

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.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1439.

4 Julie 1979.

No. 1439.

4 July 1979.

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

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

No. 98 van 1979: Tweede Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979.

No. 98 of 1979: Laws on Plural Relations and Development Second Amendment Act, 1979.

Act No. 98, 1979

LAWS ON PLURAL RELATIONS AND DEVELOPMENT SECOND
AMENDMENT ACT, 1979.**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 repeal the Moroka Ward Land Relief Act, 1924; to amend the Black Administration Act, 1927, so as to provide further for the jurisdiction of commissioners' courts; to amend the Development Trust and Land Act, 1936, so as to provide for the payment of the proceeds of certain fines to administration boards; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to increase certain fines; and to extend the powers of the Minister of Plural Relations and Development to make regulations; to amend the Black Labour Act, 1964, so as to increase certain moneys; and to further regulate the allocation of certain moneys, fines and estreated bail to administration boards; to amend the Black Taxation Act, 1969, so as to introduce new scales for the payment of general tax; to amend the Black States Constitution Act, 1971, so as to provide that the proceeds of sales tax on certain transactions accrue to the revenue funds of the Black states; to amend the Black Affairs Administration Act, 1971, relating to the funds of administration boards; to amend the Community Councils Act, 1977, relating to the publication of certain decisions of community councils; so as to extend the powers of the said Minister to make regulations; to prevent the functions performed by community councils from being unnecessarily duplicated by another authority; and to provide for the transfer of certain Black employees of administration boards to the service of community councils; relating to the commencement of certain regulations made under the Community Councils Act, 1977; to provide for a change of the names or official titles of certain institutions and the holders of certain offices; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 21 June 1979.)

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

Repeal of
Act 28 of 1924.

1. The Moroka Ward Land Relief Act, 1924, is hereby repealed.

Amendment of
section 9 of
Act 38 of 1927,
as substituted
by section 2 of
Act 79 of 1957

2. Section 9 of the Black Administration Act, 1927, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A commissioner may hold a court—

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and amended
by section 1 of
Act 63 of 1966.

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(a) in respect of any offence committed by a Black; or
(b) in respect of the offence of contempt of court committed
by any person in respect of a commissioner's court,
and in respect of the area for which a commissioner has been
appointed he and a court held by him shall for the purposes
of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944),
and the Criminal Procedure Act, 1977 (Act No. 51 of 1977),
be deemed to be a magistrate and a magistrate's court,
respectively, in connection with any proceedings relating to
any such offence."

Amendment of
section 8 of
Act 18 of 1936,
as amended
by section 29 of
Act 56 of 1949,
section 49 of
Act 92 of 1969,
section 27 of
Act 20 of 1972
and section 2 of
Act 119 of 1977.

3. Section 8 of the Development Trust and Land Act, 1936, is hereby amended by the substitution for paragraph (e) of the following paragraph:

"(e) all fines recovered in respect of contraventions of the principal Act and of this Act or any regulations made 15
[hereunder] thereunder, excluding fines referred to in
section 38sex;"

Insertion of
section 38sex in
Act 18 of 1936.

4. The following section is hereby inserted in the Development Trust and Land Act, 1936, after section 38quin:

38sex. A fine in respect of a contravention of a 20
provision of this Chapter, or any regulation relating to
a matter dealt with therein, committed within an area
for which a board is established under the Black
Affairs Administration Act, 1971 (Act No. 41 of
1971), shall, when recovered, be paid to such 25
board."

Amendment of
section 10bis of
Act 25 of 1945,
as substituted
by section 48 of
Act 42 of 1964
and amended
by section 4 of
Act 119 of 1977.

5. Section 10bis of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any person who contravenes any provision of 30
subsection (1), shall be guilty of an offence and liable on first
conviction to a fine not exceeding [one] five hundred rand
or in default of payment to imprisonment for a period not
exceeding three months and on a second or subsequent
conviction for a like offence in the same prescribed area 35
within a period of two years, to a fine of not less than
[one] five hundred rand or in default of payment to
imprisonment for a period of not less than three months or to
both such fine and such imprisonment or to such imprison-
ment without the option of a fine."

Amendment of
section 38 of
Act 25 of 1945,
as amended by
section 6 of
Act 45 of 1947,
section 10 of
Act 16 of 1955,
section 47 of
Act 36 of 1957,
section 20 of
Act 63 of 1962,
section 9 of
Act 76 of 1963,
section 67 of
Act 42 of 1964,
section 8 of
Act 4 of 1976,
section 4 of
Act 12 of 1978
and section 4 of
Act 97 of 1978.

6. Section 38 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended—

(a) by the insertion after paragraph (n) of subsection (3) of the following paragraph:

"(nA) the supply of electricity and water to Black 45
residential areas, the distribution thereof in such
residential areas and the control of such supply and
distribution;"

(b) by the substitution for paragraph (o) of that subsection of the following paragraph: 50

"(o) tariffs of fees and charges (with due regard to the cost of providing any accommodation for educational purposes in the interests of the residents of a Black residential area) for rent, water, electricity, sanitary, health, medical and other services or any 55
consolidation of such services and the collection
and recovery of such fees and charges;"

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Amendment of section 8 of Act 67 of 1964.

7. Section 8 of the Black Labour Act, 1964, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 - “(2) The fees payable in respect of licences shall be 5 as follows, namely—
 - (a) **[thirty]** fifty rand in the case of a labour agent’s licence: Provided that in respect of any such licence issued on or after the first day of July in any year, the fee shall be **[fifteen]** twenty-five rand; 10
 - (b) **[two]** five rand in the case of a compound manager’s licence or a conductor’s licence; and
 - (c) **[four]** ten rand in the case of an employer’s recruiting licence.”; and
- (b) by the substitution for paragraph (b) of subsection (4) of 15 the following paragraph:
 - “(b) For each endorsement required under paragraph (a) there shall be payable a fee of **[four]** ten rand.”.

Amendment of section 9 of Act 67 of 1964.

8. Section 9 of the Black Labour Act, 1964, is hereby amended 20 by the substitution for subsection (3) of the following subsection:

- “(3) A runner’s permit shall be in such form and shall contain such particulars as may be prescribed, and a fee of **[six]** twelve rand shall be payable in respect of every such permit.”.

Amendment of section 22B of Act 67 of 1964, as inserted by section 3 of Act 9 of 1975.

9. Section 22B of the Black Labour Act, 1964, is hereby 25 amended by the substitution for subsection (1) of the following subsection:

- “(1) All moneys which in terms of this Act, or in terms of any regulation **[other than a regulation relating to a matter dealt with in Chapter IV of the Development Trust and Land Act, 1936 (Act No. 18 of 1936)]**, are payable to a district labour bureau established for the administration area of an Administration Board and managed by a district labour officer in the service of that Board as contemplated in section 11 (6) of the Black Affairs 35 Administration Act, 1971 (Act No. 45 of 1971), and such fines collected or bail estreated, in connection with offences under this Act or any such regulation, as the Minister may determine in consultation with the Minister of Finance, shall accrue to the Administration Board concerned.”. 40

Substitution of section 6 of Act 92 of 1969, as amended by section 9 of Act 94 of 1978.

10. (1) The following section is hereby substituted for section 6 of the Black Taxation Act, 1969:

- “General tax. 6. General tax shall be paid with effect from the first day of March, 1970, and in respect of each year of assessment and shall consist of **[(a)]** an amount 45 payable by any Black in respect of the taxable income received by or accrued to or in favour of such Black during the year of assessment, at the following rates:—

Where the taxable income— does not exceed R1 200		Nil
exceeds R1 200 but does not exceed	R2 100	R12 plus R0,30 for each completed amount of R30 by which the taxable income exceeds R1 200;
„ R2 100 „ „	R3 120	R21 plus R0,90 for each completed amount of R30 by which the taxable income exceeds R2 100;
„ R3 120 „ „	R4 140	R51,60 plus R2,10 for each completed amount of R30 by which the taxable income exceeds R3 120;

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Where the taxable income—

exceeds R4 140 but does not exceed	R5 160	R123 plus R3 for each completed amount of R30 by which the taxable income exceeds R4 140;
„ R5 160	„ „ R6 180	R225 plus R3,90 for each completed amount of R30 by which the taxable income exceeds R5 160;
„ R6 180	„ „ R7 200	R357,60 plus R4,20 for each completed amount of R30 by which the taxable income exceeds R6 180;
„ R7 200	„ „ R8 220	R500,40 plus R4,80 for each completed amount of R30 by which the taxable income exceeds R7 200;
„ R8 220	„ „ R9 240	R663,60 plus R6 for each completed amount of R30 by which the taxable income exceeds R8 220;
„ R9 240	„ „ R10 260	R867,60 plus R6,60 for each completed amount of R30 by which the taxable income exceeds R9 240;
„ R10 260	„ „ R11 280	R1 092 plus R7,80 for each completed amount of R30 by which the taxable income exceeds R10 260;
„ R11 280	„ „ R12 300	R1 357,20 plus R8,40 for each completed amount of R30 by which the taxable income exceeds R11 280;
„ R12 300	„ „ R13 320	R1 642,80 plus R9,60 for each completed amount of R30 by which the taxable income exceeds R12 300;
„ R13 320	„ „ R14 340	R1 969,20 plus R10,20 for each completed amount of R30 by which the taxable income exceeds R13 320;
„ R14 340	„ „ R15 360	R2 316 plus R11,10 for each completed amount of R30 by which the taxable income exceeds R14 340;
„ R15 360	„ „ R16 380	R2 693,40 plus R12 for each completed amount of R30 by which the taxable income exceeds R15 360;
„ R16 380	„ „ R17 400	R3 101,40 plus R12,90 for each completed amount of R30 by which the taxable income exceeds R16 380;
„ R17 400	„ „ R18 420	R3 540 plus R13,50 for each completed amount of R30 by which the taxable income exceeds R17 400;
„ R18 420	„ „ R19 440	R3 999 plus R13,50 for each completed amount of R30 by which the taxable income exceeds R18 420;
„ R19 440	„ „ R20 460	R4 458 plus R13,50 for each completed amount of R30 by which the taxable income exceeds R19 440;
„ R20 460	„ „ R21 480	R4 917 plus R13,80 for each completed amount of R30 by which the taxable income exceeds R20 460;
„ R21 480	„ „ R22 500	R5 386,20 plus R13,80 for each completed amount of R30 by which the taxable income exceeds R21 480;
„ R22 500	„ „ R23 520	R5 855,40 plus R15 for each completed amount of R30 by which the taxable income exceeds R22 500;
„ R23 520	„ „ R24 540	R6 365,40 plus R15 for each completed amount of R30 by which the taxable income exceeds R23 520;
„ R24 540	„ „ R25 560	R6 875 plus R15,90 for each completed amount of R30 by which the taxable income exceeds R24 540;
„ R25 560	„ „ R26 580	R7 415,60 plus R16,50 for each completed amount of R30 by which the taxable income exceeds R25 560;
„ R26 580	„ „ R27 600	R7 976,60 plus R17,10 for each completed amount of R30 by which the taxable income exceeds R26 580;
„ R27 600	„ „ R28 020	R8 558 plus R17,40 for each completed amount of R30 by which the taxable income exceeds R27 600;
„ R28 020		R8 801,60 plus R18 for each completed amount of R30 by which the taxable income exceeds R28 020.”

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(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 March 1979.

(3) Any person who, as a consequence of the amendment of section 6 of the Black Taxation Act, 1969, by subsection (1) of this section, is not liable for the payment of general tax for the year ending 28 February 1980, shall, notwithstanding anything to the contrary contained in any law, not be entitled to a refund of an amount recovered from him as employees' tax for the months of March and April 1979 in accordance with tables or an agreement or a directive referred to in sections 25, 26 and 27, respectively, of the said Act.

Amendment of section 6 of Act 21 of 1971, as amended by section 7 of Act 9 of 1975.

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

(a) by the addition in paragraph (a) of subsection (2) of the following subparagraph: 15

“(iv) as tax in terms of the provisions of the Sales Tax Act, 1978 (Act No. 103 of 1978)—

(aa) by registered vendors in respect of enterprises in the area concerned; and

(bb) to receivers of revenue in the area concerned in respect of occasional sales;” and 20

(b) by the addition of the following subsection:

“(5) In subsection (2) (a) (iv) any word or expression to which a meaning has been assigned in the Sales Tax Act, 1978, shall have a corresponding meaning.” 25

(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 April 1979.

Amendment of section 13 of Act 45 of 1971, as amended by section 9 of Act 9 of 1975.

12. Section 13 of the Black Affairs Administration Act, 1971, is hereby amended by the insertion after paragraph (cA) of subsection (1) of the following paragraph: 30

“(cB) of any moneys paid to it under section 38sex of the Development Trust and Land Act, 1936 (Act No. 18 of 1936);”

Amendment of section 5 of Act 125 of 1977.

13. Section 5 of the Community Councils Act, 1977, is hereby amended by the addition of the following subsections: 35

“(6) The powers vested in a community council by subsection (1) shall not include a power to make regulations or other laws: Provided that a decision taken by a community council in terms of the provisions of that subsection for which publication is required to give such decision the force of law, shall be published by the Minister by notice in the Gazette. 40

(7) Whenever a power exercised or a duty performed by an authority in or in respect of an area for which a community council is established, is the same or substantially the same as a power exercised or a duty performed by the community council of that area, the Minister may by notice in the Gazette declare that the community council from a date specified in the notice may exercise or perform such power or duty in or in respect of the area in question to the exclusion of such other authority, and thereupon the said authority shall, notwithstanding anything to the contrary contained in any law, from the date so specified cease to exercise such power or to perform such duty in or in respect of the area in question.” 50 55

Amendment of section 6 of Act 125 of 1977.

14. Section 6 of the Community Councils Act, 1977, is hereby amended by the insertion after subsection (1) of the following subsection: 60

“(1A) (a) An administration board may with the concurrence of a community council transfer a Black in its service to the service of such community council. 60

(b) A person transferred under paragraph (a) shall, as from the date of his transfer, be appointed to a post

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established under the community council on such terms and conditions and at such remuneration as may be prescribed for the post concerned or determined by the community council with the approval of the Minister: Provided that—

- (i) the said terms, conditions and remuneration shall not be less favourable than the terms, conditions and remuneration applicable to him as a person employed by the said administration board; and
- (ii) any sick or vacation leave which stood to the credit of such person immediately prior to his transfer to the community council, shall be deemed to be leave earned by him in the service of the community council.
- (c) Any person who immediately prior to his transfer in terms of paragraph (a) was a contributor to the Associated Institutions Pension Fund established by the regulations made under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963)—
- (i) shall be deemed to remain, without a break in his service, a member of such pension fund; and
- (ii) shall, notwithstanding anything to the contrary contained in any law, not be entitled to the payment of any benefit from such pension fund by virtue of his transfer, in so far as his transfer involves the termination of his service with the administration board concerned.
- (d) The Minister may, with the concurrence of the management of any municipal pension fund which will be affected thereby, make regulations relating to the basis and conditions on which any person who immediately prior to his transfer in terms of paragraph (a) was a contributor to a municipal pension fund, may remain a member of such pension fund.
- (e) Notwithstanding anything to the contrary contained in any law a person who in terms of a regulation referred to in paragraph (d) has the right to remain after his transfer a member of a municipal pension fund, shall not be entitled to the payment of any benefit from such pension fund by virtue of his transfer, in so far as his transfer involves the termination of his service with the administration board concerned."

Amendment of section 11 of Act 125 of 1977.

15. Section 11 of the Community Councils Act, 1977, is hereby amended by the insertion after paragraph (f) of subsection (1) of 45 the following paragraph:

"(fA) the exercise by a community council of a power vested in a community council by section 5 (1);"

Commencement of certain regulations relating to community councils.

16. A regulation relating to community councils made prior to the commencement of this Act under section 11 of the Community Councils Act, 1977 (Act No. 125 of 1977), shall, in the application thereof to or in respect of any particular community council, be deemed to have come into operation on the date on which such community council was established.

Change of name or official title of certain institutions and holders of offices.

17. (1) A reference in any law or document to the Department 55 of Plural Relations and Development, the Commission for Plural Affairs, the Minister of Plural Relations and Development and the Secretary for Plural Relations and Development shall be construed as a reference to the Department of Co-operation and Development, the Commission for Co-operation and Development, the 60

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Minister of Co-operation and Development and the Secretary for
Co-operation and Development, respectively.

(2) Subsection (1) shall come into operation on 1 July 1979.

Short title.

18. This Act shall be called the Laws on Plural Relations and
Development Second Amendment Act, 1979.

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