Government Gazette 14978

STATE PRESIDENT'S OFFICE

No. 1279.
20 July 1993

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

NO. 112 OF 1993: RURAL AREAS AMENDMENT ACT (HOUSE OF REPRESENTATIVES), 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 Rural Areas Act (House of Representatives), 1987, so as to transfer certain powers of the State President with regard to the administration of estates to the Minister; to empower the Minister to appoint persons other than public servants to administer certain estates and to defray the costs of the administration of such estates from moneys appropriated by the House of Representatives for the purpose; to empower the Minister to transfer any trust land situate in an existing or incorporated area to the board of management concerned; to delete provisions in terms of which boards of management are obliged to repay portions of the cost of certain works to the State; and to discharge boards of management from liability in respect of certain debts; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 9 July 1993.)

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

Substitution of section 5 of Act 9 of 1987

1. The following section is hereby substituted for section 5 of the Rural Areas Act (House of Representatives), 1987 (hereinafter referred to as the principal Act):

"Application of certain provisions for administration of estates

5. (1) If after consultation **between the Minister and** *with* the board of management concerned, the **State President** *Minister* is of the opinion that undesirable conditions exist or may arise in any existing area or incorporated area in consequence of delays in connection with the administration of estates involving estate erven, he may by **proclamation** *notice* in the Gazette declare the provisions of section 6 to be applicable to such area.

(2) Any such **proclamation** *notice* may at any time be *amended or* withdrawn by the **State President** *Minister* by **proclamation** *notice* in the Gazette **if he is of the opinion that it is no longer required**.".

Amendment of section 6 of Act 9 of 1987

2. Section 6 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) After the publication of any **proclamation** *notice* under section 5(1), the Minister shall **subject to the laws governing the public service** by notice in the Gazette appoint in respect of the area in question a person as administrator of the estates involving estate erven which according to a certificate of the Master of the Supreme Court concerned *have not been reported to him or* are not properly represented or are not being effectively administered."; and

(b) by the addition of the following subsection:

"*(9) The Minister may defray the costs of the administration of the estates referred to in subsection (1) from moneys appropriated by the House of Representatives for the purpose*.".

Amendment of section 20 of Act 9 of 1987

3. Section 20 of the principal Act is hereby amended by the deletion of paragraph (d) of subsection (2).

Insertion of section 20A in Act 9 of 1987

4. The following section is hereby inserted in the principal Act after section 20:

"Transfer of land in existing and incorporated areas

20A. Notwithstanding anything to the contrary in this Act the Minister may, subject to any conditions determined by him, at any time after consultation with the board of management concerned transfer to such board of management any land, situated in an existing or incorporated area, which is held in trust by him for the community concerned and he may carry out or order the carrying out of any act, including the surveying of land, which in his opinion is necessary to effect such transfer.".

Amendment of section 42 of Act 9 of 1987

5. Section 42 of the principal Act is hereby amended-

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) out of moneys appropriated by the House of Representatives for the purpose undertake, *administer, run* and maintain such works as he may consider advisable for the development and improvement of a betterment area or for the promotion of *community development or* health or social conditions in such area. ";

(b) by the deletion of subsection (2); and

(c) by the deletion of subsections (4) and (5).

Amendment of section 49 of Act 9 of 1987

6. Section 49 of the principal Act is hereby amended by the deletion of paragraph (g) of subsection (1).

Remission of certain money owing by boards of management

7. A board of management which, immediately prior to the deletion of section 42(2) of the principal Act by section 5, owes money to the State or the Minister by virtue of a determination under the said section 42(2), is hereby discharged from all liability in respect of such money owing and the interest payable thereon.

Short title

8. This Act shall be called the Rural Areas Amendment Act (House of Representatives), 1993.