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ADMINISTRATOR'S NOTICE

Administrator's Notice 912 4 August, 1976

THE ESTABLISHMENT OF MANAGEMENT COMMITTEES FOR CERTAIN GROUP AREAS FOR THE COLOURED GROUP AND REGULATIONS AS TO THE CONSTITUTION OF SUCH COMMITTEES AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO

The Administrator, with the approval of the Minister and with effect from 1 October 1976 hereby —

- (a) in terms of the provisions of section 2 of the Local Government (Extension of Powers) Ordinance, 1962 (Ordinance 22 of 1962) establishes a management committee for each group area established for the Coloured group in terms of the proclamation referred to in column I of Schedule I hereto and which is situated within the area of jurisdiction of the local authority concerned referred to in column II of the said Schedule and hereby disestablishes every consultative committee for which a management committee has been established;
- (b) hereby repeals the following Administrator's Notices
 - (i) 576 dated 25 September, 1963;
 - (ii) 611 dated 9 October, 1963;
 - (iii) 784 dated 14 October, 1964;
 - (iv) 795 dated 7 August, 1968;
 - (v) 1253 dated 21 October, 1970;
 - (vi) 1258 dated 8 September, 1971; and
 - (vii) 1242 dated 26 July, 1972.
- (c) in terms of the provisions of section 4 of the said Ordinance, makes the regulations contained in Schedule II hereto;
- (d) hereby repeals Administrator's Notice 735 of 22 September, 1964;
- (e) hereby delegates in terms of the provisions of section 17(6)(c) of the Coloured Persons Representative Council Act, 1964 (Act 49 of 1964), to the member of the executive of the Coloured Persons Representative Council of the Republic of South Africa designated to perform the functions incidental

ADMINISTRATEURSKENNISGEWING

Administrateurskennisgewing 912 4 Augustus 1976

DIE INSTELLING VAN BESTUURSKOMITEES VIR SEKERE GROEPSGEBIEDE VIR DIE KLEURLING-GROEP EN REGULASIES BETREFFENDE DIE SAMESTELLING VAN SODANIGE KOMITEES EN OM VIR SAKE WAT DAARMEE IN VERBAND STAAN VOORSIENING TE MAAK

Die Administrateur, met die goedkeuring van die Minister en met ingang van 1 Oktober 1976.—

- (a) stel hierby, ingevolge die bepalings van artikel 2 van die Ordonnansie op Plaaslike Bestuur (Uitbreiding van Bevoegdheid), 1962 (Ordonnansie 22 van 1962), 'n bestuurskomitee in vir elke groepsgebied ingestel vir die Kleurlinggroep ingevolge die proklamasie in kolom I van Bylae I hiervan genoem, en wat binne die regsgebied van die betrokke plaaslike bestuur in kolom II van genoemde Bylae genoem, geleë is en skaf hierby elke raadplegende komitee waarvoor 'n bestuurskomitee ingestel is af;
- (b) herroep hierby die volgende Administrateurskennisgewings —
 - (i) 576 gedateer 25 September 1963;
 - (ii) 611 gedateer 9 Oktober 1963;
 - (iii) 784 gedateer 14 Oktober 1964;
 - (iv) 795 gedateer 7 Augustus 1968;
 - (v) 1253 gedateer 21 Oktober 1970;
 - (vi) 1258 gedateer 8 September 1971; en
 - (vii) 1242 gedateer 26 Julie 1972.
- (c) vaardig hierby, ingevolge die bepalings van artikel 4 van die genoemde Ordonnansie die regulasies in Bylae II hiervan vervat uit;
- (d) herroep hierby Administrateurskennisgewing 735 van 22 September 1964;
- (e) deleger ek hierby ingevolge die bepalings van artikel 17(6)(c) van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet 49 van 1964), aan die lid van die uitvoerende bestuur van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika wat aangewys of aan wie dit opgedra is om die werksaamhede verbonde aan plaaslike bestuur te

to local government or to whom local government has been assigned, the powers conferred upon the Administrator with regard to local government in respect of —

(i) Section 2(1) of the Local Government (Extension of Powers) Ordinance, 1962 (Ordinance 22 of 1962);

(ii) Regulations 3(1), (2), (3) and (6), 31(1), 32 and 41(2)(a); and

(f) hereby repeals Administrator's Notice 1479 of 28 August 1974.

SCHEDULE I

COLUMN I Proclamation Number and Date	COLUMN II Local Authority
173 of 3 July, 1970	Alberton
118 of 1 February, 1963	Barberton
211 of 5 September, 1975	Bloemhof
117 and 118 of 27 October, 1961	Boksburg
240 of 2 September, 1966	Boksburg
179 of 5 July, 1968	Boksburg
92 of 21 April, 1972	Brakpan
289 of 24 December, 1975	Brits
128 of 29 April, 1966	Christiana
42 of 10 February, 1961	The Transvaal Board for the Development of Peri-Urban Areas
262 of 7 November, 1958	Ermelo
249 of 13 November, 1959	Johannesburg
57 of 20 March, 1953	Roodepoort
83 of 13 April, 1962	Johannesburg
384 of 25 November, 1960	Johannesburg
39 of 17 February, 1967	Johannesburg
14 of 25 January, 1963	Johannesburg
156 of 3 June, 1966	Johannesburg
153 of 3 August, 1956	Johannesburg
256 of 7 November, 1958	Klerksdorp
322 of 11 December, 1970	Klerksdorp
68 of 29 March, 1968	Lichtenburg
97 of 26 April, 1968	Middelburg
233 of 8 October, 1971	Nigel
36 of 4 March, 1960	Pietersburg
135 of 24 November, 1961	Pietersburg
117 of 25 May, 1962	Piet Retief
181 of 7 August, 1964	Potchefstroom
150 of 6 June, 1958	Pretoria
298 of 11 January, 1963	Randfontein
219 of 10 September, 1965	Randfontein
299 of 1 November, 1963	Roodepoort
5 of 15 January, 1960	Rustenburg
58 of 26 March, 1964	Standerton
197 of 24 August, 1962	Vereeniging
278 of 19 December, 1975	Warmbad
370 of 23 December, 1966	Witbank
20 of 1 February, 1963	Zeerust

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behartig, die bevoegdhede wat aan die Administrateur verleen is met betrekking tot plaaslike bestuur ten opsigte van —

(i) Artikel 2(1) van die Ordonnansie op Plaaslike Bestuur (Uitbreiding van Bevoegdhede), 1962 (Ordonnansie 22 van 1962);

(ii) Regulasies 3(1), (2), (3) en (6), 31(1), 32 en 41(2)(a); en

(f) herroep ek hierby Administrateurskenningsgewing 1479 van 28 Augustus 1974.

BYLAE I

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173 van 3 Julie 1970	Alberton
118 van 1 Februarie 1963	Barberton
211 van 5 September 1975	Bloemhof
117 en 118 van 27 Oktober 1961	Boksburg
240 van 2 September 1966	Boksburg
179 van 5 Julie 1968	Boksburg
92 van 21 April 1972	Brakpan
289 van 24 Desember 1975	Brits
128 van 29 April 1966	Christiana
42 van 10 Februarie 1961	Die Transvaalse Raad vir die Ontwikkeling van Buitesiedelike Gebiede
262 van 7 November 1958	Ermelo
249 van 13 November 1959	Johannesburg
57 van 20 Maart 1953	Roodepoort
83 van 13 April 1962	Johannesburg
384 van 25 November 1960	Johannesburg
39 van 17 Februarie 1967	Johannesburg
14 van 25 Januarie 1963	Johannesburg
156 van 3 Junie 1966	Johannesburg
153 van 3 Augustus 1956	Johannesburg
256 van 7 November 1958	Klerksdorp
322 van 11 Desember 1970	Klerksdorp
68 van 29 Maart 1968	Lichtenburg
97 van 26 April 1968	Middelburg
233 van 8 Oktober 1971	Nigel
36 van 4 Maart 1960	Pietersburg
135 van 24 November 1961	Pietersburg
117 van 25 Mei 1962	Piet Retief
181 van 7 Augustus 1964	Potchefstroom
150 van 6 Junie 1958	Pretoria
298 van 11 Januarie 1963	Randfontein
219 van 10 September 1965	Randfontein
299 van 1 November 1963	Roodepoort
5 van 15 Januarie 1960	Rustenburg
58 van 26 Maart 1964	Standerton
197 van 24 Augustus 1962	Vereeniging
278 van 19 Desember 1975	Warmbad
370 van 23 Desember 1966	Witbank
20 van 1 Februarie 1963	Zeerust

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CHAPTER I

Definitions

1. In these regulations, unless the context indicates otherwise —

- (i) "Act" means the Group Areas Act, 1966 (Act 36 of 1966); (viii)
- (ii) "area" means the group area concerned as contemplated in Column I of Schedule I for which a committee has been established; (ii)
- (iii) "chairman" means the chairman of the committee concerned; (vii)
- (iv) "committee" means the management committee established for the group area concerned; (iii)
- (v) "council" means a city council, town council or village council established in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), and the Transvaal Board for the Development of Peri-Urban Areas established in terms of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance 20 of 1943); (v)
- (vi) "Ordinance" means the Local Government (Extension of Powers) Ordinance 1962 (Ordinance 22 of 1962); (iv)
- (vii) "qualified person" means a person who is not a disqualified person in terms of the provisions of section 1(1) of the Act in relation to the group area concerned; (i)

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HOOFSTUK 1

Woordomsrywings

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken —

- (i) "bevoegde persoon" iemand wat ingevolge die bepalings van artikel 1(1) van die Wet met betrekking tot die betrokke groepsgebied nie 'n onbevoegde persoon is nie; (vii)
- (ii) "gebied" die betrokke groepsgebied in kolom I van Bylae I beoog waarvoor 'n komitee ingestel is; (ii)
- (iii) "komitee" die bestuurskomitee wat vir die betrokke groepsgebied ingestel is; (iv)
- (iv) "Ordonnansie" die Ordonnansie op Plaaslike Bestuur (Uitbreiding van Bevoegdheide), 1962 (Ordonnansie 22 van 1962); (vi)
- (v) "raad" 'n grootstadsraad, 'n stadsraad of dorpsraad wat ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), ingestel is, en die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, wat ingevolge die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943), ingestel is; (v)
- (vi) "sekretaris" die sekretaris van die betrokke komitee; (viii)
- (vii) "voorsitter" die voorsitter van die betrokke komitee; (iii)

- (viii) "secretary" means the secretary of the committee concerned; (vi)

CHAPTER 2

PURPOSE AND CONSTITUTION OF COMMITTEE, APPOINTMENT AND ELECTION OF MEMBERS

General Purpose of Committee

2.(1) The committee shall promote the interests and welfare of the inhabitants of the area, and shall bring all matters relating thereto to the notice of the council in the form of a resolution incorporating a recommendation.

(2) Every resolution made by the committee in terms of subregulation (1), shall, within 30 days of its adoption, be reported in writing by the secretary under the signature of the chairman to the town clerk who shall, as soon as practicable, submit such resolution to the appropriate committee of the council.

(3) A resolution which has been submitted to a committee of the council in terms of subregulation (2), shall be put into effect when duly approved by the council.

CONSTITUTION OF COMMITTEE AND TERM OF OFFICE

First Committee

3.(1)(a) The first committee to be constituted for the area shall consist of 5 members appointed by the Administrator of whom 2 shall be nominated by the Minister and 1 by the council.

(b) Notwithstanding any provision to the contrary contained in these regulations, every member of the first committee shall hold office at the pleasure of the Administrator, but in no event after the date on which the members of the succeeding committee assume office.

Succeeding Committees

(2) Every succeeding committee shall consist of —

- (a) 3 persons appointed by the Administrator of whom 1 shall be nominated by the Minister and 1 by the council; and
- (b) one or more members which shall be elected in terms of Chapter 6 of these regulations; the total number of which shall be determined by the Administrator after consultation with the council.

Provided that the Administrator may, after consultation with the council, direct that all the members of the committee be elected.

(3) Should the council fail or refuse to nominate any person as contemplated in subregulation 2(a) within 30 days after having been requested by or on behalf of the Administrator, to do so, the Administrator shall appoint a qualified person on behalf of the Council to be a member.

(4) Subject to the provisions of regulation 41, a member appointed or elected in terms of subregulation (2) shall hold office for a period of 4 years calculated from the date of election of members as contemplated in regulation 37: Provided that where any next succeeding election of members in terms of subregulation (2)(b) takes place on a date prior to or after the expiry date of such period of 4 years, a member's term of office shall expire on the day preceding the date of such succeeding election.

- (viii) "Wet" die Wet op Groepsgebiede, 1966 (Wet 36 van 1966); (i).

HOOFSTUK 2

DOELSTELLING EN SAMESTELLING VAN KOMITEE, AANSTELLING EN VERKIESING VAN LEDE

Algemene Doelstelling van Komitee

2.(1) Die komitee moet die belange en die welsyn van die inwoners van die gebied bevorder, en alle sake wat daarop betrekking het by wyse van 'n besluit wat 'n aanbeveling bevat, onder die aandag van die raad bring.

(2) Die sekretaris moet by skriftelike kennisgewing wat deur die voorsitter onderteken is, die stadsklerk van elke besluit wat deur die komitee ingevolge subregulasie (1) geneem is binne 30 dae nadat sodanige besluit aangeneem is, verwittig en die stadsklerk moet sodanige besluit so gou doenlik aan die toepaslike komitee van die raad voorleë.

(3) 'n Besluit wat ingevolge subregulasie (2) aan 'n komitee van die raad voorgelê is, moet uitgevoer word wanneer dit behoorlik deur die raad goedgekeur is.

SAMESTELLING VAN KOMITEE EN AMPSTERMYN

Eerste Komitee

3.(1)(a) Die eerste komitee wat vir die gebied saamgestel moet word, bestaan uit 5 lede wat deur die Administrateur aangestel word en waarvan die Minister 2 en die raad 1 benoem.

(b) Ondanks enige andersluidende bepaling wat in hierdie regulasies vervat is, beklee elke lid van die eerste komitee sy amp solank dit die Administrateur behaag, maar in geen geval na die datum waarop die lede van die daaropvolgende komitee hul amp aanvaar nie.

Opvolgende Komitees

(2) Elke opvolgende komitee bestaan uit —

- (a) 3 persone wat deur die Administrateur aangestel word waarvan die Minister 1 en die raad 1 benoem; en
- (b) een of meer lede wat ingevolge die bepalings van Hoofstuk 6 van hierdie regulasies verkies word; die totale getal daarvan word deur die Administrateur na oorlegpleging met die raad bepaal.

Met dien verstande dat die Administrateur na oorlegpleging met die raad kan gelas dat al die lede van die komitee verkies moet word.

(3) Indien die raad versuim of weier om iemand, soos in subregulasie 2(a) beoog word, te benoem binne 30 dae nadat hy deur of namens die Administrateur daartoe versoek is, stel die Administrateur namens die raad 'n bevoegde persoon aan as lid.

(4) Behoudens die bepalings van regulasie 41, beklee 'n lid wat ingevolge die bepalings van subregulasie (2) aangestel of verkies is, sy amp 4 jaar lank bereken van die datum van die verkiesing van lede af soos genoem in regulasie 37: Met dien verstande dat waar enige daaropvolgende verkiesing van lede ingevolge subregulasie (2)(b) geskied op 'n datum voor of na sodanige tydperk van 4 jaar verstryk het, 'n lid se ampstermyn op die dag voor die datum van sodanige volgende verkiesing verstryk.

(5) A member whose period of office has expired may, as the case may be, be re-appointed or re-elected in the manner prescribed in subregulations (2) and (3).

(6) A committee established before the date of the commencement of these regulations in terms of the provisions of the Regulations contained in Schedule B of Administrator's Notice 735 as published in *Official Gazette* 3112 of 22 September, 1964, as amended, shall, notwithstanding the provisions of the regulations in terms of which it was so established and with effect from such commencement, be deemed to be a succeeding committee in terms of these regulations for the unexpired period of office of the members of such committee or, for the purpose of enabling an election to be held in terms of these regulations, for such shorter period as the Administrator, after consultation with the Council, may determine.

Disqualification of Members

4.(1) Any member of the committee who directly or indirectly exacts or accepts or agrees to accept, or attempts to obtain for himself or for any other person, any gift, reward or other consideration whatsoever (other than the payment to which he is entitled in terms of regulation 43), for or in respect of his services as a member of the committee or on account of doing or neglecting to do or having done or having neglected to do something in his capacity as member of the committee, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000, or to imprisonment for a period not exceeding 5 years, or to both such fine and imprisonment, and a member so convicted shall *ipso facto* cease to be a member of the committee.

(2) A member of the committee who attends a meeting of such committee whether or not he takes part in the proceedings thereof —

- (a) during the discussion of or voting on a matter in which he, his spouse, employer, or employee or partner has any direct or indirect pecuniary interest; or
- (b) during any discussion or voting on any proposed or pending legal proceedings to which the council is or may become a party and in which such member of the committee, his spouse, employer, employee or partner has any direct or indirect interest; or
- (c) if at the time of his election or appointment he was disqualified in terms of regulation 28 or at any time thereafter became disqualified in terms of that regulation.

shall be guilty of an offence, unless it is proved that he was not aware of any such interest or that he was so disqualified. Provided that for purposes of paragraph (a), it shall be deemed that such member of the committee has no pecuniary interest in any matter affecting or in relation to —

- (i) a company incorporated or registered under any law solely by reason of the fact that such member, his spouse, partner, employee or business associate is a director, shareholder, stockholder, employee or agent of such company, unless such company is a private company as defined in section 20(1) of the Companies Act, 1973 (Act 61 of 1973), or unless such member either by himself owns, or together with his spouse or minor children or both, controls more than one third of the shares or stock of such company; or

(5) 'n Lid wie se ampstetymyn verstryk, het, kan na gelang van die geval, heraanstelling of herverkiesing word op die wyse wat in subregulasie (2) en (3) voorgeskryf word.

(6) 'n Komitee wat ingestel is voor die inwerkingtreding van hierdie regulasies ingevolge die bepalings van die Regulasies vervat in Bylae B van Administrateurskennisgewing 735 soos in die *Offisiële Koerant* 3112 van September 1964 gepubliseer is, soos gewysig, ondanks die bepalings van die regulasies ingevolge waarvan dit ingestel is en van sodanige inwerkingtreding af vir die onverstreke dienstydperk van die lede van sodanige komitee of, met die doel om die hou van verkiesings ingevolge hierdie regulasies moontlik te maak, vir sodanige korter tydperk as wat die Administrateur na oorlegpleging met die Raad mag bepaal, ingevolge hierdie regulasies 'n opvolgende komitee geag.

Onbevoegdheid van Lede

4.(1) 'n Lid van die komitee wat 'n geskenk, beloning of ander teenprestasie van watter aard ook al (uitgesonderd die betaling waarop hy ingevolge die bepalings van regulasie 43 geregtig is) regstreeks of onregstreeks vorder of aanneem of instem om dit aan te neem of probeer om dit vir homself of vir iemand anders te verkry, vir of ten opsigte van sy dienste as lid van die komitee of omdat hy in sy hoedanigheid as lid van die komitee iets doen of nalaat of iets gedoen of nagelaat het, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 5 jaar, of met beide sodanige boete en gevangenisstraf, en 'n lid wat aldus skuldig bevind word, hou *ipso facto* op om lid van die komitee te wees.

(2) 'n Lid van die komitee wat 'n vergadering van sodanige komitee bywoon ongeag of hy aan die verrigtinge daarvan deelneem of nie —

- (a) gedurende die bespreking van of stemming oor 'n saak waarby hyself, sy gade, werkgewer, werknemer of vennoot enige direkte of indirekte geldelike belang het; of
- (b) gedurende enige bespreking van of stemming oor 'n voorgestelde of hangende regseding waarby die raad 'n party is of kan word en waarby sodanige lid van die komitee, sy gade, werkgewer, werknemer of vennoot enige direkte of indirekte belang het; of
- (c) as hy ten tye van sy verkiesing of aanstelling ingevolge die bepalings van regulasie 28 onbevoeg was of te eniger tyd daarna ingevolge daardie regulasie onbevoeg geword het.

begaan 'n misdryf, tensy bewys word dat hy nie daarvan bewus was dat hy sodanige belang gehad het of dat hy aldus onbevoeg was nie. Met dien verstande dat, vir die toepassing van paragraaf (a), daar geag word dat sodanige lid van die komitee nie 'n geldelike belang het by enige saak rakende of met betrekking tot —

- (i) 'n maatskappy wat ingevolge 'n wet geïnkorporeer of geregistreer is, bloot omdat sodanige lid, sy gade, vennoot, werknemer of sakegenoot, 'n direkteur, aandeelhouer, effekthouer, werknemer of agent van sodanige maatskappy is nie, tensy sodanige maatskappy 'n private maatskappy is soos in artikel 20(1) van die Maatskappywet 1973 (Wet 61 van 1973), omskryf is of tensy sodanige lid of self in besit is van, of saam met sy gade of minderjarige kinders, of hulle almal saam, oor meer as een derde van die aandele of effekte van sodanige maatskappy beheer het; of

(ii) a sports club of which such member is a member and which enters into any contract with the council provided such club has not been established for the purpose of gain or profit.

(3) A member of the committee who acts for reward as advocate, attorney or law agent against the council in any legal proceedings instituted by, at the instance of or against the council, shall be guilty of an offence.

(4) A member of the committee who, after his conviction under subregulation (2) or (3), and whether or not an appeal has been noted against such conviction, attends a meeting of the committee or takes part in the proceedings thereof, in his capacity as a member thereof, shall be guilty of an offence: Provided that this subregulation shall not apply in the case of a member of the committee who has noted an appeal against his conviction under subregulation (2) or (3) if the court which has convicted him has authorized him to carry out his functions as a member of the committee pending the result of the appeal.

(5) Any member of the committee who is convicted of a contravention of subregulation (2), (3) or (4) shall be liable to a fine not exceeding R500 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment, and the court may in addition thereto order that he vacates his seat in which event it shall become vacant.

(6) Any member who has to vacate his seat in terms of subregulation (5), shall for a period of 3 years thereafter be disqualified from becoming a member of any management or consultative committee in terms of the provisions of the Ordinance.

Office-bearers of Committee

Chairman and Vice-Chairman

5.(1)(a) The committee shall annually at its first meeting and thereafter whenever necessary, elect from among its members a chairman and a vice-chairman for a period not exceeding 1 year.

(b) Whenever the chairman is absent or unable to carry out his duties, the vice-chairman shall act as chairman of the committee, and if both the chairman and the vice-chairman are absent from a meeting of the committee, the members shall elect one of the members present to preside at that meeting.

Secretary

(2) The council shall, after consultation with the committee, nominate an officer to act as secretary of the committee, subject to such conditions of service and remuneration as the council may determine.

CHAPTER 3

MEETINGS AND PROCEEDINGS OF COMMITTEE AND QUORUM

Quorum and Conduct of Meetings

6.(1) All acts and matters authorized or required to be done or to be dealt with by the committee, and all questions that may come before it, shall be done and decided by the majority of the members present at any meeting at which not less than half of all the members of the committee are present.

(ii) 'n sportklub waaraan sodanige lid behoort en wat enige kontrak met die raad sluit, mits sodanige klub nie met 'n winsoogmerk opgerig is nie.

(3) 'n Lid van die komitee wat teen beloning as advokaat, prokureur of wetsagent teen die raad optree in enige regseding wat deur, op aandrang van of teen die raad ingestel word, begaan 'n misdryf.

(4) 'n Lid van die komitee wat in sy hoedanigheid as lid 'n vergadering van die komitee bywoon of aan die verrigtinge daarvan deelneem nadat hy kragtens subregulasie (2) of (3) skuldig bevind is, ongeag of daar appèl teen sodanige skuldigbevinding aangeteken is of nie, begaan 'n misdryf: Met dien verstande dat hierdie subregulasie nie van toepassing is nie in die geval van 'n lid van die komitee wat 'n appèl teen sy skuldigbevinding kragtens subregulasie (2) of (3) aangeteken het, indien die hof wat hom skuldig bevind het, hom gemagtig het om in afwagting van die uitslag van die appèl, sy werksaamhede as lid van die komitee te verrig.

(5) Enige lid van die komitee wat aan 'n oortreding van subregulasie (2), (3) of (4) skuldig bevind word, is strafbaar met 'n boete van hoogstens R500, of met gevangenisstraf vir 'n tydperk van hoogstens 2 jaar, of met beide sodanige boete en gevangenisstraf, en die hof kan daarbenewens gelas dat hy sy setel ontruim, in welke geval die setel vakant raak.

(6) 'n Lid wat sy setel ingevolge die bepalings van subregulasie (5) moet ontruim, is vir 'n tydperk van 3 jaar daarna onbevoeg om lid te word van enige bestuurs- of raadplegende komitee ingevolge die bepalings van die Ordonnansie.

Ampsdraers van Komitee

Voorsitter en Ondervoorsitter

5.(1)(a) Die komitee kies elke jaar op sy eerste vergadering en daarna wanneer dit van tyd tot tyd nodig is, 'n voorsitter en 'n ondervoorsitter uit sy geledere vir 'n tydperk van hoogstens 1 jaar.

(b) Wanneer die voorsitter afwesig is, of nie sy pligte kan nakom nie, tree die ondervoorsitter as voorsitter van die komitee op, en as beide die voorsitter en die ondervoorsitter van 'n vergadering van die komitee afwesig is, kies die aanwesige lede iemand uit hul geledere om as voorsitter van die vergadering op te tree.

Sekretaris

(2) Die raad benoem na oorlegpleging met die komitee, 'n beampde om as sekretaris van die komitee op te tree onderworpe aan sodanige diensvoorwaardes en besoldiging as wat die raad mag bepaal.

HOOFSTUK 3

KOMITEEVERGADERINGS EN -VERRIGTINGE EN KWORUM

Kworum en die hou van Vergaderings

6.(1) Alle dade en sake of aangeleenthede wat die komitee gemagtig is om te verrig of behandel, of wat hy moet verrig of behandel, en alle kwessies wat aan hom voorgeleë word, moet verrig of behandel word op 'n vergadering waarop, minstens die helfte van al die lede van die komitee aanwesig is.

(2) In the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

(3) The proceedings of the committee shall be conducted in one of or in both the official languages.

(4) The committee shall, subject to the provisions of these regulations, be bound by the standing orders of the council unless with the approval of the council it makes its own standing rules.

Meetings of Committee

7.(1) The committee shall hold an ordinary meeting at least once a month in respect of 11 months of the year calculated from 1 January on a place, day and at a time determined by the committee from time to time after consultation with the council.

(2) The chairman may at any time and shall at the written request of the council, convene a special meeting of the committee.

(3) A meeting of the committee may be adjourned to a specified day and time.

(4) Subject to the provisions of regulation 8(2), the secretary shall, should the committee fail to hold a meeting during any month, forthwith advise the council thereof.

5(a) Subject to the provisions of subregulation (6), all meetings of the committee shall be open to qualified persons and any representative of the press, whether such representative is a qualified person or not.

(b) The Minister, the Director of Local Government as contemplated in section 9(2) of the Local Government Ordinance, 1958 (Ordinance 21 of 1958), (hereinafter referred to as the Director), and the council may each authorize one or more representatives to attend meetings of the committee and to take part in the proceedings, but no such representative shall be entitled to vote.

(6) If the management committee or the council is of the opinion that any matter can be dealt with more conveniently or fluently in the absence of any one or more qualified persons referred to in subregulation (5)(a), the management committee shall go into committee, and any resolution taken while in committee, shall be of full force and effect as a resolution of the management committee.

Notice of Meetings

8.(1) The secretary shall give at least 48 hours written notice to every member of the committee of the place where and the day and time on which every ordinary meeting will be held, and every member so notified shall thereafter be required to attend such meetings at the said place and time or at such other place and time as he may have been notified of by a further notice served in accordance with this subregulation.

(2) The secretary shall give written notice to every member of the committee of the place, day and time of every special meeting at least 48 hours prior to the time of commencement of such meeting.

(3) Every notice required to be given in terms of subregulation (1) or subregulation (2), shall be handed to the member personally or, after it has been properly addressed, sent by post or delivered by hand to his usual place of residence or business.

(2) Ingeval van 'n staking van stemme het die voorsitter 'n beslissende stem benewens sy beraadslagende stem.

(3) Die verrigtinge van die komitee geskied in een van of in albei die amptelike tale.

(4) Die komitee is, behoudens die bepalings van hierdie regulasies, deur die raad se reglement van orde gebind tensy hy met die toestemming van die raad sy eie reglement van orde opstel.

Komiteevergaderings

7.(1) Die komitee hou minstens een keer per maand gedurende 11 maande van die jaar bereken van 1 Januarie af 'n gewone vergadering op 'n plek, dag en tyd wat die komitee van tyd tot tyd na oorlegpleging met die raad bepaal.

(2) Die voorsitter kan te eniger tyd, en moet op skriftelike versoek van die raad, 'n spesiale vergadering van die komitee belê.

(3) 'n Vergadering van die komitee kan tot 'n bepaalde dag en tyd verdaag word.

(4) Die sekretaris moet, behoudens die bepalings van regulasie 8(2), die raad onverwyld daarvan verwittig indien die komitee versuim om gedurende enige maand 'n vergadering te hou.

(5)(a) Alle vergaderings van die komitee is, behoudens die bepalings van subregulasie (6), vir bevoegde persone en 'n verteenwoordiger van die pers toeganklik ongeag of sodanige verteenwoordiger 'n bevoegde persoon is al dan nie.

(b) Die Minister, die Direkteur van Plaaslike Bestuur, soos genoem in artikel 9(2) van die Ordonnansie op die Beheer oor Plaaslike Bestuur, 1958 (Ordonnansie 21 van 1958), (hierna die Direkteur genoem), en die raad kan elk een of meer verteenwoordigers magtig om die vergadering van die komitee by te woon en aan die verrigtinge deel te neem, maar sodanige verteenwoordiger mag nie stem nie.

(6) As die bestuurskomitee of die raad van mening is dat 'n saak geriefliker of meer vlottend in die afwesigheid van een of meer van die bevoegde persone wat in subregulasie (5)(a) genoem word, behandel kan word, moet die bestuurskomitee in komitee gaan, en enige besluit wat op sodanige vergadering-in-komitee geneem word, is volkome regsgeldig as 'n besluit van die bestuurskomitee.

Kennisgewing van Vergaderings

8.(1) Die sekretaris gee elke lid van die komitee minstens 48 uur vooraf skriftelik kennis van die plek waar en die dag en tyd waarop elke gewone vergadering gehou gaan word, en elke lid wat aldus kennis gekry het, moet daarna sodanige vergadering bywoon op die bepaalde plek en tyd of op sodanige ander plek en tyd waarvan hy na verdere kennisgewing wat ooreenkomstig hierdie subregulasie aan hom beteken is, verwittig is.

(2) Die sekretaris gee elke lid van die komitee minstens 48 uur voor die aanvangs tyd van 'n spesiale vergadering skriftelik kennis van die plek waar en die dag en tyd waarop elke spesiale vergadering gehou gaan word.

(3) Elke kennisgewing wat ingevolge subregulasie (1) of subregulasie (2) vereis word, moet aan die lid self besorg word of moet, nadat dit behoorlik geadresseer is, per pos of per bode na sy gewone woon- of besigheidsplek gestuur word.

(4) No meeting of the committee and no resolution passed thereon, shall, subject to the provisions of regulation 6(1), be invalidated by reason of the absence therefrom of any member to whom a notice in terms of this regulation was inadvertently not sent or delivered.

Agenda and order of Business on Agenda

9.(1) The secretary shall prepare the agenda for a meeting of the committee.

(2) Business at an ordinary meeting of the committee shall be dealt with in the following order:—

- (a) Applications of members for leave of absence.
- (b) The minutes of the previous meeting.
- (c) Official announcements.
- (d) Unopposed motions of the chairman.
- (e) Questions of which notice has been given.
- (f) Notices of motion standing over from a previous meeting.
- (g) Petitions.
- (h) New notices of motions.
- (i) Matters referred to the committee by the council.
- (j) Matters arising out of the powers conferred on the committee in terms of regulations 12, 13 and 14, and not already dealt with under paragraphs (e) to (i) at such meeting.
- (k) General (urgent matters).

Minutes of Meeting

10.(1) The minutes of the proceedings of every meeting of the committee shall be regularly kept and shall contain in proper order, details of all matters dealt with at the meeting.

(2) The minutes of the proceedings of every meeting shall be presented to the next ordinary meeting and if accepted as correct, shall be confirmed by the signature of the chairman.

(3) The minutes of the proceedings of every meeting of the committee, except proceedings at meetings in committee, shall be open for inspection to any inhabitant of the area.

(4) A certified copy of all minutes of the proceedings of a meeting of the committee including proceedings in committee as well as other relevant documents, shall be submitted by the secretary to the council within 3 weeks of the conclusion of the meeting and, if either of them so requires, also to the Minister and the Director.

CHAPTER 4

FUNCTIONS OF COMMITTEE

Matters on which Committee shall be Consulted

11.(1) Subject to the provisions of section 2(4) of the Ordinance, the council shall refer the following matters relating to the area concerned, to the committee for consideration and recommendations and, subject to the provisions of subregulation (2), neither the council

(4) Geen vergadering van die komitee en geen besluit wat daarop geneem is, is behoudens die bepalings van regulasie 6(1) ongeldig as 'n lid afwesig is omdat daar per abuis nie 'n kennisgewing ingevolge hierdie regulasie aan hom gestuur of besorg is nie.

Agenda en volgorde van Sake op Agenda

9.(1) Die sekretaris stel die agenda vir 'n vergadering van die komitee op.

(2) Sake vir 'n gewone vergadering van die komitee word in die volgende volgorde behandel:—

- (a) Aansoeke van lede om verlof tot afwesigheid.
- (b) Die notule van die vorige vergadering.
- (c) Amptelike aankondigings.
- (d) Onbestrede mosies van die voorsitter.
- (e) Vrae waarvan daar kennis gegee is.
- (f) Kennisgewings van mosies wat sedert 'n vorige vergadering ontstaan.
- (g) Versoekskrifte.
- (h) Nuwe kennisgewings van mosies.
- (i) Sake wat die raad na die komitee verwys het.
- (j) Sake wat uit die bevoegdhede wat kragtens regulasies 12, 13 en 14 aan die komitee verleen is, voortspuit en wat nie alreeds onder paragrafe (e) tot (i) op sodanige vergadering behandel is nie.
- (k) Algemeen (dringende sake).

Notule van Vergadering

10.(1) Die notule van die verrigtinge van elke vergadering van die komitee moet gereeld gehou word en moet besonderhede van alle sake wat op die vergadering behandel is, in 'n behoorlike volgorde bevat.

(2) Die notule van die verrigtinge van elke vergadering word op die daaropvolgende gewone vergadering voorgelê en as dit as juis aanvaar word, word dit aangeneem en deur die voorsitter onderteken.

(3) Die notule van die verrigtinge van elke vergadering van die komitee, uitgesonderd van die verrigtinge op vergaderings-in-komitee, moet ter insae aan enige inwoner van die gebied wees.

(4) Die sekretaris lê 'n gewaarmerkte afskrif van elke notule van die verrigtinge van 'n vergadering van die komitee, met inbegrip van die verrigtinge van 'n vergadering-in-komitee, asook ander toepaslike stukke, binne 3 weke na afloop van die vergadering aan die raad voor, en ook aan die Minister en die Direkteur indien hulle dit vereis.

HOOFSTUK 4

FUNKSIES VAN KOMITEE

Sake waaroor Komitee geraadpleeg moet word

11.(1) Behoudens die bepalings van artikel 2(4) van die Ordonnansie, moet die raad die volgende sake met betrekking tot die betrokke gebied aan die komitee voorlê sodat hy dit kan oorweeg en aanbevelings daarvoor kan doen, en behoudens die bepalings van subregulasie (2) kan nóg die raad nóg enigeen van sy komitees oor enige

nor any of its committees shall decide on any such matter until it has given due consideration to any recommendation made thereon by the committee:

- (a) proposals in connection with the estimates, including capital estimates;
- (b) the implementation of the proposals for which provision has been made in the estimates including those relating to:—
 - (i) the spending of any funds on permanent improvements and developments;
 - (ii) any application for borrowing powers;
 - (iii) the construction, building, alteration, cleaning, repairing, closing and deviation of public streets other than proclaimed roads;
 - (iv) the provision or taking over of cemeteries principally for the benefit of the area and the transfer thereof to any other body;
 - (v) the establishment, erection, maintenance, and closing of markets and market buildings, and the lease of and levying of rentals in respect of portions of such buildings and stalls therein;
 - (vi) the establishment and maintenance of fire-brigade and ambulance services; and
 - (vii) the establishment, provision, improvement, discontinuing, closing and the maintenance of public libraries and parks, facilities for bathing, entertainment, sports, picnicking, camping and health and recreation resorts including huts, pavilions, refreshment rooms and other accommodation and amenities in connection therewith;
- (c) ways and means of preventing nuisances and contraventions of the by-laws of the council;
- (d) the contemplated promulgation of any by-law affecting the area in particular;
- (e) the planning and implementation of any housing scheme;
- (f) the preparation of any town-planning scheme, any amendment thereof and any consent use applied for thereunder;
- (g) the provision, extension, restriction, suspension or termination of any health clinics and facilities;
- (h) the appointment in a permanent capacity of an officer or employee who is a qualified person and who will be employed in the area or mainly for the administration thereof; and
- (i) the leasing, alienation and use of immovable property vesting in the council.

Provided that in cases of emergency relating to any matter referred to in paragraphs (b)(iii), (b)(v) and the maintenance as contemplated in paragraph (b)(vii), neither a council nor any of its committees shall be obliged first to consider any recommendation of the committee.

(2) Should the committee fail to submit its recommendation as contemplated in subregulation (1) within 14 days after having been requested by the council to do so, or within such further period as the council may in its discretion determine, it shall be deemed that the committee has no recommendation to make.

sodanige saak beslis alvorens hulle behoorlike oorweging geskenk het aan enige aanbeveling wat die komitee daarvoor gedoen het:

- (a) voorstelle in verband met die begroting, met inbegrip van die kapitaalbegroting;
- (b) die uitvoering van die voorstelle waarvoor daar in die begroting voorsiening gemaak is, met inbegrip van die wat betrekking het op:—
 - (i) die besteding van geld aan permanente verbeterings en ontwikkelings;
 - (ii) enige aansoek om leningsbevoegdheid;
 - (iii) die konstruksie, bou, verandering, skoonmaak, herstel, sluiting en verlegging van openbare strate, behalwe geproklameerde paaie;
 - (iv) die verskaffing of oorname van begraafplase hoofsaaklik ten behoeve van die gebied, en die oordrag daarvan aan 'n ander liggaam;
 - (v) die instelling, oprigting, instandhouding en sluiting van markte en markgeboue, en die verhuur van en heffing van huurgeld vir gedeeltes van sulke geboue en kraampies daarin;
 - (vi) die instelling en instandhouding van brandweer- en ambulansdienste; en
 - (vii) die instelling, verskaffing, verbetering, staking, sluiting en die instandhouding van openbare biblioteke en parke, geriewe vir baai, vermaaklikheid, sport, pickniekhoe, kampeer- en gesondheids- en ontspanningsoorde met inbegrip van hutte, pawiljoene, verversingskamers en ander akkommodasie en geriewe in verband daarmee;
- (c) middele ter voorkoming van oorlaste en oortreding van die raad se verordeninge;
- (d) die beoogde uitvaardiging van enige verordening wat die gebied in besonder raak;
- (e) die beplanning en uitvoer van enige behuisingsskema;
- (f) die opstel en voorberei van 'n dorpsbeplanningsskema, enige wysiging daarvan en enige aansoeke om vergunningsgebruik daarkragens;
- (g) die verskaffing, uitbreiding, inkorting, opskorting of staking van enige gesondheidsklinieke, en -geriewe;
- (h) die aanstelling in 'n permanente hoedanigheid van 'n beampte of werknemer wat 'n bevoegde persoon is en wat in die gebied of hoofsaaklik in verband met die administrasie daarvan in diens sal wees; en
- (i) die verhuur, vervreemding en gebruik van onroerende eiendom wat by die raad berus.

Met dien verstande dat in geval van 'n noodtoestand met betrekking tot enige aangeleentheid na verwys in paragraaf (b)(iii), (b)(v) en die instandhouding soos in paragraaf (b)(vii) beoog, 'n raad of enige van sy komitees nie verplig is om vooraf enige aanbeveling van die komitee te oorweeg nie.

(2) As die komitee versuim om sy aanbeveling soos genoem in subregulasie (1) binne 14 dae nadat hy deur die raad versoek is om dit te doen, of binne sodanige langer tydperk as wat die raad na goeddunke bepaal, voor te lê, word daar geag dat die komitee geen aanbeveling wil doen nie.

Powers of Committee

12. The committee shall have the following powers, functions and duties of the local authority in the area:—

- (a) to inspect municipal buildings and with the permission of the owner or occupier previously obtained, private dwellings, capital works and assets to report on such inspection to the council and to make recommendations in connection therewith;
- (b) in order to ensure efficient administration, to make recommendations to the council in connection with the work and functions of officials or employees of the council who are employed in or mainly for the administration of the area;
- (c) to inquire into and to collect information on the enforcement, amendment or repeal of any by-laws of the council and to make recommendations in connection therewith;
- (d) to obtain information from the council and to make recommendations in connection with —
 - (i) the collection of revenue; and
 - (ii) the spending of funds made available in the estimates for application in the area;
- (e) to recommend the inclusion in the area of any other group area which may from time to time be proclaimed and which is situated wholly inside the municipality; or where another group area is so proclaimed that it is situated partly inside and partly outside the municipality, to recommend the inclusion in the area of that part situated inside the municipality; the council shall then report thereon to the Director;
- (f) to make representations in regard to the levying of rates on immovable property; and
- (g) to make representations in regard to the levying of charges for municipal services.

Powers Which may be Delegated to Committee

13.(1) The council may, and shall if so directed by the Administrator, delegate to the committee any of its powers and functions regarding any of the following matters in so far as they apply to the area and subject to the provisions of section 2(4) of the Ordinance and to such conditions as the Administrator may stipulate:—

- (a) The naming of roads and streets;
- (b) the approval of advertisement signs and hoardings in accordance with by-laws or regulations of the council, as the case may be;
- (c) the letting of municipal shops, stalls and halls at rental charges and upon conditions determined by the council;
- (d) the regulating of street collections in accordance with the by-laws or regulations of the council, as the case may be;
- (e) civic hospitality, honours and courtesies, including civic receptions and commemorations and other celebrations of a civic or national character up to but not exceeding a total expenditure authorized for each financial year by the council;

Bevoegdhede van Komitee

12. Die komitee het die volgende bevoegdhede, funksies en pligte van 'n plaaslike owerheid in die gebied:—

- (a) om munisipale geboue, en nadat die eienaar of die bewoner se toestemming vooraf daartoe verkry is, private woonhuise, kapitaalwerke en bates te inspekteer, om aan die raad oor sodanige inspeksies verslag te doen en aanbevelings in verband daarmee te doen;
- (b) om, ten einde doeltreffende administrasie te verseker, aanbevelings aan die raad te doen in verband met die werk en funksies van amptenare of werknemers van die raad wat in, of hoofsaaklik in verband met die administrasie daarvan in diens is;
- (c) om ondersoek in te stel na en inligting in te win oor die toepassing, wysiging of herroeping van enige verordeninge van die raad en om aanbevelings in verband daarmee te doen;
- (d) om inligting by die raad te verkry en aanbevelings te doen in verband met —
 - (i) die invordering van inkomste; en
 - (ii) die besteding van geld wat in die begroting vir aanwending in die gebied beskikbaar gestel word;
- (e) om die insluiting by die gebied van enige ander groepsgebied wat van tyd tot tyd geproklameer word, en wat in sy geheel binne die munisipale gebied geleë is, aan te beveel, of waar 'n ander groepsgebied so geproklameer word dat dit gedeeltelik binne en gedeeltelik buite die munisipale gebied geleë is, die insluiting in die gebied van dié gedeelte wat binne die munisipale gebied geleë is, aan te beveel en die raad moet daarna aan die Direkteur daarvoor verslag doen;
- (f) om vertoë te rig met betrekking tot die heffing van eiendomsbelasting op onroerende eiendom; en
- (g) om vertoë te rig met betrekking tot die heffing van gelde vir munisipale dienste.

Bevoegdhede wat aan Komitee gedelegeer kan word

13.(1) Die raad kan, en moet as die Administrateur hom aldus gelas, enigeen van sy bevoegdhede en funksies met betrekking tot die volgende sake aan die komitee deleger vir sover dit op die gebied van toepassing is en behoudens die bepalings van artikel 2(4) van die Ordonnansie en sodanige voorwaardes as wat die raad of die Administrateur mag stel:—

- (a) Die benaming van paaie en strate;
- (b) die goedkeuring van advertensietekens en -skuttings ooreenkomstig die raad se verordeninge of regulasies, na gelang van die geval;
- (c) die verhuur van munisipale winkels, kraampies en sale teen huurgelde en op voorwaardes wat die raad bepaal;
- (d) die reëling van straatkollekte ooreenkomstig die raad se verordeninge of regulasies, na gelang van die geval;
- (e) burgerlike gasvryheids-, eer- en hoflikheidsbetoon, met inbegrip van burgerlike onthale en herdenkings- en ander feesvierings van 'n burgerlike of nasionale aard, waaraan hoogstens die totale uitgawe bestee mag word wat die raad vir elke boekjaar magtig;

(f) the allocation of grants and bursaries in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), up to but not exceeding a total expenditure authorized for each financial year by the council;

(g) the development of parks and playgrounds up to but not exceeding the total expenditure authorized for each financial year by the council;

(2) The council may at any time but subject to the approval of the Administrator regarding any matter which he directed to be delegated in terms of subregulation (1), by written notice to the secretary amend or withdraw any delegation of any power or function.

Authority to make Payments

14.(1) The council shall have the authority to make any payments in respect of expenditure authorized by the committee under the powers delegated to it in terms of regulation 13.

(2) In the authorization of any expenditure, the committee shall act subject to the laws and regulations governing the council and subject to such directions as may be issued by the council from time to time.

Separate Account Books

15. The council shall keep separate account books relating to the area, but not of direct consumer services of a regional character, unless the council otherwise decides.

CHAPTER 5

VOTERS AND VOTERS' ROLL

Definitions

16. For the purpose of this Chapter "voter" means a person who is enrolled on a final voters' roll referred to in regulation 24.

Wards and Polling Stations

17.(1) The council may, after consultation with the committee, divide an area into wards and specify the number of members to be elected in respect of each ward: Provided that the total number of members to be elected shall not exceed the number determined by regulation 3(2)(b).

(2) A voter shall be permitted to vote only in the ward in which he is registered as voter and at the polling station concerned.

Compiling of Voters' Roll

18.(1) Within 6 months from the date on which these regulations are promulgated and thereafter before 1 February of the year in which an election shall be held in terms of regulation 31, the council shall cause a voters' roll, hereinafter referred to as a provisional voters' roll, arranged in alphabetical order of surnames, to be compiled, containing in respect of each person who in terms of these regulations is entitled to be registered as a voter:

(a) his name in full;

(b) the identity number assigned to him in terms of the provisions of the Population Registration Act, 1950 (Act 30 of 1950); and

(f) die toestaan van toelae en beurse ingevolge die bepalings van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie 17 van 1939), teen hoogstens die totale uitgawe wat die raad vir elke boekjaar magtig; en

(g) die ontwikkeling van parke en speelterreine teen hoogstens die totale uitgawe wat die raad vir elke boekjaar magtig.

(2) Die raad kan te eniger tyd, maar onderworpe aan die goedkeuring van die Administrateur in die geval van enige saak wat in opdrag van hom kragtens subregulasie (1) gedelegeer is, enige delegering van 'n bevoegdheid of funksie deur skriftelike kennisgewing aan die sekretaris wysig of intrek.

Magting om Betalings te maak

14.(1) Die raad het die bevoegdheid om enige uitgawe wat die komitee magtig kragtens die bevoegdhede wat ingevolge regulasie 13 aan hom gedelegeer is, te betaal.

(2) Die komitee se magting van uitgawe geskied onderworpe aan die wetgewing en regulasies wat op die raad van toepassing is en onderworpe aan sodanige opdragte as wat die raad van tyd tot tyd uitreik.

Afsonderlike Rekeningboeke

15. Die raad moet afsonderlike rekeningboeke met betrekking tot die gebied hou, maar nie ten opsigte van verbruikersdienste van 'n streekaard nie, tensy die raad anders besluit.

HOOFSTUK 5

KIESERS EN KIESERSLYS

Woordomskrywing

16. In hierdie hoofstuk beteken "kieser" iemand wat as sodanig ingeskryf is op die finale kieserslys wat in regulasie 24 genoem word.

Wyke en Stemburo's

17.(1) Die raad kan, na oorlegpleging met die komitee, 'n gebied in wyke indeel en die getal lede wat vir elke wyk verkies moet word, voorskryf: Met dien verstande dat die totale getal lede wat verkies moet word, nie meer mag wees as die getal wat kragtens regulasie 3(2)(b) bepaal is nie.

(2) 'n Kieser mag slegs in die wyk waar hy as kieser geregistreer is en by die toepaslike stemburo stem.

Opstel van Kieserslys

18.(1) Die raad moet binne 6 maande van die datum af waarop hierdie regulasies afgekondig word, en daarna voor 1 Februarie van die jaar waarin 'n verkiesing kragtens regulasie 31 gehou moet word, 'n kieserslys, hierna 'n voorlopige kieserslys genoem, opstel waarin alle vanne alfabeties gerangskik is en waarin die volgende besonderhede ten opsigte van iedereen wat kragtens hierdie regulasie as kieser geregistreer kan word, vervat is:—

(a) sy volle naam;

(b) die identiteitsnommer wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), aan hom toegewys is; en

(c) the nature and situation of the property where he is resident.

(2) Immediately after the compiling of a provisional voters' roll, the council shall issue a notice in terms of regulation 21 in respect thereof.

(3) If the area is divided into wards, a separate provisional voters' roll shall be prepared for each ward.

Qualification of Voters

19.(1) Every qualified person above the age of 21 years who —

(a) on 1 July in any year is the owner of immovable property within the area of a value determined at not less than R200; or

(b) on 1 July in any year is the occupier of immovable property within that area of a value determined at not less than R200 and who has resided within such area for a period of not less than 6 months prior to 1 July

shall upon production of the identity document issued to him in terms of the provisions of the Population Registration Act, 1950 (Act 30 of 1950) and upon proof that he has not already been enrolled as a voter on a voters' roll for another management committee, be enrolled as a voter on the voters' roll which has been compiled for the committee for such year, unless he has been declared by a court to be disqualified from being registered as such a voter. Provided that —

(i) where immovable property as aforesaid is the joint property of two or more persons, every such person shall be entitled to be enrolled as a voter if the figure arrived at when the value of the whole property when divided by the number of joint owners, is not less than R200 for every joint owner;

(ii) where immovable property as aforesaid is jointly occupied by two or more persons who produce satisfactory proof, in writing, of such joint occupation, every such person shall be entitled to be enrolled as a voter if the figure arrived at when the value of the whole property is divided by the number of joint occupants is not less than R200 for every joint occupant;

(iii) where any portion of immovable property is occupied separately, the occupant of every such portion having a value, of not less than R200 shall be entitled to be enrolled as a voter and where any such property is valued as a whole, the council shall, on application by the person claiming enrolment, within 14 days cause an appointment of the value of such property to be made by an officer of the council or by a valuator appointed by the council.

(2) The council may charge a fee not exceeding 50 cents for every apportionment made as contemplated in subregulation (1) (iii).

(3) Every person who on the date of the promulgation of these regulations, is qualified to be registered as a voter for the area, shall be entitled to have his name entered on the provisional voters' roll when it is compiled.

(c) die aard en ligging van die eiendom waar hy woonagtig is.

(2) Die raad moet onmiddellik nadat die voorlopige kieserslys opgestel is, 'n kennisgewing kragtens regulasie 21 ten opsigte daarvan uitreik.

(3) As die gebied in wyke ingedeel is, moet daar 'n afsonderlike kieserslys vir elke wyk opgestel word.

Bevoegdheid van Kiesers

19.(1) Elke bevoegde persoon wat 21 jaar oud of ouer is en wat —

(a) op 1 Julie van enige jaar die eienaar van onroerende goed binne die gebied is waarvan die waarde op minstens R200 bepaal word; of

(b) op 1 Julie van enige jaar die bewoner van onroerende goed binne dié gebied is waarvan die waarde op minstens R200 bepaal word, en wat minstens 6 maande lank voor sodanige 1 Julie binne sodanige gebied gewoon het;

word by die vertoning van 'n identiteitsdokument wat aan hom ingevolge die bepalings van die Bevolkings-registrasiewet, 1950 (Wet 30 van 1950), uitgereik is, en na bewys dat hy nie reeds as 'n kieser op 'n kieserslys vir 'n ander bestuurskomitee ingeskryf is nie, as kieser op die kieserslys wat vir sodanige jaar vir die komitee opgestel is, ingeskryf, tensy 'n hof verklaar het dat hy onbevoeg is om as sodanige kieser geregistreer te word. Met dien verstande dat —

(i) waar onroerende goed soos voornoemd die gesamentlike eiendom van twee of meer persone is, elkeen van dié persone daarop geregtig is om as kieser ingeskryf te word as die bedrag wat te staan kom wanneer die waarde van die hele eiendom as dit gedeel word deur die getal mede-eienaars, minstens R200 ten opsigte van elke mede-eenaar is;

(ii) waar onroerende goed soos voornoemd gesamentlik deur twee of meer persone geokkupeer word wat skriftelik bevredigende bewys van sodanige gesamentlike bewoning lewer, elkeen van dié persone daarop geregtig is om as kieser ingeskryf te word as die bedrag wat te staan kom wanneer die waarde van die hele eiendom gedeel word deur die getal medebewoner, minstens R200 ten opsigte van elke medebewoner is;

(iii) as 'n deel van onroerende goed afsonderlik bewoon word, die bewoner van elke sodanige deel waarvan die waarde minstens R200 bedra, daarop geregtig is om as kieser ingeskryf te word, en as enige sodanige eiendom as 'n geheel gewaardeer is, die raad op versoek van die persoon wat op inskrywing aanspraak maak, binne 14 dae 'n toedeling van die waarde van sodanige eiendom moet laat maak deur 'n beamp-te van dié raad of deur 'n waardeerder wat deur die raad aangestel is.

(2) Die raad kan 'n bedrag van hoogstens 50 sent vir elke toedeling wat aldus gemaak word, vorder soos in subregulasie 1(iii) genoem is.

(3) Iedereen wat op die datum waarop hierdie regulasies afgekondig word, bevoeg is om as 'n kieser van die gebied geregistreer te word, is daarop geregtig om sy naam op die voorlopige kieserslys te laat verskyn wanneer dit opgestel word.

Offences Relating to Registration as Voter

20. Any person who refuses or fails to furnish information, or who knowingly furnishes false information in connection with particulars required for the compilation, keeping up to date or revision of a voters' roll in terms of this Chapter shall be guilty of an offence.

Inspection of Provisional Voters' Roll

21.(1) The council shall as soon as a provisional voters' roll has been compiled, by notice published in a newspaper as contemplated in section 110 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), as well as by notice posted up at its office and the office of the committee —

- (a) notify that a copy of the provisional voters' roll is, for a period of 14 days from a date to be stipulated in such notice, open for inspection during office hours at the office of the council and at the office of the committee; and
 - (b) call upon any person claiming the right to be enrolled as a voter or having any objection to the enrolment of any person whose name appears on such roll, to lodge such claim or objection in writing with the town clerk before the expiry of the 14 days referred to in paragraph (a) in accordance with Annexure 1 or Annexure 2, as the case may be.
- (2) The town clerk shall immediately after the expiry of the 14 days referred to in subregulation (1)(a) compile —
- (a) a list in accordance with Annexure 3 setting out the names of and all relevant particulars relating to the persons claiming to be enrolled as voters; and
 - (b) a list in accordance with Annexure 4 setting out the names of the persons in respect of whom objections have been lodged.

(3)(a) The council shall by notice published in a newspaper as contemplated in section 110 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), as well as by notice posted up at its office and at the office of the committee, fix a day, time and place for the sitting of the court of revision referred to in regulation 22 in order to hear claims and objections.

(b) The lists prepared in terms of subregulation (2) shall be open for inspection during office hours at the office of the council and at the office of the committee for 7 days immediately preceding the day fixed for the sitting of the court of revision.

(4)(a) The town clerk shall not less than 14 days prior to the day fixed for the sitting of the court of revision serve by registered post on every person whose name appears on the provisional voters' roll or who applied for enrolment on the voters' roll and to whose enrolment or application objection is made, a notice addressed to his residential address as shown in his application to be enrolled as a voter setting out the grounds of the objection and indicating the day on which it will be considered by such court.

(b) The non-receipt of the notice referred to in regulation (a) shall not invalidate the provisional voters' roll or any proceedings or decisions of the court of revision.

Misdrywe insake Registrasie as Kieser

20. Iemand wat weier of versuim om inligting te verstrek, of wat wetens valse inligting verstrek in verband met besonderhede wat kragtens hierdie Hoofstuk vir die opstel, byhou of hersiening van 'n kieserslys vereis word, begaan 'n misdryf.

Insae in voorlopige Kieserslys

21.(1) Die raad moet sodra 'n voorlopige kieserslys opgestel is, by kennisgewing wat in 'n nuusblad soos beoog in artikel 110 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961) verskyn, sowel as by kennisgewing wat by sy kantoor en die kantoor van die komitee opgeplak is —

- (a) bekend maak dat 'n afskrif van die voorlopige kieserslys 14 dae lank van die datum af wat in sodanige kennisgewing aangegee moet word, gedurende kantoorure by die raad se kantoor en by die kantoor van die komitee ter insae lê;
 - (b) enigiemand wat daarop aanspraak maak om as kieser ingeskryf te word, of wat beswaar wil maak teen die inskrywing van iemand wie se naam op sodanige lys voorkom, versoek om voor die verstryking van die 14 dae wat in paragraaf (a) genoem word, sodanige aanspraak of beswaar skriftelik ooreenkomstig Aanhangsel 1 of Aanhangsel 2, na gelang van die geval, by die stadsclerk in te dien.
- (2) Die stadsclerk moet onmiddellik na afloop van die 14 dae wat in subregulasie 1(a) genoem word —
- (a) 'n lys ooreenkomstig Aanhangsel 3 opstel waarin die name van en alle toepaslike besonderhede in verband met die persone wat daarop aanspraak maak om as kiesers ingeskryf te word, aangegee word; en
 - (b) 'n lys ooreenkomstig Aanhangsel 4 opstel waarin die name van diegene waarteen daar beswaar gemaak is, aangegee word.

(3)(a) Die raad moet by kennisgewing wat in 'n nuusblad soos beoog in artikel 110 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), verskyn, sowel as by kennisgewing wat by sy kantoor en die kantoor van die komitee opgeplak is, 'n dag, tyd en plek vir die sitting van die hersieningshof waarna daar in regulasie 22 en 23 verwys word, bepaal ten einde aansprake en besware aan te hoor.

(b) Die lyste wat ooreenkomstig subregulasie (2) opgestel word, moet 7 dae lank onmiddellik voor die dag wat vir die sitting van die hersieningshof vasgestel is, gedurende kantoorure by die raad se kantoor en by die kantoor van die komitee ter insae lê.

(4)(a) Die stadsclerk moet minstens 14 dae voor die dag wat vir die sitting van die hersieningshof bepaal is, aan elkeen wie se naam op die voorlopige kieserslys verskyn of wat aansoek gedoen het om op die kieserslys ingeskryf te word en of aansoek teen wie se inskrywing daar beswaar gemaak is, per aangetekende pos 'n kennisgewing na sy woonadres stuur soos dit in sy aansoek om inskrywing op die kieserslys aangegee is, waarin die rede vir die beswaar uiteengesit word en die dag waarop dit deur sodanige hof oorweeg sal word, aangegee word.

(b) Die voorlopige kieserslys of die verrigtinge of besluite van die hersieningshof is nie ongeldig nie indien die kennisgewing genoem in subparagraaf (a) nie ontvang is nie.

Court of Revision

22.(1) A court of revision shall be constituted of 3 members to be appointed by the council of whom 2 shall be members of the committee.

(2) The council shall nominate the chairman of the court of revision.

Consideration of Provisional Voters' Roll by Court of Revision

23.(1) The court of revision shall sit on the day and at the time and place fixed in terms of regulation 21(3) (b) in order to hear and decide on claims for and objections to the enrolment of persons as voters.

(2) The court of revision shall —

- (a) add to the provisional voters' roll the name of every person found to be qualified to be enrolled as a voter; and
- (b) remove from the provisional voters' roll the name of every person found to be disqualified to be enrolled as a voter; and
- (c) correct any error or fill in any omission in respect of an entry in the provisional voters' roll with regard to the particulars required in terms of regulation 18.

(3) The court of revision shall not consider any claim or objection unless —

- (a) the submission thereof is in accordance with Annexure 1 of Annexure 2, as the case may be;
- (b) it was received by the town clerk within the period prescribed by regulation 21, unless the claimant or objector satisfies the court of revision that there are exceptional circumstances warranting the consideration of the claim or objection;
- (c) the claimant appears before the court of revision and substantiates his claim to the satisfaction of the court of revision; and
- (d) the objector personally appears with or without his legal or other representative before the court of revision and substantiates his objection to the satisfaction of the court of revision.

(4) Any person whose claim or objection is considered by the court of revision, and any person opposing such claim or objection, shall be entitled to be heard in person or by the agency of his legal or other representative authorized thereto by him in writing and to give oral evidence and to call evidence.

(5) All evidence given before the court of revision shall be made under oath to be administered by the chairman.

(6) Sittings of the court of revision shall be open to the public.

(7) The court of revision may adjourn from time to time as it may deem fit.

(8) Any person who knowingly gives false evidence before a court of revision or who wilfully interrupts or disturbs its proceedings or who is guilty of any wilful act or omission calculated to bring the court of revision or its chairman or any of its members into contempt or disrepute, shall be guilty of an offence.

Hersieningshof

22.(1) 'n Hersieningshof word uit 3 lede saamgestel wat deur die raad aangestel word en waarvan 2 lede van die komitee moet wees.

(2) Die raad wys die voorsitter van die hersieningshof aan.

Oorweging van voorlopige Kieserslys deur Hersieningshof

23.(1) Die hersieningshof sit op die dag, tyd en plek wat ooreenkomstig regulasie 21(3)(b) bepaal is ten einde aansprake op en besware teen die inskrywing van persone as kiesers aan te hoor en daaroor te beslis.

(2) Die hersieningshof moet —

- (a) op die voorlopige kieserslys die naam van elke persoon invoeg wat na bevinding bevoeg is om as kieser ingeskryf te word;
- (b) op die voorlopige kieserslys die naam van elke persoon skrap wat na bevinding onbevoeg is om as kieser ingeskryf te word; en
- (c) enige fout herstel of enige weglating invul ten opsigte van 'n inskrywing in die voorlopige kieserslys met betrekking tot die besonderhede wat ooreenkomstig regulasie 18 vereis word.

(3) Die hersieningshof oorweeg geen aanspraak of beswaar nie, tensy —

- (a) die voorlegging daarvan ooreenkomstig Aanhangsel 1 of Aanhangsel 2, na gelang van die geval, geskied;
- (b) dit deur die stadsklerk ontvang is binne die tydperk wat kragtens regulasie 21 voorgeskryf is, tensy die aanspraakmaker of beswaarmaker die hersieningshof daarvan oortuig dat daar buitengewone omstandighede is wat die oorweging van die aanspraak of beswaar regverdig;
- (c) die aanspraakmaker voor die hersieningshof verskyn en sy aanspraak tot voldoening van die hersieningshof staat; en
- (d) die beswaarmaker self of saam met sy regs- of ander verteenwoordiger voor die hersieningshof verskyn en sy beswaar tot voldoening van die hersieningshof staat.

(4) Iemand wie se aanspraak of beswaar deur die hersieningshof oorweeg word en iemand wat sodanige aanspraak of beswaar bestry, is daarop geregtig om persoonlik of deur bemiddeling van sy regs- of ander verteenwoordigers wat hy skriftelik daartoe gemagtig het, aangehoor te word en getuienis mondeling af te lê, en om getuies te roep.

(5) Alle getuienis wat in die hersieningshof afgeleë word, word onder eed wat deur die voorsitter afgeneem word, afgeleë.

(6) Sittings van die hersieningshof is vir die publiek toeganklik.

(7) Die hersieningshof kan van tyd tot tyd na goedduinke verdaag.

(8) Iemand wat wetens valse getuienis voor 'n hersieningshof afleë of die verrigtinge van die hersieningshof opsetlik onderbreek of versteur of wat hom skuldig maak aan 'n opsetlike handeling of versuim wat daarop bereken is om die hersieningshof of sy voorsitter of enige van sy lede in ongunst te bring of 'n slechte naam te gee, begaan 'n misdryf.

Final Voters' Roll

24.(1) The provisional voters' roll as amended and finally approved by the court of revision, shall be certified by the chairman of that court and shall, subject to the provisions of regulation 25, be the final voters' roll of the committee until a new roll is compiled.

(2) The final voters' roll as certified by the chairman of the court of revision shall be conclusive proof of and any copy purporting to be a copy of such roll shall be *prima facie* proof of the enrolment as voters of the persons whose names appear therein.

(3) The final voters' roll shall be amended and finally approved not later than 1 May, of the year in which the election shall be held in terms of regulation 31 and no further amendments shall be made thereto prior to the election date, except as provided for in regulation 25.

Errors and Omissions

25.(1) If the town clerk is satisfied that the particulars of any person have been omitted or deleted erroneously or inadvertently from a voters' roll or were erroneously or inadvertently entered on a final voters' roll he shall make an appropriate correction in relation to such omission or deletion or incorrect enrolment at any time before 16 h 00 on the afternoon of the day, 7 days before the day of the election, and, if such correction occurs after nomination day, he shall inform every candidate concerned thereof.

(2) The town clerk may at any time before the day and time referred to in subregulation (1), correct a clerical error in the final voters' roll.

(3) If for any reason anything required by law to be done in connection with the compilation or revision of a voters' roll is erroneously done or omitted to be done or not done within the prescribed time, the voters' roll shall not be invalidated thereby and the Administrator may in his discretion instruct the council or the court of revision or both to rectify such error or omission within such time as he may stipulate and he may, if he deems it necessary, order that a court of revision shall be reconstituted and that it shall re-hear and decide on any matter referred to in regulation 23.

Expenditure

26. The council may incur such expenditure as it considers necessary in connection with any legal proceeding arising out of the proceedings of the court of revision.

Franchise

27.(1) A person whose name does not appear on the final voters' roll of the committee shall not be entitled to vote or to exercise any right conferred upon voters in terms of these regulations.

(2) Every voter shall be entitled to cast only one vote in respect of each vacancy in the area or ward of which he is a registered voter and such vote shall be cast in respect of a candidate duly nominated for the area or ward of which such candidate is a registered voter.

(3) Notwithstanding anything to the contrary contained in these regulations, any voter who —

Finale Kieserslys

24.(1) Die voorlopige kieserslys soos deur die hersieningshof gewysig en finaal goedgekeur is, moet deur die voorsitter van daardie hof gewaarmerk word, en dit is dan, behoudens die bepalings van regulasie 25, die finale kieserslys van die komitee totdat daar 'n nuwe lys opgestel is.

(2) Die finale kieserslys soos deur die voorsitter van die hersieningshof gewaarmerk, is afdoende bewys, en enige afskrif wat na bewering 'n afskrif van sodanige lys is, is *prima facie* bewys dat die persone wie se name daarin voorkom, as kiesers ingeskryf is.

(3) Die finale kieserslys moet nie later nie as 1 Mei van die jaar waarin die verkiesing kragtens regulasie 31 gehou moet word, gewysig en finaal goedgekeur word, en geen verdere wysigings mag voor die verkiesingsdatum aangebring word nie, behalwe soos in regulasie 25 bepaal word.

Foute en Weglatings

25.(1) Indien die stadsklerk daarvan oortuig is dat die besonderhede van 'n persoon per abuis of onopsetlik uit 'n kieserslys weggelaat of geskrap is, of per abuis of onopsetlik in 'n finale kieserslys ingeskryf is, moet hy 'n toepaslike regstelling met betrekking tot sodanige weglatings of skrapings of verkeerde inskrywing te eniger tyd voor 16 h 00 die middag van die dag, 7 dae voor die verkiesingsdag in die kieserslys aanbring, en indien regstelling na nominasiedag plaasvind, stel hy elke betrokke kandidaat daarvan in kennis.

(2) Die stadsklerk kan te eniger tyd voor die dag en tyd waarna daar in subregulasie (1) verwys word, 'n klerklike fout in die finale kieserslys regstel.

(3) Indien enigiets wat regtens by die opstel of hersiening van 'n kieserslys gedoen moet word, om enige rede verkeerd gedoen of nagelaat is of nie binne die voorgeskrewe tydperk gedoen is nie, is die kieserslys nie as gevolg daarvan ongeldig nie, en die Administrateur kan in sy diskresie aan die raad of die hersieningshof of aan albei opdrag gee om sodanige fout of weglatings te herstel binne sodanige tyd as wat hy daarvoor mag bepaal en hy kan as hy dit nodig ag, gelas dat 'n hersieningshof heraan gestel word en dat hy enige saak genoem in regulasie 23 moet heraanhoor en daarvoor moet besluit.

Uitgawe

26. Die raad kan sodanige uitgawe aangaan as wat hy nodig ag in verband met enige regsgeding wat uit die verrigtinge van die hersieningshof voortspruit.

Stemreg

27.(1) Iemand wie se naam nie in die finale kieserslys van die komitee verskyn nie, mag nie stem of enige reg wat kragtens hierdie regulasies aan kiesers verleen word, uitoefen nie.

(2) Elke kieser mag slegs een stem ten opsigte van elke vakature in die gebied of wyk waarin hy 'n geregistreerde kieser is, uitbring, en sodanige stem word uitgebring vir 'n kandidaat wat behoorlik genomineer is vir die gebied of wyk waarin sodanige kandidaat 'n geregistreerde kieser is.

(3) Ondanks andersluidende bepalings wat in hierdie regulasies vervat is, is 'n kieser onbevoeg om by sodanige verkiesing te stem as hy —

- (a) within the 3 years immediately preceding the date of an election has been convicted and sentenced to imprisonment without the option of a fine, unless he has been granted a free pardon; or
- (b) is convicted by a competent court for an offence mentioned in regulation 20; or
- (c) is subject to an order of the court declaring him disqualified from being registered as a voter; or
- (d) fails to answer any question prescribed in the instructions and regulations referred to in regulation 39 in the manner required by such instructions and regulations shall be disqualified from voting at such election.

(4) Any person who contravenes any provision of this Chapter, shall be guilty of an offence.

CHAPTER 6

CANDIDATES AND ELECTIONS

Qualifications to be Elected or appointed as a Member

28.(1) Every person who is enrolled as a voter for the area and who on the date of nomination or the date of election in terms of subregulation (2) is not disqualified to vote, may be elected as a member of the committee.

(2) No person may be elected or appointed or if elected or appointed, remain a member of the committee if

- (a) he is or becomes an unrehabilitated insolvent;
- (b) his estate has been sequestrated within two years preceding his election or appointment;
- (c) he is not a permanent resident of the Republic of South Africa;
- (d) he is or becomes subject to an order of court by virtue of which he is being detained as mentally disordered or defective under the Mental Health Act, 1973. (Act 18 of 1973);
- (e) he is or becomes a member of any other management or consultative committee established in terms of the Ordinance; or
- (f) he has within the 3 years preceding the date of his nomination or date of election, as the case may be, been convicted and sentenced to imprisonment without the option of a fine, unless he has obtained a free pardon or unless the Administrator otherwise directs; or
- (g) he is or becomes subject to an order of court declaring him to be disqualified from being registered as a voter or of voting at an election for any public office or of holding a public office; or
- (h) at 15 h 00 of the day immediately preceding nomination day, he is indebted in respect of any arrear rates levied in terms of the Local Authorities Rating Ordinance, 1933. (Ordinance 20 of 1933), in advances, fees or claims for services rendered by the council for longer than three months; or
- (i) he holds an office of profit under the council; or
- (j) he holds an office of profit in the gift of the council but not under the jurisdiction of the council;

- (a) binne die 3 jaar onmiddellik voor die verkiesingsdatum skuldig bevind is en met gevangenisstraf sonder die keuse van 'n boete gestraf is, tensy daar algehele grasië aan hom verleen is; of
- (b) deur 'n hof met regsbevoegdheid skuldig bevind is aan 'n oortreding wat in regulasie 20 genoem word; of
- (c) aan 'n hofbevel onderworpe is waarby hy onbevoeg verklaar is om as kieser geregistreer te word; of
- (d) versuim om 'n vraag wat voorgeskryf word onder die opdragte en regulasies wat in regulasie 39 genoem word, te beantwoord op die wyse wat ooreenkomstig sodanige opdragte en regulasies vereis word.

(4) Iemand wat enige bepaling van hierdie Hoofstuk oortree, begaan 'n misdryf.

HOOFSTUK 6

KANDIDATE EN VERKIESINGS

Bevoegdheid om as Lid verkies of aangestel te word

28.(1) Iedereen wat as 'n kieser vir die gebied ingeskrif is en wat op die nominasie- of verkiesingsdatum nie ingevolge subregulasie (2) onbevoeg is om te stem nie, kan tot lid van die komitee verkies word.

(2) Niemand kan tot lid van die komitee verkies of aangestel word of, indien hy verkies of aangestel is, 'n lid van die komitee bly nie as —

- (a) hy 'n ongerehabiliteerde insolvent is of word nie;
- (b) sy boedel binne twee jaar voor sy verkiesing of aanstelling gesekwestreer is;
- (c) hy nie 'n permanente inwoner van die Republiek van Suid-Afrika is nie;
- (d) hy aan 'n hofbevel onderworpe is of word waarkragtens hy as geestelik gekrenk of gebrekkig aangehou word ingevolge die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973);
- (e) hy lid van 'n ander bestuurs- of raadplegende komitee is of word wat kragtens die Ordonnansie ingestel is;
- (f) hy binne die voorafgaande 3 jaar voor die datum van sy benoeming of die datum van sy verkiesing, na gelang van die geval, skuldig bevind is en met gevangenisstraf sonder die keuse van 'n boete gestraf is; tensy algehele grasië aan hom verleen is of tensy die Administrateur andersins gelas;
- (g) hy aan 'n hofbevel onderworpe is of word waarkragtens hy onbevoeg verklaar is om as kieser geregistreer te word of om by 'n verkiesing vir 'n openbare amp te stem of om 'n openbare amp te beklee;
- (h) hy om 15 h 00 die middag van die dag onmiddellik voor die nominasiedag enige agterstallige belasting wat ingevolge die Plaaslike-Bestuur-Belastingordonnansie, 1933 (Ordonnansie 20 van 1933) gehef word, voorskotte, gelde of vorderings vir dienste wat deur die raad gelewer is, langer as drie maande lank verskuldig is;
- (i) hy 'n winsbetrekking by die raad beklee;
- (j) hy 'n winsbetrekking beklee waarvoor die raad beskik, maar wat nie onder die gesag van die raad ressorteer nie;

- (k) he has been convicted by a competent court for an offence mentioned in regulation 20; or
- (i) he is not classified as a Coloured person in terms of the Population Registration Act, 1950 (Act 30 of 1950).

(3) The Administrator may on application by any person seeking election as a member of the committee, exempt him from the provisions of subregulation (2) (j).

Returning Officer

29.(1) The town clerk or other person as the council may approve, shall be the returning officer at an election.

(2) The council may appoint as many of its officers as it may consider expedient as deputy returning officers to whom the returning officer may delegate any of his powers and duties and the council may authorize any deputy returning officer to act as returning officer if the returning officer is not able to exercise his powers or carry out his duties.

Nominations

30.(1) No person shall be a candidate at any election unless he is nominated in the manner prescribed in subregulation (2).

(2) A nomination paper substantially in accordance with Annexure 5 hereto, duly completed and signed by at least ten voters and by the candidate, intimating his acceptance of the nomination, shall be delivered to the returning officer before 12 h 00 on nomination day.

(3) The returning officer shall reject —

- (a) the nomination of any person proved to his satisfaction not to be qualified in terms of subregulation 28(2);
- (b) any nomination which does not conform to the requirements of subregulation (2); and
- (c) the nomination of a person who, before the declaration is made in terms of subregulation (6), dies or withdraws his candidature in writing in the manner set out in subregulation (8).

(4) If the number of candidates whose nominations have been accepted is equal to or less than the number of vacancies, such candidates shall be deemed to have been duly elected.

(5) If the number of candidates whose nominations have been accepted exceeds the number of vacancies, the returning officer shall immediately make known by notice posted at the place of nomination and published in a newspaper as prescribed in regulation 31, the names of the candidates in respect of whom a poll will be held on the day of election.

(6) Within 24 hours after the hour referred to in subregulation (2), the returning officer shall, at the place of nomination publicly declare —

- (a) the names of the candidates whose nominations have been rejected by him in terms of subregulation (3);
- (b) the names of the candidates duly elected in terms of subregulation (4); and
- (c) the names of candidates in respect of whom a poll will be held in terms of subregulation (5).

(k) hy deur 'n hof met regsbevoegdheid skuldig bevind is aan 'n oortreding wat in regulasie 20 genoem word; of

(i) hy nie kragtens die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as 'n Kleurling geklassifiseer is nie.

(3) Die Administrateur kan op aansoek aan iemand wat hom as lid van die komitee verkiesbaar wil stel, vrystelling van die bepalings van subregulasie (2) (j) verleën.

Kiesbeampie

29.(1) Die stadsclerk of ander persoon wat die raad goedkeur, is die kiesbeampie by 'n verkiesing.

(2) Die raad kan soveel van sy beampies as wat hy dienstig ag, as adjunk-kiesbeampies aanstel aan wie die kiesbeampie enige van sy bevoegdhede en pligte kan opdra, en die raad kan enige adjunk-kiesbeampie magtig om as kiesbeampie waar te neem indien die kiesbeampie nie in staat is om sy bevoegdhede uit te oefen of sy pligte na te kom nie.

Nominasies

30.(1) Niemand mag 'n kandidaat by 'n verkiesing wees nie, tensy hy genomineer word op die wyse wat in subregulasie (2) voorgeskryf word.

(2) Voor 12 h 00 op nominasiedag moet 'n nominasiebrief wat wesenlik in ooreenstemming met Aanhangsel 5 hierby is en wat behoorlik ingevul en deur minstens 10 kiesers en die kandidaat onderteken is wat daarin verklaar dat hy die nominasie aanvaar, aan die kiesbeampie besorg.

(3) Die kiesbeampie verwerp —

- (a) die nominasie van iemand ten opsigte waarvan daar tot sy voldoening bewys word dat hy kragtens subregulasie 28(2) nie bevoeg is nie;
- (b) alle nominasies wat nie aan die bepalings van subregulasie (2) voldoen nie; en
- (c) die nominasie van iemand wat, voordat die aankondiging kragtens subregulasie (6) geskied, sterf of op die wyse wat in subregulasie (8) uiteengesit word, skriftelik sy kandidatuur terugtrek.

(4) As die getal kandidate wie se nominasies aanvaar is, gelyk is aan of minder is as die getal vakatures, word daar geag dat sodanige kandidate behoorlik verkies is.

(5) As die getal kandidate wie se nominasies aanvaar is, meer is as die getal vakatures, moet die kiesbeampie onmiddellik by kennisgewing wat by die nominasieplek opgeplak en in 'n nuusblad geplaas moet word soos in regulasie 31 voorgeskryf word, die name bekend maak van die kandidate ten opsigte van wie daar 'n stemming op die verkiesingsdag gehou moet word.

(6) Die kiesbeampie moet binne 24 uur na die tyd wat in subregulasie (2) genoem word, op die nominasieplek in die openbaar die volgende aankondig —

- (a) die name van die kandidate wie se nominasies hy kragtens subregulasie (3) verwerp het;
- (b) die name van die kandidate wat kragtens subregulasie (4) behoorlik verkies is; en
- (c) die name van die kandidate ten opsigte van wie daar 'n stemming kragtens subregulasie (5) gehou moet word.

(7)(a) If a poll has to be taken, every candidate who is nominated for election as a member of the committee shall before 13 h 00 on nomination day deposit with the town clerk the sum of R10, and if any such candidate should fail to make the required deposit timeously, he shall cease to be a candidate and the returning officer shall remove his name from the list of candidates, and should the number of candidates thereby be reduced to a number equal to or less than the number to be elected, the provisions of paragraphs (a) and (b) of subregulation (8) shall, *mutatis mutandis*, apply.

(b) If any candidate receives less than one-fifth of the number of votes received by the successful candidate with the least number of votes at the election, the sum deposited by him shall be forfeited to the council, otherwise it shall be returned to him.

(8) Should a candidate, in respect of whom a poll is to be held at any time after the declaration made in terms of subregulation (6) die or withdraw his candidature in writing in the manner set out in Annexure 6 to these regulations at least 7 days before the election —

(a) the returning officer shall, if the number of the remaining candidates are equal to or less than the number of the vacancies, declare such remaining candidates to be duly elected and shall fix a notice to that effect at the place of nomination; or

(b) if the number of the remaining candidates still exceeds the number of vacancies, the returning officer shall omit or delete from the ballot paper the name of the candidate who has died or who has withdrawn his candidature.

Notice of Nomination Day and Election

31.(1) The first election in terms of these regulations shall be held on a date to be determined by the Administrator and such an election shall thereafter take place on the last Wednesday in October of every fourth year.

(2) Not more than 45 and not less than 30 days before the day fixed for the election the returning officer shall publish a notice of the election and of the date thereof in an Afrikaans and an English newspaper circulating in the area and on the notice board at any municipal office in the area and shall appoint a day not more than 21 and not less than 10 days after the date of publication of such notice as nomination day as well as a place within the area where nominations will be received.

Remaining Vacancies

32. If for any reason the number of candidates is less than the number of vacancies, the remaining vacancies shall be filled by the Administrator by way of appointment.

Polling Stations

33.(1) The returning officer shall cause to be set up, in the area or wards as many polling stations as he considers necessary.

(2) Not more than 10 days after nomination day, the returning officer shall by notice displayed at the place of nomination and published in a newspaper as prescribed in regulation 31(2), specify the addresses of the polling stations which he has caused to be set up.

Appointment of Officers

34.(1) For the purpose of an election the returning officer shall appoint for every polling station a presiding

(7)(a) Indien daar gestem moet word, moet elke kandidaat wat as lid van die komitee genomineer is, voor 13 h 00 op nominasiedag die bedrag van R10 by die stadsklerk stort en as enige sodanige kandidaat sou versuim om die vereiste deposito tydig te betaal, verbeur hy sy kandidaatskap en moet die kiesbeampste sy naam van die lys van kandidate skrap, en as die getal kandidate dan net soveel of minder as die getal wat verkies moet word, is die bepalings van paragrawe (a) en (b) van subregulasie (8) *mutatis mutandis* van toepassing.

(b) As 'n kandidaat minder as een vyfde van die getal stemme ontvang as dié van die verkose kandidaat wat die minste stemme by die verkiesing ontvang het, verbeur hy die bedrag wat hy gestort het, en behou die raad dit, andersins word dit aan hom terugbetaal.

(8) As 'n kandidaat ten opsigte van wie daar 'n stemming gehou moet word, te eniger tyd na die aankondiging wat kragtens subregulasie (6) geskied het, sterf of minstens 7 dae voor die verkiesingsdag skriftelik sy kandidatuur ooreenkomstig Aanhangsel 6 by hierdie regulasies terugtrek —

(a) en daar dan net soveel of minder kandidate oorbly as die getal vakatures, verklaar die kiesbeampste dat sodanige oorblywende kandidate behoorlik verkies is, en plak 'n kennisgewing te dien effekte by die nominasieplek op, of

(b) as daar dan nog meer kandidate oorbly as die getal vakatures, laat die kiesbeampste die naam van die kandidaat wat gesterf het of sy kandidatuur teruggetrek het, uit die stembrief weg of skrap dit daar.

Kennisgewing in Verband met Nominasiedag en Verkie-sing

31.(1) Die eerste verkiesing kragtens hierdie regulasies word op 'n dag wat deur die Administrateur bepaal word, gehou en daarna word 'n verkiesing al om die vierde jaar op die laaste Woensdag in Oktober gehou.

(2) Die kiesbeampste moet hoogstens 45 en minstens 30 dae voor die vasgestelde verkiesingsdag 'n kennisgewing van die verkiesing en van die datum daarvan in 'n Afrikaanse en 'n Engelse nuusblad wat in die gebied versprei word, plaas en op die kennisgewingbord by 'n munisipale kantoor in die gebied opplak, en moet 'n dag hoogstens 21 en minstens 10 dae na die publikasiedatum van sodanige kennisgewing as nominasiedag bepaal, asook 'n plek binne die gebied waar die nominasies ontvang sal word.

Oorblywende Vakatures

32. As die getal kandidate om enige rede minder as die getal vakatures is, vul die Administrateur die oorblywende vakatures by wyse van aanstelling aan.

Stemburo's

33.(1) Die kiesbeampste moet soveel stemburo's in die gebied of wyke as wat hy nodig ag, laat inrig.

(2) Die kiesbeampste moet hoogstens 10 dae na nominasiedag by kennisgewing wat by die nominasieplek opgeplak en in 'n nuusblad geplaas word soos in regulasie 31(2) voorgeskryf is, die adresse bekend maak van die stemburo's wat hy laat inrig het.

Aanstelling van Beamptes

34.(1) Die kiesbeampste stel vir die doel van 'n verkiesing vir elke stemburo 'n voorsittende beampste, stemop-

officer, polling officers and such other election officers as he may deem advisable for the effective control of the election.

(2) The returning officer may, in addition to doing anything prescribed by these regulations, provide such equipment and material, take such steps and make such arrangements as may be necessary for the effective control of the election.

(3) The presiding officer shall keep order at the polling stations, shall control the number of voters to be admitted at one time, and shall exclude all other persons except the returning officer, election officers, the candidates, one messenger for each candidate and the police officers on duty.

Polling

35.(1) Voting at an election shall be by secret ballot.

(2) Polling at every election shall begin at 07 h 00 and close at 20 h 00: Provided that the council may by resolution alter the polling hours for elections to begin before 07 h 00 or to close later than 20 h 00.

(3) Notice of any alteration of polling hours made in terms of subregulation (2), shall be published by the returning officer in a newspaper as prescribed in regulation 31(2) and by such notice displayed on a notice board at any municipal office in the area at least 7 days prior to the day of the election.

Presence of Candidates

36. Every candidate and his duly appointed election agent may be present at the polling and at the counting of votes.

37. As soon as polling closes, the returning officer assisted by the counting officers appointed by him, shall count the votes cast for each candidate and upon conclusion of the counting of the votes, the returning officer shall publicly declare which candidates have been duly elected as members of the committee and the number of votes polled for each candidate.

Costs

38. All costs in connection with an election shall be borne by the council: Provided that no candidate shall be entitled to claim or receive from the council any electoral expenses incurred by him or on his behalf.

Conduct of Elections

39. The provisions of sections 48, 50, 51, 52, 53, 54, 55, 56, 59 and 60 of the Municipal Elections Ordinance, 1970 (Ordinance 16 of 1970), and the instructions given and regulations made by the Administrator from time to time in terms of section 90 of the said Ordinance, and the forms prescribed by him in terms thereof in connection with matters necessary or expedient for the due and proper carrying out of an election shall, in so far as they are not in conflict with these regulations, apply *mutatis mutandis* to an election of the committee excluding any such instruction or regulation relating to electoral expenses incurred by a candidate or on his behalf.

Defects or Irregularities

40. No election shall be invalidated merely by reason of an error or failure to comply with the provisions of these regulations or any instruction or regulation referred

namers en sodanige ander verkiesingsbeamptes aan as wat hy wenslik ag om die verkiesing doeltreffend te kan beheer.

(2) Die kiesbeampte kan benewens enigiets wat by hierdie regulasies voorgeskryf word, sodanige uitrusting en materiaal verskaf, sodanige stappe doen en reëlings tref as wat nodig is om die verkiesing behoorlik te kan beheer.

(3) Die voorsittende beampte hou orde by die stemburo, reël die aantal kiesers wat tegelyk binnege laat moet word, en hou alle ander mense buite, uitgesonderd die kiesbeampte, die verkiesingsbeamptes, die kandidaat, een bode vir elke kandidaat en die diensdoende polisiebeamptes.

Stemming

35.(1) Die stemming by 'n verkiesing geskied per geslote stembriefie.

(2) Die stemming by elke verkiesing begin om 07 h 00 en sluit om 20 h 00: Met dien verstande dat die raad by besluit die stemure vir verkiesings kan verander om voor 07 h 00 te begin en na 20 h 00 te sluit.

(3) Die kiesbeampte moet minstens 7 dae voor die verkiesingsdag 'n kennisgewing van 'n verandering in die stemure wat kragtens subregulasie (2) gemaak is, in 'n nuusblad laat plaas soos dit in regulasie 31(2) voorgeskryf word, en sodanige kennisgewing op 'n kennisgewingbord by 'n munisipale kantoor in die gebied laat opplak.

Teenwoordigheid van Kandidate

36. Elke kandidaat en sy behoorlik aangestelde verkiesingsagent kan by die stemming en die stemtelling teenwoordig wees.

37. Die kiesbeampte moet, sodra die stemming gesluit het, bygestaan deur die telbeamptes wat hy aangestel het, die stemme tel wat op elke kandidaat uitgebring is en wanneer die stemme getel is, moet hy in die openbaar aankondig watter kandidaat behoorlik tot lede van die komitee verkies is en hoeveel stemme daar op elke kandidaat uitgebring is.

Koste

38. Die raad dra alle koste in verband met 'n verkiesing: Met dien verstande dat geen kandidaat die betaling van verkiesingsuitgawe wat hy aangegaan het of wat namens hom aangegaan is, van die raad kan eis of ontvang nie.

Reëling van Verkiesings

39. Die bepalings van artikels 48, 50, 51, 52, 53, 54, 55, 56, 59 en 60 van die Ordonnansie op Munisipale Verkiesings, 1970 (Ordonnansie 16 van 1970), en die opdragte wat die Administrateur van tyd tot tyd ingevolge die bepalings van artikel 90 van genoemde Ordonnansie gee, en die vorms wat hy daarkragtens voorskryf vir die behoorlike en doeltreffende reëling van 'n verkiesing is, vir sover dit nie strydig met hierdie regulasies is nie, *mutatis mutandis* van toepassing op 'n verkiesing van die komitee, uitgesonderd sodanige opdrag of regulasie wat betrekking het op verkiesingsuitgawe wat 'n kandidaat aangaan of wat namens hom aangegaan word.

Gebreke of Onreëlmatighede

40. Geen verkiesing is ongeldig nie bloot omdat, vanweë 'n fout of 'n gebrek, die bepalings van hierdie regulasies of 'n opdrag of regulasie waarna in regulasie 39

to in regulation 39 if it appears to the court that the election was conducted substantially in accordance with such provisions and that the error or failure to comply therewith is not likely to have affected the result of the election.

CHAPTER 7

VACANCIES IN COMMITTEE

Casual Vacancies

41.(1) Whenever the office of a member of the committee becomes vacant through any cause mentioned in regulation 42 the vacancy shall be deemed to be a casual vacancy.

(2) Whenever a casual vacancy occurs, immediate steps shall be taken —

- (a) by the Administrator, in the case of an appointed member, to appoint a new member under the provisions of regulation 3(1)(a) or 3(2)(a); and
- (b) by the returning officer, in the case of an elected member for the election, subject to the provisions of regulation 31(2) of a new member to fill such vacancy: Provided that only a person who on the date contemplated in regulation 31(2) is enrolled as a voter in the voters' roll, shall be entitled to vote at the election for filling the casual vacancy concerned: Provided further that no such appointment or election shall take place between 1 August and the last Wednesday of October in any year in which an annual election is to be held, unless there are three or more vacancies.

(3) A member appointed or elected to fill a casual vacancy shall hold office for the unexpired term of office of his predecessor and the member so appointed or elected to a casual vacancy, shall be eligible for re-election for a further term.

Vacancy on Committee

42.(1) A vacancy on the committee shall occur when a member —

- (a) dies;
- (b) tenders his resignation in writing to the secretary;
- (c) is convicted of an offence in terms of regulation 4;
- (d) ceases to be qualified as a voter for a period of more than three months by reason of the provisions of regulation 19;
- (e) assigns his estate or a final order sequestrating the estate of a member is made;
- (f) is declared by a competent court to be of unsound mind or mentally disordered or defective, or is lawfully detained as mentally disordered or defective under the Mental Health Act, 1973 (Act 18 of 1973);
- (g) is convicted and sentenced to imprisonment without the option of a fine unless the Administrator otherwise directs;
- (h) is declared by any court to be disqualified from being registered as a voter or of voting at an election for a member of the committee or to be a member of such committee;

verwys word, nie nagekom is nie as dit vir die hof blyk dat die verkiesing wesenlik ooreenkomstig sodanige bepalings gevoer is, en dat die fout of versuim waaraan die nie-nakoming gewyt word, waarskynlik nie die uitslag van die verkiesing geraak het nie.

HOOFSTUK 7

VAKATURES IN KOMITEE

Toevallige Vakatures

41.(1) Wanneer 'n lid van die komitee se amp vakant raak vanweë 'n oorsaak wat in regulasie 42 genoem word, word die vakature as 'n toevallige vakature beskou.

(2) Wanneer daar 'n toevallige vakature ontstaan, moet daar onmiddellik stappe gedoen word —

- (a) deur die Administrateur, in die geval van 'n benoemde lid, om 'n nuwe lid ingevolge die bepalings van regulasie 3(1)(a) of 3(2)(a) aan te stel; en
- (b) deur die kiesbeamppte, in die geval van 'n gekose lid, vir die verkiesing, onderworpe aan die bepalings van regulasie 31(2), van 'n nuwe lid om sodanige vakature te vul: Met dien verstande dat slegs iemand wat op die datum in regulasie 31(2) beoog as 'n kieser op die kieserslys ingeskryf is, by die verkiesing vir die vul van die betrokke toevallige vakature kan stem: Met dien verstande voorts dat geen sodanige aanstelling of verkiesing plaasvind tussen 1 Augustus en die laaste Woensdag van Oktober van 'n jaar waarin 'n jaarlikse verkiesing gehou moet word nie, tensy daar drie of meer vakatures is.

(3) 'n Lid wat aangestel of verkies word om 'n toevallige vakature te vul, bly aan vir die onverstreke ampstermyn van sy voorganger, en die lid wat aldus in 'n toevallige vakature aangestel of daarvoor verkies word, is vir 'n verdere ampstermyn herkiesbaar.

Vakature in Komitee.

42.(1) 'n Vakature in die komitee ontstaan wanneer 'n lid —

- (a) sterf;
- (b) sy skriftelike bedanking by die sekretaris indien;
- (c) ingevolge die bepalings van regulasie 4 aan 'n misdryf skuldig bevind word;
- (d) kragtens die bepalings van regulasie 19 langer as 3 maande onbevoeg was om 'n kieser te wees;
- (e) boedelafstand doen of 'n finale bevel uitgevaardig word waarby die boedel van 'n lid gesekwestreer word;
- (f) deur 'n bevoegde hof swaksinnig of geestelik gekrenk of gebrekkig verklaar word, of kragtens die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), regtens as geestelik gekrenk of gebrekkig aangehou word;
- (g) skuldig bevind en tot gevangenisstraf gevonnis word sonder die keuse van 'n boete tensy die Administrateur anders gelas;
- (h) deur 'n hof onbevoeg verklaar word om as kieser geregistreer te word of om by 'n verkiesing vir 'n lid van die komitee te stem of 'n lid van sodanige komitee te wees;

- (i) having received a notice in writing from the council requiring him to pay within 1 month any amount for rent, arrear rates, advances or fees due and payable by him in respect of a period of 3 months or more, fails to pay such sum within the said period of 1 month; or
- (j) without having first obtained leave of absence from the committee otherwise than in circumstances beyond his control fails to attend 3 consecutive ordinary meetings of the committee: Provided that a committee shall not grant leave of absence to any such committee member unless a written notice of his inability to attend such meeting is received by the secretary of the committee at least 24 hours prior to such meeting except where, in the opinion of such meeting, special circumstances prevented such committee member from giving notice as herein provided: Provided further that if such absence is due to the fact that such committee member has been delegated to act elsewhere on behalf of such committee in any matter, such leave of absence shall be deemed to have been granted.

(2) If a vacancy occurs as contemplated in subregulation (1), the town clerk shall make such vacancy known within 4 days of his becoming aware of the occurrence thereof, by posting a notice to that effect at the municipal offices and the office of the committee and by forwarding a copy of such notice to the last known residential or business address of the member: Provided that in the case of a member appointed by the Administrator, the town clerk shall forthwith report the vacancy and the circumstances thereof to the Director.

(3) A vacancy in the office of a member of the committee shall also occur when such vacancy is declared by a court on proof that at the time of his election the member was not qualified in terms of these regulations, or that at any time after his election a member —

- (a) become an alien as defined in section 1 of the South African Citizenship Act, 1949 (Act 44 of 1949); or
- (b) held an office of profit under the council: Provided that the Director may on the application of the council exempt any medical practitioner from this disqualification; or
- (c) held an office of profit in the gift of the council but not under the jurisdiction of the council: Provided that the Director may on application of the council exempt any member from his disqualification; or
- (d) himself or through his spouse, or partner had a direct or indirect pecuniary interest in or was directly or indirectly concerned with, or participated in the profits or benefits of any contract with, or work being done or to be done for the council, without prior exemption having been granted thereto by the Administrator: Provided that the foregoing provision of this paragraph shall not apply in respect of —

- (i) any contract entered into or work undertaken by a company incorporated or registered as such under any law, solely by reason of the fact that such member, his spouse or partner is a director, shareholder, stockholder, employee or agent of such company unless such company is a private company as defined in section 20(1)

- (i) wat, nadat die raad hom skriftelik aangesê het om binne 1 maand 'n bedrag aan huurgeld, agterstallige belasting, voorskotte of gelde wat hy al 3 maande lank of langer verskuldig is, te betaal, versuim om dié bedrag binne die genoemde tydperk van 1 maand te vereffen; of

- (j) wat sonder dat hy vooraf van die komitee verlof tot afwesigheid verkry het, behalwe onder omstandighede buite sy beheer, van 3 agtereenvolgende gewone vergaderings van die komitee afwesig is: Met dien verstande dat 'n komitee nie verlof tot afwesigheid aan enige sodanige komiteelid verleen nie, tensy 'n skriftelike kennisgewing van sy onvermoë om sodanige vergadering by te woon deur die sekretaris van die komitee ontvang word minstens 24 uur voor sodanige vergadering, uitgenome waar, na die mening van sodanige vergadering, uitsonderlike omstandighede sodanige komiteelid verhoed het om kennis te gee, soos hierby bepaal: Met dien verstande voorts dat indien sodanige afwesigheid, te wyte is aan die feit dat sodanige komiteelid opdrag gekry het om elders namens sodanige komitee in enige aangeleentheid op te tree, sodanige verlof tot afwesigheid geag word verleen te gewees het.

(2) Wanneer 'n vakature ontstaan soos in subregulasie (1), moet die stadsklerk so 'n vakature binne 4 dae nadat hy van die ontstaan daarvan bewus geword het, bekend maak deur 'n kennisgewing te dien effekte by die munisipale kantoor en die kantoor van die komitee op te plak en 'n afskrif van sodanige kennisgewing aan die jongste bekende woon- of besigheidsadres van die lid te stuur: Met dien verstande dat in die geval van 'n lid wat deur die Administrateur aangestel is, die stadsklerk onverwyld aan die Direkteur verslag oor die vakature en die omstandighede dienaangaande moet doen.

(3) Die amp van 'n lid van die komitee raak voorts vakant wanneer 'n hof dit vakant verklaar nadat daar bewys is dat sodanige lid ten tyde van sy verkiesing, nie ingevolge hierdie regulasies bevoeg was nie, of dat hy te eniger tyd na sy verkiesing —

- (a) 'n vreemdeling geword het soos dit in artikel 1 van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet 44 van 1949), omskryf word; of
- (b) 'n winsbetrekking by die raad beklee het: Met dien verstande dat die Direkteur op versoek van die raad 'n geneesheer van hierdie onbevoegdheidsbepaling kan vrystel; of
- (c) 'n winsbetrekking waaroor die raad beskik, maar wat nie onder die raad se gesag ressorteer nie, beklee het: Met dien verstande dat die Direkteur op versoek van die raad 'n lid van hierdie onbevoegdheidsbepaling kan vrystel; of
- (d) self, of sy gade, of vennoot, enige direkte of indirekte geldelike belang gehad het by, of direk of indirek betrokke was by, of gedeel het in die winste of voordele aan 'n kontrak met, of werk wat vir die raad gedoen word of gedoen moet word, sonder dat vrystelling vooraf deur die Administrateur daartoe verleen is: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van —

- (i) 'n kontrak wat aangegaan word of werk wat verrig word deur 'n maatskappy wat ingevolge 'n wet geïnkorporeer of geregistreer is, bloot omdat sodanige lid, sy gade of vennoot 'n direkteur, aandeelhouer, effekthouer, werknemer of

of the Companies Act, 1973 (Act 61 of 1973), or unless such member either by himself owns, or together with his spouse or minor children or both, controls more than one third of the shares or stock of such company;

- (ii) the purchase of anything sold by the council by public auction;
- (iii) the purchase by the council of anything at any auction sale;
- (iv) the supply of goods or services commonly supplied or rendered by the council to the public at a charge fixed by law or resolution of the council; and
- (v) the purchase or holding of municipal stock.

CHAPTER 8

GENERAL

Payment of Allowances to Members of Committee

43. Subject to the approval of the Administrator, the council may pay to every member of the committee such allowance, and to the chairman such additional allowance as it may from time to time resolve.

Insurance Cover for Members

44. The council may provide insurance cover for committee members in respect of bodily injury, disablement or death resulting directly from an accident occurring in the course of the performance of their official duties.

General Penalty Clause

45. Any person convicted of an offence in terms of these regulations shall, save where a penalty is specifically imposed, be liable to a fine not exceeding R100 or to imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment.

REGISTRATION AND ELECTION FORMS.

ANNEXURE 1

MANAGEMENT COMMITTEE FOR THE
GROUP AREA SITUATE WITHIN THE
AREA OF JURISDICTION OF THE LOCAL AUTHORITY OF
APPLICATION TO BE ENROLLED AS A VOTER.
The Town Clerk,

I,
(full names)
of
(residential address)

being over the age of 21 years, hereby apply to have my name enrolled in the voters' roll as a voter for the purpose of election of members of the management committee for the group area of
in the area of jurisdiction of the local authority of and I hereby certify that —

(1) on the first day of July, 19.....

*(a) I was the owner of the immovable property described below; or

agent van sodanige maatskappy is, tensy sodanige maatskappy 'n private maatskappy is soos in artikel 20(1) van die Maatskappywet, 1973, (Wet 61 van 1973), omskryf word of tensy sodanige lid of self in besit is van, of saam met sy gade of minderjarige kinders, of hulle almal saam oor meer as een derde van die aandele of effekte van so 'n maatskappy beheer het;

(ii) die aankoop van enigiets wat deur die raad per openbare veiling verkoop word;

(iii) die aankoop deur die raad van enigiets op 'n openbare veiling;

(iv) die lewering van goedere of dienste wat gewoonlik deur die raad aan die publiek gelever word teen 'n bedrag wat by wet of besluit van die raad vasgestel is; en

(v) die aankoop of besit van munisipale effekte.

HOOFSTUK 8

ALGEMEEN

Betaling van Toelaes aan Lede van Komitee

43. Die raad kan, onderworpe aan die goedkeuring van die Administrateur, aan elke lid van die komitee sodanige toelae, en aan die voorsitter sodanige bykomende toelae, as wat hy van tyd tot tyd besluit, betaal.

Versekeringsdekking van Lede

44. Die raad kan versekeringsdekking vir komiteelede voorsien ten opsigte van liggaamlike besering, ongeskiktheid of dood wat regstreeks die gevolg is van 'n ongeluk wat in die uitvoering van hul ampspligte plaasvind.

Algemene Strafbepaling

45. Iemand wat aan 'n oortreding van die bepalinge van hierdie regulasies skuldig bevind word, is behalwe waar 'n straf uitdruklik voorgeskryf is, strafbaar met 'n boete van hoogstens R100, of met gevangenisstraf vir 'n tydperk van hoogstens 6 maande of met beide sodanige boete en gevangenisstraf.

REGISTRASIE- EN VERKIESINGSVORMS.

AANHANGSEL 1

BESTUURSKOMITEE VIR DIE
GROEPSGEBIED GELEË BINNE
DIE REGSGEBIED VAN DIE PLAASLIKE BESTUUR
VAN
AANSOEK OM AS KIESER INGESKRYF TE WORD.

Die Stadsclerk,

Ek,
(name voluit)

van,
(woonadres)

bo die ouderdom van 21 jaar is, doen hierby aansoek om my naam in die kieserslys te laat inskryf as 'n kieser vir die doeleindes van verkiesing van die bestuurskomitee vir die groepsgebied van

in die plaaslike bestuursgebied van en sertifiseer dat —

(1) op die eerste dag van Julie jongsele —

*(a) ek die eienaar was van die onroerende goed wat hieronder beskrywe word;

*(b) I was the occupier of immovable property described below and that I have resided within the above-mentioned group area for not less than 6 months prior to 1 July, 19.....

(2) I am not registered as a voter on the voters' roll of any other management committee;

(3) I have not been declared disqualified by any court from being registered as a voter; and

(4) my identity number is

Nature and situation of property	Valuation of property	Whether separately or jointly owned or occupied

Date

Signature of witness

(Signature of applicant)

Residential address of witness

*Delete if not applicable.

CERTIFICATE BY OFFICIAL WHO RECEIVED THE APPLICATION

I, a
(name of official)

..... in
(official designation) (department)

hereby certify that the undermentioned document was produced to me by the above applicant:

(Date)

(Signature)

ANNEXURE 2

MANAGEMENT COMMITTEE FOR THE
..... GROUP AREA SITUATE WITHIN THE
AREA OF JURISDICTION OF THE LOCAL AUTHORITY OF
OBJECTION TO RETENTION OF NAME IN VOTERS' ROLL

The Town Clerk,

I hereby object to the name of
(full names)

(address)

*(b) ek die bewoner was van die onroerende goed wat hieronder beskrywe word, en dat ek minstens ses maande lank, voor sodanige eerste dag van Julie binne die gebied van die bestuurskomitee gewoon het;

(2) ek nie reeds in 'n kieserslys vir enige ander bestuurskomitee as kieser ingeskryf is nie;

(3) ek nie deur 'n hof as onbevoeg verklaar is om as 'n kieser geregistreer te word nie; en

(4) my identiteitsnommer is.

Aard en ligging van eiendom	Waardasie van eiendom	Is eiendomsreg of okkupasie afsonderlik of gesamentlik?

Datum.....

Handtekening van Getuie

(Handtekening van aansoeker)

Getuie se woonadres

*Skrap indien nie van toepassing nie.

VERKLARING DEUR DIE BEAMPTTE WAT DIE AANSOEK ONTVANG

Ek, 'n
(Naam van beampte) (amtsbenaming)

..... in
(departement)

verklaar hierby dat bogenoemde aansoeker ondergenoemde stuk aan my getoon het:

(1)

(Datum)

(Handtekening)

AANHANGSEL 2

DIE BESTUURSKOMITEE VIR DIE GROEPSGEBIED IN DIE REGSGEBIED VAN DIE PLAASLIKE BESTUUR VAN

BESWAAR TÊEN NAAM OP DIE KIESERSLYS

Die Stadsklerk,

Ek maak hierby om onderstaande redes daarteen beswaar dat
(volle name)

(adres)

being retained on the voters' roll as a voter of the Management Committee for the group area in the area of jurisdiction of the above-mentioned local authority on the following grounds:—

(State full grounds of objection)

(Date)

(Signature of Objector)

ANNEXURE 3

MANAGEMENT COMMITTEE FOR THE GROUP AREA SITUATE WITHIN THE AREA OF JURISDICTION OF THE LOCAL AUTHORITY OF

LIST OF APPLICATIONS FOR ENROLMENT AS VOTERS

Identity Number	Applicant		Residential address
	Surname	Christian name(s)	

ANNEXURE 4

MANAGEMENT COMMITTEE FOR THE GROUP AREA SITUATE WITHIN THE AREA OF JURISDICTION OF THE LOCAL AUTHORITY OF

LIST OF OBJECTIONS TO NAMES IN VOTERS' ROLL

Identity number	Persons objected to		Name and address of objector	Grounds of objection
	Surnames	Christian name(s)		

Date

Town Clerk

se naam as 'n kieser vir die Bestuurskomitee vir die groepsgebied in die regsgebied van voormelde plaaslike bestuur op die kieserslys behou word:

(Verstrek volledige redes vir die beswaar)

(Datum)

(Handtekening van Beswaarmaker)

AANHANGSEL 3

DIE BESTUURSKOMITEE VIR DIE GROEPSGEBIED GELEë BINNE DIE REGSGEBIED VAN DIE PLAASLIKE BESTUUR VAN

LYS VAN AANSOEKE OM INSKRYWING AS KIESERS

Identiteitsnommer	Aansoeker		Woonadres
	Van	Voornaam/-name	

AANHANGSEL 4

DIE BESTUURSKOMITEE VIR DIE GROEPSGEBIED GELEë BINNE DIE REGSGEBIED VAN DIE PLAASLIKE BESTUUR VAN

LYS VAN BESWARE TEEN NAME OP KIESERSLYS

Identiteitsnommer	Persone teen wie beswaar gemaak word		Naam en adres van beswaarmaker	Redes vir beswaar
	Vanne	Voorname		

Datum

Stadsklerk

ANNEXURE 5

MANAGEMENT COMMITTEE FOR THE
GROUP AREA
SITUATE WITHIN THE AREA OF JURISDICTION
OF THE LOCAL AUTHORITY OF

NOMINATION OF CANDIDATE FOR THE OFFICE
OF MEMBER OF THE MANAGEMENT COMMIT-
TEE

1. Candidate nominated (please print)

Surname

Christian name(s)

Residential address

Occupation

Number on voters' roll

Identity number

The Management Committee for which the candidate
is nominated

2. Acceptance and certificate by candidate,

I, the above-mentioned nominee, hereby accept the
nomination, and certify that I am not disqualified in
terms of the provisions of the Regulations published

under Administrator's Notice dated
of being elected as a member of the above-mentioned
Management Committee.

Date (Signature of Candidate)

3. We, the undersigned, hereby nominate the above-
mentioned candidate —

Identity number	Christian name(s) and surname (in print)	Signature	Number on voters' roll
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

NOTE: The signatures of at least 10 qualified persons
are required.

AANHANGSEL 5

DIE BESTUURSKOMITEE VIR DIE
GROEPSGEBIED GELEë BINNE DIE REGSGEBIED
VAN DIE PLAASLIKE BESTUUR VAN

NOMINASIE VAN 'N KANDIDAAT VIR DIE AMP
VAN BESTUURSKOMITEELID

1. Kandidaat wat genomineer word
(in drukskrif)

Van

Voornaam/name

Woonadres

Beroep

Nommer op die kieserslys

Identiteitsnommer

Die Bestuurskomitee waarvoor die kandidaat genomi-
neer word

2. Aanneme en verklaring deur kandidaat.

Ek, bogenoemde genomineerde, aanvaar hierby die
nominasie en verklaar dat ek nie ingevolge die bepalings
van die Regulasies wat by Administrateurskennisgewing

van
afgekondig is, onbevoeg is om as 'n lid van bogenoemde
Bestuurskomitee verkies te word nie.

Datum (Handtekening van Kandidaat)

3. Ons, die ondergetekendes, nomineer hierby (boge-
noemde kandidaat:

Identiteits- nommer	Voornaam/ name en van (in drukskrif)	Handteke- ning	Nommer op kieserslys
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

LET WEL: Minstens tien kiesers moet 'n kandidaat
nomineer.

ANNEXURE 6

MANAGEMENT COMMITTEE FOR THE
 GROUP AREA
 SITUATE WITHIN THE AREA OF JURISDICTION
 OF THE LOCAL AUTHORITY OF

WITHDRAWAL OF CANDIDATURE

The Returning Officer,

I,
 (names in full)

of
 (address)

nominated as candidate for the office of member of the
 Management Committee for the group area
 situate within the area of jurisdiction of the local autho-
 rity of
 for the election to be held on the day of
 19....., hereby withdraw my can-
 didature.

.....
 Date (Signature of Candidate)

PB. 3-2-5-5

AANHANGSEL 6

DIE BESTUURSKOMITEE VIR DIE
 GROEPSGEBIED GELEË BINNE DIE REGSGEBIED
 VAN DIE PLAASLIKE BESTUUR VAN

TERUGTREKKING VAN KANDIDATUUR

Die Kiesbeampste,

Ek,
 (volle naam)

van
 (woonadres)

wat genomineer is as 'n kandidaat vir die amp van lid
 van die Bestuurskomitee vir die
 groepsgebied geleë binne die regsgebied van die plaaslike
 bestuur van

vir die verkiesing wat op die dag
 van 19..... gehou word, trek hierby
 my kandidatuur terug.

Datum
 (Handtekening van Kandidaat)

PB. 3-2-5-5

