



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)

Local 80c Plaaslik
Other countries R1,10 Buitelands
Post free • Posvry

Vol. 313

CAPE TOWN, 12 JULY 1991

KAAPSTAD, 12 JULIE 1991

No. 13371

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1520.

12 July 1991

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

No. 126 of 1991: Development Aid Laws Amendment Act, 1991

No. 1520.

12 Julie 1991

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

No. 126 van 1991: Wysigingswet op Ontwikkelingshulpwetgewing, 1991

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to further regulate the recognition, appointment or deposition of chiefs and headmen; to amend the Representation between the Republic of South Africa and Self-governing Territories Act, 1959, so as to provide for the appointment of an acting commissioner-general; to amend the Self-governing Territories Constitution Act, 1971, so as to delete a redundant provision; to further regulate the establishment of magistrates' courts in self-governing territories; to further regulate the powers of the chief ministers, ministers and deputy ministers of the self-governing territories; to further regulate the executive powers, authorities and functions in self-governing territories; and to further regulate the legislative authority of self-governing territories in relation to professions, trades and occupations; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

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

Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943 and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957, section 6 of Act 46 of 1959, section 9 of Act 46 of 1962, section 1 of Act 23 of 1972, section 1 of Act 70 of 1974 and section 3 of Act 105 of 1986

1. Section 2 of the Black Administration Act, 1927, is hereby amended—

(a) by the substitution for subsection (7)*bis* of the following subsection:

“(7)*bis* When recognizing or appointing a person as chief of a Black tribe or at any time thereafter or when any person is or has been recognized or appointed as the chief of a Black tribe **[by a territorial authority by virtue of powers conferred upon it under subsection (8)*ter*]**, the Governor-General may, notwithstanding anything in this Act or in any other law contained, after a public enquiry by such persons having a knowledge of the language, customs and laws of the Black tribe concerned, as he may appoint for the purpose, make an order awarding to, or imposing upon, the person so recognized or appointed as chief such of the property, rights or obligations of the previous chief, whether deceased or deposed, as in his opinion were acquired or incurred by the previous chief by virtue of his office and as he may deem just.”; and

(b) by the deletion of subsections (8)*bis* and (8)*ter*.

Amendment of section 2 of Act 46 of 1959, as substituted by section 4 of Act 32 of 1987

2. Section 2 of the Representation between the Republic of South Africa and Self-governing Territories Act, 1959, is hereby amended by the addition of the following subsections:

“(6) The Minister may appoint an acting commissioner-general in respect of a self-governing territory to discharge the duties of the office of the commissioner-general of such territory whenever the commissioner-general is for any reason unable to perform the duties of his office.

(7) An acting commissioner-general—

(a) shall be appointed on such conditions as the Minister may determine; and

(b) shall not hold any other office of profit in the service of the State, unless the Minister determines otherwise.”

Repeal of section 11A of Act 21 of 1971

3. Section 11A of the Self-governing Territories Constitution Act, 1971, is hereby repealed.

Amendment of section 14 of Act 21 of 1971, as amended by section 22 of Act 70 of 1974, section 6 of Act 91 of 1985, section 2 of Act 34 of 1986 and Proclamation No. 38 of 14 March 1986

4. Section 14 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the deletion of subsections (3) and (4).

Amendment of section 15 of Act 21 of 1971

5. Section 15 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) Any law made by a legislative assembly in respect of inferior courts may [subject to the provisions of section 14(3)] provide for the amendment or repeal of the Magistrates' Courts Act, 1944, or the provisions of the Black Administration Act, 1927, relating to courts, in so far as the said Act or the said provisions apply in the area concerned.”

Substitution of section 25 of Act 21 of 1971

6. The following section is hereby substituted for section 25 of the Self-governing Territories Constitution Act, 1971:

“Executive powers, authorities and functions to vest temporarily in Minister

25. (1) All such executive powers, authorities and functions as are necessary to be exercised or performed in terms of this Act [for bringing this Act into operation and, if necessary] for ensuring the continuation of the administration and government in any area in terms of this Act, may be exercised or performed by the Minister or a person designated by him.

(2) In order to give effect to subsection (1), moneys may be withdrawn from a Revenue Fund in terms of an Act of Parliament or, if Parliament is not then in session, in terms of a proclamation issued by the State President in the Gazette.”

Amendment of section 29 of Act 21 of 1971, as substituted by section 18 of Act 32 of 1987

7. Section 29 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the addition of the following subsection:

- “(6) Notwithstanding the provisions of this Act, a Chief Minister, Minister and Deputy Minister may—
- (a) be appointed as a member of any council or committee established by or under an Act of Parliament; or
 - (b) on the invitation of a council or committee referred to in paragraph (a) attend the proceedings of such a council or committee.”.

Insertion of section 37C in Act 21 of 1971

8. The following section is hereby inserted in the Self-governing Territories Constitution Act, 1971, after section 37B:

“Control of professions, trades and occupations

- 37C. If the Government of the Republic and the government of a self-governing territory agree thereto, the State President may, notwithstanding anything to the contrary contained in this Act, by proclamation in the *Gazette*—
- (a) declare that an Act of Parliament, or part thereof, and a regulation or other measure made thereunder which regulate the control of a profession, trade or occupation shall apply to that area to the extent stated in the proclamation;
 - (b) amend or adapt an Act referred to in paragraph (a) in order to regulate its application in that area;
 - (c) repeal or amend an Act, or part thereof, of the legislative assembly of that area and a regulation or other measure made thereunder in order to regulate any matter which, in his opinion, requires to be regulated in consequence of such application.”.

Short title and commencement

9. This Act shall be called the Development Aid Laws Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.