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No. 4940

Proclamation

PROCLAMATION

No. 91 (Administrator's), 1993

INTERIM MEASURES FOR LOCAL GOVERNMENT ACT, 1991 (ACT No. 128 OF 1991): CITY COUNCILS OF GERMISTON AND KATLEHONG

I, Daniël Jacobus Hough, Administrator of the Transvaal, under section 16 (1), read with sections 12 and 13 of the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991), hereby, with the concurrence of the Minister of Local Government and National Housing, make the enactments in the Schedule.

Given under my Hand at Pretoria this First day of September, One thousand Nine hundred and Ninety-three.

D. J. HOUGH,

Administrator of the Transvaal.

SCHEDULE

Power to enter into agreement

1. The City Councils of Germiston and Katlehong (hereinafter referred to as the local government bodies), are hereby empowered to enter into the agreement, the proposals of which, dated 20 April 1993, have been approved under section 11 (1) (a) of the said Act on 25 August 1993.

Date of commencement, duration, amendment and cancellation of agreement

2. (1) The agreement mentioned in section 1 is subject to the agreement entered into among the local government bodies on 8 September 1992 and the provisions of Administrator's Proclamation No. 3 of 1993, shall commence on 3 September 1993, and shall be valid until cancelled either by the local government bodies, or repealed by or under an Act of Parliament.

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Proklamasie

PROKLAMASIE

No. 91 (Administrateurs-), 1993

WET OP TUSSENTYDSE MAATREËLS VIR PLAASLIKE REGERING, 1991 (WET No. 128 VAN 1991): STADSRADE VAN GERMISTON EN KATLEHONG

Ek, Daniël Jacobus Hough, Administrateur van Transvaal, kragtens artikel 16 (1), saamgelees met artikels 12 en 13 van die Wet op Tussentydse Maatreëls vir Plaaslike Regering, 1991 (Wet No. 128 van 1991), vaardig hierby, met die instemming van die Minister van Plaaslike Regering en Nasionale Behuising, die maatreëls in die Bylae uit.

Gegee onder my Hand te Pretoria, op hede die Eerste dag van September Eenduisend Negehoonderd Drie-en-negentig.

D. J. HOUGH,

Administrateur van Transvaal.

BYLAE

Bevoegdheid om ooreenkoms aan te gaan

1. Die Stadsrade van Germiston en Katlehong (hierna die plaaslike owerheidsliggame genoem), word hierby die bevoegdheid verleen om die ooreenkoms, waarvan die voorstelle van 20 April 1993 op 25 Augustus 1993 kragtens artikel 11 (1) (a) van gemelde Wet goedgekeur is, aan te gaan.

Aanvang, duur, wysiging en opsegging van ooreenkoms

2. (1) Die ooreenkoms in artikel 1 vermeld is onderhewig aan die ooreenkoms aangegaan tussen die plaaslike owerheidsliggame op 8 September 1992 en die bepalings van Administrateursproklamasie No. 3 van 1993, tree op 3 September 1993 in werking, en geld totdat dit óf deur die plaaslike owerheidsliggame óf by of kragtens 'n Wet van die Parlement opgesê word.

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(2) The agreement may only be amended or cancelled by a majority decision taken separately by each of the local government bodies.

(3) In the event of the cancellation of the agreement, three calendar months' written notice of the intention of such cancellation shall be given mutually to the local government bodies and the Administrator.

Placing of services of officers or employees at disposal of local government bodies

3. (1) (a) Notwithstanding the provisions of section 62 of the Local Government Ordinance, 1939 (Ordinance No.17 of 1939), the Joint Council of Greater Germiston, instituted by Administrator's Proclamation No. 3 of 1993 (hereinafter referred to as the Joint Council), may, under section 8 (a) of the Interim Measures for Local Government Act, 1991, decide to place the services of an officer of the City Council of Germiston, with that officer's written consent, at the disposal of the City Council of Katlehong, and such officer shall for the purposes of this Proclamation be deemed to be an employee of the City Council of Katlehong.

(b) Notwithstanding the provisions of sections 30, 31 and 33 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), the Joint Council may decide to place the services of an employee of the City Council of Katlehong, with that employee's written consent, at the disposal of the City Council of Germiston, and such employee shall for the purposes of this Proclamation be deemed to be an officer of the City Council of Germiston.

(2) No officer or employee shall be made available to another local government body under less favourable conditions than those under which he serves or at a lower remuneration than that which he receives.

(3) The services of an officer or employee may, with his written consent, be placed at the disposal of another local government body in another capacity as that in which such an officer or employee serves.

(4) The consent mentioned in subsection (3) may be withdrawn with one calendar month's written notice by the officer or employee concerned.

(5) The remuneration of an officer or employee, including any additional remuneration that he may receive under subsection (6), shall be paid by the local government body on whose establishment he is.

(6) An officer or employee referred to in subsection (1) shall receive such additional remuneration as has been bargained with him and, where applicable, with his staff association or trade union, all the circumstances pertaining to his particular case having been taken into account.

(7) (a) If the Town Clerk of Katlehong has under subsection (3) given his permission to make his services available in another capacity to the City Council of Germiston, the Town Clerk of Germiston shall, with his written consent, for the purposes of this Proclamation be deemed to be the Town Clerk of Katlehong, as contemplated in section 30 of the Black Local Authorities Act, 1982.

(2) Die ooreenkoms kan slegs deur 'n meerderheidsbesluit, afsonderlik deur elkeen van die plaaslike owerheidsliggame geneem, gewysig of opgesê word.

(3) In geval van die opsegging van die ooreenkoms moet skriftelike kennisgewing van drie kalendermaande van die voorneme van sodanige opsegging onderling aan die plaaslike owerheidsliggame en die Administrateur gegee word.

Beskikbaarstelling van dienste van beamptes of werknemers aan plaaslike owerheidsliggame

3. (1) (a) Ondanks die bepalings van artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), kan die Gesamentlike Raad van Groter Germiston, ingestel by Administrateursproklamasie No. 3 van 1993 (hierna die Gesamentlike Raad genoem), kragtens artikel 8 (a) van die Wet op Tussentydse Maatreëls vir Plaaslike Regering, 1991, besluit om die dienste van 'n beampte van die Stadsraad van Germiston, met die beampte se skriftelike toestemming, aan die Stadsraad van Katlehong beskikbaar te stel, en sodanige beampte word by die toepassing van hierdie Proklamasie geag 'n werknemer van die Stadsraad van Katlehong te wees.

(b) Ondanks die bepalings van artikels 30, 31 en 33 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), kan die Gesamentlike Raad besluit om die dienste van 'n werknemer van die Stadsraad van Katlehong, met die werknemer se skriftelike toestemming, aan die Stadsraad van Germiston beskikbaar te stel, en sodanige werknemer word by die toepassing van hierdie Proklamasie geag 'n beampte van die Stadsraad van Germiston te wees.

(2) Geen beampte of werknemer mag aan 'n ander plaaslike owerheidsliggaam beskikbaar gestel word op minder gunstige voorwaardes as dié waarop hy dien nie, of teen 'n laer vergoeding as dié wat hy ontvang nie.

(3) Die dienste van 'n beampte of werknemer kan, met sy skriftelike toestemming, in 'n ander hoedanigheid aan 'n ander plaaslike owerheidsliggaam beskikbaar gestel word as dié waarin sodanige beampte of werknemer dien.

(4) Die toestemming in subartikel (3) vermeld kan met skriftelike kennisgewing van een kalendermaand deur die betrokke beampte of werknemer teruggetrek word.

(5) Die vergoeding van 'n beampte of werknemer, met inbegrip van enige addisionele vergoeding wat hy kragtens subartikel (6) mag ontvang, word betaal deur die plaaslike owerheidsliggaam op wie se diensstaat hy is.

(6) 'n Beampte of werknemer in subartikel (1) bedoel ontvang sodanige addisionele vergoeding as waaroor daar met hom en, waar van toepassing, met sy personeelvereniging of vakbond, ooreengekom is, met inagneming van al die omstandighede wat op sy betrokke geval van toepassing is.

(7) (a) Indien die Stadsklerk van Katlehong kragtens subartikel (3) sy toestemming verleen het om sy dienste in 'n ander hoedanigheid aan die Stadsraad van Germiston beskikbaar te stel, word die Stadsklerk van Germiston, met sy skriftelike toestemming, by die toepassing van hierdie Proklamasie geag die Stadsklerk van Katlehong te wees, soos bedoel in artikel 30 van die Wet op Swart Plaaslike Owerhede, 1982.

(b) If the head of a department of the City Council of Katlehong has under subsection (3) given his permission to make his services available in another capacity to the City Council of Germiston, the head of the corresponding department of the City Council of Germiston shall, with his written consent, for the purposes of this Proclamation be deemed to be the head of that department of the City Council of Katlehong, as contemplated in section 31 of the Black Local Authorities Act, 1982.

(c) If the Town Clerk of Germiston or a head of a department of the City Council of Germiston has not given his permission, as contemplated in paragraphs (a) or (b) above respectively, the Joint Council may assign any other senior officer of the City Council of Germiston, with his written consent, to the City Council of Katlehong to fill the post that had become vacant in terms of the provisions of paragraphs (a) or (b) above.

(d) An officer referred to in paragraph (c) shall for the purposes of this Proclamation be deemed to be the Town Clerk of Katlehong, as contemplated in section 30 of the Black Local Authorities Act, 1982, or to be a head of a department of the City Council of Katlehong, as contemplated in section 31 of the said Act, as the case may be.

(b) Indien 'n hoof van 'n departement van die Stadsraad van Katlehong kragtens subartikel (3) sy toestemming verleen het om sy dienste in 'n ander hoedanigheid aan die Stadsraad van Germiston beskikbaar te stel, word die hoof van die ooreenstemmende departement van die Stadsraad van Germiston, met sy skriftelike toestemming, by die toepassing van hierdie Proklamasie geag die betrokke hoof van daardie departement van die Stadsraad van Katlehong te wees, soos bedoel in artikel 31 van die Wet op Swart Plaaslike Owerhede, 1982.

(c) Indien die Stadsklerk van Germiston of 'n departementshoof van die Stadsraad van Germiston nie sy toestemming, soos onderskeidelik in paragraaf (a) of (b) hierbo beoog, verleen nie, kan die Gesamentlike Raad enige ander senior beampte van die Stadsraad van Germiston, met sy skriftelike toestemming, aan die Stadsraad van Katlehong toewys om die pos wat uit hoofde van die bepalings van paragrawe (a) of (b) hierbo vakant geraak het, te vul.

(d) 'n Beampte in paragraaf (c) bedoel word by die toepassing van hierdie Proklamasie geag die Stadsklerk van Katlehong te wees, soos bedoel in artikel 30 van die Wet op Swart Plaaslike Owerhede, 1982, of 'n hoof van 'n departement van die Stadsraad van Katlehong te wees, soos bedoel in artikel 31 van gemelde Wet, na gelang van die geval.

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