

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.



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GOVERNMENT GAZETTE

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1886.

26 August 1983

No. 1886.

26 Augustus 1983

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

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

No. 102 of 1983: Laws on Co-operation and Development Amendment Act, 1983.

No. 102 van 1983: Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1983.

Act No. 102, 1983 LAWS ON CO-OPERATION AND DEVELOPMENT AMENDMENT ACT, 1983

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 Land Act, 1913, so as to do away with restrictions on the Small Business Development Corporation, Limited, entering into certain transactions in connection with land in certain Black areas; to amend the Development Trust and Land Act, 1936, so as to extend the definition of "Black" for certain purposes in relation to the Small Business Development Corporation, Limited; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to extend the definition of "Black" for certain purposes in relation to the Small Business Development Corporation, Limited; to define the word "resides" for the purposes of the application of section 10 (1) (c) of the said Act; and to provide that certain provisions of the said Act shall not apply in relation to certain persons attending certain sports functions in any capacity in any urban area, prescribed area or Black residential area; to amend the Promotion of Black Self-government Act, 1959, so as to make certain necessary adjustments in relation to the national units out of which the Black population consists for the purposes of that Act; to amend the Sorghum Beer Act, 1962, so as to empower the Minister of Co-operation and Development to authorize any general dealer within a certain portion of the area of jurisdiction of the Transvaal Board for the Development of Peri-Urban Areas to sell and supply packaged sorghum beer and sorghum beer powder; and to further regulate the utilization of amounts in the Sorghum Beer Industry Development Fund; to amend the Promotion of the Economic Development of National States Act, 1968, so as to empower the State President to amend, in relation to that portion of a national state in respect of which a development corporation has been established, any proclamation by which any such development corporation has been established; and to delete a certain obsolete provision in section 5 of the said Act; to amend the Black Local Authorities Act, 1982, so as to make further provision in relation to the election and periods of office of a mayor and deputy mayor and the calling of meetings of a local authority; to further regulate matters in connection with the dissolution of a community council and the establishment of a local authority in the area of such community council; to authorize the said Minister to make by-laws; and to provide for the designation of a person to perform the functions of a chief executive officer of a local authority in the absence or inability of the chief executive officer or if the office of chief executive officer is vacant; to amend Proclamation R.156 of 1971 and the Lebowa Constitution Proclamation, 1972, so as to amend the area for which the Lebowa

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Legislative Assembly has been established and to alter the constitution of that Assembly; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 18 August 1983.)*

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

Amendment of section 1 of Act 27 of 1913, as amended by section 50 of Act 18 of 1936 and section 1 of Act 16 of 1979.

1. Section 1 of the Black Land Act, 1913, is hereby amended by the insertion after subsection (2) of the following subsection: 5
“(3) For the purposes of subsection (1) (b) or (2) ‘Black’ shall include the Small Business Development Corporation, Limited, contemplated in the Small Business Development Act, 1981 (Act No. 112 of 1981).”.

Amendment of section 49 of Act 18 of 1936, as amended by section 14 of Act 18 of 1954, section 10 of Act 73 of 1956, section 7 of Act 79 of 1957, section 36 of Act 42 of 1964, section 6 of Act 70 of 1974 and section 5 of Act 16 of 1979.

2. Section 49 of the Development Trust and Land Act, 1936, is hereby amended by the substitution for subparagraph (f) of 10 paragraph (3) of the definition of “Black” of the following subparagraph:
“(f) a company or other corporate body or association in which a Black has or Blacks have a controlling interest or, in relation to section 12 (1) (a) or (a)bis, 18 (2), 21, 15 22 or 23, the Small Business Development Corporation, Limited, contemplated in the Small Business Development Act, 1981 (Act No. 112 of 1981).”.

Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 16 of 1955, section 23 of Act 36 of 1957, section 20 of Act 63 of 1962, section 39 of Act 42 of 1964, section 8 of Act 70 of 1974, section 7 of Act 4 of 1976, section 1 of Act 97 of 1978, section 1 of Act 102 of 1978, section 3 of Act 3 of 1980 and section 1 of Act 111 of 1981.

3. Section 1 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for the definition of 20 “Black” of the following definition:
“‘Black’—
(a) means a Black as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), and a person who in appearance obviously is a member of an ab- 25 original race or tribe in Africa, shall for the purposes of this Act and the regulations be presumed to be a Black, unless it is proved that he is not in fact and is not generally accepted as such a member;
(b) for the purposes of section 5, 8 or 37, includes the 30 Small Business Development Corporation, Limited, contemplated in the Small Business Development Act, 1981 (Act No. 112 of 1981).”.

Amendment of section 10 of Act 25 of 1945, as substituted by section 27 of Act 54 of 1952 and amended by section 5 of Act 16 of 1955, section 30 of Act 36 of 1957, section 47 of Act 42 of 1964, section 3 of Act 119 of 1977, section 3 of Act 97 of 1978 and section 6 of Act 16 of 1979.

4. Section 10 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the insertion after subsection (1) of 35 the following subsection:
“(1A) For the purposes of paragraph (c) of subsection (1) ‘resides’, in relation to the wife, the unmarried daughter, or the son under the age of 18 years of any Black referred to in paragraph (b) of the said subsection who did not ordinarily 40 reside with that Black in a prescribed area as contemplated in the said paragraph (c) at any time before the commencement of the Laws on Co-operation and Development Amendment Act, 1983, means to reside in a prescribed area—
(a) in any building erected on any site in respect of which a right of leasehold for residential purposes has been granted or disposed of to that Black in 45 terms of section 6A; or

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- (b) in any dwelling erected, for the purposes of occupation by himself and his dependants, by that Black on any residential site allocated to that Black for such purposes of occupation in terms of the provisions of this Act or any regulation, or in any dwelling on any such site let to that Black for such purposes in terms of such provisions; or 5
- (c) in any dwelling allocated or let as a whole to that Black for the purposes of occupation by himself and his dependants in terms of such provisions; or 10
- (d) in any married quarters referred to in section 9 (2) (f) made available by his employer to that Black for the purposes of occupation by himself and his dependants.”.

Insertion of section 43 in Act 25 of 1945.

5. The following section is hereby inserted in the Blacks (Urban Areas) Consolidation Act, 1945, after section 42: 15

“Application of certain provisions in relation to the attendance of certain sports functions by certain persons.

43. (1) The provisions of this Act or any regulation made thereunder or of a proclamation contemplated in section 31 prohibiting any person, on the ground thereof that he is a Black or is a person other than a Black, from entering or remaining in any urban area or any other prescribed area or any Black residential area or to be therein at any specified time at any specified place, shall not apply to any Black or any person other than a Black, as the case may be, who attends in any capacity any sports function in any such area or enters the area concerned or remains therein or is therein at such specified place at a time or for so long as is reasonably necessary for the purpose of attending such sports function. 20

(2) The onus of proving in any criminal proceedings in terms of the provisions referred to in subsection (1) that an accused attended a sports function or entered an area referred to therein or remained therein or had been therein for the purpose of attending a sports function, shall be upon the accused. 25

(3) For the purposes of this section ‘sports function’ shall mean any meeting organized by or on behalf of any sports club or other sports body for the purpose of practising any kind or kinds of sport and held on any premises— 30

- (a) which are intended or are otherwise suitable for practising the kind or kinds of sport concerned; 35
- (b) which are the property or under the direct control of the sports club or body concerned or in which such sports club or body has an interest; and 40
- (c) to which the public or members of the sports club or body concerned or their guests have access, 45

and shall include any meeting, assembly or gathering, including any social gathering, organized by or on behalf of any sports club or other sports body in connection with any meeting held or about to be held by or on behalf of such sports club or body for the purpose of practising any kind or kinds of sport.”. 50

Amendment of section 2 of Act 46 of 1959, as amended by section 9 of Act 12 of 1978 and section 10 of Act 16 of 1979.

6. Section 2 of the Promotion of Black Self-government Act, 1959, is hereby amended by the deletion of paragraphs (f) and (g) of subsection (1). 55

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Amendment of section 5 of Act 63 of 1962, as amended by section 2 of Act 30 of 1972, section 11 of Act 70 of 1974, section 10 of Act 4 of 1976 and section 2 of Act 115 of 1977.

7. Section 5 of the Sorghum Beer Act, 1962, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) Any general dealer, **[except]** excluding a general dealer within that portion of the area of jurisdiction of a municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee which is not a Black residential area as defined in section 1 of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or an area which has, under section 23 of the Group Areas Act, 1966 (Act No. 36 of 1966), been declared to be a group area for occupation by members of the coloured group but including any general dealer within the portion of the area of jurisdiction so referred to of the Transvaal Board for the Development of Peri-Urban Areas, who has been authorized by the Minister in writing under this section to do so, may, with due regard to the provisions of this section and subject to such conditions as the Minister may determine, sell and supply packaged sorghum beer and sorghum beer powder, provided such packaged sorghum beer is acquired from a local authority, the **[Black Investment Corporation]** Corporation for Economic Development, Limited, or any development corporation as defined in section 1 of the Promotion of the Economic Development of National States Act, 1968 (Act No. 46 of 1968).”

Substitution of section 19bis of Act 63 of 1962, as inserted by section 95 of Act 42 of 1964.

8. The following section is hereby substituted for section 19bis of the Sorghum Beer Act, 1962:

19bis. (1) The Minister shall establish a fund, to be known as the **[sorghum beer research fund]** Sorghum Beer Industry Development Fund (hereinafter referred to as the fund), which shall be controlled by the **[Secretary for Plural Relations]** Director-General: Co-operation and Development and into which shall be paid—

(a) an amount equal to the total amount paid during a financial year to the **[Consolidated]** State Revenue Fund under paragraph (d) of subsection (3) of section 19 of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);

(b) interest obtained on investments;

(c) any money which may accrue to the fund from any other source.

(2) Money standing to the credit of the fund shall be utilized—

(a) for the purpose of research into the composition, manufacture and marketing of sorghum beer; **[and]**

(b) for the payment of the administration costs of the fund as determined from time to time by the Minister in consultation with the Minister of Finance; and

(c) for the payment of expenses incurred in connection with—

(i) the instruction and training of persons involved in the manufacture or supply of sorghum beer;

(ii) the promotion of any matter concerning the manufacture and marketing of sorghum beer, which in the opinion of the Minister are necessary for the better carrying out of the objects and purposes of this Act.

(3) Any moneys credited to the fund and not required for immediate use, shall be deemed to be ‘de-

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posits' for the purposes of the Public Debt Commissioners Act, [1911 (Act No. 18 of 1911)] 1969 (Act No. 2 of 1969).”

Amendment of section 5 of Act 46 of 1968.

9. Section 5 of the Promotion of the Economic Development of National States Act, 1968, is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 5
 “(a) establish a development corporation in respect of those portions of the national states occupied by a national unit referred to in section 2 (1) of the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959), or of parts of such portions defined in such proclamation;” 10
- (b) by the insertion after the said subsection (1) of the following subsection: 15
 “(1A) The State President may, in relation to that portion of a national state or part of such portion in respect of which a development corporation has been established, from time to time amend by like proclamation any proclamation referred to in subsection (1) and may regulate in any such proclamation any matter relating to the assets, liabilities, rights and obligations of the development corporation or the Corporation for Economic Development, Limited, in or in connection with any such portion of a national state affected by the amendment contemplated in this subsection.”; and 20 25
- (c) by the deletion of subsection (5).

Amendment of section 1 of Act 102 of 1982.

10. Section 1 of the Black Local Authorities Act, 1982, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): 30

- “(2) For the purposes of— 30
- (a) section 10 (3) and of section 11, read with section 10 (3), in relation to the election of a mayor and a deputy mayor of a local authority after the first election of the members thereof; and 35
- (b) section 14 (2), (4) (b) and (8) in relation to the first ordinary meeting of a local authority after the first election of the members thereof, 40
 any reference to the chief executive officer shall be construed as a reference to the Director-General or any officer in the Department designated by him.”

Substitution of section 4 of Act 102 of 1982.

11. The following section is hereby substituted for section 4 of the Black Local Authorities Act, 1982:

“Dissolution of community council on establishment of local authority. 45
 4. (1) When a local authority is established under section 2 for an area for which a community council has been established under the Community Councils Act, 1977 (Act No. 125 of 1977), or which includes the area of such a community council, the Minister shall dissolve the community council concerned by notice in the *Gazette* as from the date of the first ordinary meeting of the local authority. 50

(2) A notice contemplated in subsection (1) may in addition provide that—

- (a) anything done under the Community Councils Act, 1977, or any other law by or in respect of the community council to which such notice relates and which may be done by or in respect of a local authority under this Act or such other law, shall as from the date on which the com- 55

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munity council is dissolved and subject to such limitations, qualifications or conditions as may be specified in the notice, be deemed to have been done by or in respect of that local authority;

5
 [(a)] (b) the assets, liabilities, rights and obligations of the community council [to which it relates] shall as from the date on which the [local authority is established] community council is dissolved, devolve upon that local authority;

10
 [(b)] (c) any person who immediately before the dissolution of that community council held an appointment as an employee of that council shall as from the date on which [that local authority is established] the council is dissolved and subject to such conditions and in accordance with such directives as may be specified in that notice, be appointed by the local authority to a post on its establishment.”

Amendment of
 section 10 of
 Act 102 of 1982.

12. Section 10 of the Black Local Authorities Act, 1982, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) (a) A local authority shall as soon as may be expedient after an election was held in terms of section 7 (1) and thereafter as often as it may become necessary elect a member as the mayor of the local authority.”

(b) The election of a mayor shall be by absolute majority of the members present at the meeting at which the election takes place.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) The mayor shall forthwith enter upon his office and, unless his office is sooner vacated, continue therein [until his successor is elected in terms of subsection (1)] for the period terminating on the first ordinary meeting of the local authority held subsequent to the expiry of one year after his election as mayor or on the day on which his period of office as a member expires, whichever period is the shorter, and he shall be eligible for re-election.”

Amendment of
 section 11 of
 Act 102 of 1982.

13. Section 11 of the Black Local Authorities Act, 1982, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A local authority shall as soon as may be expedient after an election was held in terms of section 7 (1) and thereafter as often as it may become necessary elect a member as the deputy mayor of the local authority, and the provisions of section 10 (1) (b) and (3), shall apply mutatis mutandis to the election.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The provisions of section 10 (2) shall apply mutatis mutandis in respect of a deputy mayor.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) The provisions of section 10 (5), (6) and (7) shall apply mutatis mutandis in respect of the election of a deputy mayor in terms of subsection (3) of this section.”

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Amendment of section 27 of Act 102 of 1982.

14. Section 27 of the Black Local Authorities Act, 1982, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The Minister may make by-laws on any matter on which a local authority may make by-laws, and such by-laws shall apply in the area of each local authority in so far as they are applicable or not excluded by or inconsistent with the by-laws of the local authority of an area concerned.”

Amendment of section 30 of Act 102 of 1982.

15. Section 30 of the Black Local Authorities Act, 1982, is hereby amended by the addition of the following subsection:

“(5) Whenever the chief executive officer of a local authority is absent or is unable to perform his functions, or the office of chief executive officer is vacant, the functions of the chief executive officer shall be performed by an employee of the local authority or any person seconded to its service under section 35 (2) designated for such purpose by the local authority, or if the local authority has for whatever reason failed to designate such an employee or a person and is not in session at the time when the said functions are to be performed, designated for the said purpose by the mayor.”

Amendment of Schedule to Proclamation R.156 of 1971, as substituted by Proclamation R.224 of 1972 and amended by Proclamations R.126 of 1977, R.217 of 1978 and R.247 of 1979, and repeal of Proclamation R.210 of 1980.

16. (1) The Schedule to Proclamation No. R.156 of 1971 is hereby amended by the deletion of paragraph (2).

(2) Proclamation No. R.210 of 1980 is hereby repealed.

(3) Subsections (1) and (2) shall be deemed to have come into operation on 1 November 1980.

Amendment of section 3 of Proclamation R.225 of 1972.

17. Section 3 of the Lebowa Constitution Proclamation, 1972, is hereby amended—

- (a) by the substitution in subsection (1) for the expression “100” of the expression “96”;
- (b) by the substitution in paragraph (a) of subsection (1) for the expression “fifty-nine” of the expression “fifty-seven”; and
- (c) by the substitution in paragraph (c) of the said subsection for the expression “forty” of the expression “thirty-eight”.

Amendment of Schedule to Proclamation R.225 of 1972.

18. The Schedule to the Lebowa Constitution Proclamation, 1972, is hereby amended by the deletion in column A of the words “The area of the District of Moutse, excluding the following farms: (i) Tribal farm: Weltevreden 158 JR; (ii) Trust farm: Matjesgoedkuil 3 JS; (iii) Trust farm: Vrieskraal 4 JS; (iv) Trust farm: Kameelrivier 160 JR; (v) Waterval 34 JS; (vi) Pieterskraal 190 JR; (vii) Wolvenkraal 192 JR; (viii) Klipplaatdrift 193 JR, excluding Portions 7 and 8; and (ix) Valschfontein 33 JS”, in column B of the word “Moutse” and in columns C and D of the expression “2”, wherever it occurs opposite the word “Moutse” in column B.

Short title and commencement.

19. (1) This Act shall be called the Laws on Co-operation and Development Amendment Act, 1983.

(2) Sections 17 and 18 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.