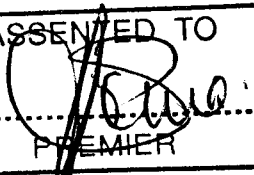


---

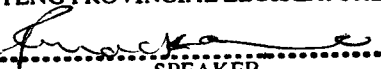
GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG GENERAL LAW  
AMENDMENT ACT, 2005**

ASSENTED TO  
  
.....  
PREMIER

ENGLISH TEXT SIGNED BY THE PREMIER  
ASSENTED TO ON 19/01/2006

CERTIFIED CORRECT AS PASSED BY  
THE GAUTENG PROVINCIAL LEGISLATURE

SIGNED   
.....  
SPEAKER

DATE 22/12/2005  
.....

---

**No 4, 2005**

# ACT

To amend certain laws of Gauteng so as to correct references to defunct institutions and inconsistencies with other legislation; to repeal certain laws that are contrary to the Constitution of the Republic of South Africa, 1996, or no longer serve any useful purpose; and to provide for matters connected thereto.

**B**E IT ENACTED by the Provincial Legislature of Gauteng, as follows:—

## Amendment of section 1 of Ordinance 4 of 1933

1. Section 1 of the Statutory Publications Ordinance, 1933 (Ordinance No. 4 of 1933) is hereby amended by the substitution for subsection (1) of the following subsection: 5

“(1) Whenever any law confers the power or imposes the duty upon the [Administrator] Premier, or upon any person in the service of the [Transvaal] Provincial Administration, to publish any information whatsoever in any newspaper, the [Administrator] Premier may in his or her discretion direct, either in any particular instance or in general in regard to all or any such publications, that such information be published in the *Provincial Gazette* in lieu of such newspaper, or if such law provides for the publication of such information in the *Provincial Gazette* and in any newspaper, that it be published in the *Provincial Gazette* only, and in either case the [Administrator] Premier may in his or her discretion cause to be published, in such manner and form and at such time as he or she may determine, in any newspaper wherein the said information should have been published in terms of the said law, a concise notice directing attention to the publication of such information in the *Provincial Gazette*.” 10 15

## Amendment of section 1 of Ordinance 4 of 1949

2. Section 1 of the Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Races Ordinance, 1949 (Ordinance No. 4 of 1949) is hereby amended by the deletion of the definition of “Administrator”. 20

## Amendment of section 2 of Ordinance 4 of 1949

3. Section 2 of the Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Races Ordinance, 1949 (Ordinance No. 4 of 1949) is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 25

“(a) hold any dog race meeting in the Province [of Transvaal];”.

## Amendment of section 1 of Act 63 of 1970 as substituted by Proclamation R28 of 7 April 1995

4. Section 1 of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970) is hereby amended— 30

(a) by the deletion of the definition of “Director-General” as inserted by section 1(c) of Act 76 of 1981; and

(b) by the insertion after the definition of the word “*Gazette*” of the following definition: 35

“‘Head of Department’ means the Head of the Department of Agriculture, Conservation and Environment in the Province;”.

**Amendment of section 1 of Act 9 of 1972**

5. Section 1 of the National Road Safety Act, 1972 (Act No. 9 of 1972) is hereby amended:

- (a) by the deletion of definition of "Director-General"; and
- (b) by the insertion after the definition of "fund" of the following definition— 5  
" 'Head of Department' means the Head of Department of Public Transport, Roads and Works in the Province;".

**Amendment of section 1 of Act 63 of 1977**

6. Section 1 of the Health Act, 1977 (Act No. 63 of 1977) is hereby amended by the insertion after the definition of the word "dwelling" of the following definition: 10

- " 'Head of Department of Health' means the Head of Department of Health in the Province;".

**Amendment of section 1 of Act 78 of 1977**

7. Section 1 of the Urban Transport Act, 1977 (Act No. 78 of 1977) is hereby amended— 15

- (a) by the deletion of the definitions of "Administrator"; "Director-General" and "local authority";
- (b) by the insertion after the definition of "guide plan committee" of the following definitions: 20  
" 'Head of Department' means Head of Department of Public Transport, Roads and Works in the Province; "  
'MEC' means the Member of the Executive Council responsible for public transport in the Province;  
'municipality' means a local, district or metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);" 25
- (c) by the insertion after the definition of "Minister of Finance" of the following definition: 30  
" 'municipality' means a local, district or metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);".

**Amendment of section 1 of Ordinance 20 of 1982, as amended by para. 1 of Part 1 of Proc. R. 30 of 1995**

8. Section 1 of the Transvaal Provincial Library and Museum Service Ordinance, 1982 (Ordinance No. 20 of 1982) is hereby amended— 35

- (a) by the deletion of the definitions of "Administrator", "local authority" and "province";
- (b) by the substitution for the definition of "library service" of the following definition: 40  
" 'library and information service' [ "library service", in so far as a provision of this Ordinance is applied in or with reference to a particular province,] means the library and information service established for [that province] the Province by section 2;";
- (c) by the insertion after the definition of "library service" of the following definitions: 45  
" 'MEC' means the Member of the Executive Council responsible for arts and culture in the Province;  
'municipality' means a local, district or metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);" 50
- (d) by the substitution for the definition of "museum service" of the following definition: 55  
" 'museum service' [, in so far as a provision of this Ordinance is applied in or with reference to a particular province,] means the museum service established for [that province] the Province by section 2;".

**Substitution of section 2 of Ordinance 20 of 1982, as substituted by para. 2 of Part 1 of Proc. R. 30 of 1995**

9. The following section is hereby substituted for section 2 of the Transvaal Provincial Library and Museum Service Ordinance, 1982 (Ordinance No. 20 of 1982):

**“Establishment of library service and museum service**

5

2. (1) A library service and a museum service are hereby established for **[each province] the Province.**

(2) The Transvaal Provincial Library Service and the Transvaal Provincial Museum Service which in terms of this Ordinance existed immediately before the assignment of the administration of this Ordinance under section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to **[a competent authority within the government of a province] the Province**, shall cease to exist with effect from the date of such assignment.”

10

**Substitution of section 9 of Ordinance 20 of 1982**

15

10. The following section is hereby substituted for section 9 of the Transvaal Provincial Library and Museum Service Ordinance, 1982 (Ordinance No. 20 of 1982):

**“Short title and commencement**

9. This Ordinance shall be called the **[Transvaal] Gauteng** Provincial Library and Museum Service Ordinance, 1982, and shall come into operation on 1 January 1983.”

20

**Amendment of section 1 of Ordinance 12 of 1983, as amended by para. 1 of Proc. 25 of 1991 and para. 1 of Proc. R. 22 of 1995**

11. Section 1 of the Nature Conservation Ordinance, 1983 (Ordinance No. 12 of 1983) is hereby amended—

25

(a) by the substitution for the definition of “Administration” of the following definition:

“ ‘Administration’ [, in so far as a provision of this Ordinance is applied in or with reference to a Particular Province,] means the Gauteng provincial administration [established for that Province by the Public Service Act, 1994 (Proclamation No. 103 of 1994)];”

30

(b) by the deletion of the definition of “Administrator”;

(c) by the insertion after the definition of “live fish” of the following definition:

“ ‘MEC’ means the Member of the Executive Council responsible for conservation and environmental affairs in the Province;”

35

(d) by the substitution for the definition of “Province” of the following definition:

“ ‘Province’ means the [province Eastern Transvaal, Northern Transvaal, North-West or Pretoria-Witwatersrand-Vereeniging established in terms of section 124 of the Constitution of the Republic of South Africa, 1993] Gauteng Province;”

40

**Substitution of section 2 of Ordinance 12 of 1983, as substituted by para. 3 of Proc. R. 22 of 1995**

12. The following section is hereby substituted for section 2 of the Nature Conservation Ordinance, 1983 (Ordinance No. 12 of 1982):

45

**“Establishment of Nature Conservation Division.**

2. (1) A Nature Conservation Division is hereby established for **[each province] the Province.**

(2) The Nature Conservation Division which in terms of this Ordinance existed immediately before the assignment of the administration of this

50

Ordinance under section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to **[a competent authority within the government of a province]** the Province, shall cease to exist with effect from the date of such assignment.”.

**Substitution of section 3 of Ordinance 12 of 1983, as substituted by para. 4 of Proc. R. 22 of 1995** 5

13. The following section is hereby substituted for section 3 of the Nature Conservation Ordinance, 1983 (Ordinance No. 12 of 1983):

**“3. Objects of Nature Conservation Division.—[In so far as a provision of this Ordinance is applied in or with reference to a particular province, the] 10**  
The objects of the Nature Conservation Division shall be the advancement, control and administration of nature conservation in **[that] the Province.”.**

**Amendment of section 5 of Ordinance 12 of 1983, as amended by para. 6 of Proc. R. 22 of 1995**

14. Section 5 of the Nature Conservation Ordinance, 1983 (Ordinance No. 12 of 1982) is hereby amended by the substitution for subsection (3) of the following subsection: 15

“(3) The Nature Conservation Advisory Board which in terms of this Ordinance existed immediately before the assignment of the administration of this Ordinance under section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to **[a competent authority within the government of a] the** 20  
Province, shall cease to exist with effect from the date of such assignment.”.

**Amendment of section 1 of Act 81 of 1988, as amended by section 15 of Act 108 of 1993 and section 1 of Act 7 of 2000**

15. Section 1 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is hereby amended— 25

- (a) by the deletion of the definitions of “Administrator”; “Director-General” and “local authority”;
- (b) by the substitution for the definition of “affected site” of the following definition: 30  
 “ ‘affected site’ means a site which is or purports to be occupied by virtue of a site permit, a certificate, a trading site permit, or a permit issued by the **[local authority] municipality** concerned conferring upon the holder thereof rights which **[in the opinion of the secretary concerned]** are similar to the rights which are held by the holder of a site permit, certificate or trading site permit;” 35
- (c) by the insertion after the definition of “formalized township” of the following definitions: 40  
 “ ‘Head of Department’ means the Head of the Department of Housing in the Province;  
 ‘MEC’  
 (a) in relation to any matter referred to in sections 2 and 3 of this Act, means the adjudication panel and appeal panel contemplated in section 24B of the Gauteng Housing Act, 1998 (Act No. 6 of 1998), as amended; and 45  
 (b) in relation to any other matter referred to in this Act, means the Member of the Executive Council responsible for housing matters in the Gauteng Province;  
 ‘municipality’ means a local, district or metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and, for purposes of section 6(1) of this Act, includes a former local authority established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982) and an Administrator or public authority referred to in section 3 or 5 of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986);” 50  
 55

- (d) by the substitution for the definition of “publish” of the following definition:  
 “publish”, in relation to a notice, means the publication of the notice—
- (a) by publishing it either in the **[Official] Provincial Gazette [of the province concerned]** or in at least two newspapers in English and one other official language circulating in the area concerned; and
  - (b) by affixing it at a prominent place at the office of the **[local authority] municipality** concerned and at such other public buildings in the area concerned as the Director-General may determine;”;
  - (e) ~~by the substitution for the definition of “trading site permit” of the~~ “trading site permit” means a permit issued by a **[local authority] municipality** allowing the person named therein to occupy a trading site.”.

**Amendment of section 2 of Act 81 of 1988, as amended by section 16 of Act 108 of 1993**

16. Section 2 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Director-General shall conduct an inquiry in the prescribed manner in respect of affected sites within **[his province] the Province** in order to determine who shall be declared to have been granted a right of leasehold or, in the case where the affected sites are situate in a formalized township for which a township register has been opened, ownership with regard to such sites.”.

**Amendment of section 5 of Act 81 of 1988, as amended by section 68 of Act 67 of 1995 and section 18 of Act 108 of 1993**

17. Section 5 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (1A) of the following subparagraph:

“if the owner of the affected site is the State or any **[local government body] municipality**, any officer in the public service or person in the employ of such **[local government body] municipality**, as the case may be, who has been designated for the purpose by the Minister of Land Affairs, **[a] the Premier** or a **[local government body] municipality**, as the case may be.”.

**Amendment of section 9 of Act 81 of 1988**

18. Section 9 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“**[An Administrator] The MEC** may **[in relation to his province]** make regulations as to—”.

**Amendment of section 10 of Act 81 of 1988**

19. Section 10 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) **[An Administrator] The MEC** may delegate any power conferred upon him by or under this Act, other than the power under section 9 to make regulations, to an officer in the **[Provincial administration] Department** concerned”.

**Amendment of section 1 of Act 71 of 1991, as amended by section 1 of Act 186 of 1993**

20. Section 1 of the Businesses Act, 1991 (Act No. 71 of 1991) is hereby amended—
- (a) by the deletion of the definitions of “Administrator” and “local authority”;
  - (b) by the substitution for the definition of “licensing authority” of the following definition:

- “ ‘licensing authority’ means any **[local authority]** municipality, or person or body, designated or appointed under section 2 as a licensing authority;”;
- (c) by the insertion after the definition of “licensing authority” of the following definition: 5  
 “ ‘MEC’ means the Member of the Executive Council responsible for finance and economic affairs in the Province;”;
- (d) by the substitution for the definition of “Minister” of the following definition: 10  
 “ ‘Minister’ means the Minister of Trade and Industry **[and Tourism]**, acting after consultation with **[every Administrator or the Administrator concerned]** the MEC in the Province, **[as the case may be]**;”;
- (e) by the insertion after the definition of “MEC” of the following definition: 15  
 “ ‘municipality’ means a local, district or metropolitan municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);” and
- (f) by the substitution for the definition of “regulation” of the following definition:  
 “ ‘regulation’ means a regulation made by **[an Administrator]** the MEC under section 6(1) or 6A(4)(a)(i);”.

**Amendment of section 2 of Act 71 of 1991, as amended by section 2 of Act 186 of 1993**

21. Section 2 of the Businesses Act, 1991 (Act No. 71 of 1991) is hereby amended—
- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs: 25  
 “(a) **[An Administrator]** The MEC may by notice in the **[Official]** Provincial Gazette designate a **[local authority]** municipality, or appoint any person or body, as a licensing authority for an area which the **[Administrator]** MEC specifies or defines in the notice, to undertake from a date specified in the notice the licensing of businesses in the area concerned; 30  
 (b) A **[local authority]** municipality may so be designated or appointed for any area, whether in or outside its own jurisdiction, **[but in the province concerned,]** including the area of jurisdiction of any other **[local authority]** municipality or any part of such area.”; and
- (b) by the substitution for subsection (2) of the following subsection: 35  
 “(2) **[An Administrator]** The MEC may at any time, after consultation with the relevant licensing authority, amend or withdraw a notice under subsection (1) by notice in the **[Official]** Provincial Gazette.”.

**Amendment of section 5 of Act 71 of 1991**

22. Section 5 of the Businesses Act, 1991 (Act No. 71 of 1991) is hereby amended by 40  
 the substitution for paragraph (b) of subsection (4) of the following paragraph:  
 “(b) in any other case, to the **[Administrator concerned]** MEC.”.

**Amendment of section 6 of Act 71 of 1991, as amended by section 3 of Act 186 of 1993**

23. Section 6 of the Businesses Act, 1991 (Act No. 71 of 1991) is hereby amended by 45  
 the substitution for the words preceding paragraph (a) of subsection (1) of the following words:  
 “**[An Administrator]** The MEC may make regulations **[for his province]** regarding—”.

**Amendment of section 7 of Act 71 of 1991** 50

24. Section 7 of the Businesses Act, 1991 (Act No. 71 of 1991) is hereby amended by 55  
 the substitution for subsection (2) of the following subsection:  
 “(2) The repeal or amendment by subsection (1) of any particular law shall take effect **[in a province]** on a date determined by the **[Administrator]** Premier by proclamation in the **[Official]** Provincial Gazette.”.

**Repeal of laws**

25. The laws specified in the second column of the First Schedule to this Act are hereby repealed to the extent indicated in the third column, in so far as they are applicable in, or have been assigned to, the Gauteng Province.

**Amendment of laws**

5

26. (1) The Mountain Catchment Areas Act, 1970 (Act 63 of 1970) is hereby amended by the substitution for the word "Director-General" in sections 2A; 8; 9; 11; and 14 of the word "Head of Department".

(2) The National Road Safety Act, 1972 (Act No. 9 of 1972) is hereby amended by the substitution of the word "Director-General" in sections 5; 6 and 7 of the word "Head of Department". 10

(3) The Health Act, 1977 (Act No. 63 of 1977) is hereby amended by the substitution for the word "Director-General" in sections 18; 22; 23; 28 and 53 of the word "Head of Department of Health".

(4) The Urban Transport Act, 1977 (Act 78 of 1977) is hereby amended by the substitution of the word "Director-General" in section 5 of the word "Head of Department". 15

(5) The Transvaal Provincial Library and Museum Service Ordinance, 1982 (Ordinance No. 20 of 1982) is hereby amended by the substitution for the word "library service" of the word "library and information service". 20

(6) The Conversion of Certain Rights into Leasehold or Ownership, 1988 (Act No. 81 of 1988) is hereby amended by the substitution for the word "Director-General" in sections 2-7 and 10 of the word "Head of Department".

(7) The laws specified in the second column of the Third Schedule to this Act are hereby amended by the substitution for the words "local authority" or "local authorities", wherever they occur in the provisions indicated in the third column, of the word "municipality" or "municipalities" respectively. 25

(8) The laws specified in the second column of the Second Schedule to this Act are hereby amended by the substitution for the word "Administrator" or 'Administrator concerned', wherever they occur in the provisions indicated in the third column, of the word "MEC". 30

(9) The laws specified in the second column of the Fourth Schedule of this Act are hereby amended by the insertion after the words "he" and "his" and "him" and "himself", wherever they occur in the provisions indicated in the third column, of the words "or she" and "or her" and "or her" and "or herself", respectively; and by the substitution for the word "chairman", wherever it occurs, of the word "chairperson". 35

**Short title**

27. This Act is called the Gauteng General Law Amendment Act, 2005.

**FIRST SCHEDULE****Laws Repealed**

<i>Number and Year</i>	<i>Short Title</i>	<i>Extent of Repeal</i>	
Ordinance No. 4 of 1949	Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Races Ordinance	Section 4	5
Act No. 47 of 1963	Coloured Persons Education Act	The whole	10
Act No. 61 of 1965	Indians Education Act	The whole	
Ordinance No. 8 of 1978	Extra-Territorial Ordinance	The whole	
Act No. 90 of 1979	Education and Training Act	The whole	15
Act No. 104 of 1981	Technical Colleges Act	The whole	
Act No. 35 of 1983	Culture Promotion Act	The whole	
Act No. 80 of 1988	Transport Deregulation Act	The whole	
Act No. 65 of 1989	Cultural Affairs Act (House of Assembly)	The whole	20
Act No. 71 of 1991	Businesses Act	Section 6A(4)	
Act No. 1 of 1995	Payment of Members of the Provincial Legislature Act	The whole	25
Act No. 13 of 1998	Gauteng College Education and Training Act	The whole	

## SECOND SCHEDULE

Laws amended by the substitution for the words "Administrator" or "Administrator concerned", wherever they occur, of the word "MEC".

<i>Number and Year</i>	<i>Short Title</i>	<i>Section Amended</i>	
Act No. 77 of 1977	Urban Transport Act	Sections 3, 4, 5, 6, 7, 8A, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, and 25	5
Ordinance No. 20 of 1982	Transvaal Provincial Library and Museum Service Ordinance	Sections 3, 4, 5(1), 6(1) and 7	10
Ordinance No. 12 of 1983	Nature Conservation Ordinance	Sections 4, 5(1), 5(2), 6(1), 7, 8, 9(3), 10, 12, 13(1), 14, 15(2), 17(1), 30(1), 33(1), 43(2), 44(2), 45(2), 46(1), 46(4) 47(1), 51(2), 51(3), 51(4), 51(5) 56(2), 59(1), 59(2), 60(1), 60(2), 61(4), 61(6), 62, 63(1), 63(2), 64, 65, 68, 70(2), 82(1), 85(2), 86(2), 94(1), 97(2), 97(3), 98(1), 100(1), 100(2), 100(3), 100(4), 100(5), 100(6), 101, 102(1), 102(3), 103, 104, 105, 109, 110(2), 112(2) and 112(3)	15 20 25 30
Act No. 81 of 1988	Conversion of Certain Rights into Leasehold or Ownership Act	Sections 2(5), 3(1), 3(2), 3(4), 3(6), 6(1), 10(2) and 10(3)	35
Act No. 71 of 1991	Businesses Act	Sections 6(4), 6A(1) and 6A(2)	40

**THIRD SCHEDULE**

Laws amended by the substitution for "local authority" or "local authorities", wherever they occur, of "municipality" or "municipalities" respectively.

<i>Number and Year</i>	<i>Short Title</i>	<i>Section Amended</i>	
Ordinance No. 20 of 1982	Transvaal Provincial Library and Museum Service Ordinance	Section 3	5
Act No. 81 of 1988	Conversion of Certain Rights into Leasehold or Ownership Act	Section 2(2), 5(1), 5(4), 6(1) and 7	10
Act No. 71 of 1991	Businesses Act	Sections 2(1), 5(4), 6(1), 6(2), 6A(1), 6A(2) and 6A(3)	15

## FOURTH SCHEDULE

Laws amended by the insertion after the words "he" and "his" and "him" and "himself", wherever they occur in the provisions indicated in the third column, of the words "or she" and "or her" and "or her" and "or herself", respectively; and by the substitution for the word "chairman", wherever it occurs, of the word "chairperson". 5

<i>Number and Year</i>	<i>Short Title</i>	<i>Section Amended</i>	
Ordinance 12 of 1983	Nature Conservation Ordinance	Sections 1, 4, 8, 9, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 59, 60, 61, 63, 64, 65, 66, 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 85, 87, 88, 89, 90, 91, 93, 94, 95, 96, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, and 112	10 15 20
Act No. 81 of 1988	Conversion of Certain Rights into Leasehold or Ownership Act	Sections 2, 3, 5, 7, 9, 10, and 11	25
Ordinance No. 20 of 1982	Transvaal Provincial Library and Museum Services Ordinance	Section 4, 5, 6, and 7	