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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2377.

23 October 1987

No. 2377.

23 Oktober 1987

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

No. 94 of 1987: Local Councils Act (House of Assembly), 1987.

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 1987: Wet op Plaaslike Rade (Volksraad), 1987.

ACT

To provide for the establishment of local councils in certain local government areas; to provide that such councils shall be juristic persons; to determine the functions of such councils; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 13 October 1987.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "local authority" means an institution or body contemplated in section 84 (1) (f) (i) of the Provincial Government Act, 1961 (Act No. 32 of 1961); (iii) 5
 - (ii) "local council" means a council established under section 2; (iv)
 - (iii) "Minister" means the Minister of Local Government, Housing and Works in the Ministers' Council of the House of Assembly; (ii) 10
 - (iv) "this Act" includes any regulation made under section 6. (i)

Establishment of local councils.

2. The Minister may by notice in the *Gazette*—
 - (a) establish a local council for one or more local government areas, whether such areas are contiguous or not, which have been declared by or under any general law as a local government area or areas for the White population group, and which are situated outside the area of jurisdiction of any existing local authority, other than a divisional council, to exercise or perform such powers and functions as are in terms of this Act imposed or conferred upon it; 15 20
 - (b) assign a name to any such local council or change any name so assigned; and 25
 - (c) abolish any such local council.

Local councils to be juristic persons.

3. A local council shall be a juristic person.

Duties and powers of local councils.

4. (1) A local council shall or may, within the area in respect of which it has been established— 30
 - (a) carry out or exercise such duties and powers as may be imposed or conferred upon it by or in terms of this Act;
 - (b) carry out or exercise such duties and powers as in terms of any law shall or may be carried out or exercised by local authorities in the Republic, and as may be specified by the Minister by notice in the *Gazette*, eith- 35

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er generally in respect of all local councils or specially in respect of any particular local council.

- (2) (a) When a local council is established in respect of any area or areas, any other local authority or institution shall be relieved or divested of all duties and powers which such authority or institution may carry out or exercise in respect of that area.
- (b) The property, rights and obligations of such other local authority or institution shall devolve upon or pass to the local council, subject to such conditions as may be specified by the Minister by notice in the *Gazette*, either generally or specially in respect of a particular local council.

Assignment of administration of certain provisions of certain laws.

5. The Minister may, by notice in the *Gazette* and subject to such conditions as he deems fit, assign the administration of any provision of any law which imposes or confers upon him any power or duty in relation to local authorities, to a local council—

- (a) either specifically in respect of any particular such provision or by way of a general assignment of the administration of any such law or of all such laws; and
- (b) either generally or in so far as such provision, law or laws relate to any matter mentioned in such assignment.

Regulations.

6. The Minister may make regulations—

- (1) relating to the constitution of local councils, including the election or appointment of their members;
- (2) relating to the tenure of office of members of any such local council, the filling of casual vacancies on any such council, the holding of meetings of any such council and the procedure thereat;
- (3) relating to the qualifications required of persons in order to be eligible as members, or to be entitled to vote at the election of members, of local councils;
- (4) regulating the repayment of necessary expenses and the payment of allowances to members of such councils;
- (5) regulating the delegation of any duty or power of any such council to its members or employees, or to committees consisting of members or employees, or of members and employees, or any other person or institution;
- (6) regulating the appointment, dismissal, conditions of service (including the granting of loans for the building of houses, the giving of guarantees, and housing subsidies) of employees of the local council;
- (7) regulating the manner in which local councils shall prepare annual estimates of revenue and expenditure;
- (8) authorizing local councils to levy a rate or rates on immovable property situated in the area of the local council in order to obtain revenue required for the carrying out of its duties and the exercise of its powers;
- (9) regulating the valuation of immovable property situated within the areas of local councils;
- (10) regulating the exemption from rates imposed by local councils or the reduction of such rates;
- (11) regulating the manner of collection of such rates;
- (12) regulating the raising of loans by local councils;
- (13) regulating the keeping by local councils of books of account in order to maintain a detailed record of all the assets, liabilities and financial transactions of local councils;
- (14) regulating the auditing of the accounts of local councils;

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- (15) regulating the ownership of public places and public streets in the areas of local councils;
- (16) regulating the acquisition of immovable property and rights thereto, as well as the alienation and letting of property by local councils; 5
- (17) regulating the declaration, closing, construction, maintenance and naming of streets and public places;
- (18) regulating the provision of services relating to sewerage, drainage, water, gas and electricity within the areas of local councils; 10
- (19) regulating the establishment of cemeteries within the areas of local councils;
- (20) regulating the entering into contracts by local councils, which includes the power to enter into contracts with local authorities or other persons for the carrying out or exercise of the duties or powers of local councils; 15
- (21) regulating the levying and fixing of charges for services rendered by local councils;
- (22) prescribing the matters which shall be decided upon at public meetings or by way of polls; 20
- (23) prohibiting or regulating public nuisances in the areas of local councils;
- (24) prescribing the manner in which and the matters with regard to which local councils can make by-laws;
- (25) regulating the right of access of local councils and their employees and contractors to private property in the areas of local councils; 25
- (26) regulating the powers of the Minister in the case of alleged illegal or irregular conduct by local councils;
- (27) regulating the powers of the Minister in the case of the omission of local councils to carry out or to exercise the duties or powers imposed or conferred upon them; 30
- (28) authorizing the adoption of a scheme which determines the use of land in the areas of local councils;
- (29) providing for the granting by the Minister to local councils of any power which in the opinion of the Minister may serve a useful civic purpose. 35

Minister may perform certain acts in local government area in contemplation of establishment of local council.

7. (1) The Minister may at any time in respect of any local government area for which no local council has been established and until a local council is established, perform any function or render any service which could have been performed or rendered by a local council, if the Minister is of the opinion that the performance of such function or the rendering of such service because of the nature thereof cannot be postponed or because it is in his opinion in the interests of that local government area or of the persons residing therein. 40 45

(2) Any function or service mentioned in subsection (1) shall in accordance with the direction of the Minister be performed or rendered by persons in the employment of any department in the Administration: House of Assembly, or of any department of State for general affairs, or of any provincial administration, or of any local authority, or of any regional services council, with whom the Minister has concluded an appropriate agreement for that purpose, and the costs incidental to such performance or rendering may initially be defrayed from the Revenue Account: House of Assembly mentioned in section 2 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and may, when a local council has been established for that local authority area, be recovered by the Minister from such local authority in such manner as he may deem fit. 55 60

Short title.

8. This Act shall be called the Local Councils Act (House of Assembly), 1987.