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**MINISTRY: PROVINCIAL AND LOCAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA**

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Reference: 3/1/19/2

Mr M L Mokoena  
The Chairperson  
Select Committee on Security and Constitutional Affairs  
P O Box 15  
**CAPE TOWN**  
8000

Dear Mr Mokoena

**REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF  
CERTAIN LAWS BILL**

The request of the Portfolio Committee on Justice and Constitutional Development and the Select Committee on Security and Constitutional Affairs to submit a report bears reference.

Please find attached herewith the reports from Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Limpopo and Western Cape Provinces.

Kind regards

A handwritten signature in black ink, appearing to read 'F.S. Mufamadi'.

**F.S. MUFAMADI  
MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT**

Date: 18-04-2006

EASTERN CAPE

TITLE	CONSEQUENCES OF REPEAL	PROGRESS ON DEALING WITH THE LEGISLATION
1. R 110	<p>The Proclamation did not apply in Transkei and Ciskei as they had legislation dealing with traditional affairs.</p> <p>The areas in RSA to which the proclamation applied did not have chiefs and headmen. Those areas are Nxaruni, Mooiplas, Kwelera, Lysetton, Gooshen and Mgwali.</p> <p>During the interim phase the said areas fell under Transitional Representative Councils and now in terms of the Municipal structures Act they fall under ward system.</p>	<p>The relevant sections of the BAA have been repealed by the Provincial Act . The Act has been assented to by the Premier but the date of operation must still be fixed by proclamation.</p> <p>Proclamation may be repealed.</p>
2. R 293	<p>The provisions of this proclamation have become obsolete as the municipalities which governed the townships were disestablished and the said townships fall under the current municipal system.</p>	
3. R 5	<p>The provisions of this proclamation have become obsolete.</p>	<p>Proclamation may be repealed.</p>
4. R 192	<p>The provisions of the proclamation have become obsolete.</p>	<p>Proclamation may be repealed.</p>
5. R 196	<p>The provisions of the proclamation have become obsolete.</p>	<p>Proclamation may be repealed.</p>
6. R 199	<p>The Department of Public Works derives its mandate from the relevant National Acts.</p> <p>The provisions of the proclamation have become obsolete.</p>	<p>Proclamation may be repealed.</p>

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# FREE STATE PROVINCE



*below  
for your information*

*KL 2/11/2*

Director General;  
Justice and Constitutional Development

Attention: (1) Mr L Basset  
(2) Mr Molelathuto

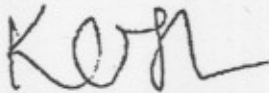
## REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS ACT, 2005

1. Previous correspondence with regard to the abovementioned Act, refer.
2. In the Free State Province, the Black Administration Act, 1927 (Act No. 38 of 1927) and all the Regulations issued in terms of this Act have been repealed.
- 2.1 The following were repealed with effect from 11 November 2005 by Provincial Notice 210 of 2005 issued in terms of the Townships Ordinance Amendment Act, 1998 (Act No. 1 of 1998):
  - Black Areas Land Regulations, Proclamation No. R 188 of 1969;
  - Land Tenure in Towns Regulations, Proclamations No. R 29 of 1988;
  - Township Development Regulations for Towns, GN No. R 1886 of 1990;
  - Land Use and Planning Regulations, GN No. R. 1888 of 1990
- 2.2 The Free State Traditional Leadership and Governance Act, 2005 (Act No 5 of 2005), with effect from 2 December 2005, has repealed the following laws:
  - Black Administration Act, 1927 (Act No 38 of 1927) (sections 1 and subsections 2(7), 2(7)(bis), 2(7)(ter), and 2(8).
  - Duties, Powers, Privileges and Conditions of Service of Chiefs and Headmen Regulations, Proclamation No 110 of 1957.
- 2.3 The General Laws Repeal Act, 2005 (Act NO 6 of 2005), has with effect from 2 December 2005, repealed the following laws:
  - Protection of Works in Black Areas Regulations, Proclamation No R199 of 1967;
  - ... Services in Black ... Proclamation No. R 200 of

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- Nature Conservation in Black Areas, Proclamation No R 6 of 1978.
- 3. The Repealing Acts have saving clauses to protect any vested rights.
- 4. Please contact our Office for any further clarity.



**KJC DITIRA-LEKOENEHA**  
Chief Director: Legal Services

18 December 2005





**CHIEF DIRECTORATE: STATE LAW  
ADVICE - OFFICE OF THE PREMIER**

Enquiries: Carel van Heerden  
Ref: 11/2/1/2  
Tel: (011) 355-6283  
Fax: (011) 833-2950  
Email: carelh@gpg.gov.za

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**FAX COVER**

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**TO: DEPARTMENT OF PROVINCIAL AND LOCAL  
GOVERNMENT**

For attention: Ms. Vuyo Zini  
Senior Manager: Legal Services

No. of pages: 3 (including this page)

Fax No: (012) 334 0694

Date: 13 January 2006

**Report pertaining to the effect of the Repeal of the Black Administration  
Act and Amendment of Certain Laws Bill, 2005 on the Gauteng  
Provincial Government**

Herewith our provisional reply in the above regard.

Regards

A handwritten signature in black ink, appearing to read 'C. van Heerden', enclosed within a circular scribble.

Carel van Heerden  
State Law Adviser

we refer to your letter dated 1 December 2005 with reference DLS 1/1/17.

1. Introduction

... progress made in repealing or amending that legislation or enacting new legislation.

2. Subordinate legislation administered by GPG

- 2.1 The only subordinate legislation administered by GPG is the Land Use and Planning Regulations promulgated under Government Notice No. R. 1888 of 1990.

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2.2 The administration of Government Notice No. R. 1888 of 1990 has been assigned to GPG in terms of Proclamation No. R 12 of 31 January 1997.

3. Report on any unintended consequences that may be caused by the repeal of the Land Use and Planning Regulations, 1990 and Progress made in repealing the Land Use and Planning Regulations, 1990

3.1 We are awaiting a report on the above from the Gauteng Department of Local Government...

3.2 The contact persons are still on leave but we will follow up this matter to provide you with a conclusive answer.

4. Conclusion

The above constitutes our provisional reply to your request. If you have any information to the contrary kindly advise us forthwith. We will provide you with a final reply as soon as we receive the report referred to in paragraph 3.

We trust that you find the above in order. If you have any enquiries, kindly revert to writer.



PP  
Mogopodi Mokoena  
Director-General