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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1421.

3 July 1985

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

91 of 1985: Laws on Co-operation and Development Amendment Act, 1985.

No. 1421.

3 Julie 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 91 van 1985: Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1985.

Act No. 91, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT AMENDMENT
ACT, 1985

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to remove certain legal disabilities of Black women in Natal and Transvaal; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to make other arrangements in regard to the presence of persons, other than Blacks, in any location, Black village, Black hostel, town or hostel, and to extend the rights of Blacks to reside and to work in prescribed areas; to validate the transfer of certain assets of the Economic Development Corporation, Limited, to the Small Business Development Corporation, Limited; to amend the National States Constitution Act, 1971, so as to further regulate judicial appointments to existing courts situated wholly or in part within the area of a legislative assembly; to amend the Community Councils Act, 1977, so as to provide that a community council shall for the purposes of certain legal provisions be deemed to be an associated institution; to amend the Black Local Authorities Act, 1982, so as to provide that a local authority shall for the purposes of certain legal provisions be deemed to be an associated institution; to remove any possible doubt concerning the area of the self-governing territory of Lebowa; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 20 June 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of
section 11 of
Act 38 of 1927,
as amended by
section 5 of
Act 21 of 1943.

1. Section 11 of the Black Administration Act, 1927, is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) a Black woman (excluding a Black woman who permanently resides in the province of Natal) who is a partner in a customary union and who is living with her husband, shall be deemed to be a minor and her husband shall be deemed to be her guardian.”.

Repeal of
section 22*ter* of
Act 38 of 1927,
as inserted by
section 2 of
Act 23 of 1972.

2. Section 22~~ter~~ of the Black Administration Act, 1927, is hereby repealed.

Amendment of
section 9 of
Act 25 of 1945,
as amended by
section 4 of
Act 16 of 1955,
section 29 of
Act 36 of 1957,
section 6 of

3. Section 9 of the Blacks (Urban Areas) Consolidation Act, 1945, is hereby amended—

(a) by the substitution for subsection (9) of the following 15 subsection:

"(9) (a) Whenever a police officer of or above the rank of lieutenant considers the presence at any time of any person, other than a Black, in any par-

Act No. 91, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT AMENDMENT
ACT, 1985

Act 76 of 1963
and section 45 of
Act 42 of 1964.

- particular location, Black village or Black hostel, or any town or hostel as referred to in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), to be undesirable, with a view to the maintenance of public order and security, such police officer or any police officer authorized thereto by him may—
- (i) by written notice prohibit such person for any period, but not exceeding three months, set out in the notice from entering the location, Black village or Black hostel or town or hostel in question; or
 - (ii) order such person forthwith to leave the location, Black village or Black hostel or town or hostel in question.
- (b) Any person who, contrary to a prohibition referred to in paragraph (a) (i), enters any location, Black village or Black hostel or town or hostel or who fails to comply with an order referred to in paragraph (a) (ii) may be summarily ejected from the location, Black village or Black hostel or town or hostel in question by a police officer of or above the rank of lieutenant, or by any police officer acting by order of a police officer of or above the rank of lieutenant.”;
- (c) Any person served with a notice referred to in paragraph (a) (i), may within seven days after the notice has been served on him, appeal in writing to the Minister of Law and Order against the prohibition and the said Minister may give such decision as he deems fit.
- (b) by the substitution for subsection (10) of the following subsection:
- “(10) (a) Subject to the provisions of paragraph (b) the Minister may, after consultation with the Minister of Law and Order, assign the powers summarily to eject any person under subsection (9) (b) from the location, Black village or Black hostel or town or hostel in question to—
- (i) the persons appointed by a development board for the management of a town as referred to in section 1 of the Black Communities Development Act, 1984, to perform within the area of jurisdiction of that town but outside the area of jurisdiction of a town council or village council established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982), such functions as relate to the maintenance of the good order and the peaceful administration of such town;
 - (ii) the inspectors appointed by a development board under section 42 of the Black Communities Development Act, 1984;
 - (iii) the persons appointed by a local authority under section 34 (1) of the Black Local Authorities Act, 1982; or
 - (iv) the members of a community guard established under section 8 of the Community Councils Act, 1977 (Act No. 125 of 1977), who may perform such powers only by order of a police officer of or above the rank of lieutenant or of any police officer acting by order of a police officer of or above the rank of lieutenant.
- (b) The Minister shall not assign any power under paragraph (a) except with the concurrence of, as the case may be, the development board, local authority or community council in question.”; and