



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

R0,80 Prys • Price
R0,08 Plus 10% BTW • VAT

R0,88 Verkoopprys • Selling price
Buitelands **R1,10** Other countries
Posvry • Post free

VOL. 321

KAAPSTAD, 25 MAART 1992

CAPE TOWN, 25 MARCH 1992

No. 13870

KANTOOR VAN DIE STAATSPRESIDENT

No. 910. 25 Maart 1992

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

No. 35 van 1992: Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal) (Volksraad), 1992.

STATE PRESIDENT'S OFFICE

No. 910. 25 March 1992

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

No. 35 of 1992: Local Government Ordinance Amendment Act (Transvaal) (House of Assembly), 1992.

Wet No. 35, 1992 WYSIGINGSWET OP DIE ORDONNANSIE OP PLAASLIKE BESTUUR
(TRANSVAAL) (VOLKSRAAD), 1992

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 Ordonnansie op Plaaslike Bestuur, 1939 (Transvaal) (vir sover dit as 'n wet oor eie sake van die Blanke bevolkingsgroep toegepas word), ten einde die afwesigheid van raadslede van spesiale vergaderings te reël; 'n raad se bevoegdheid in verband met die hef van koste in die geval waar 'n tjek by aanbieding geweier word, verder te reël; die tydperk vir die indiening van besware teen die sluiting of verlegging van strate te verkort, en die kennisgewing ten opsigte van sodanige sluiting of verlegging verder te reël; sekere bepalings wat die gebruik van sekere geriewe op 'n rassegrondslag reël, te wysig; en 'n plaaslike owerheid te magtig om 'n hospitaal, inrigting of diens in te stel en te onderhou, en om verordeninge in verband daarmee te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Maart 1992.)*

DAAR 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, 1939 (Ordonnansie No. 17 van 1939)(Transvaal), 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.36 van 1989 op genoemde Ordonnansie van toepassing verklaar is. 5

Wysiging van artikel 31 van Ordonnansie 17 van 1939, soos gewysig deur artikel 1 van Ordonnansie 18 van 1961, artikel 94 van Ordonnansie 16 van 1970, artikel 1 van Ordonnansie 6 van 1974, artikel 9 van Ordonnansie 17 van 1978 en artikel 4 van Ordonnansie 16 van 1984 10

2. Artikel 31 van die Ordonnansie word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 15
- “(1) Behoudens die bepalings van subartikel (2), word enige raadslid wat sonder dat hy vooraf van die raad verlof tot afwesigheid verkry het, afwesig is, behalwe onder omstandighede buite sy beheer, van drie agtereenvolgende **[gewone]** vergaderings van die raad, ongeag of dit gewone of spesiale vergaderings is, en enige lid 20 (behalwe die *ex officio*-lid) van die finansiële of enige ander staande

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(HOUSE OF ASSEMBLY), 1992

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, 1939 (Transvaal) (in so far as it is applied as a law on own affairs of the White population group), so as to regulate the absence of councillors from special meetings; to further regulate a council's power in respect of the levying of costs in the case where a cheque is dishonoured on presentation; to reduce the period for the submission of objections to the closing or diversion of streets, and to further regulate the giving of notice in respect of such closing or diversion; to amend certain provisions regulating the use of certain amenities on a racial basis; and to empower a local authority to establish and maintain a hospital, institution or service, and to make by-laws in connection therewith; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 16 March 1992.)

BE 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, 1939 (Ordinance No. 17 of 1939)(Transvaal), 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.36 of 1989 been declared to be applicable to the said Ordinance.

10 Amendment of section 31 of Ordinance 17 of 1939, as amended by section 1 of Ordinance 18 of 1961, section 94 of Ordinance 16 of 1970, section 1 of Ordinance 6 of 1974, section 9 of Ordinance 17 of 1978 and section 4 of Ordinance 16 of 1984

2. Section 31 of the Ordinance is hereby amended—

15 (a) by the substitution for subsection (1) of the following subsection:
" (1) Subject to the provisions of subsection (2), any councillor who, without having first obtained leave of absence from the council, shall otherwise than in circumstances beyond his control fail to attend three consecutive **[ordinary]** meetings of the council, irrespective of whether they are ordinary or special meetings, and
20 any member (other than the *ex officio* member) of the finance or any other standing committee appointed by the council who,

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komitee deur die raad benoem, wat sonder dat hy verlof tot afwesigheid vooraf hetsy van die raad of die komitee verkry het, afwesig is behalwe onder omstandighede buite sy beheer van drie agtereenvolgende **[gewone]** vergaderings van die komitee, ongeag of dit gewone of spesiale vergaderings is, onbevoegd om as raadslid aan te bly: Met dien verstande dat die **[Administrateur] Minister** 'n raadslid wat vir ses agtereenvolgende maande afwesig is van **[gewone]** vergaderings van die raad onder omstandighede buite sy beheer, onbevoeg kan verklaar om as raadslid aan te bly.”; en

- (b) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Aan 'n raadslid of lid in subartikel (1) genoem, kan verlof tot afwesigheid van enige **[gewone]** vergadering van die raad of 'n komitee, ongeag of dit 'n gewone of 'n spesiale vergadering is, deur sodanige vergadering verleen word, en indien sodanige afwesigheid te wyte is aan die feit dat sodanige raadslid of lid opdrag gekry het om elders namens sodanige raad of komitee in enige aangeleentheid op te tree, word sodanige verlof tot afwesigheid geag verleen te gewees het.”.

Vervanging van artikel 50B van Ordonnansie 17 van 1939, soos ingevoeg deur artikel 6 van Ordonnansie 16 van 1984

3. Artikel 50B van die Ordonnansie word hierby deur die volgende artikel vervang:

“Bevoegdheid van raad om bedrag ten opsigte van koste op geweierde tjem te hef

50B. Waar enige gelde, belastinge of heffings wat aan die raad verskuldig is per tjem betaal word en die tjem by aanbidding geweier word, kan die raad 'n bedrag **[van hoogstens drie rand, of die groter bedrag]** wat die **[Administrateur] Minister** van tyd tot tyd by kennisgewing in die **[Provinsiale] Offisiële Koerant** bepaal, ten opsigte van koste hef en die bedrag van die trekker van die tjem verhaal.”.

Wysiging van artikel 67 van Ordonnansie 17 van 1939, soos vervang deur artikel 3 van Ordonnansie 11 van 1942 en gewysig deur artikel 5 van Ordonnansie 19 van 1944, artikel 1 van Ordonnansie 24 van 1960, artikel 3 van Ordonnansie 16 van 1979, artikel 7 van Ordonnansie 13 van 1981, artikel 3 van Ordonnansie 16 van 1982 en artikel 7 van Wet 52 van 1990

4. Artikel 67 van die Ordonnansie word hierby gewysig—

- (a) deur in die Engelse teks subartikels (1) en (2) deur die volgende subartikels te vervang:

“(1) A **[motion] proposal** that steps be taken for the closing or diversion of a street or portion of a street shall be dealt with at a meeting of the council.

(2) If the said **[motion] proposal** be agreed to, the council shall cause a plan to be prepared showing the position of the boundaries of the street or portion of the street proposed to be closed or diverted.”;

- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) Na voltooiing van genoemde plan, moet die raad 'n kennisgewing in die *Offisiële Koerant* **[van die Provinsie Transvaal]** en in minstens een Engelse en een Afrikaanse nuusblad wat in die regsgebied van die raad in omloop is, laat publiseer, waarin die voorstelle van die raad kortliks uiteengesit word en gemeld word dat genoemde plan op 'n plek en gedurende die ure in sodanige kennisgewing bepaal, ter insae lê, en waarin iedereen wat enige beswaar teen die voorgestelde sluiting of verlegging het of wat enige eis tot skadevergoeding sal hê indien sodanige sluiting of verlegging uitgevoer word, versoek word om sy beswaar of eis, na gelang van

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without first having obtained leave of absence either from the council or the committee, shall otherwise than in circumstances beyond his control fail to attend three consecutive **[ordinary]** meetings of the committee, irrespective of whether they are ordinary or special meetings, shall become disqualified from continuing to be a councillor: Provided that the **[Administrator]** Minister may declare a councillor who is absent for six consecutive months from **[ordinary]** meetings of the council in circumstances beyond his control, to be disqualified from continuing to be a councillor.”; and

(b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

“A councillor or member referred to in subsection (1) may be granted leave of absence from any **[ordinary]** council or committee meeting, irrespective of whether it is an ordinary or special meeting, by such meeting, and if such absence is due to the fact that such councillor or member has been delegated to act elsewhere on behalf of such council or committee in any matter, such leave of absence shall be deemed to have been granted.”.

20 Substitution of section 50B of Ordinance 17 of 1939, as inserted by section 6 of Ordinance 16 of 1984

3. The following section is hereby substituted for section 50B of the Ordinance:

“Power of council to levy amount in respect of costs on dishonoured cheque

50B. Where any moneys, rates or charges due to the council are paid by cheque and the cheque is dishonoured on presentation, the council may levy **[an]** such amount **[not exceeding three rand, or such greater amount]** as the **[Administrator]** Minister **[may]** shall, from time to time, determine by notice in the **[Provincial]** *Official Gazette*, in respect of costs and recover the amount from the drawer of the cheque.”.

35 Amendment of section 67 of Ordinance 17 of 1939, as substituted by section 3 of Ordinance 11 of 1942 and amended by section 5 of Ordinance 19 of 1944, section 1 of Ordinance 24 of 1960, section 3 of Ordinance 16 of 1979, section 7 of Ordinance 13 of 1981, section 3 of Ordinance 16 of 1982 and section 7 of Act 52 of 1990

4. Section 67 of the Ordinance is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) A **[motion]** proposal that steps be taken for the closing or diversion of a street or portion of a street shall be dealt with at a meeting of the council.

(2) If the said **[motion]** proposal be agreed to, the council shall cause a plan to be prepared showing the position of the boundaries of the street or portion of the street proposed to be closed or diverted.”;

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) On completion of the said plan the council shall publish a notice in the **[Provincial]** *Official Gazette* and in at least one English and one Afrikaans newspaper circulating in the council’s area of jurisdiction setting out briefly the council’s proposals, stating that the said plan is open for inspection at a place and during the hours specified in such notice and calling upon any person who has any objection to the proposed closing or diversion or who will have any claim for compensation if such closing or

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- die geval, skriftelik by die raad in te dien, nie later as 'n vasgestelde datum nie, wat minstens **[sestig]** 30 dae moet wees na die datum van publikasie van die *Offisiële Koerant* **[van die Provinsie Transvaal]** of nuusblad waarin die kennisgewing laaste gepubliseer word.”;
- (c) deur in paragraaf (b) van subartikel (3) die woorde wat subparagraaf (i) 5
 voorafgaan deur die volgende woorde te vervang:
 “Die raad moet minstens **[sestig]** 30 dae voordat die tyd vir die indiening van besware en eise verstryk—”; en
- (d) deur die volgende voorbehoudsbepalings by subparagraaf (ii) van 10
 paragraaf (b) van subartikel (3) te voeg:
 “Met dien verstande voorts dat indien sodanige eiendom meer as
 een huurder, vermeende huurder of okkuperder het, 'n afskrif van
 die kennisgewing slegs aangebring word op die hoofdeur van die
 hoofgebou of op 'n ander duidelik sigbare plek op sodanige
 eiendom: Met dien verstande voorts dat waar 'n deeltitelregister 15
 soos omskryf in die Wet op Deeltitels, 1986 (Wet No. 95 van 1986),
 ten opsigte van sodanige eiendom geopen is, 'n afskrif van die
 kennisgewing slegs aan die ontwikkelaar of regs persoon soos in
 voormelde Wet omskryf, na gelang van die geval, bestel word.”.

Wysiging van artikel 72 van Ordonnansie 17 van 1939

5. Artikel 72 van die Ordonnansie word hierby gewysig—
- (a) deur in die voorbehoudsbepaling by subartikel (1) die woorde wat 20
 paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Met dien verstande dat behalwe vir die doel van verrigting van
 enige gesondheidsdiens of vir enige ander doel waarvoor spesiaal 25
 voorsiening gemaak is in hierdie Ordonnansie of enige ander wet,
 so 'n reg van betreding nie uitgeoefen mag word nie ten opsigte van
 'n perseel wat nie gebruik word vir die doel van of in verband met
 enige bedryf of besigheid **[en nie geleë is in 'n natuurlelokasie]** nie,
 behalwe tussen die ure **[7 vm]** 07:00 en **[7 nm]** 19:00, tensy daar 30
 óf—”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Die geneeskundige gesondheidsbeampte of enige gesond-
 heidsinspekteur kan, wanneer hy enige eiendom betree met die
 doel om die bevoegdheid by hierdie artikel toegeken, uit te oefen, 35
 vergesel wees van enige **[blanke]** lid van **[’n polisiemag wettiglik in
 die Provinsie ingestel]** die Suid-Afrikaanse Polisie.”.

Wysiging van artikel 79 van Ordonnansie 17 van 1939, soos gewysig deur artikel 8
 van Ordonnansie 12 van 1941, artikel 5 van Ordonnansie 11 van 1942, artikel 3 van
 Ordonnansie 19 van 1943, artikel 6 van Ordonnansie 19 van 1944, artikel 11 van 40
 Ordonnansie 27 van 1951, artikel 8 van Ordonnansie 25 van 1953, artikel 5 van
 Ordonnansie 16 van 1955, artikel 7 van Ordonnansie 21 van 1957, artikel 3 van
 Ordonnansie 33 van 1959, artikel 2 van Ordonnansie 24 van 1960, artikel 6 van
 Ordonnansie 18 van 1961, artikel 2 van Ordonnansie 5 van 1962, artikel 3 van
 Ordonnansie 12 van 1962, artikel 1 van Ordonnansie 7 van 1964, artikel 1 van 45
 Ordonnansie 14 van 1964, artikel 15 van Ordonnansie 18 van 1965, artikel 5 van
 Ordonnansie 24 van 1965, artikel 96 van Ordonnansie 25 van 1965, artikel 8 van
 Ordonnansie 24 van 1966, artikel 3 van Ordonnansie 16 van 1967, artikel 8 van
 Ordonnansie 15 van 1968, artikel 3 van Ordonnansie 10 van 1970, artikel 6 van
 Ordonnansie 10 van 1971, artikel 2 van Ordonnansie 16 van 1972, artikel 2 van 50
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 Ordonnansie 14 van 1976, artikel 3 van Ordonnansie 21 van 1976, artikel 18 van
 Ordonnansie 18 van 1977, artikel 2 van Ordonnansie 22 van 1977, artikel 7 van
 Ordonnansie 16 van 1978, artikel 4 van Ordonnansie 16 van 1979, artikel 3 van
 Ordonnansie 13 van 1980, artikel 8 van Ordonnansie 13 van 1981, artikel 5 van 55
 Ordonnansie 16 van 1982, artikel 3 van Ordonnansie 9 van 1983, artikel 9 van
 Ordonnansie 16 van 1984, artikel 9 van Ordonnansie 18 van 1985, artikel 4 van
 Ordonnansie 16 van 1986, Proklamasie 34 van 27 Julie 1988, artikel 9 van Wet 52
 van 1990 en artikel 10 van Wet 48 van 1991

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diversion is carried out to lodge his objection or claim, as the case may be, with the council, in writing, not later than a specified date, which shall be at least **[sixty]** 30 days from the date of publication of the **[Provincial] Official Gazette** or newspaper in which the notice will be published at last.”;

- (c) by the substitution in paragraph (b) of subsection (3) for the words preceding subparagraph (i) of the following words:

“The council shall at least **[sixty]** 30 days before the time for the lodging of objections and claims will expire—”; and

- (d) by the addition to subparagraph (ii) of paragraph (b) of subsection (3) of the following provisos:

“Provided further that if such property has more than one lessee, reputed lessee or occupier, a copy of the notice shall only be posted on the principal door of the main building or on any other conspicuous place on such property: Provided further that where a sectional title register as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), has been opened in respect of such property, a copy of the notice shall only be served on the developer or body corporate as defined in the aforesaid Act, as the case may be.”.

20 Amendment of section 72 of Ordinance 17 of 1939

5. Section 72 of the Ordinance is hereby amended—

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

“Provided that except for the purpose of carrying out any sanitary service or for any other purpose specially provided for in this Ordinance or any other law such power of entry shall not be exercised in respect of premises which are not used for the purpose of or in connection with any trade or business **[and are not situated in a native location]** save between the hours of **[7 am]** 07:00 and **[7 pm]** 19:00, unless either—”; and

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

“(2) The medical officer of health or any sanitary inspector may when entering upon any premises in exercise of the power conferred by this section be accompanied by any **[European]** member of **[a police force lawfully established in the Province]** the South African Police.”.

Amendment of section 79 of Ordinance 17 of 1939, as amended by section 8 of Ordinance 12 of 1941, section 5 of Ordinance 11 of 1942, section 3 of Ordinance 19 of 1943, section 6 of Ordinance 19 of 1944, section 11 of Ordinance 27 of 1951, section 8 of Ordinance 25 of 1953, section 5 of Ordinance 16 of 1955, section 7 of Ordinance 21 of 1957, section 3 of Ordinance 33 of 1959, section 2 of Ordinance 24 of 1960, section 6 of Ordinance 18 of 1961, section 2 of Ordinance 5 of 1962, section 3 of Ordinance 12 of 1962, section 1 of Ordinance 7 of 1964, section 1 of Ordinance 14 of 1964, section 15 of Ordinance 18 of 1965, section 5 of Ordinance 24 of 1965, section 96 of Ordinance 25 of 1965, section 8 of Ordinance 24 of 1966, section 3 of Ordinance 16 of 1967, section 8 of Ordinance 15 of 1968, section 3 of Ordinance 10 of 1970, section 6 of Ordinance 10 of 1971, section 2 of Ordinance 16 of 1972, section 2 of Ordinance 6 of 1974, section 1 of Ordinance 15 of 1975, section 3 of Ordinance 14 of 1976, section 3 of Ordinance 21 of 1976, section 18 of Ordinance 18 of 1977, section 2 of Ordinance 22 of 1977, section 7 of Ordinance 16 of 1978, section 4 of Ordinance 16 of 1979, section 3 of Ordinance 13 of 1980, section 8 of Ordinance 13 of 1981, section 5 of Ordinance 16 of 1982, section 3 of Ordinance 9 of 1983, section 9 of Ordinance 16 of 1984, section 9 of Ordinance 18 of 1985, section 4 of Ordinance 16 of 1986, Proclamation 34 of 27 July 1988, section 9 of Act 52 of 1990 and section 10 of Act 48 of 1991

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6. Artikel 79 van die Ordonnansie word hierby gewysig deur subartikel (11) deur die volgende subartikel te vervang:

“(11) enige gedeelte van ’n ontspanningsgrond deur die raad ingestel, al na die raad bepaal, en omskrywe in ’n kennisgewing aangebring op een of ander duidelik sigbare plek op so ’n ontspanningsgrond, uithou vir die doel van enige bepaalde spel of ontspanning en die publiek of enige **[klas of]** deel daarvan uitsluit van die gedeelte aldus uitgehou terwyl dit vir daardie doel in werklike gebruik is.”

Wysiging van artikel 80 van Ordonnansie 17 van 1939, soos gewysig deur artikel 9 van Ordonnansie 12 van 1941, artikel 6 van Ordonnansie 11 van 1942, artikel 4 van Ordonnansie 19 van 1943, artikel 7 van Ordonnansie 19 van 1944, artikel 12 van Ordonnansie 27 van 1951, artikel 9 van Ordonnansie 25 van 1953, artikel 6 van Ordonnansie 16 van 1955, artikel 8 van Ordonnansie 21 van 1957, artikel 4 van Ordonnansie 33 van 1959, artikel 3 van Ordonnansie 24 van 1960, artikel 7 van Ordonnansie 18 van 1961, artikel 2 van Ordonnansie 14 van 1963, artikel 16 van Ordonnansie 18 van 1965, artikel 7 van Ordonnansie 24 van 1965, artikel 9 van Ordonnansie 24 van 1966, artikel 5 van Ordonnansie 10 van 1970, artikel 8 van Ordonnansie 10 van 1971, artikel 5 van Ordonnansie 16 van 1972, artikel 2 van Ordonnansie 10 van 1973, artikel 2 van Ordonnansie 15 van 1975, artikel 5 van Ordonnansie 21 van 1976, artikel 19 van Ordonnansie 18 van 1977, artikel 3 van Ordonnansie 22 van 1977, artikel 5 van Ordonnansie 16 van 1979, artikel 4 van Ordonnansie 13 van 1980, artikel 11 van Ordonnansie 16 van 1984, artikel 11 van Ordonnansie 18 van 1985, Proklamasie 34 van 27 Julie 1988, artikel 11 van Wet 52 van 1990 en artikel 11 van Wet 48 van 1991

7. Artikel 80 van die Ordonnansie word hierby gewysig—

(a) deur subartikel (48A) deur die volgende subartikel te vervang:

“(48A) om, behoudens die bepalings van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), die voorsiening in enige gebou wat opgerig is of opgerig staan te word van sodanige eet- of ruskamergeriewe, of beide, as wat die raad nodig ag of wat die raad voorskryf vir persone wat sodanige gebou okkupeer of sal okkupeer of daarin werkzaam is of sal wees, te reguleer, en om in sodanige verordeninge te onderskei tussen geboue in verskillende dele van die munisipaliteit **[of tussen verskillende kategorieë van persone wat sodanige geboue okkupeer of sal okkupeer of daarin werkzaam is of sal wees];**”

(b) deur in paragraaf (a) van subartikel (59) die woord “bediendes” deur die woord “werknemers” te vervang; en

(c) deur paragraaf (c) van subartikel (93) deur die volgende paragraaf te vervang:

“(c) om voorsiening te maak vir die vrystelling of gedeeltelike vrystelling van enige **[blinde persoon]** kategorie persone van die betaling van sodanige belasting ten opsigte van ’n hond **[wat deur sodanige persoon gebruik word hoofsaaklik as ’n gids- of leihond]** of enige kategorie honde;”

Wysiging van artikel 101 van Ordonnansie 17 van 1939, soos vervang deur artikel 16 van Wet 52 van 1990

8. Artikel 101 van die Ordonnansie word hierby gewysig deur die woord “Staatskoerant” oral waar dit voorkom deur die woorde “*Offisiële Koerant*” te vervang.

Wysiging van artikel 131 van Ordonnansie 17 van 1939, soos gewysig deur artikel 15 van Ordonnansie 27 van 1951, artikel 10 van Ordonnansie 21 van 1957, artikel 7 van Ordonnansie 14 van 1976, artikel 48 van Ordonnansie 11 van 1977, artikel 5 van Ordonnansie 22 van 1977, artikel 6 van Ordonnansie 13 van 1980, artikel 9 van Ordonnansie 16 van 1982 en Proklamasie 34 van 27 Julie 1988

9. Artikel 131 van die Ordonnansie word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

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6. Section 79 of the Ordinance is hereby amended by the substitution for subsection (11) of the following subsection:

- 5 “(11) set apart any such portion of any recreation ground established by the council as may be fixed by the council and described in a notice set up in some conspicuous position in such recreation ground for the purpose of any particular game or recreation and to exclude the public or any **[class or]** section thereof from the part so set apart while it is in actual use for that purpose;”.

10 Amendment of section 80 of Ordinance 17 of 1939, as amended by section 9 of Ordinance 12 of 1941, section 6 of Ordinance 11 of 1942, section 4 of Ordinance 19 of 1943, section 7 of Ordinance 19 of 1944, section 12 of Ordinance 27 of 1951, section 9 of Ordinance 25 of 1953, section 6 of Ordinance 16 of 1955, section 8 of Ordinance 21 of 1957, section 4 of Ordinance 33 of 1959, section 3 of Ordinance
15 24 of 1960, section 7 of Ordinance 18 of 1961, section 2 of Ordinance 14 of 1963, section 16 of Ordinance 18 of 1965, section 7 of Ordinance 24 of 1965, section 9 of Ordinance 24 of 1966, section 5 of Ordinance 10 of 1970, section 8 of Ordinance 10 of 1971, section 5 of Ordinance 16 of 1972, section 2 of Ordinance 10 of 1973, section 2 of Ordinance 15 of 1975, section 5 of Ordinance 21 of 1976, section 19
20 of Ordinance 18 of 1977, section 3 of Ordinance 22 of 1977, section 5 of Ordinance 16 of 1979, section 4 of Ordinance 13 of 1980, section 11 of Ordinance 16 of 1984, section 11 of Ordinance 18 of 1985, Proclamation 34 of 27 July 1988, section 11 of Act 52 of 1990 and section 11 of Act 48 of 1991

7. Section 80 of the Ordinance is hereby amended—

- 25 (a) by the substitution for subsection (48A) of the following subsection:
“(48A) subject to the provisions of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), for requiring and regulating the provision in any building erected or to be erected of
30 such eating or restroom facilities or both, as the council may deem necessary or as the council may prescribe for persons who occupy or will occupy or are or will be employed in such building, and in such bylaws to differentiate between buildings in different parts of the municipality **[or between different categories of persons who occupy or will occupy or are or will be employed in such buildings];**”;
35 (b) by the substitution in paragraph (a) of subsection (59) for the word “servants” of the word “employees”; and
(c) by the substitution for paragraph (c) of subsection (93) of the following
40 paragraph:
“(c) for providing for the exemption or partial exemption of any **[blind person]** category of persons from the payment of such tax in respect of a dog **[used by such person mainly as a guide or lead dog]** or any category of dogs;”.

45 Amendment of section 101 of Ordinance 17 of 1939, as substituted by section 16 of Act 52 of 1990

8. Section 101 of the Ordinance is hereby amended by the substitution for the word “*Gazette*” wherever it occurs of the words “*Official Gazette*”.

50 Amendment of section 131 of Ordinance 17 of 1939, as amended by section 15 of Ordinance 27 of 1951, section 10 of Ordinance 21 of 1957, section 7 of Ordinance 14 of 1976, section 48 of Ordinance 11 of 1977, section 5 of Ordinance 22 of 1977, section 6 of Ordinance 13 of 1980, section 9 of Ordinance 16 of 1982 and Proclamation 34 of 27 July 1988

9. Section 131 of the Ordinance is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

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- “(1) (a) hospitale instel en onderhou en ook as deel van enige sodanige hospitaal—
- (i) ’n verpleeg- of kraamdiens buite sodanige hospitaal; of
 - (ii) op persele wat geleë is buite die hoofperseel van sodanige hospitaal, een of meer klinieke vir die ontvangs en behandeling van pasiënte, instel en onderhou;
- (b) in verband met ’n hospitaal in paragraaf (a) bedoel enige inrigting of diens wat die raad nodig of dienstig ag vir die bedryf van sodanige hospitaal, instel en onderhou;
- (c) voorsiening maak vir die akkommodasie en losies van die personeel van enige hospitaal of inrigting of diens wat ingevolge paragrawe (a) en (b) ingestel is;” en
- (b) deur paragraaf (b) van subartikel (11) deur die volgende paragraaf te vervang:
- “(b) bydra tot enige organisasie (deur die **[Administrateur Minister goedgekeur]** wat ingestel is vir die insameling en vergelyking van gegewens omtrent die aantreklikhede en voordele van die **[Unie van Suid-Afrika]** Republiek of enige deel daarvan, betreffende die handel, geskiedenis, natuurskoon, ontspanning, genesing of klimaat en vir die verspreiding van bedoelde gegewens binne of buite **[genoemde Unie]** die Republiek **[en sodanige bydrae is onderworpe aan die volgende voorwaardes—**
- (i) die bediening van nie-blankes deur blankes by enige verrigting wat deur sodanige organisasie aangebied word, word verbied;
 - (ii) geen verrigting mag deur sodanige organisasie vir beide blankes wat nie raadslede, munisipale beamptes of verteenwoordigers van ’n staatsdepartement, insluitende die Transvaalse Provinsiale Administrasie, is nie wat in hulle hoedanigheid as sodanig uitgenooi is en vir nie-blankes voorsien word nie, tensy sodanige organisasie deur bemiddeling van die raad, vooraf die goedkeuring van die Administrateur daartoe verkry het;
 - (iii) na verontagsaming van enige van die voorafgaande voorwaardes, ontvang sodanige organisasie geen verdere bydraes ingevolge hierdie paragraaf uitgesonderd met die toestemming van die Administrateur nie;”.

Wysiging van artikel 132 van Ordonnansie 17 van 1939, soos gewysig deur artikel 16 van Ordonnansie 27 van 1951, artikel 11 van Ordonnansie 16 van 1955, artikel 5 van Ordonnansie 17 van 1955, artikel 1 van Ordonnansie 17 van 1958, artikel 6 van Ordonnansie 15 van 1975, artikel 9 van Ordonnansie 9 van 1978, artikel 26 van Ordonnansie 16 van 1984, artikel 13 van Ordonnansie 18 van 1985 en artikel 11 van Ordonnansie 16 van 1986

10. Artikel 132 van die Ordonnansie word hierby gewysig deur na subartikel (3) die volgende subartikel in te voeg:

“(4) om aangeleenthede betreffende die bestuur, versorging, beheer, reëling van of toesig oor hospitale of inrigtings of dienste ingestel ingevolge artikel 131(1) te reël;”.

Wysiging van artikel 151 van Ordonnansie 17 van 1939, soos gewysig deur artikel 16 van Ordonnansie 12 van 1941

11. Artikel 151 van die Ordonnansie word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) om **[afsonderlike tremwaens vir die gebruik van onderskeidelik blanke persone en van naturelle of Asiate of ander kleurlinge vas te stel en om die gebruik van sulke waens tot sulke persone te beperk en om]** die gebruik van enige tremwaens te verbied deur persone wat nie fatsoenlik gekleed is of wat hulle nie behoorlik gedra nie;”.

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“(1) (a) establish and maintain hospitals and in addition establish and maintain as part of any such hospital—

- (i) a nursing or midwifery service outside such hospital; or
- (ii) on premises situated outside the main premises of such hospital, one or more clinics for the reception and treatment of patients;

(b) establish and maintain in connection with any hospital referred to in paragraph (a) any institution or service which the council may deem necessary or expedient for the running of such hospital;

(c) make provision for the accommodation and board of the staff of any hospital or institution or service established in terms of paragraphs (a) and (b);”;

(b) by the substitution for paragraph (b) of subsection (11) of the following paragraph:

“(b) contribute to any organization (approved by the **[Administrator] Minister**) established for collecting and collating information in regard to the amenities and advantages of the **[Union of South Africa] Republic** or any part thereof whether commercial, historical, scenic, recreational, curative or climatic and for disseminating that information within or outside the **[said Union] Republic** **[and any such contribution shall be subject to the following conditions—**

(i) the serving and waiting upon of non-Europeans by Europeans at any function provided by such organization shall be prohibited;

(ii) no function shall be provided by such organization both for Europeans who are not councillors, municipal officers or representatives of a State Department, inclusive of the Transvaal Provincial Administration, who have been invited in their capacities as such, and for non-Europeans, unless such organization has obtained, through the medium of the council, the prior approval of the Administrator thereto;

(iii) on breach of any of the foregoing conditions no such organization shall receive any further contribution in terms of this paragraph except with the consent of the Administrator];”.

Amendment of section 132 of Ordinance 17 of 1939, as amended by section 16 of Ordinance 27 of 1951, section 11 of Ordinance 16 of 1955, section 5 of Ordinance 17 of 1955, section 1 of Ordinance 17 of 1958, section 6 of Ordinance 15 of 1975, section 9 of Ordinance 9 of 1978, section 26 of Ordinance 16 of 1984, section 13 of Ordinance 18 of 1985 and section 11 of Ordinance 16 of 1986

10. Section 132 of the Ordinance is hereby amended by the insertion after subsection (3) of the following subsection:

“(4) for regulating matters regarding the management, care, control, regulation or superintendence of hospitals or institutions or services established in terms of section 131(1);”.

Amendment of section 151 of Ordinance 17 of 1939, as amended by section 16 of Ordinance 12 of 1941

11. Section 151 of the Ordinance is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) for **[appointing separate tramcars for the use of white persons and of natives or Asiatics or other coloured persons respectively and restricting the use of such cars to such persons and]** prohibiting the use of any tramcars by persons who are not respectably dressed or well conducted;”.

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Wysiging van artikel 167 van Ordonnansie 17 van 1939

12. Artikel 167 van die Ordonnansie word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Die geneeskundige gesondheidsbeampte of enige veearts of enige gesondheidsinspekteur goedgekeur vir die doel van hierdie artikel deur die plaaslike bestuur, kan op alle redelike tye enige perseel binne die regsgebied van die plaaslike bestuur betree, of enige kar of voertuig of enige kruit, mandjie, sak, draagbak of pakket deursoek ten einde—

[(a)] (i) enige dier, lewend of dood, bestem vir menslike verbruik, wat te koop uitgestal is, of op enige plek geplaas is, of wat oorgebring word vir die doel van verkoop, of van bereiding vir verkoop, of om deur 'n werkgewer aan sy **[bediendes]** werknemers gegee te word; en

[(b)] (ii) enige artikel, hetsy solied of vloeibaar, bestem vir menslike verbruik en wat verkoop of te koop uitgestal word, of op enige plek geplaas is, of wat oorgebring word vir die doel van verkoop, of van bereiding vir verkoop, of om deur 'n werkgewer aan sy **[bediendes]** werknemers gegee te word,

te inspekteer en te ondersoek, en hy mag dit inspekteer en ondersoek; die geneeskundige gesondheidsbeampte of veearts of gesondheidsinspekteur kan persoonlik of met behulp van iemand anders so 'n dier of artikel wat na sy mening siek of ongesond of ongeskik vir menslike verbruik is, in beslag neem en saamneem, en enige dier of artikel wat vermoedelik siek of ongesond of ongeskik vir menslike verbruik is vir 'n redelike tyd in afwagting van keuring en ondersoek, aanhou.

(b) 'n Geneeskundige gesondheidsbeampte of enige veearts of enige gesondheidsinspekteur goedgekeur soos voormeld, kan in enige dooie dier of voedingsartikel sny vir die doel van enige ondersoek kragtens hierdie artikel.

(c) Enige **[blanke]** lid van **['n polisiemag wettiglik in die Provinsie gevestig]** die Suid-Afrikaanse Polisie het die reg—

(i) om karre of voertuie, of kruitwaens, mandjies, sakke, draagbakke of pakkette deur te soek; en

(ii) om in die algemeen mee te werk tot die uitvoering en toepassing van hierdie artikel.”; en

(b) deur in subartikel (3) die woord “bediendes” oral waar dit voorkom deur die woord “werknemers” te vervang.

Kort titel en inwerkingtreding

13. (1) Hierdie Wet heet die Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal)(Volksraad), 1992, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

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(HOUSE OF ASSEMBLY), 1992

Amendment of section 167 of Ordinance 17 of 1939

12. Section 167 of the Ordinance is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

5 “(1) (a) The medical officer of health or any veterinary surgeon
or any sanitary inspector approved for the purpose of this section
by the local authority may at all reasonable times enter any
premises within the area of jurisdiction of the local authority or
search any cart or vehicle, or any barrow, basket, sack, bag,
10 receptacle or parcel, in order to inspect and examine and he may
inspect and examine—

10 **[(a)]** (i) any animal, alive or dead, intended for human consump-
tion which is exposed for sale, or deposited in any place
or is in course of transmission for the purpose of sale, or
of preparation for sale or for the purpose of being
15 supplied by an employer to his employees; and

15 **[(b)]** (ii) any article, whether solid or liquid, intended for human
consumption and sold or exposed for sale, or deposited in
any place or in course of transmission for the purpose of
sale or of preparation for sale or for the purpose of being
20 supplied by an employer to his employees;

20 the medical officer of health or veterinary surgeon or sanitary
inspector may seize and carry away by himself or with assistance
any such animal or article which in his opinion is diseased or
unsound or unfit for human consumption, and may detain for a
25 reasonable time pending examination and inquiry any animal or
article which is suspected of being diseased or unsound or unfit for
human consumption.

25 (b) A medical officer of health or any veterinary surgeon or any
sanitary inspector approved as aforesaid may cut into any dead
animal or article of food for the purpose of any examination under
30 this section.

30 (c) Any **[European]** member of **[a police force lawfully estab-
lished in the Province]** the South African Police shall have power—

35 (i) to search carts or vehicles, or barrows, baskets, sacks, bags,
receptacles or parcels; and

35 (ii) to assist generally in executing and enforcing this section.”;
and

(b) by the substitution in subsection (3) of the Afrikaans text for the word
“bediendes” wherever it occurs of the word “werknemers”.

40 Short title and commencement

13. (1) This Act shall be called the Local Government Ordinance Amendment
Act (Transvaal)(House of Assembly), 1992, and shall come into operation on a
date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this
45 Act.

