

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.



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1623.

13 Julie 1990

No. 1623.

13 July 1990

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

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

No. 121 van 1990: Wysigingswet op Landelike Gebiede (Raad van Verteenwoordigers), 1990.

No. 121 of 1990: Rural Areas Amendment Act (House of Representatives), 1990.

RURAL AREAS AMENDMENT ACT (HOUSE OF  
REPRESENTATIVES), 1990

Act No. 121, 1990

## GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Rural Areas Act (House of Representatives), 1987, so as to further define a certain expression; to extend the powers of the Minister in respect of boards of management; to provide for the appointment of committees of inquiry; and to further regulate the planning and layout of incorporated areas and existing areas; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 28 June 1990.)*

**B**E IT ENACTED by the State President and the House of Representatives of the Republic of South Africa, as follows:—

## Amendment of section 1 of Act 9 of 1987

1. Section 1 of the Rural Areas Act (House of Representatives), 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister who as a member of the Ministers' Council of the House of Representatives administers this Act;

## Substitution of section 40 of Act 9 of 1987

2. The following section is hereby substituted for section 40 of the principal Act:

### **"Powers of Minister in respect of board of management**

40. (1) The Minister may if, in consequence of the recommendation of a committee appointed under section 40A or of the grounds of a request by a board of management, or of his own accord, he is satisfied that a board fails to exercise any power or to perform any duty conferred or imposed upon the board by this Act, or that there is no quorum for a board or that a board has been dissolved, appoint one or more persons to exercise such power or to perform such duty, in so far as the Minister may direct, as from a particular date.

(2) The said board shall accordingly be deprived of any such power and relieved of any such duty.

(3) A person appointed under subsection (1)—

(a) shall hold office during the Minister's pleasure;

(b) shall exercise the powers and perform the duties in respect of which he has been appointed under subsection (1); and

(c) shall do anything which could have been done by the board of management concerned in relation to the exercise of such powers or the performance of such duties.

(4) The cost incurred in exercising any such power or performing any such duty shall be met from the funds of the board, and in the absence of

RURAL AREAS AMENDMENT ACT (HOUSE OF  
REPRESENTATIVES), 1990

Act No. 121, 1990

funds, from moneys appropriated by the House of Representatives for that purpose, or from special rates not exceeding one quarter of the last general rates levied in respect of the board area concerned, which the Minister may levy for this purpose and recover from every person who is required under this Act to pay annual rates.

(5) The provisions of sections 32 and 37 shall apply *mutatis mutandis* in respect of subsection (4).

(6) The Minister may, if he deems it expedient on the recommendation of a committee appointed under section 40A or of his own accord or at the request of and after consultation with a board, dismiss any member or employee of a board who in the opinion of the Minister does not properly exercise or perform his powers or duties conferred or imposed by this Act: Provided that a member or employee shall not be so dismissed without being offered an opportunity to be heard personally or by his agent.

(7) The Minister may on the recommendation of a committee appointed under section 40A or by virtue of a petition by a two-thirds majority of the registered voters in the board area concerned, dissolve a board by notice in the *Gazette*, and direct that a new board be elected and constituted in terms of this Act.

(8) (a) The Minister may at any time, of his own accord or at the request of a particular board, convene a special meeting of the board concerned by written or oral notice of at least 72 hours to the board members concerned, to deal with matters indicated in the said notice.

(b) Any decision taken by the majority of the members of the board who are present at such meeting shall irrespective of the number of members present at the meeting, constitute the decision of the board."

## 30 Insertion of section 40A in Act 9 of 1987

3. The following section is hereby inserted in the principal Act after section 40:

## "Committee of inquiry

40A. (1) Whenever any matter relating to a subject in respect of the powers, actions, duties, responsibilities, proceedings and activities of a board of management or an advisory board and their employees in terms of the provisions of this Act or the development, management and control of rural areas in general is in the opinion of the Minister a matter requiring investigation, he may appoint a committee to investigate such matter and report to him thereon.

(2) The committee shall consist of one or more persons having in the opinion of the Minister suitable experience and capability with regard to any matter being dealt with by the inquiry, and the Minister shall designate one member of the committee as chairman: Provided that if any committee consists of one member only, such member shall be chairman of such committee.

(3) (a) If any member of a committee consisting of more than one person resigns or dies or for any other reason becomes permanently or temporarily unable to exercise or perform his powers or duties, the Minister may authorize the remaining members to proceed with the investigation or may appoint some other person to be a new member of such committee: Provided that where a new member is appointed the chairman may of his own accord or at the request of any person or body concerned in or affected by the matter being investigated, recall any witnesses who have already given evidence.

(b) If the member of a committee consisting of one person resigns or dies or for any other reason becomes permanently or temporarily unable to exercise or perform his powers or duties, the Minister may—

## RURAL AREAS AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1990

Act No. 121, 1990

- (i) direct that the proceedings of such committee be set aside; and  
(ii) if he has so directed, appoint a new committee to investigate the matter in question.
- (4) The Minister may, after consultation with the chairman of a committee—
- 5 (a) appoint a secretary or such other employees or a secretary and such other employees; and  
(b) render such other assistance, including financial aid,  
10 as may be necessary to enable such committee to exercise and perform its powers and duties.
- (5) Every member, secretary or other employee of a committee who is not in the service of the State shall receive such remuneration or such allowances as the Treasury may determine.
- (6) (a) A committee may—
- 15 (i) by notice in writing, served on any person on the direction of the chairman, require such person to give evidence before the committee;  
(ii) take evidence under oath or affirmation; and  
20 (iii) require any body or other person to furnish all information in the possession of such body or person and to produce and give access to the books, documents, records, accounts and other sources of information relating to the investigation.
- (b) The law relating to privilege as applicable to a witness giving evidence in the Supreme Court or to whom notice has been given to produce a book, document, record, account or any other thing  
25 therein shall apply in connection with the giving of evidence before or the production of a book, document, record, account or source of information to a committee.
- (7) Any member of a committee and any person authorized thereto by the chairman shall for the purposes of an investigation under this section have access—
- 30 (a) to or over any property; and  
(b) to the books, documents, records, accounts and other sources of information of any body which in his opinion is concerned in or  
35 affected by the matter being investigated.
- (8) The proceedings of a committee shall not be open to the public unless the Minister, after consultation with the chairman, decides and directs otherwise.
- (9) (a) On receipt of a committee's report the Minister may lay such report upon the Table in the House of Representatives and supply a copy or summary of or extract from such report to the Director-General: Administration: House of Representatives and any other person or body who or which in his opinion is concerned in or  
40 affected by the matter investigated.
- (b) No action shall lie against the Minister, the members of a committee and the secretary and other employees contemplated by subsection (4) on account of any damage suffered by any person by reason of the supply in terms of paragraph (a) of a copy or summary of or extract from such committee's report.
- 45 (c) After considering the comments and representations (if any) of any person or body contemplated in paragraph (a) the Minister may issue such directions, perform such acts and take such steps as he may deem necessary or expedient.
- (10) (a) The Minister may direct that the costs or such portion as he may determine of the costs of any committee be recovered from the person or body of persons or bodies who or which in his opinion is  
50 or are concerned in or affected by the matter investigated, in such proportions as he may determine: Provided that the Minister may direct that the full costs or any portion thereof shall be paid out of moneys appropriated by the House of Representatives for that purpose.
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## RURAL AREAS AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 1990

Act No. 121, 1990

- (b) A certificate by the said Director-General shall be conclusive proof of the amount payable by any person or body by virtue of paragraph (a).
- (11) Any person—
- 5 (a) who has been given notice to appear before a committee and give evidence or produce any book, document, record, account or source of information and who without sufficient cause (the onus of proof whereof shall rest upon him)—
- 10 (i) fails to appear at the time and place specified in the notice and to remain there until the investigation has concluded or until he has been excused by the chairman;
- (ii) fails to produce such book, document, record, account or source of information in his possession or custody or under his control;
- 15 (iii) refuses to take an oath or make affirmation as a witness; or
- (iv) having taken an oath or made affirmation, fails to answer fully and satisfactorily any question lawfully put to him;
- (b) who under oath or affirmation knowingly gives false evidence;
- 20 (c) who refuses or fails to comply to the best of his ability with any lawful requirement made by the chairman of a committee in the exercise of his powers or the performance of his duties;
- (d) who threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at any member of a committee or the secretary or other employee contemplated in subsection (4) in the exercise of his powers or the performance of his duties; or
- 25 (e) who falsely holds himself out to be a member of a committee or a secretary or some other employee contemplated in subsection (4), shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.”.
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**Insertion of section 49A in Act 9 of 1987**

4. The following section is hereby inserted in the principal Act after section 49:

**“Action in incorporated or existing area**

- 35 **49A. (1) The Minister may, after consultation with a board of management, close public streets and places in an incorporated area or existing area by notice in the *Gazette*.**
- (2) In order to give effect to any action of the Minister under subsection (1), the Surveyor-General concerned shall by order of the Minister effect the required reframing, alteration, amendment, withdrawal or cancellation of a relevant general plan.
- 40 (3) The registrar of deeds concerned shall by order of the Minister annul, amend or supplement free of charge any conditions laid down with regard to any land or property in an incorporated area or existing area and registered or being registered in his registers or on the title deed of
- 45 **such land in the deeds office concerned.”.**

**Short title**

5. This Act shall be called the Rural Areas Amendment Act (House of Representatives), 1990.