

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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[No. 7147

CAPE TOWN, 1 AUGUST 1980

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1522.

1 Augustus 1980.

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

No. 94 van 1980: Tweede Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1980.

No. 1522.

1 August 1980.

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

No. 94 of 1980: Laws on Co-operation and Development Second Amendment Act, 1980.

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND AMENDMENT ACT, 1980

Act No. 94, 1980

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 provide for the conferring of a certain judicial power; to amend the Community Councils Act, 1977, so as to effect corresponding alterations; to amend the Second Black Laws Amendment Act, 1978, so as to replace a certain expression; to amend the provisions of the Borders of Particular States Extension Act, 1980, relating to the land that may become a part of certain states; and to provide for control over the performance of functions in relation to the presence of Blacks in certain areas; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 1 July 1980.)

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

1. The following section is hereby inserted after section 21 in Chapter IV of the Black Administration Act, 1927:

Insertion of section 21A in Act 38 of 1927.

“Conferring of civil and criminal judicial power on certain Blacks.”

21A. (1) The Minister may, after consultation with any community council established under section 2 (1) of the Community Councils Act, 1977 (Act No. 125 of 1977), confer on a Black in respect of the area of such council or of such portion of such area as the Minister may determine, the same judicial power as in terms of sections 12 and 20 of this Act may be conferred on a Black chief or headman.

(2) The appropriate provisions of the said sections 12 and 20 and any regulations made thereunder shall, subject to such exceptions and to such adaptations and modifications with reference to such regulations as the Minister may in general or in a particular case deem necessary and make known by notice in the *Gazette*, *mutatis mutandis* apply in connection with the judicial power conferred on any person in terms of subsection (1).”

2. Section 27 of the Black Administration Act, 1927, is hereby amended by the deletion at the end of paragraph (d) *quater* of subsection (1) of the word “and”, and the insertion after the said paragraph of the following paragraph:

Amendment of section 27 of Act 38 of 1927, as amended by section 2 of Act 9 of 1939, section 3 of Act 42 of 1942, section 26 of

“(d) *quin* the payment of an allowance to a Black contemplated in section 21A (1), and the defraying of expenses incurred by any such Black in the exercise of any power under that section, where such expenses are not defrayed

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from the funds of a community council in terms of section 9 (2) of the Community Councils Act, 1977 (Act No. 125 of 1977); and".

Act 56 of 1949
and section 25 of
Act 54 of 1952.

3. Section 7 of the Community Councils Act, 1977, is hereby
5 repealed.
4. Section 8 of the Community Councils Act, 1977, is hereby
amended by the substitution for paragraph (d) of subsection (1) of
the following paragraph:
- 10 "(d) the performance of the functions of a messenger
according to Black law in respect of the exercise of the
judicial power of any person on whom such power has
been conferred under [this Act] section 21A of the
Black Administration Act, 1927 (Act No. 38 of 1927)."
5. Section 9 of the Community Councils Act, 1977, is hereby
15 amended—
- (a) by the substitution for paragraph (c) of subsection (1) of
the following paragraph:
- 20 "(c) every amount received in respect of a fine imposed
by a person in the exercise of criminal judicial
power conferred on him in terms of [this Act]
section 21A of the Black Administration Act, 1927
(Act No. 38 of 1927)"; and
- (b) by the substitution for paragraph (b) of subsection (2) of
the following paragraph:
- 25 "(b) expenses incurred with the consent of the com-
munity council by a person in the exercise of
criminal or civil judicial power conferred on him in
terms of [this Act] section 21A of the Black
Administration Act, 1927."
- 30 6. The following long title is hereby substituted for the long
title of the Community Councils Act, 1977:

Repeal of
section 7 of
Act 125 of 1977.

Amendment of
section 8 of
Act 125 of 1977.

Amendment of
section 9 of
Act 125 of 1977.

Substitution of
long title of
Act 125 of 1977.

"ACT

- 35 To provide for the establishment of community councils [; the conferring of civil and criminal judicial power in urban residential areas upon certain Blacks;] and the establishment of community guards in certain areas; to repeal certain laws; and to provide for matters connected therewith."

7. Section 17 of the Second Black Laws Amendment Act,
40 1978, is hereby amended by the substitution for paragraph (n) of
subsection (1) of the following paragraph:
- "(n) the words 'Bantu Homelands' or the words 'Black states' the words ['Black states'] 'national states';"

Amendment of
section 17 of
Act 102 of 1978.

8. Schedule 2 of the Borders of Particular States Extension Act,
45 1980, is hereby amended by the addition of the following
subparagraph to paragraph (d) under the heading "CAPE OF
GOOD HOPE":

Amendment of
Schedule 2 of
Act 2 of 1980.

"(iv) The area comprising the following:

- 50 From the northernmost beacon of Erf 1317 Mafeking,
clockwise along the boundaries of the following proper-
ties so as to include them in this area: Farm 372 and Erf
428 (plan 5305) to the beacon lettered B, thence in a
south-easterly direction in a straight line to the beacon
lettered Q on the said plan 5305, thence clockwise along
55 the boundaries of the following properties so as to
include them in this area: The said Erf 428 (excluding

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5 Erf 589 previously incorporated in the Republic of
Bophuthatswana), and Erf 1336 and the said Erf 428 to
the beacon lettered Z, thence in a north-westerly and a
south-westerly direction along the boundary of Erf 1323
so as to exclude it from this area, to the southernmost
10 beacon of Erf 1430, thence in a general north-westerly
direction along the boundaries of the said Erf 1430 and
of Erf 593 and the said Erf 1430 so as to include them in
this area, to the westernmost beacon of the said Erf
1430, thence in a general north-westerly direction along
the boundary of Erf 590 to the easternmost beacon of
Erf 591, thence in a general north-westerly direction
15 along the boundaries of the said Erf 591 and of Erfen
598 and 599 so as to include them in this area, to the
northernmost beacon of the last-mentioned erf, thence in
a north-westerly and a north-easterly direction along the
boundary of the said Erf 590 to the westernmost beacon
of Erf 597, thence in a general easterly direction along
20 the boundaries of the said Erf 597 and of Erf 1 and Erf 2
so as to include them in this area, to the north-eastern
beacon of the last-mentioned erf, thence in a north-
westerly and a north-easterly direction along the bound-
aries of Erf 1418 and of the said Erf 1317, so as to
25 include them in this area, to the first-mentioned
beacon."

9. Notwithstanding anything to the contrary in any law
contained, any functions in terms of any law relating to the
presence of Blacks in any area for which no legislative assembly
has been established under section 1 (1) of the Black States
30 Constitution Act, 1971 (Act No. 21 of 1971), shall be performed
subject to the instructions of the Minister of Co-operation and
Development or his authorized representative.

Presence of
Blacks in
certain areas.

10. This Act shall be called the Laws on Co-operation and
Development Second Amendment Act, 1980. Short title.