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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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No. 9826

STATE PRESIDENT'S OFFICE

No. 1420.

3 July 1985

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

No. 90 of 1985: Laws on Co-operation and Development Second Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1420.

3 Julie 1985

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

No. 90 van 1985: Tweede Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1985.

Act No. 90, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND
AMENDMENT ACT, 1985**GENERAL EXPLANATORY NOTE:**

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to regulate the powers of Black women with regard to the acquisition of leasehold rights; to amend the Black Local Authorities Act, 1982, so as to make other arrangements in regard to the exercise or performance of a power, function or duty of a local authority which it is for any reason unable to exercise or perform; to amend the Black Communities Development Act, 1984, so as to effect certain textual improvements; to provide for the exercise, carrying out or performance of certain powers, duties and functions under certain laws; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 20 June 1985.)

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

Insertion of
section 11A in
Act 38 of 1927.

1. The Black Administration Act, 1927, is hereby amended by the insertion after section 11 of the following section:

“Capacity of
Black
women in re-
spect of
leasehold.

11A. Notwithstanding any law affecting the status or contractual capacity of any person by virtue of Black law and custom, the capacity of a Black woman to perform any juristic act with regard to the acquisition by her of a right of leasehold or sectional leasehold under the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or the Black Communities Development Act, 1984 (Act No. 4 of 1984), or the disposal of any such right or the borrowing of money on security of such right or the performance of any other juristic act in connection with such right or to enforce or defend her rights in connection with such right in any court of law, shall be determined and any such rights acquired by her shall vest in her and any obligation incurred by her shall be enforceable by or against her as if she were not subject to Black law and custom.”

Insertion of
section 29A in
Act 102 of 1982.

2. The following section is hereby inserted in the Black Local Authorities Act, 1982, after section 29:

“Inability of
local author-
ity to per-
form its
functions.

29A. (1) If at any time and for any reason the number of vacancies in a local authority is such that the Minister is of the opinion that the local authority is unable to exercise, perform or fulfil any right, power, function or duty assigned to it by or under

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AMENDMENT ACT, 1985

this Act, the Minister may, notwithstanding the provisions of sections 6 (3) and 9 (2), by notice in the *Gazette* dissolve the local authority or authorize any person or body to exercise, perform or fulfil any or all of such rights, powers, functions, duties and obligations during a period mentioned in the notice. 5

(2) The Minister may by like notice curtail or extend the period referred to in subsection (1).

(3) The provisions of section 2 (3) (b) shall *mutatis mutandis* apply in respect of the dissolution of a local authority under subsection (1), and in any such application any reference to a notice in that section shall be construed as a notice issued under subsection (1). 10

(4) A right, power, function, duty or obligation exercised, performed or fulfilled by a person or body as may be authorized under subsection (1), shall be deemed to have been exercised, performed or fulfilled by the local authority concerned. 15

(5) Expenditure incurred by a person or body by virtue of subsection (1) shall be payable by or recoverable from the local authority concerned." 20

Amendment of
section 35 of
Act 4 of 1984.

3. (1) Section 35 of the Black Communities Development Act, 1984, is hereby amended by the substitution for subsection (4) of the following subsection: 25

"(4) Any area defined and set apart under the provisions of section 2 (1) (a), (b) or (c) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and situated in the administration area as defined in the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), of an administration board as so defined, which administration area is under section 3 deemed to have been established as the development board area of a board, shall be deemed to have been set apart under subsection (1) (a), (b) or (c), respectively." 30

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1984. 35

Interim
provisions.

4. (1) Until Parliament has made other provision, any power, duty or function which may or shall be exercised, carried out or performed in terms of any law mentioned in the Schedule to the Black Communities Development Act, 1984 (Act No. 4 of 1984), which law was immediately prior to the passing of this section still in force, shall or may be exercised carried out or performed by an authority (including a development board referred to in the said Act), or any person in the service of such authority, or by any other functionary (including a person in the service of the State), determined by the State President by proclamation in the *Gazette* either generally or in respect of any particular area, including the area of jurisdiction of any authority or functionary, as may be determined in that proclamation. 45

(2) The State President may in such or any subsequent proclamation effect in such law, or regulation made in terms of any such law, such adjustments as may in his opinion be necessary or desirable in order to enable the authority, person or functionary referred to in subsection (1) effectively to exercise, carry out or perform any power, duty or function. 50 55

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AMENDMENT ACT, 1985**

(3) A proclamation under this section shall come into operation on a date fixed in the proclamation, which date may also be a date before that of the proclamation.

(4) This section shall be deemed to have come into operation on 1 April 1984.

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Short title.

5. This Act shall be called the Laws on Co-operation and Development Second Amendment Act, 1985.