

No. R. 153, 1994

ASSIGNMENT TO THE PROVINCES OF CERTAIN ACTS OF PARLIAMENT RELATING TO LOCAL GOVERNMENT UNDER SECTION 235 (8) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993

Under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby—

- (a) assign the administration of the laws specified in the first column of the Schedule, excluding those provisions (if any) of the said laws which fall outside the functional areas specified in Schedule 6 to the Constitution or which relate to matters referred to in paragraphs (a) to (e) of section 126 (3) of the Constitution, to a competent authority within the jurisdiction of the government of a province mentioned in section 124 (1) of the Constitution designated in respect of each such law by the Premier of the province concerned;
- (b) determine that the said laws are assigned to the extent specified opposite each such law in the second column of the Schedule; and
- (c) amend the said laws as set out opposite each such law in the third column of the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirteenth day of October, One thousand Nine hundred and Ninety-four.

N. R. MANDELA,

President.

By Order of the President-in-Cabinet:

Z. S. T. SKWEYIYA,

Minister of the Cabinet.

No. R. 153, 1994

OPDRAG AAN DIE PROVINSIES VAN SEKERE WETTE VAN DIE PARLEMENT AANGAANDE PLAASLIKE REGERING KRAGTENS ARTIKEL 235 (8) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1993

Kragtens artikel 235 (8) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993)—

- (a) dra ek hierby die uitvoering van die wette vermeld in die eerste kolom van die Bylae, uitgesonderd daardie bepalings (indien enige) van gemelde wette wat buite die funksionele terreine vermeld in Bylae 6 by die Grondwet val of wat betrekking op aangeleenthede bedoel in paragrawe (a) tot (e) van artikel 126 (3) van die Grondwet, op aan 'n bevoegde gesag binne die regsbevoegdheid van die regering van 'n provinsie vermeld in artikel 124 (1) van die Grondwet wat ten opsigte van elke sodanige wet deur die Premier van die betrokke provinsie aangewys word;
- (b) bepaal ek hierby dat gemelde wette in die mate teenoor elke sodanige wet in die tweede kolom van die Bylae uiteengesit, opgedra word; en
- (c) wysig ek hierby gemelde wette soos uiteengesit teenoor elke sodanige wet in die derde kolom van die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Dertiende dag van Oktober Eenduisend Negehoenderd Vier-en-negentig.

N. R. MANDELA,

President.

Op las van die President-in-Kabinet:

Z. S. T. SKWEYIYA,

Minister van die Kabinet.

SCHEDULE

Title, No. and year of law	Extent of assignment	Amendments
1. Civil Protection Act, 1977 (Act No. 67 of 1977)	Sections 2, 2A, 3, 4, 5, 6 (1) and 7 in so far as such sections relate to powers and functions of the Administrator or a provincial council	The amendment of section 1— (a) by the substitution for the definition of "Administrator" of the following definition: " 'Administrator' means the member of the Executive Council of a province concerned who is responsible for local government in that province;"; and (b) by the addition of the following subsection, the existing section becoming subsection (1): "(2) A reference in this Act to a provincial council shall be construed as a reference to a provincial legislature".

Title, No. and year of law	Extent of assignment	Amendments
4. Fire Brigade Services Act, 1987 (Act No. 99 of 1987)	The whole, except sections 2 and 15	The amendment of section 1 — (a) by the substitution for the definition of "Administrator" of the following definition: " 'Administrator' means the competent authority within the government of a province to whom the administration in that province of this Act was assigned under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);"; (b) by the deletion of the word "or" at the end of paragraph (e) of the definition of "local authority" and the addition in that definition of the following paragraph: "(g) any similar institution or body existing or which is established in an area to which the provisions of this Act did not apply before the insertion of section 1 (2) in this Act;"; (c) by the substitution for the definition of "Minister" of the following definition: " 'Ministar' means — (a) except in paragraph (f) of the definition of "local authority" and sections 2, 15 and 17, the competent authority within the government of a province to whom the administration of this Act in that province has been assigned under section 235 (8) of the said Constitution; and (b) in paragraph (f) of the definition of "local authority" and sections 2, 15 and 17, the Minister of Provincial Affairs and Constitutional Development;"; (d) by the insertion after the definition of "prescribe" or "prescribed" of the following definition: " 'province means a province established in terms of section 124 of the said Constitution;"; (e) by the deletion of the definition of "self-governing territory"; and (f) by the addition of the following subsection, the existing section becoming subsection (1): "(2) This Act shall apply in the national territory referred to in section 1 of the said Constitution;". The amendment of section 9 by the substitution for the definition of "Administrator" of the following definition: " 'Administrator' means the member of the Executive Council of a province responsible for local government in that province;".
5. Local Authority Affairs Amendment Act, 1991 (Act No. 127 of 1991)	Sections 3, 6, 7, 8, 9 and 12	

BYLAE

Titel, No. en jaar van wet	In hoeverre opgedra	Wysigings
1. Wet op Burgerlike Beskerming, 1977 (Wet No. 67 van 1977)	Artikels 2, 2A, 3, 4, 5, 6 (1) en 7 vir sover bedoelde artikels betrekking het op die bevoegdhede en funksies van die Administrateur of 'n provinsiale raad	Die wysiging van artikel 1 — (a) deur die omskrywing van "Administrateur" deur die volgende omskrywing te vervang: " 'Administrateur' die lid van die Uitvoerende Raad van 'n betrokke provinsie belas met plaaslike regering in daardie provinsie;"; en (b) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: "(2) 'n Verwysing in hierdie Wet na 'n provinsiale raad word uitgelê as verwysing na 'n provinsiale wetgewer;".