

SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL ACT 118 OF 1998

(English text signed by the President)

[Assented To: 20 November 1998]

[Commencement Date: 13 August 1999]

[Proc. R87 / GG 20350 / 19990813]

as amended by:

Cultural Laws Amendment Act 36 of 2001

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.

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1. Definitions

In this Act, unless the context indicates otherwise -

“Council” means the South African Geographical Names Council, established by section 2 (1);

“Director-General” means the Director General of the national department responsible for arts and culture;

“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 -

- (a) natural or made or adapted by human agency; or
- (b) populated or unpopulated;

“Minister” means the Minister responsible for arts and culture;

“Municipality” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

“regulations” means regulations made under section 12;

“standardisation” means -

- (a) determination of -
 - (i) the name to be applied to each geographical feature; and
 - (ii) the written form of that name; and
- (b) the regulation by an appropriate authority of a geographical name, its written form and its application;

“this Act” includes the regulations.

2. Establishment and objects of Council

(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;
- (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

(f) to promote awareness of the economic and social benefits of the standardisation of geographical names.

3. Composition of Council

(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;
 - (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.

4. Term of office

(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.

(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 -

(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.

(8) The Minister may dissolve the Council on any reasonable grounds.

[Sub-s. (8) added by s. 32 of Act 36/2001]

5. Meetings of Council

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

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

6. Executive functions of Council

(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).

(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.

7. Subcommittees of Council and other assistance

(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.

(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.

8. Allowances of members of Council and subcommittees

(1) Subject to subsection (2), a member of the Council and of any subcommittee who is not in the full-time employment of the State may receive, out of the funds of the Council, in respect of his or her functions as a member, such honoraria and reimbursement for expenses as the Council may determine.

(2) The Minister, with the concurrence of the Minister of Finance, must determine criteria for payment of the honoraria and reimbursement of expenses contemplated in subsection (1).

[S. 8 substituted by s. 33 of Act 36/2001]

9. Powers and duties of Council

(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;
- (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;
- (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;
- (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;
- (h) liaise with -
 - (i) national and international organisations concerned with geographical names; and
 - (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 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; and
- (k) not later than one month before the commencement of each financial year, submit a business plan containing such information as may be prescribed to the Minister for his or her approval.

[Para. (k) added by s. 34 of Act 36/2001]

(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).

10. Approval and revision of geographical names

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

(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.

(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.

11. Annual report

(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.

(3) Within five months after the report has been tabled, a delegation consisting of the chairperson of the council and at least two other council members must brief the Portfolio Committee on Arts, Culture,

Science and Technology on the annual report.

[Sub-s. (3) added by s. 35 of Act 36/2001]

12. Regulations

(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.

(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.

(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.

13. Short title and commencement

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.