



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 402

CAPE TOWN, 2 DECEMBER 1998

No. 19538

KAAPSTAD, 2 DESEMBER 1998

OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1552.

2 December 1998

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

No. 118 of 1998: South African Geographical Names Council Act, 1998.

No. 1552.

2 Desember 1998

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

No. 118 van 1998: Wet op die Raad vir Suid-Afrikaanse Geografiese Name, 1998.

(English text signed by the President.)
(Assented to 20 November 1998.)

ACT

To establish a permanent advisory body known as the South African Geographical Names Council to advise the Minister responsible for arts and culture on the transformation and standardisation of geographical names in South Africa for official purposes; to determine its objects, functions and methods of work; and to provide for matters connected therewith.

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

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Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “Council” means the South African Geographical Names Council, established by section 2(1); 20
 - (ii) “Director-General” means the Director-General of the national department responsible for arts and culture;
 - (iii) “geographical name” means the name of any terrestrial feature within the territorial limits of the Republic, together with the area of jurisdiction of the Republic acquired by treaty, whether— 25
 - (a) natural or made or adapted by human agency; or
 - (b) populated or unpopulated;
 - (iv) “Minister” means the Minister responsible for arts and culture;
 - (v) “Municipality” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993); 30
 - (vi) “regulations” means regulations made under section 12;
 - (vii) “standardisation” means—
 - (a) determination of—
 - (i) the name to be applied to each geographical feature; and
 - (ii) the written form of that name; and 35
 - (b) the regulation by an appropriate authority of a geographical name, its written form and its application;
 - (viii) “this Act” includes the regulations.

Establishment and objects of Council

2. (1) There is hereby established a body to be known as the South African Geographical Names Council.

(2) The objects of the Council are—

- (a) to facilitate the establishment of Provincial Geographical Names Committees: 5
- (b) to ensure the standardisation of geographical names;
- (c) to facilitate the transformation process for geographical names;
- (d) to promote the use of standardised South African geographical names at international level;
- (e) to ensure the implementation of standardised geographical names in South Africa; and 10
- (f) to promote awareness of the economic and social benefits of the standardisation of geographical names.

Composition of Council

3. (1) The Council consists of no fewer than 15 and no more than 25 members appointed by the Minister, of whom—

- (a) nine must be nominated by the provinces;
- (b) one must be nominated by each of the following:
 - (i) The South African Post Office;
 - (ii) the Chief Directorate: Surveys and Mapping; 20
 - (iii) the Pan South African Language Board,
 or any other organisation, body or institution the Minister considers relevant.

(2) Members of the Council other than those referred to in subsection (1)(a) and (b) must be appointed by the Minister in the prescribed manner, and the regulations prescribing the manner of appointment must apply the principles of transparency and representivity and must take into account—

- (a) special competence, experience and interest in the relevant fields; and
- (b) the linguistic, cultural and demographic characteristics of the population of the Republic.

Term of office

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4. (1) A member of the Council is appointed for a period of three years.

(2) A member of the Council may be reappointed for a further period of three years.

(3) If a member dies or resigns, the Minister must appoint another person to fill that vacancy for the remaining portion of the term of office of that member.

(4) The Minister must, in consultation with the Council, appoint one of the members as chairperson of the Council to serve for a renewable term of three years. 35

(5) If the chairperson dies or resigns, the Minister must appoint another person as chairperson for the remaining portion of the term of the first-mentioned chairperson.

(6) A vice-chairperson is elected by the Council from among its members.

(7) The Minister may terminate a person's membership of the Council— 40

- (a) if that member has been absent from three consecutive meetings of the Council without sufficient reasons; or
- (b) on the recommendation of the Council for reasons which are fair and just.

Meetings of Council

5. (1) The Council may meet as often as necessary, but at least three times a year. 45

(2) The chairperson may convene a special meeting or postpone or cancel a meeting in accordance with the necessity for a meeting.

(3) The majority of the members of the Council form a quorum.

(4) If consensus cannot be reached, decisions of the Council are taken by resolution of the majority of members present at the meeting, and in the event of an equality 50

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of votes the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

Executive functions of Council

6. (1) The executive functions of the Council must be performed by a section established by the Director-General in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994). 5

(2) The functions of the section are to—

- (a) perform administrative and secretarial services; and
- (b) establish and maintain a research section and the necessary infrastructure, incorporating a computerised database, a library, reference material and document archives. 10

Subcommittees of Council and other assistance

7. (1) The Council may establish subcommittees not limited to its own members to perform work for the Council.

(2) The Council may delegate its powers and assign its duties to a subcommittee or to any other body. 15

(3) The Council is not absolved from exercising or performing any power or duty so delegated or assigned.

(4) Any delegated power or duty so exercised or performed is regarded to have been exercised or performed by the Council. 20

Allowances of members of Council and subcommittees

8. The Minister may, with the concurrence of the Minister of Finance, determine the allowances payable to members of the Council and any subcommittee it may establish who are not in the full-time employ of the State.

Powers and duties of Council 25

9. (1) The Council must—

- (a) set guidelines for the operation of Provincial Geographical Names Committees;
- (b) set standards and guidelines for local and provincial authorities in their respective areas of jurisdiction; 30
- (c) receive proposed geographical names submitted by State departments, statutory bodies, provincial governments, municipalities and other bodies or individuals;
- (d) recommend geographical names falling within the national competence to the Minister for approval; 35
- (e) advise the Minister on—
 - (i) the standardisation of proposed new geographical names;
 - (ii) existing geographical names not yet standardised;
 - (iii) the changing, removing or replacing of geographical names; and
 - (iv) geographical names and their orthography; 40
- (f) in consultation with provincial governments, identify existing geographical names in need of revision, and co-ordinate requests for advice on geographical names and standardisation;
- (g) communicate decisions and relevant information on geographical names approved in terms of section 10(1) effectively to the various State departments, the public, and all other users of geographical names at national and international level by means of gazetteers, lists, maps and other published and electronic media; 45
- (h) liaise with—
 - (i) national and international organisations concerned with geographical names; and 50
 - (ii) cultural, historical and linguistic organisations;
- (i) in consultation with the Minister and the Provincial Geographical Names Committees, formulate policies, principles and procedures, taking cognisance

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of the United Nations resolutions and international practice with reference to the standardisation of geographical names;

(j) perform any other duty imposed on it by this Act or any other law.

(2) The Council may—

(a) exercise any power conferred on it by this Act or any other law; and

(b) generally, do everything which is necessary to perform its duties referred to in subsection (1).

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Approval and revision of geographical names

10. (1) The Minister may approve or reject a geographical name recommended by the Council in terms of section 9(1)(d).

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(2) A geographical name approved or rejected by the Minister in terms of subsection (1) must be published in the *Gazette*.

(3) Any person or body dissatisfied with a geographical name approved by the Minister may, within one month from the date of publication of the geographical name in the *Gazette*, lodge a complaint in writing to the Minister.

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(4) The Minister may refer the complaint to the Council for advice whether or not to reject or amend a geographical name so approved.

(5) The Minister must inform the complainant of the decision on the complaint and the reasons for the decision.

Annual report

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11. (1) The Council must annually submit a report on its activities, including an assessment of the extent to which its objects have been achieved, to the Minister.

(2) The Minister must cause the report to be tabled in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session.

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Regulations

12. (1) The Minister must make regulations as to the criteria to be followed when deciding whether or not a geographical name should be regarded as a national, provincial or local competence.

(2) The Minister must make regulations regarding any matter referred to in section 3.

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(3) The Minister may, after consultation with the Council, make regulations regarding—

(a) any other matter which is required or permitted to be prescribed under this Act; and

(b) generally, any matter which is necessary or expedient to be prescribed in order to achieve the objects of this Act.

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(4) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a penalty not exceeding that prescribed in the regulations.

Short title and commencement

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13. This Act is called the South African Geographical Names Council Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.