Government Gazette 15157

STATE PRESIDENT'S OFFICE

No. 1849
1 October 1993

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

No. 152 of 1993: Self-Governing Territories Constitution Amendment Act, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Self-governing Territories Constitution Act, 1971, so as to further regulate the exercise or performance of executive powers, authorities and functions in self-governing territories; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 30 September 1993.)

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

Insertion of section 25A in Act 21 of 1971

1. The following section is hereby inserted in the Self-governing Territories Constitution Act, 1971, after section 25:

"Exercise or performance of executive powers, authorities and functions in certain circumstances

25A. (1) (a) The State President may, if he is of the opinion that it is necessary to prevent the collapse of the administration of a self-governing territory or to prevent the performance of actions by the executive government or any organ of the executive government of a self-governing territory which is likely to result in unreasonable financial obligations, responsibilities or burdens being placed on the

Revenue Fund of that self-governing territory or the Consolidated Revenue Fund of the Republic-

(i) exercise or perform or cause the Minister or any person designated by the Minister to exercise or perform such executive powers, authorities and functions as are necessary to be exercised or performed in terms of this Act or any law applicable in a self-governing territory, and may by proclamation in the Gazette rescind, amend or substitute any decision of the executive government or any organ of the executive government of the territory taken after 31 March 1993 regarding such powers, authorities and functions;

(ii) by proclamation in the Gazette take such measures as he may deem necessary in order to give effect to the provisions of this paragraph.

(b) If a decision is rescinded, amended or substituted in terms of subsection (1), any right acquired in terms of such a decision shall lapse as from the date on which the right was acquired.

(2) In order to give effect to subsection (1), moneys may be withdrawn from a Revenue Fund in terms of an Act of Parliament or, if Parliament is not then in session, in terms of a proclamation issued by the State President in the Gazette.".

Certain actions deemed to have been exercised or performed under section 25A of Act 21 of 1971

2. The actions purporting to have been exercised or performed under section 25 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), by the State President or the Minister shall be deemed to have been exercised or performed under section 25A of the Self-governing Territories Constitution Act, 1971, as inserted by section 1 of this Act.

Short title and commencement

3. This Act shall be called the Self-governing Territories Constitution Amendment Act, 1993, and shall be deemed to have come into operation on 1 September 1993.