



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 337

CAPE TOWN, 20 JULY 1993

No. 14978

KAAPSTAD, 20 JULIE 1993

STATE PRESIDENT'S OFFICE

No. 1279. 20 July 1993

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

No. 112 of 1993: Rural Areas Amendment Act (House of Representatives), 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1279. 20 Julie 1993

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

No. 112 van 1993: Wysigingswet op Landelike Gebiede (Raad van Verteenwoordigers), 1993.

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 Rural Areas Act (House of Representatives), 1987, so as to transfer certain powers of the State President with regard to the administration of estates to the Minister; to empower the Minister to appoint persons other than public servants to administer certain estates and to defray the costs of the administration of such estates from moneys appropriated by the House of Representatives for the purpose; to empower the Minister to transfer any trust land situate in an existing or incorporated area to the board of management concerned; to delete provisions in terms of which boards of management are obliged to repay portions of the cost of certain works to the State; and to discharge boards of management from liability in respect of certain debts; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 9 July 1993.)

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

Substitution of section 5 of Act 9 of 1987

1. The following section is hereby substituted for section 5 of the Rural Areas Act (House of Representatives), 1987 (hereinafter referred to as the principal Act): 5

“Application of certain provisions for administration of estates

5. (1) If after consultation **[between the Minister and]** with the board of management concerned, the **[State President]** Minister is of the opinion that undesirable conditions exist or may arise in any existing area or incorporated area in consequence of delays in connection with the administration of estates involving estate erven, he may by **[proclamation]** notice in the *Gazette* declare the provisions of section 6 to be applicable to such area. 10

(2) Any such **[proclamation]** notice may at any time be amended or withdrawn by the **[State President]** Minister by **[proclamation]** notice in the *Gazette* **[if he is of the opinion that it is no longer required]**.”. 15

Amendment of section 6 of Act 9 of 1987

2. Section 6 of the principal Act is hereby amended—

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrap-
pings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in
bestaande verordenings aan.

WET

Tot wysiging van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, ten einde sekere bevoegdhede van die Staatspresident ten opsigte van die bereddering van boedels aan die Minister oor te dra; die Minister in staat te stel om persone wat nie staatsamptenare is nie aan te stel om sekere boedels te beredder en om die koste van die bereddering van sodanige boedels te bestry uit geld vir dié doel deur die Raad van Verteenwoordigers bewillig; die bevoegdheid aan die Minister te verleen om enige trustgrond geleë in 'n bestaande of ingelyfde gebied aan die betrokke bestuursraad oor te dra; bepalinge ingevolge waarvan bestuursrade gedeeltes van die koste van sekere werke aan die Staat moet terugbetaal, te skrap; en bestuursrade van aanspreeklikheid ten opsigte van sekere skulde te onthef; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Julie 1993.)*

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

Vervanging van artikel 5 van Wet 9 van 1987

1. Artikel 5 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (hierna die Hoofwet genoem), word hierby deur die volgende artikel vervang:

“Toepassing van sekere bepalinge vir bereddering van boedels

5. (1) Indien die [Staatspresident] Minister, na oorlegpleging [tussen die Minister en] met die betrokke bestuursraad, van oordeel is dat daar in 'n bestaande of ingelyfde gebied wantoestande bestaan of kan ontstaan as gevolg van vertraginge in verband met die bereddering van boedels waarby boedelerwe betrokke is, kan hy by [proklamasie] kennisgewing in die Staatskoerant die bepalinge van artikel 6 op dié gebied van toepassing verklaar.

- 15 (2) So 'n [proklamasie] kennisgewing kan te eniger tyd deur die [Staatspresident] Minister by [proklamasie] kennisgewing in die Staatskoerant gewysig of ingetrek word [indien hy van oordeel is dat geen verdere behoefte daaraan bestaan nie].”

Wysiging van artikel 6 van Wet 9 van 1987

- 20 2. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) by the substitution for subsection (1) of the following subsection:
 “(1) After the publication of any **[proclamation]** notice under section 5(1), the Minister shall **[subject to the laws governing the public service]** by notice in the *Gazette* appoint in respect of the area in question a person as administrator of the estates involving estate 5
 erven which according to a certificate of the Master of the Supreme Court concerned have not been reported to him or are not properly represented or are not being effectively administered.”; and
- (b) by the addition of the following subsection:
 “(9) The Minister may defray the costs of the administration of 10
the estates referred to in subsection (1) from moneys appropriated by the House of Representatives for the purpose.”.

Amendment of section 20 of Act 9 of 1987

3. Section 20 of the principal Act is hereby amended by the deletion of paragraph (d) of subsection (2). 15

Insertion of section 20A in Act 9 of 1987

4. The following section is hereby inserted in the principal Act after section 20:

“Transfer of land in existing and incorporated areas

20A. Notwithstanding anything to the contrary in this Act the Minister may, subject to any conditions determined by him, at any time after consultation with the board of management concerned transfer to such board of management any land, situated in an existing or incorporated area, which is held in trust by him for the community concerned and he may carry out or order the carrying out of any act, including the surveying of land, which in his opinion is necessary to effect such transfer.”. 20 25

Amendment of section 42 of Act 9 of 1987

5. Section 42 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 30
 “(b) out of moneys appropriated by the House of Representatives for the purpose undertake, administer, run and maintain such works as he may consider advisable for the development and improvement of a betterment area or for the promotion of community development or health or social conditions in such 35
area.”;
- (b) by the deletion of subsection (2); and
- (c) by the deletion of subsections (4) and (5).

Amendment of section 49 of Act 9 of 1987

6. Section 49 of the principal Act is hereby amended by the deletion of 40
 paragraph (g) of subsection (1).

Remission of certain money owing by boards of management

7. A board of management which, immediately prior to the deletion of section 42(2) of the principal Act by section 5, owes money to the State or the Minister by virtue of a determination under the said section 42(2), is hereby discharged from 45
 all liability in respect of such money owing and the interest payable thereon.

Short title

8. This Act shall be called the Rural Areas Amendment Act (House of Representatives), 1993.

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

“(1) Na afkondiging van ’n **[proklamasie]** kennisgewing in-
gevolge artikel 5(1) stel die Minister **[behoudens die wette op die
Staatsdiens]** by kennisgewing in die *Staatskoerant* ten opsigte van
die betrokke gebied iemand aan as beredderaar van die boedels
waarby boedelerwe betrokke is en wat volgens ’n sertifikaat van
die betrokke Meester van die Hooggeregshof nie aan hom gerap-
porteer is of behoorlik verteenwoordig is of doeltreffend geadmi-
nistreer word nie.”; en

(b) deur die volgende subartikel by te voeg:

“(9) Die Minister kan die koste van die bereddering van die
boedels bedoel in subartikel (1) uit geld deur die Raad van
Verteenwoordigers vir die doel bewillig, bestry.”.

Wysiging van artikel 20 van Wet 9 van 1987

3. Artikel 20 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (2) te skrap.

Invoeging van artikel 20A in Wet 9 van 1987

4. Die volgende artikel word hierby in die Hoofwet na artikel 20 ingevoeg:

“Oordrag van grond in bestaande en ingelyfde gebiede

20A. Ondanks andersluidende bepalings in hierdie Wet kan die
Minister te eniger tyd, na oorlegpleging met die betrokke be-
stuursraad, enige grond geleë in ’n bestaande of ingelyfde gebied wat
deur hom vir die betrokke gemeenskap in trust gehou word, op die
voorwaardes wat hy bepaal, aan sodanige bestuursraad oordra en
enige handeling verrig of gelas, met inbegrip van opmetings van
grond, wat na sy oordeel nodig is om sodanige oordrag uit te voer.”.

Wysiging van artikel 42 van Wet 9 van 1987

5. Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te
vervang:

“(b) uit geld deur die Raad van Verteenwoordigers vir die doel
bewillig, werke onderneem, administreer, bedryf en in stand
hou wat hy raadsaam ag vir die ontwikkeling en verbetering
van ’n ontwikkelingsgebied of ter bevordering van gemeen-
skapsontwikkeling of die gesondheids- of maatskaplike toe-
stande in bedoelde gebied.”;

(b) deur subartikel (2) te skrap; en

(c) deur subartikels (4) en (5) te skrap.

Wysiging van artikel 49 van Wet 9 van 1987

6. Artikel 49 van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (1) te skrap.

Kwytskelding van sekere geld deur bestuursrade verskuldig

7. ’n Bestuursraad wat, onmiddellik voor die skapping van artikel 42(2) van die Hoofwet by artikel 5, geld uit hoofde van ’n bepaling kragtens genoemde artikel 42(2) aan die Staat of die Minister verskuldig is, word hierby onthef van alle aanspreeklikheid ten opsigte van sodanige verskuldigde geld en die rente wat daarop betaalbaar is.

Kort titel

8. Hierdie Wet heet die Wysigingswet op Landelike Gebiede (Raad van Verteenwoordigers), 1993.

