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VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1048.

1 Junie 1988

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

No. 53 van 1988: Wysigingswet op Ontwikkelingshulp-wetgewing, 1988.

No. 1048.

1 June 1988

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

No. 53 of 1988: Development Aid Laws Amendment Act, 1988.

Wet No. 53, 1988

WYSIGINGSWET OP ONTWIKKELINGSHULP-WETGEWING, 1988

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

Tot wysiging van die Swart Administrasie Wet, 1927, ten einde sekere bevoegdhede van die Minister uit te brei; tot wysiging van die Ontwikkelingstrust en Grond Wet, 1936, ten einde die prosedure vir lisensie-aansoeke van Swart handelaars te dereguleer; tot wysiging van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Nasionale State, 1968, ten einde die bevoegdhede van die Suid-Afrikaanse Ontwikkelingstrustkorporasie Beperk uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Mei 1988.)

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

Wysiging van artikel 30 van Wet 38 van 1927, soos vervang deur artikel 2 van Wet 83 van 1984 en gewysig deur artikel 2 van Wet 57 van 1986

1. Artikel 30 van die Swart Administrasie Wet, 1927, word hierby gewysig— 5
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister van Onderwys en Ontwikkelingshulp kan, ondanks andersluidende bepalings van die een of ander wet, by kennisgewing in die *Staatskoerant*—

 - (a) grond wat ingevolge onderskeidelik artikels 2 en 49 van die Ontwik- 10
 kelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), 'n oopge-
 stelde of 'n afgesonderde gebied is of wat aan die Suid-Afrikaanse
 Ontwikkelingstrust behoort of wat geleë is in enige gebied wat deur die
 Parlement by besluit bepaal is, as 'n dorp afsonder vir bewoning, deur
 of vir die nywerheids- of besigheidsdoeleindes van Swart persone, en 15
 grond wat aldus afgesonder word, kan grond insluit wat reeds deur
 Swart persone bewoon word of deur hulle vir gemelde ander
 doeleindes aangewend word; en
 - (b) 'n dorp in paragraaf (a) bedoel, uitbrei, heromskryf of andersins 20
 verander.”;
 - (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te 20
 vervang:

“(a) die instelling van 'n plaaslike bestuursliggaam of bestuursliggame vir
 die beheer en bestuur van [daardie] 'n dorp of dorpe;”;
 - (c) deur die volgende subartikel by te voeg: 25

“(3) Die Minister kan by kennisgewing in die *Staatskoerant*, na oorleg
 met die betrokke plaaslike bestuursliggaam of bestuursliggame ingestel
 ingevolge subartikel (2)—

 - (a) daardie plaaslike bestuursliggaam of bestuursliggame ontbind en 'n 30
 plaaslike bestuursliggaam onder 'n naam in die kennisgewing vermeld,
 instel vir die gebied waarvoor daardie plaaslike bestuursliggaam of
 bestuursliggame ingestel was;

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to extend certain powers of the Minister; to amend the Development Trust and Land Act, 1936, so as to deregulate the procedure for licence applications of Black dealers; to amend the Promotion of the Economic Development of National States Act, 1968, so as to extend the powers of the South African Development Trust Corporation Limited; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 23 May 1988.)

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

Amendment of section 30 of Act 38 of 1927, as substituted by section 2 of Act 83 of 1984 and amended by section 2 of Act 57 of 1986

- 5 1. Section 30 of the Black Administration Act, 1927, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “ (1) The Minister of Education and Development Aid may, notwithstanding anything to the contrary in any law contained, by notice in the *Gazette*—
- 10 (a) set apart land which in terms of sections 2 and 49, respectively, of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), is a released area or a scheduled area, or which belongs to the South African Development Trust, or which is situated in any area determined by Parliament by resolution as a town for occupation by or for the residential or business purposes of Black persons, and land which
- 15 is so set aside may include land which at the time of the setting aside is already occupied by such persons or is already utilized by them for such other purposes; and
- 20 (b) extend, redefine or otherwise modify a town referred to in paragraph (a).”;
- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “ (a) the establishment of a local government body or bodies for the control and management of **[that]** a town or towns;” ; and
- 25 (c) by the addition of the following subsection:
- “ (3) The Minister may by notice in the *Gazette*, after consultation with the local government body or bodies concerned established in terms of subsection (2)—
- 30 (a) dissolve that local government body or bodies and establish under a name mentioned in the notice a local government body for the area for which that local government body or bodies were established;

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- (b) die naam van daardie plaaslike bestuursliggaam verander;
- (c) daardie plaaslike bestuursliggaam ontbind indien na die oordeel van die Minister die behoefte daaraan nie meer bestaan nie.”

Wysiging van artikel 11 van Wet 18 van 1936, soos gewysig deur artikel 35 van Wet 46 van 1937 en artikel 3 van Wet 16 van 1979

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2. Artikel 11 van die Ontwikkelingstrust en Grond Wet, 1936, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 24 van Wet 18 van 1936, soos gewysig deur artikel 3 van Wet 63 van 1966 en artikel 6 van Wet 54 van 1985

3. Artikel 24 van die Ontwikkelingstrust en Grond Wet, 1936, word hierby 10 gewysig—

- (a) deur subartikels (3), (4) en (5) te skrap; en
- (b) deur subartikel (6) deur die volgende subartikel te vervang:
 - “(6) (a) Subartikels (1) en (2) **[en (3)]** is *mutatis mutandis* van toepassing met betrekking tot ’n gebied wat by ’n Wet van die Parlement tot ’n selfregerende gebied binne die Republiek verklaar is of word, en ook met betrekking tot enige persoon wat nie ’n burger van daardie gebied is nie.
 - (b) ’n Reg wat ingevolge subartikel (1) **[of (3)]** verkry is ten opsigte van grond wat tot ’n selfregerende gebied verklaar is of word of wat deel 20 van so ’n gebied uitmaak en wat uitgeoefen en van krag was toe bedoelde grond tot ’n selfregerende gebied verklaar is of deel van so ’n gebied geword het of wat uitgeoefen en van krag is wanneer bedoelde grond tot ’n selfregerende gebied verklaar word of deel van so ’n gebied word, na gelang van die geval, word geag ingevolge hierdie 25 subartikel verkry te gewees het.”

Wysiging van artikel 1A van Wet 46 van 1968, soos ingevoeg deur artikel 1 van Wet 105 van 1986

4. Artikel 1A van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Nasionale State, 1968, word hierby gewysig—

30

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
 - “(2) Die doelstellinge van die Suid-Afrikaanse Ontwikkelingstrustkorporasie Beperk is om die ontwikkeling van—
 - (a) die nasionale state; **[en]**
 - (b) die Swart bevolking van **[sodanige]** die nasionale state; en 35
 - (c) ondanks andersluidende bepalings van die een of ander Wet, enige ander gemeenskap, persoon of instelling binne of buite die nasionale state, op versoek van daardie gemeenskap, persoon of instelling, maar onderworpe aan die goedkeuring van en op die voorwaardes voorgeskryf deur die Trustee, 40
- op nywerheids-, handels-, finansiële, myn- en ander sakegebiede te beplan, te finansier, te koördineer, te bevorder en uit te voer.”; en
- (b) deur die volgende subartikel by te voeg:
 - “(7) Enigeen of meer van die bevoegdhede kragtens artikel 4 (1) aan die Suid-Afrikaanse Ontwikkelingstrustkorporasie Beperk verleen, kan, on- 45
 - danks andersluidende bepalings van die een of ander wet, en onderworpe aan die goedkeuring van en op die voorwaardes deur die Trustee voorgeskryf, ingevolge ’n skriftelike ooreenkoms met ’n sentrale, provinsiale, streeks- of plaaslike owerheidsinstelling, ontwikkelingsinstelling of organisasie buite die selfregerende gebiede in subartikel (5) (a) bedoel, of die 50
 - nasionale state, ten opsigte van enige gemeenskap, persoon of instelling in subartikel (2) (c) bedoel, uitgeoefen word.”

Vervanging van lang titel van Wet 46 van 1968

5. Die lang titel van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Nasionale State, 1968, word hierby deur die volgende lang titel vervang: 55

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- (b) alter the name of that local government body;
- (c) dissolve that local government body if, in the opinion of the Minister, the need for it no longer exists."

Amendment of section 11 of Act 18 of 1936, as amended by section 35 of Act 46 of 1937 and section 3 of Act 16 of 1979

2. Section 11 of the Development Trust and Land Act, 1936, is hereby amended by the deletion of subsection (2).

Amendment of section 24 of Act 18 of 1936, as amended by section 3 of Act 63 of 1966 and section 6 of Act 54 of 1985

10 3. Section 24 of the Development Trust and Land Act, 1936, is hereby amended—

- (a) by the deletion of subsections (3), (4) and (5); and
- (b) by the substitution for subsection (6) of the following subsection:

15 “(6) (a) Subsections (1) and (2) **[and (3)]** shall *mutatis mutandis* apply with reference to any territory which by an Act of Parliament has been or is declared a self-governing territory within the Republic, and also with reference to any person who is not a citizen of that territory.

- (b) Any right acquired under subsection (1) **[or (3)]** in respect of land which has been or is declared a self-governing territory or which forms part of such territory and which had been exercised and was of force
20 when the said land was declared a self-governing territory or became part of such a territory or which has been exercised and is of force when the said land is declared a self-governing territory or becomes part of such a territory, as the case may be, shall be deemed to have been acquired under this subsection.”

25 Amendment of section 1A of Act 46 of 1968, as inserted by section 1 of Act 105 of 1986

4. Section 1A of the Promotion of the Economic Development of National States Act, 1968, is hereby amended—

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

30 “(2) The objects of the South African Development Trust Corporation Limited shall be to plan, finance, co-ordinate, promote and carry out the development of—

(a) the national states; **[and]**

(b) the Black population of **[such]** the national states; and

35 (c) notwithstanding the provisions of any other law to the contrary, any other community, person or institution within or outside the national states, at the request of that community, person or institution, but subject to the consent of and on the conditions prescribed by the Trustee,

40 in the fields of industry, commerce, finance, mining and other businesses.”; and

- (b) by the addition of the following subsection:

45 “(7) Any one or more of the powers conferred upon the South African Development Trust Corporation Limited in terms of section 4 (1) may, notwithstanding the provisions of any other law to the contrary, and subject to the approval of and on the conditions prescribed by the Trustee, in terms of a written agreement with any central, provincial, regional or local government institution, development institution or organization, be performed outside the self-governing territories referred to in subsection 5 (a), or the national states, in respect of the community, person or institution
50 referred to in subsection (2) (c).”

Substitution of long title of Act 46 of 1968

5. The following long title is hereby substituted for the long title of the Promotion of the Economic Development of National States Act, 1968:

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“WET

Om voorsiening te maak vir die voortbestaan van die Swart Beleggingskorporasie van Suid-Afrika, Beperk, en die Xhosa-ontwikkelingskorporasie, Beperk, en vir die instelling van verdere ontwikkelingskorporasies en ander korporasies ten einde onder die beheer van die Trustee van die Suid-Afrikaanse Ontwikkelingstrust, die ekonomiese ontwikkeling van die nasionale state en die Swart bevolking van sodanige state en die ontwikkeling van enige ander gemeenskap, persoon of instelling binne of buite 'n nasionale staat op versoek van daardie gemeenskap, persoon of instelling te bevorder en uit te voer deur nywerheids-, handels-, finansiële, myn- en ander sake-ondernemings en projekte op te rig, te loods, te beplan, te finansier, te koördineer, te bevorder, voort te sit en uit te voer; en vir aangeleenthede wat daarmee in verband staan.” 5 10

Kort titel

6. Hierdie Wet heet die Wysigingswet op Ontwikkelingshulp-wetgewing, 1988.

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"ACT

- 5 To provide for the continued existence of the Black Investment Corporation of South Africa, Limited, and the Xhosa Development Corporation, Limited, and for the establishment of further development corporations and other corporations so as to promote and carry out under the control of the Trustee of the South African Development Trust the economic development of the national states and the Black population of such states and the development of any other community, person or institution within or outside a national state at the request of that community, person or institution, by establishing, inaugurating, planning, financing, co-ordinating, promoting, carrying on and carrying out industrial, commercial, financial, mining and other business undertakings and projects; and for matters incidental thereto."
- 10

Short title

6. This Act shall be called the Development Aid Laws Amendment Act, 1988.

