

(7 April 1995 - to date)

**MOUNTAIN CATCHMENT AREAS ACT 63 OF 1970**

*(Gazette No. 2858, Notice No. 1683. Commencement date: 7 October 1970)*

**ASSIGNMENT OF THE MOUNTAIN CATCHMENT AREAS ACT, 1970, TO THE PROVINCES UNDER SECTION 235 (8) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993**

*Published under Government Notice R28 in Government Gazette 16346. Commencement date: 7 April 1995.*

Under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby-

- (a) assign the administration of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970), excluding those provisions (if any) of the said Act which fall outside the functional areas specified in Schedule 6 to the Constitution or which relate to matters referred to in paragraphs (a) to (e) of section 126 (3) of the Constitution, to a competent authority within the jurisdiction of the government of a province mentioned in section 124 (1) of the Constitution, designated by the Premier of the province concerned;
- (b) determine that the said Act is assigned to the extent specified in the first column of Part 1 of the Schedule in so far as that Act is applicable in, or in a part of, the province concerned;
- (c) amend the said Act to the extent set out in the second column of Part 1 of the Schedule; and
- (d) regulate the matters as set out in Part 2 of the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-seventh day of March, One thousand Nine hundred and Ninety-five.

**N. R. MANDELA,**

President.

By Order of the President-in-Cabinet:

**A. M. OMAR,**

Minister of the Cabinet.

**SCHEDULE**

**PART 1: EXTENT OF ASSIGNMENT, AND AMENDMENTS TO THE MOUNTAIN CATCHMENT AREAS  
ACT, 1970**

<b>Extent of assignment</b>	<b>Amendments</b>
<p>The whole, excluding the proviso to section 8 (2)</p>	<p>1. The amendment of section 1 -</p> <p>(a) by the substitution for the definition of "Director-General" of the following definition:</p> <p style="padding-left: 40px;">'Director-General', in so far as a provision of this Act is applied in or with reference to a particular province, means the director-general of the provincial administration of that province;"</p> <p>(b) by the insertion after the definition of "fire protection plan" of the following definition:</p> <p style="padding-left: 40px;">" 'Gazette' means the Provincial Gazette of a province;"</p> <p>(c) by the substitution for the definition of "local authority" of the following definition:</p> <p style="padding-left: 40px;">'local authority', in so far as a provision of this Act is applied in or with reference to a particular province, means a local government body or a transitional council, as the case may be, contemplated in section 1 (1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993);"</p> <p>(d) by the substitution for the definition of "Minister" of the following definition:</p> <p style="padding-left: 40px;">'Minister', in so far as a provision of this Act is applied in or with reference to a particular province, means the competent authority to whom the administration of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned in that province;"</p> <p>(e) by the insertion after the definition of "Minister" of the following definition:</p>

	<p>'Minister of Finance', in so far as a provision of this Act is applied in or with reference to a particular province, means the member of the Executive council of that province responsible for the budget in the province;"; and</p> <p>(f) by the insertion after the definition of "prescribed" of the following definition:</p> <p>'province' means a province established in terms of section 124 of the Constitution of the Republic of South Africa, 1993;".</p> <p>2. The amendment of section 5 by the deletion of subsection (2).</p> <p>3. The amendment of section 10 by the substitution for the expression "Parliament" of the expression "the Provincial legislature".</p> <p>4. The amendment of section 12 by the substitution for the expression "Parliament" of the expression "the Provincial legislature".</p> <p>5. The repeal of section 19.</p>
--	---

**PART 2: REGULATION OF MATTERS AS A RESULT OF ASSIGNMENT: THE AREA SWARTBERG-OOS**

The area Swartberg-Oos as it has been declared to be a mountain catchment area by Government Notice No. 1938 of 29 September 1978, is-

- (a) in so far as it is situated in the province Eastern Cape, hereby deemed to be declared a mountain catchment area under section 2 of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970), to be known as the area Swartberg-Oos: Eastern Cape;
- (b) in so far as it is situated in the province Western Cape, hereby deemed to be declared a mountain catchment area under section 2 of the Mountain Catchment Areas Act, 1970, to be known as the area Swartberg-Oos: Western Cape.