



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

Vol. 255

KAAPSTAD, 17 SEPTEMBER 1986
CAPE TOWN, 17 SEPTEMBER 1986

No. 10441

KANTOOR VAN DIE STAATSPRESIDENT

No. 1944. 17 September 1986

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

No. 96 van 1986: Wysigingswet op die Besoldiging van Stadsklerke, 1986.

STATE PRESIDENT'S OFFICE

No. 1944. 17 September 1986

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

No. 96 of 1986: Remuneration of Town Clerks Amendment Act, 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 die Besoldiging van Stadsklerke, 1984, ten einde die omskrywing van "plaaslike owerheid" uit te brei; voorsiening te maak vir die uitsluiting van die omskrywing van "behuisingskema" of "motorskema" van 'n voordeel wat kragtens 'n behuisingskema of 'n motorskema toegestaan word; die samestelling van die Advieskomitee op Besoldiging en Diensvoordele van Stadsklerke verder te reël; te bepaal dat 'n beampste van die Departement van Staatkundige Ontwikkeling en Beplanning deur die Minister van Staatkundige Ontwikkeling en Beplanning gemagtig kan word om die graadindeling van plaaslike owerhede te wysig; en voorsiening te maak vir die toepassing van die Wet op sekere bykomende plaaslike owerhede; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 September 1986.)

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

Wysiging van
artikel 1 van
Wet 115 van 1984,
soos gewysig deur
artikel 17 van
Wet 109 van 1985.

1. Artikel 1 van die Wet op die Besoldiging van Stadsklerke, 1984 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van "plaaslike owerheid" deur die volgende omskrywing te vervang:

"'plaaslike owerheid' 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), **[in verband waarmee 'n provinsiale raad ordonnansies kan 10 maak,]** en ook—

(a) 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985);

en

(b) 'n plaaslike owerheid soos omskryf in die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);"; en

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

"(2) Die Minister kan, na oorlegpleging met die advieskomitee, by kennisgewing in die *Staatskoerant* **['n betaling]** van die omskrywing van 'besoldiging' 'n betaling, of van die omskrywing van "behuisingskema" of "motorskema" 'n voordeel, van 'n soort in die kennisgewing vermeld wat gedoen word aan of ten behoeve 25 van, of, na gelang van die geval, toegestaan word aan, 'n werknemer as beloning vir sy diens, **[van die omskrywing van 'besoldiging']** uitsluit."

REMUNERATION OF TOWN CLERKS AMENDMENT ACT, 1986

Act No. 96, 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 amend the Remuneration of Town Clerks Act, 1984, so as to extend the definition of "local authority"; to provide for the exclusion from the definition of "housing scheme" or "motor-car scheme" of any benefit granted under a housing scheme or motor-car scheme; to further regulate the constitution of the Advisory Committee on Remuneration and Service Benefits of Town Clerks; to provide that an officer of the Department of Constitutional Development and Planning may be authorized by the Minister of Constitutional Development and Planning to amend the grade classification of local authorities; and to provide for the application of the Act to certain additional local authorities; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 8 September 1986.)

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

1. Section 1 of the Remuneration of Town Clerks Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 115 of 1984, as amended by section 17 of Act 109 of 1985.

- (a) by the substitution in subsection (1) for the definition of "local authority" of the following definition:
- "local authority" means any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), **[in connection with which a provincial council may make ordinances,]** and also—
- (a) a regional services council established under the Regional Services Councils Act, 1985 (Act No. 109 of 1985; and
- (b) a local authority as defined in the Black Local Authorities Act, 1982 (Act No. 102 of 1982);" and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) The Minister may, after consultation with the advisory committee, by notice in the *Gazette* exclude from the definition of "remuneration" any payment, or from the definition of "housing scheme" or "motor-car scheme" any benefit, of a kind specified in the notice which is made to or on behalf of, or, as the case may be, granted to, an employee as a reward for his service."

Wet No. 96, 1986

WYSIGINGSWET OP DIE BESOLDIGING VAN STADSKLERKE, 1986

Wysiging van
artikel 3 van
Wet 115 van 1984.

2. Artikel 3 van die Hoofwet word hierby gewysig—

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

“(aA) die Direkteurs-generaal van onderskeidelik die Administrasie: Raad van Afgevaardigdes, die Administrasie: Raad van Verteenwoordigers en die Administrasie: Volksraad, ex officio;”;

- (b) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

“(eA) een persoon as die verteenwoordiger van en aangewys deur die Vereniging van Stedelike Rade van Suid-Afrika;”;

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

“(j) twee persone as die verteenwoordigers van en aangewys deur die [Suid-Afrikaanse Vereniging van Munisipale Werknemers] Federasie van Munisipale Vakverenigings;”

- (d) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) So dikwels as wat die aanwysing van ’n persoon as die verteenwoordiger in die advieskomitee van ’n organisasie of organisasies bedoel in subartikel (1) (e), (eA), (f), (g), (h), (i) of (j) nodig word, moet die Direkteur-generaal die betrokke organisasie of organisasies skriftelik versoek om binne ’n tydperk deur die Direkteur-generaal vasgestel, ’n persoon as sy of hulle verteenwoordiger, na gelang van die geval, aan te wys.”;

- (e) deur na paragraaf (a) van subartikel (3) die volgende paragraaf in te voeg:

“(aA) ’n Direkteur-generaal bedoel in subartikel (1) (aA), deur die betrokke Direkteur-generaal;” en

- (f) deur paragraaf (d) van subartikel (3) deur die volgende paragraaf te vervang:

“(d) ’n lid bedoel in subartikel (1) (d), (e), (eA), (f), (g), (h), (i) of (j), deur die Minister, organisasie of organisasies deur wie daardie lid aangewys is.”.

Wysiging van
artikel 4 van
Wet 115 van 1984.

3. Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) in die geval van ’n lid bedoel in artikel (3) (1) (d), (e), (eA), (f), (g), (h), (i) of (j), solank dit die Minister, organisasie of organisasies deur wie daardie lid aangewys is, behaag.”.

Wysiging van
artikel 8 van
Wet 115 van 1984.

4. Artikel 8 van die Hoofwet word hierby gewysig—

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

“(2) (a) ’n Kennisgewing ingevolge subartikel (1) kan te eniger tyd deur die Minister, [na oorlegpleging met die advieskomitee] of ’n beampte van die Departement van Staatkundige Ontwikkeling en Beplanning deur hom daartoe gemagtig, by kennisgewing in die *Staatskoerant* gewysig word: Met dien verstande dat ’n kennisgewing kragtens hierdie paragraaf waarby die graadindeling van ’n plaaslike owerheid gewysig word volgens ’n eenvormige grondslag van differensiasie wat verskil van die grondslag van differensiasie wat met betrekking tot die vorige graadindeling van die plaaslike owerheid toegepas is, slegs deur die Minister na oorlegpleging met die advieskomitee uitgereik mag word.

(aA) So gou doenlik na die inwerkingtreding

REMUNERATION OF TOWN CLERKS AMENDMENT ACT, 1986

Act No. 96, 1986

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

Amendment of
section 3 of
Act 115 of 1984.

- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

“(aA) the Directors-General of the Administration:
House of Delegates, the Administration: House of
Representatives and the Administration: House of
Assembly, respectively, *ex officio*.”;

- (b) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

“(eA) one person as the representative of and designated by the Urban Councils Association of South Africa.”;

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

“(j) two persons as the representatives of and designated by the **[South African Association of Municipal Employees]** Federation of Municipal Trade Unions.”;

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

“(a) As often as the designation of a person as the representative in the advisory committee of an organization or organizations referred to in subsection (1) (e), (eA), (f), (g), (h), (i) or (j) becomes necessary, the Director-General shall request the organization or organizations concerned in writing to designate a person as its or their representative, as the case may be, within a period determined by the Director-General.”;

- (e) by the insertion after paragraph (a) of subsection (3) of the following paragraph:

“(aA) a Director-General referred to in subsection (1) (aA), by the Director-General concerned.”; and

- (f) by the substitution for paragraph (d) of subsection (3) of the following paragraph:

“(d) a member referred to in subsection (1) (d), (e), (eA), (f), (g), (h), (i) or (j), by the Minister by whom or the organization or organizations by which such member was designated.”.

3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of
section 4 of
Act 115 of 1984.

- “(a) in the case of a member referred to in section (3) (1) (d), (e), (eA), (f), (g), (h), (i) or (j), at the pleasure of the Minister by whom or the organization or organizations by which that member was designated.”.

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

Amendment of
section 8 of
Act 115 of 1984.

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

“(2) (a) A notice in terms of subsection (1) may at any time by notice in the *Gazette* be amended by the Minister **[after consultation with the advisory committee]** or any officer of the Department of Constitutional Development and Planning authorized thereto by him: Provided that a notice under this paragraph by which the grade classification of a local authority is amended according to a uniform basis of differentiation which differs from the basis of differentiation applied with respect to the previous grade classification of such local authority, shall be issued only by the Minister after consultation with the advisory committee.

(aA) As soon as may be expedient after the

van die Wysigingswet op die Besoldiging van Stadsklerke, 1986, moet die Minister by kennisgewing in die *Staatskoerant* die kennisgewing kragtens subartikel (1) uitgereik, wysig ten einde die plaaslike owerhede bedoel in paragraaf (b) van die omskrywing van 'plaaslike owerheid' vir die doeleindes van hierdie Wet volgens grade in te deel. 5

- (b) 'n Wysiging kragtens paragraaf (a) of (aA) tree in werking op 'n datum **[wat die Minister bepaal]**, in die betrokke kennisgewing vermeld, wat 'n datum voor die datum van publikasie van die betrokke kennisgewing kan wees."; en 10
- (b) deur subartikel (3) deur die volgende subartikel te vervang: 15
- "(3) Wanneer 'n kennisgewing ingevolge subartikel (1) uitgereik kragtens subartikel (2) (a) of (aA) gewysig word ten einde die graadindeling van 'n plaaslike owerheid **[kragtens subartikel (2) gewysig word]** te verander of 'n plaaslike owerheid onder die een of ander graad in te deel, is die algemene vasstelling wat ingevolge hierdie Wet bindend is vir plaaslike owerhede van die graad waaronder daardie plaaslike owerheid na die wysiging ingedeel is, behoudens artikels 10 en 11 bindend vir daardie owerheid vanaf die datum van inwerkingtreding van die wysiging, en indien 'n individuele vasstelling onmiddellik voor daardie inwerkingtreding vir daardie plaaslike owerheid bindend is, verval sodanige individuele vasstelling by bedoelde inwerkingtreding." 20 25 30

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Besoldiging van Stadsklerke, 1986.

REMUNERATION OF TOWN CLERKS AMENDMENT ACT, 1986

Act No. 96, 1986

commencement of the Remuneration of Town Clerks Amendment Act, 1986, the Minister shall by notice in the *Gazette* amend the notice issued under subsection (1) so as to classify the local authorities referred to in paragraph (b) of the definition of 'local authority' for the purposes of this Act according to grades.

(b) An amendment under paragraph (a) or (aA) shall commence on a date **[determined by the Minister]** specified in the relevant notice, which may be a date prior to the date of publication of the relevant notice.”; and

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

“(3) Whenever a notice issued in terms of subsection (1) is amended under subsection (2) (a) or (aA) so as to alter the grade classification of a local authority **[is amended under subsection (2),]** or to classify a local authority under any grade, the general determination binding in terms of this Act on local authorities of the grade under which that local authority is classified after the amendment, shall, subject to sections 10 and 11, be binding on that local authority with effect from the date of commencement of such amendment, and if any individual determination is binding on that local authority immediately prior to such commencement, such individual determination shall lapse on the said commencement.”.

30 5. This Act shall be called the Remuneration of Town Clerks Short title.
Amendment Act, 1986.

