

THE DAILY NEWS, THURSDAY, MARCH 28, 1985

# Natal's people should not be divided — chief

DAILY NEWS

Daily News Reporter

THE South African Government's attempts to divide the people of Natal into artificial constituencies made a mockery of economic reality, the Chief Minister of KwaZulu, Chief Mangosuthu Buthelezi, said yesterday.

In his policy speech in the KwaZulu Legislative Assembly, Chief Buthelezi said: "We in KwaZulu have long argued that the rigid separation of decision-making in Natal and KwaZulu is a very costly affair, foisted on the people of Natal by segregationists of the last century and the apartheid bosses subsequent to that."

It was becoming increasingly clear that the Government did not know what to do with the KwaZulu-Natal situation.

He believed a climate could now be emerging in which the Buthelezi Commission's consolidation proposals "may well be looked at again".

"If I had to isolate the gravest stumbling block we face, I would say it is the Government's strange quietness when it comes to discussion of black rejection of whites retaining final decision-making powers in 87 percent of the land of our birth.

"No reforms can be meaningful unless there is white recognition that it is immoral and politically suicidal for whites to think that they could perpetuate white control over 87 percent of our land and therefore over all its wealth," he said.

The Chief Minister repeated his call for the South African Government to form a joint black/white statement of intent so political leaders could save South Africa from "bloody revolution".

Later in his speech, Chief Buthelezi said the KwaZulu Legislative Assembly should debate the question of opening KwaZulu's doors to members of the ANC Mission in Exile.



## Out go township service charges

Witness Reporter

BETWEEN four and six million township residents in South Africa no longer have to pay service charges to township authorities, in terms of a Supreme Court judgment in Pietermaritzburg yesterday.

Mr Justice Shearer and Mr Justice Law upheld an appeal of four residents from Mondlo township near Vryheid against a conviction in the Nqutu Magistrate's Court for not paying service charges on their township houses between 1979 and 1983.

Mr Justice Law said a literal reading of the Government notice indicated that township residents only had to pay an initial service charge, not the monthly fee of R3,40 or R1,50 levied over the last six years.

The appellants' counsel, Mr Chris Nicholson of the Legal Resources Centre, said after the trial that the finding would apply to all black townships outside Transkei and Bophuthatswana, and to townships outside "prescribed areas".

"The question now is whether residents can reclaim for the amount they have been paying over the last six years," he said.

The four appellants were: Mr Fanyana Phenyane, Mr Thamsanqa Khumalo, Mr Russel Nkwanyana and Mr Alinah Zulu.

## Ruling on payments could affect millions

Pietermaritzburg Bureau

SUPREME Court judges here have set aside the convictions, on appeal, of four people on charges of failing to pay for community services in their township.

The judgment could have far-reaching implications for millions of blacks living in townships in South Africa.

Mr Justice Law, with Mr Justice Shearer concurring, said a notice in the Government Gazette in 1978 specifying the tariffs for and services provided in townships was unclear.

Mr Justice Law said the notice did not define what was meant by rudimentary or full services

(for which the charges vary), nor did it specify whether payments had to be made monthly, weekly, daily or annually. On a literal reading it would appear that the payment was to be made once only.

He found that the State had not proved its case against the four accused

Russel Nkwanyana, Thamsanqa Khumalo, Fanyana Phenyane and Alinah Zulu, all of Mondlo Township, in Northern Natal — who were tried and convicted by a Nqutu magistrate, Mr J P Mgobozi, in 1983.

The four had each been sentenced to a fine of R90 or 90 days conditionally suspended for three years. In addition they were ordered to repay the amounts that they owed between 1979 and 1983, failing which they were to undergo 90 days' imprisonment.

At the end of the appeal hearing Mr Justice Shearer thanked the Legal Resources Centre for 'once again' bringing a matter before court involving an 'important question of principle and the interests of a large number of people'.

Mr Chris Nicholson and Mr Sandile Ngcobo of the Legal Resources Centre said that in terms of the

judgment those who had paid for community services would probably be entitled to reclaim their money.

## Service fees ruling 'important'

Witness Reporter

A SUPREME Court decision which declared that millions of township dwellers were being charged service fees illegally would have a "profound effect", said Mr Graham McIntosh, PFP MP for Pietermaritzburg North, yesterday.

Mr McIntosh, the PFP spokesman on local government housing and works, said "the significance of the Supreme Court decision is that there may be other instances where bureaucratic regulations have not been properly drawn up or applied".

The judgment, handed down in the Supreme Court, Pietermaritzburg on Thursday, does not affect the city's townships as both Imbali and Sobantu fall within "prescribed" areas.

The finding applies to all townships outside the Transkei and Bophuthatswana, and outside "prescribed areas".

Spokesmen for the Department of Co-operation and Development were unavailable for comment on the ruling.

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## Services charges do not have to be paid, judges rule

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