

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 467.

24 Maart 1982.

No. 467.

24 March 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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

—No. 36 van 1982: Wet op die Toepassing van Wette van die Verteenwoordigende Kleurlingraad, 1982.

No. 36 of 1982: Laws of the Coloured Persons Representative Council Application Act, 1982.

LAW OF THE COLOURED PERSONS REPRESENTATIVE  
COUNCIL APPLICATION ACT, 1982

Act No. 36, 1982

**ACT**

**To provide for the application of certain provisions of laws of the Coloured Persons Representative Council of the Republic of South Africa, and for matters connected therewith.**

*(Afrikaans text signed by the State President.)  
(Assented to 26 February 1982.)*

**BE IT ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Until such date as may be fixed in terms of section 4 (2) of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980)—

- (a) the definition of "Minister" in section 1 of the Coloured Persons Rehabilitation Centres Law, 1971, of the Coloured Persons Representative Council of the Republic of South Africa (Law No. 1 of 1971), shall be deemed to read as follows:
- "Minister" means the Minister of Internal Affairs;"
- (b) the words following subparagraph (ii) of paragraph (b) of subsection (1) of section 23 of the said Law shall be deemed to read as follows:
- "such person may with the approval of the Minister be admitted to a rehabilitation centre or registered rehabilitation centre designated by the Director.";
- (c) subsection (1) of section 24 of the said Law shall be deemed to read as follows:
- "(1) If the Minister is of opinion, on representations made to him by the Director, that any person admitted to a rehabilitation centre or registered rehabilitation centre under section 23 has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in a rehabilitation centre or registered rehabilitation centre, the Minister may consent to such person being discharged from such rehabilitation centre or registered rehabilitation centre for admission to any prison within the meaning of the Prisons Act, 1959 (Act No. 8 of 1959), of Parliament, in accordance with the provisions of that Act.";
- (d) subsection (1) of section 25 of the said Law shall be deemed to read as follows:
- "(1) If in the opinion of the Minister—
- (a) it is desirable that any person who is undergoing a period of detention in a children's home, school of industries or reform school should, before he is returned to the community, receive treatment or training in a rehabilitation centre or registered rehabilitation centre; and

Construction of certain provisions of and references in Law 1 of 1971 of Coloured Persons Representative Council.

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- (b) such person is a type of person who will or will probably benefit by the particular kind of treatment and training provided in a rehabilitation centre or registered rehabilitation centre,  
5 such person may, with the consent of the Minister, be admitted to a rehabilitation centre or registered rehabilitation centre designated by the Director.”;
- (e) subsection (1) of section 26 of the said Law shall be deemed to read as follows:  
10 “(1) If the Minister is of opinion, on representations made to him by the Director, that any person admitted to a rehabilitation centre or registered rehabilitation centre under section 25 has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in the rehabilitation centre or registered rehabilitation centre, the Minister may grant his consent to such person being discharged from such re-  
15 habilitation centre or registered rehabilitation centre for admission to a children’s home, school of industries or reform school, in accordance with the provisions of the Children’s Act, 1960 (Act No. 33 of 1960), of Parliament.”;
- (f) subsection (2) of section 38 of the said Law shall be deemed to be deleted;
- (g) any reference in any other provision of the said Law—  
25 (i) except in section 39, to “designated member” shall be construed as a reference to the Minister of Internal Affairs; and  
30 (ii) to the Department of Coloured Relations and the Secretary for Coloured Relations, construed as such by section 5 of the South African Coloured Persons Council Act, 1980, and the Coloured Persons Representative Council shall be construed as a reference to the Department of Internal Affairs,  
35 the Director-General: Internal Affairs and Parliament, respectively.

2. Until such date as may be fixed in terms of section 4 (2) of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980)—

- 40 (a) the definition of “Minister” in section 1 of the Coloured Farmers Assistance Law, 1973, of the Coloured Persons Representative Council of the Republic of South Africa (Law 1 of 1973), shall be deemed to read as follows:  
45 “Minister” means the Minister of Internal Affairs;”;
- (b) paragraph (b) of subsection (4) of section 2 of the said Law shall be deemed to be deleted;
- (c) subsection (5) of section 2 of the said Law shall be deemed to read as follows:  
50 “(5) A member of the Board and a member of a committee of the Board or the alternate to any such member (if any), not being an officer of the Department of Internal Affairs, shall out of moneys appropriated by Parliament for the purpose, receive such allowances as the Minister may in consultation with the Minister of Finance from time to time determine.”;
- (d) the words preceding paragraph (a) of subsection (1) of section 7 of the said Law shall be deemed to read as follows:  
60 “Subject to the provisions of subsections (3) and (4) of this section and section 8 the Minister may, on application by any Coloured person—”;

Construction of certain provisions of and references in Law 1 of 1973 of Coloured Persons Representative Council.

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- (e) subsection (2) of section 7 of the said Law shall be deemed to read as follows:  
 “(2) The Minister may on such terms and conditions as he may determine, but subject to the provisions of section 8, on application by any Coloured person render assistance to him by way of transferring to him the liability for repayment of any amount recoverable under this Law from any other person, if such other person consents to the transfer.”;
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- (f) paragraph (a) of subsection (4) of section 7 of the said Law shall be deemed to read as follows:  
 “(a) shall be repayable in such manner and within such period as the Minister may in consultation with the Minister of Finance determine.”;
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- (g) section 11 of the said Act shall be deemed to read as follows:  
 “Amendment of terms or conditions for repayment of debt. 11. The Minister may, in consultation with the Minister of Finance, on application by any person amend the terms or conditions subject to which any amount recoverable from such person in terms of this Law shall be repayable, and thereupon the amended terms or conditions shall be deemed to be the first-mentioned terms or conditions.”;
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- (h) the words preceding paragraph (a) of section 16 of the said Law shall be deemed to read as follows:  
 “When immovable property has been mortgaged as security for any amount recoverable in terms of this Law, the Minister may, in consultation with the Minister of Finance, on such conditions as the Minister may determine in such consultation—”;
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- (i) the words preceding paragraph (a) of section 19 of the said Law shall be deemed to read as follows:  
 “Whenever movable property has become the property of the State in terms of section 18, the Minister may in consultation with the Minister of Finance at any time, subject to such conditions as the Minister may determine in such consultation and to such directions as he may give—”;
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- (j) subsection (2) of section 22 of the said Law shall be deemed to read as follows:  
 “(2) The Minister may in consultation with the Minister of Finance cause the property so seized to be sold at such place and time and in such manner as he may determine, or retain it on behalf of the State at such valuation as he may regard fair and dispose of it as he may think fit, and the amount of the purchase price or valuation, after payment of any costs incurred in connection with the seizure, gathering or sale, shall be applied towards the reduction or payment of such amount together with interest and costs as may be owing to the State by the person concerned, and if any balance remains, it shall be paid to such person or his legal representative or the trustee, liquidator or executor of his estate, as circumstances may require.”;
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- (k) section 24 of the said Law shall be deemed to read as follows:  
 “Expenditure in connection with functions or powers of Minister, Board or committees. 24. All expenditure in connection with the performance of the functions or the exercise of the powers of the Minister, the Board or committees of the Board shall be defrayed from moneys appropriated for the purpose by Parliament.”; and
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- (l) any reference in any other provision of the said Law—
- (i) except in section 34, to “designated member” shall be construed as a reference to the Minister of Internal Affairs; and
- 5 (ii) to the Department of Coloured Relations and the Secretary for Coloured Relations, construed as such by section 5 of the South African Coloured Persons Council Act, 1980, shall be construed as a reference to the Department of Internal Affairs and the Director-General: Internal Affairs, respectively.
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3. Until such date as may be fixed in terms of section 4 (2) of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980)—

Construction of certain provisions of and references in Law 1 of 1974 of Coloured Persons Representative Council.

- 15 (a) the following definition shall be deemed to be inserted after the definition of “district surgeon” in section 1 of the Coloured Persons Social Pensions Law, 1974, of the Coloured Persons Representative Council of the Republic of South Africa (Law No. 1 of 1974):
- 20 “‘Minister’ means the Minister of Internal Affairs;”
- (b) the words preceding paragraph (a) of section 3 of the said Law shall be deemed to read as follows:
- 25 “The Minister may, subject to the provisions of this Law, in consultation with the Minister of Finance and out of moneys appropriated for the purpose by Parliament—”
- (c) subparagraph (iii) of paragraph (c) of section 4 of the said Law shall be deemed to read as follows:
- 30 “(iii) that he has entered the Republic from any territory or country specified by the Minister and complies with the conditions determined by the Minister.”;
- (d) subsection (4) of section 8 of the said Law shall be deemed to read as follows:
- 35 “(4) The Minister or his deputy may at his discretion write off the whole or any portion of any sum repayable in terms of this section, if he is satisfied that it would be uneconomical to recover such sum or that recovery thereof would cause undue hardship.”;
- 40 (e) the words preceding paragraph (a) of section 13 of the said Law shall be deemed to read as follows:
- 45 “The Minister or his deputy shall appoint for every area determined by him, an officer in the public service as regional pension officer, who shall be charged with—”;
- (f) the words preceding paragraph (a) of subsection (1) of section 18 of the said Law shall be deemed to read as follows:
- 50 “The Minister may, in consultation with the Minister of Finance, make regulations as to—”;
- (g) subsection (2) of the said section 18 shall be deemed to read as follows:
- 55 “(2) No regulation by virtue of which the aggregate amount of any pension and allowance referred to in section 3 and to which any applicant whose income and assets have not increased, has at any time been entitled, will be reduced, shall be made without the approval, by resolution, of the House of Assembly.”; and
- 60 (h) any reference in any other provision of the said Law to “designated member”, and to the Department of Coloured Relations and the Secretary for Coloured Relations, construed as such by section 5 of the South

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African Coloured Persons Council Act, 1980, shall be construed as a reference to the Minister of Internal Affairs, the Department of Internal Affairs and the Director-General: Internal Affairs, respectively.

5 4. Until such date as may be fixed in terms of section 4 (2) of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980), any reference in the Rural Coloured Areas Law, 1979, of the Coloured Persons Representative Council of the Republic of South Africa (Law 1 of 1979), to "designated member" and "Coloured Persons Representative Council" shall be construed as a reference to the Minister of Internal Affairs and Parliament, respectively.

Construction of certain references in Law 1 of 1979 of Coloured Persons Representative Council.

5. This Act shall be called the Laws of the Coloured Persons Representative Council Application Act, 1982, and shall be deemed to have come into operation on 1 April 1980.

Short title and commencement.