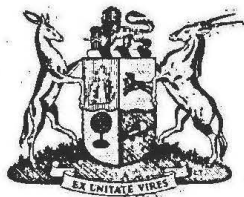


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)
Local **50c** Plaaslik
Other countries 70c Buitelands
Post free • Posvry

Vol. 265

CAPE TOWN, 8 JULY 1987

No. 10823

KAAPSTAD, 8 JULIE 1987

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1490.

8 July 1987

No. 1490.

8 Julie 1987

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

No. 32 of 1987: Constitutional Laws Amendment Act, 1987.

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

No. 32 van 1987: Wysigingswet op Staatkundige Wetgewing, 1987.

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

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 Black Administration Act, 1927, so as to regulate the legal capacity of Black women in relation to the acquisition of ownership; to amend the Promotion of Black Self-government Act, 1959, so as to substitute or repeal obsolete expressions and provisions; to restrict the powers, functions and duties of commissioners-general; to make other provision for the appointment of representatives of self-governing territories; and to repeal the power to make regulations; to amend the Black Affairs Act, 1959, so as to abolish certain Black councils; to adjust the designation of the Minister of Co-operation and Development; to increase certain penalties; and to exclude the territory of South West Africa from the application of the said Act; to amend the National States Constitution Act, 1971, so as to provide for the appointment of Deputy Ministers; to provide that the State President may withhold his assent in respect of a bill of a legislative assembly; and to regulate the exercise of legislative powers in respect of the establishment of pension funds and the pensioning of certain persons; to amend the Black Local Authorities Act, 1982, so as to provide for the appointment of town clerks for town councils; and to extend the power to make regulations; to amend the Promotion of Local Government Affairs Act, 1983, so as to regulate the assignment of functions by local authorities; to amend the Black Communities Development Act, 1984, so as to make further provision in respect of the registration and alienation of leasehold; to repeal obsolete provisions; and to extend the power to make regulations; to amend the Local Government Training Act, 1985, so as to make other provision in respect of the designation of a certain member of the Training Board for Local Government Bodies; to amend the Provincial Government Act, 1986, so as to make further provision in respect of the administration of certain laws by the administrator of a province; and to postpone the repeal of a particular section; to provide for the temporary representation of non-elected management bodies on Regional Services Councils; to amend the Anti-Shark Measures Control Ordinance, 1964, of Natal, so as to provide with retrospective effect for certain functions of the Natal Sharks Board; and to amend Proclamation R.130 of 10 August 1984 so as to rectify a certain reference; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 30 June 1987.)

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

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

Substitution of section 11A of Act 38 of 1927, as inserted by section 1 of Act 90 of 1985.

1. The following section is hereby substituted for section 11A of the Black Administration Act, 1927:

“Legal capacity of Black women in relation to leasehold and ownership. 11A. Notwithstanding any law affecting the status or contractual capacity of any person by virtue of Black law and custom, the capacity of a Black woman to perform any juristic act with regard to the acquisition by her of a right of leasehold [or], sectional leasehold or ownership under [the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or the Black Communities Development Act, 1984 (Act No. 4 of 1984)] any law or the disposal of any such right or the borrowing of money on security of such right or the performance of any other juristic act in connection with such right or to enforce or defend her rights in connection with such right in any court of law, shall be determined and any such rights acquired by her shall vest in her and any obligation incurred by her shall be enforceable by or against her 20 as if she were not subject to Black law and custom.”

Repeal of preamble to Act 46 of 1959.

2. The preamble to the Promotion of Black Self-government Act, 1959, is hereby repealed.

Amendment of section 1 of Act 46 of 1959.

3. Section 1 of the Promotion of Black Self-government Act, 1959, is hereby amended—

- (a) by the deletion of the definition of “national unit” or “unit”; and
- (b) by the insertion after the definition of “principal Act” of the following definitions:

“‘Republic’, for the purposes of sections 4 and 5, does not include any self-governing territory; ‘self-governing territory’ means a self-governing territory referred to in section 26 (1) of the National States Constitution Act, 1971 (Act No. 21 of 1971), and mentioned in section 2 (1).”

Substitution of section 2 of Act 46 of 1959, as amended by section 9 of Act 12 of 1978, section 10 of Act 16 of 1979 and section 6 of Act 102 of 1983.

4. The following section is hereby substituted for section 2 of the Promotion of Black Self-government Act, 1959:

“Self-governing territories and appointment of commissioner-general. 2. (1) [The Black population shall for the purpose of this Act consist of the following national units, namely—

(a) the North-Sotho unit;

(b) the South-Sotho unit;

(c) the Swazi unit;

(d) the Tsonga unit;

(e) the South Ndebele unit;

(h) the Zulu unit]

The provisions of this Act shall apply in respect of the following self-governing territories, namely—

- (a) Lebowa;
- (b) KwaNdebele;
- (c) Qwaqwa;
- (d) KaNgwane;
- (e) Gazankulu; and
- (f) KwaZulu.

(2) The State President shall appoint a commissioner-general in respect of each [of the units mentioned in subsection (1) but may, at any time whenever he deems it necessary or expedient, and instead of appointing a commissioner-general in respect of each of such units, appoint a commissioner-general in

respect of two or more of the said units] self-governing territory.

(3) A commissioner-general shall in relation to the [national unit] self-governing territory in respect of which he has been appointed exercise the powers and perform the functions and duties conferred or imposed upon a commissioner-general by this Act. 5

(4) A commissioner-general—
(a) shall be appointed on such conditions as the [Governor-General] State President may determine and shall hold office at the pleasure of the [Governor-General] State President, but not for a period exceeding five years: Provided that he may at any time be reappointed on the expiration of his period of office; 10 15

(b) shall not hold any other office of profit in the service of the State: Provided that a person who is in receipt of a pension from the State shall not be deemed to hold an office of profit in the service of the State for the purposes of this paragraph; and 20

(c) shall reside at a place which the Minister considers advisable [in order that he may best serve the interests of the national unit concerned].

(5) A person who immediately prior to the commencement of the Constitutional Laws Amendment Act, 1987, was appointed as a commissioner-general in respect of a particular national unit shall upon that commencement be deemed to be appointed as a commissioner-general in respect of the self-governing territory concerned.” 25 30

Substitution of section 3 of Act 46 of 1959.

5. The following section is hereby substituted for section 3 of the Promotion of Black Self-government Act, 1959:

“Powers, functions and duties of commissioners-general. 3. A commissioner-general shall represent the Government [with] of the Republic in the [national unit] self-governing territory in respect of which he has been appointed.” 35

Substitution of section 4 of Act 46 of 1959, as substituted by section 2 of Act 49 of 1970 and amended by section 9 of Act 70 of 1974.

6. The following section is hereby substituted for section 4 of the Promotion of Black Self-government Act, 1959:

“Representatives of self-governing territories. 4. The government of a self-governing territory may— 40
(a) appoint a representative to represent that government in the Republic with the citizens of the self-governing territory who are or are resident in the Republic; 45
(b) appoint one or more assistant representatives to assist any such representative in the performance of his functions under this Act.”

Substitution of section 5 of Act 46 of 1959, as substituted by section 3 of Act 49 of 1970 and amended by section 10 of Act 70 of 1974 and section 14 of Act 125 of 1977.

7. The following section is hereby substituted for section 5 of the Promotion of Black Self-government Act, 1959: 50

“Functions of representatives. 5. A representative appointed by the government of a self-governing territory under section 4— 55
(a) shall advise that government in connection with matters affecting the general interests of the citizens of the self-governing territory who are or are resident in the Republic; 55
(b) may, in such manner and subject to such conditions as that government may determine, con-

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

- stitute one or more boards to assist him in the performance of his functions under this Act; and
 (c) shall act as the representative of that government with such citizens and shall on behalf of that government serve the interests of such citizens.”

Repeal of section 14 of Act 46 of 1959.

8. Section 14 of the Promotion of Black Self-government Act, 1959, is hereby repealed.

Substitution of long title of Act 46 of 1959.

9. The following long title is hereby substituted for the long title of the Promotion of Black Self-government Act, 1959: 10

“ACT

To provide for the [gradual development of self-governing Black national units and for direct consultation between the Government of the Union and the said national units in regard to matters affecting the interests of such national units] 15
 appointment of commissioners-general to represent the Government of the Republic in the self-governing territories and the appointment of representatives to represent the governments of self-governing territories with their citizens in the Republic; to amend the Black Administration Act, 20
 1927, the Development Trust and Land Act, 1936, and the Black Authorities Act, 1951, and to repeal the Representation of Blacks Act, 1936; and to provide for other incidental matters.”

Substitution of section 16 of Act 46 of 1959.

10. The following section is hereby substituted for section 16 25
 of the Promotion of Black Self-government Act, 1959:

“Short title. 16. This Act shall be called the [Promotion of Black Self-government] Representation between the Republic of South Africa and Self-governing Territories Act, 1959.” 30

Amendment of section 1 of Act 55 of 1959, as amended by section 3 of Act 111 of 1981.

11. Section 1 of the Black Affairs Act, 1959, is hereby amended—
 (a) by the deletion of the definition of “local council”; and
 (b) by the substitution for the definition of “Minister” of the following definition: 35
 “‘Minister’ means the Minister of [Co-operation and Development] Constitutional Development and Planning.”

Amendment of section 2 of Act 55 of 1959, as substituted by section 4 of Act 111 of 1981.

12. Section 2 of the Black Affairs Act, 1959, is hereby amended by the substitution for subsection (4) of the following 40
 subsection:

“(4) Notwithstanding anything to the contrary in the Republic of South Africa Constitution Act, [1961 (Act No. 32 of 1961)] 1983 (Act No. 110 of 1983), a member of [the House of Assembly] Parliament may be appointed a member 45
 of the commission and though he receives remuneration as such he shall not thereby be deemed to hold an office of profit under the Republic.”

Repeal of sections 4 to 14 of Act 55 of 1959.

13. Sections 4 to 14 of the Black Affairs Act, 1959, are hereby 50
 repealed.

Substitution of section 15 of Act 55 of 1959, as amended by section 5 of Act 49 of 1970, section 6 of Act 111 of 1981 and section 1 of Act 83 of 1982.

14. The following section is hereby substituted for section 15 of the Black Affairs Act, 1959:

“Regulations. 15. The State President may make regulations—
 (a) providing for the procedure to be followed at meetings of the commission and in the conduct 55
 of its business and for the preservation of secrecy in connection with matters dealt with by the commission;

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

- (b) providing for the appointment or designation of persons to assist the commission in an advisory capacity in the performance of its functions and duties, and for the appointment of committees of the commission, whereof persons other than members of the commission may be members; 5
- (c) prescribing the qualifications of **[its]** the members of the commission, their remuneration and the period for which they shall hold office;
- (d) providing for the appointment or designation of 10 vice-chairmen and alternative members of the commission; **[and]**
- (e) prescribing the powers, functions and duties of vice-chairmen, **[and]** the allowances payable for services rendered, and the amounts which may be reimbursed for travelling and subsistence expenses incurred in the course of such services, by persons appointed or designated to assist the commission in an advisory capacity and persons, other than members of the commission, who have been appointed or designated as members of committees of the commission; and 20
- (f) generally for giving effect to the purposes of sections 2 and 3 **[and 4; and**
- (b) applying either generally or in particular areas— 25
- (i) providing for the consultation of the inhabitants of areas for which a local council is to be established, and for the selection or election of members of such councils;
- (ii) providing for the periods of office and remuneration of such members; 30
- (iii) prescribing the procedure of local councils and the conduct of their business;
- (iv) providing for the appointment and duties of officers of local councils; 35
- (v) prescribing the method according to which rates and fees shall be collected and brought to account, the exemptions which may be allowed, and the penalties to be imposed on persons failing to pay such rates and fees, 40 and generally for the better carrying out of any provision of this Act relating to local councils.]”.

Substitution of section 16 of Act 55 of 1959, as substituted by section 2 of Act 83 of 1982.

15. The following section is hereby substituted for section 16 of the Black Affairs Act, 1959:

“Penalties. 16. **[(1)]** Any person contravening any **[bye-law or]** 45 regulation made under this Act **[except any regulation referred to in subsection (2)]** shall be liable on conviction to a fine not exceeding **[R100] R500** or in default of payment to imprisonment for a period not exceeding **[one month] three months.** 50

[(2)] Any person contravening any regulation made under this Act with regard to the preservation of secrecy shall be liable on conviction to a fine not exceeding R500 or in default of payment to imprisonment for a period not exceeding six months.]” 55

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Repeal of section 16A of Act 55 of 1959, as inserted by section 6 of Act 49 of 1970.

16. Section 16A of the Black Affairs Act, 1959, is hereby repealed.

Substitution of long title of Act 55 of 1959.

17. The following long title is hereby substituted for the long title of the Black Affairs Act, 1959:

“ACT

5

To consolidate the laws providing for the establishment of a commission [and of Black councils] with a view to facilitating the administration of Black affairs.”

Substitution of section 29 of Act 21 of 1971.

18. The following section is hereby substituted for section 29 of the National States Constitution Act, 1971:

10

“Executive government of self-governing territory.

29. (1) The executive government of a self-governing territory with regard to all matters referred to in Schedule 1 shall vest in a Cabinet, which shall consist of a Chief Minister and other Ministers and shall be constituted from members of the legislative assembly of the territory.

(2) The provisions of this Act and a proclamation issued in terms of this Act with regard to an executive council, a Chief Councillor and a [member thereof] Councillor shall *mutatis mutandis* apply with regard to a Cabinet, a Chief Minister and a Minister, respectively.

(3) (a) A Chief Minister may appoint any member of the legislative assembly concerned to hold office during the Chief Minister’s pleasure as Deputy Minister of any specified department, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister in terms of any law or otherwise which may, subject to the directions of the Chief Minister, be assigned to him from time to time by such Minister.

(b) Subject to the provisions of paragraph (c), any reference in any law to a deputy to a Minister shall be construed as including a reference to a Deputy Minister appointed under this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister for whom he acts.

(c) A Deputy Minister shall not be a member of the Cabinet.

(4) A Deputy Minister shall before assuming his duties make and subscribe an oath in the form prescribed by proclamation for a member of the Cabinet, but with reference to his office as Deputy Minister, before the Speaker or Chairman of the legislative assembly, as the case may be.

(5) Whenever any Deputy Minister is for any reason unable to perform any of the functions of his office, the Chief Minister concerned may appoint any other Deputy Minister or any member of the legislative assembly to act in the said Deputy Minister’s stead, either generally or in the performance of any specific function.”

Amendment of section 31 of Act 21 of 1971.

19. Section 31 of the National States Constitution Act, 1971, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

“(a) The State President may on the presentation to him of a bill declare that he assents thereto or that he withholds assent or refer it back to the legislative assembly for further consideration in the light of such further information and advice as may be given: Provided that the State President shall not declare that he withholds assent unless he is satisfied that the bill is inconsistent with this Act or relates to any matter or subject in respect of which the legislative assembly may not make laws.”

Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974, section 10 of Act 71 of 1974, section 4 of Act 115 of 1977, section 19 of Act 12 of 1978 and Proclamations R.150 of 1979, R.3 of 1980, 172 of 1980, R.235 of 1980, R.116 of 1984, R.112 of 1985 and 38 of 1986.

20. Schedule 1 to the National States Constitution Act, 1971, is hereby amended by the substitution for item 31Y of the following item:

“31Y. [Pension funds] The establishment of pension funds for, and the pensioning of, any persons other than officers and employees referred to in item 18.”

Amendment of section 1 of Act 102 of 1982, as amended by section 10 of Act 102 of 1983, section 69 of Act 4 of 1984 and section 1 of Act 58 of 1986.

21. Section 1 of the Black Local Authorities Act, 1982, is hereby amended by the substitution in subsection (1) for the definition of “chief executive officer” of the following definition:

“‘chief executive officer’, in relation to a city council, a town council, a town committee or a local authority committee, means a person appointed under section 30 (1) as the town clerk of a city council or [the town secretary] of a town council or the secretary of a town committee or of a local authority committee;”

Amendment of section 30 of Act 102 of 1982, as amended by section 15 of Act 102 of 1983 and section 10 of Act 58 of 1986.

22. Section 30 of the Black Local Authorities Act, 1982, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A local authority shall appoint a person, in the case of a local authority which is a city council [as the town clerk of that city council] or [in the case of a local authority which is] a town council, as the town [secretary] clerk of that city council or town council, or in the case of a local authority which is a town committee or a local authority committee, as the secretary of that town committee or local authority committee.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) The town clerk of a city council or a town council shall be the chief executive officer of the city council [the town secretary of a town council shall be the chief executive officer of the] or town council and the secretary of a town committee or a local authority committee shall be the chief executive officer of the town committee or local authority committee.”

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Amendment of section 56 of Act 102 of 1982, as amended by section 69 of Act 4 of 1984 and section 16 of Act 58 of 1986.

23. Section 56 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) the powers, functions and duties and the misconduct and discipline of persons appointed under section 34 (1);”.

Insertion of section 17C in Act 91 of 1983.

24. The following section is hereby inserted after section 17B of the Promotion of Local Government Affairs Act, 1983:

“Assignment of functions by local authorities.

17C. (1) Subject to the provisions of any law which deals with the delegation of any power by a local authority in any particular case, the local authority may delegate to any committee of, or any officer or employee in the service of, the local authority any power conferred upon the local authority by or under any Act of Parliament, excluding the power—

- (a) to make regulations or by-laws;
- (b) to fix fees, tariffs or other charges; and
- (c) to impose levies or other taxes, on such conditions as the local authority may determine.

(2) A local authority may authorize any committee of, or any officer or employee in the service of, the local authority to perform any duty assigned to the local authority by or under any Act of Parliament.

(3) Any delegation under subsection (1) shall not prevent the exercise of the relevant power by the local authority itself.”.

Substitution of long title of Act 91 of 1983.

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

“ACT

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 establishment of a co-ordinating council for that purpose; the establishment of committees in order to assist the co-ordinating council in the performance of its functions; the establishment of an action committee 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 committees to hold enquiries for the demarcation board; the rendering of 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 powers by the Administrator in accordance with directives determined by the Minister; **[and]** the extension of the functions of the said committees; and the assignment of functions by local authorities; and to provide for incidental matters.”.

Amendment of section 1 of Act 4 of 1984, as amended by section 1 of Act 52 of 1985 and section 1 of Act 74 of 1986.

26. Section 1 of the Black Communities Development Act, 1984, is hereby amended by the deletion in subsection (1) of the definition of “accommodation manager”.

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Amendment of section 52 of Act 4 of 1984, as amended by section 16 of Act 52 of 1985 and section 21 of Act 74 of 1986.

27. Section 52 of the Black Communities Development Act, 1984, is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5) Leasehold may, notwithstanding the provisions of subsection (1) but subject to the provisions of subsections (6) and (7), be granted in respect of premises situated within a development area although such premises have not been surveyed by a land surveyor or, if such premises have so been surveyed, although such premises are not yet shown on a diagram or a general plan, and such leasehold may be registered and hypothecated, provided—

(a) the premises concerned are shown on [a diagram] an aerial photograph or a plan showing the relative situation of such premises and such [diagram] photograph or plan is certified in accordance with the prescribed requirements by [an officer in the Department of Constitutional Development and Planning] a land surveyor as relating to such premises;

(b) the board, local authority or township developer, as the case may be—

(i) causes the premises concerned, so [identified] certified, to be surveyed by a land surveyor; and

(ii) causes the relevant diagram or general plan to be lodged with a Surveyor-General for approval,

within a period of four years from such grant.”; 30

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

“(6) If the premises in respect of which leasehold has been granted, have not been surveyed by a land surveyor, or the relevant diagram or general plan has not been lodged with the Surveyor-General, such leasehold [may] shall not be disposed of except by way of a sale in execution [in the event of insolvency or succession] or a sale in respect of an insolvent or a deceased estate.”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) If the board, local authority or township developer who granted a leasehold referred to in subsection (5), fails to have the [premises concerned surveyed by a land surveyor] relevant diagram or general plan lodged with the Surveyor-General within the period referred to in subsection (5) (b), the holder of the leasehold concerned may, if the premises concerned are not yet surveyed by a land surveyor, cause the premises to be so surveyed and cause that diagram or general plan to be lodged with the Surveyor-General, and in any such case such board, local authority or township developer shall pay the prescribed part of the costs [of the survey] incurred by such holder.”; and

(d) by the substitution for subsection (14) of the following subsection:

“(14) The provisions of the Alienation of Land Act, 1981 (Act No. 68 of 1981), shall apply *mutatis mutandis* with respect to any alienation of a leasehold, and any

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

reference to 'land', 'erf' or 'unit' in the said Act shall be construed as a reference to the relevant leasehold."

Repeal of sections 58 and 59 of Act 4 of 1984.

28. Sections 58 and 59 of the Black Communities Development Act, 1984, are hereby repealed.

Amendment of section 66 of Act 4 of 1984, as amended by section 28 of Act 74 of 1986.

29. Section 66 of the Black Communities Development Act, 1984, is hereby amended—

(a) by the deletion of paragraphs (f), (g) and (m) of subsection (1); and

(b) by the insertion after subparagraph (iv) of paragraph (n) of subsection (1) of the following subparagraph:

"(ivA) the issue, prior to the registration of the grant or transfer of a leasehold or the transfer of ownership, of a certificate to the effect that the levies or charges in respect of the premises concerned have been paid to the local authority;"

Amendment of section 2 of Act 41 of 1985.

30. Section 2 of the Local Government Training Act, 1985, is hereby amended—

(a) by the substitution for paragraph (f) of subsection (2) of the following paragraph:

"(f) an officer of the department designated by the director-general;"

(b) by the substitution for paragraph (d) of subsection (3) of the following paragraph:

"(d) the [Directors] Director mentioned in [subsections] subsection (2) (e) [and (f)], the Director [concerned];" and

(c) by the addition to subsection (3) of the following paragraph:

"(e) the member intended in subsection (2) (f), the director-general."

Amendment of section 15 of Act 69 of 1986.

31. Section 15 of the Provincial Government Act, 1986, is hereby amended by the addition of the following subsection:

"(4) Whenever the administration of a law or a provision of a law referred to in subsection (1) has been assigned to the administrator of a province under the said subsection, the provisions of section 10 (5) and (5A) of the Interpretation Act, 1957 (Act No. 33 of 1957), shall apply *mutatis mutandis* as if that administrator, the provincial administration concerned, and an officer of that administration, were a Minister of State, the department of State controlled by him, and an officer in the public service, respectively."

Substitution of section 22 of Act 69 of 1986.

32. The following section is hereby substituted for section 22 of the Provincial Government Act, 1986:

22. [(1)] The laws mentioned in—

(a) Part 1 of the Schedule to this Act are hereby amended as set out in that Part: Provided that such amendment of section 82 of the Constitution Act and of Act No. 66 of 1975 shall come into operation on 1 April 1987;

(b) Part 2 of that Schedule are hereby repealed to the extent indicated in the third column of that Part: Provided that such repeal—

(i) of section 88 of Act No. 32 of 1961 and of Acts Nos. 18 of 1972 and 65 of 1976 shall come into operation on 1 April 1987; and

(ii) of section 6 of Act No. 3 of 1965 shall come into operation on the date on which the Constitutional Laws Amendment Act, 1987, comes into operation."

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Temporary representation of non-elected management bodies on Regional Services Councils.

33. (1) For the purposes of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), the words "one or more members of which are elected" in the definition of "management body" in section 1 of the said Act shall be deemed to be deleted.

(2) Subsection (1) shall cease to be of force in respect of any particular province with effect from the day fixed by the Administrator in question in terms of section 7 (1) of the Constitutional Affairs Amendment Act, 1985 (Act No. 104 of 1985). 5

Amendment of section 5 of Ordinance 10 of 1964 of Natal, as amended by section 1 of Ordinance 10 of 1965, section 3 of Ordinance 13 of 1971, section 2 of Ordinance 19 of 1981, section 1 of Ordinance 24 of 1985 and section 1 of Ordinance 4 of 1986.

34. Section 5 of the Anti-Shark Measures Control Ordinance, 1964, of Natal, is hereby amended by the substitution for paragraph (gA) of subsection (1) of the following paragraph: 10

"(gA) whether for remuneration or otherwise, to render assistance to or place its services at the disposal of—

(i) a local authority in relation to or for the purposes of the exercise or performance by such local authority of the powers, duties and functions conferred and imposed on such local authority by any law in connection with—

[(i)] (aa) the sea and the sea-shore;

[(ii)] (bb) inland waters; 20

[(iii)] (cc) life-saving and other emergency services; and

[(iv)] (dd) scientific research, studies and surveys undertaken by or on behalf of such authority;

(ii) any department of State;

(iii) the Council for Scientific and Industrial Research referred to in section 2 of the Scientific Research Council Act, 1984 (Act No. 82 of 1984); 25

(iv) the Sea Fisheries Institute;

(v) the South African Association for Marine Biological Research; 30

(vi) the Surf Lifesaving Association of South Africa;

(vii) the National Sea Rescue Institute;

(viii) any angling, boating or sporting association or institution approved by the Administrator;

(ix) any university; and 35

(x) any aquarium or museum;".

Amendment of Proclamation R.130 of 1984.

35. Proclamation R.130 of 10 August 1984 is hereby amended by the substitution for the expression "Proclamation R.42 of 15 March 1968, as amended," of the expression "Proclamation No. 303 of 1 December 1972". 40

Short title and commencement.

36. (1) This Act shall be called the Constitutional Laws Amendment Act, 1987.

(2) The provisions of—

(a) section 20 shall be deemed to have come into operation on 1 April 1977; 45

(b) sections 21 and 22 shall be deemed to have come into operation on 25 June 1986;

(c) sections 31 and 32 shall be deemed to have come into operation on 1 July 1986;

(d) section 34 shall be deemed to have come into operation on 13 August 1964; and 50

(e) section 35 shall be deemed to have come into operation on 1 September 1984.