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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KAAPSTAD, 3 JULIE 1985

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1421.

3 July 1985

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

91 of 1985: Laws on Co-operation and Development Amendment Act, 1985.

No. 1421.

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. 91 van 1985: Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1985.

Act No. 91, 1985

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ACT, 1985

Act 76 of 1963
and section 45 of
Act 42 of 1964.

- particular location, Black village or Black hostel, or any town or hostel as referred to in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), to be undesirable, with a view to the maintenance of public order and security, such police officer or any police officer authorized thereto by him may—
- (i) by written notice prohibit such person for any period, but not exceeding three months, set out in the notice from entering the location, Black village or Black hostel or town or hostel in question; or
 - (ii) order such person forthwith to leave the location, Black village or Black hostel or town or hostel in question.
- (b) Any person who, contrary to a prohibition referred to in paragraph (a) (i), enters any location, Black village or Black hostel or town or hostel or who fails to comply with an order referred to in paragraph (a) (ii) may be summarily ejected from the location, Black village or Black hostel or town or hostel in question by a police officer of or above the rank of lieutenant, or by any police officer acting by order of a police officer of or above the rank of lieutenant.”;
- (c) Any person served with a notice referred to in paragraph (a) (i), may within seven days after the notice has been served on him, appeal in writing to the Minister of Law and Order against the prohibition and the said Minister may give such decision as he deems fit.
- (b) by the substitution for subsection (10) of the following subsection:
- “(10) (a) Subject to the provisions of paragraph (b) the Minister may, after consultation with the Minister of Law and Order, assign the powers summarily to eject any person under subsection (9) (b) from the location, Black village or Black hostel or town or hostel in question to—
- (i) the persons appointed by a development board for the management of a town as referred to in section 1 of the Black Communities Development Act, 1984, to perform within the area of jurisdiction of that town but outside the area of jurisdiction of a town council or village council established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982), such functions as relate to the maintenance of the good order and the peaceful administration of such town;
 - (ii) the inspectors appointed by a development board under section 42 of the Black Communities Development Act, 1984;
 - (iii) the persons appointed by a local authority under section 34 (1) of the Black Local Authorities Act, 1982; or
 - (iv) the members of a community guard established under section 8 of the Community Councils Act, 1977 (Act No. 125 of 1977), who may perform such powers only by order of a police officer of or above the rank of lieutenant or of any police officer acting by order of a police officer of or above the rank of lieutenant.
- (b) The Minister shall not assign any power under paragraph (a) except with the concurrence of, as the case may be, the development board, local authority or community council in question.”; and

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(c) by the addition of the following subsection:

“(11) Any person who contrary to a prohibition referred to in subsection (9) (a) (i) enters any location, Black village or Black hostel or town or hostel or who fails to comply with an order referred to in subsection (9) (a) (ii), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”

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, section 6 of Act 16 of 1979 and section 4 of Act 102 of 1983.

4. Section 10 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended—

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

“(a) he has, since birth, resided continuously in such area or any other prescribed area; or”;

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

“(b) he has worked continuously in any such area [for one employer] for a period of not less than ten years or has lawfully resided continuously in any such area for a period of not less than [fifteen] ten years, and has thereafter continued to reside in any such area and is not employed outside any such area and has not during either period or thereafter been sentenced to a fine exceeding [five hundred] one thousand rand or to imprisonment for a period exceeding six months; or”;

(c) by the insertion after subsection (1A) of the following subsection:

“(1B) Any Black who is under paragraph (a), (b) or (c) of subsection (1) qualified to remain within any prescribed area for a period in excess of seventy-two hours, shall not become disqualified to remain or to work or to seek work in that area merely because he has moved from that area to, or that area or any portion thereof has become part of—

(a) any area referred to in section 21 (1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);

(b) any area for which a legislative assembly has been established, or which has been declared to be a self-governing territory, under the National States Constitution Act, 1971 (Act No. 21 of 1971); or

(c) the area of any State the territory of which or part of the territory of which formerly formed part of the Republic.”

Validation of transfer of certain assets of Economic Development Corporation, Limited, to Small Business Development Corporation, Limited.

5. The transfer of the assets of the Economic Development Corporation, Limited, in and with regard to Soshanguve on 1 April 1984, to the Small Business Development Corporation, Limited, shall be deemed to have been made in terms of section 50 5A of the Promotion of the Economic Development of National States Act, 1968 (Act No. 46 of 1968).

Amendment of section 14 of Act 21 of 1971, as amended by section 22 of Act 70 of 1974.

6. (1) Section 14 of the National States Constitution Act, 1971, is hereby amended—

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

“(1A) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Black Administration Act, 1927 (Act No. 38 of 1927), to establish or disestablish a magistrate's court

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or a Commissioner's Court, or to appoint any judicial officer or other officer **[thereto]** for such a court or for a court referred to in subsection (1), in an area referred to in subsection (1), shall vest in the member of the executive council concerned, or, as the case may be, in the corresponding officer of such area: Provided that no such court shall be established or disestablished and no such judicial officer or other officer shall be appointed by such member or by any such officer in respect of persons who are not Blacks, without the approval of the Minister."; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) Nothing in this section contained shall be construed as preventing any Minister or officer of the public from establishing or disestablishing a magistrate's court in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944) **[or a Commissioner's Court in terms of the Black Administration Act, 1927 (Act No. 38 of 1927)]**, in any portion of an area referred to in subsection (2) for the trial or hearing of cases of persons or between parties who are not **[citizens]** Blacks or any one of whom is not a **[citizen]** Black, and any such court may, notwithstanding anything contained in **[either of]** the said **[Acts]** Act, be established in respect of any number of such portions of an area whether or not constituting a single area."

(2) Subsection (1) (a) shall be deemed to have come into operation on 6 November 1974, and for the purposes of section 14 (1A) of the National States Constitution Act, 1971, as amended by the said subsection (1) (a), any reference in the Magistrates' Courts Act, 1944, or the Black Administration Act, 1927, to the public service, shall be construed as including a reference to the public service of the government of the area for which the legislative assembly in question has been established.

Amendment of section 6 of Act 125 of 1977, as amended by section 14 of Act 98 of 1979.

7. Section 6 of the Community Councils Act, 1977, is hereby amended by the insertion after paragraph (c) of subsection (1A) of the following paragraph:

"(cA) A community council shall, for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution, and shall for those purposes be deemed to have been declared to be such an institution in terms of section 4 of that Act, as from the date on which it has been or is established in terms of this Act, until the community council decides otherwise."

Amendment of section 36 of Act 102 of 1982, as substituted by section 14 of Act 83 of 1984.

8. Section 36 of the Black Local Authorities Act, 1982, is hereby amended by the insertion after subsection (3) of the following subsection:

"(3A) A local authority shall, for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution, and shall for those purposes be deemed to have been declared to be such an institution in terms of section 4 of that Act, as from the date on which it has been or is established in terms of this Act, until the local authority decides otherwise."

Interpretation of Proclamation R.225 of 1972.

9. For the purposes of section 2 of the Lebowa Constitution Proclamation, 1972, any reference to the area for which the self-governing territory of Lebowa has been established, shall be interpreted as a reference to the area defined in the Schedule to Proclamation No. R.156 of 1971, as substituted by Proclamation No. R.224 of 1972 and amended by Proclamations Nos. R.126 of 1977, R.217 of 1978, R.247 of 1979, R.210 of 1980 (read with section 16 of the Laws on Co-operation and Development Amendment Act, 1983 (Act No. 102 of 1983)), R.123 of 1981

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and R.35 of 1983, and as it may thereafter be amended under section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971).

Short title.

10. This Act shall be called the Laws on Co-operation and De- 5
velopment Amendment Act, 1985.