

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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*

Selling price • Verkoopprys  
(GST excluded/AVB uitgesluit)  
Local **80c** Plaaslik  
Other countries R1,10 Buitelands  
Post free • Posvry

VOL. 313

CAPE TOWN, 12 JULY 1991

No. 13372

KAAPSTAD, 12 JULIE 1991

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1521.

12 July 1991

No. 1521.

12 Julie 1991

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

No. 127 of 1991: Local Authority Affairs Amendment Act, 1991

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

No. 127 van 1991: Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1991



who are nominated in terms of subsection (2) of this section, **[and]** such number of members as may be admitted by agreement in terms of section 4(3)(a)(iii) and anyone nominated under subsection (4) of this section."; and

(b) by the addition of the following subsection: 5

"(4) Notwithstanding the provisions of this section, any person or body referred to in section 29(2)(c)(ii) or 29A of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), may nominate any person, including such person himself or any member of such body, to cast the total number of votes to which the local authority concerned is entitled in terms of section 9(1)(a) or (4)(b)." 10 20

#### Validation of nomination as member of council

3. Any person referred to in section 29(2)(c)(ii) or 29A of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), who before the commencement of this section served as a member of a regional services council referred to in the Regional Services Councils Act, 1985 (Act No. 109 of 1985), and anyone nominated as such a member before such commencement by a person or body referred to in the said section 29(2)(c)(ii) or 29A, shall be deemed to have been duly nominated as a member of the regional services council by the local authority concerned in terms of section 6(2) of the said Regional Services Councils Act, 1985. 15 20

#### Amendment of section 1 of Act 84 of 1990

4. Section 1 of the KwaZulu and Natal Joint Services Act, 1990, is hereby amended by the substitution for the definition of "local authority" of the following definition: 25

" 'local authority' means any institution or body contemplated in section 84(1)(f)(i) of the Provincial Government Act, 1961 (Act No. 32 of 1961), section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), including a person or body referred to in section 29(2)(c)(ii) or 29A of that Act, [or] any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987), or a joint or single local authority contemplated in section 8(e) or (f) of the Interim Measures for Local Government Act, 1991, but does not include a management body or representative body;" 30

#### Amendment of section 7 of Act 84 of 1990 35

5. Section 7 of the KwaZulu and Natal Joint Services Act, 1990, is hereby amended—

(a) by the addition to subsection (1) of the following paragraph:

"(d) anyone nominated under subsection (3A) of this section."; and

(b) by the insertion of the following subsection after subsection (3): 40

"(3A) Notwithstanding the provisions of this section, any person or body referred to in section 29(2)(c)(ii) or 29A of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), may nominate any person, including such person himself or any member of such body, to cast the total number of votes to which the local authority concerned is entitled in terms of subsection (4)(a) or (7) of this section." 45

#### Local authority may determine, amend or withdraw charges by resolution

6. (1) Notwithstanding provisions to the contrary in any law, a local authority may by resolution determine charges and may— 50

(a) in determining such charges differentiate between different classes of users or property on grounds which it deems reasonable;

- (b) in the same manner from time to time amend or withdraw such determination and determine a date, not earlier than one month from the date of the resolution, on which such determination, amendment or withdrawal shall come into operation; and
- (c) recover any charges so determined or amended, including interest on any outstanding amount.
- (2) After a resolution as contemplated in subsection (1) has been passed, the town clerk of the local authority shall forthwith cause to be conspicuously displayed at a place installed for this purpose at the municipal offices as well as elsewhere within the area of jurisdiction of the local authority, a notice in Afrikaans and in English in which—
- (a) the general purport of such resolution is set out;
- (b) the date is stated on which the determination or amendment shall come into operation;
- (c) the date on which the notice is displayed; and
- (d) it is stated that any person who desires to object to such determination or amendment shall do so in writing within 14 days after the date on which the notice is displayed.
- (3) Where—
- (a) no objection is lodged within the period referred to in subsection (2)(d), the determination or amendment shall come into operation as contemplated in subsection (1)(b);
- (b) any objection is lodged within the period referred to in subsection (2)(d), the local authority shall consider every objection and may amend or withdraw the determination or amendment and may determine a date other than the date contemplated in subsection (1)(b) on which the determination or amendment shall come into operation, whereupon the provisions of subsection (2)(a) and (b) shall *mutatis mutandis* apply.
- (4) The town clerk shall forthwith send a copy of the notice referred to in subsection (2) to the Administrator concerned.
- (5) (a) If the said Administrator is of the opinion that any charges determined or amended by a local authority under this section are inadequate or unreasonable he may by written notice to the local authority and with effect from a date (not being earlier than one month as from the date of the resolution concerned of the local authority) mentioned in the notice, substitute, vary or withdraw the determination of any such charges.
- (b) The provisions of subsection (2) shall apply *mutatis mutandis* in respect of a notice contemplated in paragraph (a) of this subsection.
- (6) Nothing in this section contained shall derogate from—
- (a) the power of a local authority under any law to determine or recover charges and to amend or withdraw such determination;
- (b) the provisions of section 9 of the Electricity Act, 1987 (Act No. 41 of 1987).

#### Validation of certain charges

7. The determination of no charges purporting to be made by a local authority before the commencement of this Act, or no amendment, promulgation or publication of such determination, shall be invalid by reason only of the failure of the local authority to comply with any requirement prescribed in respect of the determination of such charges, or the amendment, promulgation or publication of such determination.

#### Application of certain laws to local authorities

8. An Administrator may by notice in the *Official Gazette* declare that any law or any provision of any law pertaining to local government shall, subject to such adjustments or rules as to the interpretation of such law or provision as he may make in that or any subsequent notice, apply to any such local authority or committee referred to in section 17(1) of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), or to any category of such local authorities or committees as he may determine.

## Act No. 127, 1991 LOCAL AUTHORITY AFFAIRS AMENDMENT ACT, 1991

**Definitions**

9. In sections 6, 7 and 8, unless the context otherwise indicates—
- (i) "Administrator" means Administrator as defined in paragraph (b) of the definition of "Administrator" in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983); (i) 5
  - (ii) "charges" means any charges or tariffs of charges which a local authority is empowered to levy under the provisions of any law; (iii)
  - (iii) "local authority" means a local authority (but excluding a regional services council) as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), and includes a person or body empowered in terms of any law to exercise, perform or fulfil the rights, powers, functions, duties and obligations of a local authority; (iv) 10
  - (iv) "resolution" means, in relation to a local authority, a resolution taken by the majority of the members of the local authority or by a person or body referred to in the definition of "local authority"; (ii) 15
  - (v) "town clerk" means, in relation to a local authority, the chief executive officer of that local authority. (v)

**Insertion of section 21A in Ordinance 8 of 1962 (Orange Free State)**

10. The following section is hereby inserted in the Local Government Ordinance, 1962 (Ordinance No. 8 of 1962) (Orange Free State), after section 21: 20

**"Postponement of elections**

**21A. (1)** Notwithstanding the provisions of any law, the Administrator may at any time before an election in terms of this ordinance, if in his opinion good reasons exist therefor, by notice in the *Official Gazette* postpone the election for a period not exceeding 12 months, and the Administrator shall have the power to determine different dates in respect of different councils, and upon such determination the Administrator may, in his discretion, issue any order that he may deem necessary or expedient regarding any matter incidental to or consequential upon such determination. 25 30

(2) Any order issued by the Administrator in terms of subsection (1) may be issued with effect from any date, whether prior or subsequent to the date of the issuing thereof, and shall have the same effect as a law regarding all parties in any way concerned and shall be published in the *Official Gazette*, and such notice may at any time be amended or revoked." 35

**Insertion of sections 33A and 33B in Ordinance 16 of 1970 (Transvaal)**

11. The following sections are hereby inserted in the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970) (Transvaal), after section 33: 40

**"Quinquennial general elections**

**33A.** A general election of councillors shall be held in all municipalities in every fifth year after the general election of councillors in the year 1988 on a date determined by the Administrator by proclamation in the *Official Gazette*. 45

**Postponement of elections**

**33B. (1)** Notwithstanding the provisions of any law, the Administrator may at any time before an election in terms of this ordinance, if in his opinion good reasons exist therefor, by notice in the *Official Gazette* postpone the election for a period not exceeding 12 months, and the Administrator shall have the power to determine different dates in respect of different councils, and upon such determination the Administrator may, in his discretion, issue any order that he may deem necessary or expedient regarding any matter incidental to or consequential upon such determination.

**(2)** Any order issued by the Administrator in terms of subsection (1) may be issued with effect from any date, whether prior or subsequent to the date of the issuing thereof, and shall have the same effect as a law regarding all parties in any way concerned and shall be published in the *Official Gazette*, and such notice may at any time be amended or revoked.”

**Validation of certain town-planning schemes**

**12.** No town-planning scheme or amendment scheme which purported to have come into operation before the commencement of this Act in terms of section 37(1) of the Town-planning and Townships Ordinance, 1965 (Ordinance No. 25 of 1965) (Transvaal), and no act which purported to have been done in terms of the provisions of such scheme shall be invalid by reason only of the failure to comply with any requirement prescribed by the said Ordinance in respect of such scheme.

**Short title and commencement**

**13. (1)** This Act shall be called the Local Authority Affairs Amendment Act, 1991.

**(2)** Section 3 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.