

# REGULATION OF DEVELOPMENT IN RURAL AREAS ACT (EASTERN CAPE) NO. 8 OF 1997

[SIGNED AND ASSENTED TO BY THE PREMIER ON THE 22 DECEMBER, 1997]

[DATE OF COMMENCEMENT: 6 FEBRUARY, 1998]

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## ACT

To further define the role of District Councils and Transitional Representative Councils in the development of certain rural areas in the Province of the Eastern Cape; and to provide for matters incidental thereto.

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WHEREAS the development of rural areas in Transkei and Ciskei was entrusted to traditional authorities in terms of applicable laws;

WHEREAS, with the establishment of District Councils and Transitional Representative Councils in terms of Proclamation No. 20 of 1995 (Eastern Cape), as read with the Local Government Transition Act Second Amendment Act, 1995 (Act No. 89 of 1995), these functions have since been transferred to such District Councils and Transitional Representative Councils;

AND WHEREAS it is in the public interest to amend the laws which used to entrust these responsibilities to traditional authorities in order to bring about certainty and eliminate the duplication of functions.

NOW, THEREFORE, BE IT ENACTED by the Legislature of the Province of the Eastern Cape, as follows:—

## PART A

### DEFINITIONS AND RESPONSIBLE AUTHORITIES ON DEVELOPMENTAL MATTERS IN CERTAIN RURAL AREAS

**1. Definitions.**—In this Act, unless the context otherwise indicates—

“**Ciskei**” means the territory of the former Republic of Ciskei;

“**district council**” means a district council established for, and operating in, any area of the Province of the Eastern Cape in accordance with Part VA of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

“**responsible Member**” means the Member of the Executive Council responsible for Housing and Local Government in the Province of the Eastern Cape;

“**traditional authority**” means an authority which observes a system of indigenous or customary law and which was recognised by law immediately before the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

**"Transkei"** means the territory of the former Republic of Transkei;

**"transitional representative council"** means a transitional representative council established for, and operating in, any area of the Province of the Eastern Cape, in accordance with Part VA of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

**2. Divestiture of traditional authorities of powers, functions and duties relating to development.—**

(1) Notwithstanding any provision of any other law, traditional authorities are hereby divested of all powers, duties, functions, and any responsibility of whatever nature, which, in terms of the Local Government Transition Act, 1993 (Act No. 209 of 1993) and Proclamation No. 20 of 1995 (Eastern Cape), are presently vested in, or discharged by, a transitional representative council or a district council.

(2) The transitional representative councils and district councils shall, in the performance of the powers, duties, functions and responsibilities referred to in subsection (1) including any other powers, duties, functions and responsibilities which are provided for in any other law, if any, observe any policy, administrative practice and comply with any law referred to in section 3 (1) (c) of the Development Facilitation Act, 1995 (Act No. 67 of 1995) which provides for the promotion of efficient and integrated land development.

**3.** (1) The powers and functions of transitional representative councils and district councils shall be the powers and functions listed in PART A and PART B respectively of the Schedule and shall be discharged by the respective councils in accordance with the provisions of subsections (2) and (3).

(2) The transitional representative councils shall be entitled to conclude agreements with the relevant district council whereby the powers and functions listed in PART A and PART B of the Schedule shall be exercised by a district council in the event of lack of capacity by a particular transitional representative council: Provided that transitional representative councils shall collect service charges.

(3) The responsible Member may at any time after consultation with the transitional representative council and the district council concerned, by notice in the *Provincial Gazette*, transfer some or all of the powers and functions listed in PART A of the Schedule to a transitional representative council.

**PART B**

AMENDMENT OF TRANSKEI AUTHORITIES ACT, 1965

**4.** Amends section 4 of the *Transkei Authorities Act, No. 4 of 1965*, as follows:—paragraph (a) amends paragraph (c) of subsection (1) and paragraph (b) deletes paragraphs (d) and (e) of subsection (1).

**5.** Amends section 8 of the *Transkei Authorities Act, No. 4 of 1965*, by deleting paragraph (b).

**6.** Amends section 12 of the *Transkei Authorities Act, No. 4 of 1965*, by deleting paragraphs (b) and (e) of subsection (1).

**7.** Amends section 13 of the *Transkei Authorities Act, No. 4 of 1965*, by deleting paragraph (c).

**PART C**

AMENDMENT OF ADMINISTRATIVE AUTHORITIES ACT, 1984 (CISKEI)

**8.** Amends section 4 of the *Administrative Authorities Act (Ciskei), No. 37 of 1984*, as follows:—paragraph (a) amends paragraph (c) of subsection (1), paragraph (b) deletes paragraph (e) of subsection (1) and paragraph (c) deletes paragraph (g) of subsection (1).

**9.** Amends section 6 of the *Administrative Authorities Act (Ciskei), No. 37 of 1984*, by amending paragraph (b) of subsection (2).

**10.** Amends section 26 of the Administrative Authorities Act (Ciskei), No. 37 of 1984, as follows:—paragraph (a) amends paragraph (a) of subsection (1) and paragraph (b) substitutes paragraph (g) of subsection (1).

## **PART D**

**11. Short title.**—This Act shall be called the Regulation of Development in Rural Areas Act, 1997 (Eastern Cape).

## **SCHEDULE**

### **PART A**

#### **POWERS AND FUNCTIONS OF DISTRICT COUNCILS**

1. Bulk supply of water.
2. Bulk supply of electricity.
3. Sewerage purification works, main sewerage disposal pipelines and re-usage systems.
4. Municipal planning.
5. Roads and stormwater drainage.
6. Municipal public transport.
7. Traffic matters.
8. Municipal Abattoirs.
9. Fresh produce markets.
10. Refuse dumps.
11. Cemeteries and crematoriums.
12. Ambulance and fire brigade services.
13. Municipal health services.
14. Municipal airports.
15. Libraries.
16. Museum.
17. Recreation facilities.
18. Environment conservation.
19. Promotion of tourism.
20. The establishment, improvement and maintenance of other infrastructural services and facilities.
21. Other regional functions.

### **PART B**

#### **POWERS AND FUNCTIONS OF TRANSITIONAL REPRESENTATIVE COUNCILS**

1. Administration.
2. Municipal planning.
3. Valuation.
4. Engineering:
  - water
  - roads
  - sewerage
  - electricity

5. Municipal health.
  6. Refuse removal/dumps.
  7. Security.
  8. Municipal public transport.
  9. Cemeteries.
  10. Libraries/Museums.
  11. Recreation.
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