



# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

Selling price • Verkoopprys  
(GST excluded/AVB uitgesluit)

Local **80c** Plaaslik  
Other countries R1,10 Buiteland  
Post free • Posvry

VOL. 310

CAPE TOWN, 19 APRIL 1991

No. 13170

KAAPSTAD, 19 APRIL 1991

### STATE PRESIDENT'S OFFICE

No. 807.

19 April 1991

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

No. 43 of 1991: Local Government Ordinance Amendment Act (Orange Free State) (House of Assembly), 1991.

### KANTOOR VAN DIE STAATSPRESIDENT

No. 807.

19 April 1991

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

No. 43 van 1991: Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Oranje-Vrystaat) (Volksraad), 1991.

**Act No. 43, 1991****LOCAL GOVERNMENT ORDINANCE AMENDMENT ACT  
(ORANGE FREE STATE) (HOUSE OF ASSEMBLY), 1991****GENERAL EXPLANATORY NOTE:**

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

Words underlined with a solid line indicate insertions in existing enactments.

**ACT**

To amend the Local Government Ordinance, 1962 (Orange Free State) (in so far as it is applied as a law on own affairs of the White population group), so as to provide for the granting of legal representation to employees of a municipal council under certain circumstances; to fix the date of commencement of an amendment in rates of interest which may be levied by a municipal council; to empower a municipal council to determine the amount which shall accompany certain objections; to extend the power of a municipal council to make regulations; to increase the maximum amounts which may be imposed as fines on conviction of offences in terms of the said Ordinance and the regulations thereunder; to empower the Minister to make standard regulations, and to empower a municipal council to adopt such standard regulations; and to assign the responsibility for the promulgation of the regulations of a municipal council to the town clerk of such council; and to provide for matters connected therewith.

*(English text signed by the State President.)  
(Assented to 8 April 1991.)*

**B**E IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

**Definition**

1. In this Act, unless the context otherwise indicates, “the Ordinance” means the Local Government Ordinance, 1962 (Ordinance No. 8 of 1962) (Orange Free State), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by paragraph (a) of Proclamation No. R. 38 of 1989 been declared to be applicable to the said Ordinance.

5

**Insertion of section 73B in Ordinance 8 of 1962**

10

2. The following section is hereby inserted in the Ordinance after section 73A:

**“Legal representation of employees of council**

**73B. A council may, subject to such terms and conditions as it may determine, provide for the legal representation of an employee of the council against whom any claim has or legal proceedings of any nature, whether civil or criminal, have been instituted or who has been summoned to attend, in any capacity, any inquest or other statutory inquiry in connection with any act or omission of such employee in the performance of his duties or the exercise of his powers, and incur any costs in connection therewith.”**

15

20

## ALGEMENE VERDUIDELIKENDE NOTA:

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

**WET**

Tot wysiging van die Ordonnansie op Plaaslike Bestuur, 1962 (Oranje-Vrystaat) (vir sover dit as 'n wet oor eie sake van die Blanke bevolkingsgroep toegepas word), ten einde voorsiening te maak vir die verlening van regsverteenvoerdiging aan werknekmers van 'n munisipale raad onder sekere omstandighede; die datum van die inwerkingtreding van 'n wysiging in rentekoerse wat deur 'n munisipale raad gehef kan word, te bepaal; 'n munisipale raad te magtig om die bedrag wat sekere besware moet vergesel, te bepaal; 'n munisipale raad se bevoegdheid om regulasies te maak, uit te brei; die maksimum bedrae wat as boetes by skuldigbevinding aan misdrywe ingevalle genoemde Ordonnansie en die regulasies daarkragtens opgelê kan word, te verhoog; die Minister te magtig om standaardregulasies te maak, en 'n munisipale raad te magtig om sodanige standaardregulasies aan te neem; en die verantwoordelikheid vir die afkondiging van die regulasies van 'n munisipale raad aan die stadsklerk van sodanige raad op te dra; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 8 April 1991.)

**D**AAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

**Woordomskrywing**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken "die Ordonnansie" die Ordonnansie op Plaaslike Bestuur, 1962 (Ordonnansie No. 8 van 1962) (Oranje-Vrystaat), vir sover en in die mate waarin die bepalings van Deel IV van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), by paragraaf (a) van Proklamasie No. R. 38 van 1989 op genoemde Ordonnansie van toepassing verklaar is.

**10 Invoeging van artikel 73B in Ordonnansie 8 van 1962**

2. Die volgende artikel word hierby in die Ordonnansie na artikel 73A ingevoeg:

**"Regsverteenvoerdiging van werknekmers van raad"**

15           **73B.** 'n Raad kan, behoudens die bedinge en voorwaardes wat hy bepaal, reël vir die regsverteenvoerdiging van 'n werknekmer van die raad teen wie enige eis of regsgeding van enige aard, hetsy siviell of strafregtelik, ingestel is of wat gedagvaar is om in enige hoedanigheid enige geregtelike doodsondersoek of ander statutêre ondersoek by te woon in verband met enige doen of late van sodanige werknekmer in die verrigting van sy pligte of die uitoefening van sy bevoegdhede, en enige koste in verband daarmee aangaan."

**Act No. 43, 1991****LOCAL GOVERNMENT ORDINANCE AMENDMENT ACT  
(ORANGE FREE STATE) (HOUSE OF ASSEMBLY), 1991**

**Amendment of section 78 of Ordinance 8 of 1962, as amended by section 4 of Ordinance 7 of 1968, section 2 of Ordinance 10 of 1973, section 2 of Ordinance 13 of 1974, section 4 of Ordinance 2 of 1977, section 6 of Ordinance 2 of 1979, section 3 of Ordinance 14 of 1982 and section 27 of Proclamation 18 of 25 February 1988**

3. Section 78 of the Ordinance is hereby amended by the addition to subsection (2) of the following paragraph:

"(c) The first-mentioned interest rates referred to in paragraphs (a) and (b) shall be amended on the first day of the month following on the month in which a council's bank has amended the interest rate payable by the council to its bank in respect of an overdraft."

10

**Amendment of section 107 of Ordinance 8 of 1962, as amended by section 7 of Ordinance 15 of 1966, section 4 of Ordinance 9 of 1977, section 4 of Ordinance 14 of 1982, section 7 of Ordinance 19 of 1986 and section 3 of Act 33 of 1990**

4. Section 107 of the Ordinance is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) An objection lodged in terms of paragraph (b) of subsection (1) shall be accompanied by an objection fee of [not less than R2 or more than R50,] such amount as the council may determine, in respect of each separate property against the valuation of which objection is made."

15

**Amendment of section 112 of Ordinance 8 of 1962, as amended by section 2 of Ordinance 13 of 1963, section 10 of Ordinance 15 of 1966, section 2 of Ordinance 6 of 1967, section 5 of Ordinance 7 of 1968, section 1 of Ordinance 14 of 1968, section 3 of Ordinance 13 of 1974, section 4 of Ordinance 3 of 1975, section 6 of Ordinance 9 of 1977, section 5 of Ordinance 14 of 1977, section 5 of Ordinance 14 of 1982, section 8 of Ordinance 19 of 1986 and section 4 of Act 33 of 1990**

25

5. Section 112 of the Ordinance is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) An objection lodged in terms of paragraph (a) shall be accompanied by an objection fee of [not less than R2 or more than R50] such amount as the council may determine, in respect of each separate property against the valuation of which objection is made."

30

**Amendment of section 146 of Ordinance 8 of 1962, as amended by section 16 of Ordinance 15 of 1966, section 31 of Ordinance 16 of 1966, section 6 of Ordinance 11 of 1969, section 11 of Ordinance 11 of 1971, section 45 of Ordinance 8 of 1972, section 6 of Ordinance 13 of 1974, section 6 of Ordinance 3 of 1975, section 4 of Ordinance 10 of 1976, section 6 of Ordinance 6 of 1980, section 2 of Ordinance 7 of 1982, section 3 of Ordinance 10 of 1984, section 61 of Proclamation 18 of 25 February 1988 and section 1 of Act 104 of 1990**

35

6. Section 146 of the Ordinance is hereby amended by the insertion after subsection (29A) of the following subsection:

"(30) Control, regulation, restriction or prohibition of entry to or use of certain municipal property—For controlling, regulating, restricting or prohibiting the entry to, presence on or use of any movable or immovable property which is the property of, or possessed, controlled or leased by, a council and to which the general public has access, whether on the payment of an entry fee or not, by any person."

45

WYSIGINGSWET OP DIE ORDONNANSIE OP PLAASLIKE  
BESTUUR (ORANJE-VRYSTAAT) (VOLKSRAAD), 1991

Wet No. 43, 1991

Wysiging van artikel 78 van Ordonnansie 8 van 1962, soos gewysig deur artikel 4 van Ordonnansie 7 van 1968, artikel 2 van Ordonnansie 10 van 1973, artikel 2 van Ordonnansie 13 van 1974, artikel 4 van Ordonnansie 2 van 1977, artikel 6 van Ordonnansie 2 van 1979, artikel 3 van Ordonnansie 14 van 1982 en artikel 27 van 5 Proklamasie 18 van 25 Februarie 1988

3. Artikel 78 van die Ordonnansie word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg:

10 "(c) Die eersgenoemde rentekoerse in paragrawe (a) en (b) bedoel, word gewysig op die eerste dag van die maand wat volg op die maand waarin 'n raad se bank die rentekoers wat die raad aan sy bank moet betaal wanneer sy rekening oortrokke is, gewysig het.".

Wysiging van artikel 107 van Ordonnansie 8 van 1962, soos gewysig deur artikel 7 van Ordonnansie 15 van 1966, artikel 4 van Ordonnansie 9 van 1977, artikel 4 van Ordonnansie 14 van 1982, artikel 7 van Ordonnansie 19 van 1986 en artikel 3 van Wet 15 33 van 1990

4. Artikel 107 van die Ordonnansie word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

20 "(2) 'n Beswaar wat kragtens paragraaf (b) van subartikel (1) ingedien is, moet vergesel gaan van 'n beswaargeld van [minstens R2 of hoogstens R50, na gelang] 'n bedrag wat die raad bepaal, ten opsigte van elke afsonderlike eiendom teen die waardering waarvan beswaar gemaak word.".

25 Wysiging van artikel 112 van Ordonnansie 8 van 1962, soos gewysig deur artikel 2 van Ordonnansie 13 van 1963, artikel 10 van Ordonnansie 15 van 1966, artikel 2 van Ordonnansie 6 van 1967, artikel 5 van Ordonnansie 7 van 1968, artikel 1 van Ordonnansie 14 van 1968, artikel 3 van Ordonnansie 13 van 1974, artikel 4 van Ordonnansie 3 van 1975, artikel 6 van Ordonnansie 9 van 1977, artikel 5 van Ordonnansie 14 van 1977, artikel 5 van Ordonnansie 14 van 1982, artikel 8 van Ordonnansie 19 van 1986 en artikel 4 van Wet 33 van 1990

30 5. Artikel 112 van die Ordonnansie word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

"(b) 'n Beswaar wat ingevolge paragraaf (a) ingedien is, gaan vergesel van 'n bedrag [van minstens R2 of hoogstens R50, na gelang] wat die raad bepaal, ten opsigte van elke afsonderlike eiendom teen die waardering waarvan beswaar gemaak word.".

35 40 45 50 Wysiging van artikel 146 van Ordonnansie 8 van 1962, soos gewysig deur artikel 16 van Ordonnansie 15 van 1966, artikel 31 van Ordonnansie 16 van 1966, artikel 6 van Ordonnansie 11 van 1969, artikel 11 van Ordonnansie 11 van 1971, artikel 45 van Ordonnansie 8 van 1972, artikel 6 van Ordonnansie 13 van 1974, artikel 6 van Ordonnansie 3 van 1975, artikel 4 van Ordonnansie 10 van 1976, artikel 6 van Ordonnansie 6 van 1980, artikel 2 van Ordonnansie 7 van 1982, artikel 3 van Ordonnansie 10 van 1984, artikel 61 van Proklamasie 18 van 25 Februarie 1988 en artikel 1 van Wet 104 van 1990

55 6. Artikel 146 van die Ordonnansie word hierby gewysig deur die volgende subartikel na subartikel (29A) in te voeg:

"(30) **Beheer, reëling, beperking of verbieding van toegang tot of gebruik van sekere munisipale eiendom**—Om die toegang tot, die teenwoordigheid op of die gebruik van enige roerende of onroerende goed wat dié eiendom is van, of besit, beheer of gehuur word deur, 'n raad en waartoe die algemene publiek toegang het, hetsy teen betaling van toegangselde al dan nie, deur enige persoon te beheer, reël, beperk of verbied."

**Act No. 43, 1991****LOCAL GOVERNMENT ORDINANCE AMENDMENT ACT  
(ORANGE FREE STATE) (HOUSE OF ASSEMBLY), 1991****Substitution of section 147 of Ordinance 8 of 1962, as amended by section 3 of  
Ordinance 6 of 1985**

7. The following section is hereby substituted for section 147 of the Ordinance:

**"Penalty for contravention of regulations"**

**147.** Regulations made under this Ordinance may provide for a penalty of a fine not exceeding [five hundred rand] R1 000 or imprisonment for a period not exceeding six months or both such fine and such imprisonment for any contravention thereof, and may further provide that any expense incurred by a council as a result of any such contravention or in the doing of any thing which any person was directed to do by or under any such regulation and which he failed to do, may be recovered by the council from the person [committing] who committed the contravention or [failing] failed to do such thing.".

5

10

**Insertion of section 148A in Ordinance 8 of 1962**

8. The following section is hereby inserted after section 148 of the Ordinance: 15

**"Standard regulations"**

**148A. (1)** The Minister may by notice in the *Gazette* make standard regulations regarding any matter in respect of which a council has the power to make regulations.

(2) Subject to the provisions of sections 148, 149 and 150, a council may adopt the regulations referred to in subsection (1), with or without amendments, as regulations made by the council.".

20

**Amendment of section 150 of Ordinance 8 of 1962**

9. Section 150 of the Ordinance is hereby amended by the substitution for subsection (2) of the following subsection: 25

"(2) Upon the approval of any regulations [in terms of] under subsection (1) the [Administrator] Minister shall notify the council accordingly and the town clerk shall cause such regulations to be promulgated by notice in the *Gazette* at the expense of the council: Provided that in respect of standard regulations adopted by the council under section 148A (2), it shall be sufficient for the town clerk to cause to be published in the *Gazette* a notice referring to the notice by which such standard regulations were published, as contemplated in subsection (1) of that section, and in which any amendments effected thereto are clearly set out.".

30

**Amendment of section 181 of Ordinance 8 of 1962, as amended by section 4 of 35  
Ordinance 6 of 1985 and section 13 of Ordinance 19 of 1986**

10. Section 181 of the Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person convicted of an offence under this Ordinance for which no penalty is expressly provided shall be liable to a fine not exceeding [five hundred rand] R1 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.".

40

**Short title and commencement**

11. (1) (a) This Act shall be called the Local Government Ordinance Amendment Act (Orange Free State) (House of Assembly), 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

45

(b) Notwithstanding the provisions of paragraph (a), section 6 shall be deemed to have come into operation on 15 October 1990.

(2) Different dates may be fixed in terms of subsection (1) (a) in respect of different provisions of this Act.

50

WYSIGINGSWET OP DIE ORDONNANSIE OP PLAASLIKE  
BESTUUR (ORANJE-VRYSTAAT) (VOLKSRAAD), 1991

Wet No. 43, 1991

Vervanging van artikel 147 van Ordonnansie 8 van 1962, soos gewysig deur artikel 3  
van Ordonnansie 6 van 1985

7. Artikel 147 van die Ordonnansie word hierby deur die volgende artikel vervang:

## “Straf vir oortreding van regulasies

5        147. Regulasies kragtens hierdie Ordonnansie kan voorsiening maak  
vir 'n boete van hoogstens **[vyfhonderd rand]** R1 000 of **[’n]** gevange-  
nisstraf vir 'n tydperk van hoogstens ses maande of sowel sodanige boete  
10      as sodanige gevangenisstraf vir 'n oortreding daarvan, en kan verder  
bepaal dat enige koste wat deur die raad aangegaan is as gevolg van so 'n  
oortreding of by die doen van enigets wat iemand by of kragtens enige  
sodanige regulasie opgedra was om te doen en wat hy versuum het om te  
doen, deur die raad verhaal kan word van die persoon wat die oortreding  
begaan het of versuum het om sodanige ding te doen.”.

## Invoeging van artikel 148A in Ordonnansie 8 van 1962

15      8. Die volgende artikel word hierby in die Ordonnansie na artikel 148 ingevoeg:

## “Standaardregulasies

148A. (1) Die Minister kan by kennisgewing in die *Staatskoerant*  
standaardregulasies maak betreffende enige aangeleentheid ten opsigte  
waarvan 'n raad die bevoegdheid het om regulasies te maak.  
20      (2) Behoudens die bepalings van artikels 148, 149 en 150 kan 'n raad  
die regulasies in subartikel (1) bedoel, met of sonder wysigings aanneem  
as regulasies wat deur die raad gemaak is.”.

## Wysiging van artikel 150 van Ordonnansie 8 van 1962

9. Artikel 150 van die Ordonnansie word hierby gewysig deur subartikel (2) deur  
25      die volgende subartikel te vervang:

“(2) Na die goedkeuring van regulasies kragtens subartikel (1) **[laat]** stel die  
**[Administrator]** Minister die raad dienooreenkomsig in kennis en laat die  
stadsklerk die regulasies op koste van die raad by kennisgewing in die  
*Staatskoerant* afkondig: Met dien verstande dat ten opsigte van standaard-  
30      regulasies wat kragtens artikel 148A (2) deur die raad aangeneem is, dit vir die  
stadsklerk voldoende is om 'n kennisgewing in die *Staatskoerant* te laat publiseer  
waarin verwys word na die kennisgewing waarby sodanige standaardregulasies  
gepubliseer is, soos beoog in subartikel (1) van daardie artikel, en waarin enige  
wysigings wat daaraan aangebring is, duidelik uiteengesit word.”.

35      35 Wysiging van artikel 181 van Ordonnansie 8 van 1962, soos gewysig deur artikel 4 van  
Ordonnansie 6 van 1985 en artikel 13 van Ordonnansie 19 van 198610. Artikel 181 van die Ordonnansie word hierby gewysig deur subartikel (1) deur  
die volgende subartikel te vervang:

“(1) Iemand wat **[ingevolge]** kragtens hierdie Ordonnansie skuldig bevind is  
aan 'n misdryf waarvoor 'n straf nie uitdruklik bepaal word nie, is strafbaar met  
'n boete van hoogstens **[vyfhonderd rand]** R1 000 of met gevangenisstraf vir 'n  
tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige  
gevangenisstraf.”.

## Kort titel en inwerkingtreding

45      11. (1) (a) Hierdie Wet heet die Wysigingswet op die Ordonnansie op Plaaslike  
Bestuur (Oranje-Vrystaat) (Volksraad), 1991, en tree in werking op 'n  
datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(b) Ondanks die bepalings van paragraaf (a) word artikel 6 geag op 15 Oktober  
1990 in werking te getree het.

50      (2) Verskillende datums kan ingevolge subartikel (1) (a) bepaal word ten opsigte  
van verskillende bepalings van hierdie Wet.

