



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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### STATE PRESIDENT'S OFFICE

No. 1343.

19 June 1991

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

No. 83 of 1991: Local Government Ordinance Second Amendment Act (Orange Free State) (House of Assembly), 1991

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### KANTOOR VAN DIE STAATSPRESIDENT

No. 1343.

19 Junie 1991

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

No. 83 van 1991: Tweede Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Oranje-Vrystaat) (Volksraad), 1991

Act No. 83, 1991 LOCAL GOVERNMENT ORDINANCE SECOND 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 further regulate the deposit of amounts in the capital development fund; to abolish the restriction that only a council with a certain grade classification may raise a loan without the approval of the Minister; to increase the maximum town rate that may be levied by a council; and to extend the basis on which a difference may be made in the town rate; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 5 June 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

**Amendment of section 1 of Ordinance 8 of 1962, as amended by section 4 of Ordinance 6 of 1970, section 1 of Ordinance 14 of 1982 and section 1 of Proclamation 18 of 1988** 10

2. Section 1 of the Ordinance is hereby amended by the insertion after the definition of “mining land” of the following definition:  
“ ‘Minister’ means the Minister of Local Government: House of Assembly;”. 15

**Amendment of section 82 of Ordinance 8 of 1962, as inserted by section 29 of Proclamation 18 of 1988**

3. Section 82 of the Ordinance is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:  
“(1) Unless the **[Administrator]** Minister determines otherwise in any particular case, the council of each municipality shall establish a capital development fund (in this section referred to as the fund) into which shall be deposited— 20  
(a) at least one per cent of the annual income of the council;

## ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

## WET

Tot wysiging van die Ordonnansie op Plaaslike Bestuur, 1962 (Oranje-Vrystaat)(vir sover dit as 'n wet oor die sake van die Blanke bevolkingsgroep toegepas word), ten einde die storting van bedrae in die kapitaalontwikkelingsfonds verder te reël; die beperking dat slegs 'n raad met 'n bepaalde graadindeling sonder die goedkeuring van die Minister 'n lening kan aangaan, op te hef; die maksimum dorpsbelasting wat deur 'n raad gehef kan word, te verhoog; en die grondslag waarop 'n verskil in dorpsbelasting gemaak kan word, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Junie 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 bepalinge 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 Wysiging van artikel 1 van Ordonnansie 8 van 1962, soos gewysig deur artikel 4 van Ordonnansie 6 van 1970, artikel 1 van Ordonnansie 14 van 1982 en artikel 1 van Proklamasie 18 van 1988

2. Artikel 1 van die Ordonnansie word hierby gewysig deur na die omskrywing van “kieser” die volgende omskrywing in te voeg:
- 15 “ ‘Minister’ die Minister van Plaaslike Bestuur: Volksraad;”.

Wysiging van artikel 82 van Ordonnansie 8 van 1962, soos ingevoeg deur artikel 29 van Proklamasie 18 van 1988

3. Artikel 82 van die Ordonnansie word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- 20 “(1) Tensy die **[Administrateur]** Minister in 'n bepaalde geval anders bepaal, moet die raad van elke munisipaliteit 'n kapitaalontwikkelingsfonds (in hierdie artikel die fonds genoem) instel waarin gestort moet word—
- (a) minstens een persent van die jaarlikse inkomste van die raad;

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- [(b) such further amount out of the annual income of the council, expressed as a percentage thereof, or out of accrued surpluses as the Administrator may approve;**
- (c) [(b)]** subject to the provisions of subsection (4), all amounts received by way of repayment of a loan from the fund together with interest thereon and interest received out of the investment of moneys in the fund; 5
- [(d) [(c)]]** the nett proceeds of the sale of an asset financed with a loan from the fund and written off in full or partially against such loan: 10
- Provided that the Minister may at any time exempt a council from any or all of the provisions of paragraph (a), (b) or (c) on such conditions and to such extent as he may deem fit, and may—
- (i) if he deems it necessary, grant such exemption with retrospective effect as from 1 April 1989; 15
- (ii) revoke or amend such exemption at any time.”;
- (b) by the substitution for subsection (4) of the following subsection:
- “(4) **[Whenever a further amount is deposited into the fund under subsection (1)(b), the]** A council may deposit into the current income account of the council— 20
- (a) in the case where not more than three per cent and not less than two per cent of the annual income of the council has been deposited into the fund in terms of subsection (1)(a), 25%;
- (b) in the case where more than three per cent of the annual income of the council has so been deposited, 50%, 25
- of the interest earned out of the money in the fund.”; and
- (c) by the substitution for subsection (5) of the following subsection:
- “(5) In calculating the annual income of **[this] the** council for purposes of the **[amounts] amount** contemplated in subsection (1)(a) **[or (b)]**, the income of the council derived from the provision of housing in terms of the provisions of the Housing Act, 1966 (Act No. 4 of 1966), shall be excluded from the other income of the council.”. 30

**Amendment of section 97 of Ordinance 8 of 1962, as amended by section 4 of Ordinance 11 of 1969, section 3 of Ordinance 9 of 1977 and section 36 of Proclamation 18 of 1988** 35

4. Section 97 of the Ordinance is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) The provisions of subsection (1), in so far as they require the approval of the **[Administrator] Minister**, and subsections (2)(c), (3), (5) and (6) shall not apply in relation to a council **[with a grade classified under section 8 of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), as] or categories of councils which the [Administrator] Minister may determine by notice in the Gazette: Provided that the Minister may at any time in like manner revoke such notice.**” 45

**Amendment of section 114 of Ordinance 8 of 1962, as amended by section 12 of Ordinance 15 of 1966, section 6 of Ordinance 7 of 1968, section 12 of Ordinance 6 of 1972, section 6 of Ordinance 2 of 1977, section 6 of Ordinance 14 of 1977 and section 42 of Proclamation 18 of 1988**

5. Section 114 of the Ordinance is hereby amended— 50

(a) by the substitution for subsection (4) of the following subsection:

“(4) When levying a town rate a council may provide that the rate to be paid during a financial year in respect of each ratable property separately recorded in the municipal valuation roll, shall not be less than an amount fixed by the council: Provided that the amount thus fixed shall not exceed **[ten rand] R500** unless the majority of the owners of ratable property within the municipality present and 55

**[(b) die verdere bedrag uit die jaarlikse inkomste van die raad, uitgedruk in 'n persentasie daarvan, of uit opgeloopte surplusse wat die Administrateur goedkeur;**

(c) **[(b)]** behoudens die bepalings van subartikel (4), alle bedrae wat by wyse van terugbetaling van 'n lening uit die fonds tesame met rente daarop ontvang word en rente wat uit die belegging van gelde in die fonds ontvang word;

**[(d)](c)** die netto opbrings van die verkoop van 'n bate wat met 'n lening uit die fonds gefinansier en ten volle of gedeeltelik teen die lening afgeskryf is:

Met dien verstande dat die Minister 'n raad te eniger tyd van enige van of al die bepalings van paragrafe (a), (b) of (c) kan vrystel op die voorwaardes en in die mate wat hy goedvind, en—

(i) indien hy dit nodig ag, bedoelde vrystelling met terugwerkende krag vanaf 1 April 1989 kan verleen;

(ii) bedoelde vrystelling te eniger tyd kan intrek of wysig.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) **[(Wanneer 'n verdere bedrag kragtens subartikel (1)(b), in die fonds gestort word, kan] 'n [raad] Raad kan—**

(a) in die geval waar nie meer nie as drie persent en nie minder nie as twee persent van die jaarlikse inkomste van die raad ingevolge subartikel (1)(a) in die fonds gestort is, 25%;

(b) in die geval waar meer as drie persent van die jaarlikse inkomste van die raad aldus gestort is, 50%, van die rente wat uit die geld in die fonds verdien is in die lopende inkomsterekening van die raad stort.”; en

(c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) By die berekening van die jaarlikse inkomste van die raad vir doeleindes van die **[(bedrae) bedrag]** in subartikel (1)(a) **[(of (b))]** beoog, word die inkomste wat die raad verkry uit die verskaffing van behuising ingevolge die bepalings van die Behuisingswet, 1966 (Wet No. 4 van 1966), van die ander inkomste van die raad uitgesluit.”.

Wysiging van artikel 97 van Ordonnansie 8 van 1962, soos gewysig deur artikel 4 van Ordonnansie 11 van 1969, artikel 3 van Ordonnansie 9 van 1977 en artikel 36 van Proklamasie 18 van 1988

4. Artikel 97 van die Ordonnansie word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Die bepalings van subartikel (1), vir sover dit die goedkeuring van die **[(Administrateur) Minister]** vereis, en subartikels (2)(c), (3), (5) en (6) is nie van toepassing nie met betrekking tot 'n raad **[(met 'n graad ingedeel kragtens artikel 8 van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984))]** of kategorieë van rade wat die **[(Administrateur) Minister]** by kennisgewing in die *Offisiële Koerant* bepaal: Met dien verstande dat die Minister sodanige kennisgewing te eniger tyd op soortgelyke wyse kan intrek.”.

Wysiging van artikel 114 van Ordonnansie 8 van 1962, soos gewysig deur artikel 12 van Ordonnansie 15 van 1966, artikel 6 van Ordonnansie 7 van 1968, artikel 12 van Ordonnansie 6 van 1972, artikel 6 van Ordonnansie 2 van 1977, artikel 6 van Ordonnansie 14 van 1977 en artikel 42 van Proklamasie 18 van 1988

5. Artikel 114 van die Ordonnansie word hierby gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer 'n raad 'n dorpsbelasting hef, kan hy bepaal dat die belasting wat gedurende 'n boekjaar ten opsigte van elke belasbare eiendom wat afsonderlik in die munisipale waarderingstelsel aangeteken is, betaal moet word, minstens 'n bedrag wat deur die raad vasgestel is, moet wees: Met dien verstande dat die aldus vasgestelde bedrag nie **[(tien rand)] R500** oorskry nie, tensy die meerderheid van die eienaars van belasbare eiendom binne die

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voting at a meeting convened and held in a similar manner, *mutatis mutandis*, as prescribed by paragraphs (a) and (b) of subsection (5) of section 97, have voted in favour thereof.”; and

- (b) by the substitution for the words preceding subparagraph (aa) of paragraph (a) of subsection (5) of the following words:

“The town rate levied on ratable property may differ having regard to the size of such property, the purpose for which such property is used, the purpose for which it is zoned or the particular area in which it is situated: Provided that—”.

**Short title and commencement**

6. (1) This Act shall be called the Local Government Ordinance Second Amendment Bill (Orange Free State) (House of Assembly), 1991, and subject to subsection (2) shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Section 3 shall be deemed to have come into operation on 1 April 1989.

TWEDE WYSIGINGSWET OP DIE ORDONNANSIE OP PLAASLIKE  
BESTUUR (ORANJE-VRYSTAAT) (VOLKSRAAD), 1991 Wet No. 83, 1991

munisipaliteit wat teenwoordig was en gestem het op 'n vergadering wat belê en gehou is op dieselfde wyse, *mutatis mutandis*, soos voorgeskryf by paragrawe (a) en (b) van subartikel (5) van artikel 97, ten gunste daarvan gestem het.”; en

- 5 (b) deur die woorde wat subparagraaf (aa) van paragraaf (a) van subartikel  
(5) voorafgaan deur die volgende woorde te vervang:  
“Die dorpsbelasting wat gehef word op belasbare eiendom kan  
verskil na gelang van die grootte van sodanige eiendom, die doel  
10 waarvoor sodanige eiendom gebruik word, die doel waarvoor dit  
gesoneer is of die bepaalde gebied waarin dit geleë is: Met dien  
verstande dat—”.

**Kort titel en inwerkingtreding**

6. (1) Hierdie Wet heet die Tweede Wysigingswet op die Ordonnansie op  
Plaaslike Bestuur (Oranje-Vrystaat) (Volksraad), 1991, en tree behoudens  
15 subartikel (2) in werking op 'n datum deur die Staatspresident by proklamasie in  
die *Staatskoerant* bepaal.

(2) Artikel 3 word geag op 1 April 1989 in werking te getree het.

