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PROCLAMATION · PROKLAMASIE

PROCLAMATION

No. 39 (Premier's), 1994

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

WESTONARIA 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 Westonaria Town Council, is hereby established as contemplated in section 7 (1) (b) (i) of the Local Government Transition Act, 1993 (Act No. 209 of

PROKLAMASIE

No. 39 (Premiers-), 1994

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

WESTONARIA 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 Westonaria Stadsraad genoem, word hierby, soos beoog in artikel 7 (1) (b) (i) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vanaf die

1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date), comprising the Town Council of Westonaria and the Town Committee of Bekkersdal, which Westonaria 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 Town Council of Westonaria and the Town Committee of Bekkersdal are hereby dissolved on the effective date.

Area of Westonaria Town Council

3. The area of the Westonaria Town Council comprises the existing area of jurisdiction of the dissolved Town Council of Westonaria as defined in Administrator's Proclamation No. 113 of 1942, as amended, and the area of the dissolved Town Committee of Bekkersdal as defined in Government Notice No. 1079 of 25 May 1979.

Councillors

4. (1) The Westonaria Town Council comprises 24 Councillors.

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

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

(4) Any casual vacancy arising on the Westonaria 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 Westonaria Town Council shall, in the manner prescribed for the election of a Mayor and Deputy Mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect within 21 days after the effective date, at a special meeting of the Westonaria Town Council, a Mayor and a Deputy Mayor from the Councillors mentioned in section 4 (3): Provided that the Mayor and the Deputy Mayor shall not be elected from the same component.

datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem), ingestel, bestaande uit die Stadsraad van Westonaria en die Dorpskomitee van Bekkersdal, welke Westonaria Stadsraad geag word 'n plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggame

2. Die Stadsraad van Westonaria en die Dorpskomitee van Bekkersdal word hierby op die effektiewe datum ontbind.

Gebied van Westonaria Stadsraad

3. Die gebied van die Westonaria Stadsraad bestaan uit die bestaande regsgebied van die ontbinde Stadsraad van Westonaria soos omskryf by Administrateurs Proklamasie No. 113 van 1942, soos gewysig, en die gebied van die ontbinde Dorpskomitee van Bekkersdal soos omskryf by Goewermentskennisgewing No. 1079 van 25 Mei 1979.

Raadslede

4. (1) Die Westonaria Stadsraad bestaan uit 24 Raadslede.

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

(3) 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 Westonaria Stadsraad aangestel.

(4) Enige toevallige vakature wat na die effektiewe datum op die Westonaria 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 Oorgangswet op Plaaslike Regering, 1993, in Aanhangsel B vervat.

Burgemeester en Onderburgemeester

5. Die Westonaria Stadsraad verkies, binne 21 dae na die effektiewe datum op 'n spesiale vergadering van die Westonaria Stadsraad, 'n Burgemeester en 'n Onderburgemeester uit die Raadslede in artikel 4 (3) vermeld op die wyse voorgeskryf vir die verkiesing van 'n Burgemeester en 'n Onderburgemeester by artikels 16 en 17 onderskeidelik van die Ordonnansie op Plaaslike Bestuur, 1939: Met dien verstande dat die Burgemeester en die Onderburgemeester nie uit dieselfde komponent verkies word nie.

Allowances of Councillors, Mayor and Deputy Mayor

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

(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 Westonaria.

Executive and other Committees

7. (1) The Westonaria 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 Westonaria Town Council shall elect from the members of the Executive Committee a Chairperson and a Deputy Chairperson for the Executive Committee, one from the statutory component and the other one from the non-statutory component: Provided that the Chairperson shall not be elected from the same component as that of the Mayor as contemplated in section 5.

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

(4) The Westonaria Town Council may appoint one or more other committees than the Executive Committee contemplated in subsection (1) and invest such committee or committees with such powers, functions and duties as the council may deem fit.

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 Westonaria Town Council.

(2) The Westonaria Town Council shall, for the purposes of this Proclamation, as from the effective date, and subject to the provisions of subsection (3), 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 Town Committee of Bekkersdal, 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 Westonaria Town Council, shall devolve upon the Westonaria 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.

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 Westonaria 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 Westonaria betaal is.

Uitvoerende en ander Komitees

7. (1) Die Westonaria Stadsraad verkies, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 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 Westonaria Stadsraad verkies uit die lede van die Uitvoerende Komitee 'n Voorsitter en 'n Ondervoorsitter vir die Uitvoerende Komitee, een van hulle uit die statutêre komponent en die ander een uit die nie-statutêre komponent: Met dien verstande dat die Voorsitter nie uit dieselfde komponent as die Burgemeester soos in artikel 5 bedoel, verkies word nie.

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

(4) Die Westonaria Stadsraad kan bykomend tot die Uitvoerende Komitee in subartikel (1) bedoel, een of meer komitees aangestel en sodanige komitee of komitees met sodanige funksies beklee as wat die Raad doenlik mag ag.

Oordra van bates, laste, regte, verpligtinge en regsopvolger

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

(2) Die Westonaria Stadsraad 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 Dorpskomitee van Bekkersdal, 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 Westonaria Stadsraad aangewend word of kan word, gaan op die Westonaria 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 sal erf nie.

By-laws, regulations and resolutions

9. (1) Subject to the provisions of this Proclamation, all by-laws and regulations of the dissolved Town Council of Westonaria and all resolutions of the dissolved Town Council of Westonaria and of the dissolved Town Council of Bekkersdal which immediately before the effective date were in force in the area of the said dissolved local government bodies shall be in force in the area of the Westonaria Town Council, as from the effective date, subject to any repeal or amendment of such by-laws, regulations and resolutions by the Westonaria Town Council.

(2) All by-laws and regulations of the dissolved Town Committee of Bekkersdal are hereby repealed as from the effective date.

Budget

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

Representation on Regional Services Council

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

Authorized local authority

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

(2) The Westonaria Town Council shall, under the provisions of section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, 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 Westonaria Town Council is hereby, as from the effective date, deemed to be a local authority as contemplated in Part III of the Sixth Schedule to the Local Government Ordinance, 1939.

Single Local Administration of Westonaria Town Council

14. (1) A single Local Administration is hereby established for the Westonaria Town Council.

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

Verordeninge, regulasies en besluite

9. (1) Behoudens die bepalings van hierdie Proklamasie sal alle verordeninge en regulasies van die ontbindende Stadsraad van Westonaria en alle besluite van die ontbindende Stadsraad van Westonaria en van die ontbindende Dorpskomitee van Bekkersdal wat onmiddellik voor die effektiewe datum van krag was in die gebied van die gemelde ontbindende plaaslike owerheidsliggame vanaf die effektiewe datum van krag wees in die gebied van die Westonaria Stadsraad, behoudens enige herroeping of wysiging van sodanige verordeninge, regulasies en besluite deur die Westonaria Stadsraad.

(2) Alle verordeninge en regulasies van die ontbindende Dorpskomitee van Bekkersdal word hierby vanaf die effektiewe datum herroep.

Begroting

10. Die 1994/95-begroting van die ontbindende 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 Westonaria Stadsraad te wees, tot dat 'n enkele gesamentlike begroting goedgekeur word.

Verteenwoordiging op Streeksdiensteraad

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

Gemagtigde plaaslike bestuur

12. (1) Die Westonaria 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 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstukke II, III en IV van genoemde Ordonnansie.

(2) Die Westonaria 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 'n gemagtigde plaaslike bestuur vir doeleindes van Hoofstuk IV van genoemde Ordonnansie.

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

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

Enkele Plaaslike Administrasie vir Westonaria Stadsraad

14. (1) 'n Enkele Plaaslike Administrasie word hierby vir die Westonaria Stadsraad ingestel.

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

Chief Executive Officer/Town Clerk

15. (1) The Chief Executive Officer/Town Clerk of the dissolved Town Council of Westonaria 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 Chief Executive Officer/Town Clerk of the Westonaria Town Council as contemplated in section 62 of the Local Government Ordinance, 1939.

(2) The Chief Executive Officer/Town Clerk shall, for the purposes of this Proclamation perform all the functions, powers and duties assigned to a Chief Executive Officer/Town Clerk in terms of the Local Government Ordinance, 1939, that Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, or resolution of the Westonaria Town Council.

Employees and officers of Westonaria 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 Westonaria 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 Westonaria Town Council.

Effective date

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

ANNEXURE A

Nominated persons of the Westonaria Town Council mentioned in section 4 (3):

STATUTORY COMPONENT

- Cllr J. P. Jacobs.
- Cllr J. J. Haywood.
- Cllr J. F. Strydom.
- Cllr J. P. Meier.
- Cllr A. G. Venter.
- Cllr D. van der Hoff.
- Ms S. D. J. B. Jacobs.
- Mr C. C. Louw.
- Ms H. G. Meier.
- Mr J. N. Brits.
- Mr A. J. Peach.
- Mr C. J. Claassen.

Hoof Uitvoerende Beampte/Stadsklerk

15. (1) Die Hoof Uitvoerende Beampte/Stadsklerk van die ontbinde Stadsraad van Westonaria word by die toepassing van hierdie Proklamasie, behoudens die bepalinge 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 Hoof Uitvoerende Beampte/Stadsklerk van Westonaria Stadsraad te wees, soos bedoel in artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939.

(2) Die Hoof Uitvoerende Beampte/Stadsklerk oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit wat aan 'n Hoof Uitvoerende Beampte/Stadsklerk kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander wet, of besluit van die Westonaria Stadsraad opgedra is.

Werknemers en beamptes van Westonaria 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 ontbinde plaaslike owerheidsliggame in artikel 2 vermeld en daardie werknemers en beamptes wat deur die Westonaria 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 Westonaria Stadsraad te wees.

Effektiewe datum

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

AANHANGSEL A

Genomineerde persone van die Westonaria Stadsraad in artikel 4 (3):

STATUTÊRE KOMPONENT

- Rdl. J. P. Jacobs.
- Rdl. J. J. Haywood.
- Rdl. J. F. Strydom.
- Rdl. J. P. Meier.
- Rdl. A. G. Venter.
- Rdl. D. van der Hoff.
- Me. S. D. J. B. Jacobs.
- Mnr. C. C. Louw.
- Me. H. G. Meier.
- Mnr. J. N. Brits.
- Mnr. A. J. Peach.
- Mnr. C. J. Claassen.

NON-STATUTORY COMPONENT

Mr J. Nkuna.
Mr S. Simanga.
Ms M. Loliwe.
Mr S. Matlaila.
Mr F. Z. M. Maboja.
Ms L. Buthelezi.
Mr A. Mithane.
Mr M. Ratsheou.
Mr L. Ngoakani.
Mr N. Hobo.
Ms D. Nala.
Mr A. Qokweni.

ANNEXURE B

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

STATUTORY COMPONENT

Mr R. Fuchs.
Mr H. L. Jacobs.
Mr W. van Drimmelen.
Mr R. van Schalkwyk.
Mr F. H. de Klerk.

NON-STATUTORY COMPONENT

Rev. M. Lwana.
Mr D. Molebatsi.
Ms P. M. Mache.

NIE-STATUTÊRE KOMPONENT

Mnr. J. Nkuna.
Mnr. S. Simanga.
Me. M. Loliwe.
Mnr. S. Matlaila.
Mnr. F. Z. M. Maboja.
Me. L. Buthelezi.
Mnr. A. Mithane.
Mnr. M. Ratsheou.
Mnr. L. Ngoakani.
Mnr. N. Hobo.
Me. D. Nala.
Mnr. A. Qokweni.

AANHANGSEL B

Addisionele kandidate van die Westonaria Stadsraad in artikel 4 (4) vermeld:

STATUTÊRE KOMPONENT

Mnr. R. Fuchs.
Mnr. H. L. Jacobs.
Mnr. W. van Drimmelen.
Mnr. R. van Schalkwyk.
Mnr. F. H. de Klerk.

NIE-STATUTÊRE KOMPONENT

Eerw. M. Lwana.
Mnr. D. Molebatsi.
Me. P. M. Mache.



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