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STATE PRESIDENT'S OFFICE

No. 1284.

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. 117 of 1993: Local Government Affairs Second Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1284.

20 Julie 1993

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

No. 117 van 1993: Tweede Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1993.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Removal of Restrictions Act, 1967, so as to make further provision with reference to the alteration, suspension or removal of certain restrictions or obligations in respect of land; to amend the Black Local Authorities Act, 1982, so as to further regulate meetings of local authorities; and to make further provision for the case where a local authority is unable to perform its functions; to amend the Promotion of Local Government Affairs Act, 1983, so as to further regulate the constitution of the co-ordinating council; to amend the KwaZulu and Natal Joint Services Act, 1990, so as to authorize a joint services board to borrow or lend money for certain purposes; to amend the Lekoa City Council Dissolution Act, 1991, so as to correct certain descriptions of land; to postpone the holding of elections for local government bodies; to repeal certain laws pertaining to local government so as to give further effect to the fact that certain own affairs functions are being assigned to Ministers for general affairs and Administrators; and to provide for matters in connection therewith.

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

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

Amendment of section 2 of Act 84 of 1967, as amended by section 61 of Act 70 of 1968, section 7 of Act 96 of 1969 and section 2 of Act 18 of 1984

1. (1) Section 2 of the Removal of Restrictions Act, 1967, is hereby amended— 5
 (a) by the insertion after subsection (1A) of the following subsection:
 “(1B) In the application of subsection (1), no restriction or obligation which is binding on the owner of land by virtue of a provision of a townplanning scheme shall be altered, suspended or removed on the application of a person referred to in section 3 unless the application is directly connected with an application by that person for the alteration, suspension or removal of a restriction or obligation which is binding on that owner by virtue of a restrictive condition or servitude registered against the title deed of the land in question.”; and 10
 (b) by the substitution for subsection (3) of the following subsection:
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ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Wet op Opheffing van Beperkings, 1967, ten einde verdere voorsiening te maak met betrekking tot die wysiging, opskorting of opheffing van sekere beperkings of verpligtings ten opsigte van grond; tot wysiging van die Wet op Swart Plaaslike Owerhede, 1982, ten einde vergaderings van plaaslike owerhede verder te reël; en verdere voorsiening te maak vir die geval waar 'n plaaslike bestuur nie in staat is om sy werkzaamhede te verrig nie; tot wysiging van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, ten einde die samestelling van die koördinerende raad verder te reël; tot wysiging van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990, ten einde 'n gesamentlike diensteraad te magtig om geld vir sekere doeleinades te leen of uit te leen; tot wysiging van die Wet op die Ontbinding van die Stadsraad van Lekoa, 1991, ten einde sekere grondomskrywings te verbeter; om die hou van verkiesings vir plaaslike owerheidsliggame uit te stel; tot herroeping van sekere wette met betrekking tot plaaslike bestuur ten einde verdere gevolg te gee aan die feit dat sekere eiesake-funksies aan Ministers vir algemene sake en Administrateurs opgedra word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

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

Wysiging van artikel 2 van Wet 84 van 1967, soos gewysig deur artikel 61 van Wet 70 van 1968, artikel 7 van Wet 96 van 1969 en artikel 2 van Wet 18 van 1984

- 5 1. (1) Artikel 2 van die Wet op Opheffing van Beperkings, 1967, word hierby gewysig—
 (a) deur na subartikel (1A) die volgende subartikel in te voeg:
 “(1B) By die toepassing van subartikel (1) word 'n beperking of verpligting wat vir die eienaar van grond bindend is uit hoofde van 'n bepaling van 'n dorpsaanlegskema, nie op aansoek van 'n persoon bedoel in artikel 3 gewysig, opgeskort of opgehef nie tensy die aansoek direk verband hou met 'n aansoek deur daardie persoon vir die wysiging, opskorting of opheffing van 'n beperking of verpligting wat vir daardie eienaar bindend is uit hoofde van 'n beperkende voorwaarde of serwituit wat teen die titelbewys van die betrokke grond geregistreer is.”; en
 (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) When a restriction or obligation which is binding on the owner of any land by virtue of a townplanning scheme, is altered in terms of subsection (1), the provisions of any law on townplanning or the establishment of townships which is in force in the province in which the land is situate and which relates to the payment of a development contribution, or a contribution in respect of engineering services, open spaces or parks, as contemplated in that law, shall apply as if such alteration were an alteration of the townplanning scheme in terms of that law.”.

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(2) An application lodged in terms of section 3(2) or (3) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), before the commencement of this Act, and any steps taken in connection with such application, shall be proceeded with, disposed of and given effect to, as the case may be, as if this Act had not been passed.

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(3) Subsections (1) and (2) shall be deemed to have come into operation in the province of the Transvaal on 1 April 1993 and shall come into operation in the provinces of the Cape of Good Hope, Natal and the Orange Free State on a date determined by the State President, after consultation with the Administrator of each such province, by proclamation in the *Gazette*.

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Amendment of section 14 of Act 102 of 1982, as amended by section 11 of Act 95 of 1988 20

2. Section 14 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) A majority of [all] the number of members of the local authority determined from time to time under section 6(1), shall constitute a quorum 25 for any meeting of the local authority.”.

Amendment of section 29A of Act 102 of 1982, as inserted by section 2 of Act 90 of 1985 and amended by section 15 of Act 95 of 1988

3. Section 29A of the Black Local Authorities Act, 1982, is hereby amended—

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

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“(1) If at any time and for any reason the number of vacancies in a local authority is such that the administrator is of the opinion that the local authority is unable to exercise, perform or fulfil any right, power, function, [or] duty or obligation assigned to it by or under this Act, the administrator may, notwithstanding the provisions of sections 6(3) and 9(2), by notice in the *Official Gazette* dissolve the local authority or authorize [any person] one or more persons or any body to exercise, perform or fulfil any or all of such rights, powers, functions, duties and obligations during a period mentioned in the notice.”; and

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(b) by the substitution for subsections (4), (5) and (6) of the following subsections, respectively:

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“(4) A right, power, function, duty or obligation exercised, performed or fulfilled by a person or persons or a body as may be authorized under subsection (1), shall be deemed to have been 45 exercised, performed or fulfilled by the local authority concerned.

(5) Expenditure incurred by a person or persons or a body by virtue of subsection (1) shall be payable by or recoverable from the local authority concerned.

(6) Notwithstanding anything to the contrary contained in this Act, any person or persons or a body authorized under subsection (1) may function jointly with members elected under section 7(2) or 9(2) or with members appointed under section 6(3)(a): Provided that—

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(a) where any person so functions jointly with members, he; or

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- 5 “(3) Indien 'n beperking of verpligting wat uit hoofde van 'n dorpsaanlegskema vir die eienaar van grond bindend is, ingevolge subartikel (1) gewysig word, is die bepalings van 'n wet op die aanleg van dorpe of die stigting van dorpe wat van krag is in die provinsie waarin die grond geleë is en wat betrekking het op die betaling van 'n ontwikkelingsbydrae, of 'n bydrae ten opsigte van ingenieursdienste, oop ruimtes of parke, soos in daardie wet beoog, van toepassing asof sodanige wysiging 'n wysiging van die dorpsaanlegskema ingevolge daardie wet is.”.
- 10 (2) 'n Aansoek wat voor die inwerkingtreding van hierdie Wet ingevolge artikel 3(2) of (3) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), ingedien is, en enige stappe gedoen in verband met sodanige aansoek, word voortgesit, afgehandel en gevolg aan gegee, na gelang van die geval, asof hierdie Wet nie aangeneem is nie.
- 15 (3) Subartikels (1) en (2) word geag op 1 April 1993 in die provinsie Transvaal in werking te getree het en tree in die provinsies Kaap die Goeie Hoop, Natal en Oranje-Vrystaat in werking op 'n datum wat die Staatspresident na oorlegpleging met die Administrateur van elke sodanige provinsie by proklamasie in die *Staatskoerant* bepaal.
- 20 **Wysiging van artikel 14 van Wet 102 van 1982, soos gewysig deur artikel 11 van Wet 95 van 1988**
- 25 2. Artikel 14 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) 'n Meerderheid van [al] die getal lede van 'n plaaslike owerheid van tyd tot tyd kragtens artikel 6(1) bepaal, maak 'n kworum vir 'n vergadering van die plaaslike owerheid uit.”.
- Wysiging van artikel 29A van Wet 102 van 1982, soos ingevoeg deur artikel 2 van Wet 90 van 1985 en gewysig deur artikel 15 van Wet 95 van 1988**
- 30 3. Artikel 29A van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig—
- 35 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Indien te eniger tyd en om enige rede die aantal vakatures in 'n plaaslike owerheid sodanig is dat na oordeel van die administrateur die plaaslike owerheid nie in staat is om enige van die regte, bevoegdhede, werksaamhede, pligte of verpligtinge wat by of kragtens hierdie Wet aan hom opgedra is, uit te oefen, te verrig of na te kom nie, kan die administrateur ondanks die bepalings van artikels 6(3) en 9(2), by kennisgewing in die *Offisiële Koerant* die plaaslike owerheid ontbind of [enige persoon] een of meer persone of enige liggaam magtig om, gedurende 'n tydperk in die kennisgewing vermeld, enige of al sodanige regte, bevoegdhede, werksaamhede, pligte en verpligtinge uit te oefen, te verrig of na te kom.”; en
- 40 (b) deur subartikels (4), (5) en (6) deur onderskeidelik die volgende subartikels te vervang:
- “(4) 'n Reg, bevoegdheid, werksaamheid, plig of verpligting uitgeoefen, verrig of nagekom deur 'n persoon of persone of 'n liggaam wat kragtens subartikel (1) gemagtig word, word geag deur die betrokke plaaslike owerheid uitgeoefen, verrig of nagekom te wees.
- 45 (5) Uitgawe deur 'n persoon of persone of 'n liggaam uit hoofde van subartikel (1) aangegaan, is deur die betrokke plaaslike owerheid betaalbaar of op hom verhaalbaar.
- 50 (6) Ondanks andersluidende bepalings van hierdie Wet kan 'n persoon of persone of 'n liggaam kragtens subartikel (1) gemagtig, gesamentlik met lede verkies kragtens artikel 7(2) of 9(2) of met lede aangestel kragtens artikel 6(3)(a) funksioneer: Met dien verstande dat—
- 55 (a) waar 'n persoon aldus gesamentlik met lede funksioneer, hy;
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(b) where more than one person so functions jointly with members,
one of such persons designated by the administrator,

shall act as chairman at meetings of such local authority and exercise, perform or fulfil all rights, powers, functions, duties and obligations after consultation with such elected and appointed members in respect of the whole or any part of the area of jurisdiction as determined by the administrator in the notice contemplated in subsection (1).".

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Amendment of section 3 of Act 91 of 1983, as amended by section 2 of Act 45 of 1985, section 1 of Act 79 of 1986, section 7 of Act 43 of 1988, section 2 of Act 82 of 1988 and section 2 of Act 56 of 1993 10

4. Section 3 of the Promotion of Local Government Affairs Act, 1983, is hereby amended—

(a) by the insertion in subsection (2) after paragraph (aA) of the following paragraph: 15

"(aB) the Deputy Minister of Local Government;"; and

(b) by the substitution for subsection (5) of the following subsection:

"(5) The Minister shall be the chairman of the co-ordinating council and if he is absent from any meeting of the council [one of]

the Deputy Minister of Local Government [other Ministers who are members of the council in terms of subsection (2)] or any person [the Administrator] designated by the Minister shall preside at such meeting."

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Amendment of section 16 of Act 84 of 1990, as amended by section 23 of Act 134 of 1992 and section 11 of Act 136 of 1992 25

5. Section 16 of the KwaZulu and Natal Joint Services Act, 1990, is hereby amended by the insertion after subsection (13) of the following subsection:

"(14) A board may, with the prior approval of the Minister of Finance of the Republic, borrow or lend money for the purposes of or in connection with the exercise or performance of any power, duty or function conferred on or assigned to the board by or in terms of this Act." 30

Amendment of Schedule 2 to Act 61 of 1991

6. Schedule 2 to the Lekoa City Council Dissolution Act, 1991, is hereby amended—

(a) by the substitution for item 2 of the following item: 35

"2. The area of Bophelong consists of—

[169,5600 hectares of land, situated in the district of Vanderbijlpark, being a Portion of the farm Vanderbijlpark No. 550 IQ, which is further defined in Government Notice No. 1759 of 9 September 1955]

2.1 79,9218 hectares of land, situated in the district of Vanderbijlpark, being Portion 9 of the farm Vanderbijlpark No. 550 IQ, shown on diagram S.G. No. A507/47 (Province of the Transvaal); 40

2.2 11,6532 hectares of land, situated in the district of Vanderbijlpark, being Portion 27 of the farm Vanderbijlpark No. 550 IQ, shown on diagram S.G. No. A3284/50 (Province of the Transvaal); 45

2.3 79,2896 hectares of land, situated in the district of Vanderbijlpark, being Portion 45 of the farm Vanderbijlpark No. 550 IQ, shown on diagram S.G. No. A5415/54 (Province of the Transvaal)."; 50

(b) by the substitution for item 3.22 of the following item:

"3.22 [99,6812] 233,0010 hectares of land, situated in the district of Vanderbijlpark, being Portion 5 (Portion of Portion 2) of the farm [Rietspruit No. 535] Quaggasfontein, alias Lapdoorns

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(b) waar meer as een persoon aldus gesamentlik met lede funksioneer, een van sodanige persone deur die administrateur aangewys,

5 as voorsitter op vergaderings van daardie plaaslike owerheid optree en alle regte, bevoegdhede, werksaamhede, pligte en verpligtinge uitoefen, verrig of nakom na oorleg met sodanige verkose en aangestelde lede ten opsigte van die hele regsgebied of enige deel daarvan soos deur die administrateur in die kennisgewing bedoel in subartikel (1) bepaal.”.

10 Wysiging van artikel 3 van Wet 91 van 1983, soos gewysig deur artikel 2 van Wet 45 van 1985, artikel 1 van Wet 79 van 1986, artikel 7 van Wet 43 van 1988, artikel 2 van Wet 82 van 1988 en artikel 2 van Wet 56 van 1993

4. Artikel 3 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig—

15 (a) deur in subartikel (2) na paragraaf (aA) die volgende paragraaf in te voeg:

“(aB) die Adjunk-minister van Plaaslike Regering;” en

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

20 “(5) Die Minister is voorsitter van die koördinerende raad en indien hy van 'n vergadering van die raad afwesig is, sit [een van] die Adjunk-minister van Plaaslike Regering [ander Ministers wat ingevolge subartikel (2) lede van die raad is] of 'n persoon [die Administrateur] wat deur die Minister aangewys word op daardie vergadering voor.”.

25 Wysiging van artikel 16 van Wet 84 van 1990, soos gewysig deur artikel 23 van Wet 134 van 1992 en artikel 11 van Wet 136 van 1992

5. Artikel 16 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990, word hierby gewysig deur na subartikel (13) die volgende subartikel in te voeg:

30 “(14) 'n Raad kan, met die voorafverkreeë goedkeuring van die Minister van Finansies van die Republiek, geld leen of uitleen vir die doeleindes van of in verband met die uitoefening of verrigting van enige bevoegdheid, plig of werksaamheid wat by of ingevolge hierdie Wet aan die raad verleen of opgedra is.”.

35 Wysiging van Bylae 2 by Wet 61 van 1991

6. Bylae 2 by die Wet op die Ontbinding van die Stadsraad van Lekoa, 1991, word hierby gewysig—

(a) deur item 2 deur die volgende item te vervang:

“2. Die gebied van Bophelong bestaan uit—

40 [169,5600 hektaar grond, geleë in die distrik Vanderbijlpark, synde 'n Gedeelte van die plaas Vanderbijlpark No. 550 IQ, wat verder omskryf is in Goewermentskennisgewing No. 1759 van 9 September 1955]

45 2.1 79,9218 hektaar grond, geleë in die distrik Vanderbijlpark,

synde Gedeelte 9 van die plaas Vanderbijlpark No. 550 IQ,

aangetoon op kaart L.G. No. A507/47 (provinsie Transvaal);

2.2 11,6532 hektaar grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 27 van die plaas Vanderbijlpark No. 550 IQ, aangetoon op kaart L.G. No. A3284/50 (provinsie Transvaal);

50 2.3 79,2896 hektaar grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 45 van die plaas Vanderbijlpark No. 550 IQ, aangetoon op kaart L.G. No. A5415/54 (provinsie Transvaal).”;

55 (b) deur item 3.22 deur die volgende item te vervang:

“3.22 [99,6812] 233,0010 hektaar grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 5 (Gedeelte van Gedeelte

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- No. 548 IQ, shown on diagram S.G. No. **[A983/11] A3511/51**
 (Province of the Transvaal)."; and
- (c) by the substitution for item 3.32 of the following item:
- “3.32 **(a) [715,2587 hectares of land, situated in the district of Vanderbijlpark, being the Remainder of Portion 42 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A8107/86 (Province of the Transvaal)] 400,2210** hectares of land, situated in the district of Vanderbijlpark, being Portion 30 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A2346/84 (Province of the Transvaal);
- (b) 312,7051 hectares of land, situated in the district of Vanderbijlpark, being Portion 35 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A6964/85 (Province of the Transvaal);
- (c) 8113 square metres of land, situated in the district of Vanderbijlpark, being the Remainder of Portion 7 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A5442/06 (Province of the Transvaal);
- (d) 8119 square metres of land, situated in the district of Vanderbijlpark, being Portion 32 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A5685/50 (Province of the Transvaal);
- (e) 8119 square metres of land, situated in the district of Vanderbijlpark, being Portion 24 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A1739/52 (Province of the Transvaal);
- (f) 4060 square metres of land, situated in the district of Vanderbijlpark, being Lot 125, The Evaton Estate Township, shown on diagram S.G. No. A1154/59 (Province of the Transvaal).”
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Postponement of elections for local government bodies

7. (1) Notwithstanding anything to the contrary contained in any law, the first election, after the commencement of this Act, of the members of all local government bodies shall take place on a day determined by the Minister, after consultation with the Administrator concerned, by notice in the *Gazette*, and the Minister shall have the power to determine different dates in respect of different local government bodies or different categories of local government bodies.

(2) Unless the council or committee of a local government body dissolves for a reason other than the expiration of the period for which it has been elected or constituted, the council or committee of each local government body shall continue up to the day immediately preceding the day determined in terms of subsection (1), and, unless his membership is terminated for a reason other than the expiration of his term of office, it shall be deemed that every member of the council or committee of a local government body has been properly elected as such in terms of the appropriate electoral law for a period ending on such first-mentioned day.

(3) Notwithstanding anything to the contrary contained in any law, the Minister may, after consultation with the Administrator concerned, in respect of an election referred to in subsection (1), in the notice referred to in subsection (1) or in a subsequent notice—

- (a) make regulations regarding—
- (i) the determination of wards and polling districts;
 - (ii) voters and voters' lists, including the determination of qualifications of voters;
 - (iii) members of local government bodies, including the qualifications and term of office of members;
 - (iv) the conducting of and procedures at the election;
 - (v) election expenses;
 - (vi) corrupt and illegal practices and other related offences,
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- 2) van die plaas **[Rietspruit No. 535] Quaggasfontein, alias Lapdoorns No. 548 IQ, aangetoon op kaart L.G. No. [A983/11] A3511/51 (provinsie Transvaal);**; en
- (c) deur item 3.32 deur die volgende item te vervang:
- 5 "3.32 (a) **[715,2587 hektaar grond, geleë in die distrik Vanderbijlpark, synde Restant van Gedeelte 42 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A8107/86 (provinsie Transvaal)]** 400,2210 hektaar grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 30 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A2346/84 (provinsie Transvaal);
- 10 (b) 312,7051 hektaar grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 35 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A6964/85 (provinsie Transvaal);
- 15 (c) 8113 vierkante meter grond, geleë in die distrik Vanderbijlpark, synde die Restant van Gedeelte 7 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A5442/06 (provinsie Transvaal);
- 20 (d) 8119 vierkante meter grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 32 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A5685/50 (provinsie Transvaal);
- 25 (e) 8119 vierkante meter grond, geleë in die distrik Vanderbijlpark, synde Gedeelte 24 van die plaas Wildebeestfontein No. 536 IQ, aangetoon op kaart L.G. No. A1739/52 (provinsie Transvaal);
- 30 (f) 4060 vierkante meter grond, geleë in die distrik Vanderbijlpark, synde Perseel 125, Die Evaton Landgoed Dorpsgebied, aangetoon op kaart L.G. No. A1154/59 (provinsie Transvaal).".

Uitstel van verkiesings vir plaaslike owerheidsliggame

7. (1) Ondanks andersluidende bepalings van die een of ander wet vind die eerste verkiesing, na die inwerkingtreding van hierdie Wet, van die lede van alle plaaslike owerheidsliggame plaas op 'n dag wat die Minister, na oorlegpleging met die betrokke Administrateur, by kennisgewing in die *Staatskoerant* bepaal, en het die Minister die bevoegdheid om verskillende datums ten opsigte van verskillende plaaslike owerheidsliggame of verskillende kategorieë owerheidsliggame te bepaal.

(2) Tensy die raad of komitee van 'n plaaslike owerheidsliggaam om 'n ander rede as die verstryking van die tydperk waarvoor hy verkies of saamgestel is, onbind, duur die raad of komitee van elke plaaslike owerheidsliggaam tot die dag wat die dag wat ingevolge subartikel (1) bepaal word, onmiddellik voorafgaan, en, tensy sy lidmaatskap om 'n ander rede as die verstryking van sy ampstermyn beëindig word, word daar geag dat elke lid van die raad of komitee van 'n plaaslike owerheidsliggaam behoorlik ingevolge die toepaslike kieswet as sodanig verkies is vir 'n tydperk wat op eersgenoemde dag eindig.

(3) Ondanks andersluidende bepalings van die een of ander wet kan die Minister, na oorlegpleging met die betrokke Administrateur, ten opsigte van 'n verkiesing bedoel in subartikel (1), in die in subartikel (1) bedoelde of 'n latere kennisgewing—

- (a) regulasies uitvaardig betreffende—
- 55 (i) die bepalings van wyke en stemdistrikte;
- (ii) kiesers en kieserslyste, met inbegrip van die bepaling van kwalifikasies van kiesers;
- (iii) lede van plaaslike owerheidsliggame, met inbegrip van die kwalifikasies en ampstermyn van lede;
- (iv) die voer van en procedures by die verkiesing;
- 60 (v) verkiesingsuitgawes;
- (vi) korrupte en onwettige bedrywighede en ander verwante misdrywe,

and generally, with regard to any other matter which the Minister considers necessary or expedient to prescribe in order to achieve or promote the objects of this section, and the generality of this provision shall not be limited by the preceding subparagraphs of this paragraph;

- (b) declare that any law or any provision of any law pertaining to the election of members of any local government body shall, subject to the adjustment or amendment thereof set out in that notice, for the purposes of an election referred to in subsection (1), apply to any local government body or any category of local government bodies determined by him and set out in such notice.

(4) Regulations made under subsection (3)(a) may prescribe penalties for a contravention thereof or a failure to comply therewith, not exceeding a fine of R20 000 or imprisonment for a period of two years.

(5) For the purposes of this section—

“Administrator” means an Administrator as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986);

“appropriate electoral law”, in relation to a local government body, means a law regulating the registration of voters for and the election of members of the local government body concerned;

“local government body” means any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and includes—

- (a) any local authority as defined in section 1(1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (b) any committee referred to in section 17 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);
- (c) any combined local authority referred to in section 8(f) of the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991); and
- (d) any combined or other local government body designated by the Minister for the purposes of this section by notice in the *Gazette*;

“Minister” means the Minister of Local Government.

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Repeal of laws

8. (1) The laws referred to in the Schedule are hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1993.

Application of certain proclamations of Administrators in certain former local government areas

9. (1) Any amendment, repeal or substitution by an Administrator by proclamation in the *Official Gazette* under section 14 of the Provincial Government Act, 1986 (Act No. 69 of 1986), to or of any ordinance mentioned in—

- (a) Part A of column 1 of the Schedules to Proclamations Nos. R.36, R.37 and R.38 of 31 March 1989;
- (b) the Schedule to Proclamation No. R.97 of 30 June 1989; and
- (c) Part A of column 1 of the Schedule to Proclamation No. 203 of 15 December 1989,

respectively, effected during the period 1 April 1989 up to and including 31 March 1993 and which was in force on the last-mentioned date, shall, notwithstanding anything to the contrary in any law contained, be deemed to apply also in and in respect of any area in the province concerned which, up to and including the last-mentioned date, had been declared by or under—

- (i) the Declaration of Local Government Areas Ordinance, 1986 (Ordinance No. 18 of 1986), of the Cape of Good Hope;
- (ii) the Declaration of Local Government Areas Ordinance, 1986 (Ordinance No. 18 of 1986), of the Orange Free State;
- (iii) the Declaration of Local Government Areas Ordinance, 1986 (Ordinance No. 22 of 1986), of Natal; or

- en, in die algemeen, met betrekking tot enige ander aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie artikel te bereik of te bevorder, en die algemeenheid van hierdie bepaling word nie deur die voorafgaande subparagrawe van hierdie paragraaf beperk nie;
- (b) verlaat dat 'n wet of 'n bepaling van 'n wet met betrekking tot die verkiesing van lede van 'n plaaslike owerheidsliggaam, behoudens die aanpassing of wysiging daarvan in daardie kennisgewing uiteengesit, vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, van toepassing is op 'n plaaslike owerheidsliggaam of 'n kategorie plaaslike owerheidsliggame deur hom bepaal en in sodanige kennisgewing vermeld.
- (4) Regulasies wat kragtens subartikel (3)(a) uitgevaardig word, kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen strawwe voorskryf wat nie 'n boete van R20 000 of gevangenisstraf vir 'n tydperk van hoogstens twee jaar te bove gaan nie.
- (5) By die toepassing van hierdie artikel beteken—
 “Administrateur” 'n Administrateur soos omskryf in artikel 1 van die Wet op Proviniale Regering, 1986 (Wet No. 69 van 1986);
 20 “Minister” die Minister van Plaaslike Regering;
 “plaaslike owerheidsliggaam” 'n instelling of liggaam beoog in artikel 84(1)(f) van die Wet op Proviniale Bestuur, 1961 (Wet No. 32 van 1961), en ook—
 (a) 'n plaaslike owerheid soos omskryf in artikel 1(1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);
 25 (b) 'n komitee bedoel in artikel 17 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983);
 (c) 'n verenigde plaaslike owerheid bedoel in artikel 8(f) van die Wet op Tussentydse Maatreëls vir Plaaslike Regering, 1991 (Wet No. 128 van 1991); en
 30 (d) 'n verenigde of ander plaaslike owerheidsliggaam deur die Minister by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie artikel aangewys;
 “toepaslike kieswet” met betrekking tot 'n plaaslike owerheidsliggaam, 'n wet tot reëeling van die registrasie van kiesers vir en die verkiesing van lede van die 35 betrokke plaaslike owerheidsliggaam.

Herroeping van wette

8. (1) Die wette in die Bylae vermeld, word hierby herroep.
 (2) Subartikel (1) word geag op 1 April 1993 in werking te getree het.

Toepassing van sekere proklamasies van Administrateurs in sekere gewese plaaslike bestuursgebiede

9. (1) 'n Wysiging, herroeping of vervanging deur 'n Administrateur by proklamasie in die *Offisiële Koerant* kragtens artikel 14 van die Wet op Proviniale Regering, 1986 (Wet No. 69 van 1986), aan of van 'n ordonnansie vermeld in onderskeidelik—
 45 (a) Deel A van kolom 1 van die Bylae by Proklamasies Nos. R.36, R.37 en R.38 van 31 Maart 1989;
 (b) die Bylae by Proklamasie No. R.97 van 30 Junie 1989; en
 (c) Deel A van kolom 1 van die Bylae by Proklamasie No. 203 van 15 Desember 1989,
 50 aangebring gedurende die tydperk 1 April 1989 tot en met 31 Maart 1993 en wat op laasgenoemde datum van krag was, word, ondanks enige andersluidende wetsbepaling, geag ook van toepassing te wees in en ten opsigte van 'n gebied in die betrokke provinsie wat tot en met laasgenoemde datum by of kragtens—
 (i) die Ordonnansie op die Verklaring van Plaaslike Bestuursgebiede, 1986 (Ordonnansie No. 18 van 1986), van die Kaap die Goeie Hoop;
 55 (ii) die Ordonnansie op die Verklaring van Plaaslike Bestuursgebiede, 1986 (Ordonnansie No. 18 van 1986), van die Oranje-Vrystaat;
 (iii) die Ordonnansie op Verklaring van Plaaslike Bestuursgebiede, 1986 (Ordonnansie No. 22 van 1986), van Natal; of

(iv) the Local Government Areas Ordinance, 1986 (Ordinance No. 24 of 1986), of the Transvaal,
and still was, a local government area for a population group.
(2) Subsection (1) shall be deemed to have come into operation on 1 April 1993.

Transitional provisions

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10. (1) Anything done or commenced with in terms of or under a provision of any law amended by any law referred to in the Schedule, but not yet finalized on 31 March 1993, shall be deemed to have been done or commenced with in terms of the corresponding provision, if any, of any general law as defined in section 100 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983). 10

(2) Notwithstanding the repeal of the laws referred to in the Schedule by section 8, any by-law or regulation made under any law amended by any law so repealed and which was in force immediately before 1 April 1993, shall remain in force until it is amended or repealed by the competent authority, and shall be deemed to have been made under the general law referred to in subsection (1), if any. 15

(3) In the event of a conflict between a provision of any by-law or regulation referred to in subsection (2) and a provision of any by-law or regulation made under a general law referred to in subsection (1), the provision of the first-mentioned by-law or regulation shall prevail.

Short title

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11. This Act shall be called the Local Government Affairs Second Amendment Act, 1993.

- (iv) die Ordonnansie op Plaaslike Bestuursgebiede, 1986 (Ordonnansie No. 24 van 1986), van Transvaal, tot 'n plaaslike bestuursgebied vir 'n bevolkingsgroep verklaar is en steeds so 'n gebied was.
- 5 (2) Subartikel (1) word geag op 1 April 1993 in werking te getree het.

Oorgangsbeplings

10. (1) Enigets wat gedoen is of waarmee 'n aanvang geneem is kragtens of ingevolge 'n bepaling van 'n wet gewysig deur 'n wet in die Bylae bedoel, maar wat op 31 Maart 1993 nog nie afgehandel was nie, word geag kragtens of 10 ingevolge die ooreenstemmende bepaling, as daar is, van 'n algemene wet soos omskryf in artikel 100 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), gedoen te gewees het of 'n aanvang te geneem het.
- (2) Ondanks die herroeping van die wette in die Bylae bedoel by artikel 8, bly 'n verordening of regulasie gemaak kragtens 'n wet gewysig deur 'n aldus 15 herroope wet en wat onmiddellik voor 1 April 1993 van krag was, van krag totdat dit deur die bevoegde gesag gewysig of herroep word, en word dit geag kragtens die algemene wet bedoel in subartikel (1), as daar is, gemaak te wees.
- (3) In die geval van 'n botsing tussen 'n bepaling van 'n verordening of regulasie bedoel in subartikel (2) en 'n bepaling van 'n verordening of regulasie 20 gemaak kragtens 'n algemene wet bedoel in subartikel (1), geld die bepaling van eersgenoemde verordening of regulasie.

Kort titel

11. Hierdie Wet heet die Tweede Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1993.

Schedule**LAWS REPEALED****(Section 8)**

No. and year of law	Short title
Act No. 32 of 1990	Municipal Ordinance Amendment Act (Cape) (House of Assembly), 1990
Act No. 33 of 1990	Local Government Ordinance Amendment Act (O.F.S.) (House of Assembly), 1990
Act No. 49 of 1990	Divisional Councils Ordinance Amendment Act (Cape) (House of Assembly), 1990
Act No. 50 of 1990	Local Government (Administration and Elections) Ordinance Amendment Act (Transvaal) (House of Assembly), 1990
Act No. 52 of 1990	Local Government Ordinance Amendment Act (Transvaal) (House of Assembly), 1990
Act No. 53 of 1990	Local Authorities Rating Ordinance Amendment Act (Transvaal) (House of Assembly), 1990
Act No. 54 of 1990	Local Authorities Capital Development Fund Ordinance Amendment Act (Transvaal) (House of Assembly), 1990
Act No. 55 of 1990	Land Use Planning Ordinance Amendment Act (Cape) (House of Assembly), 1990
Act No. 56 of 1990	Dog Tax Ordinance Amendment Act (Cape) (House of Assembly), 1990
Act No. 104 of 1990	Local Government Ordinance Second Amendment Act (O.F.S) (House of Assembly), 1990
Act No. 37 of 1991	Local Authorities Capital Development Fund Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 38 of 1991	Local Government (Administration and Elections) Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 39 of 1991	Town-planning and Townships Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 42 of 1991	Local Authorities Rating Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 43 of 1991	Local Government Ordinance Amendment Act (O.F.S) (House of Assembly), 1991
Act No. 46 of 1991	Municipal Ordinance Amendment Act (Cape) (House of Assembly), 1991
Act No. 47 of 1991	Land Use Planning Ordinance Amendment Act (Cape) (House of Assembly), 1991
Act No. 48 of 1991	Local Government Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 49 of 1991	Townships Ordinance Amendment Act (O.F.S.) (House of Assembly), 1991
Act No. 82 of 1991	Municipal Consolidated Loans Fund Ordinance Amendment Act (Transvaal) (House of Assembly), 1991
Act No. 83 of 1991	Local Government Ordinance Second Amendment Act (O.F.S.) (House of Assembly), 1991
Act No. 84 of 1991	Removal of Restrictions Amendment Act (House of Assembly), 1991
Act No. 130 of 1991	Divisional Councils Ordinance Amendment Act (Cape) (House of Assembly), 1991
Act No. 131 of 1991	Municipal Ordinance Second Amendment Act (Cape) (House of Assembly), 1991
Act No. 35 of 1992	Local Government Ordinance Amendment Act (Transvaal) (House of Assembly), 1992
Act No. 36 of 1992	Division of Land Ordinance Amendment Act (Transvaal) (House of Assembly), 1992
Act No. 38 of 1992	Delegation of Powers Ordinance Amendment Act (O.F.S.) (House of Assembly), 1992
Act No. 63 of 1992	Townships Ordinance Amendment Act (O.F.S.) (House of Assembly), 1992
Act No. 64 of 1992	Land Use Planning Ordinance Amendment Act (Cape) (House of Assembly), 1992

Bylae**WETTE HERROEP****(Artikel 8)**

Nommer en jaar van wet	Kort titel
Wet No. 32 van 1990	Wysigingswet op die Munisipale Ordonnansie (Kaap) (Volksraad), 1990
Wet No. 33 van 1990	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1990
Wet No. 49 van 1990	Wysigingswet op die Ordonnansie op Afdelingsrade (Kaap) (Volksraad), 1990
Wet No. 50 van 1990	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings) (Transvaal) (Volksraad), 1990
Wet No. 52 van 1990	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal) (Volksraad), 1990
Wet No. 53 van 1990	Wysigingswet op die Ordonnansie op Eiendomsbelasting van Plaaslike Besture (Transvaal) (Volksraad), 1990
Wet No. 54 van 1990	Wysigingswet op die Ordonnansie op die Kapitaalontwikkelingsfonds van Plaaslike Besture (Transvaal) (Volksraad), 1990
Wet No. 55 van 1990	Wysigingswet op die Ordonnansie op Grondgebruiksbeplanning (Kaap) (Volksraad), 1990
Wet No. 56 van 1990	Wysigingswet op die Ordonnansie op Hondebelasting (Kaap) (Volksraad), 1990 (Wet No. 56 van 1990)
Wet No. 104 van 1990	Tweede Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1990
Wet No. 37 van 1991	Wysigingswet op die Ordonnansie op die Kapitaalontwikkelingsfonds van Plaaslike Besture (Transvaal) (Volksraad), 1991
Wet No. 38 van 1991	Wysigingswet op die Ordonnansie op Plaaslike Besture (Administrasie en Verkiesings) (Transvaal) (Volksraad), 1991
Wet No. 39 van 1991	Wysigingswet op die Ordonnansie op Dorpsbeplanning en Dorpe (Transvaal) (Volksraad), 1991
Wet No. 42 van 1991	Wysigingswet op die Ordonnansie op Eiendomsbelasting van Plaaslike Besture (Transvaal) (Volksraad), 1991
Wet No. 43 van 1991	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1991
Wet No. 46 van 1991	Wysigingswet op die Munisipale Ordonnansie (Kaap) (Volksraad), 1991
Wet No. 47 van 1991	Wysigingswet op die Ordonnansie op Grondgebruiksbeplanning (Kaap) (Volksraad), 1991
Wet No. 48 van 1991	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal) (Volksraad), 1991
Wet No. 49 van 1991	Wysigingswet op die Ordonnansie op Dorpe (O.V.S.) (Volksraad), 1991
Wet No. 82 van 1991	Wysigingswet op die Ordonnansie op die Gekonsolideerde Leningsfonds vir Munisipaliteite (Transvaal) (Volksraad), 1991
Wet No. 83 van 1991	Tweede Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1991
Wet No. 84 van 1991	Wysigingswet op Opheffing van Beperkings (Volksraad), 1991
Wet No. 130 van 1991	Wysigingswet op die Ordonnansie op Afdelingsrade (Kaap) (Volksraad), 1991
Wet No. 131 van 1991	Tweede Wysigingswet op die Munisipale Ordonnansie (Kaap) (Volksraad), 1991
Wet No. 35 van 1992	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal) (Volksraad), 1992
Wet No. 36 van 1992	Wysigingswet op die Ordonnansie op die Verdeling van Grond (Transvaal) (Volksraad), 1992
Wet No. 38 van 1992	Wysigingswet op die Ordonnansie op die Delegasie van Bevoegdhede (O.V.S.) (Volksraad), 1992
Wet No. 63 van 1992	Wysigingswet op die Ordonnansie op Dorpe (O.V.S.) (Volksraad), 1992
Wet No. 64 van 1992	Wysigingswet op die Ordonnansie op Grondgebruikbeplanning (Kaap) (Volksraad), 1992

Act No. 117, 1993 LOCAL GOVERNMENT AFFAIRS SECOND AMENDMENT ACT, 1993

No. and year of law	Short title
Act No. 65 of 1992	Local Government Ordinance Amendment Act (O.F.S.) (House of Assembly), 1992
Act No. 66 of 1992	Divisional Councils Ordinance Amendment Act (Cape) (House of Assembly), 1992
Act No. 109 of 1992	Local Government Ordinance Second Amendment Act (Transvaal) (House of Assembly), 1992
Act No. 110 of 1992	Local Government Ordinance Second Amendment Act (O.F.S.) (House of Assembly), 1992

**TWEEDE WYSIGINGSWETSONTWERP OP PLAASLIKE
OWERHEIDSAANGELEENTHEDe, 1993****Wet No. 117, 1993**

Nommer en jaar van wet	Kort titel
Wet No. 65 van 1992	Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1992
Wet No. 66 van 1992	Wysigingswet op die Ordonnansie op Afdelingsrade (Kaap) (Volksraad), 1992
Wet No. 109 van 1992	Tweede Wysigingswet op die Ordonnansie op Plaaslike Bestuur (Transvaal) (Volksraad), 1992
Wet No. 110 van 1992	Tweede Wysigingswet op die Ordonnansie op Plaaslike Bestuur (O.V.S.) (Volksraad), 1992

