



**REPUBLIC OF SOUTH AFRICA**

# GOVERNMENT GAZETTE

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# STAATSKOERANT

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 530.

29 March 1996

No. 530.

29 Maart 1996

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

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

No. 12 of 1996: Local Government Transition Act Amendment Act, 1996.

No. 12 van 1996: Wysigingswet op die Oorgangswet op Plaaslike Regering, 1996.

**GENERAL EXPLANATORY NOTE:**

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

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

**ACT**

To amend the Local Government Transition Act, 1993, so as to alter the date from which the Minister may exercise certain powers if an election is not held, from 31 March 1996 to 31 August 1996; to provide that a transitional council or transitional metropolitan substructure for which no election has been held after a certain date may be dissolved by the Minister; to confirm the fact that a transitional council for a rural area of local government must consist of elected members; to provide that a transitional council or a transitional metropolitan substructure may elect an executive committee instead of being obliged to elect an executive committee; and to make further provision in respect of the enrolment of voters and the nomination of candidates; and to provide for matters in connection therewith.

*(English text signed by the President.)*  
*(Assented to 28 March 1996.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 9 of Act 209 of 1993, as amended by section 4 of Act 61 of 1995 and section 8 of Act 89 of 1995**

1. Section 9 of the Local Government Transition Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the words preceding paragraph (a) of subsection (1A) of the following words:

“If an election is not held before [31 March 1996] 31 August 1996, or if the Minister at any time has reason to believe that an election will not be held before [31 March 1996] 31 August 1996 in respect of—”;

(b) by the substitution for paragraph (c) of subsection (1B) of the following paragraph:

“(c) Any transitional council or transitional metropolitan substructure or other such body for the pre-interim phase for which no election has been held before or on [31 March 1996] [shall dissolve on that day], 31 August 1996 may be dissolved by the Minister by notice in the *Provincial Gazette* on a day specified therein, and the duties, powers and functions of such council, substructure or body shall from that day and

until an election is held be exercised and performed by the chief executive officer concerned, or by a person appointed by the Minister as administrator of such council, substructure or body.”

**Amendment of section 10 of Act 209 of 1993, as amended by section 5 of Act 61 of 1995 and section 10 of Act 89 of 1995**

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2. (1) Section 10 of the principal Act is hereby amended by the substitution for paragraph (iA) of subsection (3) of the following paragraph:

“(iA) the establishment of a transitional council for a rural area of local government not falling within the area of jurisdiction of a transitional metropolitan council or a transitional local council, including the delimitation of the area of jurisdiction of such council after due consideration of the advice and written recommendations of the Board, and the constitution, election, functioning, powers, duties, assets, rights, employees and financing of such council, all the members of which shall be elected in accordance with a system of proportional representation or of ward representation or of both proportional representation and ward representation;”

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(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

**Amendment of section 16 of Act 209 of 1993, as amended by section 6 of Act 61 of 1995 and section 14 of Act 89 of 1995**

3. Section 16 of the principal Act is hereby amended by the substitution for the words preceding the proviso to subsection (6) of the following words:

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“Notwithstanding anything to the contrary in any law contained, a transitional council or transitional metropolitan substructure referred to in subsection (1) [shall] may elect an executive committee according to a system of proportional representation from among its members. [an executive committee] to exercise such powers and perform such duties as such transitional council or transitional metropolitan substructure may determine”.

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**Amendment of Schedule 4 to Act 209 of 1993, as amended by section 17 of Act 89 of 1995**

4. Schedule 4 to the principal Act is hereby amended—

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(a) by the substitution for subparagraph (d) of paragraph 1 and the words following that subparagraph and preceding the proviso of the following subparagraph and words:

“(d) ordinarily resident within the area of jurisdiction of a local government, or under law liable for the payment of assessment rates, rent, service charges or levies to the local government concerned, or to a local government, the area of jurisdiction of which falls wholly or partly within the area of jurisdiction of the local government for which an election is to be held,

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shall be entitled to be included in the voters' roll of [that] the local government for which an election is to be held and shall thereupon be entitled to vote in an election for members of the council of such local government”; and

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(b) by the substitution for subparagraph (d) of paragraph 6 of the following subparagraph:

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“(d) at 15:00 on the day immediately preceding nomination day, he or she is indebted to the local government concerned or a local government, the area of jurisdiction of which falls wholly or partly within the area of jurisdiction of the local government for which an election is to be held, in respect of any assessment rates, rent, service charges or any other monies for a period longer than three months; or”.

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**Short title**

5. This Act shall be called the Local Government Transition Act Amendment Act, 1996.