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THE PRESIDENCY

No. 1156

29 May 1991

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

No. 75 of 1991: Regional Services Councils Amendment, 1991.



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Act No. 75, 1991

REGIONAL SERVICES COUNCILS AMENDMENT ACT, 1991

GENERAL EXPLANATORY NOTE:

[**]** Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Regional Services Councils Act, 1985, so as to further regulate the procedure at meetings of regional services councils and the functioning of those councils and their committees; and to provide for further appeals to an appeal board; for certain information to be furnished with applications for certain authorizations; and for a new composition of rural councils; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 14 May 1991.)*

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

Amendment of section 10 of Act 109 of 1985, as amended by section 9 of Act 49 of 1988

1. Section 10 of the Regional Services Councils Act, 1985 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (4) of the following subsection: 5

“(4) (a) Members who together are entitled to two-thirds of the total number of votes contemplated in section 9 (1), shall constitute a quorum for a meeting of the council.

(b) If the number of members present at the time and place determined for a meeting for the consideration of any matter **[referred to in section 11 (4)]** is on two consecutive occasions less than the required number contemplated in paragraph (a), a meeting of the council shall be held within seven days after the second such occasion after not less than three days’ written notice has been given to members, and at that meeting members who are entitled to one half of the total number of votes contemplated in section 9 (1) shall form a quorum. 10 15

(c) If a quorum as contemplated in paragraph (b) cannot be formed or if the council cannot come to a decision, the matter for the consideration of which the meeting was called, shall be referred by the chairman to the Administrator for his decision, which decision shall be taken within fourteen days and thereupon be carried out by the council.” 20

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Amendment of section 10A of Act 109 of 1985, as inserted by section 5 of Act 78 of 1986 and amended by section 10 of Act 49 of 1988

2. Section 10A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) A council— 5
- (a) may appoint one or more committees to—
- (i) perform such functions as the council may assign to it or them under section 11A; and
- (ii) investigate and make recommendations on matters relating to any function or any part of a function mentioned in Schedule 2, even though such function or part thereof has not yet in terms of section 3 (1) (b) been identified as a regional function and entrusted to that council; 10
- (b) shall designate a chairman for any such committee, and determine the quorum for meetings of such committee.”. 15

Amendment of section 10C of Act 109 of 1985, as inserted by section 11 of Act 49 of 1988

3. Section 10C of the principal Act is hereby amended by the substitution in the Afrikaans text for paragraph (c) of subsection (1) of the following paragraph:

- “(c) om [opgawes] begrotings van die raad se inkomste en uitgawes op te stel;”. 20

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

4. Section 11 of the principal Act is hereby amended—

- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 25
- “(3) Any local body represented on a 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 a decision of that council taken after reconsideration in terms of subsection (2), may within such time and in such manner as the Administrator may prescribe by regulation, appeal against that decision to an appeal board—”; 30
- (b) by the addition in subsection (3) of the following subparagraph to paragraph (a):
- (iv) a person designated by a person or institution admitted by agreement in terms of section 4 (3) (a) (iii) as a member of the council and appealing under this subsection against the said decision, or his nominee;”; and 35
- (c) by the addition to subsection (4) of the following proviso: 40
- “Provided that a person or institution admitted by agreement in terms of section 4 (3) (a) (iii) as a member of a council may note an appeal only in respect of any matter contemplated in section 9 (1) (b).”.

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

5. Section 12 of the principal Act is hereby amended by the addition of the following subsections: 45

- “(12) Any employer or person contemplated in subsection (1) shall at the request of any government body to which he applies for any permit, licence or other authorization, furnish the government body with his regional services council registration number given to him by a council, failing which such government body may refuse to grant such applicant the said permit, licence or other authorization. 50
- (13) The Minister of Finance may, subject to such conditions as he may determine, delegate any or all of the powers conferred on him by this section to the Deputy Minister of Finance or an officer in his department with a rank not lower than that of deputy director.”. 55

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Amendment of section 12A of Act 109 of 1985, as inserted by section 15 of Act 49 of 1988**6. Section 12A of the principal Act is hereby amended—**

- (a) by the substitution for subsection (1) of the following subsection: 5
 “(1) The Minister referred to in section 2 (2) (a) (ii) or (iv) according to the population group concerned, may by notice in the *Gazette* and from the date mentioned in such notice establish a rural council in a region or part of a region for—
 (a) persons resident in such region or part;
 (b) persons who are the registered owners of immovable property situated in that region or part; and 10
 (c) persons who hold an interest in a juristic person that is the registered owner of immovable property situated in that region or part, but outside the area of jurisdiction of a local authority or a management body other than a rural council.”; 15
- (b) by the substitution for subsection (3) of the following subsection:
 “(3) Notwithstanding the provisions of subsection (1), any two or more Ministers referred to in that subsection may, in such manner and on such conditions as may be agreed upon, by notice in the *Gazette* and from the date mentioned in such notice, in lieu of any rural council contemplated in the said subsection, establish rural councils in a region or part of a region to jointly represent— 20
 (a) the persons belonging to the population groups concerned, and who are resident, or the registered owners of immovable property situated;
 (b) the persons belonging to the population groups concerned who hold an interest in a juristic person that is the registered owner of immovable property situated, 25
in such region or part but outside the area of jurisdiction of a local authority or a management body other than a rural council.”;
- (c) by the substitution for subsection (4) of the following subsection: 30
 “(4) The members of the rural council shall be elected by the persons referred to in subsection (1) (a) and (b) and by the juristic person referred to in subsection (1) (c): Provided that the Minister concerned may, until a first election of members is held, by notice in the *Gazette* appoint persons who are qualified for election, as members of the rural council to serve as such members for a period not exceeding 12 months: Provided further that a rural council whose members are so appointed shall, notwithstanding anything to the contrary in this Act, be a management body for the purposes of this Act.”; and 35
- (d) by the substitution for subsection (6) of the following subsection: 40
 “(6) The objects of a rural council are to grant representation on a council to persons **[in]** and juristic persons contemplated in subsections (1) and (3) in regard to a region outside the areas of jurisdiction of local authorities or management bodies other than rural councils and to promote the interests and welfare of those persons, and for such purpose a rural council shall be vested and entrusted with the powers and duties which the Minister concerned may from time to time identify in the *Gazette* as powers and duties of a rural council, but a rural council shall not have the power to impose any levy or service charge or to levy taxes on immovable property.”. 45 50

Amendment of section 13 of Act 109 of 1985**7. Section 13 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “(3) Regulations made under this **[Act]** section shall be made only—”; 55
 and

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(b) by the substitution for subsection (4) of the following subsection:

“(4) In the case of a conflict between a regulation in terms of this **[Act]** section and an ordinance or a regulation made under an ordinance, the first-mentioned regulation shall prevail.”.

Amendment of Schedule 2 to Act 109 of 1985

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8. Schedule 2 to the principal Act is hereby amended by the substitution for Item 3 of the following item:

“3. Sewerage purification works, **[and]** main sewerage disposal pipelines and re-usage systems.”.

Short title

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9. This Act shall be called the Regional Services Councils Amendment Act, 1991.