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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 73, 1988

WYSIGING VAN PROKLAMASIE R. 101 VAN 1985

Kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), maak ek hierby die wette in die Bylae vervat.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Veertiende dag van April Eenduisend Negehonderd Agt-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

R. F. BOTHA,
Minister van die Kabinet.

BYLAE

Wysiging van artikel 3 van Proklamasie R. 101 van 1985

1. Artikel 3 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (hieronder die Proklamasie genoem), word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg:

"(c) om 'n wet te maak waarby—

(i) enige verteenwoordigende owerheid soos omskryf in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG 8 van 1980);

(ii) enige munisipale instelling, of enige ander plaaslike instelling wat by of kragtens enige wet ingestel is en ten opsigte van 'n bepaalde gebied plaaslike owerheidsfunksies verrig;

(iii) enige stam-, gemeenskaps- of streekowerheid; of

(iv) enige ander owerheidsinstelling wat by of kragtens enige wet ingestel is,

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 73, 1988

AMENDMENT OF PROCLAMATION R. 101 OF 1985

Under the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby make the laws set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourteenth day of April, One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

R. F. BOTHA,
Minister of the Cabinet.

SCHEDULE

Amendment of section 3 of Proclamation R. 101 of 1985

1. Section 3 of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (hereinafter referred to as the Proclamation), is hereby amended by the addition to subsection (2) of the following paragraph:

"(c) to make any law whereby—

(i) any representative authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG 8 of 1980);

(ii) any municipal institution, or any other local institution established by or under any law and performing in respect of a particular area local government functions;

(iii) any tribal, community or regional authority; or

(iv) any other government institution established by or under any law,

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en wat in die gebied bestaan het onmiddellik voor die eerste byeenkoms van die Vergadering, afgeskaf of ontbind word nie, of waarby enige bevoegdheid van enige sodanige owerheid of instelling ingetrek, opgeskort of ingekort word nie, behalwe met die toestemming van die Administrateur-generaal vooraf in elke bepaalde geval vir die doeleindes van hierdie paragraaf verkry.".

Wysiging van artikel 19 van Proklamasie R. 101 van 1985

2. Artikel 19 van die Proklamasie word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

"(2A) Die Administrateur-generaal of die Kabinet kan—

(a) enige beslissing van die hof ingevolge subartikel (2), laat voorlê aan die Appèlafdeling van die Hooggeregshof van Suid-Afrika, wat die beslissing kan bevestig, wysig of ter syde stel;

(b) enige regsvraag wat met so 'n beslissing of met die betrokke vraag in subartikel (2) bedoel, in verband staan, aan die Appèlafdeling laat voorlê vir beredenering en beslissing.".

Wysiging van artikel 29 van Proklamasie R. 101 van 1985

3. Artikel 29 van die Proklamasie word hierby gewysig—

(a) deur na subartikel (2) die volgende subartikel in te voeg:

"(2A) Indien die Administrateur-generaal by besluit van—

(a) 'n wetgewende owerheid soos omskryf in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG 8 van 1980); of

(b) enige ander verkose liggaam wat by of kragtens enige wet ingestel is,

versoek word om die wetgewende owerheid of die liggaam, na gelang van die geval, te ontbind sodat 'n verkiesing gehou kan word, kan die Administrateur-generaal, na oorleg met die Kabinet en ondanks enige andersluidende bepaling van enige wet, daardie owerheid of liggaam by proklamasie in die *Offisiële Koerant* ontbind met ingang van 'n datum in die proklamasie vermeld, en so 'n ontbinding word vir alle doeleindes geag 'n ontbinding deur tydsverloop te wees."; en

(b) deur in subartikel (3) die uitdrukking "artikel 17 (2)" deur die uitdrukking "artikels 3 (2) (c), 17 (2) en 19 (2A) en subartikel (2A) van hierdie artikel" te vervang.

Kort titel

4. Hierdie Proklamasie heet die Wysigingsproklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1988.

and which existed in the territory immediately before the first meeting of the Assembly, is abolished or dissolved, or whereby any power of any such authority or institution is cancelled, suspended or diminished, except with the consent of the Administrator-General previously obtained for the purposes of this paragraph in each particular case.".

Amendment of section 19 of Proclamation R. 101 of 1985

2. Section 19 of the Proclamation is hereby amended by the insertion after subsection (2) of the following subsection:

"(2A) The Administrator-General or the Cabinet may—

(a) cause any decision of the court in terms of subsection (2), to be submitted to the Appellate Division of the Supreme Court of South Africa, which may confirm, amend or set aside the decision;

(b) cause any question of law which bears relation to such a decision or to the relevant question referred to in subsection (2), to be submitted to the Appellate Division for argument and decision.".

Amendment of section 29 of Proclamation R. 101 of 1985

3. Section 29 of the Proclamation is hereby amended—

(a) by insertion after subsection (2) of the following subsection:

"(2A) If the Administrator-General is requested by resolution of—

(a) a legislative authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG 8 of 1980); or

(b) any other elected body established by or under any law,

to dissolve the legislative authority or the body, as the case may be, in order than an election may be held, the Administrator-General may, after consultation with the Cabinet and notwithstanding any provision to the contrary contained in any law, dissolve that authority or body by proclamation in the *Official Gazette* with effect from a date mentioned in the proclamation, and such a dissolution shall for all purposes be deemed to be a dissolution by effluxion of time."; and

(b) by the substitution in subsection (3) for the expression "section 17 (2)" of the expresion "section 3 (2) (c), 17 (2) and 19 (2A) and subsection (2A) of this section".

Short title

4. This Proclamation shall be called the South West Africa Legislative and Executive Authority Establishment Amendment Proclamation, 1988.

INHOUD

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