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THE PRESIDENCY

No. 1921

15 July 1992

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

No. 134 of 1992: Provincial and Local Authority Affairs Amendment Act, 1992.



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AMENDMENT ACT, 1992

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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.

(English text signed by the State President.)
(Assented to 2 July 1992.)

ACT

To amend the Prevention of Illegal Squatting Act, 1951, so as to further regulate the delegation of powers by the Administrator; to amend the Housing Act, 1966, so as to redefine "local authority"; and to provide for the financing of local authorities for housing purposes; to amend the Financial Relations Act, 1976, so as to further regulate the power of the executive committee of a province to provide buildings for certain purposes; to amend the Black Local Authorities Act, 1982, so as to do away with the requirement that an administrator shall consult with the Minister before altering the area of jurisdiction of a local authority; and to extend the authority of an administrator to delegate his powers in terms of the Act; to amend the Promotion of Local Government Affairs Act, 1983, so as to relieve the action committee of the Council for the Co-ordination of Local Government Affairs of a certain duty; to empower local authorities to enter into certain agreements; and to authorize Ministers to delegate certain powers relating to local government affairs; to amend the Local Government Training Act, 1985, so as to delete certain superfluous words in the Afrikaans text; and to further regulate the utilization of moneys in the Training Fund for Local Government Bodies, the maintaining of an account for the said fund, and the tabling of certain financial statements and annual reports; to amend the Regional Services Councils Act, 1985, so as to further regulate appeals; and to authorize a regional services council to borrow or lend money for certain purposes; to amend the Abolition of Development Bodies Act, 1986, so as to authorize the Minister to delegate certain powers; to amend the Fire Brigade Services Act, 1987, so as to redefine certain expressions; to further regulate the functions of the Fire Brigade Board and the declaration of a service or institution as a training institution; to empower a controlling authority to enter into certain agreements; and to extend a certain power of the Minister in making regulations; to amend the KwaZulu and Natal Joint Services Act, 1990, so as to authorize the Minister of Finance to delegate certain powers; to amend the Lekoa City Council Dissolution Act, 1991, so as to further regulate the transfer and secondment of staff; and to make provision for the ownership of certain land to vest in or be transferred to certain local authorities; to amend the Abolition of Racially Based Land Measures Act, 1991, so as to authorize the Minister to delegate his powers in connection with the administration of a certain fund; and to make further provision relating to the regulation of norms and standards in residential environments; to provide for the demarcation of joint administrative areas pertaining to local government affairs by an Administrator, and for the establishment of the Advisory Commission on Financial Aspects regarding Local Government Affairs; to validate certain determinations made by the Board on Remuneration and Service Benefits of Town Clerks; and to provide for matters connected therewith.

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

Amendment of section 6D of Act 52 of 1951, as inserted by section 11 of Act 104 of 1988

- 5 1. Section 6D of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

- “(a) to a member of the executive committee of the province concerned;
10 (b) to the director-general of the administration;
(c) to an officer in the service of the administration; or
(d) to any of the persons referred to in paragraphs (a), (b) and (c) jointly.”.

15 **Amendment of section 1 of Act 4 of 1966, as amended by section 1 of Act 47 of 1967, section 1 of Act 40 of 1975, section 1 of Act 124 of 1977, section 2 of Act 109 of 1979, section 1 of Act 28 of 1982, section 1 of Act 63 of 1983, section 1 of Act 97 of 1987 and section 73 of Act 108 of 1991**

2. Section 1 of the Housing Act, 1966, is hereby amended by the substitution for the definition of “local authority” of the following definition:

- 20 “‘local authority’ 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) a local authority as contemplated in the Black Local Authorities Act, 1982 (Act No. 102 of 1982); and **[includes]**
25 (b) an Administrator as contemplated in the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), in the performance of the functions entrusted to him in terms of the last-mentioned Act;”.

Insertion of Chapter IIA in Act 4 of 1966

- 30 3. The following chapter is hereby inserted in the Housing Act, 1966, after section 10:

“CHAPTER IIA

FINANCING OF LOCAL AUTHORITIES FOR HOUSING PURPOSES

- 35 **Commission may finance local authority in respect of provision of housing**

- 40 **10A.** (1) Notwithstanding anything to the contrary contained in this Act, the Commission may, after consultation with the Administrator and on such conditions as the Commission may determine, approve of the financing of any local authority for the purpose of enabling that local authority to defray expenses which in the opinion of the Commission arise from or are related to the provision of housing to members of the public.

- 45 (2) Moneys issued out of the fund for the purpose of subsection (1) shall not bear interest and shall not be repayable to the fund.

- (3) The provisions of section 80 shall *mutatis mutandis* apply to land acquired by a local authority by means of financing in terms of this section.”.

50 **Substitution of long title of Act 4 of 1966, as substituted by section 7 of Act 109 of 1979**

4. The following long title is hereby substituted for the long title of the Housing Act, 1966:

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“ACT

5 To consolidate the laws providing for the construction of dwellings and the carrying out of housing schemes; to make provision for the carrying out of schemes in connection with the construction or purchase of buildings or land for certain service centres and places of care for certain children and in connection with the provision of facilities for community development; to consolidate the laws providing for the creation of a National Housing Fund and the establishment of a National Housing Commission, defining the powers, 10 duties and functions of the said Commission, conferring certain powers upon local authorities in connection with the construction of dwellings, the purchase of dwellings and the carrying out of housing schemes, providing for the financing of local authorities for housing purposes, and for the granting of loans to natural persons to enable 15 them to purchase dwellings and to certain persons to enable them to make provision for water for domestic purposes, and providing for other incidental matters.”.

Amendment of section 19 of Act 65 of 1976, as inserted by section 1 of Act 59 of 1991

20 5. Section 19 of the Financial Relations Act, 1976, is hereby amended by the substitution for paragraph (b) of the following paragraph:

25 “(b) plan, erect or acquire and maintain and reconstruct buildings contemplated in paragraph (a) **[after consultation] in co-operation** with the local authority concerned as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), but excluding a local council mentioned in paragraph (e) of such definition.”.

30 **Amendment of section 2 of Act 102 of 1982, as substituted by section 2 of Act 58 of 1986 and amended by Government Notice 20 of 1987, section 2 of Act 43 of 1988, section 2 of Act 95 of 1988 and section 78 of Act 108 of 1991**

6. Section 2 of the Black Local Authorities Act, 1982, is hereby amended by the substitution in subsection (2) for the words preceding paragraph (b) of the following words:

35 “An administrator may by notice in the *Official Gazette* **[and after consultation with the Minister of Constitutional Development and Planning]**—”.

Amendment of section 55 of Act 102 of 1982, as substituted by section 21 of Act 95 of 1988

7. Section 55 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for subsection (1) of the following subsection:

40 “(1) An administrator may delegate any power conferred upon him by or under this Act, excluding a power referred to in section 2(1) up to and including (10), 27, 29 or 56 or to be exercised by notice in the *Official Gazette*, to an officer in the provincial administration.”.

45 **Amendment of section 5 of Act 91 of 1983, as amended by section 3 of Act 45 of 1985, section 2 of Act 79 of 1986, section 8 of Act 43 of 1988 and section 3 of Act 82 of 1988**

8. Section 5 of the Promotion of Local Government Affairs Act, 1983, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

50 “(b) The action committee shall **[with due regard to the provisions of section 4, determine the agenda of a meeting of the co-ordinating council, and shall in addition]** perform such functions as may be determined by the council **[with the approval of the Minister]**.”.

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Insertion of sections 17F and 17G in Act 91 of 1983

9. The following sections are hereby inserted in the Promotion of Local Government Affairs Act, 1983, after section 17E:

“Agreements

- 5 **17F.** (1) Notwithstanding the provisions of any other law, a local
authority may, after consultation with the Administrator of the
province in which its area is situated, enter into an agreement with
any person, institution or body in any other area, province or state in
terms of which—
- 10 (a) the local authority undertakes to perform a function or render a
service which that local authority may legally perform or render,
on such conditions as may be agreed upon, on behalf of that
person, institution or body; or
- 15 (b) that person, body or institution undertakes, on such conditions
as may be agreed upon, on behalf of the local authority to
perform a function or render a service which that local authority
may legally perform or render.
- 20 (2) Where such an agreement is entered into with a person,
institution or body in another state, it shall be with the concurrence
of the Administrator concerned and the Minister of Foreign Affairs.

Delegation of certain powers of Ministers

- 25 **17G.** (1) Any Minister of State may, notwithstanding the provi-
sions of any other law, delegate any power conferred upon him by
any law pertaining to local government to grant his concurrence,
approval or consent for or in respect of any matter, to an officer in
his department with a rank not lower than that of director.
- (2) Subsection (1) shall not derogate from a provision of any law
referred to in that subsection in terms of which the delegation of any
power of a Minister is specifically regulated.”.

30 Substitution of long title of Act 91 of 1983, as substituted by section 3 of Act 109 of 1991

10. The following long title is hereby substituted for the long title of the Promotion of Local Government Affairs Act, 1983:

“ACT

- 35 To make provision for the co-ordination of functions of general
interest to local authorities and of those functions of local authorities
which should in the national interest be co-ordinated; the establish-
ment of a co-ordinating council for that purpose; the establishment
of committees in order to assist the co-ordinating council in the
40 performance of its functions; the establishment of an action commit-
tee of the co-ordinating council; the establishment of a demarcation
board in respect of certain areas; the establishment of an executive
committee of the demarcation board; the establishment of commit-
tees to hold enquiries for the demarcation board; the rendering of
45 development aid to local authorities; the establishment of municipal
development boards for that purpose; the designation of persons or
institutions for purposes of membership of the co-ordinating council;
the improvement of communication between certain committees and
local authorities relating to certain matters; the exercise of certain
50 powers by the Administrator in accordance with directives deter-
mined by the Minister; the extension of the functions of the said
committees; and the assignment of functions by local authorities; to
empower a local authority to form a company and to acquire shares
therein; **[and]** to provide that a local authority may transfer or
55 second any of its officers or employees to or place his service at the

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disposal of a company; to empower a local authority to enter into certain agreements; to authorize Ministers of State to delegate certain powers relating to local government affairs; and to provide for incidental matters.”.

5 **Amendment of section 2 of Act 41 of 1985, as amended by section 30 of Act 32 of 1987, section 2 of Act 84 of 1988 and section 2 of Act 76 of 1991**

11. Section 2 of the Local Government Training Act, 1985, is hereby amended by the substitution for subsection (3) of the Afrikaans text of the following subsection:

- 10 “(3) Vir elke lid van die Opleidingsraad, uitgesonderd ’n lid in subartikel (2)(j) bedoel, moet ’n plaasvervangende lid aangewys word om gedurende sy afwesigheid of onvermoë op te tree, deur, in die geval van ’n plaasvervangende lid vir ’n lid bedoel in subartikel (2)(f), (h) of (k), die Minister **[deur wie daardie lid aangewys is]**, met inagneming van die bepalings van
- 15 subartikel (2)(h) ten opsigte van ’n lid bedoel in daardie subartikel.”.

Amendment of section 8 of Act 41 of 1985, as amended by section 3 of Act 84 of 1988 and section 5 of Act 76 of 1991

12. Section 8 of the Local Government Training Act, 1985, is hereby amended by the substitution for subsection (1) of the following subsection:

- 20 “(1) Subject to the provisions of section 2(6), the Training Board may, on such conditions as it may deem fit and on such basis as it may determine with the approval of the Minister, utilize the moneys in the training fund for **[the allocation of]**—
- 25 (a) the allocation of grants-in-aid, donations or loans to any person who or institution, association or body, including a local government body or training centre intended in section 9A, which provides training or will provide training;
- (b) the allocation of bursaries, bursary loans or financial contributions to persons undergoing training or who will undergo training;
- 30 (c) **[funds for]** the financing of—
- (i) the compiling, collection and presentation of training courses;
- (ii) general or combined recruiting actions for obtaining the services of employees for the local government sector;
- (iii) any other expense related to training.”.

35 **Amendment of section 11 of Act 41 of 1985**

13. Section 11 of the Local Government Training Act, 1985, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

- 40 “There shall be maintained at **[the South African Reserve Bank]** a deposit-taking institution as defined in section 1(1) of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), an account in the name of the training fund—”.”

Amendment of section 13 of Act 41 of 1985

14. Section 13 of the Local Government Training Act, 1985, is hereby

45 amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) moneys **[allocated]** utilized in terms of section 8(1) for the purposes set out in paragraphs (a), (b) and (c) of that
- 50 section.”; and
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) The financial statements intended in section 12(b)(i) and the report intended in subsection (1) of this section, shall be sent to the Minister by the Training Board and shall be tabled in
- 55 Parliament by the Minister within 14 days after [they have become available] receipt thereof if Parliament is then in session or, if

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Parliament is not then in session, within 14 days after the commencement of its next session.”.

Amendment of section 11 of Act 109 of 1985, as amended by section 6 of Act 78 of 1986, section 12 of Act 49 of 1988 and section 4 of Act 75 of 1991

- 5 **15.** Section 11 of the Regional Services Councils Act, 1985, is hereby amended by the insertion after subsection (3) of the following subsection:

“**(3A)** If a council—

- 10 (a) fails to comply with a request for the reconsideration of a decision in terms of subsection (2); or
 (b) after having reconsidered the decision in question, fails to come to a decision,
any local body represented on the council, or a person or institution admitted by agreement in terms of section 4(3)(a)(iii) as a member of the council, and whose interests are affected by the decision that the
15 council was requested to reconsider, may *mutatis mutandis* in accordance with subsection (3) appeal against that decision to an appeal board constituted as contemplated in subsection (3).”.

Amendment of section 12 of Act 109 of 1985, as amended by section 8 of Act 78 of 1986, section 14 of Act 49 of 1988 and section 5 of Act 75 of 1991

- 20 **16.** Section 12 of the Regional Services Councils Act, 1985, is hereby amended by the insertion after subsection (11) of the following subsection:

25 “(11A) A council may, with the prior approval of the Minister of Finance, 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 council by or in terms of this Act.”.

Amendment of section 3 of Act 75 of 1986, as amended by section 2 of Act 47 of 1988 and section 2 of Act 81 of 1990

- 30 **17.** Section 3 of the Abolition of Development Bodies Act, 1986, is hereby amended by the addition of the following subsection:

 “(5) The Minister may delegate the power to issue a certificate referred to in subsection (4)(d) to an officer in his department with a rank not lower than that of director.”.

Amendment of section 1 of Act 99 of 1987, as amended by section 1 of Act 83 of 1990

- 35 **18.** Section 1 of the Fire Brigade Services Act, 1987, is hereby amended—
 (a) by the substitution for the definition of “controlling authority” of the following definition:

40 “‘controlling authority’ means a local authority in control of a service **[which complies with the prescribed requirements]** or the person in control of a designated service;” and

- (b) by the substitution for the definition of “prescribe” or “prescribed” of the following definition:

45 “‘prescribe’ or ‘prescribed’ means prescribe or prescribed by regulation under section 15 or, except for the purposes of section 11, by guideline recommended by the Board and approved by the Minister;”.

Amendment of section 2 of Act 99 of 1987, as amended by section 2 of Act 83 of 1990

- 50 **19.** Section 2 of the Fire Brigade Services Act, 1987, is hereby amended by the substitution for subsection (1) of the following subsection:

 “(1) There is hereby established a board known as the Fire Brigade Board, to perform the functions assigned to it in terms of this Act or the regulations contemplated in section 15.”.

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Amendment of section 7 of Act 99 of 1987

20. Section 7 of the Fire Brigade Services Act, 1987, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- 5 “(a) on such conditions as he may determine by notice in the *Gazette* declare such a service or other institution as a training institution at which the proficiency training, or any part thereof, required for or connected with the prescribed qualifications of a chief fire officer or a member of a service may be [obtained] presented;”.

Amendment of section 12 of Act 99 of 1987

- 10 21. Section 12 of the Fire Brigade Services Act, 1987, is hereby amended by the addition of the following subsection:

- “(3) A controlling authority may, with the concurrence of the Administrator and the Minister of Foreign Affairs, conclude an agreement in terms of which—
15 (a) the controlling authority undertakes to make available its service, on such conditions as may be agreed upon, to any person, institution or body in any other state; or
 (b) a person, institution or body in any other state undertakes to make available a service, on such conditions as may be agreed upon, to
20 the controlling authority.”.

Amendment of section 15 of Act 99 of 1987, as amended by section 11 of Act 83 of 1990

22. Section 15 of the Fire Brigade Services Act, 1987, is hereby amended by the substitution for subsection (2A) of the following subsection:

- 25 “(2A) Different regulations may be made under subsection (1) in respect of different areas or different categories of persons, services or equipment.”.

Amendment of section 16 of Act 84 of 1990

- 30 23. Section 16 of the KwaZulu and Natal Joint Services Act, 1990, is hereby amended by the addition of the following subsection:

 “(13) The Minister of Finance of the Republic may delegate any or all of the powers conferred upon him by this section to an officer in his department with a rank not lower than that of deputy director.”.

Amendment of section 5 of Act 61 of 1991

- 35 24. Section 5 of the Lekoa City Council Dissolution Act, 1991, is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:
 “(3) The provisions of any contract of service, including all conditions of service, which applied to a person contemplated in subsection (1) immediately prior to the commencement of this Act and would but for the passing of this Act have applied to him at that commencement, shall remain applicable to him unchanged until he is transferred in terms of subsection (4) of this section [to the service of a city council mentioned in section 2] or section 6(3) or (4).”.
- 45 (b) by the substitution for subsection (4) of the following subsection:
 “(4) As soon as practicable after the commencement of this Act, the administrator of the province of the Transvaal shall, with the concurrence of the administrator of the province of the Orange Free State and subject to such conditions as the administrator of the province of the Transvaal may determine, [with their consent] transfer such persons contemplated in subsection (1) of this section as are approved by him, to a city council mentioned in section 2.”;
50 and

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(c) by the substitution for subsection (6) of the following subsection:

5 “(6) Until the transfer contemplated in subsection (4) has occurred, the administrator of the province of the Transvaal may **[with their consent]** second persons contemplated in subsection (1) of this section to the city councils mentioned in section 2 to serve there for a period not exceeding 12 months.”.

Amendment of section 6 of Act 61 of 1991

25. Section 6 of the Lekoa City Council Dissolution Act, 1991, is hereby amended—

10 (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

15 “(a) Notwithstanding the provisions of any other law, but subject to the provisions of this Act, if the administrator establishes more than one local authority for the areas mentioned in subsection (1)—

 (i) all assets situated in any such area and all liabilities, rights, duties and obligations which pertain to or are connected with any such area, shall pass to the corresponding local authority concerned with effect from the date on which the local authority concerned was established;

20 (ii) the administrator shall, subject to such conditions as he may determine, transfer such persons contemplated in section 5(1) as are approved by him, to a local authority contemplated in this subsection;

25 (iii) the provisions of section 5 shall apply *mutatis mutandis* to every person who is transferred to a local authority in terms of paragraph (a)(ii) of this subsection.”; and

(b) by the addition of the following subsections:

30 “(5) Notwithstanding the provisions of any other law—

 (a) the ownership of every public place situated within the area of jurisdiction of a local authority contemplated in subsection (3) or (4), shall pass to that local authority; and

35 (b) the administrator shall transfer all land vesting in him in terms of section 3 of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), and which is situated within the area of jurisdiction of a local authority contemplated in subsection (3) or (4), to that local authority.

40 (6) The registrar of deeds concerned shall, on submission to him of a certificate by the administrator that immovable property described in the certificate passes in terms of subsection (3), (4) or (5) to a local authority, make such entries or endorsements as he may deem necessary in or on any relevant title deed, register or other document in his office or submitted to him, in order to register that immovable property in the name of the local authority concerned.”.

45

Amendment of section 72 of Act 108 of 1991

26. Section 72 of the Abolition of Racially Based Land Measures Act, 1991, is hereby amended by the substitution for subsection (3) of the following subsection:

50 “(3) (a) Notwithstanding the provisions of subsection (1), the fund referred to in section 47 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), shall continue to exist and shall be administered by the Minister of **[Planning, Provincial Affairs]** Local Government and National Housing.

55 (b) The Minister may delegate any power conferred upon him by paragraph (a) to an officer in the Department of Local Government and National Housing with a rank not lower than that of director.”.

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Amendment of section 97 of Act 108 of 1991

27. Section 97 of the Abolition of Racially Based Land Measures Act, 1991, is hereby amended—

- 5 (a) by the insertion after the definition of “by-law” of the following definition:
- “ ‘diagram’ means any diagram as defined in section 102(1) of the Deeds Registries Act, 1937;” and
- (b) by the substitution for paragraph (b) of the definition of “neighbourhood” of the following paragraph:
- 10 “(b) **[a portion of]** any area **[referred to in paragraph (a)]** comprising at least 100 residential premises and which is defined for the purposes of this Chapter by means of cadastral boundaries as shown on the compilation maps of the Surveyor-General or on one or more diagrams;”.

15 Joint administrative areas

28. (1) An Administrator may, notwithstanding any other law, by proclamation in the *Official Gazette* and with effect from a date specified in the proclamation—

- 20 (a) after consultation with the local government bodies concerned—
- (i) demarcate an area (hereinafter referred to as a joint administrative area) which comprises the areas of jurisdiction of two or more local government bodies or a part of those areas of jurisdiction (whether such areas are contiguous or not) by determining and describing and from time to time altering the boundaries thereof;
- 25 (ii) assign a name to such a joint administrative area;
- (b) after consideration of a relevant recommendation of the Commission established by section 28(1), provide for the apportionment of revenue derived from and expenditure incurred in connection with the performance of a function or the rendering of a service by such a local
- 30 government body within or in connection with the joint administrative area concerned;
- (c) provide for uniform tariffs in respect of such a service.
- (2) The Administrator may by proclamation in the *Official Gazette* amend or repeal a proclamation made under subsection (1).
- 35 (3) In the application of this section and section 28, any word or expression to which a meaning has been assigned in the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991), shall have a corresponding meaning.

Advisory Commission on Financial Aspects regarding Local Government Affairs

29. (1) There is hereby established a commission to be known as the Advisory Commission on Financial Aspects regarding Local Government Affairs (hereinafter referred to as the Commission).

(2) The Commission shall consist of such number of members as may from time to time be determined and appointed by the Minister of Finance with the concurrence of the Minister of Local Government and National Housing.

45 (3) The Minister of Finance, with the concurrence of the Minister of Local Government and National Housing, shall designate a member of the Commission as chairman and another member as vice-chairman.

(4) When the Chairman is absent or unable to perform his functions in terms of this section or if no person has been designated as chairman, the vice-chairman shall act in his stead, and while so acting he may exercise all the powers and shall perform all the duties of the chairman.

(5) A member of the Commission shall hold office as a member, and a member designated as chairman or vice-chairman shall hold office as chairman or vice-chairman, during the pleasure of the Minister of Finance.

55 (6) The Commission shall at the request of—

- (a) the Minister of Finance investigate, and make recommendations in writing regarding, the apportionment of grants to local government bodies by the State;

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- (b) an Administrator investigate, and make recommendations in writing regarding, the apportionment of income and expenditure in accordance with section 27(1),
including the determination of a basis on which such apportionment may be made having regard to the viability of the local government bodies concerned.
- (7) Sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act No. 8 of 1947), shall apply *mutatis mutandis* to the Commission.
- (8) (a) A meeting of the Commission shall be held at such time and place as the chairman may determine.
- 10 (b) The majority of the members of the Commission shall form a quorum for a meeting of the Commission.
- (c) The decision of the majority of the members of the Commission present at any meeting thereof, shall be a decision of the Commission: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition
15 to his deliberative vote.
- (d) The Commission may make rules in relation to the holding of and procedure at meetings of the Commission.
- (9) A member of the Commission who is not in the full-time service of the State may, from moneys appropriated by Parliament for the purpose, be paid
20 such remuneration and allowances in respect of the services performed by him with regard to the functions of the Commission as may be determined by the Minister of Finance.
- (10) The administrative work incidental to the performance of the functions of the Commission shall be performed by officers of the Department of Finance
25 designated for this purpose by the Director-General: Finance.

Validation of certain determinations

- 30 **30.** Notwithstanding the non-compliance with section 8(1) of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), by the Board on Remuneration and Service Benefits of Town Clerks, any determination of the service benefits of town clerks, or an amendment of such a determination, purporting to have been made by the said Council under section 9 of that Act at any time during the period 17 February 1988 to the date of commencement of this Act, is hereby declared valid, and anything which, failing such validation, would have been invalid, shall be deemed to have been validly done.

35 Short title and commencement

- 31.** (1) This Act shall be called the Provincial and Local Authority Affairs Amendment Act, 1992.
- (2) Sections 11 and 13 shall be deemed to have come into operation on 12 April 1985.
- 40 (3) Section 17 shall be deemed to have come into operation on 23 October 1987.