

REPUBLIC OF SOUTH AFRICA

REPEAL OF LOCAL GOVERNMENT LAWS BILL

(As introduced)

(MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT)

[B 56—97]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIE HERROEPING VAN PLAASLIKE REGERINGSWETTE

(Soos ingedien)

(MINISTER VIR PROVINSIALE SAKE EN STAATKUNDIGE ONTWIKKELING)

[W 56—97]

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BILL

To repeal certain laws pertaining to local government; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Repeal of laws

1. The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

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Short title

2. This Act shall be called the Repeal of Local Government Laws Act, 1997.

Schedule

Laws repealed

Number and year of law	Title	Extent of Repeal
Act No. 117 of 1984	Local Government Bodies Franchise Act, 1984	The whole
Act No. 109 of 1985	Regional Services Councils Act, 1985	Schedule 3 in so far as it amends section 1 of the Local Government Bodies Franchise Act, 1984
Act No. 94 of 1988	Prior Votes for Election of Members of Local Government Bodies Act, 1988	The whole
Act No. 84 of 1990	KwaZulu and Natal Joint Services Act, 1990	Schedule 3 in so far as it amends section 1 of the Local Government Bodies Franchise Act, 1984
Act No. 56 of 1993	Local Government Affairs Amendment Act, 1993	Section 16

**MEMORANDUM ON THE OBJECTS OF THE REPEAL OF
LOCAL GOVERNMENT LAWS BILL, 1997**

It was resolved by MINMEC on 22 April 1997 that the Local Government Bodies Franchise Act, 1984 (Act No. 117 of 1984), and the Prior Votes for Election of Members of Local Government Bodies Act, 1988 (Act No. 94 of 1988), be repealed.

The Local Government Bodies Franchise Act, 1984, provides for separate voting rights in local government bodies for different population groups and for voting rights for juristic persons who own property within the area of a local government body. Both concepts are outdated and out of line with the *de facto* position. The Act was also never put into operation.

The Prior Votes for Election of Members of Local Government Bodies Act, 1988, makes provision for the recording of prior votes at a general election of members of local government bodies in those instances where voters allege that they are not able to cast their votes on election day. This law was only applied in the general election of 1989 and not again thereafter. In the general elections of 1994 no need for this type of vote was identified and the Act was not applied. The practical application of this Act proved to be difficult and cumbersome.

The Bill seeks to repeal the abovementioned Acts.

Since the Bill is not a Bill contemplated in section 76(3), (4) or (5) of the Constitution, the Department of Constitutional Development and the State Law Advisers are of the view that the Bill must be dealt with in terms of the procedure set out in section 75 of the Constitution.