



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

Vol. 252

KAAPSTAD, 27 JUNIE 1986

No. 10318

CAPE TOWN, 27 JUNE 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1377.

27 Junie 1986

No. 1377.

27 June 1986

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. 69 van 1986: Wet op Provinsiale Regering, 1986.

No. 69 of 1986: Provincial Government Act, 1986.

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir die ontbinding van provinsiale rade en vir die administrasie van provinsiale aangeleenthede deur administrateurs en die ander lede van uitvoerende komitees deur die Staatspresident aangestel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Junie 1986.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

- 1.** In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) “administrateur” die persoon kragtens artikel 7 (1) (a) as administrateur aangestel, handelende in oorleg met die ander lede van die uitvoerende komitee waarvan hy lid is; (i) 5
 - (ii) “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983); (ii) 10
 - (iii) “provinsie” ’n provinsie vermeld in artikel 7 (1); (iii)
 - (iv) “selfregerende gebied” ’n gebied kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), tot ’n selfregerende gebied binne die Republiek verklaar. (iv) 15

HOOFTUK I**DIE PROVINSIES**

Ontbinding van provinsiale rade.

- 2.** By die inwerkingtreeding van hierdie Wet hou elke provinsiale raad by die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), ingestel, op om te bestaan, en hou elke persoon wat onmiddellik voor daardie inwerkingtreeding ’n lid van so ’n raad is, op om so ’n lid te wees. 20

Ampsontruiming deur administrateurs en lede van uitvoerende komitees.

- 3.** ’n Persoon wat onmiddellik voor die inwerkingtreeding van hierdie Wet die amp van administrateur of ander lid van die uitvoerende komitee van ’n provinsie beklee, ontruim sy amp by daardie inwerkingtreeding, tensy ’n administrateur en uitvoerende komitee dan nog nie ingevolge artikel 7 aangestel is nie, in welke geval sodanige persoon sy genoemde amp behou en hy geag word ingevolge genoemde artikel aangestel te gewees het tot tyd en wyl bedoelde aanstelling gedoen word. 30

Voortbestaan van ordonnansies.

- 4.** Enige ordonnansie—
- (a) deur ’n provinsiale raad gemaak en onmiddellik voor die inwerkingtreeding van hierdie Wet in die betrokke provinsie van krag; of

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 provide for the dissolution of provincial councils and for the administration of provincial matters by administrators and the other members of executive committees appointed by the State President; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 24 June 1986.)*

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

- 1.** In this Act, unless the context indicates otherwise— Definitions.
- 5 (i) “administrator” means the person appointed as administrator under section 7 (1) (a), acting in consultation with the other members of the executive committee of which he is a member; (i)
- (ii) “Constitution Act” means the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); (ii)
- 10 (iii) “province” means a province mentioned in section 7 (1); (iii)
- (iv) “self-governing territory” means an area declared under section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971), to be a self-governing
- 15 territory within the Republic. (iv)

CHAPTER I

THE PROVINCES

2. At the commencement of this Act every provincial council established by the Provincial Government Act, 1961 (Act No. 32 of 1961), shall cease to exist, and every person who immediately prior to that commencement was a member of any such council shall cease to be such a member. Dissolution of provincial councils.

3. Any person who immediately prior to the commencement of this Act occupies the office of administrator or member of the executive committee of a province, shall vacate his office at that commencement, unless an administrator and executive committee have then not yet been appointed in terms of section 7, in which event such person shall retain his office and he shall be deemed to have been appointed in terms of the said section until such time as such appointment is made. Vacation of office by administrators and members of executive committees.

4. Any ordinance— Continuation of ordinances.

(a) made by a provincial council and in force in the province concerned immediately prior to the commencement of this Act; or

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

(b) in artikel 21 (2) genoem en na genoemde inwerking-treding afgekondig,
en enige proklamasie, kennisgewing, regulasie of reël daarkrag-tens van krag, bly vanaf bedoelde inwerkingtreding en afkondi-ging van krag in en vir die betrokke provinsie. 5

Voortbestaan en
verklaring van
provinsies.

5. (1) Die provinsies van die Republiek bly, soos hulle onmid-dellik voor die inwerkingtreding van hierdie Wet bestaan het, voortbestaan: Met dien verstande dat die Staatspresident, na oorlegpleging met die betrokke administrateur of administra-teurs, vir die doeleindes van hierdie Wet, by proklamasie in die 10
Staatskoerant—

- (a) dié gedeelte van 'n provinsie wat hy bepaal, tot 'n nuwe provinsie kan verklaar;
- (b) enige provinsie in twee of meer nuwe provinsies kan verdeel en die grense van elke sodanige nuwe provinsie 15 kan bepaal;
- (c) enige twee of meer provinsies in een kan kombineer;
- (d) by enige provinsie enige ander gebied kan inlyf of enige gedeelte van 'n provinsie by enige ander provinsie kan inlyf; 20
- (e) 'n naam en setel aan elke sodanige provinsie kan toe-ken of die naam en setel daarvan kan verander; en
- (f) oorgangsreëlings kan tref met betrekking tot die be-skikking oor enige betrokke bate, las, reg en verplig-tig en die regs-krag van provinsiale wetgewing in die 25 nuwe provinsie.

(2) Wanneer die Staatspresident ingevolge subartikel (1) op-tree, neem hy in ag—

- (a) bestaande provinsiale en administratiewe grense;
- (b) die gemeenskaplikheid van belange tussen die inwoners 30 van die betrokke gebiede;
- (c) die natuurlike en geografiese kenmerke van sodanige gebiede;
- (d) die bevolkingsdigtheid en -samestelling in sodanige ge-biede; 35
- (e) die grootte van sodanige gebiede;
- (f) koste-effektiwiteit en doeltreffendheid van dienslewe-ning in sodanige gebiede; en
- (g) die sosio-ekonomiese ontwikkelingspotensiaal van so-danige gebiede. 40

(3) Voordat die Staatspresident 'n proklamasie kragtens sub-artikel (1) uitvaardig, moet hy 'n konsep van die voorgestelde proklamasie in die *Staatskoerant* laat publiseer tesame met 'n kennisgewing wat 'n beroep doen op alle belanghebbende per-sonne om enige besware en verhoë binne 'n tydperk van 21 dae 45 vanaf die datum van publikasie van die kennisgewing skriftelik by die Sekretaris van die Parlement in te dien vir voorlegging aan 'n staande komitee van die Parlement beoog in artikel 64 van die Grondwet.

(4) 'n Proklamasie beoog in subartikel (1) word slegs uitgereik 50 op die advies van die staande komitee beoog in subartikel (3).

Setels van provin-
siale regering.

6. Behoudens die bepalings van artikel 5 is die setels van provin-siale regering—

Vir die Kaap die Goeie Hoop Kaapstad
Vir Natal Pietermaritzburg 55
Vir die Oranje-Vrystaat Bloemfontein
Vir Transvaal Pretoria.

HOOFSTUK II

ADMINISTRATEURS EN UITVOERENDE KOMITEES

Aanstelling van ad-
ministrateurs en
uitvoerende komi-
tees.

7. (1) Ten opsigte van elke provinsie van die Republiek— 60
(a) soos dit onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het; en

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

(b) mentioned in section 21 (2) and published after such commencement,
and any proclamation, notice, regulation or rule in force there-
under shall as from such commencement and publication remain
5 in force in and for the relevant province.

5. (1) The provinces of the Republic as they existed immedi-
ately prior to the commencement of this Act shall remain in
existence: Provided that the State President may, after consulta-
tion with the administrator or administrators concerned, for the
10 purposes of this Act, by proclamation in the *Gazette*—

Continuation and
declaration of
provinces.

- (a) declare such portion of a province as he may deter-
mine, to be a new province;
- (b) divide any province into two or more new provinces,
and determine the borders of every such new province;
- 15 (c) combine any two or more provinces into one;
- (d) include in any province any other territory or include
any portion of a province in any other province;
- (e) allocate a name and seat to every such province or
change the name and seat thereof; and
- 20 (f) provide for transitional arrangements with regard to
the disposal of any asset, liability, right or obligation
and the legal force of provincial legislation in the new
province.

(2) The State President shall, when acting in terms of subsec-
25 tion (1), take into account—

- (a) existing provincial and administrative boundaries;
- (b) the community of interests between the inhabitants of
the areas concerned;
- 30 (c) the natural and geographical features of such areas;
- (d) the density and composition of the population in such
areas;
- (e) the size of such areas;
- (f) cost-effectiveness and efficiency in the rendering of ser-
vices in such areas; and
- 35 (g) the socio-economic development potential of such
areas.

(3) Before the State President issues a proclamation under
subsection (1) he shall cause to be published in the *Gazette* a
40 draft of the proposed proclamation together with a notice calling
upon all interested persons to lodge any objections and rep-
resentations in writing within a period of 21 days from the date
of publication of the notice with the Secretary to Parliament for
submission to a standing committee of Parliament contemplated
in section 64 of the Constitution Act.

45 (4) A proclamation contemplated in subsection (1) shall be is-
sued only on the advice of the standing committee contemplated
in subsection (3).

6. Subject to the provisions of section 5, the seats of provincial
governments shall be—

Seats of provincial
government.

- 50 For the Cape of Good Hope Cape Town
- For Natal Pietermaritzburg
- For the Orange Free State Bloemfontein
- For the Transvaal Pretoria.

CHAPTER II

55 ADMINISTRATORS AND EXECUTIVE COMMITTEES

7. (1) In respect of every province of the Republic—
(a) as it existed immediately prior to the commencement of
this Act; and

Appointment of ad-
ministrators and
executive commit-
tees.

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

- (b) wat na daardie inwerkingtreding uit hoofde van die bepalings van artikel 5 ontstaan, stel die Staatspresident—
- (i) 'n administrateur van die provinsie aan; en
 - (ii) soveel ander persone aan as wat hy van tyd tot tyd bepaal, wat saam met en onder voorsitterskap van genoemde administrateur 'n uitvoerende komitee vir die provinsie uitmaak.
- (2) Alle uitvoerende handeling met betrekking tot die sake van elke sodanige provinsie geskied in die naam van die administrateur van die provinsie, wat saam met die ander lede van die uitvoerende komitee van die provinsie die uitvoerende gesag van die provinsie uitmaak en die administrasie van provinsiale sake met betrekking tot die provinsie behartig.
- (3) By die aanstelling van 'n administrateur en die ander lede van 'n uitvoerende komitee vir 'n provinsie gee die Staatspresident sover doenlik voorkeur aan persone wat in die provinsie woonagtig is.

Aanstelling van waarnemende administrateur.

8. (1) Die Staatspresident kan van tyd tot tyd uit die lede van die uitvoerende komitee van 'n provinsie 'n waarnemende administrateur aanstel om die bevoegdhede en pligte van die administrateur van die provinsie uit te oefen en te verrig wanneer hy om enige rede nie in staat is om dit te doen nie of terwyl die amp van administrateur vakant is.
- (2) Die Staatspresident kan so 'n waarnemende administrateur met terugwerkende krag aanstel.

Eed deur administrateur en ander lede van uitvoerende komitee.

9. (1) Die administrateur en elke ander lid van die uitvoerende komitee van 'n provinsie moet, voordat hy sy ampspligte aanvaar, 'n eed in die volgende vorm voor die regter-president of 'n ander regter van die afdeling van die Hooggeregshof binne die regsgebied waarvan die setel van die betrokke provinsiale regering geleë is, aflê en onderteken:
- Ek, A.B., sweer hiermee trou aan die Republiek van Suid-Afrika en belowe voor God om hierdie trou gestand te doen; om my amp as administrateur/lid van die uitvoerende komitee van die provinsie C.D. met eer en met waardigheid te beklee; om die Grondwet en alle ander reg van die Republiek te eerbiedig en te handhaaf; om 'n opregte en getroue raadsman te wees; geen sake wat voor die uitvoerende komitee dien of aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks te openbaar nie; en om my ampspligte met noukeurigheid na my beste vermoë na te kom.
- So help my God.
- (2) Genoemde administrateur en ander lede van die uitvoerende komitee kan in plaas van die eed in subartikel (1) vermeld, 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Salarisse en toelaes van administrateurs en lede van uitvoerende komitees.

10. (1) Die salaris en toelaes (as daar is) van enige administrateur, waarnemende administrateur en lid van 'n uitvoerende komitee van 'n provinsie word deur die Staatspresident vasgestel.
- (2) Daar word wat betref bedoelde salarisse en toelaes geen onderskeid gemaak ten opsigte van die onderskeie administrateurs, waarnemende administrateurs en lede van die uitvoerende komitees van die verskillende provinsies nie.

Ampstermyn van administrateurs en lede van uitvoerende komitee.

11. (1) 'n Administrateur en die lede van 'n uitvoerende komitee van 'n provinsie beklee hul ampte vir so lank dit die Staatspresident behaag, maar vir hoogstens vyf jaar, en kan weer aangestel word.
- (2) 'n Toevallige vakature in die uitvoerende komitee van 'n provinsie word gevul deur die aanstelling deur die Staatspresident, ooreenkomstig die bepalings van subartikel (1), van iemand om die amp te beklee.

Reëling van verrigtings.

12. 'n Administrateur kan reëls ter reëling van die verrigtings van die uitvoerende komitee van 'n provinsie maak.

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

- (b) which comes into existence after that commencement by virtue of the provisions of section 5, the State President shall appoint—
- (i) an administrator of the province; and
 - (ii) such number of other persons as he may determine from time to time, who together with and under the chairmanship of the said administrator shall constitute an executive committee for the province.
- (2) All executive acts relating to the affairs of every such province shall be performed in the name of the administrator of the province, who shall together with the other members of the executive committee of the province constitute the executive authority of the province and carry on the administration of provincial affairs relating to the province.
- (3) In the appointment of the administrator and the other members of an executive committee for a province, the State President shall as far as practicable give preference to persons resident in such province.
- 8.** (1) The State President may from time to time appoint from among the members of the executive committee of a province an acting administrator to exercise and to perform the powers and duties of the administrator of the province whenever he is for any reason unable to do so or while the office of administrator is vacant.
- (2) The State President may appoint any such acting administrator with retrospective effect.
- 9.** (1) The administrator and every other member of the executive committee of a province shall before assuming his official duties make and subscribe before the judge-president or any other judge of the division of the Supreme Court within the area of jurisdiction of which the seat of the provincial government concerned is situate, an oath in the following form:
- I, A.B., do hereby swear to be faithful to the Republic of South Africa, and undertake before God to abide by this allegiance; to hold my office as administrator/member of the executive committee of the province C.D. with honour and dignity; to respect and uphold the Constitution and all other law of the Republic; to be a true and faithful counsellor; not to divulge directly or indirectly any matters brought before the executive committee or entrusted to me to keep secret; and to perform the duties of my office conscientiously and to the best of my ability.
So help me God.
- (2) The said administrator and other members of the executive committee may in lieu of the oath mentioned in subsection (1), make and subscribe a solemn affirmation in corresponding form.
- 10.** (1) The salary and allowances (if any) of any administrator, acting administrator and member of an executive committee of any province shall be fixed by the State President.
- (2) There shall be no differentiation as regards such salaries and allowances in respect of the various administrators, acting administrators and members of the executive committees of the different provinces.
- 11.** (1) An administrator and the members of an executive committee of a province shall hold office during the State President's pleasure, but not for longer than five years, and shall be eligible for reappointment.
- (2) Any casual vacancy arising in the executive committee of a province shall be filled by the appointment by the State President, in accordance with subsection (1), of a person to hold office.
- 12.** An administrator may make rules regulating the proceedings of the executive committee of a province.

Appointment of acting administrator.

Oath by administrator and other members of executive committee.

Salaries and allowances of administrators and members of executive committees.

Tenure of office of administrator and members of executive committee.

Regulation of proceedings.

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

Besluite van uitvoerende komitee.

13. Alle besluite van 'n uitvoerende komitee word deur die betrokke administrateur geneem.

Bevoegdhede en pligte van administrateur en uitvoerende komitee.

14. (1) Die administrateur van 'n provinsie behartig provinsiale sake, met inbegrip van die aangeleenthede—

- (a) wat by of kragtens 'n Wet van die Parlement aan die betrokke provinsiale raad of die uitvoerende komitee van die provinsie opgedra is of word; of 5
 (b) wat deur die Staatspresident by proklamasie in die *Staatskoerant* as van 'n provinsiale aard of van 'n streeks-, plaaslike of private aard in die provinsie verklaar word. 10

(2) Die administrateur van 'n provinsie kan—

- (a) behoudens die bepalinge van artikel 16, by proklamasie in die betrokke *Offisiële Koerant*—
 (i) enige bepaling van 'n ordonnansie van die provinsie wysig, herroep of vervang; 15
 (ii) aangeleenthede genoem in subartikel (1) reël, Met dien verstande dat so 'n proklamasie slegs uitgereik word nadat dit goedgekeur is deur 'n gesamentlike komitee van die Parlement beoog in artikel 64 van die Grondwet; 20
 (b) namens enige Staatsdepartement werksaamhede verrig;
 (c) by 'n bevoegde gesag die aanname aanbeveel van 'n wet wat na sy mening vir die provinsie noodsaaklik of wenslik is. 25

(3) In verband met alle aangeleenthede ten opsigte waarvan die uitvoerende komitee van 'n provinsie geen bevoegdhede het nie, tree die administrateur, wanneer dit van hom vereis word, namens die Staatspresident op, en in verband met sodanige aangeleenthede kan die administrateur sonder verwysing na die ander lede van die uitvoerende komitee optree. 30

(4) Waar enige wet aan 'n administrateur of 'n administrateur handelende in oorleg met die ander lede van die betrokke uitvoerende komitee die bevoegdheid verleen om 'n koers, skaal, tarief, gelde of vordering te bepaal vir die doeleindes van inkomste wat toeval aan, of uitgawe uit, 'n provinsiale inkomstefonds, word bedoelde bepaling vanaf 1 April 1987 gedoen deur die administrateur handelende in oorleg met die Minister van Finansies, ongeag die bepalinge van enige wet wat die administrateur heet vry te stel van sodanige vereiste aangaande oorleg met die Minister van Finansies. 40

Opdrag van ampsfunksies en delegering van bevoegdhede.

15. (1) Die Staatspresident kan die uitvoering van 'n bepaling in 'n wet wat aan 'n Minister in artikel 20 (b) of (c) van die Grondwet bedoel, 'n bevoegdheid, plig of werksaamheid toewys, aan die administrateur van 'n provinsie opdra— 45

- (a) hetsy spesifiek hetsy by wyse van 'n algemene opdrag tot uitvoering van 'n wet of van alle wette wat aan genoemde Minister bevoegdhede, pligte of werksaamhede toewys;
 (b) hetsy in die algemeen hetsy vir sover die bepaling, wet of wette betrekking het op 'n aangeleentheid in die opdrag genoem; en 50
 (c) behoudens die wysigings, aanpassings en veranderings wat die Staatspresident goedvind.

(2) Die administrateur van 'n provinsie kan— 55

- (a) 'n lid of lede van die uitvoerende komitee van daardie provinsie;
 (b) 'n lid of lede van genoemde uitvoerende komitee en die provinsiale sekretaris van daardie provinsie gesamentlik; 60
 (c) genoemde provinsiale sekretaris;
 (d) enigiemand in diens van die betrokke provinsiale administrasie,

skriftelik magtig om in die algemeen of in 'n bepaalde geval of in gevalle van 'n bepaalde aard, 'n bevoegdheid, plig of werksaamheid uit te oefen of te verrig wat by of ingevolge hierdie Wet of enige ander Wet van die Parlement aan die administrateur ver- 65

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

13. All decisions of an executive committee shall be taken by the administrator concerned. Decisions of executive committee.

14. (1) The administrator of a province shall attend to provincial matters, including such matters— Powers and duties of administrator and executive committee.
- 5 (a) as have been or are assigned to the provincial council concerned or the executive committee of the province by or under any Act of Parliament; or
- (b) as are declared by the State President by proclamation in the *Gazette* to be of a provincial nature or of a regional, local or private nature in the province.
- 10 (2) The administrator of a province may—
- (a) subject to the provisions of section 16, by proclamation in the *Official Gazette* concerned—
- 15 (i) amend, repeal or substitute any provision of an ordinance of the province;
- (ii) regulate any matters mentioned in subsection (1), Provided that such a proclamation shall only be issued after it has been approved by a joint committee of Parliament contemplated in section 64 of the Constitution Act;
- 20 (b) perform any functions on behalf of any department of State;
- (c) recommend to a competent authority the passing of any law which in his opinion is essential or desirable for the province.
- 25 (3) In regard to all matters in respect of which the executive committee of a province has no powers, the administrator shall act on behalf of the State President when required to do so, and in connection with such matters the administrator may act without reference to the other members of the executive committee.
- 30 (4) Where any law empowers an administrator or an administrator acting in consultation with the other members of the executive committee concerned to determine any rate, scale, tariff, fee or charge for the purposes of any revenue accruing to, or
- 35 expenditure from, a provincial revenue fund, such determination shall as from 1 April 1987 be made by the administrator acting in consultation with the Minister of Finance, irrespective of the provisions of any law purporting to exempt the administrator from such requirement regarding consultation with the Minister
- 40 of Finance.

15. (1) The State President may assign the administration of any provision in any law which entrusts to a Minister referred to in section 20 (b) or (c) of the Constitution Act any power, duty or function, to the administrator of any province— Assignment of functions and delegation of powers.
- 45 (a) either specifically or by way of a general assignment of the administration of any law or of all laws entrusting powers, duties or functions to the said Minister; and
- (b) either generally or in so far as such provision, law or laws relate to any matter mentioned in such assignment; and
- 50 (c) subject to such amendments, adaptations and modifications as the State President may deem fit.
- (2) The administrator of a province may in writing authorize—
- 55 (a) any member or members of the executive committee of that province;
- (b) any member or members of such executive committee and the provincial secretary of that province jointly;
- (c) the said provincial secretary;
- 60 (d) any person in the service of the provincial administration concerned,
- to exercise or perform in general or in a particular case or in cases of a particular nature, any power, duty or function conferred or imposed on the administrator by or in terms of this Act

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

leen of opgedra is, behalwe die bevoegdheid om proklamasies of regulasies uit te vaardig.

(3) Genoemde administrateur kan 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), of deur hom goedgekeur, insgelyks 5 magtig, en so 'n instelling of liggaam wat aldus gemagtig is, kan met die goedkeuring van die betrokke administrateur iemand in sy diens voorts insgelyks magtig.

Oorleg met belanghebbendes.

16. Die administrateur van 'n provinsie—

- (a) kan, indien hy dit noodsaaklik of wenslik ag; en 10
(b) moet, voor die uitvaardiging van 'n proklamasie in artikel 14 (2) (a) bedoel,

ter verkryging van die sienswyse van belanghebbende persone omtrent enige aangeleentheid ooreenkomstig die bedoeling van genoemde artikel, 'n kennisgewing in 'n nuusblad laat publiseer 15 waarin—

- (i) besonderhede van die betrokke aangeleentheid gespesifiseer word, of die plek waar en die tydperk waarin daardie besonderhede ter insae beskikbaar sal wees, 20
(ii) vermeld word dat kommentaar met betrekking tot genoemde aangeleentheid by die betrokke provinsiale sekretaris ingedien kan word voor 'n datum in die kennisgewing vermeld, wat minstens 28 dae moet wees na die datum waarop die kennisgewing aldus gepubliseer 25 word.

HOOFSTUK III

SAMEWERKINGSREËLINGS

Voorsiening vir sekere gesamentlike uitvoerende optrede.

17. (1) Die Staatspresident kan, op skriftelike aanbeveling van 'n administrateur en die Hoofminister van 'n selfregerende gebied (of die Hoofministers van twee of meer selfregerende gebiede), by proklamasie in die *Staatskoerant* voorsiening maak vir die gesamentlike of gekoördineerde uitoefening van bevoegdhede en verrigting van werksaamhede deur die betrokke provinsiale uitvoerende gesag en die regering of regerings van die betrokke selfregerende gebied of gebiede. 30 35

(2) Die Staatspresident moet of kan in die proklamasie in subartikel (1) beoog enigiets reël wat ingevolge enige Wet van die Parlement wat voorsiening maak vir die reëling van gesamentlike uitvoerende optrede deur die uitvoerende gesag van 'n provinsie en die regering van 'n selfregerende gebied gereël moet word of kan word. 40

Verrigting van provinsiale werksaamhede buite provinsie.

18. Die administrateur van 'n provinsie kan met die goedkeuring van die Staatspresident en na ooreenkoms of reëling met— 45
(a) die regering van 'n vreemde staat;
(b) die administrateur van 'n ander provinsie; of
(c) die regering van 'n gebied in die Republiek waarvoor 'n wetgewende vergadering kragtens die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), ingestel is, 50
ooreenkomstig bedoelde ooreenkoms of reëling enige werksaamheid wat hy in sy provinsie mag verrig, in die betrokke staat, provinsie of gebied, na gelang van die geval, verrig, en vir die doel van die verrigting van sodanige werksaamheid word daardie staat, provinsie of gebied geag deel van sy provinsie uit 55 te maak.

HOOFSTUK IV

ALGEMEEN

Uitleg van sekere verwysings.

19. Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, met inagneming van die oogmerke van hierdie Wet, word vanaf die inwerkingtreding van hierdie Wet 'n verwysing in enige wet of elders na— 60

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

or any other Act of Parliament, except the power to issue proclamations or make regulations.

(3) The said administrator may similarly authorize any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or approved by him, and any such institution or body so authorized may, with the approval of the administrator concerned, further so authorize any person in its employ.

16. The administrator of a province—
- 10 (a) may, if he considers it essential or desirable; and
 (b) shall, before a proclamation referred to in section 14 (2) (a) is issued,
- cause to be published in a newspaper, in order to obtain the views of interested persons regarding any matter within the meaning of the said section, a notice—
- 15 (i) specifying particulars of the matter concerned, or stating the place where and the period within which such particulars will be available for inspection; and
 20 (ii) stating that comment relating to the said matter may be lodged with the provincial secretary concerned before a date stated in the notice, which shall be not less than 28 days after the date on which the notice is so published.
- Consultation with interested persons.

CHAPTER III

ARRANGEMENTS FOR CO-OPERATION

- 25 17. (1) The State President may on the recommendation in writing of an administrator and the Chief Minister of a self-governing territory (or the Chief Ministers of two or more self-governing territories) provide by proclamation in the *Gazette* for the joint or co-ordinated exercise of powers and performance of
- 30 functions by the provincial executive authority concerned and the government or governments of the self-governing territory or territories concerned.
- (2) The State President shall or may in the proclamation contemplated in subsection (1) regulate anything which in terms of
- 35 any Act of Parliament that provides for the regulation of joint executive action by a provincial executive authority and the government of a self-governing territory shall or may be regulated.
18. The administrator of a province may, with the approval of the State President and after agreement or arrangement with—
- 40 (a) the government of a foreign state;
 (b) the administrator of any other province; or
 (c) the government of a territory in the Republic for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of
- 45 1971),
- in accordance with the said agreement or arrangement, perform in the relevant state, province or territory, as the case may be, any function which he may perform in his province, and for the purpose of the performance of such function that state, province
- 50 or territory shall be deemed to constitute part of his province.
- Provision for certain joint executive action.
- Performance of provincial functions outside province.

CHAPTER IV

GENERAL

19. Unless it would in any particular case obviously be inappropriate, having regard to the objects of this Act, as from the commencement of this Act any reference in any law or elsewhere to—
- Construction of certain references.

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

- (a) die administrateur van 'n provinsie ingevolge die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), aangestel, uitgelê as 'n verwysing na 'n administrateur aangestel ingevolge artikel 7 van hierdie Wet;
- (b) die uitvoerende komitee van 'n provinsie of sy lede, 5 ooreenkomstig die bedoeling van die Wet op Provinsiale Bestuur, 1961, uitgelê as 'n verwysing na 'n uitvoerende komitee of sy lede aangestel ingevolge artikel 7 van hierdie Wet;
- (c) 'n provinsiale ouditeur, of die ouditeur van plaaslike 10 bestuur, uitgelê as 'n verwysing na die Ouditeur-generaal soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975);
- (d) 'n provinsiale raad, met betrekking tot—
 - (i) 'n aangeleentheid ten opsigte waarvan 'n admini- 15 strateur kragtens artikel 14 (2) proklamasies kan uitvaardig, uitgelê as 'n verwysing na die administrateur van die betrokke provinsie; en
 - (ii) 'n ander aangeleentheid, uitgelê as 'n verwysing na 20 die Parlement;
- (e) 'n provinsiale inkomstefonds, uitgelê as 'n verwysing na die gepaste rekening in artikel 82 (1) (c) van die Grondwet beoog.

Keuse deur lede van provinsiale rade ten opsigte van pensioengewende diens, en verwante sake.

20. (1) Enigiemand wat—

- (a) lid van 'n provinsiale raad geword het as gevolg van sy 25 verkiesing by enige verkiesing van lede van provinsiale rade wat voor of op 31 Julie 1982 gehou is;
- (b) so 'n lid gebly het tot die dag wat die inwerkingtreding van hierdie Wet onmiddellik voorafgaan; en
- (c) behoudens die bepalings van subartikel (4) op die dag 30 in paragraaf (b) beoog nie genoeg pensioengewende diens, soos omskryf in enige ordonnansie, het om hom op die betaling van pensioenvoordele ingevolge sodanige ordonnansie geregtig te maak nie,

kan, binne 'n tydperk van 90 dae na sodanige inwerkingtreding, 35 by skriftelike kennisgewing aan die administrateur van die provinsie waarin sy kiesafdeling geleë is, kies om geag te word agt jaar aldus omskrywe pensioengewende diens te hê en word daarna geregtig op pensioenvoordele bereken ingevolge sodanige ordonnansie ten opsigte van 'n tydperk van pensioenge- 40 wende diens van agt jaar.

(2) Daar word ten opsigte van 'n tydperk wat uit hoofde van subartikel (1) geag word deel te vorm van die lid se pensioengewende diens, deur die betrokke lid 'n bedrag aan die betrokke provinsiale inkomstefonds betaal, bereken teen 10 persent van 45 sy pensioengewende salaris onmiddellik voor die inwerkingtreding van hierdie Wet, vermenigvuldig met die aantal jare en gedeelte van 'n jaar wat aldus as pensioengewende diens geag word.

(3) Enige bepaling in enige wet wat voorsiening maak vir die 50 betaling van 'n pensioen of ander voordeel aan die weduwee van 'n lid van 'n provinsiale raad is *mutatis mutandis* van toepassing op die betaling van 'n pensioen of ander voordeel aan die wewenaar van 'n lid van 'n provinsiale raad.

(4) Enige dienstermyn wat 'n lid van 'n provinsiale raad vol- 55 tooi het as 'n lid van die Parlement en ten opsigte waarvan hy geen Parlementêre pensioen ontvang nie, kan erken word vir die bepaling van sy pensioenvoordele as lid van die provinsiale raad, mits hy binne 90 dae na die inwerkingtreding van hierdie Wet die administrateur van die provinsie waarin sy provinsiale kiesaf- 60 deling geleë is, skriftelik versoek dat sodanige termyn aldus erken word.

(5) Daar word ten opsigte van die tydperk wat kragtens subartikel (4) as pensioengewende diens van die lid erken word, deur die betrokke lid 'n bedrag aan die betrokke provinsiale inkom- 65 stefonds betaal, bereken teen 10 persent van sy pensioengewende salaris onmiddellik voor die inwerkingtreding van hierdie

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

- (a) the administrator of a province appointed in terms of the Provincial Government Act, 1961 (Act No. 32 of 1961), shall be construed as a reference to an administrator appointed in terms of section 7 of this Act;
- 5 (b) the executive committee of a province or its members, within the meaning of the Provincial Government Act, 1961, shall be construed as a reference to an executive committee or its members appointed in terms of section 7 of this Act;
- 10 (c) the provincial auditor, or the auditor of local government, shall be construed as a reference to the Auditor-General as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
- (d) a provincial council, in relation to—
- 15 (i) any matter in respect of which an administrator may issue a proclamation under section 14 (2), shall be construed as a reference to the administrator of the province concerned; and
- (ii) any other matter, shall be construed as a reference to Parliament;
- 20 (e) a provincial revenue fund, shall be construed as a reference to the appropriate account contemplated in section 82 (1) (c) of the Constitution Act.

20. (1) Any person who—

- 25 (a) became a member of a provincial council by reason of his having been elected at any election of members of provincial councils held prior to or on 31 July 1982;
- (b) remained such a member until the day immediately preceding the commencement of this Act; and
- 30 (c) subject to the provisions of subsection (4) on the day contemplated in paragraph (b) has insufficient pensionable service, as defined in any ordinance, to entitle him to the payment of pension benefits in terms of such ordinance,

Election by members of provincial councils in respect of pensionable service, and related matters.

35 may, within a period of 90 days after such commencement by written notice to the administrator of the province in which his electoral division is situated, elect to be deemed to have eight years' pensionable service, as so defined, and shall thereafter be entitled to pension benefits calculated in terms of such ordinance

40 in respect of a period of pensionable service of eight years.

(2) There shall, in respect of the period deemed to form part of the pensionable service of the member by virtue of subsection (1), be paid by the relevant member to the relevant provincial revenue fund an amount calculated at 10 per cent of his pensionable salary immediately prior to the commencement of this Act,

45 multiplied by the number of years and portion of a year which are so deemed to be pensionable service.

(3) Any provision in any law which provides for the payment of a pension or other benefit to the widow of a member of a provincial council shall apply *mutatis mutandis* to the payment of a pension or other benefit to the widower of a member of a provincial council.

50

(4) Any period of service which a member of a provincial council has completed as a member of Parliament and in respect

55 of which he has received no Parliamentary pension, may be recognized for the purpose of determining his pension benefits as a member of the provincial council, provided he requests in writing the administrator of the province in which his provincial electoral division is situated, within 90 days after the commencement of this Act, that such period be so recognized.

60

(5) There shall, in respect of the period recognized in terms of subsection (4) as pensionable service of the member, be paid by the relevant member to the relevant provincial revenue fund, an amount calculated at 10 per cent of his pensionable salary immediately prior to the commencement of this Act, multiplied by

65

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

Wet, vermenigvuldig met die aantal jare en gedeelte van 'n jaar wat aldus as pensioengewende diens erken word.

(6) Die bepalings van subartikels (3) en (4) word geag op 1 Julie 1984 in werking te getree het.

Oorgangs-
bepalings.

21. (1) Die provinsiale rade se duur word geag tot 30 Junie 5 1986 verleng te wees.

(2) Enige ordonnansie wat voor die inwerkingtreding van hierdie Wet deur 'n provinsiale raad aangeneem is maar waarmee daar by sodanige inwerkingtreding nog nie ingevolge artikels 89 en 90 van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), gehandel is nie, kan, ondanks die herroeping van daardie artikels deur hierdie Wet, ingevolge daardie artikels na sodanige inwerkingtreding mee gehandel word asof hierdie Wet nie aangeneem was nie.

(3) (a) Die bates, regte, skulde en verpligtinge van die provinsiale inkomstefondse beoog in artikel 88 van die Wet op Provinsiale Bestuur, 1961, gaan op 1 April 1987 oor op die Rekenings vir Provinsiale Dienste soos beoog in artikel 2 (1) (c) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975): Met dien verstande dat indien enige geld vir bepaalde doeleindes afgesonder of opgesit word of by wet op 'n bepaalde rekening oorgedra moet word, sodanige geld net vir sodanige doeleindes gebruik of net op sodanige rekening oorgedra moet word, na gelang van die geval. 25

(b) Enige aansuiwering ten bate of laste van 'n provinsiale inkomstefonds na 1 April 1987, word geag 'n aansuiwering te wees vir die toepaslike Rekening vir Provinsiale Dienste beoog in artikel 2 (1) (c) van die Skatkis- en Ouditwet, 1975. 30

(c) Ondanks die bepalings van artikel 5 (3) van die Wet op Provinsiale Finansies en Oudit, 1972 (Wet No. 18 van 1972), kan die Minister van Finansies in die vorm wat hy bepaal 'n addisionele begroting van uitgawes vir die boekjaar 1986/87, wat uit die provinsiale inkomstefondse van die provinsies die Kaap die Goeie Hoop, Transvaal, die Oranje-Vrystaat en Natal bestry moet word, aan die Parlement voorlê. 35

(d) Ondanks die bepalings van artikel 22 van hierdie Wet kan die Minister van Finansies in die vorm wat hy bepaal vir die doeleindes van artikel 4 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), soos gewysig deur genoemde artikel 22, 'n Gedeeltelike Begrotingswetsontwerp aan die Parlement voorlê waarin die bewilliging van sekere bedrae geld aan die Rekenings vir Provinsiale Dienste voorgestel word. 40 45

(4) (a) Die administrateur van 'n provinsie moet behoudens die bepalings van hierdie artikel maar ondanks die bepalings van enige ander wet, 'n persoon in diens van die provinsie se provinsiale administrasie ingevolge 'n ordonnansie, oorplaas na en aanstel in die Staatsdiens vanaf die datum wat hy op aanbeveling van die Kommissie vir Administrasie bepaal. 50

(b) Sodanige persone word oorgeplaas en aangestel op die voorwaardes wat op die indienshouding van beampies en werknemers in die Staatsdiens van toepassing is, tensy die Kommissie vir Administrasie, ondanks die bepalings van enige ander wet, anders aanbeveel: Met dien verstande dat—

(i) geen persoon as gevolg van die afskaffing van die provinsiale diens, ontslaan of gepensioneerd word, of 'n reg tot vervroegde aftrede verkry nie;

(ii) geen persoon se salaris of salarisskaal by bedoelde oorplasing en aanstelling verminder word nie;

(iii) opgehoopde verlof wat 'n betrokke persoon tot sy beskikking het, tot sy krediet in die Staatsdiens sal wees; 65

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

the number of years and portion of a year which are so recognized as pensionable service.

(6) The provisions of subsections (3) and (4) shall be deemed to have come into operation on 1 July 1984.

- 5 **21.** (1) The duration of the provincial councils shall be deemed to have been extended to 30 June 1986. Transitional provisions.
- (2) Any ordinance which was passed by a provincial council prior to the commencement of this Act but which at such commencement has not yet been dealt with in terms of sections 89 and 90 of the Provincial Government Act, 1961 (Act No. 32 of 10 1961), may, notwithstanding the repeal of those sections by this Act, be dealt with in terms of those sections after that commencement as if this Act had not been passed.
- 15 (3) (a) The assets, rights, debts or liabilities of the provincial revenue funds contemplated in section 88 of the Provincial Government Act, 1961, shall as from 1 April 1987 be vested in the Accounts for Provincial Services as contemplated in section 2 (1) (c) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975): Provided that, if any moneys are to be set aside or earmarked for 20 particular purposes or are by law to be transferred to a specific account, such moneys shall be utilized only for such purposes or be transferred only to such account, as the case may be.
- 25 (b) Any adjustment in favour of or as a charge against a provincial revenue fund after 1 April 1987, shall be deemed to be an adjustment for the appropriate Account for Provincial Services as contemplated in section 2 (1) (c) of the Exchequer and Audit Act, 1975.
- 30 (c) Notwithstanding the provisions of section 5 (3) of the Provincial Finance and Audit Act, 1972 (Act No. 18 of 1972), the Minister of Finance may, in a form determined by him, submit to Parliament an additional estimate of expenditure for the 1986/87 financial year, which shall be defrayed from the provincial revenue funds of the provinces of the Cape of Good Hope, 35 the Transvaal, the Orange Free State and Natal.
- (d) Notwithstanding the provisions of section 22 of this Act, the Minister of Finance may, in a form determined by him, for the purpose of section 4 (1) of the Exchequer and Audit Act, 1975, as amended by the Schedule to this Act, submit to Parliament a Part Appropriation Bill in which the appropriation of certain amounts of money to the Accounts for Provincial Services is proposed.
- 45 (4) (a) The administrator of a province shall, subject to the provisions of this subsection but notwithstanding the provisions of any other law, transfer and appoint any person in the service of the provincial administration of the province in terms of an ordinance, to the Public Service, as from a date determined by him on the recommendation of the Commission for Administration.
- 50 (b) Such persons shall be transferred and appointed on the conditions applicable to the employment of officers and employees in the Public Service, unless the Commission for Administration, notwithstanding the provisions of any other law, recommends otherwise: Provided that—
- 55 (i) no person shall, as a result of the abolition of the provincial service, be discharged or pensioned, or acquire a right to early retirement;
- 60 (ii) no person's salary or salary scale shall be reduced when he is so transferred and appointed;
- (iii) accrued leave to the credit of a person concerned shall be credited to him in the Public Service;
- 65

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

- (iv) diens deur hom verrig as persoon in die provinsiale diens geag word diens te wees wat deur hom verrig is as 'n beampte of werknemer in die Staatsdiens;
- (v) daar aan geen persoon as gevolg van sy bedoelde oorplasing na en aanstelling in die Staatsdiens 'n minder gunstige aftree-ouderdom toegeken word nie; 5
- (vi) enige dissiplinêre stappe ingestel of beoog teen sodanige persoon ingevolge die bepalings van 'n ordonnansie of die regulasies daaronder uitgevaardig, ten opsigte van wangedrag waaraan hy hom na sy oorplasing na en aanstelling in die Staatsdiens, ingevolge die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), afgehandel word asof die betrokke persoon ten tyde van die beweerde pleging van die wangedrag 'n beampte of werknemer in die Staatsdiens was. 10 15
- (c) Enige persoon in diens gehou ingevolge 'n ordonnansie waarvan die administrasie ingevolge artikel 98 (3) van die Grondwet aan 'n Minister opgedra is, kan deur daardie Minister oorgeplaas en aangestel word— 20
- (i) op aanbeveling van die Kommissie vir Administrasie, na en in die Staatsdiens; of
- (ii) ingevolge die bepalings van enige ander wet wat voorsiening maak vir die aanstelling van persone in die diens van die Staat, en 25
- die bepalings van paragrawe (a) en (b) is *mutatis mutandis* op sodanige persoon van toepassing.
22. (1) Die wette genoem in— 30
- (a) Deel 1 van die Bylae by hierdie Wet word hierby gewysig in die mate in daardie Deel aangedui: Met dien verstande dat bedoelde wysiging van artikel 82 van die Grondwet en van Wet No. 66 van 1975 op 1 April 1987 in werking tree; 35
- (b) Deel 2 van daardie Bylae word hierby herroep in die mate in die derde kolom van daardie Deel aangedui: Met dien verstande dat bedoelde herroeping van artikel 88 van Wet No. 32 van 1961 en van Wette Nos. 18 van 1972 en 65 van 1976 op 1 April 1987 in werking tree. 40
- Kort titel. 23. Hierdie Wet heet die Wet op Provinsiale Regering, 1986, en tree in werking op 1 Julie 1986.
- Wysiging en herroeping van wette.

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

- (iv) service rendered by him as a person in the provincial service shall be deemed to be service rendered by him as an officer or employee in the Public Service;
- 5 (v) no person shall be accorded a less favourable pensionable age as a result of his relevant transfer to and appointment in the Public Service;
- 10 (vi) any disciplinary steps instituted or contemplated against such person in terms of the provisions of an ordinance or the regulations made thereunder, in respect of misconduct allegedly committed by such person before the date of his transfer to and appointment in the Public Service, shall be concluded in terms of the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), as if the person concerned was at the time of the alleged commission of the misconduct an officer or employee in the Public Service.
- 15 (c) Any person employed in provincial service in terms of an ordinance the administration of which has been assigned in terms of section 98 (3) of the Constitution Act to a Minister, may be transferred and appointed by that Minister—
- 20 (i) on the recommendation of the Commission for Administration, to and in the Public Service; or
- 25 (ii) in terms of the provisions of any other law which provides for the appointment of persons in the service of the State,
- 30 and the provisions of paragraphs (a) and (b) shall apply *mutatis mutandis* to such person.
22. (1) The laws mentioned in—
- 35 (a) Part 1 of the Schedule to this Act are hereby amended as set out in that Part: Provided that such amendment of section 82 of the Constitution Act and of Act No. 66 of 1975 shall come into operation on 1 April 1987;
- 40 (b) Part 2 of that Schedule are hereby repealed to the extent indicated in the third column of that Part: Provided that such repeal of section 88 of Act No. 32 of 1961 and of Acts Nos. 18 of 1972 and 65 of 1976 shall come into operation on 1 April 1987.
23. This Act shall be called the Provincial Government Act, Short title.
1986, and shall come into operation on 1 July 1986.

Amendment and repeal of laws.

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

Bylae

DEEL 1

A. Wysiging van bepalinge van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), soos volg:—

1. Wysiging van artikel 55 deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) in die amp van administrateur van ’n provinsie of van lid van die uitvoerende komitee van ’n provinsie aangestel is, ontruim sy setel as lid van die Huis met ingang van die datum waarop hy sodanige amp aanvaar.”
2. Wysiging van artikel 71 deur subparagraaf (c) van subartikel (3) deur die volgende subparagraaf te vervang:

“(c) Indien hy lid word van ’n Huis of [van ’n provinsiale raad] as administrateur of lid van ’n uitvoerende komitee van ’n provinsie ingevolge die Wet op Provinsiale Regering, 1986, aangestel word;”
3. Wysiging van artikel 82—
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ten opsigte van die Staatsinkomstefonds is daar—

 - (a) ’n Staatsinkomsterekening, wat, behoudens die bepalinge van [paragraaf] paragrawe (b), en (c) en subartikel (2), gekrediteer word met alle inkomste en waaruit alle uitgawes bestry en bedrae betaal word waarmee dit ingevolge hierdie Wet of ’n ander wet belas word;”;
 - (b) deur die volgende paragraaf by subartikel (1) te voeg:

“(c) die rekenings in verband met die administrasie van ’n provinsiale aangeleentheid wat by ’n algemene wet voorgeskryf word en wat gekrediteer word met alle inkomste wat hulle toeval ingevolge hierdie Wet of ’n ander wet, en waaruit alle uitgawes bestry en bedrae betaal word waarmee hulle ingevolge hierdie Wet of ’n ander wet belas word.”; en
 - (c) deur die volgende subartikel by te voeg:

“(3) Waar ’n wet bepaal dat daarin genoemde inkomste in ’n provinsiale inkomstefonds gestort moet word of dat aldus genoemde uitgawes uit daardie fonds bestry moet word, word die inkomste gestort in, en die uitgawes bestry uit, die gepaste rekening in subartikel (1) (c) beoog.”
4. Wysiging van artikel 98 deur in subartikel (2) die woorde “Ordonnansie van ’n provinsie” deur die woord “Parlementswet” te vervang.

B. Wysiging van die Interpretasiewet, 1957 (Wet No. 33 van 1957)—

- (a) deur in artikel 2 die omskrywing van “Administrateur” deur die volgende omskrywing te vervang:

“administrateur”, beteken, met verwysing na ’n provinsie, die persoon ingevolge artikel 7 van die Wet op Provinsiale Regering, 1986, as administrateur aangestel, handelende in oorleg met die ander lede van die uitvoerende komitee waarvan hy lid is;” en
- (b) deur artikel 17 deur die volgende artikel te vervang:

“Lys van sekere proklamasies en kennisgewings moet aan Parlement voorgelê word.

17. Wanneer die Staatspresident, [of] ’n Minister of ’n administrateur van ’n provinsie deur ’n wet gemagtig word om reëls of regulasies uit te vaardig vir ’n in daardie wet vermeldde doel, of wanneer ’n administrateur ingevolge artikel 14 (2) (a) van die Wet op Provinsiale Regering 1986, optree, moet, ondanks andersluidende wetsbepalinge, ’n lys van die proklamasies, [en] goewermentskennisgewings en provinsiale kennisgewings waarkragtens bedoelde reëls, [en] regulasies of optrede gedurende die tydperk wat in die lys gedek word, in die Staatskoerant gepubliseer is met vermelding in elke geval van die nommer, datum en titel van die proklamasie, [of] goewermentskennisgewing of provinsiale kennisgewing en die nommer en datum van die Staatskoerant waarin dit gepubliseer is, in die [Senaat en die Volksraad] betrokke Huis of in die Parlement, na gelang van die geval, ter Tafel gelê word binne veertien dae nadat die reëls, [of] regulasies of optrede in die Staatskoerant gepubliseer is, indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne veertien dae na die aanvang van sy eersvolgende sessie.”

C. Wysiging van Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), soos volg:—

1. Wysiging van artikel 1 deur in subartikel (1) die omskrywing van “inkomste” deur die volgende omskrywing te vervang:

“inkomste” alle geld ontvang by wyse van belastinge, heffings of regte, en alle toevallige en ander ontvangste van die Staat, uit watter bron ook al afkomstig, waarvoor die Parlement of die betrokke Huis van die Parlement, na gelang van die geval, bewilligingsbevoegdheid besit, en ook geld ingevolge die bepalinge van hierdie Wet geleen, maar nie ook die bedrag van ’n boete van hoogstens R50 deur ’n geregshof aan iemand opgelê, vir sover daardie bedrag nie betaal is nie, en inkomste wat die Suid-Afrikaanse Vervoerdienste en die Poskantoorfonds [en ’n provinsiale inkomstefonds] toeval;”
2. Wysiging van artikel 2 deur in subartikel (1) die volgende paragraaf in te voeg:

“(c) elkeen van die rekenings by artikel 82 (1) (c) van die Grondwet ingestel, met die naam—

 - (i) in die geval van die provinsie die Kaap die Rekening vir Provinsiale Dienste: Kaap;
 - (ii) in die geval van die provinsie Natal, die Rekening vir Provinsiale Dienste: Natal;
 - (iii) in die geval van die provinsie Oranje-Vrystaat, die Rekening vir Provinsiale Dienste: Oranje-Vrystaat; en
 - (iv) in die geval van die provinsie Transvaal, die Rekening vir Provinsiale Dienste: Transvaal;”
3. Wysiging van artikel 4—
 - (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) in die geval van geld waarmee die Staatsinkomsterekening of ’n rekening vir Provinsiale Diens- te in artikel 2 (1) (c) bedoel, gekrediteer is, deur die Parlement; en”;

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

Schedule

PART 1

A. Amendment of provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), as follows:—

1. Amendment of section 55 by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) is appointed to the office of administrator of a province or of member of the executive committee of a province, shall vacate his seat as a member of such House with effect from the date on which he assumes such office.”.

2. Amendment of section 71 by the substitution for subparagraph (c) of subsection (3) of the following subparagraph:

“(c) if he becomes a member of a House or [of a provincial council] is appointed as administrator or member of an executive committee of a province in terms of the Provincial Government Act, 1986;”.

3. Amendment of section 82—

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

“(1) In respect of the State Revenue Fund there shall be—

(a) a State Revenue Account, which shall, subject to the provisions of [paragraph] paragraphs (b) and (c) and subsection (2), be credited with all revenues and from which shall be defrayed all expenditure and be paid any amounts with which it is charged in terms of this Act or any other law;”;

(b) by the addition to subsection (1) of the following paragraph:

“(c) the accounts in connection with the administration of a provincial matter which may be prescribed by any general law and which shall be credited with all revenues accruing to them in terms of this Act or any other law and from which shall be defrayed all expenditure and be paid any amounts with which they are charged in terms of this Act or any other law.”; and

(c) by the addition of the following subsection:

“(3) Where a law provides that any revenue mentioned therein shall be paid into a provincial revenue fund or that expenditure so mentioned shall be defrayed from such fund, such revenue shall be paid into and such expenditure shall be defrayed from the appropriate account contemplated in subsection (1) (c).”.

4. Amendment of section 98 by the substitution in subsection (2) for the words “ordinance of a province” of the words “Act of Parliament”.

B. Amendment of the Interpretation Act, 1957 (Act No. 33 of 1957)—

(a) by the substitution in section 2 for the definition of “Administrator” of the following definition:

“‘administrator’, with reference to a province, means the person appointed as administrator in terms of section 7 of the Provincial Government Act, 1986, acting in consultation with the other members of the executive committee of which he is a member;”; and

(b) by the substitution for section 17 of the following section:

“List of certain proclamations and notices to be laid before Parliament.

17. When the State President, [or] a Minister or the administrator of a province is by any law authorized to make rules or regulations for any purpose in such law stated, or when an administrator acts in terms of section 14 (2) (a) of the Provincial Government Act, 1986, notwithstanding the provisions of any law to the contrary, a list of the proclamations, [or] government notices and provincial notices under which such rules, [or] regulations or action were published in the Gazette during the period covered in the list, stating in each case the number, date and title of the proclamation, [or] government notice or provincial notice and the number and date of the Gazette in which it was published, shall be laid upon the Table in the [Senate or in the House of Assembly] House concerned or in Parliament, as the case may be, within fourteen days after the publication of the rules, [or] regulations or action in the Gazette, if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.”.

C. Amendment of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), as follows:—

1. Amendment of section 1 by the substitution in subsection (1) for the definition of “revenue” of the following definition:

“revenue” means all moneys received by way of taxes, imposts or duties and all casual and other receipts of the State, whatever the source, which may be appropriated by Parliament or the relevant House of Parliament, according to the circumstances, and includes moneys borrowed in terms of the provisions of this Act, but does not include the amount of any fine not exceeding R50 imposed upon any person by any court of law, in so far as such amount has not been paid, and revenue accruing to the South African Transport Services and the Post Office Fund [and a provincial revenue fund];”.

2. Amendment of section 2 by the insertion in subsection (1) of the following paragraph:

“(c) each of the accounts established by section 82 (1) (c) of the Constitution Act, to be called—

(i) in the case of the province of the Cape of Good Hope, the Account for Provincial Services: Cape;

(ii) in the case of the province of Natal, the Account for Provincial Services: Natal;

(iii) in the case of the province of the Orange Free State, the Account for Provincial Services: Orange Free State; and

(iv) in the case of the province of the Transvaal, the Account for Provincial Services: Transvaal.”.

3. Amendment of section 4—

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

“(a) in the case of moneys with which the State Revenue Account or an Account for Provincial Services referred to in section 2 (1) (c) has been credited, by Parliament; and”; and

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

(b) deur in subartikel (3) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:—

“(i) moet vir iedere boekjaar, in die vorm wat hy bepaal, ’n begroting van uitgawes wat uit die Staatsinkomsterekening, en uit die Rekenings vir Provinsiale Dienste bedoel in artikel 2 (1) (c), bestry moet word, en [**’n beraming**] beramings van verwagte inkomste waarmee daardie [rekening] rekenings in daardie boekjaar gekrediteer moet word, aan die Parlement voorlê; en”.

4. Invoeging van die volgende artikel na artikel 4:

“Betaling van verskil tussen uitgawes en inkomste. 4A. Daar word jaarliks as ’n regstreekse las teen die Staatsinkomsterekening aan die betrokke rekenings bedoel in artikel 2 (1) (c) ’n bedrag geld betaal gelyk aan die verskil tussen die uitgawes by ’n algemene wet gemagtig en die inkomste wat bedoelde rekenings toeval.”

5. Wysiging van artikel 15 deur die volgende paragraaf by subartikel (3) te voeg:

“(g) ’n provinsie vermeld in artikel 3 (1) van die Wet op Provinsiale Regering, 1986, die provinsiale sekretaris wat ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984), vir dié provinsie aangestel is.”

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

(b) by the substitution in subsection (3) for subparagraph (i) of paragraph (a) of the following subparagraph:

"(i) shall for every financial year, in a form determined by him, submit to Parliament an estimate of expenditure to be defrayed from the State Revenue Account, and from the Account for Provincial Services referred to in section 2 (1) (c), and **[an estimate]** estimates of expected revenue with which **[that account is]** those accounts are required to be credited during that financial year; and".

4. Insertion of the following section after section 4:

"Payment of difference between expenditure and revenue. **4A.** There shall annually be paid to the relative accounts referred to in section 2 (1) (c) as a direct charge on the State Revenue Account an amount equal to the difference between the expenditure authorized by a general law and the revenue accruing to such accounts.".

5. Amendment of section 15 by the addition to subsection (3) of the following paragraph:

"(g) a province mentioned in section 3 (1) of the Provincial Government Act, 1986, the provincial secretary appointed in terms of the Public Service Act, 1984 (Act No. 111 of 1984), for that province.".

Wet No. 69, 1986

WET OP PROVINSIALE REGERING, 1986

DEEL 2

| No. en jaar van wet | Kort titel | In hoeverre herroep |
|---------------------|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 41 van 1947 | Wet op Uitbreiding van Provinsiale Magte, 1947 | Soveel as wat nie herroep is nie |
| 16 van 1948 | Wet op die Bevoegdhede en Privilegies van Provinsiale Rade, 1948 | Die geheel, behalwe artikels 6, 8, 9 en 10 |
| 20 van 1950 | Bekragtigingswet insake Bevoegdhede van Administrateurs, 1950 | Die geheel |
| 32 van 1961 | Wet op Provinsiale Bestuur, 1961 | Die geheel, behalwe artikel 84 (1) (a) tot (k) en (2) |
| 28 van 1962 | Wet op Provinsiale Uitvoerende Komitees, 1962 | Die geheel |
| 47 van 1963 | Wet op Onderwys vir Kleurlinge, 1963 | Artikel 37 |
| 64 van 1963 | Wet op Provinsiale Uitvoerende Komitees, 1963 | Die geheel |
| 3 van 1965 | Wet op Provinsiale Aangeleenthede, 1965 | Die geheel |
| 61 van 1965 | Wet op Onderwys vir Indiërs, 1965 | Artikel 36 |
| 37 van 1969 | Wysigingswet op die Bevoegdhede en Privilegies van Provinsiale Rade, 1969 | Die geheel |
| 18 van 1972 | Wet op Provinsiale Finansies en Oudit, 1972 | Die geheel, behalwe artikels 27 en 29 (2) |
| 61 van 1972 | Wet op Provinsiale Aangeleenthede, 1972 | Soveel as wat nie herroep is nie |
| 65 van 1976 | Wet op Finansiële Verhoudings, 1976 | Die geheel, behalwe artikels 6 tot 8, 11 tot 13, 15A, 20A, 24A, 26 tot 29 en 31 en Bylaes 1 en 2 |
| 32 van 1977 | Wysigingswet op Provinsiale Aangeleenthede, 1977 | Die geheel |
| 27 van 1978 | Wysigingswet op Provinsiale Finansies en Oudit, 1978 | Die geheel |
| 55 van 1978 | Wysigingswet op Finansiële Verhoudings, 1978 | Die geheel |
| 35 van 1979 | Wysigingswet op Nasionale Gedenkwaardighede, 1979 | Artikel 14 |
| 92 van 1979 | Wysigingswet op Finansiële Verhoudings, 1979 | Die geheel |
| 21 van 1980 | Finansiewet, 1980 | Artikel 6 |
| 31 van 1980 | Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980 | Die geheel |
| 34 van 1980 | Wysigingswet op Finansiële Verhoudings, 1980 | Die geheel |
| 101 van 1980 | Vyfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1980 | Soveel as wat nie herroep is nie, behalwe artikel 33 |
| 101 van 1981 | Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1981 | Artikel 7 |
| 99 van 1982 | Wysigingswet op die Grondwet, 1982 | Soveel as wat nie herroep is nie |
| 2 van 1985 | Wysigingswet tot Uitbreiding van Provinsiale Bevoegdhede, 1985 | Die geheel |
| 104 van 1985 | Wysigingswet op Staatkundige Aangeleenthede, 1985 | Artikel 6 |

PROVINCIAL GOVERNMENT ACT, 1986

Act No. 69, 1986

PART 2

| No. and year of law | Short title | Extent of repeal |
|---------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 41 of 1947 | Provincial Powers Extension Act, 1947 | So much as is unrepealed |
| 16 of 1948 | Powers and Privileges of Provincial Councils Act, 1948 | The whole, except sections 6, 8, 9 and 10 |
| 20 of 1950 | Administrators' Powers (Validation) Act, 1950 | The whole |
| 32 of 1961 | Provincial Government Act, 1961 | The whole, except section 84 (1) (a) to (k) and (2) |
| 28 of 1962 | Provincial Executive Committees Act, 1962 | The whole |
| 47 of 1963 | Coloured Persons Education Act, 1963 | Section 37 |
| 64 of 1963 | Provincial Executive Committees Act, 1963 | The whole |
| 3 of 1965 | Provincial Affairs Act, 1965 | The whole |
| 61 of 1965 | Indians Education Act, 1965 | Section 36 |
| 37 of 1969 | Powers and Privileges of Provincial Councils Amendment Act, 1969 | The whole |
| 18 of 1972 | Provincial Finance and Audit Act, 1972 | The whole, except sections 27 and 29 (2) |
| 61 of 1972 | Provincial Affairs Act, 1972 | So much as is unrepealed |
| 65 of 1976 | Financial Relations Act, 1976 | The whole, except sections 6 to 8, 11 to 13, 15A, 20A, 24A, 26 to 29 and 31 and Schedules 1 and 2 |
| 32 of 1977 | Provincial Affairs Amendment Act, 1977 | The whole |
| 27 of 1978 | Provincial Finance and Audit Amendment Act, 1978 | The whole |
| 55 of 1978 | Financial Relations Amendment Act, 1978 | The whole |
| 35 of 1979 | National Monuments Amendment Act, 1979 | Section 14 |
| 92 of 1979 | Financial Relations Amendment Act, 1979 | The whole |
| 21 of 1980 | Finance Act, 1980 | Section 6 |
| 31 of 1980 | Republic of South Africa Constitution Second Amendment Act, 1980 | The whole |
| 34 of 1980 | Financial Relations Amendment Act, 1980 | The whole |
| 101 of 1980 | Republic of South Africa Constitution Fifth Amendment Act, 1980 | So much as is unrepealed, except section 33 |
| 101 of 1981 | Republic of South Africa Constitution Second Amendment Act, 1981 | Section 7 |
| 99 of 1982 | Constitution Amendment Act, 1982 | So much as is unrepealed |
| 2 of 1985 | Provincial Powers Extension Amendment Act, 1985 | The whole |
| 104 of 1985 | Constitutional Affairs Amendment Act, 1985 | Section 6 |