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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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No. 11258

KANTOOR VAN DIE STAATSPRESIDENT

No. 744.

15 April 1988

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

No. 42 van 1988: Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1988.

STATE PRESIDENT'S OFFICE

No. 744.

15 April 1988

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

No. 42 of 1988: Black Communities Development Amendment Act, 1988.

Wet No. 42, 1988

WYSIGINGSWET OP DIE ONTWIKKELING VAN SWART
GEMEENSAPPE, 1988

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 Ontwikkeling van Swart Gemeenskappe, 1984, ten einde 'n omskrywing van "landdros" in te voeg; verdere voorsiening te maak vir ontwikkelingsgebiede en dorpe; die regte van houers van mineraalregte en myntitels te reël waar dorpe op die oppervlakte van die grond waarin daardie regte gehou is, gestig is; voorsiening te maak vir die opening van dorpsregisters vir bepaalde dorpe op aandrang van die Minister van Staatkundige Ontwikkeling en Beplanning; die verandering of afskaffing van ontwikkelingsgebiede verder te reël; die verlening van sekere regte van huurpag te wettig; subartikel (4) van artikel 53 te skrap; die delegering van bevoegdhede verder te reël; en die regulasies uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 31 Maart 1988.)

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

Wysiging van
artikel 1 van
Wet 4 van 1984,
soos gewysig deur
artikel 1 van
Wet 52 van 1985,
artikel 1 van
Wet 74 van 1986
en artikel 26 van
Wet 32 van 1987.

1. Artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) na die omskrywing van 5
"inspekteur" die volgende omskrywing in te voeg:
"'landdros' ook 'n addisionele landdros en 'n assistent-landdros;'".

Wysiging van
artikel 33 van
Wet 4 van 1984,
soos vervang deur
artikel 6 van
Wet 74 van 1986.

2. Artikel 33 van die Hoofwet word hierby gewysig deur sub-
artikel (4) deur die volgende subartikel te vervang: 10
"(4) Enige grond of enige gebied wat kragtens artikel 35
(1) of (4) onderskeidelik van hierdie Wet, soos dit bestaan
het onmiddellik voor die vervanging daarvan deur die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986, afgesonder is of geag word afgesonder te wees, word 15
geag as 'n ontwikkelingsgebied afgesonder te wees."

Wysiging van
artikel 35 van
Wet 4 van 1984,
soos vervang deur
artikel 8 van
Wet 74 van 1986.

3. Artikel 35 van die Hoofwet word hierby gewysig—
(a) deur subartikel (3) deur die volgende subartikel te vervang:
"(3) Enige grond wat voor die inwerkingtreding van 20
die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986, as 'n dorp of tehuis afgesonder is en
op 'n **[algemene plan]** uitlegplan wat voor sodanige in-
werkingtreding goedgekeur is, asook op 'n algemene
plan wat voor of na daardie inwerkingtreding goedge- 25
keur is en wat op die uitlegplan gebaseer is, aangetoon

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Act No. 42, 1988

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.

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ACT

To amend the Black Communities Development Act, 1984, so as to insert a definition of "magistrate"; to make further provision for development areas and townships; to regulate the rights of holders of mineral rights and mining titles where townships are established on the surface of the land in which those rights are held; to provide for the opening of township registers for certain townships at the instance of the Minister of Constitutional Development and Planning; to further regulate the alteration or disestablishment of development areas; to legalize the granting of certain rights of leasehold; to delete subsection (4) of section 53; to further regulate the delegation of powers; and to extend the regulations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 31 March 1988.)

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

1. Section 1 of the Black Communities Development Act, 1984 (hereinafter referred to as the principal Act), is hereby amended by the insertion in subsection (1) after the definition of "local government body" of the following definition:
 "magistrate" includes an additional magistrate and an assistant magistrate;"
2. Section 33 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
 "(4) Any land set apart or any area deemed to be set apart under section 35 (1) or (4) respectively of this Act, as it existed immediately prior to the substitution thereof by the Black Communities Development Amendment Act, 1986, shall be deemed to be set apart as a development area."
3. Section 35 of the principal Act is hereby amended—
 (a) by the substitution for subsection (3) of the following subsection:
 "(3) Any land set apart as a town or hostel before the commencement of the Black Communities Development Amendment Act, 1986, and shown on a [general plan] lay-out plan approved before that commencement, as well as on a general plan approved before or after that commencement and which is based

Amendment of section 1 of Act 4 of 1984, as amended by section 1 of Act 52 of 1985, section 1 of Act 74 of 1986 and section 26 of Act 32 of 1987.

Amendment of section 33 of Act 4 of 1984, as substituted by section 6 of Act 74 of 1986.

Amendment of section 35 of Act 4 of 1984, as substituted by section 8 of Act 74 of 1986.

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word, word geag kragtens subartikel (1) as 'n dorp of 'n gedeelte daarvan gestig te wees, en enige regulasie wat gegeld het ten opsigte van 'n dorp of tehuis onmiddellik voor sodanige inwerkingtreding, bly van toepassing op sodanige dorp of gedeelte daarvan en op grond in 'n ontwikkelingsgebied wat nie op 'n algemene plan aangetoon word nie wat vir soortgelyke doeleindes as 'n dorp of tehuis gebruik word of gebruik staan te word.'; en

(b) deur die volgende subartikels by te voeg:

“(4) Waar die regte op minerale ten opsigte van enige grond bedoel in subartikel (3) geregistreer is op die naam van enige persoon behalwe die eienaar van sodanige grond, word so 'n persoon geag om tot die stigting van die betrokke dorp toe te gestem het.

(5) Indien enige grond bedoel in subartikel (3) geproklameerde grond is of grond is wat kragtens myntitel gehou word soos beoog in die Wet op Mynregte, 1967 (Wet No. 20 van 1967), word daardie grond geag kragtens artikel 184 (1) van daardie Wet vir die doel van 'n dorp uitgehou te gewees het.”.

Invoeging van
artikel 35A in
Wet 4 van 1984.

4. Die volgende artikel word hierby na artikel 35 in die Hoofwet ingevoeg:

“Opening
van dorpspre-
gisters ten
opsigte van
bepaalde
dorpe.

35A. (1) Die Minister kan aansoek doen om die

opening van 'n register bedoel in artikel 46 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), ten opsigte van enige grond wat kragtens artikel 35 (3) as 'n dorp of gedeelte daarvan geag word gestig te wees.

(2) Die registrateur mag nie 'n register bedoel in subartikel (1) open nie tensy die Minister 'n sertifikaat van minerale regte verkry het ten gunste van—

(a) die eienaar van grond bedoel in artikel 35 (3) ten opsigte van alle regte op minerale wat deur die eienaar van daardie grond kragtens dieselfde titel gehou word as wat deur hom ten opsigte van die eiendomsreg van daardie grond gehou word;

(b) enige persoon wat die besitter is van of wat geregtig is op die regte op minerale bedoel in artikel 71 (2)bis (a) van die Registrasie van Aktes Wet, 1937, indien so 'n sertifikaat nog nie uitgereik is nie.

(3) Ondanks andersluidende bepalings van die een of ander wet kan die Minister na goeddunke, of voor of na die opening van 'n register soos in subartikel (1) beoog, van tyd tot tyd gelas dat 'n beperking wat kragtens 'n wetsbepaling geld, 'n serwituu of ander voorwaarde met betrekking tot die bestaan, gebruik, bewoning of ontwikkeling van 'n dorp of gedeelte daarvan, of tot die onderverdeling van grond vir die stigting van 'n dorp, of wat die opening van die register met betrekking tot daardie grond mag benadeel, opgehef word vir 'n tydperk, of gekanselleer word, of op die wyse en in die mate gewysig word wat die Minister in daardie lasgewing vermeld.

(4) Die Minister moet binne 30 dae na 'n kansellasie, opheffing of wysiging in subartikel (3) beoog—

(a) die registrateur dienooreenkomstig in kennis stel, en die registrateur moet daarna daardie kansellasie, opheffing of wysiging in sy registers en op die betrokke transportaktes of ander stukke aanteken;

(b) kennis daarvan in die Staatskoerant gee, en enige persoon wat as gevolg van die kansellasie, opheffing of wysiging skade gely het, is geregtig om deur die Staat vir daardie skade vergoed te

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on that lay-out plan, shall be deemed to have been established as a township or part thereof under subsection (1), and any regulation which applied in respect of any town or hostel immediately prior to such commencement shall continue to apply in respect of such township or part thereof and to land in a development area not shown on a general plan which is used or is intended to be used for similar purposes as a town or hostel.”; and

(b) by the addition of the following subsections:

“(4) Where rights to minerals in any land referred to in subsection (3) are registered in the name of any person other than the owner of such land, such person shall be deemed to have consented to the establishment of the township concerned.

(5) If any land referred to in subsection (3) is proclaimed land or land held under mining title as contemplated in the Mining Rights Act, 1967 (Act No. 20 of 1967), that land shall be deemed to have been reserved for township purposes under section 184 (1) of that Act.”.

4. The following section is hereby inserted after section 35 in the principal Act:

Insertion of
section 35A in
Act 4 of 1984.

“Opening of
township
registers for
certain town-
ships.

35A. (1) The Minister may apply for the opening of a register referred to in section 46 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in respect of any land deemed under section 35 (3) to be established as a township or part thereof.

(2) The registrar shall not open a register referred to in subsection (1) unless the Minister has obtained a certificate of rights to minerals in favour of—

(a) the owner of land referred to in section 35 (3) in respect of all rights to minerals held by the owner of that land under the same title as that held by him in respect of the ownership of that land;

(b) any person who is the holder of or who is entitled to the rights to minerals referred to in section 71 (2)bis (a) of the Deeds Registries Act, 1937, if such certificate has not yet been issued.

(3) Notwithstanding anything to the contrary contained in any law, the Minister may at his discretion, either before or after a register is opened as contemplated in subsection (1), from time to time direct that any restriction in operation under any law, any servitude or any other condition in relation to the existence, use, occupation or development of a township or portion thereof, or to the subdivision of land for the establishment of a township, or which may prejudice the opening of the register in respect of that land, be suspended for any period, or be cancelled, or be modified in the manner and to the extent that the Minister may specify in that direction.

(4) The Minister shall within 30 days after a cancellation, suspension or modification contemplated in subsection (3)—

(a) notify the registrar accordingly, and the registrar shall thereupon note that cancellation, suspension or modification in his registers and on the title deeds or other documents concerned;

(b) give notice thereof in the *Gazette*, and any person who has suffered any damages as a result of the cancellation, suspension or modification shall be entitled to compensation by the State

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word tot 'n bedrag waaromtrent die Minister en daardie persoon ooreenkom, of by gebrek aan ooreenkoms, tot 'n bedrag wat deur arbitrasie vasgestel word, en die bepalings van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), is *mutatis mutandis* van toepassing.

(5) Die Minister kan, voor die opening van 'n register bedoel in subartikel (1), enige stuk grond of gedeelte van 'n stuk grond of enige saaklike reg op grond ten behoeve van 'n plaaslike owerheid of, behoudens die bepalings van artikel 3 (4) (b) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986), die Administrateur van die betrokke provinsie onteien, indien na die mening van die Minister die onteiening nodig of wenslik is vir die opening van die register.

(6) Die bepalings van artikel 6 tot en met artikel 24 van die Onteieningswet, 1975 (Wet No. 63 van 1975), is *mutatis mutandis* van toepassing op 'n onteiening bedoel in subartikel (5), en 'n verwysing in daardie Wet na die Minister word geag 'n verwysing na die Minister in hierdie Wet te wees.

(7) Om uitvoering te gee aan die bepalings van hierdie artikel—

(a) kan die Minister die dienste van die landmeters, prokureurs, waardeerders en ander agente wat hy nodig ag, bekom op die voorwaardes wat die Minister, met die instemming van die Minister van Finansies, bepaal;

(b) kan die Minister van enige persoon enige onderverdelingskaart, kaart vir gekonsolideerde titel, sertifikaat van titel of enige ander dokument wat nodig is vir die doel van die opening van 'n register in subartikel (1) bedoel, verkry;

(c) moet enige persoon, met inbegrip van die eienaar van grond bedoel in artikel 35 (3), op versoek van die Minister of 'n persoon in paragraaf (a) bedoel, al die transportaktes, kaarte en ander stukke wat na die oordeel van die Minister of daardie persoon nodig mag wees, aan die Minister of sodanige persoon voorlê;

(d) besorg die eienaar van grond of van 'n reg bedoel in subartikel (5), die transportakte ten opsigte van sodanige grond of reg aan die Minister of 'n persoon bedoel in paragraaf (a), en die bepalings van artikel 31 of 32 van die Registrasie van Aktes Wet, 1937, is *mutatis mutandis* van toepassing.

(8) Enige handeling wat kragtens die bepalings van subartikel (1), (2) of (7) (b) deur die Minister verrig word, word ondanks andersluidende bepalings van die Registrasie van Aktes Wet, 1937, geag deur die eienaar van die grond of die besitter van of die persoon geregtig op die betrokke regte, na gelang van die geval, verrig te wees.

(9) Enige handeling wat kragtens die bepalings van hierdie artikel deur die Minister verrig word, kan behoudens die bepalings van artikel 40 (1) (b) van die Registrasie van Aktes Wet, 1937, verrig word voordat 'n oordrag of endossement in artikel 34 (7) (b) of 34 (8) van hierdie Wet beoog, plaasvind.

(10) Geen hereregte, seëlregte of ander heffings is betaalbaar ten opsigte van enige endossement, inskrywing, wysiging of kansellasië wat ingevolge hierdie artikel op enige register of ander dokument in 'n registrasiekantoor gedoen word nie.

(11) Iemand wat 'n verlies gely het as gevolg van 'n kansellasië, opheffing of wysiging kragtens subartikel (3) of 'n onteiening in subartikel (5) beoog, na ge-

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5 for those damages to an amount agreed upon between the Minister and that person, or failing agreement, to an amount determined by arbitration, and the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), shall *mutatis mutandis* apply.

10 (5) The Minister may, before the opening of a register referred to in subsection (1), expropriate on behalf of a local authority or, subject to the provisions of section 3 (4) (b) of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), the Administrator of the province concerned, any piece of land or portion of a piece of land or any real right in land, if in the opinion of the Minister the expropriation is necessary or expedient for the opening of the register.

20 (6) The provisions of section 6 up to and including section 24 of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply to an expropriation referred to in subsection (5), and any reference in that Act to the Minister shall be deemed to be a reference to the Minister in this Act.

(7) To enable the provisions of this section to be carried out—

25 (a) the Minister may obtain the services of the land surveyors, attorneys, valuers and other agents that he deems necessary, on the conditions that the Minister, with the concurrence of the Minister of Finance, determines;

30 (b) the Minister may obtain from any person any subdivisional diagram, consolidated title diagram, certificate of title or any other document required for the purpose of the opening of a register referred to in subsection (1);

35 (c) any person, including the owner of land referred to in section 35 (3), shall upon the request of the Minister or any person referred to in paragraph (a), produce to the Minister or that person all the title deeds, diagrams and other documents that may in the opinion of the Minister or that person be necessary;

40 (d) the owner of land or of a right referred to in subsection (5) shall produce the title deed relating to that land or right to the Minister or any person referred to in paragraph (a), and the provisions of section 31 or 32 of the Deeds Registries Act, 1937, shall *mutatis mutandis* apply.

45 (8) Any act performed by the Minister under the provisions of subsection (1), (2) or (7) (b) shall, notwithstanding anything to the contrary in the Deeds Registries Act, 1937, be deemed to have been performed by the owner of the land or the holder of or person entitled to the rights concerned, as the case may be.

50 (9) Any act performed by the Minister under the provisions of this section may, subject to the provisions of section 40 (1) (b) of the Deeds Registries Act, 1937, be performed before a transfer or endorsement contemplated in section 34 (7) (b) or 34 (8) of this Act takes place.

60 (10) No transfer duty, stamp duty or other charges shall be payable in connection with any endorsement, entry, amendment or cancellation effected on any register or other document in a registration office in terms of this section.

65 (11) Any person who has suffered a loss in consequence of a cancellation, suspension or modification under subsection (3) or an expropriation contem-

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Vervanging van
artikel 37 van
Wet 4 van 1984,
soos vervang deur
artikel 10 van
Wet 74 van 1986.

lang van die geval, het geen eis teen enige persoon
behalwe soos in onderskeidelik subartikels (4) (b) en
(6) bepaal nie.”.

5. Artikel 37 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Verande-
ring of
afskaffing
van ontwik-
kelingsge-
biede.

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

(a) wanneer dit aan hom blyk dat die toestande 10
waarin persone in 'n ontwikkelingsgebied of 'n
gedeelte daarvan woon, sodanig is dat tensy
daardie ontwikkelingsgebied of gedeelte daarvan
verander of afgeskaf word, die gesondheid of
veiligheid van die publiek oor die algemeen of 15
van enige groep persone in gevaar gestel mag
word; of

(b) wanneer dit aan hom blyk dat die verandering of
afskaffing van die ontwikkelingsgebied of ge-
deelte daarvan wenslik is met die oog op enige 20
dorps- of streeksbeplanning wat ingevolge of ter
bevordering van die oogmerke van hierdie Wet
of enige ander wet onderneem word,

by skriftelike kennisgewing aan die betrokke plaas-
like owerheid daardie ontwikkelingsgebied of deel 25
daarvan verander of afskaf, behoudens sodanige
voorwaardes betreffende vergoeding, as daar is, reël-
ings betreffende behuising en die sluiting van pu-
blieke plekke wat hy in bedoelde kennisgewing gelas.

(2) Wanneer 'n ontwikkelingsgebied of gedeelte 30
daarvan kragtens subartikel (1) verander of afgeskaf
is, publiseer die Minister 'n kennisgewing met daar-
die strekking in 'n Afrikaanse en in 'n Engelse
nuusblad wat in die betrokke ontwikkelingsgebied
sirkuleer en in die *Staatskoerant*, en die *Staatskoerant* 35
wat sodanige kennisgewing bevat, word in alle gereg-
telike verrigtinge geag *prima facie*-bewys te wees dat
die grond daarin vermeld nie meer 'n ontwikke-
lingsgebied of gedeelte daarvan is nie.”.

Wysiging van
artikel 52 van
Wet 4 van 1984,
soos gewysig deur
artikel 16 van
Wet 52 van 1985,
artikel 21 van
Wet 74 van 1986
en artikel 27 van
Wet 32 van 1987.

6. Artikel 52 van die Hoofwet word hierby gewysig deur die 40
volgende subartikel by te voeg:

“(16) Ondanks andersluidende bepalings van die een of

ander wet word 'n huurpag deur 'n Administrateur of deur
'n plaaslike owerheid verleen, hetsy voor of na die inwer-
kingtreding van die Wysigingswet op Staatkundige Wetge- 45
wing, 1988, met betrekking tot enige grond waarvan die een
of die ander van hulle die eienaar is en ten opsigte waarvan
'n register ingevolge artikel 46 van die Registrasie van
Aktes Wet, 1937 (Wet No. 47 van 1937), by sodanige verle-
ning nog nie geopen is nie, vir alle doeleindes kragtens hier- 50
die Wet geag geldig verleen te wees, ongeag dat daardie
huurpag deur die Administrateur of plaaslike owerheid ver-
leen is terwyl die ander een van hulle die eienaar van die
betrokke grond was.”.

Wysiging van
artikel 53 van
Wet 4 van 1984,
soos gewysig deur
artikel 17 van
Wet 52 van 1985
en artikel 22 van
Wet 74 van 1986.

7. Artikel 53 van die Hoofwet word hierby gewysig deur sub- 55
artikel (4) te skrap.

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plated in subsection (5), as the case may be, shall have no claim against any person other than as provided in subsections (4) (b) and (6), respectively.”.

5 The following section is hereby substituted for section 37 of the principal Act:

Substitution of section 37 of Act 4 of 1984, as substituted by section 10 of Act 74 of 1986.

“Alteration or disestablishment of development areas.

37. (1) The Minister may, subject to the provisions of subsection (2), on his own initiative or at the request of **[a board or]** a local authority **[as the case may be]**—

10 (a) whenever it appears to him that the conditions under which persons are living in a development area or any portion thereof are such that unless such development area or portion thereof is altered or disestablished, the health or safety of the public generally or of any group of persons may be endangered; or

15 (b) whenever it appears to him that the alteration or disestablishment of any such development area or any portion thereof is desirable having regard to any town or regional planning undertaken under or in furtherance of the objects of this Act or any other law,

20 by notice in writing to the local authority concerned, amend or disestablish such development area or portion thereof, subject to such conditions as to compensation, if any, arrangements relating to housing and the closing of public places as may be directed by him in such notice.

25 (2) Whenever a development area or portion thereof has been amended or disestablished under subsection (1) the Minister shall publish a notice to that effect in an Afrikaans and an English newspaper circulating in the development area concerned and in the *Gazette*, and the *Gazette* containing such notice shall in any legal proceedings be deemed to be *prima facie* proof that the land referred to therein is no longer a development area or portion thereof.”.

6. Section 52 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 52 of Act 4 of 1984, as amended by section 16 of Act 52 of 1985, section 21 of Act 74 of 1986 and section 27 of Act 32 of 1987.

40 “(16) Notwithstanding anything to the contrary contained in any law, any leasehold granted by an Administrator or by a local authority, whether before or after the commencement of the Constitutional Laws Amendment Act, 1988, in respect of any land owned by the one or the other of them and in respect of which the register in terms of section 46 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), had not been opened at the time of such grant, shall be deemed to be validly granted for all purposes under this Act, notwithstanding that that leasehold was so granted by the Administrator or local authority while the other one of them was the owner of the land concerned.”.

7. Section 53 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of section 53 of Act 4 of 1984, as amended by section 17 of Act 52 of 1985 and section 22 of Act 74 of 1986.

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Wysiging van
artikel 65 van
Wet 4 van 1984,
soos vervang deur
artikel 27 van
Wet 74 van 1986.

8. (1) Artikel 65 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Administrateur kan **[met die goedkeuring van die Minister]** ’n bevoegdheid by of ingevolge hierdie Wet aan hom verleen, behalwe ’n bevoegdheid bedoel in artikel 66 of wat by kennisgewing in die *Staatskoerant* uitgeoefen moet word, deleger aan [’n beamppte in die provinsiale administrasie van die betrokke provinsie deleger]—

(a) ’n lid of lede van die uitvoerende komitee van daardie provinsie;

(b) ’n lid of lede van daardie komitee en die provinsiale sekretaris van daardie provinsie gesamentlik;

(c) daardie provinsiale sekretaris;

(d) ’n beamppte in die betrokke provinsiale administrasie of ’n beamppte in diens van ’n plaaslike owerheidsliggaam in sy gebied,

of so ’n lid of lede; of so ’n lid of lede en die provinsiale sekretaris gesamentlik, of die provinsiale sekretaris of so ’n beamppte, magtig om ’n plig by of ingevolge hierdie Wet aan die Administrateur opgedra, te verrig.”

(2) ’n Delegering wat na 30 Junie 1986 maar voor die inwerkingtrede van hierdie Wet deur die Administrateur gedoen is, en wat om die een of ander rede ongeldig is, word geag geldig te wees indien dit kragtens artikel 65 (2) van die Hoofwet, soos vervang deur hierdie Wet, gedoen sou kon word.

Wysiging van
artikel 66 van
Wet 4 van 1984,
soos gewysig deur
artikel 28 van
Wet 74 van 1986
en artikel 29 van
Wet 32 van 1987.

9. Artikel 66 van die Hoofwet word hierby gewysig deur na subparagraaf (xii) van paragraaf (n) van subartikel (1) die volgende subparagraaf in te voeg:

“(xiiA) die toepassing van die titelvoorwaardes of dorpsvoorwaardes bedoel in subparagraaf (xii) op grond in ’n ontwikkelingsgebied of ’n gedeelte daarvan waar daardie voorwaardes nie ingevolge artikel 57B in ’n grondbrief, transportakte of sertifikaat met betrekking tot daardie grond opgeneem is nie;”

Kort titel.

10. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1988.

BLACK COMMUNITIES DEVELOPMENT AMENDMENT ACT, 1988

Act No. 42, 1988

8. (1) Section 65 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 65 of Act 4 of 1984, as substituted by section 27 of Act 74 of 1986.

5 “(2) The Administrator may **[with the approval of the Minister]** delegate any power conferred upon him by or under this Act, other than a power referred to in section 66 or to be exercised by notice in the *Gazette*, to **[an officer in the provincial administration in question]**—

- 10 (a) any member or members of the executive committee of that province;
- 15 (b) any member or members of that committee and the provincial secretary of the province jointly;
- (c) that provincial secretary;
- (d) any officer in the provincial administration concerned or any officer in the employment of a local government body in his area,
- or authorize any such member or members, or any such member or members and the provincial secretary jointly, or the provincial secretary or any such officer, to perform any duty assigned to the Administrator by or under this Act.”.

20 (2) Any delegation made after 30 June 1986 but before the commencement of this Act by the Administrator, and which is for any reason invalid, shall be deemed to be valid if it could have been made under section 65 (2) of the principal Act, as amended by this Act.

25 9. Section 66 of the principal Act is hereby amended by the insertion after subparagraph (xii) of paragraph (n) of subsection (1) of the following subparagraph:

Amendment of section 66 of Act 4 of 1984, as amended by section 28 of Act 74 of 1986 and section 29 of Act 32 of 1987.

30 “(xiiA) the application of the conditions of title or township conditions referred to in subparagraph (xii) to land in a development area or part thereof where those conditions have not been incorporated in terms of section 57B into the deed of grant, deed of transfer or certificate relating to that land;”.

10. This Act shall be called the Black Communities Development Amendment Act, 1988.

Short title.

3. (1) Section 65 of the principal Act is hereby amended by the substitution (a) of the following subsection:
- (2) The Administrator may, with the approval of the Minister, delegate any power conferred upon him by or under this Act, other than a power referred to in section 66 or to be exercised by notice in the Gazette, to an officer in the provincial administration in question:
- (a) any member or members of the executive committee of that province;
- (b) any member or members of that committee and the provincial secretary of the province jointly;
- (c) that provincial secretary;
- (d) any officer in the provincial administration concerned or any officer in the employment of a local government body in that area.
12. of authorise any such member or members or any such member or members and the provincial secretary jointly, or the provincial secretary or any such officer, to perform any duty assigned to the Administrator by or under this Act.
30. (2) Any delegation made after 30 June 1986 but before the commencement of this Act by the Administrator, and which is for any reason invalid, shall be deemed to be valid if it could have been made under section 65 (2) of the principal Act, as amended by this Act.
25. 9. Section 66 of the principal Act is hereby amended by the insertion after subparagraph (xii) of paragraph (a) of subsection (1) of the following subparagraph:
- "(xiiA) the application of the conditions of title or township conditions referred to in subparagraph (xii) to land in a development area or part thereof where those conditions have not been incorporated in terms of section 57B into the deed of grant, deed of transfer or certificate relating to that land."
- 30.
10. This Act shall be called the Black Communities Development Act, 1988.