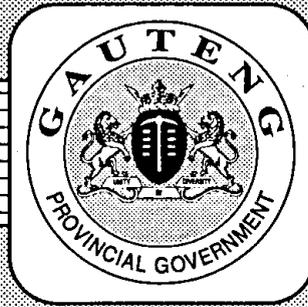


THE PROVINCE OF  
GAUTENG



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**Provincial Gazette Extraordinary  
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*RJP*

Vol. 3

PRETORIA, 9 JULY 1997  
JULIE

**No. 370**

**PREMIER'S NOTICE**

OFFICE OF THE PREMIER

**No. 25**

**9 July 1997**

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

**No. 5 of 1997: Gauteng Local Authorities Rating Amendment Act**

## GENERAL EXPLANATORY NOTES:

Words underlined with a solid line indicate insertions in existing enactments

# ACT

To amend the Local Authorities Rating Ordinance, 1977 (Ordinance 11 of 1977), so as to extend the definition of "land"; to insert certain expressions in the definition of "owner"; to make additions to the definition of "right in land"; and to further make provision for the inclusion of the valuation of a right in land which is a surface right in the definition of rateable property; and to provide for matters incidental thereto.

*(English text signed by the Premier)  
(Assented to 26 June 1997)*

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:

## Amendment of Section 1 of Ordinance 11 of 1977

1. Section 1 of the Local Authorities Rating Ordinance, 1977, is hereby amended -

(a) by the addition of the following proviso to the definition of "land":

" Provided that in the case of land which became rateable in terms of this Ordinance by virtue of Administrator's Notice No 480 of 27 October 1993, it shall include an erf in a township, where "erf" and "township" shall have the meanings defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937):"

(b) by the insertion in the definition of "owner" of the following expressions:

"(b) in the case of land which is the property of a local authority, the Provincial or National Government, and which is let by it, the lessee; or" and

(c) by the addition to the definition of "right in land" after paragraph (h) of the following paragraph:

"(i) any -

(i) lease of land held under mining title where such land has, in terms of section 158 of the Mining Rights Act, 1967, been exempted from the provisions of Chapter X and section 139(1) of that Act;

(ii) lease in respect of a trading stand contemplated in section 113 of the Mining Rights Act, 1967;

- (iii) certificate of reservation or lease in respect of a trading site reserved in terms of the provisions of Chapter XIV of the Mining Rights Act, 1967, or any surface right permit issued in respect of a trading site reserved in terms of the corresponding provisions of a prior law;
- (iv) registered surface right permit authorizing the use of land held under mining title or authorizing the use of open proclaimed land, by any person, whether or not engaged in mining operations, for residential purposes or for purposes not incidental to mining operations; and
- (v) stand licence in respect of any stand as defined in section 1 of Mining Rights Act, 1967; and includes improvements, if any, pertaining thereto but does not include any right conferred by mining title.

which remains in force in terms of section 48(1)(a) of the Minerals Act, 1991 (Act No. 50 of 1991)."

#### **Amendment of section 9 of Ordinance 11 of 1977**

2. Section 9 of the Ordinance is hereby amended by the addition of the following subsection:

"(7) when valuing a right in land which is a surface right for the purpose of determining the improved value or the site value thereof in terms of the provisions of subsection (1), the valuer shall regard the portion of land held under such surface right as land in an approved township of the area defined in the permit under which the surface right is granted and as if the use thereof is limited by a condition of title for the purposes set out in the said permit and shall take into account the charge, if any, which is payable in terms of the Minerals Act, 1991 (Act No. 50 of 1991), in respect thereof. Provided that where a surface right is granted in respect of any land for residential purposes and restricts residence on, or occupation of such land to the holder of the said right or to any employee of such holder, such restriction shall for the purposes of such valuation be disregarded."

#### **Short title**

3. This Act shall be called the Local Authorities Rating Amendment Act, 1997.

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