



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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No. 13406

KAAPSTAD, 17 JULIE 1991

#### STATE PRESIDENT'S OFFICE

No. 1656.

17 July 1991

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

No. 130 of 1991: Divisional Councils Ordinance Amendment Act (Cape) (House of Assembly), 1991

#### KANTOOR VAN DIE STAATSPRESIDENT

No. 1656.

17 Julie 1991

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

No. 130 van 1991: Wysigingswet op die Ordonnansie op Afdelingsrade (Kaap) (Volksraad), 1991

Act No. 130, 1991

DIVISIONAL COUNCILS ORDINANCE AMENDMENT  
ACT (CAPE) (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.
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**ACT**

To amend the Divisional Councils Ordinance, 1976 (Cape) (in so far as it is applied as a law on own affairs of the White population group), so as to empower a divisional council to perform certain acts in respect of immovable property owned by the division concerned, without the approval of the Minister; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 27 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 Divisional Councils Ordinance, 1976 (Ordinance No. 18 of 1976) (Cape), 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. 37 of 1989 been declared to be applicable to the said Ordinance.

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**Amendment of section 2 of Ordinance 18 of 1976, as amended by section 1 of Ordinance 17 of 1977, section 1 of Ordinance 18 of 1978, section 1 of Ordinance 19 of 1980, section 5 of Ordinance 4 of 1983, section 1 of Ordinance 14 of 1984 and Proclamation 103 of 30 October 1987** 10

2. Section 2 of the Ordinance is hereby amended by the insertion after the definition of “maintenance” of the following definition:

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“(livA) ‘Minister’ means the Minister entrusted with local government in the Ministers’ Council of the House of Assembly; (xlviiA)”.

**Amendment of section 123 of Ordinance 18 of 1976, as amended by section 16 of Ordinance 19 of 1980 and section 2 of Ordinance 15 of 1986**

3. Section 123 of the Ordinance is hereby amended—

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(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Subject to the provisions of subsection (2) and such directions as the Minister may from time to time determine, a council may—”;

(b) by the addition to subsection (1) of the following proviso:

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**ALGEMENE VERDUIDELIKENDE NOTA:**

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

Tot wysiging van die Ordonnansie op Afdelingsrade, 1976 (Kaap) (vir sover dit as 'n wet oor eie sake van die Blanke bevolkingsgroep toegepas word), ten einde 'n afdelingsraad te magtig om sekere handelinge ten opsigte van onroerende goed wat die eiendom van die betrokke afdeling is sonder die goedkeuring van die Minister te verrig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 27 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 Afdelingsrade, 1976 (Ordonnansie No. 18 van 1976) (Kaap), 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. 37 van 1989 op genoemde Ordonnansie van toepassing verklaar is.

10 Wysiging van artikel 2 van Ordonnansie 18 van 1976, soos gewysig deur artikel 1 van Ordonnansie 17 van 1977, artikel 1 van Ordonnansie 18 van 1978, artikel 1 van Ordonnansie 19 van 1980, artikel 5 van Ordonnansie 4 van 1983, artikel 1 van Ordonnansie 14 van 1984 en Proklamasie 103 van 30 Oktober 1987

15 2. Artikel 2 van die Ordonnansie word hierby gewysig deur na die omskrywing van "leningsrekening" die volgende omskrywing in te voeg:

"(xlviiA) beteken 'Minister' die Minister belas met plaaslike bestuur in die Ministersraad van die Volksraad; (livA)".

**Wysiging van artikel 123 van Ordonnansie 18 van 1976, soos gewysig deur artikel 16 van Ordonnansie 19 van 1980 en artikel 2 van Ordonnansie 15 van 1986**

20 3. Artikel 123 van die Ordonnansie word hierby gewysig—  
(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
"Behoudens die bepalings van subartikel (2) en die voorskrifte wat die Minister van tyd tot tyd bepaal, kan 'n raad—";  
25 (b) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

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Act No. 130, 1991DIVISIONAL COUNCILS ORDINANCE AMENDMENT  
ACT (CAPE) (HOUSE OF ASSEMBLY), 1991

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"Provided that the Minister may, either specifically in respect of any particular act contemplated in paragraph (a) or (b) or generally in respect of any category of acts so contemplated, by notice in the Gazette determine that such acts shall be subject to his prior approval.";

- (c) by the substitution for subsection (2) of the following subsection:
- "(2) [No council shall act in terms of subsection (1) unless it has] The secretary or an employee of the council authorized thereto by the secretary shall—
- (a) [advertised its] cause his council's intention [so] to act in terms of subsection (1), to be advertised; 10
- (b) [transmitted to the Administrator] submit to the council the objections (if any) lodged in accordance with the advertisement contemplated by paragraph (a), together with [its] his comments thereon, [and a copy of such advertisement, and] for a decision in 15 terms of subsection (1).
- (c) obtained the Administrator's approval of the proposed alienation, letting or permission;  
provided]: Provided that the foregoing provisions of this subsection shall not apply where the proposed [alienation] letting [or permission is for a purpose generally or specially determined by the Administrator] will be for a period not exceeding 12 months without an option to renew."; and
- (d) by the deletion of subsection (3A).

**Short title and commencement**

4. This Act shall be called the Divisional Councils Ordinance Amendment Act 25 (Cape) (House of Assembly), 1991, and shall be deemed to have come into operation on 1 April 1989.

WYSIGINGSWET OP DIE ORDONNANSIE OP  
AFDELINGSRADE (KAAP) (VOLKSRAAD), 1991

Wet No. 130, 1991

- “Met dien verstande dat die Minister, hetsy spesifiek ten opsigte van enige besondere handeling in paragraaf (a) of (b) beoog of in die algemeen ten opsigte van 'n kategorie van handelinge aldus beoog, by kennisgewing in die *Staatskoerant* kan bepaal dat sodanige handelinge aan sy voorafverkreeë goedkeuring onderworpe is.”;
- 5 (c) deur subartikel (2) deur die volgende subartikel te vervang:  
“(2) [Geen raad mag ingevolge subartikel (1) handel nie tensy hy] Die sekretaris of 'n werknemer van die raad deur die sekretaris daar toe gemagtig, moet—  
10 (a) sy raad se voorneme om [aldus] ingevolge subartikel (1) te handel [geadverteer het] laat adverteer;  
(b) die besware (indien daar is) ingedien in ooreenstemming met die advertensie by paragraaf (a) beoog, tesame met sy opmerkings daaroor [en 'n kopie van sodanige advertensie aan die Administrateur gestuur het, en], aan die raad voorlê vir 'n besluit ingevolge subartikel (1).  
15 (c) die Administrateur se goedkeuring verkry het tot die voorgestelde vervreemding, verhuring of toestemming;  
20 met]: Met dien verstande dat die voorafgaande bepalings van hierdie subartikel nie van toepassing is nie waar die voorgestelde vervreemding verhuring [of toestemming vir 'n doel is wat in die algemeen of spesiaal deur die Administrateur bepaal word] vir 'n tydperk van hoogstens 12 maande sal wees sonder 'n opsie om te hernieu.”; en  
25 (d) deur subartikel (3A) te skrap.

**Kort titel en inwerkingtreding**

4. Hierdie Wet heet die Wysigingswet op die Ordonnansie op Afdelingsrade (Kaap) (Volksraad), 1991, en word geag op 1 April 1989 in werking te getree het.

