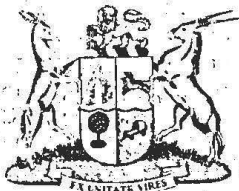


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1477

18 Julie 1984

No. 1477

18 July 1984

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

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

—No. 83 van 1984: Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1984.

No. 83 of 1984; Laws and Co-operation and Development Amendment Act, 1984.

LAW AND CO-OPERATION AND DEVELOPMENT AMENDMENT
ACT, 1984.

Act No. 83, 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 amend the Black Administration Act, 1927, so as to validate certain proclamations purporting to have been made in terms of that Act; and to provide for the establishment and management of towns for Black persons on certain land; to amend the Development Trust and Land Act, 1936, so as to authorize the State President to transfer the rights and obligations of the Trustee of the South African Development Trust in respect of certain land or other property belonging to a Black person to the government of the self-governing area in which the land or property is situated; and to provide for the acquisition by that Trust of additional land required for Black settlement and for the implementation of the provisions of that Act, in accordance with certain resolutions of Parliament; to amend the Black Laws Amendment Act, 1963, so as to provide that a certificate issued by a Commissioner shall be conclusive proof of the existence of a certain customary union; to amend the Promotion of the Economic Development of National States Act, 1968, so as to provide for the dissolution of the Corporation for Economic Development, Limited; and for the disposal of the assets and liabilities of the Corporation for Economic Development, Limited; to further regulate the financing of development corporations and corporations established in terms of that Act; and to provide that certain indemnities given by the Corporation for Economic Development, Limited, shall be deemed to be indemnities given by the Government of the Republic; to amend the National States Constitution Act, 1971, so as to provide that certain proclamations which could have been issued in terms of that Act if they had been preceded by certain consultation, shall be deemed to have been made after such consultation had taken place; and to regulate certain matters with regard to the town of Evaton and the authority elected for the management thereof; to amend the Black Local Authorities Act, 1982, so as to provide for the transfer of employees of a body established by or under a law to a local authority contemplated in that Act; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 28 June 1984.)

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

1. Section 25 of the Black Administration Act, 1927, is hereby amended by the addition of the following subsection:

5 (4) Proclamations Nos. R. 174 of 1976, R. 155 of 1977, R. 162 of 1977, R. 62 of 1980, R. 124 of 1981, R. 195 of 1981, R. 31 of 1982, R. 117 of 1982, R. 169 of 1982 and R.

Amendment of section 25 of Act 38 of 1927.

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170 of 1982 are hereby validated with effect from the respective dates on which those proclamations were published in the *Gazette*."

2. (1) The following section is hereby substituted for section 30 of the Black Administration Act, 1927:

Substitution of section 30 of Act 38 of 1927, as substituted by section 9 of Act 21 of 1943.

- 10 "Establishment of towns for Black persons on certain land.
- 15 30. (1) The State President may, notwithstanding anything to the contrary in any law contained, by proclamation in the *Gazette* set apart land which in terms of sections 2 and 49, respectively, of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), is a released area or a scheduled area, or which belongs to the South African Development Trust, or which is situated in any area determined by Parliament by resolution as a town for occupation by or for the residential or business purposes of Black persons, and land which is so set aside may include land which at the time of the setting aside is already occupied by such persons or is already utilized by them for such other purposes.
- 20 (2) The Minister may with regard to a town referred to in subsection (1) make regulations providing for—
- 25 (a) the establishment of a local government body for the control and management of that town;
- (b) the constitution of such government body and the election or appointment and the term of office of the members of such government body;
- 30 (c) the calling of and the procedure at the meetings of such government body and of committees thereof;
- (d) the employment of staff for the performance of the administrative work connected with the carrying out of the duties, the exercise of the powers and the performance of the functions of such government body;
- 35 (e) the sources of income of such government body, and the purposes for which such government body shall or may apply its funds;
- 40 (f) the development of that town (including the erection of dwellings and other buildings), the construction of streets, and the provision of all such services as are provided by local authorities, by a township developer, by the local government body or by individuals, subject to such conditions as the Minister may determine;
- 45 (g) the regulation and control (including the imposition of restrictions and prohibitions) of any matter relating to the development, control and management of that town;
- 50 (h) the determination or identification of premises in that town as premises in respect of which leasehold may be granted by the South African Development Trust, the local government body, a township developer or individual, according as to who is the owner of those premises or who has obtained from the owner of such premises the right to grant leasehold in respect of such premises;
- 55 (i) the registration in a deeds office or other registration office of the ownership of any land or premises in that town, the granting of leasehold and other real rights thereto and any hypothecation or alienation of such land, premises, leasehold or other real right;
- 60 (j) the application, with such adaptations as may be provided for in regulations, of any of the provis-
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ions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and of the Black Communities Development Act, 1984 (Act No. 4 of 1984), in respect of that town, by the local government body established in respect thereof, and the repeal or amendment of the provisions of any law which relate to any matter referred to in this section."

(2) Any town established under Proclamation No. R. 293 of 16 November 1962 or Proclamation No. 163 of 23 August 1974 on land referred to in section 30 of the Black Administration Act, 1927 (Act No. 38 of 1927), or purporting to have been so established, and any regulation contained in such proclamation shall be deemed to have been established or made under the corresponding provision of the said section 30, as substituted by section 2 of the Laws on Co-operation and Development Amendment Act, 1984.

3. The following subsection is hereby substituted for section 4bis of the Development Trust and Land Act, 1936:

Substitution of section 4bis of Act 18 of 1936, as inserted by section 7 of Act 46 of 1959 and substituted by section 4 of Act 4 of 1976.

20 "Transfer of certain rights and obligations to self-governing territories. 4bis. The State President may by proclamation in the *Gazette* direct that as from a date determined by him—

(a) any right or obligation of the Trustee in respect of any land or other property of the Trust; or

25 (b) any right or obligation of the Trustee in respect of land of which a Black person is the registered owner; or

(c) land which is registered in the name of the Minister or any other person in trust for a Black person, a Black tribe or a Black community

30 and which is situated in an area which is or was in terms of any law a self-governing territory within the Republic [or a self-governing territory] shall, subject to the provisions of this Act and the conditions prescribed in such proclamation, vest in the government

35 of such self-governing territory."

4. Section 10 of the Development Trust and Land Act, 1936, is hereby amended by the insertion after subsection (1C) of the following subsection:

Amendment of section 10 of Act 18 of 1936, as amended by section 5 of Act 17 of 1937, section 11 of Act 46 of 1962, section 2 of Act 19 of 1970, section 3 of Act 7 of 1973, section 6 of Act 4 of 1976, section 1 of Act 110 of 1976 and section 2 of Act 16 of 1979.

40 "(1D) Notwithstanding the provisions of subsection (1) but subject to the provisions of subsection (2) (c) and (d), the Trust may acquire and hold land exceeding the extent referred to in subsection (1) if such land is acquired in areas determined for the purpose by resolution of Parliament."

5. Section 31 of the Black Laws Amendment Act, 1963, is hereby amended by the insertion after subsection (2) of the following subsection:

Amendment of section 31 of Act 76 of 1963.

50 "(2A) A certificate referred to in subsection (2) shall be accepted as conclusive proof of the existence of a customary union of the deceased partner and the partner or, in the case of a union with more than one woman, the partners whose name or names appear on such certificate."

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6. Section 4 of the Promotion of the Economic Development of National States Act, 1968, is hereby amended by the insertion after paragraph (x) of subsection (1) of the following paragraph:

5 “(xA) to transfer to the Development Bank of Southern
Africa any liability of the Corporation for Economic
Development, Limited, in respect of loans capital, if
assets of at least an equivalent amount are transferred
to that Development Bank.”

Amendment of
section 4 of
Act 46 of 1968,
as amended by
section 12 of
Act 4 of 1976
and section 4 of
Act 80 of 1977.

7. Section 5 of the Promotion of the Economic Development of National States Act, 1968, is hereby amended by the substitution for subsection (2) of the following subsection:

 “(2) The Minister shall, [—
 (i) before a development corporation is established, consult
the Corporation for Economic Development, Limited;
and
 (ii)] before a corporation is established, consult, [the Corporation for Economic Development, Limited, and,]
where the undertaking or project concerned is to be established or inaugurated in a portion of the national states in respect of which a development corporation has been established, [also] that development corporation.”

Amendment of
section 5 of
Act 46 of 1968,
as amended by
section 9 of
Act 102 of 1983.

8. The following section is hereby substituted for section 5A of the principal Act:

25 “Dissolution of Corporation for Economic Development, development corporation or corporation.
30 5A. (1) The State President may by proclamation in the *Gazette* from a date fixed by him in such proclamation—
 (a) change the name under which [the Corporation for Economic Development, Limited] a development corporation or a corporation is known;
 (b) [after consultation with the Corporation for Economic Development, Limited, and the development corporation or corporation concerned,] dissolve the Corporation for Economic Development, Limited, a development corporation or a corporation, and may regulate matters relating to the assets, liabilities, rights and obligations of that Development Corporation or a development corporation or a corporation so dissolved.
40 (2) Upon the date so fixed the Registrar of Companies shall enter the change of name or dissolution, as the case may be, in his registers.”

Substitution of
section 5A of
Act 46 of 1968,
as inserted by
section 5 of
Act 80 of 1977.

9. Section 6 of the Promotion of the Economic Development of National States Act, 1968, is hereby amended by the substitution for subsection (2) of the following subsection:

50 “(2) For the purpose of attaining its objects, a development corporation may exercise such of the powers referred to in section 4 (1) as the Trustee may determine from time to time [and, unless the Trustee otherwise determines, the Corporation for Economic Development, Limited, shall not exercise the said powers in those portions of the national states in respect of which the development corporation concerned has been established: Provided that if a development corporation raises or borrows money from the Corporation for Economic Development, Limited, the Minister shall not determine any conditions on which such money is to be so raised or borrowed].”

Amendment of
section 6 of
Act 46 of 1968,
as substituted by
section 6 of
Act 80 of 1977
and amended by
section 4 of
Act 3 of 1980.

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10. The following section is hereby inserted in the Promotion of the Economic Development of National States Act, 1968, after section 7A:

Insertion of section 7B in Act 46 of 1968.

5 "Transfer of indemnity given by Corporation for Economic Development to Government of Republic of South Africa. **7B.** Any indemnity given by the Corporation for Economic Development, Limited, in terms of section 7A, shall as from the date with effect from which such Corporation is dissolved, be transferred to the Government of the Republic of South Africa, and with effect from such date any reference in any relevant document to such Corporation shall be construed as a reference to the Government."

11. Section 27 of the Promotion of the Economic Development of National States Act, 1968, is hereby repealed.

Repeal of section 27 of Act 46 of 1968.

15 12. The following section is hereby inserted in the National States Constitution Act, 1971, after section 37A:

Insertion of section 37B in Act 21 of 1971.

20 "Certain proclamations to be deemed to have been preceded by consultation. **37B.** Notwithstanding the provisions of this Act or any other law, any proclamation promulgated or purporting to have been promulgated under this Act before 18 June 1982, and which according to the requirement of any Act had to be preceded by consultation, shall be deemed to have been preceded by consultation."

25 13. (1) Evaton, as defined in Schedule A to Proclamation No. 54 of 1959, shall be deemed to have been set apart as a town in terms of section 35 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), and the local authority which at the commencement of this Act manages the affairs of Evaton shall be deemed to have been instituted as a local authority in respect thereof in terms of the Black Local Authorities Act, 1982 (Act No. 102 of 1982).

Evaton deemed to have been established as town in terms of Act 4 of 1984.

30 (2) Subsection (1) shall be deemed to have come into operation on 15 September 1983.

14. The following section is hereby substituted for section 36 of the Black Local Authorities Act, 1982:

Substitution of section 36 of Act 102 of 1982.

35 "Transfer of employees of development board or body of persons established under any law to local authority. **36.** (1) A development board or body of persons established under any law may, with the concurrence of a local authority in its administration area and with the approval of the Minister, transfer a person in its service to the service of such local authority.

40 (2) Any person transferred under subsection (1) shall as from the date of his transfer be appointed to a post established under the local authority on such conditions as may be prescribed for such post and at such remuneration as may be determined for such post: Provided that—

45 (a) the said conditions and remuneration shall not be less favourable than the conditions and remuneration applicable to him as a person employed by the development board or body established by or under any law; and

50 (b) any sick or vacation leave which stood to the credit of such person immediately prior to his transfer to the local authority shall be deemed to be leave earned by him in the service of the local authority.

55 (3) Any person who, immediately prior to his transfer in terms of subsection (1), was a contributor to the Associated Institutions Pension Fund established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963)—

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- (a) shall be deemed to remain, without a break in his service, a member of such pension fund; and
- (b) shall, notwithstanding anything to the contrary contained in any law, not be entitled to the payment of any benefit from such pension fund by virtue of his transfer, in so far as his transfer involves the termination of his service with the development board, or body established by or under any law, concerned.

(4) The Minister may, with the concurrence of the management of any municipal pension fund which will be affected thereby, make regulations relating to the basis and conditions on which any person who immediately prior to his transfer in terms of subsection (1) was a contributor to a municipal pension fund, may remain a member of such pension fund.

(5) Notwithstanding anything to the contrary contained in any law a person who in terms of a regulation under subsection (4) has the right to remain after his transfer a member of a municipal pension fund, shall not be entitled to the payment of any benefit from such pension fund by virtue of his transfer, in so far as his transfer involves the termination of his service with the development board, or body established by or under any law, concerned.

(6) 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 a local government body for the benefit of its employees, or by any law for the benefit of the employees of one or more local government bodies."

15. This Act shall be called the Laws on Co-operation and Development Amendment Act, 1984. Short title.