

**REPUBLIC OF SOUTH AFRICA**

**SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL AMENDMENT BILL**

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*(As introduced in the National Assembly (proposed section 75); explanatory  
summary of Bill and prior notice of its introduction published in Government Gazette  
No.     of     ) (The English text is the official text of the Bill)*  
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(MINISTER OF SPORTS, ARTS AND CULTURE)

**[B – 2023]**

**GENERAL EXPLANATORY NOTE:**

[            ]        Words in bold type in square brackets indicate omissions from the existing enactment.

\_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactment.

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**BILL**

**To amend the South African Geographical Names Council, Act, so as to insert certain definitions; to provide for the establishment and functions of the Provincial Geographical Names Committee; to provide anew for the term of office of members of the South African Geographical Names Council; to provide for a public consultation process to be followed by the Council; to establish the Appeals Tribunal; and to provide for matters connected therewith.**

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

### **Amendment of section 1 of Act 110 of 1998**

1. Section 1 of the South African Geographical Names Council Act, 1998 (hereinafter referred to as “the principal Act”), is hereby amended—

(a) by the insertion before the definition of “Council” of the following definition:

**“Tribunal”** means the Appeals Tribunal established by section 10A;”;

(b) by the insertion after the definition of “geographical name” of the following definition:

**“Head of Department”** means the Head of the Department responsible for sport, arts, culture and recreation in a province;

(c) by the insertion before the definition of “Minister” of the following definition:

**“MEC”** means the member of the Executive Council responsible for sport, arts, culture and recreation in a province;”

(d) by the amendment of the definition of “Minister” to read as follows:

**“Minister”** means the Minister responsible for sport, arts and culture;

(d) by the insertion after the definition of “Municipality” of the following definition:

**“Provincial Committee”** means a Provincial Geographical Names Committee established by section 2A(1);”.

### **Amendment of section 2 of Act 110 of 1998**

2. Section 2 of the principal Act, is hereby amended:

(a) by the substitution in subsection (2)(b) of the following subsection:

“(b) to **[ensure]** consider and endorse the standardisation of geographical names in South Africa;

by the deletion of in subsection (2)(c) of the following subsection:

**[(c) to facilitate the transformation process for geographical names;]**

(b) by the addition in subsection (2)(d) of the following subsection:

(d) to promote the use of standardised South African geographical names at national and international levels;”

### **Insertion of section 2A in Act 118 of 1998**

3. The following sections are hereby inserted after section 2 of the principal Act:

#### **“Establishment and objects of Provincial Committee**

(2A) (1) There is hereby established a body to be known as the Provincial Geographical Names Committee for each Province.

(2) The objects of a Provincial Committee are—

(a) to ensure the standardisation of geographical names in the Province.

(b) to facilitate the transformation process for geographical names in the Province;

(c) to promote the use of standardised geographical names in in the Province; and

(d) to promote awareness of the economic and social benefits of the standardisation of geographical names for the Province.

(f) to recommend provincial geographical name changes for consideration of the Council.”.

**“Functions and Powers of Provincial Geographical Names Committee**

(2B) A Provincial Geographical Names Committee is responsible for:

- (a) advising local authorities and working with them in ensuring that they apply the principles of the Council to the names under their jurisdiction;
- (b) making recommendations to the Council on the names of geographical features that fall within its provincial boundaries;
- (c) ensuring that local communities and other stakeholders are adequately consulted; and
- (d) liaising with the Council on promoting research and ensuring that unrecorded names are collected.

**Amendment of section 3 of Act 118 of 1998**

4. Section 3 of the principal Act, is hereby amended by the substitution in subsection (1) for the words preceding subparagraph (i) of paragraph (b) of the following words:

“(b) one must be nominated **[by each [of] from** the following;”.

## Insertion of section 3A in Act 118 of 1998

5. The following section is hereby inserted after section 3 of the principal Act:

### “Composition of Provincial Committee

#### 3A. The MEC in each province—

- (1) must in the prescribed manner, appoint no fewer than 10 and no more than 15 suitably qualified persons to serve on a Provincial Committee;  
of whom: -
- (a) 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
- (b) any other organisation, body or institution the MEC considers relevant.
- (2) When selecting the persons contemplated in subsection (1) the MEC in each province must:
- (a) apply the principles of transparency and representativity and must take into account-
- (i) special competence, experience, and interest in the relevant fields; and
  - (ii) the linguistic, cultural and demographic characteristics of the population of that Province.
- (b) ensure that the composition of the Provincial Committee is broadly representative of society, with due regard to race, gender, disability and the demographics of the province.”.

**Amendment of section 4 of Act 118 of 1998, as amended by section 32 of Act 36 of 2001**

6. Section 4 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) a member of the Council is appointed for a period of **[three] five** years.

(2) a member of the Council may be re-appointed for a further period of **[three] five** years;”.

**Insertion of section 4A in Act 118 of 1998**

7. The following section is hereby inserted after section 4 of the principal Act:

**“Term of office of Provincial Committee**

**“4A** (1) Members of the Provincial Committee hold office for a period of five years from the date of their appointment by the MEC.

(2) A person serving the Provincial Committee may, on expiry of that member’s term of office, be reappointed, but may not serve more than two consecutive terms of office.

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

(4) The MEC must, in consultation with the Provincial Committee appoint one of the members as chairperson of the Provincial Committee to serve for a renewable term of five years.

(5) A vice - chairperson is elected by the Provincial Committee from among its members.

(6) the MEC may terminate a person's membership of the Provincial Committee—

(a) if that member has been absent from three consecutive meetings of the Provincial Committee without sufficient reasons; or

(b) on the recommendation of the Provincial Committee for reasons which are fair and just.”.

#### **Insertion of section 5A in Act 118 of 1998**

8. The following section is hereby inserted after section 5 of the principal Act:

#### **“Meetings of Provincial Committee**

5A. (1) A Provincial Committee may meet as often as necessary but must meet 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 a Provincial Committee form a quorum.



(4) If consensus cannot be reached, decisions of the Provincial Committee 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.”.

### **Insertion of section 6A in Act 118 of 1998**

9. The following section is hereby inserted after section 6 of the principal Act:

#### **“Administrative support to Provincial Committee**

**6A.** (1) The Administrative support to a Provincial Committee must be performed by a section established by the Head of Department in terms of the Public Services Act, 1994 (Proclamation No. 103 of 1994);

(2) The functions of the section include—

- (a) performing administrative and secretarial services for a Provincial Committee; and
- (b) the establishment and maintenance of a research section and the necessary infrastructure, incorporating a computerised database, a library, reference material and document archives.”.

**Amendment of section 8 of Act 118 of 1998, as amended by section 33 of Act 38 of 2001**

**10.** Section 8 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

**“Allowances of members of Council, Provincial Committees and subcommittees”**; and

(b) by the substitution for section (8) for the following section:

“(1) The Minister, may with the concurrence of the Minister of Finance, determine the allowances payable to members of the Council, Provincial Committee and any subcommittee it may establish who is not in the full-time employ of the State.”.

**Amendment of section 9 of Act 118 of 1998**

**11.** Section 9 of the principal Act is hereby amended—

(a) by the by the insertion before subsection (1)(j) of the following subsection:

“(j) 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.

(b) by the by the amendment of (1)(j) of the following subsection:

**[(j)]** (k) perform any other duty imposed on it by this Act or any other law.”.

## Insertion of section 9A in Act 118 of 1998

12. The following section is hereby inserted in the principal Act after section 9:

### “Public Consultations

9A. (1) The Council must after having considered a geographical name change application and arrived at a recommendation—

(a) publish such recommendations in the *Gazette*; and

(b) allow the public to comment on the recommended name change.

(2) The Council must conduct public hearings in respect of any change contemplated in subsection (1)(b).”.

## Amendment of section 10 of Act 118 of 1998

13. Section 10 of the principal Act is hereby amended—
- (a) by the substitution for subsection (3) of the following subsection:

“(3) Any person or body dissatisfied with a geographical name approved by the Minister may, within one calendar month from the date of publication of the geographical name in the *Gazette*, lodge an **[complaint]** objection in writing to the Minister and the Tribunal.”

- (b) by the deletion of subsection (4).

## Insertion of section 10A in Act 118 of 1998

14. The following section is hereby inserted in the principal Act after section 10:

### **“Appointment of Appeals Tribunal**

10A. (1) The Minister must by notice in the *Gazette* establish the Appeals Tribunal

(2) The Minister must, in an open and transparent manner appoint no fewer than three and no more than five suitably qualified persons to serve as independent members of the Tribunal.

(3). The Tribunal must hear all appeals to approved geographical name changes.

(4) The Minister must appoint one of the members of the Tribunal as the Chairperson of the Tribunal.

(5) The Tribunal shall at its first sitting appoint from amongst themselves another member to serve as the Deputy Chairperson of the Tribunal.

(6) The majority of the members of the Tribunal forms a quorum.

(7). The Tribunal must hear and decide on an appeal contemplated in subsection (5) within three months from the date of its lodgement.

(7). The Minister must, in consultation with the Minister of Finance, determine the fees and allowances of the members of the Tribunal.”.

**Amendment of the long title of Act 118 of 1998**

**13.** The following long title is hereby substituted for the long title of the principal 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; to provide for the objects of the Provincial Geographical Names Committee; to establish the role of provincial departments responsible for PGNC's in the capacitation, including but not limited to resourcing of Provincial Geographical Names Committees; to align the term of period of a Provincial Geographical Names Committee with that of a South African Geographical Names Council; to provide for the manner and form of public consultations; to provide for the establishment of computerised database; to provide for an establishment of an Appeals Tribunal; and to provide for matters connected therewith.

**Short title and commencement**

**17.** This Act is called the South African Geographical Names Council Amendment Bill, 2023, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.