

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

STAATSKOERANT

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1468.

6 July 1983

No. 1468.

6 Julie 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. 88 of 1983: Provincial Affairs Act, 1983.

No. 88 van 1983: Wet op Provinsiale Aangeleenthede, 1983.

Act No. 88, 1983

PROVINCIAL AFFAIRS 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 Republic of South Africa Constitution Act, 1961, so as to further regulate the power of provincial councils to make ordinances with regard to the assistance which an institution or body contemplated in section 84 (1) (f) may render and the area of jurisdiction of such an institution or body; to amend the Financial Relations Act, 1976, so as to increase the penalty which provincial councils may impose by ordinance in respect of a failure to pay certain taxes; to empower provincial councils to provide for the payment of certain expenditure in connection with choirs or orchestras of schools or other educational institutions of their provinces; and to assign to the Minister of Constitutional Development and Planning the power to declare any matter to be one of national interest for the purposes of providing for certain payments out of any provincial revenue fund; to empower any institution or body aforesaid to employ persons and make them available for service to certain states or areas; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 27 June 1983.)

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

Amendment of section 84 of Act 32 of 1961, as amended by section 37 of Act 47 of 1963, section 36 of Act 61 of 1965, section 4 of Act 61 of 1972, section 1 of Act 30 of 1977, section 60 of Act 63 of 1977, section 2 of Act 31 of 1980 and section 33 of Act 101 of 1980.

1. (1) Section 84 of the Republic of South Africa Constitution Act, 1961, is hereby amended—

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

“(fC) the assistance regarding civil defence which any institution or body contemplated in paragraph (f) may, with the approval of the administrator concerned, render to any such institution or body established in any other province, and the assistance which any institution or body so contemplated may with such approval render for the relief of the distress of persons who are or will be affected by an event declared to be a disaster under section 26 of the Fund-raising (Act, 1978 (Act No. 107 of 1978));”

and

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

“(2) An ordinance passed by a provincial council in relation to any matter referred to in paragraph (f) of subsection (1) may provide—

(a) for the appointment by the administrator of the province concerned, or any specified authority, of the members or any number of the members of

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any institution or body [referred to] contemplated in that paragraph;

- (b) for the area of jurisdiction of an institution contemplated in subparagraph (i) of that paragraph to comprise one or more areas (whether contiguous or not)." 5

(2) The incurring of expenditure, before the commencement of subsection (1) (a), by an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961, for the relief of the distress of persons who were or would have been affected by an event declared to be a disaster under section 26 of the Fund-raising Act, 1978 (Act No. 107 of 1978), is here by validated in so far as it is for any reason invalid.

Substitution of section 7 of Act 65 of 1976.

2. (1) The following section is hereby substituted for section 7 of the Financial Relations Act, 1976: 15

"Limitation of penalty on failure to pay tax. 7. No provincial council may by ordinance impose, in respect of the failure to pay any tax referred to in section 6 on the date on which it becomes payable, a penalty at a rate exceeding [— 20

(a) thirty per cent per annum if the tax does not exceed twenty rand;

(b) twenty per cent per annum if the tax exceeds twenty rand but does not exceed fifty rand;

(c) fifteen per cent per annum if the tax exceeds fifty 25 rand but does not exceed one hundred rand;

(d) twelve per cent per annum if the tax exceeds one hundred rand,

calculated upon each completed two rand of the tax over the period] ten per cent of the tax for each month or part of a month during which the tax remains unpaid: Provided that any such penalty shall not exceed the total amount of the tax payable."

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1974. 35

Insertion of section 17A in Act 65 of 1976.

3. (1) The following section is hereby inserted in the Financial Relations Act, 1976, after section 17:

"Provision by provincial councils for expenditure in connection with tours abroad by certain choirs or orchestras. 17A. A provincial council may provide for the payment from the provincial revenue fund of expenditure incurred in connection with tours abroad by 40 choirs or orchestras consisting of pupils or students of schools or other educational institutions maintained, managed and controlled by the provincial administration, if the tours are calculated to advance singing or music among such pupils or students." 45

(2) The incurring of expenditure before the commencement of subsection (1) which for any reason is invalid but which would have been valid if it had taken place after such commencement, is hereby validated.

Amendment of section 21 of Act 65 of 1976, as amended by section 14 of Act 35 of 1979.

4. Section 21 of the Financial Relations Act, 1976, is hereby 50 amended by the substitution in subsection (2) for the words preceding paragraph (i) of the following words:

"For the purposes of subsection (1) 'matter of national interest' shall mean any act, event, granting of aid, ceremony or demonstration declared by the Minister of [the Interior] 55 Constitutional Development and Planning to be a matter of national interest on the grounds that it is—".

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Employment and
secondment of
persons by local
authority at request
of a Minister.

5. (1) An institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961) (in this section referred to as a local authority), may, at the request of any Minister and in accordance with arrangements made by such Minister with such local authority and the administrator of the province in which the local authority has been established, take any person into its service for the purpose of making him available, and make him available, to the department of State administered by such Minister, to be seconded for service to the government or any other governmental authority of any area which has become an independent state in terms of an Act of Parliament or for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of 1971), even if the service for which such person is to be so seconded is a service in respect of which it would, but for the provisions of this subsection, not have been competent for the local authority to employ any person.

(2) The salary and allowances payable to a person taken into service by a local authority under subsection (1) and any other condition of service applicable to such a person may differ from those payable or applicable in terms of any law or otherwise to other persons in the service of the local authority, and shall, in so far as they do so differ, be determined in the arrangements contemplated in that subsection.

(3) The Minister at whose request a local authority has taken any person into its service under subsection (1), shall refund to the local authority any amount which it has paid to that person or any other person, including any authority, by virtue of its obligations or liability, whether in terms of any law or otherwise, as the employer of that person and which the local authority is not entitled to recover from some person other than the State or, although so entitled, cannot so recover.

(4) The preceding provisions of this section shall not affect any power of a provincial council in terms of section 84 (1) (fB) of the Republic of South Africa Constitution Act, 1961, with respect to the making available or secondment of persons taken into service by a local authority otherwise than under subsection (1) of this section.

(5) This section shall be deemed to have come into operation on 1 September 1980.

Short title.

6. This Act shall be called the Provincial Affairs Act, 1983.