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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1145.

22 May 1991

No. 1145.

22 Mei 1991

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. 61 of 1991: Lekoia City Council Dissolution Act, 1991.

No. 61 van 1991: Wet op die Ontbinding van die Stadsraad van Lekoia, 1991.

ACT

To provide for the dissolution of the Lekoa City Council; for the establishment of local authorities for certain areas; and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 14 May 1991.)*

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

Dissolution of Lekoa City Council

1. At the commencement of this Act the Lekoa City Council, a local authority established by Government Notice No. 2041 of 16 September 1983, shall cease to exist, and every person who or body which immediately prior to that commencement was a member of that council or was authorized or designated in terms of section 29 or 29A of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), to exercise, perform or fulfil on behalf of or in the place of that council any right, power, function, duty or obligation of that council, shall cease to be such a member or to be so authorized or designated. 5 10

City councils deemed to have been established

2. (1) The areas defined in Schedule 1 shall be deemed to have been defined under section 2 (2) (a) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982).
(2) City councils under the names of Refengkgotso and Zamdela shall be deemed to have been established under section 2 (1) (a) of the Black Local Authorities Act, 1982, at the commencement of this Act by the administrator of the province of the Orange Free State for the areas defined in Schedule 1. 15

Transitional provisions

3. (1) Until the first election of the members of a city council contemplated in section 2 is held in terms of section 7 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), one or more persons designated by the administrator of the province of the Orange Free State by notice in the *Official Gazette* shall manage and control the affairs of such city council and on behalf of such city council exercise, perform and fulfil the rights, powers, duties and obligations of that city council. 20 25
(2) Costs incurred by a person by virtue of subsection (1) shall be payable by or recoverable from the city council concerned.
(3) A person contemplated in subsection (1) shall receive in respect of his services in terms of that subsection such allowances, payable by the city council concerned, as the administrator may determine. 30

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(4) A right, power, duty or obligation exercised, performed or fulfilled by any person or persons designated under subsection (1), shall for all purposes be deemed to have been exercised, performed or fulfilled by the city council concerned.

Transfer of assets, liabilities, rights, duties and obligations

4. (1) At the commencement of this Act such assets, liabilities, rights, duties and obligations of the Lekoa City Council as the administrator of the province of the Transvaal may with the concurrence of the administrator of the province of the Orange Free State determine, shall, subject to such conditions as the administrator of the province of the Transvaal may determine, pass to the city councils mentioned in section 2. 5 10

(2) Notwithstanding the provisions of any law—

- (a) the ownership of the public places situated within the areas of jurisdiction of the city councils mentioned in section 2 shall pass to the city councils mentioned in section 2; and
- (b) the administrator of the province of the Orange Free State shall transfer all land vesting in him in terms of section 3 of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986), and which is situated within the areas of jurisdiction of the city councils mentioned in section 2, to those city councils. 15

(3) The registrar of deeds concerned shall, on submission to him of a certificate by the administrator of the province of the Orange Free State that immovable property described in the certificate passes in terms of subsections (1) and (2) of this section to the city councils mentioned in section 2, make such entries or endorsements as he may deem necessary in or on any relevant title deed, register or other document in his office or submitted to him, in order to register that immovable property in the name of the said city councils. 20 25

Transfer of staff

5. (1) Every person who immediately prior to the commencement of this Act was in the employ of the Lekoa City Council and who would at that commencement have been in the employ of that city council but for the passing of this Act, shall be deemed to be in the employ of the administrator of the province of the Transvaal. 30

(2) The services of a person contemplated in subsection (1) shall not be terminated with or without a pension, nor shall his post be declared to be redundant, and no person shall acquire any right to retire, as a result of the dissolution of the Lekoa City Council. 35

(3) The provisions of any contract of service, including all conditions of service, which applied to a person contemplated in subsection (1) immediately prior to the commencement of this Act and would but for the passing of this Act have applied to him at that commencement, shall remain applicable to him unchanged until he is transferred in terms of subsection (4) of this section to the service of a city council mentioned in section 2. 40

(4) As soon as practicable after the commencement of this Act the administrator of the province of the Transvaal shall, with the concurrence of the administrator of the province of the Orange Free State and subject to such conditions the administrator of the province of the Transvaal may determine, with their consent transfer such persons contemplated in subsection (1) of this section as are approved by him, to a city council mentioned in section 2. 45

(5) The provisions of subsections (2) and (3) shall apply *mutatis mutandis* to persons transferred in terms of subsection (4).

(6) Until the transfer contemplated in subsection (4) has occurred, the administrator of the province of the Transvaal may with their consent second persons contemplated in subsection (1) of this section to the city councils mentioned in section 2 to serve there for a period not exceeding 12 months. 50

(7) Notwithstanding the provisions of any other law—

- (a) the conditions of service of every person contemplated in subsection (1) shall for as long as such person is in the continued employ of any person to whom or institution to which he is transferred in terms of this section, not be less favourable than they would have been with the Lekoa City Council but for the passing of this Act; 55

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- (b) the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and the staff regulations made thereunder shall apply in respect of every person contemplated in subsection (1), but any provision of any other law may be made applicable by notice in the *Official Gazette* by the administrator of the province concerned; 5
- (c) no person contemplated in subsection (1) shall become an officer in the service of the State as a result of the provisions of this Act.

Inception of certain development areas and local authorities

6. (1) The areas Boipatong, Bophelong, Sebokeng and Sharpeville, defined in Schedule 2, shall be deemed to have been designated at the commencement of this Act as a development area under section 33 of the Black Communities Development Act, 1984 (Act No. 4 of 1984). 10

(2) Notwithstanding the provisions of any law, the administrator of the province of the Transvaal may establish local authorities for the areas mentioned in subsection (1), which shall be deemed to be local authorities established under section 2 (1) (a) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982). 15

(3) Notwithstanding the provisions of any other law, but subject to the provisions of this Act, if the administrator establishes one local authority for all the areas mentioned in subsection (1)—

- (a) all assets, liabilities, duties and obligations which at the date of such establishment vested in the administrator shall pass to the local authority with effect from that date; 20
- (b) every person who at that date is in the employ of the administrator in terms of section 5 (1), shall be placed in the permanent employ of the local authority with effect from that date; 25
- (c) the provisions of section 5 shall apply *mutatis mutandis* to every person who is placed in the employ of the local authority in terms of paragraph (b) of this subsection. 30
- (4) (a) Notwithstanding the provisions of any other law, but subject to the provisions of this Act, if the administrator establishes more than one local authority for the areas mentioned in subsection (1), all assets situated in any such area and all liabilities, rights, duties and obligations which pertain to or are connected with any such area, shall pass to the corresponding local authority concerned with effect from the date on which the local authority concerned was established. 35
- (b) If the administrator is of the opinion that the transfer of an asset, liability, right, duty or obligation to a local authority as contemplated in paragraph (a) may cause a result which in his opinion will not be fair to any person concerned, he may make such arrangement as will in his opinion bring about a fair result, and he may in such a case also direct that the remuneration which he may determine shall be payable to any person or body by any of the local authorities concerned in respect of any such asset or right. 40

Establishment of management body by administrator

7. (1) The administrator of the province of the Transvaal may by regulation in the *Official Gazette* establish as many management bodies as he may deem fit for one or more of the areas mentioned in section 6 (2), to perform, exercise or fulfil the rights, powers, duties and obligations which are determined in such regulations. 45

(2) Notwithstanding the provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), the local authorities concerned shall, upon the establishment of a management body as contemplated in subsection (1), be divested of any right, power, duty or obligation conferred upon or assigned to the said management body. 50

(3) Notwithstanding the provisions of the Black Local Authorities Act, 1982, the administrator of the province of the Transvaal may, by notice in the *Official Gazette*, restrict any right, power or duty of any local authority contemplated in section 6 (2) in such manner as he may determine. 55

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Dealing with administrative problems

8. If in the application of this Act it appears that administrative problems are being experienced, the Minister of Planning and Provincial Affairs may by notice in the *Gazette* make regulations in order to remove such administrative problems.

Further transitional provisions

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9. (1) Any decision, by-law or regulation of the Lekoa City Council which is in force immediately prior to the commencement of this Act shall remain in force in respect of the areas mentioned in sections 2 and 6, until such decision, by-law or regulation is amended or repealed by the competent authority.

(2) Anything done by an administrator, either of the province of the Transvaal or of the province of the Orange Free State, in respect of the Lekoa City Council as from 1 July 1986, shall not be invalid merely because it was done in respect of an area not within the jurisdiction of such administrator.

Act to be read with Act 102 of 1982

10. This Act and the Black Local Authorities Act, 1982 (Act No. 102 of 1982), shall be construed as if they formed one Act, and in this Act any word or expression to which a meaning has been assigned in the Black Local Authorities Act, 1982, shall have a corresponding meaning.

Short title

11. This Act shall be called the Lekoa City Council Dissolution Act, 1991.

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Schedule 1

1. The area of Refengkgotso consists of—
83,5498 hectares of land, situated in the district of Heilbron, being Subdivision 1 of the farm Deneysville No. 1778, shown on diagram S.G. No. 192/67 (Province of the Orange Free State).
2. The area of Zamdela consists of—
473,4823 hectares of land, situated in the administrative district of Parys, being the farm Zamdela No. 449, shown on diagram S.G. No. 89/1986 (Province of the Orange Free State).

Schedule 2

1. The area of Boipatong consists of—
241,7146 hectares of land, situated in the district of Vanderbijlpark, being Portion 120 of the farm Vanderbijlpark No. 550 IQ, shown on diagram S.G. No. A8912/84 (Province of the Transvaal).
2. The area of Bophelong consists of—
169,5600 hectares of land, situated in the district of Vanderbijlpark, being a Portion of the farm Vanderbijlpark No. 550 IQ, which is further defined in Government Notice No. 1759 of 9 September 1955.
3. The area of Sebokeng consists of—
 - 3.1 8,7156 hectares of land, situated in the district of Vanderbijlpark, being Portion 42 (Portion of Portion 29) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1858/54 (Province of the Transvaal);
 - 3.2 8,6152 hectares of land, situated in the district of Vanderbijlpark, being Portion 43 (Portion of Portion 29) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1859/54 (Province of the Transvaal);
 - 3.3 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 44 (Portion of Portion 29) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1860/54 (Province of the Transvaal);
 - 3.4 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 45 (Portion of Portion 29) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1861/54 (Province of the Transvaal);
 - 3.5 12,3735 hectares of land, situated in the district of Vanderbijlpark, being Portion 46 (Portion of Portion 29) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1862/54 (Province of the Transvaal);
 - 3.6 11,2629 hectares of land, situated in the district of Vanderbijlpark, being the Remainder of Portion 29 (Erfdeel) (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4794/43 (Province of the Transvaal);
 - 3.7 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 50 (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1866/54 (Province of the Transvaal);
 - 3.8 14,1754 hectares of land, situated in the district of Vanderbijlpark, being the Remainder of Portion 9 of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A763/20 (Province of the Transvaal);

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- 3.9 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 79 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4306/62 (Province of the Transvaal);
- 3.10 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 80 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4309/62 (Province of the Transvaal);
- 3.11 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 81 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4310/62 (Province of the Transvaal);
- 3.12 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 82 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4311/62 (Province of the Transvaal);
- 3.13 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 83 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4312/62 (Province of the Transvaal);
- 3.14 13,8582 hectares of land, situated in the district of Vanderbijlpark, being Portion 84 (Portion of Portion 30) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4313/62 (Province of the Transvaal);
- 3.15 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 76 (Portion of Portion 10) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4315/62 (Province of the Transvaal);
- 3.16 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 77 (Portion of Portion 10) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4316/62 (Province of the Transvaal);
- 3.17 10,9294 hectares of land, situated in the district of Vanderbijlpark, being Portion 78 (Portion of Portion 10) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A4317/62 (Province of the Transvaal);
- 3.18 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 47 (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1863/54 (Province of the Transvaal);
- 3.19 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 48 (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1864/54 (Province of the Transvaal);
- 3.20 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 49 (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1865/54 (Province of the Transvaal);
- 3.21 8,5653 hectares of land, situated in the district of Vanderbijlpark, being Portion 51 (Portion of Portion 9) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A1867/54 (Province of the Transvaal);
- 3.22 99,6812 hectares of land, situated in the district of Vanderbijlpark, being Portion 5 (Portion of Portion 2) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A983/11 (Province of the Transvaal);
- 3.23 8,5663 hectares of land, situated in the district of Vanderbijlpark, being Portion 93 (Portion of Portion 12) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A2465/57 (Province of the Transvaal);
- 3.24 65,2789 hectares of land, situated in the district of Vereeniging, being Portion 100 (Portion of Portion 11) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A557/70 (Province of the Transvaal);
- 3.25 92,0281 hectares of land, situated in the district of Vereeniging, being Portion 101 (Portion of Portion 12) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A558/70 (Province of the Transvaal);
- 3.26 14,3097 hectares of land, situated in the district of Vanderbijlpark, being Portion 102 (Portion of Portion 14) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A569/70 (Province of the Transvaal);
- 3.27 5,1505 hectares of land, situated in the district of Vanderbijlpark, being Portion 103 (Portion of Portion 32) of the farm Rietspruit No. 535 IQ, shown on diagram S.G. No. A560/70 (Province of the Transvaal);
- 3.28 356,0573 hectares of land, situated in the district of Vanderbijlpark, being Portion 29 of the farm Quaggasfontein alias Lapdoorns No. 548 IQ, shown on diagram S.G. No. A1447/85 (Province of the Transvaal);
- 3.29 46,7481 hectares of land, situated in the district of Vanderbijlpark, being Portion 6 (Portion of Portion 2) of the farm Quaggasfontein alias Lapdoorns No. 548 IQ, shown on diagram S.G. No. A2226/35 (Province of the Transvaal);
- 3.30 216,8582 hectares of land, situated in the district of Vanderbijlpark, being Portion 23 (Portion of Portion 4) of the farm Quaggasfontein alias Lapdoorns No. 548 IQ, shown on diagram S.G. No. A7480/72 (Province of the Transvaal);
- 3.31 539,4432 hectares of land, situated in the district of Vanderbijlpark, being Portion 16 of the farm Quaggasfontein alias Lapdoorns No. 548 IQ, shown on diagram S.G. No. A6930/49 (Province of the Transvaal);
- 3.32 715,2587 hectares of land, situated in the district of Vanderbijlpark, being the Remainder of Portion 42 of the farm Wildebeestfontein No. 536 IQ, shown on diagram S.G. No. A8107/86 (Province of the Transvaal).
4. The area of Sharpeville consists of—
- 4.1 0,2267 hectares of land, situated in the district of Vereeniging, being Portion 118 (Portion of Portion 26) of the farm Leeuwkuil No. 596 IQ, shown on diagram S.G. No. A3971/62 (Province of the Transvaal);
- 4.2 164,1542 hectares of land, situated in the district of Vereeniging, being Portion 119 (Portion of Portion 29) of the farm Leeuwkuil No. 596 IQ, shown on diagram S.G. No. A3974/62 (Province of the Transvaal);
- 4.3 85,6532 hectares of land, situated in the district of Vereeniging, being Portion 59 of the farm Leeuwkuil No. 596 IQ, shown on diagram S.G. No. A3898/48 (Province of the Transvaal);
- 4.4 256,9596 hectares of land, situated in the district of Vereeniging, being Portion 27 of the farm Leeuwkuil No. 596 IQ, shown on diagram S.G. No. A2894/40 (Province of the Transvaal);
- 4.5 93,0783 hectares of land, situated in the district of Vereeniging, being Portion 112 of the farm Leeuwkuil No. 596 IQ, shown on diagram S.G. No. A2235/60 (Province of the Transvaal).