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DESEMBER

No. 5071

PROCLAMATION • PROKLAMASIE

PROCLAMATION

No. 44 (Premier's), 1994

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

TRANSITIONAL LOCAL COUNCIL OF DEVON

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), I hereby, with the concurrence of the Provincial Committee, make the enactments in the Schedule.

Given under my Hand at Johannesburg this Fourteenth day of December, One thousand Nine hundred and Ninety-four.

T. M. G. SEXWALE,
Premier-in-Executive Council.

SCHEDULE

Establishment of Transitional Local Council

1. A Transitional Local Council, hereunder called the Transitional Local Council of Devon, is hereby established as contemplated in section 7 (1) (b) (i) of

PROKLAMASIE

No. 44 (Premiers-), 1994

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET No. 209 VAN 1993)

PLAASLIKE OORGANGSRAAD VAN DEVON

Kragtens artikel 10 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vaardig ek hierby met die instemming van die Provinsiale Komitee, die maatreëls in die Bylae uit.

Gegee onder my Hand te Johannesburg, op hede die Veertiende dag van Desember Eenduisend Nege-honderd Vier-en-negentig.

T. M. G. SEXWALE,
Premier-in-Uitvoerende Raad.

BYLAE

Instelling van Plaaslike Oorgangsraad

1. 'n Plaaslike Oorgangsraad, hieronder die Plaaslike Oorgangsraad van Devon genoem, word hierby, soos beoog in artikel 7 (1) (b) (i) van die Oorgangswet

the Local Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date), comprising the Village Council of Devon and the Village Council of Impumelelo, which Transitional Local Council of Devon shall be deemed to be a local authority in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

Dissolution of local government bodies

2. The Village Council of Devon and the Village Council of Impumelelo are hereby dissolved on the effective date.

Area of Transitional Local Council of Devon

3. The area of the Transitional Local Council of Devon comprises the existing area of jurisdiction of the dissolved Village Council of Devon as defined in Administrator's Notice No. 714 of 9 June 1971, as amended or extended, including the area defined as Portion 39 of the farm Nooitgedacht 294 IR; Transvaal, and the existing area of jurisdiction of the dissolved Village Council of Impumelelo as defined in Administrator's Notice No. 1130 of 6 June 1975, as amended or extended.

Councillors

4. (1) The Transitional Local Council of Devon comprises 16 Councillors.

(2) The terms of office of the Councillors of the dissolved local government bodies mentioned in section 2 shall be terminated on the effective date.

(3) The persons mentioned in Annexure A and duly nominated in terms of paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby appointed as Councillors of the Transitional Local Council of Devon.

(4) Any casual vacancy arising on the Transitional Local Council of Devon after the effective date shall be reported to the Member for Housing and Local Government of the Provincial Executive Council within 30 days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), be filled by the competent authority from the relevant component of the list as contained in Annexure B of additional candidates in order of preference as contemplated in paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993.

Mayor and Deputy Mayor

5. The Transitional Local Council of Devon shall, in the manner prescribed for the election of a Mayor and a Deputy Mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect as soon as possible after the effective date at a special meeting of the Council, a Mayor and Deputy Mayor from the Councillors mentioned in section 4 (3): Provided that the Mayor and the Deputy Mayor shall not both be appointed from either the statutory component or the non-statutory component.

op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vanaf die datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem), ingestel, bestaande uit die Dorpsraad van Devon en die Dorpsraad van Impumelelo, welke Plaaslike Oorgangsraad van Devon geag word 'n plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggame.

2. Die Dorpsraad van Devon en die Dorpsraad van Impumelelo word hierby op die effektiewe datum ontbind.

Gebied van Plaaslike Oorgangsraad van Devon

3. Die gebied van die Plaaslike Oorgangsraad van Devon bestaan uit die bestaande regsgebied van die ontbinde Dorpsraad van Devon soos omskryf in Administrateurskennisgewing No. 714 van 9 Junie 1971 soos gewysig of uitgebrei insluitend die gebied omskryf as Gedeelte 39 van die plaas Nooitgedacht 294 IR, Transvaal, en die bestaande regsgebied van die ontbinde Dorpsraad van Impumelelo soos omskryf in Administrateurskennisgewing No. 1130 van 6 Junie 1975, soos gewysig of uitgebrei.

Raadslede

4. (1) Die Plaaslike Oorgangsraad van Devon bestaan uit 16 Raadslede.

(2) Die ampstermyne van die Raadslede van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 word op die effektiewe datum beëindig.

(3) Die persone vermeld in Aanhangsel A wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, benoem is, word hierby as Raadslede van die Plaaslike Oorgangsraad van Devon aangestel.

(4) Enige toevallige vakature wat na die effektiewe datum op die Plaaslike Oorgangsraad van Devon ontstaan, moet binne 30 dae aan die Lid vir behuising en Plaaslike Regering van die Provinsiale Uitvoerende Raad gerapporteer word, welke vakature, ondanks die bepalinge van artikels 20 en 36 van die Ordonnansie op Munisipale Verkiesings, 1970 (Ordonnansie No. 16 van 1970), deur die bevoegde gesag gevul word uit die betrokke komponent van die lys soos vervat in Aanhangsel B van bykomende kandidate in orde van voorkeur soos beoog in paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993.

Burgemeester en Onderburgemeester

5. Die Plaaslike Oorgangsraad van Devon verkies, op die wyse voorgeskryf vir die verkiesing van 'n Burgemeester en 'n Onderburgemeester in artikels 16 en 17 onderskeidelik van die Ordonnansie op Plaaslike Bestuur, 1939, so spoedig moontlik na die effektiewe datum, op die spesiale vergadering van die Raad, 'n Burgemeester en Onderburgemeester uit die Raadslede vermeld in artikel 4 (3): Met dien verstande dat die Burgemeester en Onderburgemeester nie beide vanuit die statutêre komponent of die nie-statutêre komponent aangestel word nie.

Allowances of Councillors, Mayor and Deputy Mayor

6. (1) All the Councillors shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of the dissolved Village Council of Devon.

(2) The Mayor and Deputy Mayor shall, as from the effective date, receive the same allowances as the allowances paid to the Mayor and the Deputy Mayor of the dissolved Village Council of Devon.

Executive Committee

7. (1) The Transitional Local Council of Devon shall, notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960), in terms of the provisions of section 16 (6) of the Local Government Transition Act, 1993, elect from its members an Executive Committee comprising of three members of the statutory component and three members of the non-statutory component.

(2) The Council shall, at the special meeting contemplated in section 5, elect two persons from the Executive Committee as Chairpersons of the Executive Committee, of which one shall be from the statutory component and one from the non-statutory component, which persons shall alternate as Chairpersons at each meeting of the Executive Committee.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the Executive Committee contemplated in subsection (1).

Transfer of assets, liabilities, rights, obligations and successor-in-law

8. (1) All assets, liabilities, rights and obligations of the dissolved Village Council of Devon and the dissolved Village Council of Impumelelo shall, as from the effective date and subject to the provisions of subsection (3), be transferred to the Transitional Local Council of Devon.

(2) The Transitional Local Council of Devon shall, as from the effective date for the purposes of this Proclamation, and subject to the provisions of subsection (3), be deemed to be the successor-in-law of the assets, liabilities, rights and obligations of the dissolved local government bodies concerned.

(3) Any liability, debt or obligation which has been incurred by the dissolved black local government body mentioned in section 2 up to and including the day preceeding the effective date, other than a liability, debt or obligation which has been incurred in respect of any infrastructure that generates revenue or infrastructure which is or can be utilised by the Transitional Local

Toelaes van Raadslede, Burgemeester en Onderburgemeester

6. (1) Al die Raadslede ontvang vanaf die effektiewe datum, dieselfde toelaes as die toelaes wat aan die Raadslede van die ontbinde Dorpsraad van Devon betaal is.

(2) Die Burgemeester en Onderburgemeester ontvang vanaf die effektiewe datum dieselfde toelaes as die toelaes wat aan die Burgemeester en Onderburgemeester van die ontbinde Dorpsraad van Devon betaal is.

Uitvoerende Komitee

7. (1) Die Plaaslike Oorgangsraad van Devon verkies, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960 (Ordonnansie No. 40 van 1960), kragtens die bepalings van artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, uit sy lede 'n Uitvoerende Komitee bestaande uit drie lede van die statutêre komponent en drie lede van die nie-statutêre komponent.

(2) Die Raad verkies, tydens die spesiale vergadering beoog in artikel 5, twee persone uit die Uitvoerende Komitee as Voorsitters van die Uitvoerende Komitee, waarvan een vanuit die statutêre komponent en een vanuit die nie-statutêre komponent afkomstig moet wees, welke persone om die benut as Voorsitters by elke vergadering van die Uitvoerende Komitee optree.

(3) Die bepalings van artikels 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, is by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die Uitvoerende Komitee beoog in subartikel (1), van toepassing.

Oordra van bates, laste, regte, verpligtinge en regsopvolger

8. (1) Alle bates, laste, regte en verpligtinge van die ontbinde Dorpsraad van Devon en die ontbinde Dorpsraad van Impumelelo word vanaf die effektiewe datum en behoudens die bepalings van subartikel (3), aan die betrokke Plaaslike Oorgangsraad van Devon oorgedra.

(2) Die Plaaslike Oorgangsraad van Devon word by die toepassing van hierdie Proklamasie vanaf die effektiewe datum en behoudens die bepalings van subartikel (3) geag om die regsopvolger van die bates, laste, regte en verpligtinge van die betrokke ontbinde plaaslike owerheidsliggame te wees.

(3) Enige las, skuld of verpligting wat deur die ontbinde swart plaaslike owerheidsliggaam vermeld in artikel 2 aangegaan is tot op en insluitend die dag wat die effektiewe datum voorafgaan, behalwe 'n las, skuld of verpligting wat aangegaan is ten opsigte van enige infrastruktuur wat inkomste genereer of infrastruktuur wat deur die Plaaslike Oorgangsraad van Devon aangewend word of kan word, gaan op die genoemde

Council of Devon, shall devolve upon the said Council, subject to the right of the national government to assume such liabilities, debts or obligations in terms of assurances made by the national government that no transitional council will inherit any external debts of the said black local government body up to the effective date.

By-laws, regulations, resolutions, statutory notices and delegations

9. Subject to the provisions of this Proclamation, all by-laws, regulations, resolutions, statutory notices and delegations of the dissolved local government bodies mentioned in section 2 which immediately before the effective date were in force in any area of the said dissolved local government bodies, shall remain in force in such area, subject to any repeal or amendment of such by-laws, regulations, resolutions, statutory notices and delegations by the Transitional Local Council of Devon.

Budget

10. The 1994/95-budget of the dissolved local government bodies mentioned in section 2 shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, be deemed to be the 1994/95-budget of the Transitional Local Council of Devon.

Representation on Regional Services Council

11. Representation of the dissolved local government bodies mentioned in section 2 before the effective date in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), on the East Vaal Regional Services Council, shall be terminated on the effective date.

Authorised local authority

12. (1) The Transitional Local Council of Devon shall, under section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date be an authorised local authority for purposes of Chapters II, III and IV of the said Ordinance.

(2) The Transitional Local Council of Devon shall, under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date be an authorised local authority for the purposes of Chapter IV of the said Ordinance.

Single Local Administration for Transitional Local Council of Devon

13. (1) A Single Local Administration is hereby established for the Transitional Local Council of Devon.

(2) A permanent organisational structure for the Single Local Administration shall be constituted by the Transitional Local Council of Devon as soon as possible after the effective date.

Plaaslike Oorgangsraad oor onderhewig aan die reg van die nasionale regering om diesulke laste, skulde of verpligtinge te aanvaar kragtens versekerings gemaak deur die nasionale regering dat geen oorgangsraad enige eksterne skulde van die genoemde swart plaaslike owerheidsliggaam tot op die effektiewe datum sal erf nie.

Verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies

9. Behoudens die bepalings van hierdie Proklamasie, bly alle verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 wat onmiddellik voor die effektiewe datum van krag van binne enige gebied van die genoemde ontbinde plaaslike owerheidsliggame, van krag en diesulke gebied, onderhewig aan enige herroeping of wysiging van diesulke verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies deur die Plaaslike Oorgangsraad van Devon.

Begroting

10. Die 1994/95 begroting van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 word, ondanks die bepalings van artikel 58 van die Ordonnansie op Plaaslike Bestuur, 1939, geag die 1994/95 begroting van die Plaaslike Oorgangsraad van Devon te wees.

Verteenwoordiging op Streeksdiensteraad

11. Verteenwoordiging wat die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 voor die effektiewe datum kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), op die Oos-Vaal Streeksdiensteraad gehad het, word op die effektiewe datum beëindig.

Gemagtigde plaaslike bestuur

12. (1) Die Plaaslike Oorgangsraad van Devon word, kragtens artikel 2 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986), vanaf die effektiewe datum 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstukke II, III en IV van genoemde Ordonnansie.

(2) Die Plaaslike Oorgangsraad van Devon word, kragtens artikel 3 van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), vanaf die effektiewe datum 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstuk IV van genoemde Ordonnansie.

Enkele Plaaslike Administrasie vir Plaaslike Oorgangsraad van Devon

13. (1) 'n Enkele Plaaslike Administrasie word hierby vir die Plaaslike Oorgangsraad van Devon ingestel.

(2) 'n Permanente organisatoriese struktuur vir die Enkele Plaaslike Administrasie moet so spoedig moontlik na die effektiewe datum deur die Plaaslike Oorgangsraad van Devon saamgestel word.

Town Clerk

14. (1) The Town Clerk of the dissolved Village Council of Devon shall, for the purposes of this Proclamation and subject to the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), and the Profession of Town clerks Act, 1988 (Act No. 75 of 1988), be deemed to be the acting Town Clerk of the Transitional Local Council of Devon as contemplated in section 62 of the Local Government Ordinance, 1939.

(2) The Town Clerk shall, for the purposes of this Proclamation perform all the functions, powers and duties assigned to a Town Clerk in terms of the Local Government Ordinance, 1939, The Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, by-law or resolution of the dissolved local government bodies mentioned in section 2.

Employees and officers of Transitional Local Council of Devon

15. (1) After a permanent organisational structure as contemplated in section 13 (2) has been constituted, all employees and officers in the service of the dissolved local government bodies mentioned in section 2 and the employees and officers employed by the Transitional Local Council of Devon prior to the constitution of such permanent organisational structure, shall be transferred to the Single Local Administration contemplated in section 13 (1) in accordance with the provisions of section 10 (3) (f), (i) and (j) of the Local Government Transition Act, 1993.

(2) Until the employees and officers contemplated in subsection (1) have been transferred to the Single Local Administration, the employees and officers concerned shall, for the purposes of this Proclamation, be deemed to be in the service of the Single Local Administration.

Effective date

16. This Proclamation shall come into operation on 15 December 1994.

ANNEXURE A

Nominated persons of the Transitional Local Council of Devon mentioned in section 4 (3):

STATUTORY COMPONENT

1. M. Z. P. Baeke (NP).
2. J. J. de Beer (CP).
3. R. Gilbert (Village Council of Devon).
4. S. Kgomo (Village Council of Impumelelo).
5. E. Mabena (Village Council of Impumelelo).
6. P. Motha (Village Council of Impumelelo).
7. A. Poplak (DP).
8. S. Molejane (Village Council of Impumelelo).

Stadsklerk

14. (1) Die Stadsklerk van die ontbinde Dorpsraad van Devon word by die toepassing van hierdie Proklamasie, behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), en die Wet op die Beroep van Stadsklerke, 1988 (Wet No. 75 van 1988), geag die waarnemende Stadsklerk van die Plaaslike Oorgangsraad van Devon te wees, soos beoog in artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939.

(2) Die Stadsklerk oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit wat aan 'n Stadsklerk kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander Wet, verordening of besluit van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 opgedra is.

Werknemers en Beampes van Plaaslike Oorgangsraad van Devon

15. (1) Nadat 'n permanente organisatoriese struktuur soos beoog in artikel 13 (2) saamgestel is, moet alle werknemers en beampes in diens van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 en die werknemers en beampes wat deur die Plaaslike Oorgangsraad van Devon in diens geneem is voordat sodanige permanente organisatoriese struktuur saamgestel is, na die Enkele Plaaslike Administrasie beoog in artikel 13 (1), oorgeplaas word ooreenkomstig die bepalings van artikel 10 (3) (f), (i) en (j) van die Oorgangswet op Plaaslike Regering, 1993.

(2) Totdat die werknemers en beampes beoog in subartikel (1) na die Enkele Plaaslike Administrasie oorgeplaas is, word die betrokke werknemers en beampes vir doeleindes van hierdie Proklamasie geag in diens van die Enkele Plaaslike Administrasie te wees.

Effektiewe datum

16. Hierdie Proklamasie tree in werking op 15 Desember 1994.

AANHANGSEL A

Genomineerde persone van die Plaaslike Oorgangsraad van Devon vermeld in artikel 4 (3):

STATUTÊRE KOMPONENT

1. M. Z. P. Baeke (NP).
2. J. J. de Beer (KP).
3. R. Gilbert (Dorpsraad van Devon).
4. S. Kgomo (Dorpsraad van Impumelelo).
5. E. Mabena (Dorpsraad van Impumelelo).
6. P. Motha (Dorpsraad van Impumelelo).
7. A. Poplak (DP).
8. S. Molejane (Dorpsraad van Impumelelo).

NON-STATUTORY COMPONENT

1. P. Barclay (IFP).
2. J. Borman (Civics).
3. K. Matshika (ANC).
4. E. Mabena (Civics).
5. J. Mbonani (Civics).
6. E. Moolla (Africa Muslim Party).
7. Z. A. L. Nkwanyana (Civics).
8. P. Rakgoadi (ANC).

ANNEXURE B

Additional candidates of the Transitional Local Council of Devon mentioned in section 4 (4):

STATUTORY COMPONENT

1. L. J. van der Merwe (NP).

NON-STATUTORY COMPONENT

1. M. F. Funani (ANC).
2. P. F. Mavimbela (Civics.)

NIE-STATUTÊRE KOMPONENT

1. P. Barclay (IVP).
2. J. Borman (Civics).
3. K. Matshika (ANC).
4. E. Mabena (Civics).
5. J. Mbonani (Civics).
6. E Moolla (Afrika Moslemparty).
7. Z. A. L. Nkwanyana (Civics).
8. P. Rakgoadi (ANC).

AANHANGSEL B

Addisionele kandidate van die Plaaslike Oorgangsraad van Devon vermeld in artikel 4 (4):

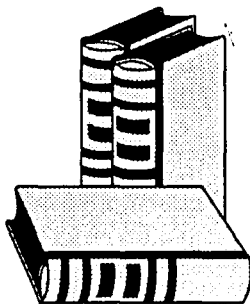
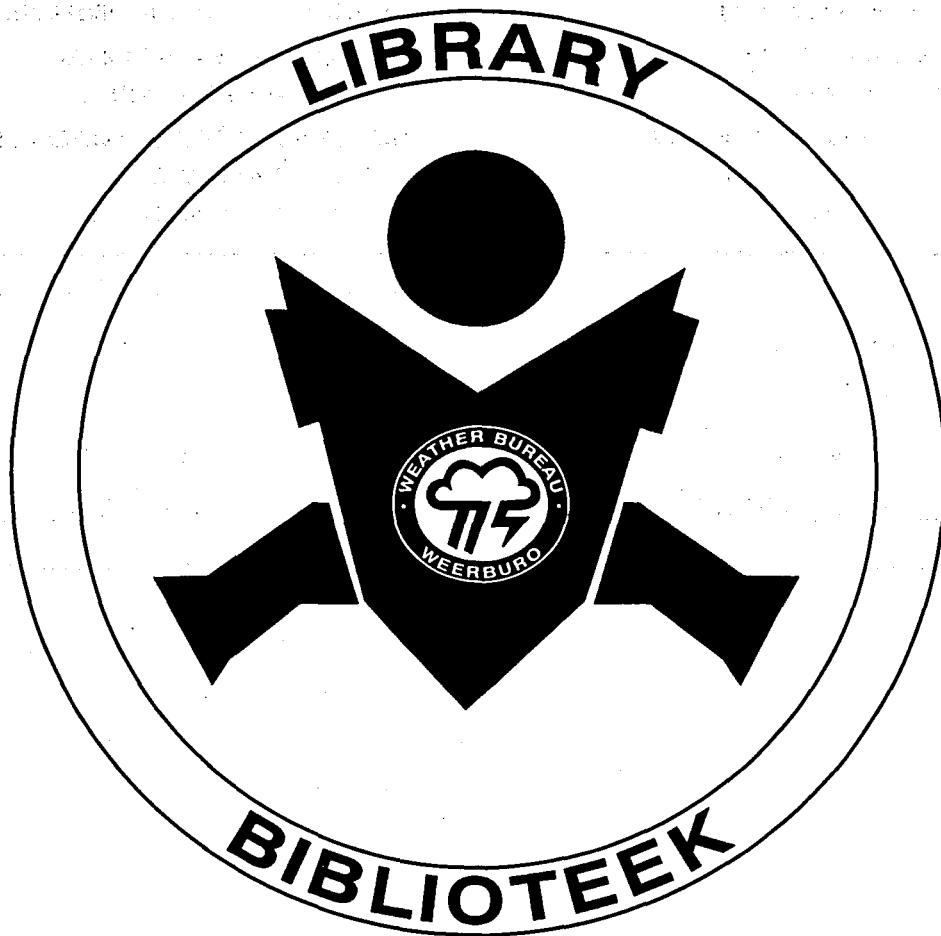
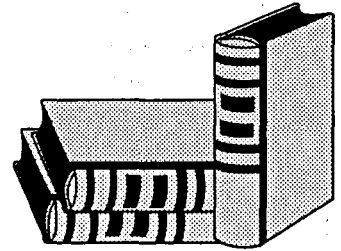
STATUTÊRE KOMPONENT

1. L. J. van der Merwe (NP).

NIE-STATUTÊRE KOMPONENT

1. M. F. Funani (ANC).
2. P. F. Mavimbela (Civics).

Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
 Departement van Omgewingsake en Toerisme

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