepassing was ten tyde van sodanige oorplasing: Met dien verstande dat die bepalings van paragraaf (f) van subartikel (8) *mutatis mutandis* op sodanige persoon van toepassing is. 55

(8) Indien 'n persoon ingevolge subartikel (5) oorgeplaas word na en aangestel word in die diens van 'n owerheidsgesag bedoel in paragraaf (e) van die omskrywing van "owerheidsgesag", word hy aangestel en in diens gehou op die voorwaardes wat vir die aanstelling en indienshouding van werknemers by sodanige owerheidsgesag geld: Met dien verstande dat— 60

- (a) geen persoon se salaris of salarisskaal by sy oorplasing en aanstelling verlaag word nie;
- (b) vakansieverlof wat tot 'n persoon se krediet by die be- 65

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

the provisions of paragraph (b), with effect from a date determined by the Minister, be transferred to and employed by such public authority as the Minister may, on the recommendation of the Commission, determine in terms of the laws governing the employment of staff by that public authority.

(b) A person referred to in paragraph (a) may be transferred to and employed by a public authority referred to in paragraph (d) of the definition of "public authority" only with his consent.

(6) If any person is in terms of subsection (5) transferred to and appointed in the service of a public authority referred to in paragraph (a) or (b) of the definition of "public authority", he shall be appointed and employed on the conditions applying to the appointment and service of officers and employees in the Public Service, unless the Commission, with the concurrence of the Minister of Finance, recommends other conditions: Provided that—

(a) the salary or salary scale of any person shall not be reduced on his transfer and appointment;

(b) vacation leave standing to the credit of any person with the development body concerned shall stand to his credit in the Public Service;

(c) pensionable service performed by any person in the service of any development body shall be deemed to be pensionable service performed by him in the service of the State;

(d) a person shall not as a consequence of such transfer and appointment acquire a retirement age which is less favourable than that which applied to him in the service of the development body;

(e) any person shall, within six months, or such longer period as the Minister of National Health and Population Development may determine, after his transfer to and appointment by the public authority concerned, be given a non-recurrent choice either to remain a member of the pension fund of which he was a member while in the service of the development body concerned or, subject to the conditions determined by the Minister of National Health and Population Development, to become a member of the pension fund applicable to officers or employees in the Public Service;

(f) any disciplinary steps instituted or being considered against such person in terms of the provisions of any law in respect of alleged misconduct committed before the date of his transfer and appointment shall be dealt with in terms of the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), as if the person concerned was an officer or employee in the Public Service at the time when the misconduct was committed.

(7) If any person is in terms of subsection (5) transferred to and appointed in the service of a public authority referred to in paragraph (c) or (d) of the definition of "public authority", he shall be appointed and employed on such terms and enjoy such rights and privileges as are not less favourable than those applicable to him at the time of such transfer: Provided that the provisions of paragraph (f) of subsection (8) shall *mutatis mutandis* apply to such person.

(8) If any person is in terms of subsection (5) transferred to and appointed in the service of a public authority referred to in paragraph (e) of the definition of "public authority", he shall be appointed and employed on the conditions applying to the appointment and service of employees by such authority: Provided that—

(a) the salary or salary scale of any person shall not be reduced on his transfer and appointment;

(b) vacation leave standing to the credit of any person with

trokke ontwikkelingsliggaam staan tot sy krediet by sodanige owerheidsgesag staan;

- (c) pensioengewende diens deur 'n persoon verrig by 'n ontwikkelingsliggaam geag word pensioengewende diens te wees wat deur hom verrig is in diens van die betrokke owerheidsgesag; 5
- (d) aan 'n persoon nie as gevolg van sodanige oorplasing en aanstelling 'n minder gunstige aftree-ouderdom toegeken word nie as dié wat hy in die diens van die ontwikkelingsliggaam gehad het; 10
- (e) aan 'n persoon 'n eenmalige keuse verleen word om binne ses maande na sy oorplasing na en aanstelling by die betrokke owerheidsgesag lid te bly van die pensioenfonds waarvan hy lid was terwyl hy in diens van die ontwikkelingsliggaam was, of om, lid te word van die pensioenfonds van toepassing op werknemers van die betrokke owerheidsgesag, onderworpe aan die wette en reëls van toepassing op daardie pensioenfonds; 15
- (f) enige tugstappe ingestel of beoog teen sodanige persoon ingevolge die bepalings van 'n wet ten opsigte van beweerde wangedrag of onbehoorlike gedrag gepleeg voor die datum van sy oorplasing en aanstelling, afgehandel word ingevolge die bepalings van die wette wat van toepassing is op werknemers van die betrokke owerheidsgesag asof sodanige persoon ten tyde van die beweerde wangedrag of onbehoorlike gedrag 'n werknemer van daardie owerheidsgesag was. 20 25

(9) Indien die Administrateur 'n persoon aanstel kragtens die bevoegdhede wat by hierdie Wet aan hom verleen word, is die bepalings van subartikels (1), (3), (4), (5) en (6) of (7) of (8) *mutatis mutandis* op sodanige persoon van toepassing. 30

(10) Die Minister kan, met ingang van 'n datum wat hy bepaal, 'n persoon in diens van 'n ontwikkelingsliggaam bedoel in paragraaf (c), (d) of (e) van die omskrywing van "ontwikkelingsliggaam"— 35

- (a) in diens plaas van die Administrateur van die provinsie waarbinne sodanige ontwikkelingsliggaam geleë is, en daarna—
  - (i) is die bepalings van subartikels (2), (3), (4), (5) en (6) of (7) of (8) *mutatis mutandis* op sodanige persoon van toepassing; en 40
  - (ii) kan so 'n persoon te eniger tyd afgestaan word aan of sy dienste tot die beskikking gestel word van die ontwikkelingsliggaam by wie hy voor bedoelde oorplasing in diens was; of 45
- (b) na oorleg met 'n owerheidsgesag, in diens van daardie owerheidsgesag plaas, en daarna is sodanige persoon onderworpe aan die wette wat van toepassing is op 'n werknemer van daardie owerheidsgesag: Met dien verstande dat die bepalings van subartikel (6), (7) of (8), na gelang van die geval, *mutatis mutandis* op hom van toepassing is. 50

(11) Geen persoon kan hom as gevolg van enige aanbeveling gedoen, besluit geneem of handeling verrig kragtens die bepalings van subartikel (5), (6), (8) of (10) op enige bepaling van die Wet op Arbeidsverhoudinge, 1956, beroep nie. 55

Uitvoering van wette.

5. (1) Die uitvoering van enige wet of 'n bepaling daarvan wat aan 'n ontwikkelingsliggaam 'n bevoegdheid of reg verleen of 'n plig opleë, gaan— 60

- (a) ten opsigte van die ontwikkelingsliggame bedoel in artikel 3 (1) (a), behoudens die bepalings van artikel 3 (1) (b), op die genoemde datum oor op die betrokke Administrateur en daarna op die owerheidsgesag bedoel in artikel 3 (2) (a) op die datum in bedoelde kennisgewing gemeld; 65
- (b) ten opsigte van 'n ontwikkelingsliggaam bedoel in artikel 3 (2) (b), op die betrokke datum oor op die owerheidsgesag aan wie bedoelde oordrag geskied: 65

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

- the development body concerned shall stand to his credit with such authority;
- (c) pensionable service performed by any person in the service of any development body shall be deemed to be pensionable service performed by him in the service of the public authority concerned;
- (d) a person shall not as a consequence of such transfer and appointment acquire a retirement age which is less favourable than that which applied to him in the service of the development body;
- (e) any person shall, within six months after his transfer to and appointment by the public authority concerned, be given a non-recurrent choice either to remain a member of the pension fund of which he was a member while in the service of the development body concerned or to become a member of the pension fund applicable to employees of the public authority concerned, subject to the laws and rules applicable to that pension fund;
- (f) any disciplinary steps instituted or being considered against such person in terms of the provisions of any law in respect of alleged misconduct or improper conduct committed before the date of his transfer and appointment shall be dealt with in terms of the provisions of the laws that apply to employees of the public authority concerned as if such person was an employee of that public authority at the time when the misconduct or improper conduct was committed.
- (9) If the Administrator appoints a person under the powers conferred upon him by this Act, the provisions of subsections (1), (3), (4), (5) and (6) or (7) or (8) shall *mutatis mutandis* apply to such person.
- (10) The Minister may, with effect from a date determined by him, place any person who is in the service of any development body referred to in paragraph (c), (d) or (e) of the definition of "development body"—
- (a) in the service of the Administrator of the province in which such development body is situated, and thereafter—
- (i) the provisions of subsections (2), (3), (4), (5) and (6) or (7) or (8) shall *mutatis mutandis* apply to such person; and
- (ii) any such person may at any time be seconded to, or his services may be placed at the disposal of, the development body by which he was employed prior to such transfer; or
- (b) after consultation with any public authority, in the service of that public authority, and thereafter such person shall be subject to the laws applying to an employee of that public authority: Provided that the provisions of subsection (6), (7) or (8), as the case may be, shall *mutatis mutandis* apply to him.
- (11) No person shall, in consequence of any recommendation or decision made or action taken in terms of subsection (5), (6), (8) or (10), be entitled to rely on any provision of the Labour Relations Act, 1956.

5. (1) The administration of any law or any provision thereof conferring a power or right or imposing a duty on a development body, shall— Administration of laws.

- (a) in respect of a development body referred to in section 3 (1) (a), subject to the provisions of section 3 (1) (b), pass to the Administrator on the said date and thereafter to the public authority referred to in section 3 (2) (a) on the date mentioned in the notice in question;
- (b) in respect of a development body referred to in section 3 (2) (b), on the date in question pass to the public authority to which such transfer is made:

Wet No. 75, 1986

## WET OP DIE AFSKAFFING VAN ONTWIKKELINGSLIGGAME, 1986

Met dien verstande dat 'n streeksdiensteraad nie uit hoofde van sodanige oordrag enige bevoegdheid verkry om belasting op onroerende eiendom te hef nie.

(2) Ondanks die bepalings van die Wet op Provinsiale Regering, 1986, is die Administrateur van die Oranje-Vrystaat bevoeg en verplig om die bevoegdhede, regte, pligte en verpligtinge ingevolge hierdie Wet aan hom verleen, opgedra of opgelê ten opsigte van die gebied bedoel in item 11 van kolom 1 van Bylae 1, uit te oefen, te verrig en na te kom.

(3) 'n Persoon, behalwe iemand in artikel 2 (4) bedoel, wat onmiddellik voor die afskaffing van 'n ontwikkelingsliggaam in 'n pos of amp 'n bevoegdheid uitgeoefen het, hou aan, tensy klaarblyklik onvanpas, om die werksaamhede verbonde aan daardie pos of amp uit te oefen asof hierdie Wet nie aangeneem is nie, behalwe as die Administrateur in wie se diens hy geplaas is of die owerheidsgesag na wie se diens by oorgeplaas is anders bepaal.

(4) Indien by die toepassing van hierdie Wet of enige wet waarvan die uitvoering kragtens subartikel (1) aan 'n owerheidsgesag opgedra word, blyk dat 'n bepaling daarvan in stryd met 'n ander wet is, of dat administratiewe probleme ondervind word, kan die Staatspresident by proklamasie in die *Staatskoerant* regulasies maak ten einde die strydigheid of administratiewe probleme uit die weg te ruim.

(5) 'n Afskrif van 'n proklamasie ingevolge subartikel (4) 25 moet in die Parlement ter Tafel gelê word binne 14 dae na die uitvaardiging daarvan indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy volgende gewone sessie.

Uitleg  
van sekere  
uitdrukkings.

6. Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word met ingang van 1 Julie 1986 'n verwysing in enige wet of stuk na—

- (a) 'n ontwikkelingsraad uitgelê as 'n verwysing na die betrokke Administrateur van die provinsie bedoel in kolom 2 van Bylae 1;
- (b) die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede ingestel by artikel 2 van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal, uitgelê as 'n verwysing na die Administrateur van die provinsie Transvaal;
- (c) 'n persoon in die diens van sodanige raad uitgelê as 'n verwysing na 'n persoon in die diens van die Administrateur in artikel 4 (1) bedoel.

Advies oor  
werksaamhede.

7. (1) 'n Administrateur kan op die voorwaardes wat hy bepaal, persone aanstel om hom van advies te dien oor die uitvoering van die werksaamhede wat aan hom opgedra word ingevolge die bepalings van hierdie Wet.

(2) Die vergoeding en toelaes van sodanige persone word deur die Administrateur met die instemming van die Minister van Finansies bepaal.

Herroeping en  
wysiging van  
wette.

8. (1) Behoudens die bepalings van subartikel (2) word die wette in Bylae 2 genoem hierby herroep of gewysig in die mate uiteengesit in die derde kolom van daardie Bylae.

(2) Enigiets wat gedoen is kragtens 'n wet by subartikel (1) herroep, of enige handeling wat deur 'n ontwikkelingsliggaam verrig is voor die herroeping van daardie wet of die afskaffing van die ontwikkelingsliggaam by of kragtens artikel 2, bly van krag asof die wet nie herroep of die ontwikkelingsliggaam nie afgeskaf is nie, en enige verwysing in sodanige wet na 'n ontwikkelingsliggaam of die een of ander funksionaris of 'n handeling van 'n funksionaris word, behoudens artikel 6, geag 'n verwysing te wees na die betrokke owerheidsgesag aan wie die bevoegdhede, bates, laste, regte, pligte en verpligtinge van die ontwikkelingsliggaam oorgedra is of na 'n funksionaris deur die betrokke owerheidsgesag aangewys.

Kort titel en  
inwerkingtreding.

9. Hierdie Wet heet die Wet op die Afskaffing van Ontwikkelingsliggame, 1986, en tree in werking op 1 Julie 1986.

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

Provided that a regional services council shall not in consequence of such transfer acquire any power to levy any tax on immovable property.

(2) Notwithstanding the provisions of the Provincial Government Act, 1986, the Administrator of the Orange Free State shall be competent and obliged to exercise, perform or fulfil the powers, rights, duties and obligations granted or assigned to or imposed upon him in terms of this Act in respect of the area contemplated in item 11 of column 1 of Schedule 1.

(3) Any person, except a person contemplated in section 2 (4), who, immediately prior to the abolition of a development body, exercised a power in any post or office, shall continue, unless clearly inappropriate, to perform the functions attached to that post or office as if this Act had not been adopted, unless the Administrator in whose service he has been placed or the public authority to the service of which he has been transferred, determines otherwise.

(4) If in the application of this Act or any law the administration of which has been transferred to a public authority under subsection (1), it appears that any provision thereof is in conflict with any other law or that administrative problems are being experienced, the State President may by proclamation in the *Gazette* make regulations in order to remove such conflict or administrative problems.

(5) A copy of any proclamation under subsection (4) shall be tabled in Parliament within 14 days after its promulgation if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of the next ordinary session.

6. Unless it is clearly inappropriate in any particular case, any reference in any law or document to—

Interpretation  
of certain  
expressions.

(a) a development board shall with effect from 1 July 1986, be construed as a reference to the relevant Administrator of the province referred to in column 2 of Schedule 1;

(b) the Transvaal Board for the Development of Peri-Urban Areas established by section 2 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal, shall with effect from 1 July 1986 be construed as a reference to the Administrator of the province of Transvaal;

(c) a person in the service of such board shall with effect from 1 July 1986 be construed as a reference to a person in the service of the Administrator referred to in section 4 (1).

7. (1) Any Administrator may, subject to such conditions as he may determine, appoint persons to advise him with regard to the execution of the functions entrusted to him in terms of the provisions of this Act.

Advice in  
respect of  
functions.

(2) The remuneration and allowances of such persons shall be determined by the Administrator with the concurrence of the Minister of Finance.

8. (1) Subject to the provisions of subsection (2), the laws mentioned in Schedule 2 are hereby repealed or amended to the extent indicated in the third column of that Schedule.

Repeal and  
amendment of  
laws.

(2) Anything done under any law repealed by subsection (1), or any act performed by a development body before the repeal of that law or the abolition of the development body by or under section 2, shall remain in force as if the law has not been repealed or the development body has not been abolished, and any reference in any such law to a development body or any functionary or an act of a functionary shall, subject to section 6, be construed as a reference to the relevant public authority to which the powers, assets, liabilities, rights, duties and obligations of the development body have been transferred or to a functionary designated by the public authority concerned.

9. This Act shall be called the Abolition of Development Bodies Act, 1986, and shall come into operation on 1 July 1986.

Short title and  
commencement.

## Wet No. 75, 1986

## WET OP DIE AFSCAFFING VAN ONTWIKKELINGSLIGGAME, 1986

## Bylae 1

| Kolom 1                                                                  | Kolom 2                                               |
|--------------------------------------------------------------------------|-------------------------------------------------------|
| 1. Transvaalse Raad op die Ontwikkeling van Buitestedelike Gebiede ..... | Provinsiale Administrasie van Transvaal               |
| 2. Ontwikkelingsraad, Sentraal-Transvaalgebied ..                        | Provinsiale Administrasie van Transvaal               |
| 3. Ontwikkelingsraad, Hoëveldgebied .....                                | Provinsiale Administrasie van Transvaal               |
| 4. Ontwikkelingsraad, Wes-Transvaalgebied .....                          | Provinsiale Administrasie van Transvaal               |
| 5. Ontwikkelingsraad, Oos-Transvaalgebied .....                          | Provinsiale Administrasie van Transvaal               |
| 6. Ontwikkelingsraad, Noord-Transvaalgebied ....                         | Provinsiale Administrasie van Transvaal               |
| 7. Ontwikkelingsraad, Wes-Randgebied .....                               | Provinsiale Administrasie van Transvaal               |
| 8. Ontwikkelingsraad, Oos-Randgebied .....                               | Provinsiale Administrasie van Transvaal               |
| 9. Ontwikkelingsraad, Nataliagebied .....                                | Provinsiale Administrasie van Natal                   |
| 10. Ontwikkelingsraad, Suid-Oranje-Vrystaatgebied                        | Provinsiale Administrasie van die Oranje-Vrystaat     |
| 11. Ontwikkelingsraad, Oranje-Vaalgebied .....                           | Provinsiale Administrasie van die Oranje-Vrystaat     |
| 12. Ontwikkelingsraad, Wes-Kaapgebied .....                              | Provinsiale Administrasie van die Kaap die Goeie Hoop |
| 13. Ontwikkelingsraad, Oos-Kaapgebied .....                              | Provinsiale Administrasie van die Kaap die Goeie Hoop |
| 14. Ontwikkelingsraad, Noord-Kaapgebied .....                            | Provinsiale Administrasie van die Kaap die Goeie Hoop |

## Bylae 2

| No. en jaar van wet                         | Titel                                                                                      | In hoeverre herroep of gewysig                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ordonnansie No. 20 van 1943, van Transvaal. | Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943. | <p>1. Die herroeping van artikels 3, 4, 5, 6, 7, 8, 9, 10, 11 en 12.</p> <p>2. Die wysiging van artikel 13 deur subartikel (1) deur die volgende subartikel te vervang:</p> <p>“(1) Notule van die verrigtings van elke vergadering van <b>[die raad of 'n komitee van die raad of]</b> 'n plaaslike gebiedskomitee of 'n adviserende komitee moet gereeld bygehou word en behoorlik gerangskikte besonderhede van die sake bevat wat by die vergadering behandel is.”</p> <p>3. Die herroeping van artikel 17.</p> <p>4. Die vervanging van artikel 19 deur die volgende artikel:</p> <p>“Gedrag van beampte of dienaar van die raad.</p> <p>19. Die bepalings van artikel 39 en subartikels (2), (3) en (4) van artikel 40 en artikels 42 tot en met 47A van die Ordonnansie op Plaaslike Bestuur, 1939, is <i>mutatis mutandis</i> van toepassing op 'n <b>[lid,]</b> beampte of dienaar van die raad: Met dien verstande dat vir die toepassing van hierdie artikel die <b>[woorde 'raadslid' en]</b> woord 'munisipaliteit' in daardie artikels opgevat moet word as betekenende <b>[onderskeidelik 'lid van die raad' en]</b> 'regsgebied van die raad'.”</p> <p>5. Die herroeping van artikel 20.</p> <p>6. Die wysiging van artikel 21A deur subartikel (1) deur die volgende subartikel te vervang:</p> <p>“(1) Behoudens die bepalings van subartikel (2), kan die raad enige funksie, plig of bevoegdheid, uitgenome die bevoegdheid om verordeninge te maak, eiendomsbelasting te hef of kwyte skeld, heffings te maak of gelde te hef en om sodanige heffings of gelde te verminder of om leningsbevoegdhede te verkry en om leningsaan te gaan, <b>[aan 'n komitee ingevolge artikel 20 benoem]</b> aan 'n plaaslike gebiedskomitee, aan die sekretaris of aan enige ander beampte van die raad deleger onderworpe aan die voorwaardes en beperkings wat daardie raad dienstig ag.”</p> |

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

## Schedule 1

| Column 1                                                             | Column 2                                    |
|----------------------------------------------------------------------|---------------------------------------------|
| 1. The Transvaal Board for the Development of Peri-Urban Areas ..... | Transvaal Provincial Administration         |
| 2. Development Board for the Central Transvaal area .....            | Transvaal Provincial Administration         |
| 3. Development Board for the Highveld area .....                     | Transvaal Provincial Administration         |
| 4. Development Board for the Western Transvaal area .....            | Transvaal Provincial Administration         |
| 5. Development Board for the Eastern Transvaal area .....            | Transvaal Provincial Administration         |
| 6. Development Board for the Northern Transvaal area .....           | Transvaal Provincial Administration         |
| 7. Development Board for the West Rand area .....                    | Transvaal Provincial Administration         |
| 8. Development Board for the East Rand area .....                    | Transvaal Provincial Administration         |
| 9. Development Board for the Natalia area .....                      | Natal Provincial Administration             |
| 10. Development Board for the Southern Orange Free State area .....  | Orange Free State Provincial Administration |
| 11. Development Board for the Orange Vaal area .....                 | Orange Free State Provincial Administration |
| 12. Development Board for the Western Cape area ..                   | Cape of Good Hope Provincial Administration |
| 13. Development Board for the Eastern Cape area ..                   | Cape of Good Hope Provincial Administration |
| 14. Development Board for the Northern Cape area ..                  | Cape of Good Hope Provincial Administration |

## Schedule 2

| No. and year of law                     | Title                                                                    | Extent of repeal or amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ordinance No. 20 of 1943, of Transvaal. | Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943. | <p>1. The repeal of sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.</p> <p>2. The amendment of section 13 by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Minutes of the proceedings of every meeting of <b>[the board or a committee of the board or]</b> a local area committee or an advisory committee shall be regularly kept and shall contain properly arranged details of the business conducted at the meeting.”.</p> <p>3. The repeal of section 17.</p> <p>4. The substitution for section 19 of the following section:</p> <p>“Conduct of member, officer or servant of the board.</p> <p>19. The provisions of section 39 and subsections (2), (3) and (4) of section 40 and sections 42 to 47A, inclusive, of the Local Government Ordinance, 1939, shall apply <i>mutatis mutandis</i> to <b>[a member]</b> an officer or servant of the board: Provided that the words ‘council’, <b>[‘councillor’]</b> and ‘municipality’ in those sections shall, for the purpose of this section, be construed as meaning ‘board’ <b>[‘member of the board’]</b> and ‘area under the jurisdiction of the board’, respectively.”.</p> <p>5. The repeal of section 20.</p> <p>6. The amendment of section 21A by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Subject to the provisions of subsection (2), the board may delegate any function, duty or power, other than the power to make by-laws, to levy or remit rates, to make charges or to charge fees and to reduce such charges or fees or to obtain borrowing powers and to raise loans, <b>[to a committee appointed in terms of section 20]</b> to a local area committee, to the secretary or to any other officer of the board, subject to such conditions and restrictions as that board may deem expedient.”.</p> |

Wet No. 75, 1986

## WET OP DIE AFKAFING VAN ONTWIKKELINGSLIGGEME, 1986

| No. en jaar van wet | Titel                                                | In hoeverre herroep of gewysig                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wet No.4 van 1984.  | Wet op die Ontwikkeling van Swart Gemeenskappe 1984. | <p>7. Die herroeping van artikel 23.</p> <p>8. Die vervanging van artikel 24 deur die volgende artikel:</p> <p>"Vergaderings geag as behoorlik gehou.</p> <p>24. Wanneer die notule van die verrigtings van 'n vergadering bekragtig is soos in subartikel (2) van artikel dertien uiteengesit, word sodanige vergadering, tensy die teendeel bewys word, geag behoorlik belê en gehou en alle lede by die vergadering behoorlik bevoegd te gewees het. Wanneer die notule van die verrigtings [van 'n komitee van die raad of] van 'n plaaslike gebiedskomitee of van 'n adviseerende komitee aldus bekragtig is, word die betrokke komitee, tensy die teendeel bewys word, geag behoorlik saamgestel en gemagtig te gewees het om die saak wat in die notule opgeneem is, te behandel."</p> <p>9. Die herroeping van artikel 40.</p> <p>1. Die herroeping van artikels 4, 5, 6, 7, 8 en 9.</p> <p>2. Die vervanging van artikel 10 deur die volgende artikel:</p> <p>"Verbode praktyke.</p> <p>10. (1) Behalwe met die toestemming van die raad mag [ 'n lid of ] 'n persoon in die diens van 'n raad nie regstreeks of onregstreeks—</p> <p>(a) enige kommissie, besoldiging of beloning van iemand behalwe die raad vir of in verband met sy werksaamhede as [ 'n lid of ] 'n persoon in die diens van die raad of in verband met 'n transaksie waarby die raad 'n party is, aanneem nie;</p> <p>(b) 'n transaksie met die raad in 'n ander hoedanigheid as [ 'n lid of ] 'n persoon in die diens 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;</p> <p>(c) werk vir of ten behoeve van die raad in 'n ander hoedanigheid as [ 'n lid of ] 'n persoon in die diens van die raad verrig nie;</p> <p>(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 ] 'n persoon in die diens van die raad nie.</p> <p>(2) [ 'n Lid of 'n persoon ] 'n Persoon in die diens van 'n raad wat enige kommissie, besoldiging of beloning in stryd met die bepalings van subartikel (1) (a) aanneem 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."</p> <p>3. Die herroeping van artikels 11 en 12.</p> <p>4. Die wysiging van artikel 13 deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:</p> |

## ABOLITION OF DEVELOPMENT BODIES ACT, 1986

Act No. 75, 1986

| No. and year of law | Title                                    | Extent of repeal or amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Act No. 4 of 1984.  | Black Communities Development Act, 1984. | <p data-bbox="737 347 979 369">7. The repeal of section 23.</p> <p data-bbox="718 392 1202 437">8. The substitution for section 24 of the following section:</p> <p data-bbox="718 460 816 517">"Meetings deemed to be duly held.</p> <p data-bbox="873 460 1202 845">24. Whenever the minutes of the proceedings of a meeting have been confirmed as set out in subsection (2) of section thirteen such meeting shall, unless the contrary is proved, be deemed to have been duly convened and held and all members at the meetings shall be deemed to have been duly qualified: Whenever the minutes of the proceedings of [a committee of the board or] a local area committee or an advisory committee have been so confirmed the committee concerned shall, unless the contrary is proved, be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes."</p> <p data-bbox="730 868 972 891">9. The repeal of section 40.</p> <p data-bbox="730 959 1123 982">1. The repeal of sections 4, 5, 6, 7, 8 and 9.</p> <p data-bbox="710 1027 1194 1061">2. The substitution for section 10 of the following section:</p> <p data-bbox="710 1084 793 1118">"Prohibited practices.</p> <p data-bbox="869 1084 1194 1174">10. (1) Except with the consent of the board no [member or] person in the service of a board shall directly or indirectly—</p> <p data-bbox="869 1197 1194 1855"> (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] a person in the service of the board or in connection with any transaction to which the board is a party;<br/> (b) enter into any transaction with the board in a capacity other than that of [a member or] a person in the service 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;<br/> (c) perform work for or on behalf of the board in a capacity other than that of [a member or] a person in the service of the board;<br/> (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] a person in the service of the board. </p> <p data-bbox="695 1855 1179 2013">(2) Any [member or any] person in the service 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."</p> <p data-bbox="715 2036 1032 2059">3. The repeal of sections 11 and 12.</p> <p data-bbox="692 2082 1176 2138">4. The amendment of section 13 by the substitution for the words preceding paragraph (a) of the following words:</p> |

## Wet No. 75, 1986

## WET OP DIE AFSKAFFING VAN ONTWIKKELINGSLIGGAME, 1986

| No. en jaar van wet | Titel | In hoeverre herroep of gewysig                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                     |       | <p data-bbox="833 349 1279 471">“<b>[’n Lid of ’n persoon] ’n Persoon</b> in die diens van ’n raad mag nie enige inligting openbaar wat hy by die uitoefening van sy bevoegdhe, die verrigting van sy werksaamhede of die uitvoering van sy pligte verkry het nie, behalwe—”.</p> <p data-bbox="795 485 1279 539">5. Die herroeping van artikels 14, 27, 28 (2), (3) en (4), 42 (2), 51 (1) (b) (ii) en (iii), 51 (4) en 61.</p> <p data-bbox="795 553 1279 607">6. Die wysiging van artikel 67 deur subartikel (1) deur die volgende subartikel te vervang:</p> <p data-bbox="833 598 1279 802">“(1) <b>[’n Lid of ’n persoon] ’n Persoon</b> in die diens van ’n raad wat ’n bepaling van artikel 10 (1) of 13 oortree, <b>[of ’n lid van ’n raad wat versuim om aan ’n bepaling van artikel 11 te voldoen]</b> 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.”.</p> |

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|                     |       | <p>"A <b>[member or a]</b> person in the service 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—".</p> <p>5. The repeal of sections 14, 27, 28 (2), (3) and (4), 42 (2), 51 (1) (b) (ii) and (iii), 51 (4) and 61.</p> <p>6. The amendment of section 67 by the substitution for subsection (1) of the following subsection:</p> <p>"(1) A <b>[member or a]</b> person in the service of a board who contravenes a provision of section 10 (1) or 13, <b>[or a member of a board who fails to comply with a provision of section 11]</b> 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."</p> |

