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STAATSKOERANT

GOVERNMENT GAZETTE

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No. 12583

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1459.

4 Julie 1990

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

No. 84 van 1990: Wet op Gesamentlike Dienste vir Kwa-Zulu en Natal, 1990.

No. 1459.

4 July 1990

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

No. 84 of 1990: KwaZulu and Natal Joint Services Act, 1990.

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 joint exercise and performance on a regional basis of certain powers and duties in relation to certain functions by local bodies in the area comprising the Province of Natal and that part of KwaZulu which falls outside that Province; to that end to provide for the delimitation of regions; for the establishment of joint services boards; and for the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of such boards; to amend certain laws; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 21 June 1990.)

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

Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) “board” means a joint services board established under section 4; (xii)
- (ii) “competent authority” means—
- 10 (a) in relation to a region which is situate within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or a part of such a region, the Administrator of that Province acting in consultation with the other members of the Executive Committee of that Province of which he is a member; and
- 15 (b) in relation to a region which is situate within the self-governing territory of KwaZulu, or a part of such a region, the Chief Minister of KwaZulu acting in consultation with the other Ministers in the Cabinet of KwaZulu; (iii)
- (iii) “drawings”, in relation to any person carrying on an enterprise as contemplated in section 16 (1) (b) (ii), means—
- 20 (a) any amount, whether in cash or otherwise, directly or indirectly withdrawn by him from the enterprise for his private use or consumption, including, in the case of any such person carrying on an enterprise in partnership, any amount withdrawn by him by way of a loan or advance against his share of the anticipated profits of the partnership; and
- 25 (b) an appropriate portion of any expenditure incurred in the course of such enterprise in respect of any asset or service used by such person for his private or domestic use; (xviii)
- (iv) “employer”—
- (a) means an employer as defined in paragraph 1 of the Seventh Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962); and

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- (b) includes any person carrying on an enterprise as contemplated in section 16 (1) (b) (ii); (xx)
- (v) "enterprise" means any trade, business, profession or other activity of a continuing nature, whether or not carried on for the purpose of deriving a profit, but excluding any religious, charitable or educational activity carried on by any religious, charitable or educational institution of a public character; (viii)
- (vi) "Joint Executive Authority" means the KwaZulu/Natal Joint Executive Authority established in terms of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986); (iv)
- (vii) "local authority" means any institution or body contemplated in section 84 (1) (f) (i) of the Provincial Government Act, 1961 (Act No. 32 of 1961), section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987), but does not include a management body or representative body; (xi)
- (viii) "local body" means a local authority, management body or representative body and includes—
- (a) any tribal, community, regional or territorial authority contemplated in section 2 of the Black Authorities Act, 1951 (Act No. 68 of 1951); and
- (b) any other KwaZulu local authority established by or under any other law in force in the self-governing territory of KwaZulu; (x)
- (ix) "management body" means—
- (a) any committee referred to in section 17 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);
- (b) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (c) any local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
- (d) a rural council, one or more members of which are elected; (ii)
- (x) "management committee" means a management committee appointed under section 12; (i)
- (xi) "Official Gazette" means—
- (a) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, the *Official Gazette* of the Province of Natal;
- (b) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated in its entirety within the self-governing territory of KwaZulu, the *Official Gazette* of KwaZulu; and
- (c) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, the *Official Gazette* of both the Province of Natal and KwaZulu; (vii)
- (xii) "person" includes the State and the estate of a deceased person; (ix)
- (xiii) "region" means a region delimited under section 2; (xiii)
- (xiv) "regional establishment levy" means a levy contemplated in section 16 (1) (a) (ii); (xvii)
- (xv) "regional function", in relation to any board, means any function referred to in section 4 (1) (b) or (c); (xvi)
- (xvi) "regional service" means any service provided by a board in the exercise of any power or the performance of any duty in relation to a regional function; (xiv)
- (xvii) "regional services levy" means a levy contemplated in section 16 (1) (a) (i); (xv)
- (xviii) "representative body" means any body—
- (a) of which one or more members are elected to its executive by the members of that body;

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- (b) of which the members consist of persons residing or communities established outside the area of jurisdiction of any local authority or management body in a region;
- (c) which, in relation to certain affairs, manages the interests in such region or any part thereof of the persons or communities that elected the executive in question;
- (d) to members of which any regional service is provided or may be provided; and
- (e) which is recognized—
 - (i) in the case of any such region situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or situate in its entirety within the said territory, by the competent authority concerned; or
 - (ii) in the case of any such region situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said territory, by the Joint Executive Authority, as a representative body for the purposes of this Act if the said competent authority or Joint Executive Authority, as the case may be, is satisfied that the members of the said body are not or cannot be adequately represented on a board by means of a rural council; (xix)
- (xix) "rural council" means a council established under section 17; (vi)
- (xx) "this Act" includes any regulation made under this Act. (v)

25 Delimitation of regions

- 2. (1) The Joint Executive Authority may, subject to the provisions of subsection (2) and after consideration of a report by an advisory committee appointed in terms of a proclamation under section 2 (4) of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), by notice in the *Official Gazette*—
 - (a) delimit a region by determining and describing and from time to time altering the boundaries of the area or areas (whether or not such areas are contiguous) comprised by it;
 - (b) combine two or more regions (whether or not their areas are contiguous) and exercise any power referred to in paragraph (a) in respect of the combined region;
 - (c) include any part of the area of any region in the area of another region, whether or not such part is contiguous to the area in which it is included; and
 - (d) revoke the delimitation of a region.
- (2) The Joint Executive Authority shall exercise the powers conferred upon it by subsection (1)—
 - (a) with the concurrence of—
 - (i) the competent authority concerned;
 - (ii) the Minister of Finance of the Republic;
 - (iii) the Minister of Planning and Provincial Affairs of the Republic;
 - (b) after consultation with—
 - (i) the local bodies in the region or regions in question;
 - (ii) the board of every region affected by the proposed exercise of powers;
 - (iii) any other body or person that it deems necessary; and
 - (c) with regard to the matters mentioned in Schedule 1.
- (3) The Joint Executive Authority may, subject to the provisions of subsection (2) (b), assign a name to a region and determine the seat within the region of the board which is established for the region.
- (4) Subject to the provisions of subsection (2), the Joint Executive Authority may amend, substitute or repeal any notice referred to in subsection (1).

Preparatory steps for establishment of joint services board

- 3. (1) (a) Subject to the provisions of subsection (2), the Joint Executive Authority may, with effect from a date determined by it, empower and direct any local body to do anything which may, in the opinion of the Joint Executive Authority, be necessary or expedient to facilitate the establishment or the proper functioning of a board.

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- (b) If a local body refuses or fails to comply with a directive in terms of paragraph (a), the Joint Executive Authority may perform the act itself, or cause it to be performed, and thereafter the act shall for all purposes be deemed to have been performed by that local body, and any costs incurred by the Joint Executive Authority in that respect may be recovered from that local body.
- (2) The Joint Executive Authority shall not empower or direct any local body in terms of subsection (1) in respect of any matter referred to in section 16, except with the concurrence of the Minister of Finance of the Republic acting after consultation with the Minister of Finance of KwaZulu.
- (3) The board in respect of which anything has been done by virtue of subsection (1), shall be liable to reimburse the local body concerned for all expenses incurred by the body in connection with anything done by it as contemplated in that subsection.

15 Establishment of joint services boards

4. (1) (a) The Joint Executive Authority may, subject to the provisions of section 2 (2) (a) (i), (b) and (c), by notice in the *Official Gazette* and with effect from a date specified in such notice establish a joint services board for any region and from time to time announce which local bodies are represented thereon.
- (b) A board shall be a juristic person and shall in respect of its region be charged with such functions or any part of a function mentioned in Schedule 2 as may from time to time, subject to the provisions of section 2 (2) (a) (i), (b) and (c) of this Act, section 3 (2) (a) of the Public Service Act, 1984 (Act No. 111 of 1984), and any corresponding provision of a law of KwaZulu, by notice in the *Official Gazette* be identified by the Joint Executive Authority as a regional function and be entrusted to that board.
- (c) The Joint Executive Authority may, subject to the provisions of paragraph (b), also identify and so entrust as a regional function the retail supply of electricity and water which at the commencement of this Act is undertaken by a local body or other institution or body in the region in question or in any part thereof.
- (2) (a) If—
- (i) a local body referred to in subsection (1);
- (ii) a regional water services corporation established in terms of section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal; or
- (iii) the Development and Services Board mentioned in section 1 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), of Natal,
- is on the date on which a function or any part of a function is in terms of subsection (1) identified as a regional function and entrusted to a board, charged with that function or any part thereof, that body or corporation or the Development and Services Board shall be relieved of its duties in relation to that function or part thereof in the region concerned, with effect from that date or such other date as is mentioned in the notice, and different dates may be determined in respect of different regional functions which have been so identified.
- (b) The competent authority may, on the recommendation of the Joint Executive Authority and subject to the provisions of section 5 (4) of this Act and section 14 of the Public Service Act, 1984, or a corresponding provision of a law of KwaZulu, as the case may be—
- (i) transfer or second any officer or employee in the employment of any body or corporation or the Development and Services Board referred to in paragraph (a), the State or the Government of KwaZulu to the service of a board; or
- (ii) place the services of any such officer or employee at the disposal of a board.

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(3) The Joint Executive Authority may, subject to the provisions of section 2 (2) (a) (i), (b) and (c) of this Act, section 3 (2) (a) of the Public Service Act, 1984, and any corresponding provision of a law of KwaZulu, amend, substitute or repeal any notice in terms of this section.

5 Powers and duties of a board

5. (1) Subject to the provisions of section 4 (1) (b) and (c), a board shall give priority to the establishment, improvement and maintenance of infrastructural services and infrastructural facilities in areas where the greatest need therefor exists.

(2) Subject to the provisions of—

10 (a) this Act and any other law, a board shall have all the powers and duties of a local body or an officer in the employment of any local body in terms of the laws which apply in its region in relation to any function or any part of a function which the Joint Executive Authority entrusts to it by notice referred to in section 4 (1), but excluding the power to levy any rates on
15 immovable property; and

(b) paragraph (a), all other laws applicable to or in respect of a local body in the region of a board shall *mutatis mutandis* apply to or in respect of such board in such region with regard to any of the regional functions of that board.

20 (3) (a) When a function or any part of a function has in terms of section 4 (1) (b) been identified as a regional function and entrusted to a board, the competent authority may, on the recommendation of the Joint Executive Authority, by notice in the *Official Gazette* declare that any law relating to such function or any part thereof and which has been enacted by a local
25 body in the region of such board, shall be deemed to be a law enacted by the board in terms of subsection (2) (a) in respect of such region.

(b) A board may by notice in the *Official Gazette* amend any law referred to in paragraph (a) in order to give effect to the provisions of that paragraph.

(4) Subject to the provisions of this Act, the provisions of any laws relating to the
30 transfer of employees and the transfer or devolution of assets, powers, duties, rights and obligations in the case of the combining of local bodies in the region of a board, shall *mutatis mutandis* apply in any case where officers or employees are transferred or seconded to or their services are placed at the disposal of a board under section
4 (2) (b) and in the case where a body or corporation or the Development and
35 Services Board is relieved from a duty in terms of section 4 (2) (a): Provided that—

(a) the competent authority may, on the recommendation of the Joint Executive Authority and subject to the provisions of section 2 (2) (b), make any other arrangement in regard to such transfer or devolution—

40 (i) in order to provide for matters for which no provision has been made by the provisions of such laws;

(ii) in order to obtain a result which in the opinion of the competent authority is fair to all concerned; or

(iii) in order to solve administrative difficulties caused by such transfer or devolution; and

45 (b) in the event of the transfer of an employee to the employment of a board, such employee shall be employed on such terms and enjoy such rights and privileges as are not less favourable than those applicable to him at the time of such transfer.

(5) Any arrangement referred to in paragraph (a) of the proviso to subsection (4)
50 may provide that the assets, powers, duties, rights and obligations in question shall only in part be transferred or devolve.

(6) (a) A board may, subject to the provisions of paragraph (b), enter into an agreement with a local body or other person or institution irrespective of whether the area of jurisdiction of that body, person or institution is situated within or outside the region of that board, or within or outside the
55 Republic, in terms of which—

(i) that board undertakes on behalf of that local body, person or institution to exercise a power or perform a duty which that local body, person or institution may exercise or is obliged to perform;

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- (ii) that local body, person or institution undertakes to perform any regional function or part thereof on behalf of the board and may claim a levy contemplated in section 16 on behalf of the board; and
- (iii) that board undertakes on behalf of such local body, person or institution, if the area of jurisdiction of that local body, person or institution is situated outside the Republic or within the area of a legislative assembly of a self-governing territory referred to in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), to perform any regional or other function of the board in terms of this Act, within the area of jurisdiction of such local body, person or institution, in which event such area shall on the conditions specified in the agreement be deemed to form part of the region and such local body, person or institution may on conditions so specified be represented on the board.
- (b) Any agreement referred to in paragraph (a) shall only with the approval of the Joint Executive Authority, the competent authority and the Minister of Foreign Affairs of the Republic be entered into with a local body, person or institution whose area of jurisdiction is situated outside the Republic.
- (7) No compensation shall be payable in respect of any asset or right which in terms of this section is transferred to or devolves upon a board: Provided that, subject to the provisions of section 2 (2) (a) and (b), the Joint Executive Authority may, in order to obtain a result which in its opinion is fair to all parties concerned, direct otherwise.
- (8) For the purposes of the Labour Relations Act, 1956 (Act No. 28 of 1956), a board shall be deemed to be a local authority.
- (9) The competent authority may, on the recommendation of the Joint Executive Authority, by notice in the *Official Gazette* declare that a reference to a local body in any law, excluding the Eskom Act, 1987 (Act No. 40 of 1987), and the Electricity Act, 1987 (Act No. 41 of 1987), specified in the notice shall be construed as a reference also to a board.

Use of services

6. Every local body whose area of jurisdiction is situated in the region of a board and which is represented on such board and every person resident in the area of jurisdiction of such a local body may only make use of regional services provided by such board in such area: Provided that such board may, on the application of any such local body, exempt such body or any person resident in the area of jurisdiction of such local body from the duty to make use of any such regional service.

Constitution of board and apportionment of votes

7. (1) A board shall consist of—
- (a) a chairman appointed in terms of section 8 (1);
- (b) such number of members as the Joint Executive Authority may from time to time determine by notice in the *Official Gazette* and who are nominated in terms of subsection (2) of this section; and
- (c) such number of members as may be admitted by agreement in terms of section 5 (6) (a) (iii).
- (2) Every local body represented on a board shall from its members nominate one member of the board for every 10 per cent or part of 10 per cent of the total number of votes to which it is entitled in terms of subsection (4) (a), but no local body shall nominate more than five members: Provided that each local body may nominate at least one member.
- (3) Simultaneously with the nomination of a member in terms of subsection (2), an alternate member shall be nominated in respect of that member, in the same manner as such member, to act in the place of such member when such member is for any reason absent or unable to exercise or perform any of his powers and duties as a member of the board.

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- (4) (a) Subject to the provisions of subsection (5), every local body represented on a board shall in respect of the decisions of the board be entitled to cast such number of votes as is, at the commencement of the financial year of the board, equal to the proportion, expressed as a percentage, between the amount paid by such local body and the persons in its area of jurisdiction for the provision by the board of regional services and the total amount obtained by the board as a result of the provision of such regional services in that region on behalf of all such local bodies: Provided that—
- (i) the foregoing provisions of this section shall not apply in respect of any regional services provided in any industrial area or central business area which the Joint Executive Authority has, subject to the provisions of section 2 (2) (a) and (b), delimited by notice in the *Official Gazette* after consideration of a report by an advisory committee appointed in terms of section 5 (4) (b) of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), which report shall be based on criteria laid down by the said Joint Executive Authority by notice in the *Official Gazette*; and
- (ii) if the Joint Executive Authority is of the opinion that the basis for the apportionment of votes as determined in this subsection cannot be applied in respect of a specific local body, it may, in order to achieve a result which in its opinion is fair to all persons concerned, but subject *mutatis mutandis* to the provisions of subparagraph (i), determine any other basis according to which the number of votes for such local body shall be determined.
- (b) Any person admitted by agreement in terms of section 5 (6) (a) (iii) as a member of the board shall in respect of the decisions of the board in regard to any matter to which the agreement relates, or which has financial implications for the local body, person or institution which he represents, be entitled to cast such number of votes as is specified in the agreement in question.
- (5) (a) If there are more than two local bodies in any region which are represented on a board for such region, no such local body shall in respect of the decisions of such board be entitled to a number of votes which is in excess of 50 per cent of the total number of votes which may be cast in respect of such decisions.
- (b) If a local body would, but for the provisions of paragraph (a), have been entitled to cast a number of votes which is in excess of 50 per cent of the total number of such votes, the number of votes which is in excess of 50 per cent shall be apportioned among the other local bodies in the region concerned in the proportion, expressed as a percentage, which the amount paid by any such local body or the residents represented by it to the board for regional services, bears to the total amount obtained by the board for the provision of regional services to such local bodies.
- (6) (a) The number of votes which may be cast by members of a local body in respect of decisions of the board shall be so apportioned by the chairman of the board among the members of that local body that the votes that may be cast by members nominated by that local body are, as far as possible, equal.
- (b) If a member or his alternate for some reason cannot cast his vote or votes in respect of a decision of the board, the local body concerned may in writing authorize another member to cast the vote or votes concerned, on its behalf.
- (7) (a) Subject to the provisions of paragraph (b), the number of votes to which local bodies are entitled shall annually within a period of three months after the end of the financial year of the board be calculated by the board in accordance with subsections (1), (2) and (4) on the basis of a certificate issued by the treasurer of the board, and the apportionment of votes shall apply from such calculation until the next calculation is made.

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- (b) In respect of the first constitution or any reconstitution of a board, the number of votes to which local bodies shall be entitled shall be determined by the Joint Executive Authority, subject to the provisions of section 2 (2) (a) (i), on the basis of sworn information obtained by it from the local bodies in the region concerned or on such other basis as it may determine in terms of the second proviso to subsection (4) (a).

Chairman and deputy chairman

8. (1) The Joint Executive Authority shall in respect of every board appoint a chairman and may at any time in its discretion rescind such appointment.
- 10 (2) A board shall, subject to the provisions of section 14 (2) (a) and (b) (i), at its first meeting and annually thereafter elect one of its members as deputy chairman, who shall act as chairman whenever the chairman is for any reason absent or unable to act as chairman or whenever he is requested thereto by the chairman.
- 15 (3) Whenever the chairman and the deputy chairman of a board are for any reason simultaneously absent or unable to act as chairman, the board shall from among its number elect a person to act as chairman.

Tenure of office and remuneration of chairman and members

9. (1) Subject to the conditions determined by the Joint Executive Authority, the chairman of a board shall be appointed for a period not exceeding five years at a time, but shall at the expiration of his term of office be eligible for reappointment.
- 20 (2) Subject to the provisions of subsection (3), a member of a board shall hold office for a period of five years, but shall at the expiration of his term of office be eligible for renomination.
- (3) A member of a board shall vacate his office—
- 25 (a) if he resigns;
- (b) when he ceases to be a member of the local body which nominated him;
- (c) when the local body which nominated him withdraws his nomination, in which case a person shall be nominated in terms of section 7 (2) for the unexpired portion of his term of office.
- 30 (4) The remuneration and allowances of the chairman, the deputy chairman, the members of the board and members of a committee referred to in section 11 who are not members of the board, shall be determined by the Joint Executive Authority with the concurrence of the Minister of Finance of the Republic.

Meetings

- 35 10. (1) The first meeting of a board shall take place at a time and place determined by the Joint Executive Authority, and thereafter, subject to the provisions of subsection (2), at least 10 meetings, or the lesser number which the Joint Executive Authority may approve, shall be held per year at a time and place determined by the board or the chairman if authorized thereto by the board.
- 40 (2) The chairman may at any time, and shall within 14 days after receiving a written request signed by not fewer than six members, call a special meeting of the board.
- (3) Notice of a meeting of a board shall be given to the members thereof as prescribed in the standing orders referred to in subsection (6).
- 45 (4) (a) Members who together are entitled to two-thirds of the total number of votes contemplated in section 7 (4), shall constitute a quorum for a meeting of the board.
- (b) If the number of members present at the time and place determined for a meeting convened for the consideration of any matter referred to in section 14 (5), is on two consecutive occasions less than the required number contemplated in paragraph (a), a meeting of the board shall be held within seven days after the second such occasion after not less than three days' written notice has been given to members, and at that meeting members who together are entitled to one half of the total number of votes
- 55 contemplated in section 7 (4) shall form a quorum.

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- (c) If a quorum as contemplated in paragraph (b) cannot be formed, the matter for the consideration of which the meeting was called, shall be referred by the chairman to the Joint Executive Authority for its decision, which decision shall be carried out by the board.
- 5 (5) The chairman may allow any person or institution which in his opinion has an interest in the functions of the board, to nominate a person to attend the proceedings of the board or any committee thereof and to take part in such discussions of the board or the committee concerned as in the opinion of the chairman relate to the interests of the person or institution in question, but such a nominee may not vote
- 10 in respect of any decision.
- (6) (a) Subject to the provisions of this Act, a board may approve standing orders for the regulation of its proceedings and of all other matters relating to the management, powers and duties of the board.
- (b) Any standing orders may—
- 15 (i) provide for the manner in which committees referred to in sections 11 and 12 may vote notwithstanding the provisions of section 7; and
- (ii) provide that any person contravening a provision of the standing orders shall be guilty of an offence and on conviction liable to a fine not exceeding R500 or in default of payment to imprisonment for a period
- 20 not exceeding three months.

Committees

11. (1) A board—
- (a) may appoint one or more committees to perform such functions as it may under section 15 be authorized to perform; and
- 25 (b) shall designate a chairman for any such committee and determine the quorum for meetings of such committee.
- (2) The chairman of the board shall be a member *ex officio* of every committee appointed under subsection (1) and, whenever he is for any reason absent or unable to act as chairman of the board or he requests the deputy chairman to act as chairman
- 30 of the board, such deputy chairman shall be such *ex officio* member: Provided that the chairman or deputy chairman of the board or any member of such committee who is not a member of the board shall not have a vote at any meeting of any such committee.

Management committee

- 35 12. (1) A board may and, if the Joint Executive Authority so requests, shall appoint a management committee for its region.
- (2) (a) A management committee shall consist of the chairman and the deputy chairman of the board, who shall be the chairman and deputy chairman of such committee respectively, and not more than six members, who shall be
- 40 members of the board designated by the board, and of whom not more than two members may be members of the same local body: Provided that the chairman shall not have a vote at any meeting of any such committee.
- (b) A majority of the total number of members of a management committee shall constitute a quorum.
- 45 (3) (a) A member shall serve on the management committee for a period of one year, but may again be designated, and shall remain in office until his successor is designated.
- (b) Upon the expiry of the term of office of any member of a management committee, the vacancy shall be filled by the board concerned at its next
- 50 ensuing ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairman of the board within 21 days after that ordinary meeting.
- (c) A casual vacancy on a management committee shall occur if a member resigns as a member of such committee, or if he ceases to be a member of the board concerned as contemplated in section 9 (3).
- 55 (d) If a casual vacancy occurs on a management committee such vacancy shall be filled by the board concerned at its next ensuing ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairman of the board within 21 days after that ordinary meeting, and the

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person designated to fill such vacancy shall act in that capacity for the unexpired portion of the term of office of his predecessor.

- (e) If a board is convinced that its management committee is temporarily unable to function as no quorum can be obtained, the board may designate so many members as is necessary to constitute a quorum to serve temporarily on such management committee in the place of the absent members until such members can again attend a meeting of such management committee.
- (4) A management committee shall hold at least one ordinary meeting during a month in which the board meets as contemplated in section 10 (1).
- (5) A special meeting of a management committee—
- (a) may at any time be convened by the chairman thereof; and
- (b) shall be convened by the chairman if he is requested thereto in writing by a majority of the members of the management committee.

15 Powers of management committee

13. (1) A management committee shall have the power—
- (a) to ensure that the resolutions of the board are carried out;
- (b) to consider any matter entrusted to the board in terms of the provisions of any law (excluding any matter determined by the board) and to advise the board in connection therewith;
- (c) to prepare estimates of revenue and expenditure of the board;
- (d) to control the expenditure of moneys voted by the board in its approved estimates and all other moneys or funds made available by the board; and
- (e) to report at every ordinary meeting of the board on the functions of the committee.

Decisions, reconsideration and appeal

14. (1) A decision of a board shall be taken by a majority of at least two-thirds of the votes of the members (other than the chairman referred to in section 8 (1), who shall not have a vote) of the board present at a meeting of the board.
- (2) (a) If a board cannot come to a decision on any matter because a majority referred to in subsection (1) was not obtained, the matter shall be reconsidered by the board at its following meeting.
- (b) If a board upon reconsideration of any matter as contemplated in paragraph (a) cannot come to a decision because the requisite majority was not obtained—
- (i) the election of the deputy chairman of the board under section 8 (2), the appointment of a committee and the designation of the chairman thereof under section 11 or the appointment of the members of a management committee under section 12 shall be by an ordinary majority of the votes of the members present at that meeting; and
- (ii) any other matter shall be referred by the chairman to the Joint Executive Authority for its decision.
- (3) (a) A decision of a board, excluding a decision referred to in subsection (2) (b) (i), shall at the request of a local body represented at the discussion of the matter concerned at the meeting at which such decision was taken, be reconsidered at the following meeting of the board and not again within six months thereafter.
- (b) Any local body not so represented may in writing furnish to the chairman of the board reasons why it was not so represented, whereupon the chairman shall at the request of that local body decide whether or not the decision concerned shall be so reconsidered.
- (4) Any local body represented on a board and whose interests are affected by a decision of that board taken after reconsideration in terms of subsection (3), may within such time and in such manner as the Joint Executive Authority may determine, appeal against that decision to the Joint Executive Authority, which shall—

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- (a) where such appeal relates to any matter referred to in subsection (5), give such decision thereon as it may deem fit; and
- (b) where such appeal relates to any matter referred to in section 16, other than a matter referred to in the proviso to section 16 (7), refer such appeal for decision to the Minister of Finance of the Republic acting after consultation with the Minister of Finance of KwaZulu.
- 5 (5) An appeal contemplated in subsection (4) (a) shall be noted only in respect of—
- (a) the failure by a board to perform a regional function;
- 10 (b) the insufficient performance by a board of a regional function;
- (c) any decision by a board relating to a tariff or levy for services rendered by such board;
- (d) any determination by a board of a priority in connection with the appropriation of funds; and
- 15 (e) the refusal by a board of any application for exemption referred to in section 6.
- (6) The execution of a decision shall not be affected by a request for reconsideration in terms of subsection (3) or by an appeal in terms of subsection (4), but a determination referred to in subsection (5) (d) shall be suspended pending the result of the request or appeal.
- 20 (7) If a decision contemplated in subsection (4) (a) can for any reason whatsoever not be reached, the appeal shall be deemed to have been dismissed.

Delegation of powers

15. A board may in writing authorize—
- 25 (a) a committee appointed under section 11;
- (b) a management committee appointed under section 12;
- (c) the chairman of the board; or
- (d) any officer of the board,
- to exercise or perform in general or in a particular case or in cases of a particular nature any power, duty or function conferred or imposed on the board by or in terms of this Act, except—
- 30 (i) the imposition and claiming of a levy or the appropriation of funds in terms of section 16;
- (ii) the expropriation of immovable property or the taking of the right to use it temporarily;
- 35 (iii) the approval of tariffs in connection with any function referred to in section 4 (1) (b) and (c);
- (iv) the making of by-laws or standing orders under section 5 (2) (a) or 10 (6); and
- 40 (v) the appointment of committees referred to in sections 11 and 12.

Financing of board

16. (1) (a) Subject to the provisions of section 5 (2), a board shall impose upon and claim from—
- 45 (i) every employer who employs or is deemed to employ employees within its region, and every person contemplated in paragraph (b) (ii), a regional services levy; and
- (ii) every person carrying on or deemed to be carrying on an enterprise within its region, a regional establishment levy.
- (b) A regional services levy shall be calculated—
- 50 (i) on remuneration as defined in paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962), but including the amounts referred to in paragraphs (i), (iv) and (vii) of that definition and excluding, in the case of any farm labourer whose cash remuneration is payable at a rate not exceeding the rate contemplated in the said paragraph (i), any amount contemplated in paragraph (i) of the definition of "gross income" in section 1 of that Act, paid or payable by an employer to the employees employed or deemed to be employed by him within the region in question; and
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- (ii) in the case of a person (other than a company) carrying on or deemed to be carrying on an enterprise in the region for his sole account or in partnership with one or more other persons, on his drawings in relation to such enterprise,
- 5 at a rate from time to time determined by the board with the concurrence of the Minister of Finance of the Republic acting after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu, and published by the said Minister of Finance of the Republic by notice in the *Gazette*.
- 10 (c) A regional establishment levy shall be imposed on the basis and at the rate determined from time to time by the board with the concurrence of the Minister of Finance of the Republic acting after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu and published by the said Minister of Finance of the Republic by
- 15 notice in the *Gazette*.
- (d) The Minister of Finance of the Republic may, after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu, by notice in the *Gazette* determine the manner in which the regional services levy and the regional establishment levy shall be calculated and paid.
- 20 (e) The rate of any levy under paragraph (a) may differ in respect of different categories of enterprises or, as the case may be, different categories of employees.
- (2) The Minister of Finance of the Republic may in any notice contemplated in
- 25 subsection (1) (d)—
- (a) determine the circumstances in which an employee shall be deemed to be employed within a region;
- (b) determine the circumstances in which a person shall be deemed to be carrying on an enterprise within a region;
- 30 (c) determine how an amount upon which the regional establishment levy is payable shall be calculated;
- (d) exempt any employer or person from the regional services levy or the regional establishment levy in relation to any enterprise;
- (e) authorize the Commissioner for Inland Revenue of the Republic to—
- 35 (i) take such steps as the Commissioner may deem necessary to ensure that any levy payable under this Act is paid;
- (ii) conduct audits of the affairs of any person who is or may be liable for the payment of any such levy;
- (iii) require any person to produce for examination any books, records or
- 40 accounts or any other documents which in the opinion of the said Commissioner are or may be necessary to determine the liability of such person or any other person for the payment of any such levy;
- (iv) determine or estimate the liability of any person for any such levy and direct a board to make an assessment of such levy; and
- 45 (v) furnish a board with a ruling or directive on the interpretation of any provision of this Act or such notice relating to the determination of the liability of any person for the payment of any such levy, which ruling or directive the board shall be obliged to apply;
- (f) authorize a board to administer, subject to any ruling or directive furnished
- 50 by the said Commissioner under the provisions of paragraph (e) (v), any provision of this Act or of any such notice in so far as it relates to the determination of the liability of any person for or the payment or recovery of any such levy;
- (g) authorize a board, if it appears to the board that the total monthly amount
- 55 for which an employer or person in respect of the payment of a regional services levy and a regional establishment levy shall be liable, is less than the amount determined from time to time by the said Minister, to permit that employer or person to pay the total amount of such levies once per annum at the time determined in the permission;
- 60 (h) provide for an appeal against any decision of a board or the said Commissioner to the special court referred to in section 83 of the Income Tax Act, 1962 (Act No. 58 of 1962), and for an appeal against any decision of the said court;

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- (i) make such other provision as he deems necessary to enable a board to impose and claim any such levy.
- (3) (a) Every board shall open and maintain an account in its name and shall pay into it—
- 5 (i) all income, donations, loans, appropriations and money received by the board from any source;
- (ii) fines paid in respect of any contravention of the provisions of this Act in the area of jurisdiction of the board; and
- 10 (iii) interest received on the investment of money referred to in this paragraph and paragraph (b).
- (b) The Minister of Finance of the Republic may, from moneys appropriated by Parliament for the purpose, make advances, free of interest, to any board for the purpose of financing the activities of such board until such time as the board has accumulated sufficient funds to enable it to liquidate
- 15 such loan.
- (4) No money shall be withdrawn from the account referred to in subsection (3) save in accordance with the provisions of this Act.
- (5) A board shall before the end of its financial year submit a copy of its budget for the next ensuing financial year to the Minister of Finance of the Republic and
- 20 obtain his approval thereof.
- (6) A board shall pay one-twentieth per cent of the total proceeds, in a specific financial year, of the levies referred to in subsection (1) or such other percentage thereof as the Minister of Finance of the Republic may, after consultation with the competent authority, determine, into a fund determined by the said Minister on the
- 25 recommendation of the Joint Executive Authority, for the training of persons in the employ of local bodies.
- (7) Subject to the provisions of subsection (6), a board shall, by resolution, utilize the funds referred to in subsection (3) within or outside its region or in accordance with an agreement in terms of section 5 (6), for—
- 30 (a) the payment or part payment of the costs incurred in the exercise or performance of any power or function entrusted to a board in terms of section 4 (1) (b) and (c);
- (b) the payment or part payment of the costs incurred in the region by a local body in the exercise or performance of any of the powers or functions of
- 35 such local body, but shall not make any payments in respect of a regional service in respect of which exemption has been granted in terms of section 6;
- (c) the payment or part payment of the costs resulting from the collection of the levies referred to in subsection (1) and the administration of this Act;
- 40 (d) the payment or part payment of the costs of the establishment, improvement and maintenance of an infrastructure for, and the running of transport services for commuters between their places of residence within or outside, the region or outside the Republic and their places of employment in the region;
- 45 (e) any other purpose approved by the Joint Executive Authority after consultation with the Minister of Finance of the Republic:
- Provided that in determining the priorities in connection with the utilization of funds the board shall give preference to the establishment, improvement and maintenance of infrastructural services and infrastructural facilities in areas where the greatest
- 50 needs therefor exist.
- (8) No employer or person shall—
- (a) recover a levy referred to in subsection (1) by adding it as a separate item to his prices or tariffs or the cost of his services;
- (b) deduct any such levy from the wages or salaries paid by him;
- 55 (c) dismiss any employee in order to avoid the payment of any such levy; or
- (d) reduce the salary or wages of or in any other manner penalize any employee in order to effect a reduction of the amount of such levy payable by him.
- (9) Any levy referred to in subsection (1) may be deducted as an operating expense for the purposes of income tax by any employer or person.
- 60 (10) Any person who fails to pay any levy referred to in subsection (1) (a) or who contravenes a provision of subsection (8) shall be guilty of an offence and on conviction be liable to a fine not exceeding R5000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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- (11) If any person who is liable for the payment of a levy under subsection (1) fails to pay such levy in full within the period for payment prescribed in terms of this Act, interest shall, unless the relevant board, having regard to the circumstances of the case, otherwise directs, become payable by that person on the balance of the levy outstanding at the same rate as the rate determined from time to time for the purposes of paragraph (b) of the definition of "prescribed rate" in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962), reckoned from the end of the said period.
- (12) A levy, or interest payable in terms of subsection (11), shall be deemed to be a debt due to the board and may be recovered by the board by way of judicial process in a competent court.

Establishment of rural councils

17. (1) In the case of—
- (a) a region which is situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or part of such region, the Minister referred to in section 24(3), according to the population group concerned;
- (b) a region which is situate in its entirety within the self-governing territory of KwaZulu, or part of such region, the Chief Minister of KwaZulu; and
- (c) a region which is situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, or part of such region, the Minister contemplated in paragraph (a), acting after consultation with the Administrator of the Province of Natal and the said Chief Minister jointly,
- may, on the recommendation of the Joint Executive Authority and with due regard to the matters mentioned in Schedule 1, by notice in the *Gazette* in the case contemplated in paragraph (a), the *Official Gazette* of KwaZulu in the case contemplated in paragraph (b), and in both such *Gazettes* in the case contemplated in paragraph (c), establish, with effect from the date mentioned in such notice, one or more rural councils (but not exceeding three such councils in all) to represent the interests of members of any particular population group, or to represent the interests jointly of members of more than one population group, who are resident in such region or part but outside the area of jurisdiction of a local authority.
- (2) The members of the rural council shall be elected by the persons referred to in subsection (1).
- (3) A rural council shall be a juristic person.
- (4) The objects of a rural council are to grant representation on a board to persons in a region outside the areas of jurisdiction of local authorities to promote the interests and welfare of those persons, and for such purpose a rural council shall be vested and entrusted with the powers and duties which—
- (a) in the case of a rural council in any region which is situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or part of such region, the Minister referred to in section 24 (3) according to the population group concerned acting after consultation with the competent authority concerned;
- (b) in the case of a rural council in any region which is situate in its entirety within the self-governing territory of KwaZulu, or part of such region, the Chief Minister of KwaZulu; and
- (c) in the case of a rural council in any region which is situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, or part of such region, the Minister contemplated in paragraph (a), acting after consultation with the Administrator of the Province of Natal and the said Chief Minister jointly,
- may from time to time identify in the *Gazette* in the case contemplated in paragraph (a), or the *Official Gazette* of KwaZulu in the case contemplated in paragraph (b), and in both such *Gazettes* in the case contemplated in paragraph (c), as the powers and duties of such rural council, but such powers shall not include the power to impose any levy or service charge or to levy taxes on immovable property.

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(5) The expenditure in connection with the administration of a rural council shall be defrayed out of money appropriated by Parliament for such purpose.

Regulations

- 5 18. (1) (a) The competent authority may, on the recommendation of the Joint Executive Authority and subject to the provisions of subsection (3), by notice in the *Official Gazette* make regulations in respect of any matter referred to in this Act (except a matter contemplated in section 16, but including a matter contemplated in the proviso to subsection (7) thereof) which in the opinion of the Joint Executive Authority are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.
- 10 (b) Different regulations may be made in terms of paragraph (a) in respect of different regions.
- 15 (2) (a) The Minister of Finance of the Republic may, on the recommendation of the Joint Executive Authority and subject to the provisions of subsection (3), make regulations in regard to any matter referred to in section 16 (excluding a matter contemplated in the proviso to subsection (7) thereof) which in his opinion are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.
- 20 (b) Different regulations may be made in terms of paragraph (a) in respect of different regions, and different rates of or exemptions from levies may be determined for different regions.
- (3) If any regulation under this section is to be applicable in any region which is situate outside the self-governing territory of KwaZulu, or any part of such region, 25 such regulation shall be made only with the concurrence of the Ministers referred to in sections 2 (2) (a) (iii) and 24 (3).
- (4) In the case of a conflict between a regulation under this section and an ordinance of the Province of Natal, a law of the KwaZulu Legislative Assembly or any regulation in force under any such ordinance or law, such first-mentioned 30 regulation shall prevail.
- (5) Any regulation under this section may provide for penalties for any contravention thereof or failure to comply therewith not exceeding a fine of R5 000 or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment.

35 Accounts and audit

19. (1) The board shall cause full and correct accounts to be kept of all moneys received or expended by it, of all its assets and liabilities and of all financial transactions concluded by it.
- (2) The books, statements, accounts and balance sheets of a board shall be audited 40 by the Auditor-General of the Republic.

Secrecy

20. (1) A person employed in the carrying out of the provisions of this Act shall not—
- 45 (a) disclose to any person or his representative any matter in respect of any other person that may in the exercise of his powers or the performance of his duties under the said provisions come to his knowledge; or
- (b) permit any person to have access to any records in the possession or custody of the board,
- 50 except in the exercise of his powers or the performance of his duties under this Act or by order of a competent court: Provided that the Commissioner for Inland Revenue shall, in the exercise of his functions under this Act or any other law, have access to all records and documents in the possession or custody of the board for the purposes of this Act.

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(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

5 Furnishing of information

21. Notwithstanding the provisions of section 4 of the Income Tax Act, 1962 (Act No. 58 of 1962), and section 4 of the Sales Tax Act, 1978 (Act No. 103 of 1978), the Commissioner for Inland Revenue of the Republic or any person designated by him, may furnish to a board such information as in the opinion of the said Commissioner or person is necessary for the determination and collection of any regional services levy or regional establishment levy.

Removal of conflict and administrative problems

22. (1) If in the application of this Act it appears that any provision thereof is in conflict with any other law or that administrative problems are being experienced—
- 15 (a) in any region which is not situate in the self-governing territory of KwaZulu, or any part of such region, the Minister of Planning and Provincial Affairs of the Republic may, after consultation with the Joint Executive Authority and subject to the provisions of subsection (2) (a) and
- 20 (b), by notice in the *Gazette* make regulations to remove such conflict or administrative problems; and
- (b) in any region which is situate in the self-governing territory of KwaZulu, or any part of such region, the Chief Minister of KwaZulu may, after consultation with the Joint Executive Authority and subject to the provisions of subsection (2) (c), by notice in the *Official Gazette* make regulations to remove such conflict or administrative problems.
- 25 (2) (a) The Minister concerned shall make a regulation referred to in subsection (1) (a) only with the concurrence of the Minister referred to in section 24 (3).
- (b) In respect of any matter referred to in section 16, a regulation under subsection (1) (a) shall be made as contemplated therein by the Minister of Finance of the Republic.
- 30 (c) In respect of any matter referred to in section 16, a regulation under subsection (1) (b) shall be made as contemplated therein by the Minister of Finance of KwaZulu after consultation with the Minister of Finance of the Republic.
- 35 (3) (a) A copy of a regulation in terms of subsection (1) shall be laid upon the Table in Parliament or in the Legislative Assembly of KwaZulu by the Minister concerned within 14 days after the publication thereof if Parliament or such Legislative Assembly is then in session or, if Parliament or such Legislative Assembly is then not in session, within 14 days after the commencement of its next ensuing session.
- 40 (b) If Parliament or the Legislative Assembly of KwaZulu disapproves of any such regulation or any provision thereof, such regulation or such provision shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such regulation or such provision up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulation or such provision.
- 45

50 Act binding on State and statutory bodies, and effect of certain exemptions from taxes or levies

23. This Act shall bind the State and all bodies established by or under any law, and no provision contained in any other law published on or before 31 July 1985 providing for an exemption from any taxes or levies shall be applicable to the

55 regional services levy or the regional establishment levy.

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General

24. (1) The provisions of this Act shall—
- 5 (a) notwithstanding anything to the contrary in the National States Constitution Act, 1971 (Act No. 21 of 1971), be of force and effect in the Province of Natal and any portion of the self-governing territory of KwaZulu which is situate outside that Province;
 - (b) be in addition to and not in substitution of the provisions of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), and any proclamation issued in terms of section 2 (4) of the last-mentioned Act; and
 - 10 (c) be construed as if the Legislative Assembly and the Executive Government of the self-governing territory of KwaZulu, as established by Proclamation No. R.11 of 28 January 1977 in terms of the National States Constitution Act, 1971, do not have legislative and executive powers over matters dealt with in this Act.
- 15 (2) Anything required to be published in the *Gazette* or an *Official Gazette* by or at the instance of the Joint Executive Authority or a board shall be signed by the chief executive officer of the Joint Executive Authority or the chairman of the board, as the case may be.
- 20 (3) Where the Administrator of the Province of Natal is, as the competent authority referred to in paragraph (a) of the definition of "competent authority" in section 1, required to grant concurrence for the purposes of this Act, such concurrence shall only be granted with the concurrence of the Ministers concerned of the Republic who are appointed to administer local government matters.
- 25 (4) Any expenditure incurred by a local authority or any other body in terms of a provision of a law amended or repealed by this Act and which could be incurred in terms of a provision of this Act, shall in the discretion of the Joint Executive Authority be deemed to have been incurred in terms of the last-mentioned provision.

30 Repeal and amendment of laws

25. The laws mentioned in Schedule 3, in so far as they apply to the Province of Natal and that part of KwaZulu which falls outside that province, are hereby repealed or amended to the extent indicated in the third column thereof.

Short title and commencement

- 35 26. (1) This Act shall be called the KwaZulu and Natal Joint Services Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
- (2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

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Schedule 1

Matters referred to in section 2 (2) (c)

1. Community of interest between the residents.
2. Nature of services rendered.
3. Cost-effectiveness and efficiency in the rendering of services.
4. Natural and geographical characteristics.
5. Existing administrative boundaries.
6. Economic interdependency between residents in respect of residence, work, commuting, recreation and predominant consumer spending.
7. Financial self-sufficiency with regard to the rendering of services.
8. Development potential.

Schedule 2

Functions referred to in section 4 (1) (b)

1. Bulk supply of water.
2. Bulk supply of electricity.
3. Sewerage purification works and main sewerage disposal pipelines.
4. Land usage and transport planning in the region.
5. Roads and stormwater drainage.
6. Passenger transport services.
7. Traffic matters.
8. Abattoirs.
9. Fresh produce markets.
10. Refuse dumps.
11. Cemeteries and crematoriums.
12. Ambulance and fire brigade services.
13. Health services.
14. Airports.
15. Civil defence.
16. Libraries.
17. Museums.
18. Recreation facilities.
19. Environment conservation.
20. Promotion of tourism.
21. The establishment, improvement and maintenance of other infrastructural services and facilities.
22. Other regional functions.

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Schedule 3

No. and year of law	Title	Extent of repeal or amendment
Act No. 53 of 1957	Black Transport Services Act, 1957	The repeal of the whole in relation to a region as from the date on which the levies referred to in section 16 of this Act are introduced in that region.
Act No. 27 of 1972	Transport Services for Coloured Persons and Indians Act, 1972	The repeal of the whole in relation to a region as from the date on which the levies referred to in section 16 of this Act are introduced in that region.
Ordinance No. 11 of 1973, of Natal	Licences and Business Hours Ordinance, 1973	The repeal of any provision imposing a liability to pay licence fees referred to in section 9 (3), in relation to a region as from the date on which the levies referred to in section 16 of this Act are introduced in that region.
Act No. 88 of 1967	Physical Planning Act, 1967	<p>(a) The amendment of section 1 by the insertion after the definition of "industrial activities" of the following definition: <u>"'joint services board' means a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990;"</u>; and</p> <p>(b) the amendment of section 6A—</p> <p>(i) by the substitution for paragraph (b) of subsection (4) of the following paragraph: <u>"(b) Any such proposals by a local authority shall be so submitted through the provincial administration concerned, and if that local authority is represented on a [regional services council] joint services board, a copy of such proposals shall be submitted to the [regional services council] joint services board concerned."</u>;</p> <p>(ii) by the substitution for subsection (9) of the following subsection: <u>"(9) After receipt of the advice of the investigation committee, the Director-General shall submit to the Administrator such advice, all comments and representations received in connection with the draft guide plan, as well as his own comments thereon, and the Administrator shall submit his comments as well as the comments (if any) of every [regional services council] joint services board to the area of which the plan in question applies to the Minister within 60 days or such longer period as the Minister may determine."</u>;</p> <p>(iii) by the substitution for the proviso to subsection (12) of the following proviso: <u>"Provided that where the scheme or land referred to in this subsection is situated within the area of jurisdiction of a [regional services council] joint services board, any reference in this subsection to 'Administrator' shall be construed as a reference to the [regional services council] joint services board concerned."</u>;</p> <p>(iv) by the substitution for the proviso to paragraph (a) of subsection (13) of the following proviso: <u>"Provided that where a guide plan referred to in this paragraph, applies to land situated within the area of jurisdiction of a [regional services council] joint services board, any reference in this paragraph to 'Minister' and 'Administrator', wherever they occur, shall be construed as a reference to 'Administrator' and '[regional services council] joint services board concerned', respectively."</u>;</p>

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No. and year of law	Title	Extent of repeal or amendment
		<p>(v) by the substitution for the proviso to paragraph (b) of subsection (13) of the following proviso:</p> <p>"Provided that where a plan or plans referred to in this paragraph, apply to land situated within the area of jurisdiction of a [regional services council] joint services board, any reference in this paragraph to 'Minister', 'Administrator' and 'officer in charge of the local government section of the provincial administration concerned', shall be construed as a reference to 'Administrator', ['regional services council] joint services board concerned' and 'chief executive officer of the [regional services council] joint services board concerned', respectively.";</p> <p>(vi) by the substitution for the proviso to paragraph (c) of subsection (13) of the following proviso:</p> <p>"Provided that where a plan or plans referred to in this paragraph, apply to land situated within the area of jurisdiction of a [regional services council] joint services board, any reference in this paragraph to 'Minister' and 'Administrator', wherever they occur, shall be construed as a reference to 'Administrator' and ['regional services council] joint services board concerned', respectively."; and</p> <p>(vii) by the substitution for paragraph (b) of subsection (19) of the following paragraph:</p> <p>"(b) the comments of the Administrator concerned and the [regional services council] joint services board concerned and, if land which in terms of the guide plan may be used for agricultural purposes can in the opinion of the Minister be affected by the proposed amendment or withdrawal, the comments of the Minister of Agriculture shall be obtained."</p>
Act No. 78 of 1977	Urban Transport Act, 1977	<p>The amendment of section 1—</p> <p>(a) by the substitution for paragraph (b) of the definition of "Administrator" of the following paragraph:</p> <p>"(b) for the purposes of sections 11, 12, 13, 14, 15 and 16 in the case where a [regional services council] joint services board is designated as a core city, the [regional services council] joint services board concerned."; and</p> <p>(b) by the insertion after the definition of "guide plan committee" of the following definition:</p> <p>"'joint services board' means a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990;"</p>
Act No. 115 of 1984	Remuneration of Town Clerks Act, 1984	<p>The amendment of section 1 by the substitution in subsection (1) for paragraph (a) of the definition of "local authority" of the following paragraph:</p> <p>"(a) a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990;"</p>
Act No. 117 of 1984	Local Government Bodies Franchise Act, 1984	<p>The amendment of section 1 by the substitution in subsection (1) for paragraph (d) of the definition of "juristic person" of the following paragraph:</p> <p>"(d) a joint services board contemplated in section 4 of the KwaZulu and Natal Joint Services Act, 1990; and"</p>
Act No. 109 of 1985	Regional Services Councils Act, 1985	<p>The repeal of the whole.</p>

KWAZULU AND NATAL JOINT SERVICES ACT, 1990

Act No. 84, 1990

No. and year of law	Title	Extent of repeal or amendment
Act No. 41 of 1987	Electricity Act, 1987	<p>The amendment of section 6 by the substitution for paragraph (d) of subsection (1) of the following paragraph:</p> <p>“(d) any [regional services council] joint services board, for the purposes of the supply of electricity—</p> <p>(i) within the area of jurisdiction of a local authority; and</p> <p>(ii) within any area in respect of which the board has granted a licence to a local authority, in respect of which area of jurisdiction or area the powers and duties, or any part thereof, in regard to the supply of electricity are entrusted to such [regional services council] joint services board, but subject to the conditions of any licence referred to in subparagraph (ii);”.</p>