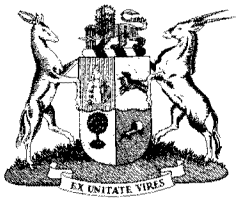
Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998



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*

PRYS + 1c AVB 20c PRICE + 1c GST
BUITELANDS 30c ABROAD
POSVRY · POST FREE

VOL. 177] KAAPSTAD, 28 MAART 1980 CAPE TOWN, 28 MARCH 1980 [No. 6906

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 565. 28 Maart 1980.

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

No. 3 van 1980: Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1980.

DEPARTMENT OF THE PRIME MINISTER

No. 565. 28 March 1980.

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

No. 3 of 1980: Laws on Co-operation and Development Amendment Act, 1980.

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

Wet No. 3, 1980 WYSIGINGSWET OP WETGEWING OP SAMEWERKING EN ONTWIKKELING, 1980

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

Tot wysiging van die Swart Administrasie Wet, 1927, betreffende die gebruik van die woorde „Swart reg"; en om die betekenis van die woord „Swarte" uit te brei; tot wysiging van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, ten einde die betekenis van die woorde „opgemete perseel" uit te brei; tot wysiging van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968, ten einde die leningsbevoegdheid van die Ontwikkelingskorporasies en die Korporasies verder te reël; tot wysiging van die Grondwet van die Swart State, 1971, ten einde die afsondering van sekere grond vir okkupasie of verkryging deur Swartes verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 18 Maart 1980.*)

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

Vervanging van artikel 24 van Wet 38 van 1927, soos gewysig deur artikel 2 van Wet 4 van 1976.

1. Artikel 24 van die Swart Administrasie Wet, 1927, word hierby deur die volgende artikel vervang:

„Toepassing van Wetboek van Zoeloereg.

24. [(1)] Nieteenstaande die herroeping van die Natalse Wet No. 19 van 1891 deur artikel 1 van die Wysigingswet op Swart Wetgewing, 1976, bly die Bylae by daardie Wet, soos vervang deur Proklamasie R.195 van 1967, behoudens die bepalings van artikel 7 *(a)* van die Wet op die Verandering van Provinsiale Grense, 1978 (Wet No. 36 van 1978), ten volle van krag as **[Swart]** reg vir Swartes in Natal en mag die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* die bepalings van bedoelde Bylae, wat bekend sal staan as die **[Natalse]** Wetboek van **[Swart reg]** Zoeloereg, wysig, herroep of vervang: Met dien verstande dat sodanige proklamasie geen geldigheid besit voor een maand na die datum van die afkondiging daarvan in die *Staatskoerant* verloop is nie.

[(2) Die Staatspresident mag by proklamasie in die *Staatskoerant* die regsgeldigheid van die Wetboek van Swart reg vermeld in subartikel (1) en enige wysiging daarvan tot Soeloeland in die provinsie Natal uitstrek]".

Wysiging van artikel 35 van Wet 38 van 1927, soos gewysig deur artikel 9 van

2. Artikel 35 van die Swart Administrasie Wet, 1927, word hierby gewysig deur in die omskrywing van „Swarte" die tweede voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

LAWS ON CO-OPERATION AND DEVELOPMENT AMENDMENT ACT, 1980 **Act No. 3, 1980**

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 amend the Black Administration Act, 1927, regarding the use of the words "Black law"; and to extend the meaning of the word "Black"; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to extend the meaning of the words "surveyed site"; to amend the Promotion of the Economic Development of Black States Act, 1968, so as to further regulate the lending power of the Development Corporations and the Corporations; to amend the Black States Constitution Act, 1971, so as to further regulate the reservation of certain land for occupation or acquisition by Black persons; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 18 March 1980.)

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

Substitution of section 24 of Act 38 of 1927, as amended by section 2 of Act 4 of 1976.

1. The following section is hereby substituted for section 24 of the Black Administration Act, 1927:

"Operation of Code of Zulu Law.

24. [(1)] Notwithstanding the repeal of Natal Law No. 19 of 1891 by section 1 of the Black Laws Amendment Act, 1976, the Schedule to that Act, as substituted by Proclamation R.195 of 1967, shall, subject to the provisions of section 7 *(a)* of the Alteration of Provincial Boundaries Act, 1978 (Act No. 36 of 1978), remain of full force as **[Black]** law for Blacks in Natal, and the State President may from time to time by proclamation in the *Gazette* amend, repeal or substitute the provisions of the said Schedule, which shall be known as the **[Natal]** Code of **[Black]** Zulu Law: Provided that no such proclamation shall have any force or effect until one month has elapsed from the date of its promulgation in the *Gazette*.

[(2) The State President may, by proclamation in the *Gazette*, extend the operation of the Code of Black Law mentioned in subsection (1), and any amendment thereof, to Zululand in the Province of Natal]".

Amendment of section 35 of Act 38 of 1927, as amended by

2. Section 35 of the Black Administration Act, 1927, is hereby amended by the substitution for the second proviso in the definition of "Black" of the following proviso:

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

Wet No. 3, 1980 WYSIGINGSWET OP WETGEWING OP SAMEWERKING EN ONTWIKKELING, 1980

Wet 9 van 1929, artikel 3 van Wet 9 van 1939, artikel 10 van Wet 21 van 1943, artikel 17 van Wet 67 van 1952, artikel 4 van Wet 42 van 1956 en artikel 4 van Wet 70 van 1974.

„Met dien verstande voorts dat 'n regspersoon waarin geen ander persoon as 'n Swarte 'n belang het nie, 'n liggaam van persone wat slegs uit Swartes bestaan, **[en]** 'n verteenwoordiger van die boedel van 'n oorlede Swarte en 'n ontvanger en likwidateur van die bates van 'n gemeenskaplike boedel van Swartes wat in gemeenskap van goedere getroud was en geskei is, vir die doeleindes van artikel 10 as 'n Swarte beskou word;".

Wysiging van artikel 1 van Wet 25 van 1945, soos gewysig deur artikel 1 van Wet 16 van 1955, artikel 23 van Wet 36 van 1957, artikel 20 van Wet 63 van 1962, artikel 39 van Wet 42 van 1964, artikel 8 van Wet 70 van 1974, artikel 7 van Wet 4 van 1976 en artikel 1 van Wet 97 van 1978.

3. Artikel 1 van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur die omskrywing van „opgemete perseel" deur die volgende omskrywing te vervang:

„'opgemete perseel' 'n perseel wat aangedui word op 'n algemene plan van 'n Swart dorp of lokasie of van 'n gedeelte van sodanige dorp of lokasie, welke plan op die voorgeskrewe wyse opgestel is en deur die Minister vir die doeleindes van artikels 6A en 6B goedgekeur is;".

Wysiging van artikel 6 van Wet 46 van 1968, soos gewysig deur artikel 6 van Wet 80 van 1977.

4. Artikel 6 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Ten einde sy doelstellings te bereik, kan 'n ontwikkelingskorporasie dié bevoegdhede in artikel 4 (1) bedoel wat die Trustee van tyd tot tyd bepaal, uitoefen en, tensy die Trustee anders bepaal, oefen die Ekonomiese Ontwikkelingskorporasie, Beperk, nie bedoelde bevoegdhede uit in daardie gedeeltes van die Swart state ten opsigte waarvan die betrokke ontwikkelingskorporasie ingestel is nie: Met dien verstande dat indien 'n ontwikkelingskorporasie geld van die Ekonomiese Ontwikkelingskorporasie, Beperk, opneem of leen, die Minister nie enige voorwaardes bepaal waarop sodanige geld aldus opgeneem of geleen moet word nie.".

Wysiging van artikel 7 van Wet 46 van 1968, soos gewysig deur artikel 7 van Wet 80 van 1977.

5. Artikel 7 van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Ten einde sy doelstellings te bereik, kan 'n korporasie dié bevoegdhede in artikel 4 (1) bedoel wat die Trustee van tyd tot tyd bepaal, uitoefen en, tensy die Trustee anders bepaal, oefen die Ekonomiese Ontwikkelingskorporasie, Beperk, of 'n ontwikkelingskorporasie nie bedoelde bevoegdhede uit in daardie gedeeltes van die Swart state ten opsigte waarvan sodanige korporasie ingestel is nie: Met dien verstande dat indien 'n korporasie geld van die Ekonomiese Ontwikkelingskorporasie, Beperk, opneem of leen, die Minister nie enige voorwaardes bepaal waarop sodanige geld aldus opgeneem of geleen moet word nie.".

Wysiging van artikel 36A van Wet 21 van 1971, soos gewysig deur artikel 14 van Wet 7 van 1973.

6. Artikel 36A van die Grondwet van die Swart State, 1971, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister van Samewerking en Ontwikkeling kan te eniger tyd die wenslikheid om grond in die regsgebied van 'n munisipale raad, stadsraad, dorpsraad, stadsbestuur, dorpsbestuursraad, plaaslike raad, gesondheidsraad of gesondheidskomitee of ander plaaslike bestuursliggaam of in 'n gehug of dorp wat nie in enige sodanige regsgebied gelee is nie, en wat omring is deur

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

"Provided further that a juristic person in which no person other than a Black has an interest, a body of persons consisting of Blacks only, **[and]** a representative of the estate of a deceased Black and a receiver and liquidator of the assets in the joint estate of Blacks who were married in community of property and have been divorced, shall be regarded as a Black for the purposes of section 10;". section 9 of Act 9 of 1929, section 3 of Act 9 of 1939, section 10 of Act 21 of 1943, section 17 of Act 67 of 1952, section 4 of Act 42 of 1956 and section 4 of Act 70 of 1974.

3. Section 1 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for the definition of "surveyed site" of the following definition: Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 16 of 1955, section 23 of Act 36 of 1957, section 20 of Act 63 of 1962, section 39 of Act 42 of 1964, section 8 of Act 70 of 1974, section 7 of Act 4 of 1976 and section 1 of Act 97 of 1978.

"'surveyed site' means a site indicated on a general plan of a Black village or location or of any portion of such village or location, which plan has been prepared in the prescribed manner and approved by the Minister for the purposes of sections 6A and 6B;".

4. Section 6 of the Promotion of the Economic Development of Black States Act, 1968, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 6 of Act 46 of 1968, as amended by section 6 of Act 80 of 1977.

"(2) For the purpose of attaining its objects, a development corporation may exercise such of the powers referred to in section 4 (1) as the Trustee may determine from time to time and, unless the Trustee otherwise determines, the Corporation for Economic Development, Limited, shall not exercise the said powers in those portions of the Black states in respect of which the development corporation concerned has been established: Provided that if a development corporation raises or borrows money from the Corporation for Economic Development, Limited, the Minister shall not determine any conditions on which such money is to be so raised or borrowed.".

5. Section 7 of the Promotion of the Economic Development of Black States Act, 1968, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 7 of Act 46 of 1968, as amended by section 7 of Act 80 of 1977.

"(2) For the purpose of attaining its objects, a corporation may exercise such of the powers referred to in section 4 (1) as the Trustee may determine from time to time and, unless the Trustee otherwise determines, the Corporation for Economic Development, Limited, or a development corporation shall not exercise the said powers in those portions of the Black states in respect of which such corporation has been established: Provided that if a corporation raises or borrows money from the Corporation for Economic Development, Limited, the Minister shall not determine any conditions on which such money is to be so raised or borrowed.".

6. Section 36A of the Black States Constitution Act, 1971, is hereby amended— Amendment of section 36A of Act 21 of 1971, as amended by section 14 of Act 7 of 1973.

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

"(1) The Minister of Co-operation and Development may at any time cause to be investigated by such person or persons as he may deem fit, the desirability of reserving any land within the area of jurisdiction of any municipal council, borough council, town council, village council, town board, village management board, local board, health board or health committee or other local government body or within any hamlet or town not situated within any such area of jurisdiction, and surrounded by or adjoining a released area or a

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

of grens aan 'n oopgestelde gebied of 'n afgesonderde Swart gebied soos omskryf in die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), af te sonder as grond wat deur Swartes geokkupeer of verkry kan word, laat ondersoek deur die persoon of persone wat hy goedvind.'';

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Na oorweging van 'n verslag deur die persoon of persone wat ingevolge subartikel (1) aangestel is, kan die Staatspresident by proklamasie in die *Staatskoerant* enige grond, **[in die betrokke gebied]** of 'n gedeelte daarvan, bedoel in subartikel (1) afsonder as grond wat deur Swartes geokkupeer of verkry kan word, en hy kan te eniger tyd daarna by dergelike proklamasie ander sodanige grond **[in genoemde gebied]** of gedeelte aldus afsonder.'';

(c) deur die woorde wat paragraaf *(a)* van subartikel (3) voorafgaan, deur die volgende woorde te vervang:

„(3) So 'n proklamasie of 'n verdere proklamasie kan ook—'';

(d) deur paragraaf *(a)* van subartikel (3) deur die volgende paragraaf te vervang:

„*(a)* bepaal dat grond wat aldus afgesonder is, ophou om deel uit te maak van die regsgebied van **[die betrokke]** 'n instelling of liggaam bedoel in subartikel (1);'';

(e) deur paragraaf *(d)* van subartikel (3) deur die volgende paragraaf te vervang:

„*(d)* voorsiening maak vir die samestelling, bevoegdhede, pligte en werksaamhede van 'n liggaam wat nodig geag word vir **[die bestuur en beheer]** bepaalde bestuurs- en beheerfunksies en bevoegdhede ten opsigte van daardie grond of 'n gedeelte daarvan of twee of meer sodanige stukke grond of gedeeltes daarvan of vir die voortgesette bestuur en beheer van daardie grond of gedeelte daarvan, onderworpe aan die voorwaardes in die proklamasie vermeld, deur daardie instelling of liggaam;''.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1980.

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

scheduled Black area as defined in the Development Trust and Land Act, 1936 (Act No. 18 of 1936), as land which may be occupied or acquired by Black persons.'';

(b) by the substitution for subsection (2) of the following subsection:

''(2) After consideration of a report by the person or persons appointed in terms of subsection (1) the State President may by proclamation in the *Gazette* reserve any land, **[within the area in question]** or any portion thereof, referred to in subsection (1), as land which may be occupied or acquired by Black persons, and he may at any time thereafter by like proclamation so reserve any other such land **[within the said area]** or portion.'';

(c) by the substitution for the words preceding paragraph *(a)* of subsection (3) of the following words:

''(3) Any such proclamation or any further proclamation may also—'';

(d) by the substitution for paragraph *(a)* of subsection (3) of the following paragraph:

''*(a)* provide that any land which has been so reserved shall cease to form part of the area of jurisdiction of **[the]** any institution or body **[in question]** referred to in subsection (1);'';

(e) by the substitution for paragraph *(d)* of subsection (3) of the following paragraph:

''*(d)* provide for the constitution, powers, duties and functions of any body which may be considered necessary for **[the administration]** specified administrative and control powers and functions in respect of any such land or portion thereof or two or more such pieces of land or any portions thereof, or for the continued administration and control of such land or portion thereof, subject to such terms and conditions as may be specified in the proclamation, by such institution or body;''.

7. This Act shall be called the Laws on Co-operation and Development Amendment Act, 1980. Short title.