



THE PROVINCE OF PWV
DIE PROVINSIE PWV

Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant

Selling price: R1,50 ◇ Other countries: R1,95
Verkoopprijs: R1,50 ◇ Buitelands: R1,95

Vol. 237

PRETORIA, 9 DECEMBER 1994
DESEMBER

No. 5051

PROCLAMATION • PROKLAMASIE

PROCLAMATION

No. 31 (Premier's), 1994

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

ALBERTON TOWN COUNCIL

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

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

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

SCHEDULE

Establishment of Transitional Local Council

1. A transitional local council, hereunder called the Alberton Town Council, is hereby established as contemplated in section 7 (1) (b) (i) of the Local Govern-

PROKLAMASIE

No. 31 (Premiers-), 1994

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

ALBERTON STADSRAAD

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

Gegee onder my Hand te Johannesburg, op hede die Agste dag van Desember Eenduisend Negehonderd Vier-en-negentig.

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

BYLAE

Instelling van Plaaslike Oorgangsraad

1. 'n Plaaslike oorgangsraad, hieronder die Alberton Stadsraad genoem, word hierby, soos beoog in artikel 7 (1) (b) (i) van die Oorgangswet op Plaaslike

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

Dissolution of local government bodies

2. The City Council of Tokoza and the Town Council of Alberton are hereby dissolved on the effective date.

Area of Alberton Town Council

3. The area of the Alberton Town Council comprises the existing area of jurisdiction of the dissolved City Council of Tokoza as defined in Government Notice No. 511 of 10 April 1959 and the area of the dissolved Town Council of Alberton as defined in Administrator's Proclamation No. 91 of 29 July 1936, including the area of Eden Park as defined in paragraph 3 of Administrator's Proclamation No. 98 of 29 September 1993.

Councillors and authorized persons

4. (1) The Alberton Town Council comprises 20 Councillors.

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

(3) The authorization under Premier's Proclamation No. 15 of 5 October 1994 of persons to exercise, perform or fulfil all the rights, powers, functions, duties and obligations assigned to the dissolved City Council of Tokoza is hereby as from the effective date repealed.

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

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

Mayor and Deputy Mayor

5. The Alberton Town Council shall, in the manner prescribed for the election of the Mayor and Deputy Mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect within seven (7) days after the effective date, at a special meeting of the Council, a Mayor and Deputy Mayor from the Councillors mentioned in section 4 (3).

Regering, 1993 (Wet No. 209 van 1993), vanaf die datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem) ingestel, bestaande uit die Stadsraad van Tokoza en die Stadsraad van Alberton, welke Alberton Stadsraad geag word in plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggame

2. Die Stadsraad van Tokoza en die Stadsraad van Alberton word hierby op die effektiewe datum ontbind.

Gebied van Alberton Stadsraad

3. Die gebied van die Alberton Stadsraad bestaan uit die bestaande regsgebied van die ontbinde Stadsraad van Tokoza, soos omskryf by Goewermentskennisgewing No. 511 van 10 April 1959 en die gebied van die ontbinde Stadsraad van Alberton soos omskryf by Administrateurs Proklamasie No. 91 van 29 Julie 1936, wat die gebied van Eden Park soos omskryf in paragraaf 3 van Administrateurs Proklamasie No. 98 van 29 September 1993, insluit.

Raadslede en gemagtigde persone

4. (1) Die Alberton Stadsraad bestaan uit 20 Raadslede.

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

(3) Die magtiging kragtens Premiers Proklamasie No. 15 van 5 Oktober 1994 van persone om al die regte, bevoegdhede, werksaamhede, pligte en verpligtinge wat aan die ontbinde Stadsraad van Tokoza opgedra is, uit te oefen, te verrig of na te kom, word hierby vanaf die effektiewe datum herroep.

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

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

Burgemeester en Onderburgemeester

5. Die Alberton Stadsraad verkies, binne sewe (7) dae na die effektiewe datum op 'n spesiale vergadering van die Alberton Stadsraad, 'n Burgemeester en 'n Onderburgemeester uit die Raadslede in artikel 5 (3) vermeld op die wyse voorgeskryf vir die verkiesing van 'n Burgemeester en Onderburgemeester by artikels 16 en 17 respektiewelik van die Ordonnansie op Plaaslike Bestuur, 1939.

Allowances of Councillors, Mayor and Deputy Mayor

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

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

Executive Committee

7. (1) The Alberton Town Council shall, notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960), in terms of the provisions of section 16 (6) of the Local Government Transition Act, 1993, elect from its members an Executive Committee.

(2) The provisions of sections 1 and 53 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the Executive Committee contemplated in subsection (1).

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

8. (1) All assets, liabilities, rights and obligations of the dissolved local government bodies mentioned in section 2 shall, as from the effective date, and subject to the provisions of subsection (3), be transferred to the Alberton Town Council.

(2) The Alberton Town Council shall as from the effective date, and subject to the provisions of subsection (3), for the purposes of this Proclamation be the successor-in-law of the dissolved local government bodies mentioned in section 2.

(3) Any liability, debt or obligation which has been incurred by the dissolved black local government body mentioned in section 2, namely the dissolved City Council of Tokoza, up to and including the day preceding the effective date, other than a liability, debt or obligation which has been incurred in respect of any infrastructure that generates revenue or infrastructure which is or can be utilised by the Alberton Town Council, shall devolve upon the Alberton Town Council subject to the right of the national government to assume such liabilities, debts or obligations in terms of assurances made by the national government that no transitional council will inherit any external debts of the said black local government body up to the effective date.

Resolutions, by-laws, regulations, statutory notices and delegations

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

Toelaes van Raadslede, Burgemeester en Onderburgemeester

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

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

Uitvoerende Komitee

7. (1) Die Alberton Stadsraad verkies, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiegings), 1960 (Ordonnansie No. 40 van 1960), ingevolge artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, uit sy lede 'n Uitvoerende Komitee.

(2) Die bepalings van artikels 1 en 53 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiegings), 1960, is, by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die Uitvoerende Komitee in subartikel (1) bedoel van toepassing.

Oordra van bates, laste, regte, verpligtinge en regsopvolger

8. (1) Alle bates, laste, regte en verpligtinge van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 word vanaf die effektiewe datum, en behoudens die bepalings van subartikel (3), aan die Alberton Stadsraad oorgedra.

(2) Die Alberton Dorpsraad word vir die doeleindes van hierdie Proklamasie vanaf die effektiewe datum, en behoudens die bepalings van subartikel (3), die regsopvolger van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld.

(3) Enige las, skuld of verpligting wat deur die ontbinde swart plaaslike owerheidsliggaam vermeld in artikel 2, naamlik die ontbinde Stadsraad van Tokoza, aangegaan is tot op en insluitend die dag wat die effektiewe datum voorafgegaan, behalwe 'n las, skuld of verpligting wat aangegaan is ten opsigte van enige infrastruktuur wat inkomste genereer of infrastruktuur wat deur die Alberton Stadsraad aangewend word of kan word, gaan op die Alberton Stadsraad oor onderhewig aan die reg van die nasionale regering om diesulke laste, skulde of verpligtinge te aanvaar kragtens versekerings gemaak deur die nasionale regering dat geen oorgangsraad enige eksterne skulde van die genoemde swart plaaslike owerheidsliggaam tot op die effektiewe datum te erf nie.

Besluite, verordeninge, regulasies, wetlike kennisgewings en delegasies

9. Behoudens die bepalings van hierdie Proklamasie bly alle besluite, verordeninge, regulasies, wetlike kennisgewings en delegasies van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 wat onmiddellik voor die effektiewe datum van krag was in enige gebied van die gemelde ontbinde plaaslike owerheidsliggame, van krag in daardie gebied, behoudens enige herroeping of wysiging van sodanige besluite, verordeninge, regulasies, wetlike kennisgewings en delegasies deur die Alberton Stadsraad.

Budget

10. The 1994/95-budget of the local government bodies mentioned in section 2 shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, be deemed to be the 1994/95-budget of the Alberton Town Council until a single consolidated budget is approved.

Representations on Regional Services Council

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

Authorized local authority

12. (1) The Alberton Town Council is, under the provisions of section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, deemed to be an authorized local authority for the purposes of Chapters II, III and IV of the said Ordinance.

(2) The Alberton Town Council is, under the provisions of section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, deemed to be an authorized local authority for the purposes of Chapter IV of the said Ordinance.

Local authority contemplated in Sixth Schedule to Local Government Ordinance, 1939

13. The Alberton Town Council is hereby, as from the effective date, deemed to be a local authority as contemplated in Part II of the Sixth Schedule to the Local Government Ordinance, 1939.

Single Local Administration of Alberton Town Council

14. A single Local Administration is hereby established for the Alberton Town Council.

(2) A permanent organisational structure for the Single Administration shall be constituted by the Alberton Town Council as soon as possible after the effective date.

Town Clerk

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

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

Begroting

10. Die 1994/95-begroting van die plaaslike owerheidsliggame in artikel 2 vermeld word, ondanks die bepalings van artikel 58 van die Ordonnansie op Plaaslike Bestuur, 1939, geag die 1994/95-begroting van die Alberton Stadsraad te wees, totdat 'n enkele gesamentlike begroting goedgekeur word.

Verteenwoordiging op Streeksdiensteraad

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

Gemagtigde plaaslike bestuur

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

(2) Die Alberton Stadsraad word, kragtens die bepalings van artikel 3 van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), vanaf die effektiewe datum geag 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstuk IV van genoemde Ordonnansie te wees.

Plaaslike bestuur in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, bedoel

13. Die Alberton Stadsraad word hierby, vanaf die effektiewe datum, geag 'n plaaslike bestuur soos bedoel in Deel II van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Enkele Plaaslike Administrasie vir Alberton Stadsraad

14. 'n Enkele Plaaslike Administrasie word hierby vir die Alberton Stadsraad ingestel.

(2) 'n Permanente organisatoriese struktuur vir die Enkele Administrasie moet deur die Alberton Stadsraad so spoedig moontlik na die effektiewe datum saamgestel word.

Stadsklerk

15. (1) Die Stadsklerk van die ontbinde Stadsraad van Alberton word by die toepassing van hierdie Proklamasie, behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), en die Wet op die Beroep van Stadsklerke, 1988 (Wet No. 75 van 1988), geag die Stadsklerk van Alberton Stadsraad te wees, soos bedoel in artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939.

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

Employees and officers of Alberton Town Council

16. (1) After a permanent organisational structure as contemplated in section 14 (2) has been constituted, all employees and officers in the service of the dissolved local government bodies mentioned in section 2 and those employees and officers employed by the Alberton Town Council prior to the constitution of such permanent organisational structure, shall be transferred to the Single Local Administration contemplated in section 14 (1) in accordance with the provisions of section 10 (3) (f), (i) and (j) of the Local Government Transition Act, 1993.

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

Effective date

17. This Proclamation shall come into operation on 9 December 1994.

ANNEXURE A

Nominated persons of the Alberton Town Council mentioned in section 4 (4):

STATUTORY COMPONENT

- Prof I. J. de Villiers.
- Mr B. R. Kraai.
- Dr G. J. Human.
- Mr A. J. de Beer.
- Dr P. C. S. Benadé.
- Mr D. J. Dippenaar.
- Mr J. D. Smit.
- Mr D. J. Theron.
- Mr C. J. Weyer.
- Mr H. J. Smit.

NON-STATUTORY COMPONENT

- Mr S. Sithole.
- Mr Z. Mlambo.
- Ms J. Sithebe.
- Mr M. Sibiya.
- Mr J. P. Morley.
- Mr M. M. Mabaso.
- Mr S. A. Ngwangwa.
- Mr L. M. Sibeko.
- Ms N. Maseko.
- Ms S. Peterson.

ANNEXURE B

Additional candidates of the Alberton Town Council mentioned in section 4 (5):

STATUTORY COMPONENT

- Ms M. I. Visser.
- Mr W. Stanz.
- Ms I. Adams.
- Ms E. J. Maritz.
- Ms H. Smit.
- Mr J. Jacobs.
- Ms L. Human.
- Mr A. Knoesen.
- Mr S. Kraai.

Werknemers en beamptes van Alberton Stadsraad

16. (1) Nadat 'n permanente organisatoriese struktuur soos in artikel 14 (2) bedoel saamgestel is, moet alle werknemers en beamptes in diens van die ontbindende plaaslike owerheidsliggame in artikel 2 vermeld en daardie werknemers en beamptes wat deur die Alberton Stadsraad in diens geneem is voordat sodanige permanente organisatoriese struktuur saamgestel is, na die Enkele Plaaslike Administrasie in artikel 14 (1) bedoel, oorgeplaas word ooreenkomstig die bepalinge van artikel 10 (3) (f), (i) en (j) van die Oorgangswet op Plaaslike Regering, 1993.

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

Effektiewe datum

17. Hierdie Proklamasie tree in werking op 9 Desember 1994.

AANHANGSEL A

Genomineerde persone van die Alberton Stadsraad in artikel 4 (4) vermeld:

STATUTÊRE KOMPONENT

- Prof. I. J. de Villiers.
- Mnr. B. R. Kraai.
- Dr. G. J. Human.
- Mnr. A. J. de Beer.
- Dr. P. C. S. Benadé.
- Mnr. D. J. Dippenaar.
- Mnr. J. D. Smit.
- Mnr. D. J. Theron.
- Mnr. C. J. Weyer.
- Mnr. H. J. Smit.

NIE-STATUTÊRE KOMPONENT

- Mnr. S. Sithole.
- Mnr. Z. Mlambo.
- Me. J. Sithebe.
- Mnr. M. Sibiya.
- Mnr. J. P. Morley.
- Mnr. M. M. Mabaso.
- Mnr. S. A. Ngwangwa.
- Mnr. L. M. Sibeko.
- Me. N. Maseko.
- Me. S. Peterson.

AANHANGSEL B

Addisionele kandidaat van die Alberton Stadsraad in artikel 4 (5) vermeld:

STATUTÊRE KOMPONENT

- Me. M. I. Visser.
- Mnr. W. Stanz.
- Me. I. Adams.
- Me. E. J. Maritz.
- Me. H. Smit.
- Mnr. J. Jacobs.
- Me. L. Human.
- Mnr. A. Knoesen.
- Mnr. S. Kraai.

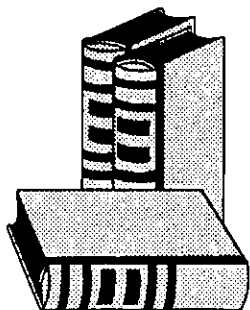
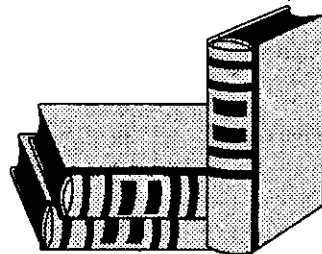
NON-STATUTORY COMPONENT

Mr J. Zitha.
Ms E. Tshabalala.
Mr A. Masuka.
Ms N. Msomi.
Mr J. Buthelezi.

NIE-STATUTÊRE KOMPONENT

Mnr. J. Zitha.
Me.s E. Tshabalala.
Mnr. A. Masuka.
Me. N. Msomi.
Mnr. J. Buthelezi.

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Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

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