



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 360.

2 Maart 1984

No. 360.

2 March 1984

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

4 van 1984: Wet op die Ontwikkeling van Swart Gemeenskappe, 1984.

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

No. 4 of 1984: Black Communities Development Act, 1984.

## BLACK COMMUNITIES DEVELOPMENT ACT, 1984

Act No. 4, 1984

## 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 provide for the purposeful development of Black communities outside the national states; to amend and consolidate certain laws which apply with reference to such communities; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 22 February 1984.)*

**WHEREAS** it is the policy of the Government that the Black communities outside the national states should be developed in a positive and purposeful manner and that such communities should be equipped with institutions having all such powers as may be required for the achievement of this goal;

**AND WHEREAS** provision has already been made for the development of urban Black communities towards full autonomy at local government level;

**AND WHEREAS** it has become necessary to redefine the positive role to be played by Administration Boards in the promotion of such development and for such purpose to reconstitute such boards and to equip them primarily as development bodies;

**AND WHEREAS** it is for the purposes of such development necessary to establish a fund in order to obtain such money as may be required for the said purposes;

**AND WHEREAS** it is considered expedient to revise and to amend and consolidate existing legislation affecting urbanized Black communities and the said boards:

**BE IT THEREFORE ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—

## CHAPTER 1

### 5 DEFINITIONS AND APPLICATION

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "accommodate" means to house or provide with lodging; and "accommodation" has a corresponding meaning; (xv)
- 10 (ii) "accommodation manager" means an accommodation manager referred to in section 58 (2); (iv)
- (iii) "acquire", in relation to land, means to acquire in any manner or to hire; and "acquisition" has a corresponding meaning; (xxxvii)
- 15 (iv) "Administrator", in relation to a board or local government body, means the Administrator of the province in which such board's or local government body's area of jurisdiction is situated, and the majority of the members of the executive committee of that province; (i)
- 20 (v) "association" means a partnership consisting of Black persons only, or any company or body of persons, corporate or unincorporate, in which a Black person has or Black persons have a controlling interest; (xxxvi)
- (vi) "authorized officer" means—
- 25 (a) a commissioner;
- (b) a magistrate, including an additional or an assistant magistrate;

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- (c) a justice of the peace;
- (d) a member of the South African Police or the South African Railways Police Force;
- 5 (e) a person appointed by a board for the management of a town outside the area of jurisdiction of a local authority to perform within or in regard to such a town such functions as relate to the maintenance of the good order therein and the peaceful administration of such town;
- 10 (f) an inspector;
- (g) a person appointed under section 34 (1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- 15 (h) a member of a category of persons specified by the Minister by notice in the *Gazette*; (xi)
- (vii) "Black" or "Black person" means a person who is a Black as contemplated in the Population Registration Act, 1950 (Act No. 30 of 1950), and for the purpose of the exercise of the powers, the performance of functions or the carrying out of duties by a board in terms of any law, includes a person who is a Black in terms of any such law; (xxxiii)
- 20 (viii) "board" means a development board established under section 3; (xxviii)
- 25 (ix) "commissioner" means—
- (a) a Commissioner appointed under section 2 (2) of the Black Administration Act, 1927 (Act No. 38 of 1927), and includes an additional or assistant Commissioner so appointed; or
- 30 (b) in relation to an area for which no commissioner has been appointed, a magistrate or an additional or an assistant magistrate having jurisdiction in that area; (xviii)
- (x) "competent person", in relation to a right of leasehold, means a person referred to in section 52 (2) competent to hold a right of leasehold; (vi)
- 35 (xi) "controlling interest", in relation to any association, means—
- (a) a majority of its shares; or
- 40 (b) shares representing more than half of its share capital; or
- (c) shares of a value in excess of half of the aggregate value of all its shares; or
- (d) shares entitling the holders thereof to more than half of its profits or assets; or
- 45 (e) shares entitling the holders thereof to a majority or preponderance of votes; or
- (f) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (a) to (e), inclusive, in any other association or otherwise, any control whatsoever over the activities or assets of the association; (iii)
- 50 (xii) "development area" means an area referred to in section 33; (xxii)
- 55 (xiii) "development board area", in relation to a board, means the area for which that board has been established in terms of section 3; (xxiii)
- (xiv) "Director-General" means the Director-General: Co-operation and Development, and includes any other officer in the public service acting under his authority;
- 60 (vii)
- (xv) "employee" means a Black person who has to render services to an employer under a contract of service, whether in writing or otherwise, and includes a domestic servant; (xl)
- 65 (xvi) "employer" means the State, including the South African Transport Services, the Department of Posts and Telecommunications and any provincial administration, and any other person who employs or provides work for a Black person and remunerates or expressly or ta-

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- citly undertakes to remunerate a Black person in money or in kind or both in money and in kind, or who permits such Black person or in any manner assists him to carry on or to conduct his business; (xxxix)
- 5 (xvii) "fund" means the Black Communities Development and Revolving Fund established by section 47; (x)
- (xviii) "general plan" means a general plan of a town or of a portion only of a town, drawn up in the prescribed manner and approved by the Minister; (ii)
- 10 (xix) "hostel" means any land set apart and developed under section 35 (1) (c), and includes any buildings referred to in that section; (xxxiv)
- (xx) "inspector" means any inspector appointed under section 42 or 62; (xvii)
- 15 (xxi) "interest", in relation to land, includes any right under a lease or a mortgage of, or a servitude or a charge over, land; (v)
- (xxii) "land" includes any interest in land; (xiii)
- (xxiii) "land surveyor" means a person registered as a land surveyor under the Land Surveyors Registration Act, 1950 (Act No. 14 of 1950); (xix)
- 20 (xxiv) "lay-out plan" means a plan indicating the relative situation in a town of premises, public places and zones in accordance with a town planning scheme; (xxxv)
- 25 (xxv) "leasehold site" means a site or an erf situated in a town, indicated on a general plan and surveyed by a land surveyor; (xvi)
- (xxvi) "local authority" means a town council or village council established under the Black Local Authorities Act, 1982; (xxiv)
- 30 (xxvii) "local authority area" means the area of jurisdiction of a local authority; (xxv)
- (xxviii) "local government body" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), but does not include a local authority; (xxvi)
- 35 (xxix) "Minister" means the Minister of Co-operation and Development; (xx)
- (xxx) "national states" means an area for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of 1971), includes any land in a scheduled Black area within the meaning of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and includes land referred to in section 21 (1) of that Act, in so far as such land has not been included in the area of such a legislative assembly; (xxi)
- 40 (xxxi) "prescribed" means prescribed by regulation; (xxxviii)
- (xxxii) "public place" includes—
- 50 (a) a street, road, thoroughfare, sanitary lane, square or open space reflected on the general plan of a town, but does not include any erf thus indicated the control of which is vested in a board or a local authority, unless the owners of sites or erven in the town concerned have a common right to the erf the control of which is so vested;
- 55 (b) any premises which are situated in a town and which the Minister may from time to time in the prescribed manner indicate as a public place, after he has informed the board or local authority of his intention; (xxvii)
- 60 (xxxiii) "registered" means registered as prescribed; (xii)
- (xxxiv) "registrar" means a registrar as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); (xxxi)
- 65 (xxxv) "registration office" means a registration office as defined in section 102 of the Deeds Registries Act, 1937; (xxx)
- (xxxvi) "regulation" means a regulation made in terms of this Act; (xxxii)
- (xxxvii) "right of leasehold" means a right of leasehold contem-



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- plated in section 52, and includes a right in respect of a sectional leasehold unit as contemplated in section 55, and "leasehold" has a corresponding meaning; (xxix)
- (xxxviii) "this Act" includes the regulations; (xiv)
- 5 (xxxix) "town" means land referred to in section 35 (1) (a) or (b); (viii)
- (xl) "town planning scheme" means a set of rules relating to a town, providing for—
- 10 (a) the subdivision, lay-out or development of that town;
- (b) the regulation and prohibition of building upon premises in that town;
- (c) the alteration of any existing subdivision or lay-out of that town or any part thereof;
- 15 (d) the reservation of land in the town for local authority or other public purposes;
- (e) the zoning of land in the town into areas to be used exclusively or mainly for residential, business or industrial purposes;
- 20 (f) the demolition of buildings or structures erected in the town in conflict with a town planning scheme; and
- (g) any other matter in connection with the lay-out of the town with a view to the co-ordinated and harmonious development thereof in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare, due regard being had to efficiency and economy in the process of development. (ix)

- 30 2. (1) This Act shall not apply in the national states. Application of Act.
- (2) (a) The State President may by proclamation in the *Gazette* declare—
- (i) that the provisions of sections 52, 53, 54, 55, 56 and 57 shall not apply with reference to any area defined therein;
- 35 (ii) that the provisions of this Act shall not apply with reference to any area defined therein being an area contemplated in section 36A (2) of the National States Constitution Act, 1971 (Act No. 21 of 1971).
- 40 (b) The State President may repeal or amend any proclamation issued in terms of paragraph (a) by like proclamation.

## CHAPTER II

## 45 DEVELOPMENT BOARD AREAS AND DEVELOPMENT BOARDS

3. (1) (a) The Minister may by notice in the *Gazette* declare any area to be a development board area from a date specified in the notice. Establishment of development boards.
- (b) Any such area may include the area of jurisdiction or any portion of the area of jurisdiction of a local government body, but no such area or such portion thereof may be included therein except after consultation with the local government body concerned.
- 50 (c) Subject to the provisions of subsection (4), the Minister shall for every such development board area establish a board, to be known as a development board, which shall in relation to that area exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon such a board by this Act.
- 55
- 60

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- (d) Any Black Affairs administration area declared in terms of section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), and which existed immediately before the commencement of this Act, shall as from such commencement be deemed to have been declared to be a development board area in terms of this section, and the administration board established in terms of the said section 2 in respect of such administration board area shall as from such commencement be deemed to have been established as a development board in respect of such development board area, and as from such commencement any reference in any law or document to such administration area or to such administration board shall be construed as a reference to the development board area or the development board concerned.
- (2) A board shall be a juristic person.
- (3) (a) The Minister may after consultation with the board concerned by notice in the *Gazette* from time to time include any area in, or exclude any area from, any development board area, or include any development board area or any portion thereof in another development board area, and may by like notice declare that a development board area specified in the notice shall cease to be a development board area with effect from a date so specified.
- (b) If any area is under paragraph (a) excluded from a development board area and is not included in any other development board area, the Minister may by the notice by which it is excluded or by any subsequent notice in the *Gazette*, in respect of the excluded area or any part thereof confer, impose or assign any power, duty or function which vested in the board concerned in terms of this Act, at the time of the exclusion, to or upon any local government body or any commissioner in whose area of jurisdiction the excluded area or the relevant part thereof is situated.
- (c) A local government body or commissioner upon or to whom any power, duty or function has been conferred, imposed or assigned under paragraph (b) in respect of any area, may exercise, carry out or perform such power, duty or function as if the area concerned were a development board area and the local government body or commissioner were the board thereof.
- (4) If in the opinion of the Minister it is not expedient to establish a board in respect of any development board area, he may by notice in the *Gazette* authorize and oblige any local government body or commissioner, with the concurrence of such body, or any commissioner, to exercise the powers, to perform the functions and to carry out the duties conferred upon, imposed upon or assigned to a board by or under this Act, and such local government body or commissioner, as the case may be, shall as from the date of such notice be deemed to be a board for the purposes of this Act.
- (5) A local government body shall not be divested of any of its powers in respect of any portion of the area under its jurisdiction for which a board has been established in terms of this Act, except in so far as such powers have by or under this Act been vested in such board.
4. (1) A board shall consist of a chairman to be appointed by the Minister and six other members so appointed, of whom—
- (a) one shall be appointed on the ground mainly of his wide knowledge of or experience in local government matters;
- (b) one shall be appointed on the ground mainly of his wide knowledge of or experience in town or regional development;
- (c) one shall be appointed on the ground mainly of his

Constitution of board.

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- wide knowledge of or experience in commerce or industry or financial affairs;
- (d) one shall be appointed on the ground mainly of his wide knowledge of or experience in agriculture or rural development;
- (e) one shall be the holder of an office in the public service, designated by the Minister.
- (2) The Minister shall in respect of every member of a board, except the chairman thereof, appoint an alternate member, and he shall when making such an appointment have regard to the same considerations as those which would in terms of subsection (1) have applied in respect of the appointment of the member concerned.
- (3) The Minister shall designate one of the members of a board to be vice-chairman thereof.
- (4) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman shall act as chairman during such absence or inability.
- (5) The vice-chairman shall while acting as chairman have all the powers and carry out all the functions of the chairman.

5. (1) A member or an alternate member of a board shall be appointed for such a period and subject to such terms and conditions as the Minister may in each case determine, and shall on termination of his period of office be eligible for reappointment.
- (2) A member or an alternate member of a board shall vacate his office—
- (a) if he resigns or the board is abolished;
- (b) if his estate is sequestrated or a notice is published with reference to him in terms of section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);
- (c) if a reception order is issued in respect of him in terms of section 9 (3) of the Mental Health Act, 1973 (Act No. 18 of 1973), or he is convicted of an offence under section 10 read with section 67 or he is convicted of any other offence and sentenced to imprisonment without the option of a fine;
- (d) except in the case of a member referred to in section 4 (1) (e) or his alternate; if he has absented himself from three consecutive meetings of the board without its leave, which shall not be granted for a period exceeding six months in any period of twelve months; or
- (e) in the case of a member referred to in section 4 (1) (e), if he ceases to hold the qualification by virtue of which he was appointed as a member of a board.
- (3) The Minister may at any time remove from office any member or any alternate member of a board who in his opinion has been guilty of misconduct or neglect of duty, or is unable adequately to fulfil the functions of a member or an alternate member of a board.

Tenure of office of members of board.

6. (1) The first meeting of a board shall be held at a time and place to be determined by the Minister, and thereafter meetings shall, subject to the provisions of subsection (2), be held monthly, unless the Minister otherwise directs, at such times and places as the board or, if authorized thereto by it, the chairman of the board, may determine.
- (2) The chairman of a board, or in his absence, the vice-chairman, may at any time call a special meeting of the board, and shall call such a meeting within 14 days after receipt of a written request, signed by not less than three members of the board, to the effect that the calling of such a meeting is desired.
- (3) A meeting of a board shall be open to the public and news media except where the board in its discretion directs otherwise either in respect of any meeting or in respect of any particular matter to be considered at any meeting.

Meetings of board.

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(4) The majority of all members of a board shall form a quorum for a meeting of the board.

(5) The chairman, or in his absence, the vice-chairman, of a board shall preside at all meetings thereof at which he is present, and if both the chairman and the vice-chairman are absent from any meeting the members present thereat shall elect one of their number to preside at such meeting.

(6) The decision of a majority of the members of a board present at any meeting thereof shall constitute a decision of the board: Provided that in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(7) The provisions of subsections (4) and (6) shall *mutatis mutandis* apply in respect of any meeting of a committee of a board.

(8) A member or an alternate member of a board shall not be present at or take part in the discussion of or vote upon any matter before the board, or any committee thereof, in which he or his spouse, or his partner or employer, other than the State, or the partner or employer, other than the State, of his spouse has, directly or indirectly, any pecuniary interest.

7. (1) There shall be payable to a member or an alternate member of a board who is not in the full-time employment of the State, such remuneration and allowances in respect of his services as such member as the Minister may determine. Remuneration and allowances of members of board.

(2) A member or an alternate member of a board who is in the full-time employment of the State, may in addition to his salary and allowances in respect of such full-time employment receive, in respect of his services as a member of the board, such remuneration as may be determined by the Minister subject to the laws governing the public service.

(3) Any remuneration or allowances which may become payable in terms of this section, shall be paid out of the funds of the board concerned.

(4) A board shall refund to the Director-General, for the benefit of the State Revenue Fund, any amount paid out of public funds by way of transport or subsistence allowances to a member or an alternate member of the board while engaged in connection with the business of the board, including any business of the board entrusted to a committee of the board.

8. (1) A board shall from among its members appoint—

- (a) a local government committee, for the promotion of local government affairs, in the area of the board;
  - (b) a housing and administration committee, for housing and general administration by the board in its area;
  - (c) a planning and development committee, for the planning of the area of the board and the development of communities in that area;
  - (d) such other committees as the board may from time to time consider appropriate.
- Appointment and powers of committees.

(2) A board may at its discretion delegate any of its powers to a committee appointed under subsection (1) and may, if it thus delegates any power, give such directions or impose such conditions as it may consider appropriate.

(3) The delegation of any power to a committee in terms of subsection (2), shall not divest the board of such power, and any steps taken or decision made by the committee shall be subject to review and amendment or cancellation by the board at the first ensuing meeting of the board, but without prejudice to the validity of anything lawfully done in terms of such delegation by or under the authority of the committee prior to such review, or to any right, privilege, obligation or liability already acquired, accrued or incurred as at the date of such review by virtue of anything so done.

9. (1) (a) A board may co-opt any person to serve on a committee of the board or to attend a particular meeting thereof in connection with a particular matter dealt with by the committee: Provided that— Co-opting and inviting of persons to serve on or advise committees.



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- (i) not more than three persons shall be co-opted to serve on any particular committee; and
- (ii) a member of the board shall be the chairman of a committee contemplated in section 8 (1) (a), (b) or (c).
- (b) A committee of a board may invite any person to attend any particular meeting thereof, to advise it in connection with a particular matter considered by the committee.
- (2) A person co-opted under this section may take part in the proceedings of the committee in connection with the matter or at the meeting in respect of which he has been co-opted, and shall be entitled to vote in respect of any decision of the committee.
- (3) A person so co-opted or invited who is not in the full-time employment of the State may be paid such remuneration or allowances as the Minister may determine generally or in any particular case.
- (4) The provisions of subsections (2), (3) and (4) of section 7 shall *mutatis mutandis* apply in respect of any person so co-opted or invited and the remuneration or allowances which may be payable to him.
10. (1) Except with the consent of the board no member or employee of a board shall directly or indirectly—
- (a) accept any commission, remuneration or reward from any person other than the board for or in connection with his functions as a member or an employee of the board or in connection with any transaction to which the board is a party;
- (b) enter into any transaction with the board in a capacity other than that of a member or employee of the board, unless such transaction is connected with the provision of accommodation to him in the development board area concerned or the rendering of a service to him as a resident of such development board area;
- (c) perform work for or on behalf of the board in a capacity other than that of a member or employee of the board;
- (d) appear on behalf of any other person before the board or any committee or other institution of the board in a capacity other than that of a member or employee of the board.
- (2) Any member or employee of a board who has accepted any commission, remuneration or reward in contravention of the provisions of subsection (1) (a) shall pay to the board an amount equal to the amount of such commission, remuneration or reward, or where it did not consist of money, the value thereof as determined by the board.
11. (1) A member of a board who is interested in a proposed contract which the board considers entering into or becomes interested in a contract after it has been entered into by the board shall disclose to the board full particulars relating to the nature and extent of his interest in accordance with the provisions of subsection (2) or (3), as the case may be.
- (2) A member of a board who is interested in a proposed contract referred to in subsection (1), shall—
- (a) if the proposed contract is or is to be considered at a meeting of the board or a committee of the board of which he is a member, disclose his interest before such meeting by way of a written notice to the board or committee or otherwise at such meeting, or, if for any reason it is not possible for him to disclose his interest before or at such meeting, he shall do so at the first meeting of the board or committee held thereafter at which it is possible for him to do so, irrespective of whether or not the contract has been entered into; or
- (b) if the proposed contract is not considered at any meeting referred to in paragraph (a), or is or is to be considered at a meeting of a committee of the board of which he is not a member, disclose his interest by means of a

Prohibited practices.

Members to disclose certain interests.

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written notice to the board within seven days as from the day on which he first became aware of the proposed contract or, if it has already been entered into, of the contract.

5 (3) A member of a board who becomes interested in a contract after it has been entered into by the board shall disclose his interest by means of a written notice to the board within seven days after the day on which he so became interested.

10 (4) A member of a board who is interested in a proposed contract referred to in subsection (1), or a contract referred to in subsection (3), shall not be competent to vote at any proceedings of the board or a committee thereof in connection with any such contract.

15 12. (1) A person who is a member of a board shall not be competent to be appointed as an employee of that or any other board. Members of board not competent to be employees of board.

(2) Any person who is an employee of a board and becomes a member of that or any other board, shall be deemed to have resigned as an employee of the board on the date of his appointment as such a member.

20 13. A member or an employee of a board shall not disclose any information obtained by him in the exercise of his powers, the performance of his functions or the carrying out of his duties, except— Preservation of secrecy.

(a) to the extent to which it may be necessary for the proper administration of this Act;  
(b) with the consent of the board or Minister; or  
(c) for the purposes of any legal proceedings relating to a matter under this Act.

30 14. No decision taken by, or act performed under the authority of, a board or committee, shall be invalid by reason merely of a defect in the appointment of a person purporting to be a member of, or the existence of a vacancy on, that board or any such committee, or of the fact that a person who was not entitled to sit as a member of that board or any such committee, sat as a member or of the fact that a member who was not entitled to vote, voted at the time when the decision was taken or that act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of that board or any such committee who were present at the time and entitled to sit as members and to vote. Certain irregularities shall not affect acts of boards or committees.

45 15. (1) The work incidental to the performance by a board of its functions shall be performed at its expense and subject to its directions and under its control by— Staff of board.

(a) persons in the service of a local government body or local authority who may in terms of an agreement with such local government body or local authority be seconded, with their consent, or in terms of subsection (5), to the service of the board; and

50 (b) such other persons as may be appointed by the board on such conditions and at such remuneration as the board may, subject to the other provisions of this section, determine: Provided that any person who immediately before the commencement of this Act was in the service of an administration board, shall as from such commencement be deemed to have been appointed to the service of the development board which in terms of section 3 (1) (d) is deemed to have been established in respect of the area concerned, subject to the same conditions of service as those which applied in respect of him immediately before such commencement.

55 (2) Any person seconded to the service of a board in terms of subsection (1) (a) or (5) shall while so seconded in all respects remain subject to the laws governing his employment under the local government body or local authority concerned.

60 (3) A board shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution, and shall for those purposes be

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deemed to have been declared to be such an institution in terms of section 4 of that Act, as from the date on which it is or is deemed to have been established in terms of this Act.

(4) Notwithstanding anything to the contrary contained in any law or in the rules governing any municipal pension fund, but subject to the provisions of subsection (18)—

(a) every person appointed in a permanent capacity in the service of a board under subsection (1) (b), other than a person referred to in subsection (7), shall, as from the date of his appointment, become a member of and contribute to the pension fund established under the said Associated Institutions Pension Fund Act, 1963;

(b) any person—

(i) to whom paragraph (a) of this subsection or paragraph (a) of subsection (8) applies;

(ii) who before his appointment was employed by a local government body or a local authority or a board and who, while so employed, was a member of a municipal pension fund; and

(iii) who was so appointed without a break in the continuity of his employment or after such a break as the Director-General: Health and Welfare may in his case deem to be reasonable and necessary;

shall be deemed to have elected, in terms of the regulations in force under the said Act, to reckon the period of service recognized as pensionable service in terms of any law or rules governing the said municipal pension fund, as pensionable service for the purposes of the pension fund established under the said Act;

(c) there shall, in respect of any person so deemed to have so elected, be paid to the pension fund so established, out of the said municipal pension fund, an amount equal to the interest of the person concerned in the assets of the said municipal pension fund as calculated by the actuary of the said municipal pension fund in consultation with any other actuary designated for the purposes of this paragraph by the Minister of Health and Welfare or by any officer in the Department of Health and Welfare designated by the said Minister;

(d) if the amount of the interest calculated in terms of paragraph (c) is less than the amount which, in terms of the regulations in force under the said Act, is payable to the pension fund so established in respect of the pensionable service of such person referred to in paragraph (b), the deficit shall be paid to that pension fund out of the State Revenue Fund;

(e) there shall be added to any amount payable in terms of paragraph (c) or (d) interest at the rate of five per cent per annum, compounded annually on 31 March and calculated from the date on which the person concerned in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, becomes a member of and contributes to the pension fund so established, up to the date on which the said amount is paid to such fund in terms of paragraph (c) or (d): Provided that if the total amount payable in terms of paragraph (c) is not paid in one sum, the rate at which interest is payable on such portion of the said total amount as may be determined by the Minister of Health and Welfare or by an officer in the Department of Health and Welfare designated by the said Minister for such purpose, shall be six per cent per annum;

(f) there shall, in the case of any person to whom paragraph (b) applies and who is subsequently directly appointed in the service of any local authority, be added to the aggregate of the amounts which may in terms of the regulations under the said Act be paid in respect of such appointment—

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- (i) an amount equal to the interest calculated in terms of paragraph (c); and
- (ii) interest at the rate of five per cent per annum, compounded annually on 31 March, on the amount referred to in subparagraph (i), and calculated in respect of the period from the date on which such person, in accordance with paragraph (a) or in accordance with subsection (8) (a), as the case may be, became a member of and contributed to the pension fund so established, up to the date on which the said amount is paid to the municipal pension fund in question:

Provided that such aggregate shall be calculated in respect of the period from the date on which such person so became a member of and contributed to the pension fund so established, up to the date of such direct appointment;

- (g) any sick or vacation leave which stood to the credit of any person referred to in paragraph (c) on the day immediately before the date of his appointment in terms of subsection (1) (b), shall be deemed to be leave earned by him in the service of the board so appointing him;
- (h) the appointment under subsection (1) (b) of any person referred to in paragraph (a) of subsection (1) shall not affect his membership of any registered trade union, within the meaning of the Labour Relations Act, 1956 (Act No. 28 of 1956), of which he was a member immediately before such appointment.

(5) Whenever the area of jurisdiction of any local government body is included in the development board area of any board, such local government body shall second every person employed in the department or section of such body administering Black affairs, to the service of such board, with effect from the date on which such first-mentioned area is so included, and for such period, but not exceeding six months, as may be agreed upon between such body and such board.

(6) A board to whose service any person employed by a local government body is seconded in terms of subsection (5), shall, during the period for which such person is so seconded, offer employment to such person in any post established in terms of this Act with such board on such terms and conditions and at such remuneration as such board may, subject to the provisions of this section, determine, but which shall not be less favourable than any terms, conditions and remuneration applicable to him as a person employed by such local government body.

(7) Any person to whom employment has been offered in terms of subsection (6) and who elects in writing to accept such employment, shall on the expiry of the period for which he was in terms of subsection (5) seconded to the service of the board concerned, be appointed by such board under subsection (1) (b): Provided that—

- (a) every person so appointed shall, subject to the provisions of paragraph (b) of this proviso and of subsection (8), for pension purposes be deemed not to have been so appointed but to remain so seconded;
- (b) notwithstanding anything to the contrary contained in any law or rules governing the municipal pension fund of which such person is a member, such board shall, with effect from the date on which such person is so appointed, pay to the said fund every amount payable in respect of such person by the local government body concerned as long as such person is in terms of paragraph (a) deemed to remain so seconded;
- (c) paragraphs (g) and (h) of subsection (4) shall, with effect from the said date, *mutatis mutandis* apply to such person.



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(8) Every person referred to in subsection (7) shall be called upon by the board concerned to exercise an election, and may elect in writing, not later than six months after the date on which he is appointed by such board, to become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963, and thereupon—

(a) if he so elects, subsection (4) shall *mutatis mutandis* apply to him as if he were appointed to the service of such board under subsection (1) (b) with effect from the first day of the second month following upon the month in which he made such election;

(b) if he elects not to become such a member or fails to exercise such election within the said six months or such period as the Director-General: Health and Welfare or an officer of his Department designated by him for the purpose may in special circumstances approve, the proviso to subsection (7) shall continue to apply to him as long as he remains in the service of the board concerned.

(9) Every person to whom paragraph (a) of the proviso to subsection (7), or subsection (8) (b), applies, shall, if at any time as long as that paragraph or that subsection applies to him, he resigns from the service of the board concerned and is appointed directly in the service of any other board, without a break in the continuity of his employment or after such a break as the Director-General: Health and Welfare may deem reasonable and necessary, for pension purposes be deemed to have resigned from the service of the local government body from whose service he is, in terms of paragraph (a) of the proviso to subsection (7), deemed to remain seconded, and subsection (4) shall *mutatis mutandis* apply to him with effect from the date on which he is so appointed.

(10) (a) Any person to whom employment has been offered in terms of subsection (6) and who elects in writing not to accept such employment, shall be dealt with by the local government body concerned in terms of the provisions governing his conditions of service, remuneration and pension rights: Provided that notwithstanding anything contained in such provisions, if the Minister, after consultation with such local government body, is of the opinion that any person's election not to accept such employment or appropriate alternative employment without reduction in remuneration offered to him by such local government body, is unreasonable, such person shall be deemed to have resigned from the service of such local government body in terms of such provisions: Provided further that if such local government body so incurs expenditure which it would not have incurred had this Act not been passed, the board concerned shall pay over to such local government body the amount of such expenditure.

(b) The decision of the Minister under paragraph (a) shall be final.

(11) If the post of any person who by virtue of an offer made to him in terms of subsection (6), accepted employment with and entered into the service of any board, is thereafter declared redundant by such board—

(a) it shall give to such person notice of such redundancy, expiring after six months or after such shorter period as may be agreed upon between such person and that board; and

(b) such person shall at the expiry of such notice be retired by that board, and thereupon—

(i) if he has in terms of subsection (8) become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963, he shall, for the purposes of the regulations governing

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5 such pension fund and subject to the provisions of  
subsection (12), be deemed to have been so retired  
on attaining the retirement age as defined in the  
said regulations: Provided that in determining any  
benefit payable to him in terms of the said regu-  
lations, there shall be added to his pensionable ser-  
vice the period by which his said retirement age  
exceeds his age at the date on which he is so re-  
tired, or a period of five years, whichever is the  
shorter period;

10 (ii) if he has not thus become such member, he shall  
be deemed to have been retired by the local gov-  
ernment body concerned by reason of redundancy,  
and the provisions of subsection (14) shall then ap-  
ply to him.

15 (12) For the purposes of subsection (11) (b) (i), the pension  
fund referred to in that subsection shall, with due regard to the  
provisions of that subsection, pay any benefit calculated in terms  
of the regulations governing such pension fund, and recover  
20 from the board concerned—

(a) the full amount of any payment made in respect of any  
annuity so payable up to the last day of the month in  
which the person concerned attains the retirement age  
as defined in the said regulations;

25 (b) with effect from the first day of the month following  
upon the month referred to in paragraph (a), the  
amount by which every payment in respect of such an-  
nuity is increased by reason of the period which is  
added in terms of subsection (11) (b) (i) to the pension-  
able service of such person;

30 (c) the amount by which any gratuity so calculated is in-  
creased by reason of the period so added to the pen-  
sionable service of such person;

35 (d) in the event of the death of such person, the amount by  
which any benefit in favour of the widow, any eligible  
child or any dependant of such person is increased by  
reason of the period so added to his pensionable ser-  
vice.

(13) Where—

40 (a) any person in the service of a board is placed at the dis-  
posal of a community council for the performance of its  
functions as contemplated in section 6 (1) (b) of the  
Community Councils Act, 1977 (Act No. 125 of 1977),  
or of a local authority for the performance of its func-  
45 tions as contemplated in section 35 (1) of the Black  
Local Authorities Act, 1982 (Act No. 102 of 1982);

(b) the post of such person is subsequent to such placing at  
disposal by resolution of such board declared to be re-  
dundant; and

50 (c) such person cannot be suitably retained in the service  
of the development board concerned—

(i) such board shall give to such person notice of such re-  
dundancy expiring after six months or after such short-  
er period as may be agreed upon between such person  
55 and the board; and

(ii) such person shall at the expiry of such notice be re-  
tired by that board and thereupon such person, if at the  
time of such placing at disposal he was a member of a  
pension fund established under the Associated Institu-  
tions Pension Fund Act, 1963, shall for the purposes of  
60 the regulations governing such pension fund and sub-  
ject to the provisions of subsection (12) be deemed to  
have been so retired on attaining the retirement age as  
defined in the said regulations: Provided that in deter-

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5 mining any benefit payable to him in terms of the said regulations, there shall be added to his pensionable service the period by which his said retirement age exceeds his age at the date on which he is so retired, or a period of five years, whichever is the shorter period.

10 (14) (a) The municipal pension fund concerned shall pay to any person referred to in subsection (11) (b) (ii) the benefit concerned, prescribed by or under the law or rules governing such pension fund: Provided that in determining any such benefit there shall be added to his pensionable service the period by which his retirement age exceeds his age at the date on which he is retired, or a period of five years, whichever is the shorter period.

15 (b) The said municipal pension fund shall recover from the board concerned—

20 (i) where such benefit is or includes any annuity, the full amount of each payment in respect of such annuity, with effect from the date of such person's retirement up to the date on which he attains the age at which he is required in terms of such law or rules to retire from the service of the local government body or local authority concerned, or to the date of his death, whichever date is the earlier;

25 (ii) where any annuity referred to in subparagraph (i) remains payable, in terms of such law or rules, after the date on which such person is so required to retire, the amount (if any) by which every payment in respect of such annuity exceeds the amount which would have been payable in terms of such law or rules had such person, on the date on which he actually retired, attained the age at which he is so required to retire;

30 (iii) where such benefit is or includes any gratuity; the full amount of such gratuity or any portion thereof as determined by an actuary, designated by such municipal pension fund, at the expense of such board, due regard being had to the ratio which such person's period of service with such local government body or local authority bears to his period of service with such board.

40 (c) No amount which in terms of such law or rules may be recovered by a municipal pension fund from a local government body or local authority shall, in any case to which this subsection applies, be recoverable in respect of the retirement of any person on the ground of redundancy.

45 (15) A board shall in relation to its development board area for the purposes of the Labour Relations Act, 1956 (Act No. 28 of 1956), be deemed to be a local authority within the meaning of that Act.

(16) (a) Subject to the provisions of paragraph (b), each board shall appoint one person as Chief Director, who shall be the chief executive officer of that board.

55 (b) No person shall be appointed as Chief Director of a board or to such other post or posts under a board as the Minister may at any time designate, whether generally or with reference to a particular board, unless the Minister has approved the appointment in writing.

60 (17) For the purposes of this section "municipal pension fund" means any superannuation, pension or provident fund or scheme (other than an assurance scheme), established by or in terms of any law for the benefit of the employees of a local government body or local authority or of more than one such body or authority.

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(18) Where in any province there exists a medical aid fund or medical aid scheme for employees and retired employees, and their dependants, of local government bodies in that province, the Minister may, after consultation with the Administrator of that province, by notice in the *Gazette* designate such fund or scheme as a fund or scheme also for employees and retired employees, and their dependants, of any board which is specified in such notice and the development board area of which falls wholly or partly within that province, and thereupon any board so specified shall, for the purposes of such fund or scheme and any law in terms of which it has been established or has been approved for any purpose, and notwithstanding anything to the contrary in such law contained, be deemed to be and at all relevant times to have been a local government body as contemplated in such law.

(19) The provisions of paragraphs (b), (c), (d), (e), (f) and (g) of subsection (4) shall not apply in respect of any person appointed under subsection (1) or the corresponding provision of the Black Affairs Administration Act, 1971, as from any date after 31 December 1977.

16. The object of boards shall be to promote the viability, development and autonomy of Black communities and certain of their institutions, to promote the welfare of those communities and of Black persons, to take steps to prevent the economic and social decline of those communities and persons and, if necessary, to take steps to rehabilitate those communities and persons.

Object of boards.

17. In order to attain the object mentioned in section 16, boards shall have certain local government, housing, development and agency functions, in accordance with the provisions contained in Chapters III, IV and V, respectively.

Boards to have certain local government, housing, development and agency functions.

18. (1) Whenever a board has been established or is deemed to have been established, any assets (including land) or rights acquired and any liabilities or obligations incurred in relation to any matter in respect of which any powers may be exercised, any functions may be performed or any duties shall be carried out in terms of this Act by that board—

Assets and liabilities of board.

(a) before the date with effect from which that board has been established, by a local government body whose area of jurisdiction or any portion of which is by the relevant notice under section 3 (1) (a) included in that board's development board area;

(b) before the date on which a notice under section 51 (1) (b) (v) comes into force, by a local government body specified in such notice whose area of jurisdiction or any portion of which is by such notice included in that board's development board area,

shall, save as may be otherwise determined by the Minister, and subject to such conditions, including conditions relating to the payment of compensation (if any) as may be so determined, and to any conditions which may be mutually agreed upon between the local government body concerned and that board, be deemed to have been acquired or incurred by that board.

(2) Whenever a board has been established, any assets (including any land) or rights which in the opinion of the Minister have been acquired and any liabilities or obligations which in his opinion have been incurred by the Government, in that board's development board area, in relation to any matter in respect of which any powers may be exercised, functions may be performed or duties shall be exercised in terms of this Act by that board—

(a) before the date with effect from which that board has been established;



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(b) before the date on which a notice under section 51 (1) (b) (v) comes into force in respect of a local government body specified in such notice whose area of jurisdiction or any portion of which is by such notice included in that board's administration area;

shall, save as may be otherwise determined by the Minister in consultation with the Minister of Finance, and subject to such conditions as may be so determined, be deemed to have been acquired or incurred by that board, and any amount paid by the Minister before any such date in relation to any such matter shall, subject to such conditions as the Minister of Finance may determine, be repaid by that board to the Minister for the benefit of the State Revenue Fund.

(3) Any question as to whether, in terms of subsection (1), any assets, rights, liabilities or obligations have been acquired or incurred in relation to any matter in respect of which any powers may be exercised, any functions may be performed or any duties shall be carried out in terms of this Act by a board, shall be determined by agreement between the Minister and the body by which those assets, rights, liabilities or obligations were acquired or incurred or, failing such agreement, by the Auditor-General.

(4) Any asset, right, liability or obligation vested in an administration board immediately before the commencement of this Act, shall be vested in the board referred to in section 3 (1) (d).

19. (1) The general funds of a board shall consist—

Funds of board.

(a) to such extent and subject to such conditions as the Minister may determine—

(i) of any moneys standing, immediately before the date on which a notice under section 3 (1) (a) comes into force, to the credit of any Black revenue account kept in terms of any law specified in such notice by a local government body so specified, the whole or any portion of whose area of jurisdiction has by such notice been included in that board's development board area, or of any other account kept in terms of any other law by such local government body in relation to any matter in respect of which any powers may be exercised or any functions may be performed in terms of this Act by that board;

(ii) of any moneys which, had this Act not been passed, would have been paid into any account referred to in subparagraph (i);

(iii) of any moneys which may be granted, bequeathed or donated to any local government body for the benefit of the Blacks in the area of jurisdiction of such local government body;

(iv) of any moneys so granted, bequeathed or donated to any such local government body prior to the date on which a notice referred to in subparagraph (i) comes into force and standing to the credit of any such local government body immediately prior to such date;

(b) of moneys derived from the sale or lease of land or premises by the board;

(c) of any amounts which may become payable to it under this Act or any regulation in force in its development board area;

(d) of moneys obtained by it, with the approval of the Minister and subject to such conditions as he may determine, by means of a bank overdraft from a commercial bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);

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- (e) of any moneys paid to it under section 38sex of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);
- 5 (f) of any loans (other than loans contemplated in paragraph (d)) obtained by it with the approval of the Minister granted in consultation with the Minister of Finance;
- (g) of any amounts obtained from any other source.

(2) No determination shall be made by the Minister under subsection (1) (a) except after consultation with the local government body concerned.

(3) The moneys referred to in subsection (1) (a) (iii) or (iv) shall be applied by the board concerned for the purposes and subject to the conditions, if any, specified in the relevant grant, bequest or donation.

15 (4) The proceeds of any loan obtained under subsection (1) (f) for any specified purpose shall be paid into a separate account and devoted exclusively to that purpose.

(5) A board shall cause a full and correct account to be kept of all amounts received or expended by it.

(6) Any moneys in the possession of a board which are not required for immediate use, may, subject to the provisions of subsection (7), be invested by it with the Public Debt Commissioners or in such other manner as may be approved, and subject to such conditions as may be determined, by the Minister in consultation with the Minister of Finance.

(7) A board shall from time to time pay to the South African Development Trust established by the Development Trust and Land Act, 1936 (Act No. 18 of 1936), such amounts from funds standing to its credit as may in each case be approved by the Minister.

20. (1) The Chief Director of a board, referred to in section 15 (16), shall be the accounting officer of such board for the purposes of this Act and as such shall be charged with the responsibility of accounting for all moneys received by the board and all payments made by the board.

Administration of board's finances.

(2) Save where a board is otherwise required under sections 29 and 31, read with the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), no expenditure shall be incurred by a board otherwise than in accordance with estimates of revenue and expenditure approved by the Minister.

(3) The provisions of sections 39 (2), 40, 42, 45, 46, 47 and 48 of the Black Local Authorities Act, 1982, shall *mutatis mutandis* apply in respect of a board and its finances, and in such application any reference in those provisions to that Act or any provision thereof, other than a provision mentioned in this subsection, shall be construed as a reference to this Act or the corresponding provision thereof, as the case may be.

21. The books and statements of account and balance sheet of a board shall be audited by the Auditor-General.

Auditing of accounts.

22. Rates may be levied upon any land which is situated within a town and which is owned by a board, irrespective of whether such land has been made available to any person, including a local authority, by way of a right of leasehold or any other occupational right.

Rateability of land owned by board.

23. (1) (a) If a board fails to perform any act which in terms of this Act it is empowered or required to perform, or performs any such act in such a manner that, in the opinion of the Minister, effect is not given to the objects of this Act, the Minister shall, in addition to any other powers specifically conferred upon him in terms

General powers of Minister with respect to board.

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of this Act, have power to require such board by written notice, to perform such act in accordance with the directions of the Minister set forth in such notice, within a period specified in such notice.

5 (b) If such board fails to comply with such notice to the satisfaction of the Minister he may, after written notice to the board, perform such act and do all such things as may be necessary to give effect to such notice, and shall  
10 for that purpose have all the rights and powers which the board may have in connection with the performance of such act.

(2) The provisions of section 26 (2) shall *mutatis mutandis* apply in respect of any expenditure incurred by the Minister in the exercise of his powers under subsection (1).

15 (3) (a) The Minister may at any time, notwithstanding the provisions of subsection (1), by notice in writing to a board, require such board to submit to him within a period stated in such notice, a report on any aspect relating to the administration of this Act by such board or  
20 by any committee or officer thereof, and may in addition require such board to submit to him within a period stated in such or any subsequent notice, copies of any resolutions taken or which may thereafter be taken by such board or committee on any matter relating to such administration as may be stated in such notice.

25 (b) When a board or a committee thereof is required by notice under paragraph (a) to submit copies of resolutions to the Minister, no resolution of a class stated in  
30 any such notice shall, unless the Minister otherwise directs, be implemented or be further implemented or be further acted upon by such board or by any committee or any officer thereof, until such resolution has been approved by the Minister.

35 24. Any local government body or local authority may recover from any board any expenditure incurred by such local government body or local authority in connection with any matter within the purview of such board which in the opinion of the Minister would not have been incurred if this Act had not been  
40 passed.

Recovery by local government body or local authority of certain expenditure.

25. For the purposes of the Limitation of Legal Proceedings (Provincial and Local Authorities) Act, 1970 (Act No. 94 of 1970), a board shall be deemed to be a "local authority" as defined in section 1 of the said Act.

Application of Act 94 of 1970 to boards.

45 26. (1) If a local government body neglects to perform any act which by or under the provisions of this Act it is empowered or required to perform in relation to a board, or performs any such act in such a manner that, in the opinion of such board, the purpose for which such act is so empowered or required is not  
50 achieved, such board shall report accordingly to the Minister, who may, after consultation with the Administrator concerned, and subject to such conditions as the Minister may determine, require such local government body, by written notice given through the intervention of such Administrator, to perform such  
55 act, or to perform such act in accordance with the directions set forth in such notice, within a period to be specified in such notice, and if such local government body fails to comply with such notice to the satisfaction of the Minister, he may, after consultation with such Administrator and after written notice to such  
60 local government body, direct such board to perform such act

Powers of Minister with respect to local government body.

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and do all such things as may be necessary to give effect to such notice, and such board shall for that purpose have all the rights and powers which such local government body has in connection with the performance of such act.

5 (2) If such local government body should without good and sufficient reason fail within the period fixed in any notice given under subsection (1), or within any extension of that period granted by the Minister after consultation with such Administrator, to comply with any requirement specified in that notice,  
10 such board may, with the approval of the Minister and after written notice to such local government body, recover the costs incurred by such board in connection with the performance of any act or the doing of anything in accordance with a direction of the Minister given under subsection (1)—

15 (a) by action in a competent court against such local government body; or  
(b) by levying a special rate upon all rateable property within the area under the jurisdiction of such local government body; or

20 (c) by obtaining payment from the competent authority by way of deduction from any subsidy, grant or other moneys payable out of the State Revenue Fund or payable by such Administrator to such local government body,

25 or by all three or any two of such methods of recovery, and a certificate by such board as to the amount of such costs shall be *prima facie* proof of that amount.

27. (1) Whenever a board has no development board area, its former area having been included either in whole or in part in  
30 the area of another board or boards under section 3 (3); or whenever a board's area has by notice under that section ceased either in whole or in part to be a development board area, or has been included either in whole or in part within a scheduled Black area as defined in the Development Trust and Land Act,  
35 1936 (Act No. 18 of 1936), the Minister may by notice in the *Gazette* declare the first-mentioned board to be abolished with effect from a date to be specified in the notice.

Dissolution or abolition of board.

(2) The Minister may by notice in the *Gazette* dissolve any or all boards with effect from a date to be specified in such notice.

40 (3) When a board is abolished or dissolved in terms of subsection (1) or (2)—

(a) any member or alternate member of such a board shall vacate his office with effect from the date of such abolition or dissolution as specified in the notice issued  
45 under subsection (1) or (2);

(b) all the assets, rights, liabilities and obligations of that board shall devolve as the Minister may determine in such notice, and any reference in any law or document to such board in so far as it is connected with such asset, right, liability or obligation shall be construed as  
50 may be directed in that notice;

(c) the registrar of deeds concerned shall cause all such endorsements and entries to be made in his registers and on the title deeds of any land which was owned by any board so dissolved or abolished as may be necessary to  
55 give effect to the provisions of this section.

28. (1) If the Minister is of the opinion that the finances of a board have become unsound, he may direct such board to take such steps for restoring the position as the Minister may in his  
60 discretion direct.

Powers of Minister where finances of board become unsound.

(2) If the board fails to take the steps in accordance with the Minister's direction within a period determined by him, the Min-



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ister may by notice in the *Gazette* and with effect from a date determined in the notice dissolve the board.

(3) The Minister may, if he dissolves the board, in his discretion—

- 5 (a) reconstitute the board; or
- (b) defer the reconstitution of the board and, in the notice by which he has so dissolved the board or by any subsequent notice in the *Gazette*, appoint one or more persons, on such conditions as he may think fit, to manage the affairs of the board during his pleasure.
- 10 (4) The person or persons managing the affairs of the board by virtue of an appointment under subsection (3), shall have all the powers, functions, duties, rights and obligations of the board as if he or they were the board, but shall in the exercise, performance or carrying out thereof act in accordance with the instructions, if any, of the Minister.
- 15

## CHAPTER III

## LOCAL GOVERNMENT FUNCTION OF BOARD

20 29. (1) A board shall subject to the provisions of subsection (2), in respect of a local authority area situated within its development board area—

- 25 (a) in the case of a board deemed to have been established in terms of section 3 (1) (d) in respect of that development board area, be vested and charged with all the rights, powers, functions, duties and obligations with which the administration board concerned had been vested or charged immediately before the commencement of this Act;
- 30 (b) in the case of a board established under section 3 (1), be vested and charged with all the rights, powers, functions, duties and obligations with which an administration board would have been vested and charged in terms of section 11 (1) (e) (i) (aa), (bb) or (cc) of the Black Affairs Administration Act, 1971, (Act No. 45 of 1971), if that Act had remained in force;
- 35 (c) in the case of a board referred to in paragraph (a) or (b), be vested and charged with all the rights, powers, functions, duties and obligations which the Minister may from time to time by notice in the *Gazette* determine in respect of boards generally or in respect of that particular board.
- 40

Rights, powers, functions, duties and obligations of board in respect of local authority areas situated within its development board area.

45 (2) If a local authority is in terms of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or this Act, except by virtue of a delegation in terms of subsection (3), vested or charged with a right, power, function, duty or obligation the board within whose development board area that authority is situated shall be divested or relieved of such right, power, function, duty or obligation.

(3) When a board acts in terms of this section—

- 50 (a) the board shall as far as is practicable act in consultation with the local authority concerned;
- (b) the board may in its discretion delegate to such local authority any of the rights, powers, functions, duties or obligations contemplated in subsection (1) and may when so delegating give such directions or impose such conditions as it may consider appropriate;
- 55 (c) the board may at any time withdraw any such delegation contemplated in paragraph (b);
- (d) the board shall apply the provisions of the Black Local Authorities Act, 1982, *mutatis mutandis*, except that—
- 60 (i) it shall follow such procedure as may have been prescribed for boards and not the procedure which may have been prescribed for a local authority;

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(ii) it shall not have the power to make by-laws as contemplated in section 27 of that Act, but any matter which may otherwise be regulated by by-law, shall at the request of the board be regulated by the Minister by notice published in the *Gazette*.

(4) A board shall in respect of the different areas in which it acts in terms of this section, keep separate funds and accounts.

(5) Any expenditure incurred by a board in the application of the provisions of this section in respect of a particular local authority area, shall be defrayed from moneys accruing to that board as a result of the carrying out, performance or exercise of the duties, functions and powers referred to in this section in respect of that local authority area.

30. (1) A board shall have power to act within its development board area on behalf of a local authority in respect of any of the rights, powers, functions, duties or obligations of a local authority referred to in the Black Local Authorities Act, 1982 (Act No. 102 of 1982), in terms of an agreement entered into by the board and the local authority concerned and approved by the Minister and on such terms and conditions as may be specified in such agreement.

Board acting as agent for local authority.

(2) If by virtue of an agreement in terms of subsection (1), the board assigns any staff of the board to the local authority, the remuneration payable by the local authority to the board in respect of such staff shall be the total cost to the board of employing such staff.

31. (1) A board shall in respect of every town in its development board area but outside a local authority area be vested and charged with—

Board may act as town council in respect of towns outside local authority areas.

(a) all the rights, powers, functions, duties and obligations of a town council in terms of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);

(b) the additional rights, powers, functions, duties and obligations which the Minister may from time to time determine in terms of section 24 (2) of the said Act in respect of town councils generally;

(c) such other rights, powers, functions, duties and obligations as are expressly provided for in this Act.

(2) When acting as a town council as contemplated in subsection (1) a board—

(a) shall act, in so far as practicable, in consultation with any local committee established in such area in terms of section 5 of the Black Local Authorities Act, 1982;

(b) shall apply the provisions of the Black Local Authorities Act, 1982, save in so far as such provisions are inconsistent with this Act;

(c) shall have no power to make any by-laws, but any matter otherwise to be regulated by by-laws, shall be regulated by the Minister at the request of the board by notice published in the *Gazette*.

32. (1) A board shall appoint or designate an officer in its service to manage—

Management of towns and hostels.

(a) any hostel or any town or portion of a town in which it performs some or all of the functions of a local authority;

(b) any housing or other accommodation owned by it in a town,

and may appoint or designate any other officer as the deputy or assistant to such officer.

(2) The officer referred to in subsection (1) shall manage the town, hostel, housing or other accommodation in terms of this Act and shall act in accordance with such instructions as he may from time to time receive from the board.

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## CHAPTER IV

## HOUSING AND DEVELOPMENT FUNCTION OF BOARD

33. The Minister may at the request of a board designate an area situated outside a local authority area but within the development board area, as a development area on which a town or hostel may be established or on which certain undertakings or projects referred to in section 36 (1) (e) may be promoted by the board.

Development areas.

34. (1) A board may with the approval of the Minister acquire such land situated within or outside its development board area as it may consider necessary for the achievement of its objects, either by agreement with the owner of such land or, in the absence of such agreement, by expropriation, subject to the provisions of this section and subject to an obligation to pay compensation.

Particular provisions relating to acquisition or use of land by board.

(2) If a board wishes to acquire land and such land is portion of a farm and such acquisition would in the opinion of the Minister of Agriculture unduly interfere with the full and beneficial occupation of the remainder of the farm, the board shall not be entitled to expropriate such land unless it expropriates such portion of that remainder as is in the opinion of the said Minister reasonable in the circumstances of the case.

(3) If any Black residing on land of which he is the owner or in which he holds any interest is required under the provisions of this Act to reside elsewhere than on such land, the board in question shall at his request acquire such land at a price which shall, in the absence of an agreement, be determined as if such land had been expropriated in terms of subsection (1).

(4) (a) The provisions of sections 6 to 23, inclusive, of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of the expropriation of any land under subsection (1) (a).

(b) In the application of sections 6 to 23 of the said Act in terms of paragraph (a) of this subsection—

(i) any reference in those sections to "Minister" and "State" shall be construed as a reference to the board in question; and

(ii) any reference in the said sections to "section 2" shall be construed as a reference to subsection (1) of this section.

(5) For the purposes of the exercise of the powers referred to in subsection (1), a board shall in the application of the Housing Act, 1966 (Act No. 4 of 1966), be deemed to be a local authority and shall exercise such powers in accordance with the relevant provisions of any law governing such authority.

(6) When a board under the provisions of subsection (1)—

(a) acquires land outside its development board area, but within the area of a local government body, the Minister, with the concurrence of the Administrator concerned and subject to such conditions as the Administrator may determine, may declare by notice in the *Gazette* that such land shall, from such acquisition, cease to be within the area of jurisdiction of the local government body within whose area of jurisdiction it was situated prior to such acquisition and shall fall in all respects under the authority of the board which has acquired it;

(b) acquires land outside its development board area and not within the area under the authority of a local government body, such land shall, from the date of such acquisition, fall in all respects under the jurisdiction of such board.

(7) On the establishment of a local authority in the development board area of a board, the said board shall—

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- (a) at the request of such local authority and with the approval of the Minister but subject to such conditions as may be mutually agreed upon, transfer to the said local authority—
- 5 (i) the public places belonging to the board and situated within the local authority area;
- (ii) such other land which such local authority considers necessary for the exercise of its powers and the performance of its functions under the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- 10 (b) transfer all other land owned by it in the local authority area, to the State.

(8) The registrar concerned shall upon production to him of the title deed of any land acquired by or which vests in the State, a board or a local authority under this Act, endorse that title deed, without any duty, fee or charge being paid, to the effect that the land therein described is vested in the State or the board or local authority concerned and shall make the necessary entries in his registers, and thereupon the said title deed shall for all purposes be regarded as the title deed of the State or the board or local authority concerned in respect of the land in question.

- (9) All land within a local authority area which vests in the State shall be subject to the control of the Minister, who may—
- 25 (a) make any such land available, subject to such conditions as he may determine, to a board or a local authority for the exercise of its powers under a provision of this Act or any other law;
- (b) make any such land available subject to such conditions as he may determine, to a township developer for the development of a town; or
- 30 (c) at any time withdraw any land thus made available or otherwise deal with such land as he may deem fit in order to further the interests of urbanized Black communities.
- 35

35. (1) A board may with the approval of the Minister and subject to such conditions as he may determine—
- Establishment of towns and hostels.
- (a) set apart and develop any land within its development area for occupation by or for the industrial or business purposes of Black persons;
- 40 (b) set apart any land so situated for the said purposes and add such land to land referred to in paragraph (a);
- (c) set apart and develop any land owned by it or rendered available to it under section 34 (9) (a), subject to the conditions applying to such rendering available, as land on which buildings may be erected either by the board itself, a local authority, an employer, or any other body authorized thereto by the Minister, for the accommodation of Blacks who are either unmarried or are not accompanied by their families.
- 45
- 50

(2) The Minister shall by notice in the *Gazette* define the land referred to in subsection (1) (a), (b) or (c), and the production of the *Gazette* concerned shall in any legal proceedings be deemed to be *prima facie* proof that the land mentioned therein has been duly defined and set apart as a town or as a hostel, as the case may be.

- (3) (a) The laws in force in the province concerned relating to the establishment of townships shall not apply in respect of the land referred to in subsection (1) (a) or (b).
- 60 (b) A general plan, not being a general plan as defined in section 1, or portion of such a general plan of a town or portion of a town situated on land referred to in subsection (1) (a) or (b) and registered in terms of the



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5 Land Survey Act, 1927 (Act No. 9 of 1927), in the  
office of the Surveyor-General or in terms of the Deeds  
Registries Act, 1937 (Act No. 47 of 1937), in a deeds  
registry shall, notwithstanding anything to the contrary  
10 in any other law; at the request of the Minister and  
after consultation with the Administrator, be cancelled,  
either in whole or in part; by the Surveyor-General or  
Registrar of Deeds concerned: Provided that such can-  
cellation shall only be effected if the board has ac-  
quired all the erven and all the public spaces reflected  
on such plan or portion of a plan.

(4) Any area defined and set apart under the provisions of sec-  
tion 2 (1) (c) of the Blacks (Urban Areas) Consolidation Act,  
1945 (Act No. 25 of 1945), and situated in the administration  
15 area as defined in the Black Affairs Administration Act, 1971  
(Act No. 45 of 1971), of an administration board as so defined,  
which administration area is under section 3 deemed to have  
been established as the development board area of a board, shall  
be deemed to have been set apart under subsection (1) (a), (b)  
20 or (c), respectively.

(5) A proclamation, regulation, notice, direction, approval,  
authority, prohibition, requirement, return, licence, permit, cer-  
tificate or document issued, renewed, promulgated, made, given  
or granted and any other action taken—

25 (a) in respect of any town or hostel, shall also apply with  
reference to any extension of such town or hostel, as  
the case may be;

(b) in respect of any person, premises or area within any  
such town or hostel and in force immediately prior to  
30 the commencement of this Act, shall, subject to the  
provisions of subsection (6), continue to apply and re-  
main in force in respect of any such person, premises or  
area.

(6) Any regulation referred to in subsection (5) made by a  
35 local government body shall, notwithstanding anything to the  
contrary in any law, be deemed to have been made by the Minis-  
ter under this Act.

36. (1) A board may, subject to sections 23 (2) and 24 (3) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982),  
40 with the approval of the Minister and subject to such conditions  
as he may determine or which may be prescribed and, in the  
case of land referred to in section 34 (9), subject to the con-  
ditions mentioned in that section—

(a) develop a town or any particular portion thereof in  
45 accordance with a lay-out plan approved by the Minis-  
ter, or a town planning scheme, or carry out a scheme  
as defined in section 1 of the Housing Act, 1966 (Act  
No. 4 of 1966), in the area concerned, construct build-  
ings thereon, provide services and amenities, build  
50 streets and render other public places available;

(b) borrow or take up money against security of the  
board's or local authority's assets or otherwise;

(c) permit or authorize persons, employers, associations or  
township developers to acquire an interest in land in a  
55 development area for the construction thereon of  
dwellings or buildings or for the development of such  
land for purposes approved by the board;

(d) sell, let, hypothecate or otherwise dispose of or encum-  
60 ber any land belonging to it, or exchange it for other  
land or donate it for any purpose or deal therewith in  
such other manner as the board may deem fit;

(e) within its development board area initiate, plan, estab-  
65 lish, carry out and co-ordinate undertakings and pro-  
jects directed at the promotion of the interests and the  
development and upliftment of Black communities or  
any particular section thereof, in the economic, social  
or cultural spheres or self-government at local gov-

Board may develop  
town or hostel.

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5 emment level, including the training of the staff of any local authority, or render financial or other assistance in connection therewith, and co-operate with any local government body or any regional welfare board or welfare organization referred to in the National Welfare Act, 1978 (Act No. 100 of 1978), in connection with such undertakings and projects;

10 (f) dispose of the right of occupation of a dwelling or other building or of premises in a town or hostel whether by way of a right of leasehold or otherwise;

(g) advance money or supply material on credit for the construction of dwellings or other buildings.

(2) A board or a local authority shall not without the written authority of the Minister approve any building plan for the erection or alteration of or addition to any building which would be in conflict with any provision of an approved lay-out plan, town planning scheme or other scheme referred to in paragraph (a) of subsection (1).

37. (1) The Minister may, subject to the provisions of subsection (2), of his own initiative or at the request of a board or a local authority, as the case may be —

Alteration or disestablishment of towns and hostels.

25 (a) whenever it appears to him that the conditions under which persons are living in a town or hostel or any portion thereof are such that unless such town or hostel or portion thereof is altered or disestablished, the health or safety of the public generally or of any group of persons may be endangered; or

30 (b) whenever it appears to him that the alteration or disestablishment of any such town or hostel or portion thereof is desirable having regard to any town or regional planning undertaken under or in furtherance of the objects of this Act or any other law,

35 after consultation with any board or local authority which in his opinion may be affected thereby, by notice in writing direct or authorize the board or local authority concerned to take such steps as may be mentioned in that notice for the amendment or disestablishment of such town or hostel or portion thereof subject to such conditions as to compensation (if any), arrangements relating to housing and the closing of public places as may

40 be directed by him in such notice.

(2) Whenever a town or hostel or portion thereof has been amended or disestablished under subsection (1) the Minister shall publish a notice to that effect in the *Gazette*, and the *Gazette* containing such notice shall in any legal proceedings be

45 deemed to be *prima facie* proof that the land referred to therein is no longer an area or a piece of land defined and set apart as a town or hostel.

38. (1) If a board or a local authority has received the direction or authorization of the Minister under section 37 (1) to alter or

50 disestablish any town or hostel or portion thereof, any person who is proved to the satisfaction of a commissioner, by means of affidavits placed before him, to have entered or to have been, on or after a date fixed by the Minister by notice in the *Gazette*, and without the permission in writing of the board or local authority,

55 within such town or hostel or portion thereof, may, on the application of such board or local authority, as the case may be, or of the Director-General, and under a warrant issued by such commissioner and addressed to a member of the South African Police, be removed, with his personal effects, from such town or

60 hostel or portion thereof to any other place whether within or outside the development board area of such board, where in the opinion of the Director-General adequate accommodation is available, and the Director-General may cause steps to be taken

Procedure on alteration or disestablishment of towns or hostels.

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for the demolition of any building or structure erected on or after the said date in such town or hostel by such person.

(2) Any such board or local authority may until the date mentioned in subsection (1), prohibit, or permit but subject to such conditions as it may impose, the construction or alteration of any building or structure in such town or hostel.

(3) (a) Whenever any town or hostel or portion thereof has been amended or disestablished in terms of section 37 (1), and a notice to that effect has been published in terms of section 37 (2), any person who thereafter without the written permission of the board or local authority concerned, enters or is on the land referred to in such notice, shall be guilty of an offence.

(b) The court convicting any person of a contravention of this subsection may in addition to imposing any penalty provided for by this Act, on the application of such board or local authority, as the case may be, or the Director-General, order a member of the South African Police to remove such person and his personal effects to the place referred to in subsection (1).

(4) Unless the Minister otherwise directs, no compensation shall be payable in respect of any building or structure or improvement thereto—

(a) erected or made in contravention of any prohibition or condition referred to in subsection (2);

(b) erected or made on or after the date referred to in subsection (1);

(c) demolished under subsection (1);

(d) erected or made by a resident of a town or hostel who, by agreement with the board or local authority concerned, has waived any claim to compensation he would have in respect of any building, structure or improvement by reason of the amendment or disestablishment in terms of section 37 (1) of such town or hostel.

39. (1) If an Administrator in the performance of the functions assigned to him by the Health Act, 1977 (Act No. 63 of 1977), has assumed the administration and control of any town or hostel, the State President may by proclamation in the *Gazette* declare that, from a date specified therein, all functions performed by the Administrator shall be performed by the Minister, who, for that purpose, shall have all the powers conferred upon the Administrator by that Act.

Powers to control towns and hostels in certain circumstances.

(2) The State President may by proclamation in the *Gazette* again vest in the board or the local authority concerned the administration and control of a town or hostel vested in the Minister under this section, as from a date and subject to such conditions as may be specified in such proclamation.

(3) Any expenditure reasonably incurred by the Minister under this section which is in excess of revenue derived from the performance of the functions vested in him by subsection (1) may be recovered by the Minister—

(a) by action in a competent court against the board or local authority concerned;

(b) by levying a special rate upon property within the development board area of that board;

(c) by deduction from any subsidy, grant or other money payable out of the State Revenue Fund to that board or local authority; or

(d) by any combination of such methods for recovery,

and a certificate signed by the Minister shall be *prima facie* evidence of the amount due by the board or local authority under this section.

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40. (1) Notwithstanding anything to the contrary in this Act contained, but subject to the provisions of subsections (2), (3) and (4), any person classified under the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Cape Coloured, Malay, Griqua or Other Coloured Group (hereinafter referred to as a coloured person) who was ordinarily resident in a town at the commencement of this Act, and his descendants, may reside in such town or, in the event of its disestablishment, in any town established in place thereof, and as long as they continue so to reside, may lease premises for their own occupation therein.

Residence of  
coloured persons in  
towns.

(2) Any coloured person who in terms of subsection (1) may reside or is permitted to reside in any town shall, while he so resides, be subject to any law which may apply in respect of such town.

(3) If the Minister is satisfied after consultation with the Minister of Community Development and the local management of a town, that in any area outside the town adequate and suitable accommodation or land together with the necessary water, sanitary and other services is available for coloured persons residing in that town, he may by notice in the *Gazette* declare that as from a date specified in the notice the provisions of subsection (1) shall cease to operate in respect of such town in relation to coloured persons who were resident in such town immediately before such date.

(4) (a) Whenever the commissioner of the area concerned is satisfied by virtue of an affidavit issued on the authority of the board or local authority concerned, as the case may be, that any coloured person continues to reside in a town notwithstanding a notice contemplated in subsection (3), he may issue such order, give such instructions and confer such authority as may be reasonably necessary—

- (i) to effect the removal of such person from that town;
- (ii) to effect the transfer of such person to such other place, whether within or outside his area of jurisdiction, as he may indicate;
- (iii) to ensure the demolition and removal from such town of all buildings and structures which may have been erected thereon by such person or on his behalf:

Provided that—

(aa) the said commissioner shall not issue any such order unless he is satisfied that the said affidavit, drawn up in both official languages, had been posted up in a conspicuous place in the town or on or in the vicinity of the relevant building, together with a notice informing the persons concerned that an application will be made to the commissioner for their removal, and that such notice had been thus posted up for a period of at least three days before the application was made;

(bb) such person shall be entitled to be represented before that commissioner by one or more persons or by an advocate or attorney, and to reply either by affidavit or through such representatives to the allegations set out in the affidavits.

(b) If a person referred to in paragraph (a) has at any time been transferred to any particular place in accordance with paragraph (a), and the commissioner within whose area such place is situated, is satisfied, on the ground of information placed before him or on personal investigation, that the said place provides no suitable accommodation for the said person, or that he can be more suitably accommodated elsewhere or that he has no proper employment within reasonable distance from such place, such commissioner may take all reasonable



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steps for the transfer of the said person to another suitable place, whether within or outside the said commissioner's area, as he may indicate, and for such purpose such commissioner shall have unconditionally all the powers conferred on a commissioner under paragraph (a).

(5) Any coloured person required under this section to leave a town shall be entitled to such compensation as the Minister may, either generally or specially, after consultation with the board concerned, direct.

41. (1) Land or premises in a town owned by or vested in the State, a board or a local authority, as the case may be, may be—

Limitations on disposal of land or premises in towns.

- (a) leased to a Black person; an employer, a township developer or an association in terms of this Act;
- (b) be made available as contemplated in section 34 (9) or for the provision of accommodation to a Black in that town or portion thereof or in a hostel in terms of this Act;
- (c) made available for the granting of rights of leasehold in terms of this Act.

(2) Subject to the express provisions of this Act or the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or except where the Minister after consultation with the board or local authority, as the case may be, so approves, no person shall enter into any agreement or transaction for the acquisition of land or premises situated in a town, or of any right to such land or premises or of any interest therein or servitude thereover, or hold such right, interest or servitude.

(3) Any person who is a party to any attempted acquisition or to any agreement or transaction or to any act or default which is in conflict with this section, shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or in default of payment to imprisonment for a period not exceeding six months, and if any such act of default constituting the offence is a continuing one; such person shall be liable to a further fine not exceeding R10 for every day on which the act or default continues or, in default of payment, to further imprisonment for a period not exceeding five days for every day on which such act or default continues.

42. (1) A board may appoint or designate in writing any employee of such board as an inspector, who may for the purposes of this Act at all reasonable times—

Board may appoint inspectors.

- (i) enter upon any premises in such board's development board area owned by it or on which housing owned or controlled by the board has been erected;
- (ii) enter any hostel established by the board;
- (b) question any person found in or upon any such premises referred to in paragraph (a);
- (c) inspect the title deeds, books or other records of any person which relate in any way to the ownership or occupation of or residence on land or premises referred to in paragraph (a) and make extracts from such title deeds, books or other records;
- (d) call upon any person to furnish any information at his disposal relating to the ownership or occupation of or residence on such land or premises referred to in paragraph (a) or relating to the presence of any person thereon;
- (e) call upon any person to furnish any information as to his authority to be on any land or premises referred to in paragraph (a).

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(2) For the purposes of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), the Black Labour Act, 1964 (Act No. 67 of 1964), and the regulations made under those Acts, an inspector shall be a peace officer as defined in section 5 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(3) An inspector—

- (a) may be accompanied by an interpreter or other assistant in the performance of his functions under subsection (1); and
- 10 (b) shall at the request of any person who is affected by the performance of such functions exhibit proof of his appointment as an inspector in terms of subsection (1).

(4) An interpreter or assistant shall, while acting under the lawful directions of any such inspector whom he accompanies, 15 be deemed to be such an inspector, and any question put through, reply made to, requirement made by or obstruction or hindering of or interference with an interpreter or assistant while so acting, shall be deemed to be a question put by, reply made to, requirement made by, obstruction or hindering of or interference with such an inspector.

(5) Any person who—

- (a) falsely holds himself out to be such an inspector;
- 25 (b) obstructs, hinders, resists or interferes with any such inspector in the exercise of his powers or the performance of his functions or duties in terms of this section or any regulation made under section 66, or refuses or fails without reasonable cause to furnish any information, particulars or documents required by any such inspector, or fails to comply with any requirement made by any such inspector;
- 30 (c) in order to compel any inspector to do or to abstain from doing any act in respect of the exercise of his powers or the performance of his functions, or on account of such inspector having done or abstained from doing such an act, threatens or suggests the use of violence to or restraint upon such inspector or any of his relatives or dependants, or threatens or suggests any injury to the property of such inspector or of any of his relatives or dependants,
- 35

40 shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

43. (1) The rental payable for the occupation of any house or building owned or controlled by a board in a town and made 45 available to a resident in such town and the amount charged for accommodation in a hostel shall be such as the Minister may from time to time determine to be a fair and reasonable rental, except where such house, building or hostel has been erected out of funds made available under the Housing Act, 1966 (Act 50 No. 4 of 1966), in which event such rental shall be determined from time to time by the Minister of Community Development.

(2) The—

- (a) rental payable for the occupation of a house or building in a town;
- 55 (b) amount charged for accommodation in a hostel, at the commencement of this Act, shall be deemed to be a rental or an amount determined in terms of subsection (1).

Charges for rent and accommodation.

44. (1) (a) Notwithstanding the provisions of sections 29 (1) and 31 (1) read with the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), the charges made by a board for water, lighting, sanitary and other services rendered to a town or hostel or to 60 any inhabitant thereof shall be such as the board may

Charges for services.

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- from time to time determine to be a fair and reasonable amount.
- (b) Any charges made by the competent authority at the commencement of this Act for services contemplated in paragraph (a) shall until amended in terms of this section be deemed to be the charges made and payable under that paragraph.
- 5 (2) A board may by resolution—
- (a) determine any charges which it is authorized to make;
- 10 (b) from time to time amend or withdraw such determination; and
- (c) determine the date on which such determination, amendment or withdrawal shall come into operation.
- (3) Where a board determines charges or amends a determination in terms of subsection (2), it may differentiate between different classes of users or property on such grounds as it may deem reasonable.
- 15 (4) After a resolution as contemplated in subsection (2) has been passed, the chief director of the board shall cause to be published on his notice board and in a newspaper as contemplated in section 110 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and circulating in the development board area concerned, a notice in which—
- (a) the general purport of such resolution is set out; and
- 20 (b) the date (which shall be a date not less than 30 days after the date of such notice) is stated on which the determination or amendment shall come into operation.
- (5) A board may remit in respect of any resident in a town or hostel on the ground of indigency of such resident the whole or
- 30 any portion of any fees and other charges for rent, water, sanitary, health, medical and other services or any combination of such services payable by him in terms of this Act.
45. (1) A warrant of execution against the movable property of any person who has failed to pay any amount payable by him under this Act in respect of his residence in a town or hostel, may be issued by the commissioner of the area, if he is satisfied, after inquiry which was held after due notice had been given to the person concerned and such person had been given an opportunity of being heard, that the amount is due by that person.
- 40 (2) Such warrant shall be executed in like manner as if it had been issued pursuant to an ordinary judgment of a commissioner's court referred to in section 10 of the Black Administration Act, 1927 (Act No. 38 of 1927).
46. (1) A board shall within its development board area be vested and charged with all the rights, powers, functions, duties and obligations, in so far as they relate to the housing of Blacks—
- (a) of a local authority as defined in the Housing Act, 1966 (Act No. 4 of 1966); and
- 50 (b) of a community development board referred to in section 13 of the Community Development Act, 1966 (Act No. 3 of 1966),
- and in the application of this section any reference in that section to "Minister" shall be construed as a reference to the Minister as defined in this Act.
- 55 (2) The provisions of section 51 (2) and (3) shall apply *mutatis mutandis* in respect of the rights, powers, functions, duties and obligations with which a board is vested and charged under subsection (1).
- 60 47. (1) There is hereby established a fund to be known as the Black Communities Development and Revolving Fund to be administered by the Director-General and into which shall be paid—
- (a) such money as may be appropriated by Parliament for the purposes of the fund;

Summary procedure for recovery of amounts in arrear.

Miscellaneous local government activities of a board.

Black Communities Development and Revolving Fund.

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- (b) money payable to the fund under any law;
- (c) any payment or repayment, with or without interest, in respect of any advance or guarantee made or given by the fund;
- 5 (d) money donated to the fund, provided the purpose of the donation or any condition attached thereto is in the opinion of the Minister not inconsistent with the purposes for which the fund may be utilized;
- (e) money obtained by the fund from any other source.
- 10 (2) The fund shall be utilized—
  - (a) to defray such costs in connection with the administration of the fund and such other expenditure as the Minister may determine;
  - 15 (b) to make advances to black persons, a board or a local authority for the better development (including survey costs in towns) of the land or areas occupied by such Blacks;
  - (c) if any money to be utilized has been donated to the fund, to attain the purpose of such donation;
  - 20 (d) generally, to assist and develop the material, moral and social well-being of Black persons and to initiate, to sponsor or to finance, or to defray expenses connected with, any community development or other projects which in the opinion of the Minister are conducive to the attainment of any of the purposes for which the fund may be utilized, the general nature of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.
  - 25 (3) The accounts of the fund shall be audited by the Auditor-General.
  - 30

48. (1) The Minister may from time to time by notice in the *Gazette* determine that from a date specified in the notice and subject to such conditions as he may determine, the Director-General shall with reference to any town, or in respect of Blacks
- 35 in any other area determined by the Minister, perform and exercise such of the functions and powers of the Community Development Board established by section 2 (1) of the Community Development Act, 1966 (Act No. 3 of 1966), as the Minister may determine.
- 40 (2) As from the date specified under subsection (1), the provisions of the Community Development Act, 1966, shall *mutatis mutandis* apply with reference to the exercise of such powers and the performance of such functions by the Director-General, and for the purposes of such application any reference in that
- 45 Act—
- (a) to the “board” or “Secretary” shall be construed as a reference to the Director-General; and
  - (b) to the Community Development Fund, the Minister or an inspector shall be construed as a reference to the
  - 50 fund, the Minister of Co-operation and Development or an authorized officer, respectively.

Performance of certain functions of Community Development Board by Director-General.

49. (1) Subject to the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and the approval of the Minister, after reference, in the case of a local government body
- 55 established under a provincial ordinance, to the Administrator of the province concerned or, in the case of a local government body not so established, or a local authority, to the comparable authority, a board may co-operate with any other board, local government body or local authority or a body established by law
- 60 or with the State in applying or complying with all or any of the provisions of this Act, or in the establishment or administration

Co-operation by boards, local government bodies and State.



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of any town or hostel or the provision or use of works, services or plant serving the needs of the bodies so co-operating.

(2) Notwithstanding anything contained in any law, any revenue derived from and any expenditure incurred in connection with any undertaking in which any board and a local authority or local government body or other body or the State co-operate as contemplated in subsection (1), may be apportioned among the co-operating parties in such a manner as may be determined by the Minister after consultation with such board and such local authority or local government body or other body and, if the State is one of the co-operating parties, with the Minister of Finance.

(3) (a) When the Minister approves under subsection (1) the co-operation for the establishment or administration of any town or hostel or the provision or use of any works, services or plant, he may do so on such terms and conditions as he may deem fit and, in particular, that a co-operating party may, to the exclusion of any other co-operating party, exercise in relation to any such town or hostel, or the inhabitants thereof, or in relation to such work, services or plant, such powers, including (in the case of a local government body or local authority) the making of regulations under this Act, and perform such functions as are contained in this Act or in any law governing such board, as he may specify when granting such approval.

(b) The Minister may impose the terms and conditions referred to in paragraph (a) notwithstanding the fact that the town, hostel, works, services or plant concerned is situated, wholly or partly, on land otherwise outside the development board area or area of jurisdiction of the local authority or local government body which is to exercise the powers and to perform the functions referred to in the said paragraph.

(4) Any board which under any agreement to co-operate approved under subsection (1), assumes responsibility under paragraph (a) of subsection (3) for the administration and control of a town, hostel, works, services or plant which is not situated within its development board area, shall in any matter connected with the development or administration thereof, have all the powers it would have had if such town, hostel, works, service or plant had been situated within its development board area.

(5) Any approval under subsection (1) and the terms and conditions of such approval or a summary thereof shall be made known by notice published in the *Gazette*, and such approval, terms and conditions shall come into operation on such publication.

50. (1) A board shall in connection with its functions in terms of this Chapter keep a separate account.

(2) The account referred to in subsection (1) shall be credited with—

- (a) money granted, bequeathed or donated to the board in order to enable it to perform any function referred to in this Chapter;
- (b) money derived from the sale or lease of land or premises by the board;
- (c) money derived from the supply of services referred to in this Chapter;
- (d) money obtained by the board by way of loans (including overdrafts on any bank account of the board) concluded with the approval of and subject to such conditions determined by the Minister;
- (e) money obtained in terms of the Housing Act, 1966 (Act No. 4 of 1966), or the Community Development Act, 1966 (Act No. 3 of 1966);

Funds of board relating to its functions in terms of this Chapter.

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(f) money obtained from any other source for the purposes of this Chapter.

(3) The account shall be debited with the amount of any expenditure incurred by the board concerned in connection with the performance of its functions in terms of this Chapter.

## CHAPTER V

## AGENCY FUNCTION OF BOARD

51. (1) A board—

Board entitled and obliged to act for or on behalf of others.

- (a) may within or outside its development board area act on behalf of any State department, or any body established by or under any law, in terms of any agreement entered into by the board and the department or body concerned and approved by the Minister, on conditions and terms (if any) as may be specified in the agreement;
- (b) shall be vested and charged with all the rights, powers, functions, duties and obligations—
- (i) of a local authority in terms of the Sorghum Beer Act, 1962 (Act No. 63 of 1962);
  - (ii) of an urban local authority in terms of the Black Labour Act, 1964 (Act No. 67 of 1964);
  - (iii) of an urban local authority in terms of the Contributions in respect of Black Labour Act, 1972 (Act No. 29 of 1972);
  - (iv) of an urban local authority in terms of section 23 (1) of the Liquor Act, 1977 (Act No. 87 of 1977);
  - (v) in so far as they relate to Blacks only, of a local government body or a commissioner in terms of such laws as may from time to time be specified by the Minister by notice in the *Gazette*, but subject to such conditions, modifications or exceptions as may be so specified.

(2) Any rights, powers, functions, duties and obligations with which a board is vested and charged by virtue of the provisions of subsection (1), shall devolve upon such board to the exclusion of any other body or authority mentioned in that subsection.

(3) For the purposes of the exercise of its powers and the performance of its functions in terms of subsection (1), and in the application of the provisions of any law mentioned or contemplated in that subsection, a board shall in respect of its development board area be deemed to be such a body or authority as that whose powers and functions it is under that subsection empowered to exercise or perform, and for the said purposes its development area shall be deemed to be the area of jurisdiction of such body or authority.

(4) The Minister may authorize or order a board to exercise or carry out to the extent which the Minister may determine, a power or duty conferred or imposed upon a commissioner or a labour liaison officer by or under Chapter IV of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), in that part of such board's development area which is situated outside a "prescribed area" as defined in section 49 of that Act and which has not in terms of section 25 (1) (d) of that Act been excluded from the operation of the said Chapter.

## CHAPTER VI

## LEASEHOLD

52. (1) (a) A board, local authority or township developer may—

Granting of leasehold.

- (i) in the case of a board, in respect of land of which it or the State is the registered owner or which

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- vests in it or the State or which has been made available to such board in terms of the provisions of section 34 (9); and
- (ii) in the case of a local authority or township developer, in respect of land made available to such local authority or developer in terms of the provisions of section 34 (9),
- on application made to it in the prescribed manner and on the conditions prescribed generally or approved by the Minister in any particular case, grant to a competent person in the prescribed manner in respect of any leasehold site situated on such land, a right of leasehold for a period of 99 years calculated as from the date of the granting thereof: Provided that where such a right of leasehold is in terms of this Act transferred to another competent person in terms of this Act, the currency shall be for a like period of 99 years, calculated as from the date of such transfer.
- (b) A condition subject to which leasehold is granted in respect of a leasehold site under paragraph (a) may provide that such site shall be used solely by Blacks: Provided that where leasehold in respect of any such site is granted to any competent person who is not a Black, a condition restricting the use of such site to residential purposes for Blacks shall not prohibit such competent person from developing and administering such site for the said purposes.

## (2) Leasehold may be acquired by—

- (a) a Black referred to in section 10 (1) (a) or (b) of the Black (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), who is not a Black referred to in section 12 (1) of that Act;
- (b) the wife or partner in a customary union of a person contemplated in paragraph (a) upon the decease of such person;
- (c) a person who is a descendant of a person referred to in paragraph (a) who acquired such leasehold by inheritance;
- (d) a township developer who has been approved by the Minister for the purposes of holding such leasehold;
- (e) an association or a person who has been approved by the Minister for the holding of such leasehold;
- (f) a person belonging to a category of persons approved by the Minister by notice in the *Gazette*.

- (3) (a) The approval by the Minister under subsection (2) (d), (e) and (f) may be granted subject to such conditions as the Minister may in his discretion determine.
- (b) Such conditions may among others contain a condition to the effect that the approval shall be valid only for a particular purpose or for a specified period or until the taking place of a particular event.

- (4) (a) Leasehold shall be granted against payment to the board in question; or where the right was granted by a local authority or any other person, to that local authority or person, of an amount in respect of such right and any improvements on the leasehold site in question, or against the furnishing of security to the satisfaction of that board for the payment of such amount upon registration.
- (b) The amount referred to in paragraph (a) shall be determined and be payable in the manner prescribed, and such manner shall provide that payment of the amount may also be made by way of instalments.

- (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 town,

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although such premises have not been surveyed by a surveyor, and such leasehold may be registered and hypothecated, provided—

- 5       (a) the premises concerned have been identified in the prescribed manner;
- (b) the board, local authority or township developer, as the case may be, causes the premises concerned, so identified, to be surveyed by a surveyor within a period of four years from such grant.

10   (6) If the premises in respect of which leasehold has been granted, have not been surveyed by a surveyor, such leasehold may not be disposed of except by way of a sale in execution in the event of insolvency or succession.

15   (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 surveyor within the period referred to in subsection (6), the holder of the leasehold may cause the premises to be so surveyed, and in any such case such board, local authority or township developer shall pay the pre-

20   scribed part of the costs of the survey.

      (8) If the boundaries of premises in respect of which leasehold has been granted, when surveyed by a surveyor appear not to be substantially the same as the boundaries of those premises as identified in terms of this section—

25   (a) the holder of such leasehold may without prejudice to any other claim as to damages which he may have against the board, local authority or township developer, cause such right to be cancelled and claim any payments made by him, prior to such cancellation, consequential to such right, from the board, local authority or township developer;

30   (b) the board, local authority or township developer shall compensate the mortgagee in respect of any loss which may have been suffered by such mortgagee as a result of such cancellation.

35   (9) When leasehold is granted in terms of this section in respect of premises which have not been surveyed by a surveyor, the registrar of deeds shall certify the deed of leasehold in the prescribed manner.

40   (10) If leasehold is granted in respect of any premises, such leasehold shall take effect only when the leasehold is registered in the appropriate deeds registry in the prescribed manner.

      (11) (a) Where a leasehold is offered for sale at a sale in execution or at a sale in consequence of the insolvency or liquidation of the holder of the leasehold, the right may be purchased only by a competent person or by the board concerned, but where the proceeds of the sale are not sufficient to recover the judgment debt and costs or the debt, as the case may be, and all claims that are preferent to such judgment debt and costs or such debt, any mortgagee may purchase such right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of the said preferent claims.

50   (b) If a mortgagee purchases a leasehold under paragraph (a), he may, subject to the provisions of paragraph (c), dispose thereof either to the board concerned or to any competent person.

55   (c) The board concerned may in the manner prescribed and on the conditions agreed upon with the holder of a leasehold, purchase such right, and may after expiry of the prescribed period sell to a competent person on behalf of a mortgagee referred to in that paragraph (a) and (b) to a competent person such right for an amount equal to the amount of the judgment debt and costs or the debt, as the case may be, and the amount of any preferent claims.

60   (12) Where a right of leasehold is granted or transferred to a competent person who is not a Black, the Minister may, notwithstanding the provisions of section 53 (5), determine that such

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right shall, while it is held or exercised by such person, be subject to such restrictions as may be specified by the Minister.

(13) A competent person who is the holder of a registered leasehold and who, in the case of a Black, ceases to be legally competent to reside in the town concerned or, in the case of an association or any other person who is not a Black, ceases to be a competent person, shall not thereby forfeit the leasehold.

(14) The provisions of section 2 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 reference to "land" in the said section shall be construed as a reference to the relevant leasehold.

(15) No money, other than such money as may be prescribed, shall be payable in respect of any transaction entered into or the performance of any act in terms of this Act.

53. (1) Subject to the provisions of sections 56 and 57 a leasehold shall be registered in accordance with the provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

Registration of leasehold and legal effect of such registration.

(2) A competent person to whom a leasehold has been granted shall be entitled to a certificate in the prescribed form, issued by the registrar at the time of such registration or at any prescribed time thereafter, stating the fact of registration of the leasehold in respect of the leasehold site in question.

(3) The certificate referred to in subsection (2) shall serve as proof in favour of the registered holder thereof—

- (a) of registration of the leasehold in question;
- (b) subject to the provisions of this Act, of the right to occupy the leasehold site in question, for the purpose referred to in section 52 (1);
- (c) of the vesting of the rights referred to in subsection (5).

(4) The registrar shall not register the grant or transfer of a leasehold unless such particulars as he may require are submitted to him whereby it is shown that satisfactory arrangements have been made with regard to the payment of any amount payable by reason of the transaction in question.

(5) Registration under subsection (1) of a leasehold shall, subject to the provisions of this Act, vest in the holder of the leasehold—

- (a) subject to the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and any regulations or by-laws relating to the erection, alteration or demolition of buildings, the right to erect on the leasehold site in question any building or improvements, or to alter or demolish any such buildings or improvements;
- (b) the right to occupy any building on the site in accordance with the regulations and any conditions, prescribed generally or approved by the Minister in any particular case and, except when the Minister otherwise directs, endorsed against the entry in the register relating to the site in question;
- (c) the right to encumber, by means of a mortgage, the leasehold; and
- (d) the right to dispose of the leasehold to any other competent person, which shall include the right to sub-let or bequeath the leasehold: Provided that where such leasehold is bequeathed to or devolves upon any person, body of persons or organization not competent to hold it, only the net proceeds of the sale of the leasehold shall be transferred to such person, body of persons or organization.

(6) No provision of the Stamp Duties Act, 1968 (Act No. 77 of 1968), shall apply with reference to any document executed or any transaction entered into or any other act performed in terms of this section or section 54 or 55.



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54. (1) A registered leasehold in respect of a leasehold site may be transferred to another competent person, or to a mortgagee or a board, only by means of a deed as prescribed or by an endorsement in the manner prescribed, and subject to any existing conditions.

Transfer of registered leasehold.

(2) No transfer of any leasehold shall be effected until proof is furnished to the registrar that no charge, fee or other due is at the date of such transfer owing in respect of the site in question by the holder of such leasehold to the board or local authority concerned.

55. (1) Notwithstanding anything to the contrary in any law contained any leasehold site or a group of leasehold sites may be utilized for the provision of sectional leasehold units with the accompanying common property in accordance with the Sectional Titles Act, 1971 (Act No. 66 of 1971).

Sectional leasehold units.

(2) For the purposes of the application of the Sectional Titles Act, 1971, in terms of subsection (1)—

- (a) "certificate of registered sectional title" includes, whenever used in the said Act, a "certificate of sectional leasehold right";
- (b) "developer" means a board, or any other person who is authorized by this Act to develop land owned by him or held by him under a right of leasehold and situated within a town and on which a building or buildings are situated or are to be erected which he has divided or intends to divide into two or more sections in terms of a scheme, or his successor-in-title and for the purpose of the extension of such a building also the body corporate concerned and for the purpose of the rebuilding in accordance with the relevant registered sectional plan of a building that is deemed to have been destroyed, includes the body corporate or the person to whom the body corporate has transferred the land;
- (c) "local authority" means a board or a local authority as defined in this Act;
- (d) "Minister" means the Minister as defined in this Act;
- (e) "owner" means the person who is a registered owner of a leasehold in respect of the sectional leasehold unit concerned;
- (f) any reference to "Deeds Registry Act" shall be construed as a reference to that Act, read with the relevant provisions of this Act;
- (g) any reference to "this Act" shall be construed as a reference to the Sectional Titles Act, 1971, read with section 52 and this section;
- (h) any reference to the title deed of the land in question and any mortgage bond in respect of the land shall, if a leasehold has been issued in respect of the relevant leasehold site, be construed as a reference to the certificate of leasehold title and the mortgage of the leasehold;
- (i) a certificate of sectional leasehold shall be issued in terms of section 8 (2) (d) of that Act to the developer in respect of each section and its undivided share in the common property;
- (j) a right of sectional leasehold shall be granted on the terms and conditions *mutatis mutandis* contained in section 52, and all the provisions of that section shall *mutatis mutandis* apply to sectional leasehold rights registered and granted in terms of this section;
- (k) the regulations made under the said Sectional Titles Act, 1971, shall not apply, but regulations relating to matters contemplated in the said Act may be made by the Minister under this Act;
- (l) the Minister may make such regulations as he may deem expedient to give proper effect to such application.

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(3) In the event of any conflict between the provisions of the Sectional Titles Act, 1971, and those of this Act, the latter shall prevail.

56. (1) Notwithstanding the provisions of sections 3 (1) (p), 16 5 and 77 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), no document relating to the registration or transfer or cession of a right of leasehold need be attested by a notary, and such document shall be executed and registered in the manner prescribed. Special provisions in respect of registration of leasehold.

(2) Notwithstanding the provisions of section 6 of the Deeds Registries Act, 1937, a registrar may cancel a leasehold if the board, local authority or township developer and the holder of the leasehold agree thereto.

(3) Notwithstanding the provisions of section 43 (5) of the Deeds Registries Act, 1937, a board, local authority or township developer may grant a leasehold in respect of a leasehold site without first obtaining a certificate of registered title in respect of that leasehold site.

(4) Unless it is otherwise provided in this Act or the regulations, the provisions of the Deeds Registries Act, 1937, shall apply to the registration of a leasehold granted in terms of this Act.

(5) (a) From the commencement of section 53 and this section all certificates of leasehold and mortgage bonds registered in terms of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), in respect of leasehold sites shall be deemed to have been registered in terms of this Act.

(b) As soon as practicable after such commencement a registrar contemplated in section 6B of the Blacks (Urban Areas) Consolidation Act, 1945, shall hand all books, documents, registers and records held by him and relating to such rights, over to the registrar concerned.

(c) As from such commencement any document issued or act done in the office of the first-mentioned registrar shall be deemed to have been issued or done at the office of the last-mentioned registrar.

57. (1) The Minister shall, before he makes regulations concerning the registration leaseholds and related matters, consult with the deeds registries regulation board contemplated in section 9 of the Deeds Registries Act, 1937, (Act No. 47 of 1937). Regulations in respect of leasehold.

(2) A regulation in respect of a matter referred to in subsection (1) made under any law repealed by this Act, shall be deemed to have been made under this Act.

## 45 CHAPTER VII

## MISCELLANEOUS PROVISIONS

58. (1) An employer falling in a prescribed category shall provide the prescribed accommodation or housing for his Black employees or the families of such employees. Accommodation directives and accommodation manager.

(2) An employer shall appoint an accommodation manager, to be approved by the Director-General, in respect of every accommodation complex under his control and used for the housing of fifty or more Black employees, in which any of the Black employees of that employer is accommodated.

(3) No person shall act as accommodation manager for more than one employer except with the authorization of the Director-General.

(4) An accommodation manager shall perform his functions in accordance with the provisions of this Act and subject to the directions of the Director-General.

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59. (1) An employer or person in charge of Black employees shall afford every reasonable facility to a commissioner, inspector or any other person performing functions assigned to him under this Act, in order to enable him to carry out his functions effectively. Facilities to be afforded by employers or persons in charge of Black employees to persons performing functions under this Act.
- (2) Any employer or person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.
60. The State President may by proclamation in the *Gazette* in respect of any mine or works referred to in the Mines and Works Act, 1956 (Act No. 27 of 1956), suspend the operation of any by-law made by a local authority or any local government body and relating to any matter dealt with by regulation, but no legal proceedings which before the date of the suspension have been taken under the suspended by-law shall be affected thereby: Provided that no proclamation suspending any such by-law shall be issued without prior consultation with such authority or local government body. Suspension of municipal by-laws in respect of any mine or works.
61. (1) The Director-General may from time to time require a board to submit to him such information relating to any function or activity of such board under this Act or under any other law referred to therein as he may determine. Board to furnish certain information.
- (2) If a board fails to submit the information referred to in subsection (1) within the period determined by the Director-General, the Director-General may cause such information to be obtained in such manner as he may consider expedient and recover the cost incurred in connection therewith from the board in default.
62. (1) (a) The Minister may appoint one or more officers in the Department of Co-operation and Development as inspectors, who may at all reasonable times after notice to the board or local authority which may be concerned, inspect any town or hostel, and any premises situated outside a town upon which Blacks are accommodated or suspected of being accommodated, and investigate any or all aspects of the administration by such board or local authority or by an officer thereof in terms of the provisions of this Act. Minister may appoint inspectors.
- (b) The inspector referred to in paragraph (a) shall for the purpose of his inspection and investigation have access at all reasonable times to the books and records of such board or local authority or officer thereof, and may exercise any of the powers of an inspector referred to in section 42.
- (c) An inspector referred to in paragraph (a) shall confer with the board or local authority concerned, and shall, in consultation with such board or local authority, enquire into any matter concerning the welfare of Blacks which may come to his notice.
- (d) A commissioner shall be deemed to have been appointed under paragraph (a) as an inspector in respect of the area of his jurisdiction.
- (2) The board or local authority concerned shall accord all reasonable facilities to any inspector referred to in subsection (1) in the exercise of his powers or the performance of his functions.
- (3) An inspector carrying out an inspection under this Act shall when necessary transmit a written report to the Minister as to the facts ascertained during such inspection, and the Minister shall cause a copy of any such report to be transmitted to the board or local authority concerned.

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63. Nothing in this Act shall be construed as—

Savings.

- 5 (a) applying to any accommodation upon any mine or works within the meaning of those terms as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), for Blacks employed by the person operating such mine or works, which has, in so far as its situation is concerned, been approved by the Minister or any person acting under his authority; or
- 10 (b) applying to any accommodation at any other place for accommodating Blacks which the Minister may, subject to such conditions as he may determine, exclude from its operation.

64. Any contravention of a provision of this Act by a Black person shall be heard by a commissioner, and any civil action founded on an act or omission arising from such a provision may be heard also in the court of a commissioner or a magistrate's court, irrespective of who the parties may be and irrespective of whether or not the matter would otherwise be beyond the jurisdiction of such a court: Provided that a party who institutes such a civil action in a court other than the court of a commissioner, may recover costs only in accordance with the scale which is applicable in the court of a commissioner.

Judicial authority concerning hearing of certain cases.

65. (1) The Minister may delegate any power conferred upon him by or under this Act, other than a power referred to in section 66 or to be exercised by notice in the *Gazette*, to an officer in the Department of Co-operation and Development.

Delegation by Minister.

(2) No delegation of a power under subsection (1) shall prevent the exercise of the relevant power by the Minister himself.

66. (1) The Minister may make regulations not inconsistent with this Act as to— Regulations.

- 30 (a) the procedure to be followed in the service of any notice or document under this Act;
- (b) the procedure to be followed to have a transaction registered for the purposes of this Act;
- 35 (c) the employment of officers and other persons, including inspectors, for the management and control of towns or hostels and for the performance of any services required to be performed under this Act, and the powers, duties and functions of such officers and persons, including the supervision by such officers and persons of the housing of Blacks outside urban areas;
- 40 (d) the powers and duties of authorized officers in respect of entry upon and search, with or without warrant, of any premises on which it is reasonably suspected that a Black is residing or is being accommodated in contravention of this Act;
- 45 (e) the terms and conditions of residence in towns and hostels, the making available of accommodation therein, the allocation of sites therein, and the management and control of such towns and hostels and of the accommodation and public places therein;
- 50 (f) the provision of housing, whether in a town or hostel, by employers and entrepreneurs, and the requirements to be observed when employees are housed;
- 55 (g) the categories of employers who may be required under section 58 to provide accommodation for their employees or the families of such employees, the acquisition of land for such a purpose and the requirements to be observed by such employers, the conditions under

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- 5 which such employees or families are to be accommodated, the circumstances whereunder such accommodation may be terminated and the procedure to be followed for the ejectment of persons thus accommodated;
- (h) the acquisition of land for purposes of towns and hostels, and the construction of dwellings or buildings thereon;
- (i) the advancing of funds or the supply of material to the residents of towns for the construction of dwellings or other buildings for their own occupation or use and the conditions for repayment thereof;
- (j) the proper carrying out of the provisions of section 52;
- 15 (k) the procedure to be followed to have a town amended or disestablished;
- (l) the categories of persons who may be and the manner in which and the circumstances under which persons may be exempted from all or any of the provisions of this Act, and the procedure to be followed for the withdrawal of such exemption;
- 20 (m) the powers and duties of accommodation managers and their assistants in single and married quarters (including the power to arrest and detain any person committing or suspected by them of committing or having committed an offence and to search for, to confiscate or to destroy dangerous weapons, intoxicating liquor, dagga or any dependence-producing substances), the keeping of such books, registers, records and accounts and the submission of such returns regarding the residents in such quarters as may be required by the Director-General from time to time, and the inspection of such books, registers, records and accounts by the Director-General and the delegation by accommodation managers of their powers to persons acting under their control and who have been approved in writing by the commissioner of the area in which the quarters in question are situated;
- 25 (n) (i) the form of any register, form, mortgage bond or other document relating to a matter referred to in this Act and the manner of preparation of a general plan;
- (ii) the performance of any function in terms of this Act and the procedure to be followed in connection therewith, including the person who may grant a right of leasehold or may have such right registered;
- 45 (iii) the procedure and circumstances under which a general plan of a town or any portion thereof may be cancelled or amended by the surveyor-general and public places in such town or portion thereof may be closed;
- (iv) the conditions on which and the manner in which a right of leasehold may be granted, transferred or otherwise disposed of, the determination of the money payable in respect of a right of leasehold, the purchase price of improvements on leasehold sites in respect of which a right of leasehold is granted, and the manner in which such money or purchase price shall be paid;
- 55 (v) the manner in which a mortgage bond shall be dealt with, the manner and form in which approval shall be granted for the cancellation of a mortgage, the procedure to be followed in respect of the foreclosure of a mortgage and the order of preference of mortgages and other claims in respect of the proceeds of the site concerned;
- 60
- 65



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- (vi) the money payable in respect of any act performed in terms of section 52 or the regulations relating thereto and the manner in which such money shall be dealt with;
- 5 (vii) the control over the sub-lease of leasehold sites and leasehold units and the letting of improvements thereon;
- (viii) the protection of the rights of the holder of a right of leasehold in the event of the abolition of a town;
- 10 (ix) the manner in which any dispute in connection with the location of beacons shall be adjudicated, the persons or bodies required to adjudicate upon such disputes and the manner in which beacons shall be replaced;
- 15 (x) the period during which a mortgagee who in terms of this Act purchases any right of leasehold, may retain that right;
- (o) the powers, functions and duties of inspectors appointed under this Act;
- 20 (p) the procedure relating to the calling for and acceptance of tenders for the execution of any work on behalf of a board or for the supply of any goods or materials to a board;
- 25 (q) the adoption or the establishment and maintenance, by a board or by a board jointly with any other board or boards, of a medical aid fund or scheme or a housing scheme in respect of the employees of any such board;
- 30 (r) in general, any other matter the regulation of which is, in the opinion of the Minister, necessary or desirable for the effective carrying out of any provision of this Act, or for the effective performance of functions assigned to a board or a local authority in terms of this Act.
- 35 (2) (a) Notwithstanding the provisions of section 51—
- (i) the powers conferred thereby on a board shall not include the power to make regulations under any law mentioned or contemplated therein;
- 40 (ii) any such power which but for the provisions of subparagraph (i) would have been exercisable by a board, shall be vested in the Minister, and may be exercised by him either generally or in relation to the development board area of any particular board or part of such area.
- 45 (b) Any regulation made by the Minister by virtue of the provisions of paragraph (a) (ii) shall be published in the *Gazette*.
- (3) Any regulation made under a law repealed by this Act shall be deemed to have been made under subsection (1) and
- 50 shall continue to apply notwithstanding the repeal of such Act.
- (4) Different regulations may be made under this section in respect of different areas and in respect of different categories of persons.
- (5) The regulations may prescribe penalties for any contraven-
- 55 tion thereof.
- (6) A board shall cause copies of the regulations made under section (1) to be available in its offices for the information of interested persons.

67. (1) A member or an employee of a board who contravenes a provision of section 10 (1) or 13, or a member of a board who fails to comply with a provision of section 11, shall be guilty of an offence and be liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.
- 65 (2) Any person who contravenes any other provision of this Act shall, where no penalty is provided for by this Act, be liable on conviction to a fine not exceeding R250 or in default of payment to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to an additional fine not

Offences and penalties.

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exceeding R20 or, in default of payment, to a proportionate period of additional imprisonment for each day during which the offence continues: Provided that the duration of any such proportionate period of additional imprisonment shall not exceed 5 three months.

68. Unless the Minister otherwise determines, either generally or in a particular case, a fine in respect of a contravention of a provision of this Act committed within the development board area of a board shall, when recovered, be paid over to that 10 board. Certain fines to be paid to board.

69. (1) The laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof. Repeal of laws, and savings.

(2) Anything done or deemed to have been done under any 15 provision of any law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of the Act.

70. (1) This Act shall be called the Black Communities Development Act, 1984, and shall come into operation on a date to be 20 fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may be fixed under subsection (1) in respect of the different provisions of this Act, and in respect of section 69 in so far as it relates to different laws or different provisions of any law mentioned in the Schedule.

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## Schedule

## LAWS REPEALED OR AMENDED (Section 69)

No. and year of law	Short title	Extent of repeal or amendment
Act No. 25 of 1930 ...	Blacks (Urban Areas) Act, 1923, Amendment Act, 1930 .....	The repeal of the whole.
Act No. 46 of 1937 ...	Black Laws Amendment Act, 1937 .....	The repeal of sections 2 to 32.
Act No. 23 of 1938 ...	Representation of Blacks (Amendment) Act, 1938 .....	The repeal of the whole.
Act No. 35 of 1941 ...	Cape Mortgage Bonds Validation Act, 1941 ...	The repeal of the whole.
Act No. 36 of 1944 ...	Black Laws Amendment Act, 1944 .....	The repeal of sections 2 to 17 and 25, 26 and 27.
Act No. 25 of 1945 ...	Blacks (Urban Areas) Consolidation Act, 1945 .....	<p>1. The repeal of the whole, except sections 1, 9, 9<i>bis</i>, 10, 10<i>bis</i>, 11, 12, 13, 14, 31, 41A, 43, 43<i>bis</i>, 43<i>ter</i> and 47: Provided that the provisions specified in paragraphs 2 and 3 shall not be included in the whole referred to in this paragraph.</p> <p>2. The repeal of sections 6B and 6D.</p> <p>3. The repeal of section 29.</p>
Act No. 42 of 1946 ...	Blacks (Urban Areas) Amendment Act, 1946	The repeal of the whole.
Act No. 45 of 1947 ...	Black Laws Amendment Act, 1947 .....	The repeal of sections 1 to 7.
Act No. 68 of 1951 ...	Black Authorities Act, 1951 .....	The repeal of section 19 and the Schedule.
Act No. 54 of 1952 ...	Black Laws Amendment Act, 1952 .....	The repeal of sections 33 to 38.
Act No. 67 of 1952 ...	Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 .....	<p>1. The amendment of section 1—</p> <p>(a) by the substitution for the definition of "authorized officer" of the following definition:</p> <p>"authorized officer" means an authorized officer as defined in section 1 of the [Urban Areas Act] Black Communities Development Act, 1984;"; and</p> <p>(b) by the deletion of the definition of "Urban Areas Act".</p> <p>2. The repeal of section 8.</p> <p>3. The amendment of section 10 by the substitution in subsection (1) for the words "location, Black village or Black hostel established under section two of the Urban Areas Act" of the words "town referred to in the Black Communities Development Act, 1984".</p> <p>4. The deletion in Part 1 of the Schedule of the references to all laws mentioned therein, except the reference to the Black Administration Act, 1927.</p>
Act No. 19 of 1954 ...	Blacks Resettlement Act, 1954 .....	The repeal of the whole.
Act No. 36 of 1954 ...	Representation of Blacks Amendment Act, 1954 .....	The repeal of the whole.
Act No. 16 of 1955 ...	Blacks (Urban Areas) Amendment Act, 1955	The repeal of sections 2, 3, 7, 8, 10 and 11.
Act No. 69 of 1956 ...	Blacks (Urban Areas) Amendment Act, 1956	The repeal of the whole.

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No. and year of law	Short title	Extent of repeal or amendment
Act No. 36 of 1957 ...	Black Laws Amendment Act, 1957 .....	The repeal of sections 24 to 28, 35 to 40, 43 to 49 and 51.
Act No. 79 of 1957 ...	Black Laws Further Amendment Act, 1957....	The repeal of section 9.
Act No. 93 of 1962 ...	General Law Further Amendment Act, 1962 ..	The repeal of section 43.
Act No. 51 of 1963 ...	Better Administration of Designated Areas Act, 1963 .....	The repeal of the whole.
Act No. 76 of 1963 ...	Black Laws Amendment Act, 1963 .....	The repeal of sections 8 to 11 and 18.
Act No. 93 of 1963 ...	General Laws Further Amendment Act, 1963	The repeal of section 21.
Act No. 42 of 1964 ...	Black Laws Amendment Act, 1964 .....	The repeal of sections 40 to 44, 52 to 60, 62, 63, 65 to 71, 74, 75, 81, 82, 85 and 96 to 99.
Act No. 67 of 1964 ...	Black Labour Act, 1964 .....	The repeal of the whole.
Act No. 24 of 1965 ...	Building Societies Act, 1965 .....	<p>1. The amendment of section 1—</p> <p>(a) by the deletion of the definition of "administration board";</p> <p>(b) by the substitution for the definition of "right of leasehold" of the following definition:  <u>"right of leasehold" means a right of leasehold within the meaning of Chapter VI of the Black Communities Development Act, 1984, and includes, except in section 22 (1) (mB) (vi), a right of sectional leasehold within the meaning of the said Chapter;"</u>; and</p> <p>(c) by the substitution for paragraph (g) of the definition of "urban immovable property" of the following paragraph:  <u>"(g) any right of leasehold [registered in terms of section 6A (4) of the Blacks (Urban Areas) Consolidation Act, 1945, provided such right of leasehold has] having a remaining period of not less than twenty years;"</u>.</p> <p>2. The amendment of section 40 by the deletion in subparagraph (iii) of paragraph (b) of subsection (2) of the words "to an administration board".</p>
Act No. 63 of 1966 ...	Black Laws Amendment Act, 1966 .....	The repeal of section 4.
Act No. 56 of 1968 ...	Black Laws Amendment Act, 1968 .....	The repeal of sections 2 and 4 (1).
Act No. 19 of 1970 ...	Black Laws Amendment Act, 1970 .....	The repeal of sections 4, 5, 7, 8, 9 and 10 to 15.
Act No. 45 of 1971 ...	Black Affairs Administration Act, 1971 .....	The repeal of the whole except section 26.
Act No. 29 of 1972 ...	Contributions in respect of Black Labour Act, 1972 .....	<p>1. The amendment of section 1—</p> <p>(a) by the deletion in subsection (1) of the definitions of "Administration Board" and "area of jurisdiction";</p> <p>(b) by the substitution in subsection (1) for the definition of "authorized officer" of the following definition:  <u>"authorized officer" means an authorized officer as defined in section 1 of the [Urban Areas Act] Black Communities Development Act, 1984;"</u>;</p> <p>(c) by the insertion in subsection (1) after the definition of "Black employee" of the following definition:  <u>"board" means a development board established by section 3 of the</u></p>

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No. and year of law	Short title	Extent of repeal or amendment
		<p><u>Black Communities Development Act, 1984</u>;</p> <p>(d) by the insertion in subsection (1) after the definition of "defined area" of the following definition:  <u>"Director-General" means the Director-General: Co-operation and Development</u>;</p> <p>(e) by the substitution in subsection (1) for the definition of "employer" of the following definition:  <u>"employer" means any person (including the State, [and] any [urban] board or local authority, whether or not contributions are payable to such [urban] board or local authority) [with whom a Black employee is or is required to be registered in terms of the Labour Act or the regulations made under it, or] who employs or provides work for any Black (except a Black referred to in section 2 (1) (b)) and remunerates or expressly or tacitly undertakes to remunerate him in money or in kind or both in money and in kind, or who permits any Black (except a Black referred to in section 2 (1) (b)) to assist him in any manner in the carrying on or conducting of his business, and "employ", "employed" and "employment" have corresponding meanings</u>;</p> <p>(f) by the deletion in subsection (1) of the definition of "Labour Act";</p> <p>(g) by the insertion in subsection (1) before the definition of "Minister" of the following definition:  <u>"local authority" means a town council or village council established under the Black Local Authorities Act, 1982, (Act No. 102 of 1982)</u>;</p> <p>(h) by the substitution in subsection (1) for the definition of "Minister" of the following definition:  <u>"Minister means the Minister of [Plural Relations] Co-operation and Development</u>"; and</p> <p>(i) by the deletion in subsection (1) of the definitions of "Secretary", "Urban Areas Act" and "urban local authority".</p> <p>2. The amendment of section 2 by the substitution for paragraph (b) of subsection (1) of the following paragraph:  <u>"(b) by each Black who [is in terms of the Labour Act or the regulations made under it permitted to work as a casual labourer, or to perform] performs any work on his own account in any remunerative activity or as an independent contractor in such area or in any part of it indicated in that notice, and to whom that notice applies."</u></p> <p>3. The substitution for section 3 of the following section:</p> <p><u>3. (1) A contribution payable by an employer in respect of a Black employee, or by a Black referred to in paragraph (b) of section 2 (1), shall be paid—</u>  <u>(a) if the area in which such Black employee is em-</u></p>



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		<p>ployed or such Black <u>[is permitted to work or perform]</u> performs any work as contemplated in that paragraph, falls in the area of jurisdiction of <u>[an Administration Board]</u> a board, but outside the area of jurisdiction of a local authority, to the <u>[Administration Board]</u> board in question;</p> <p>(b) if the area in which such Black employee is employed or such Black <u>[is permitted]</u> performs work as aforesaid, falls <u>[outside]</u> in the area of jurisdiction of <u>[an Administration board but]</u> a board and in the area of jurisdiction of any <u>[other urban]</u> local authority, to the <u>[other urban]</u> local authority in question;</p> <p>(c) if the area in which such Black employee is employed or such Black <u>[is permitted]</u> performs work as aforesaid, falls outside the area of jurisdiction of <u>[any urban]</u> a board and of a local authority, to the Commissioner in whose area of jurisdiction such Black employee is employed or such Black <u>[is permitted]</u> performs work as aforesaid, as the case may be.</p> <p>(2) If a Black employee is in the course of his employment required to serve in more than one defined area or in more than one of the areas of jurisdiction referred to in subsection (1) in the same defined area, the contribution payable in respect of him for any particular month shall be paid in the defined area in which, or, as the case may be, to the <u>[urban]</u> board, local authority or Commissioner in whose area of jurisdiction such Black employee is primarily employed in the course of that month, or, where a dispute in that regard arises, in the defined area or, as the case may be, to the <u>[urban]</u> board, local authority or Commissioner, designated by the <u>[Secretary]</u> <u>Director-General</u>."</p> <p>4. The substitution for section 4 of the following section:</p> <p>"Utilization of contribu- tions. 4. (1) Contributions received by <u>[an urban]</u> a board or local authority shall be paid into <u>[the Black]</u> its revenue account <u>[kept by it in terms of section 19 (1) of the Urban Areas Act]</u>."</p>

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		<p>(2) Notwithstanding the provisions of any other law, the Minister, after consultation with <u>[an urban] a board or a</u> local authority to which any services in respect of Blacks employed in its area have in the opinion of the Minister been rendered by any other <u>[urban] board or local authority</u>, may direct such <u>[urban] board or local authority</u> to pay, out of the contributions paid into its <u>[Black] revenue account</u> in terms of subsection (1), to such other <u>[urban] board or local authority</u>, an amount determined by the Minister, which the last-mentioned <u>[urban] board or local authority</u> shall pay into its <u>[Black] revenue account</u>.</p> <p>(3) Contributions received by a Commissioner shall be transferred to the <u>[Secretary] Director-General</u> and may be utilized by the <u>[Secretary] Director-General</u> for any service, expenditure or grant in respect of which the Minister certifies in writing that it is in the interests of Blacks."</p> <p>5. The repeal of section 5.</p> <p>6. The amendment of section 6 by the substitution for subsection (1) of the following subsection:          "(1) <u>[An urban] A board or local authority</u> to which contributions are payable, may in writing appoint one or more authorized officers in its service, as inspectors, who shall, for the purpose of the carrying out of the provisions of this Act and the regulations, have such powers, functions and duties as may be prescribed by regulation."</p> <p>7. The amendment of section 7 by the substitution for paragraph (a) of the following paragraph:          "(a) the times at which and the manner in which contributions payable to <u>[an urban] a board, a local authority or a Commissioner</u> shall be paid, the particulars to be furnished to such <u>[urban] a board, local authority or Commissioner</u> by any employer or any Black referred to in section 2 (1) (b), and the times at which and the form in which such particulars shall be furnished;"</p> <p>8. The amendment of section 8—          (a) by the substitution for subsection (2) of the following subsection:          "(2) The court convicting any person of an offence consisting of a failure, as contemplated in subsection (1) (a), to pay an amount due by him to <u>[an urban] a board or a local authority or a Commissioner</u> by way of contributions may, in addition to imposing any penalty in respect of that offence, order the person convicted</p>

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		<p>to pay to the [urban] board, local authority or Commissioner concerned an amount equal to the amount so due plus an additional amount not exceeding ten per cent thereof or one rand, whichever is the greater, and such order may be executed as if it were a civil judgment against that person and in favour of the [urban] board, local authority or Commissioner concerned."; and</p> <p>(b) by the substitution for subsection (4) of the following subsection:</p> <p>"(4) Any fine recovered or bail es-treated in connection with any of-fence in terms of this Act shall be paid to the [urban] board, local auth- ority or Commissioner concerned, and the provisions of section 4 shall <i>mutatis mutandis</i> apply in respect thereof."</p> <p>9. The repeal of section 9.</p> <p>10. The amendment of the long title by the deletion of the expression "to amend section 19 of the Blacks (Urban Areas) Consolidation Act, 1945."</p>
Act No. 30 of 1972 ...	Second Black Laws Amendment Act, 1972 ....	The repeal of sections 1 and 6.
Act No. 7 of 1973 ....	Black Laws Amendment Act, 1973 .....	The repeal of sections 5, 10, 16 and 17.
Act No. 62 of 1973 ...	General Law Amendment Act, 1973 .....	The repeal of section 42.
Act No. 70 of 1974 ...	Black Laws Amendment Act, 1974 .....	The repeal of sections 15 (1) and 25.
Act No. 9 of 1975 ....	Black Laws Amendment Act, 1975 .....	The repeal of sections 2, 3, 4 and 9.
Act No. 57 of 1975 ...	General Law Amendment Act, 1975 .....	The repeal of section 37.
Act No. 4 of 1976 ....	Black Laws Amendment Act, 1976 .....	The repeal of sections 8, 11, 29 and 30.
Act No. 115 of 1977 ..	Second Black Laws Amendment Act, 1977 ....	The repeal of section 1.
Act No. 119 of 1977 ..	Black Laws Amendment Act, 1977 .....	The repeal of sections 5, 6, 9, 12 and 13.
Act No. 12 of 1978 ...	Black Laws Amendment Act, 1978 .....	The repeal of sections 4 and 11.
Act No. 97 of 1978 ...	Blacks (Urban Areas) Amendment Act, 1978 .....	The repeal of sections 2 and 4.
Act No. 102 of 1978 ..	Second Black Laws Amendment Act, 1978 ....	The repeal of sections 6 and 16.
Act No. 16 of 1979 ...	Laws on Plural Relations and Development Amendment Act, 1979 .....	The repeal of sections 7 and 8.
Act No. 98 of 1979 ...	Laws on Plural Relations and Development Second Amendment Act, 1979 .....	The repeal of sections 6 to 9 and 12.
Act No. 111 of 1981 ..	Laws on Co-operation and Development Amendment Act, 1981 .....	The repeal of section 2.
Act No. 102 of 1982 ..	Black Local Authorities Act, 1982 .....	<p>1. The amendment of section 1—</p> <p>(a) by the insertion after the definition of "accounting officer" of the following definition:</p> <p>"'administration area', in relation to a development board, means a development board area as defined in section 1 of the Black Communities Development Act, 1984;";</p> <p>(b) by the substitution in the Afrikaans text in the definition of "hoof- uitvoerende beampste" for the word "dorps- raad" of the word "dorpsbestuur";</p>

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		<p>(c) by the substitution for the definition of "development board" of the following definition:  <u>"development board" means a board as defined in section 1 of the Black Communities Development Act, 1984;"</u></p> <p>(d) by the substitution for the definition of "township" of the following definition:  <u>"township" means a town as defined in section 1 of the Black Communities Development Act, 1984;"</u></p> <p>2. The amendment of section 2—</p> <p>(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:  <u>"(a) in the case of a village council which is dissolved under paragraph (b) of that subsection, provide that—</u></p> <p style="padding-left: 20px;">(i) <u>the village council shall be dissolved as from the date of the first ordinary meeting of the town council established for an area for which the village council was established or which includes the area of the village council;</u></p> <p style="padding-left: 20px;">[(i) that] (ii) <u>anything done by or in respect of that village council under this Act or any other law shall after its dissolution and subject to such limitations, qualifications and conditions as may be specified in the notice, be deemed to have been done by or in respect of [the] that town council [which is established in respect of the area for which that village council was established];</u></p> <p style="padding-left: 20px;">[(ii) that] (iii) <u>the assets, liabilities, rights and obligations of that village council shall as from the date on which [that town council is established] the village council is dissolved devolve upon that town council;</u></p> <p style="padding-left: 20px;">[(iii) that] (iv) <u>any person who immediately before the dissolution of that village council held an appointment as an employee of that village council shall as from the date on which [that town council is established] the village council is dissolved and subject to such conditions and in accordance with such directives as may be contained in the notice be appointed by the town council to a post under its establishment;"</u>; and</p> <p>(b) by the substitution in paragraph (a) of subsection (4) for the expression "subsection (3) (a) (ii)" of the expression "subsection (3) (a) (iii)".</p> <p>3. The amendment of section 24—</p> <p>(a) by the substitution in subsection (1) for the words "town council" of the words "local authority";</p>

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		<p>(b) by the substitution in subsection (2) for the words "town councils" and "town council" of the words "local authorities" and "local authority", respectively; and</p> <p>(c) by the substitution in subsection (3) for the words "town council", wherever they occur, of the words "local authority".</p> <p>4. The amendment of section 56 by the insertion after paragraph (o) of subsection (1) of the following paragraphs:          "(oA) the licensing by local authorities of trading undertakings and occupations;          (oB) the levying of property rates by local authorities;"</p> <p>5. The insertion of the following section after section 56:</p> <p>"Repeal of laws. <u>56A. (1) Subject to the provisions of subsection (2), the Community Councils Act, 1977 (Act No. 125 of 1977), the Community Councils Amendment Act, 1978 (Act No. 28 of 1978), sections 13, 14, 15 and 16 of the Laws on Plural Relations and Development Second Amendment Act, 1979 (Act No. 98 of 1979), and sections 3, 4, 5 and 6 of the Laws on Co-operation and Development Second Amendment Act, 1980 (Act No. 94 of 1980), are hereby repealed.</u></p> <p>(2) Subsection (1) shall come into operation on a date fixed by the State President by proclamation in the <i>Gazette</i>."</p>