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**IMPORTANT NOTICE**

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## GENERAL NOTICES

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### NOTICE 377 OF 2010

#### LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

#### AMENDMENT OF CERTAIN NOTICES RELATING TO THE ESTABLISHMENT OF MUNICIPALITIES IN THE PROVINCE OF THE NORTH WEST

Under the powers vested in me by section 16 (1) (c) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I, M P Sebegu, Member of the Executive Council responsible for local government in the Province of the North West, hereby amend certain notices relating to the establishment of municipalities in the Province of the North West as set out in the Schedule hereto.

The amendments shall apply to the municipal council to be elected during the next general municipal election, the date of which is still to be announced, and shall become effective on such date.

Given under my Hand at Mafikeng this 30<sup>th</sup> day of November 2010.

**M P SEBEGO**

**MEMBER OF THE EXECUTIVE COUNCIL OF THE PROVINCE OF NORTH WEST RESPONSIBLE FOR LOCAL GOVERNMENT**

#### SCHEDULE

##### **Amendment of Notice No. 311 of 2000**

1. General Notice No. 311 of 2000, establishing the Tswaing Local Municipality (NW382) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Tswaing Local Municipality (NW 311), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 15 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 30 members with 15 of those members being proportionally elected councillors and 15 ward councillors.”

##### **Amendment of Notice No. 313 of 2000**

2. General Notice No. 313 of 2000, establishing the Ratlou Local Municipality (NW381) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Ratlou Local Municipality (NW 381), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 14 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 28 members with 14 of those members being proportionally elected councillors and 14 ward councillors.”

**Amendment of Notice No. 310 of 2000**

1. General Notice No. 310 of 2000, establishing the Mafikeng Local Municipality (NW383) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Mafikeng Local Municipality (NW 383), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 31 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 62 members with 31 of those members being proportionally elected councillors and 31 ward councillors.”

**Amendment of Notice No. 312 of 2000**

1. General Notice No. 312 of 2000, establishing the Ditsobotla Local Municipality (NW384) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Ditsobotla Local Municipality (NW 384), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 21 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 42 members with 21 of those members being proportionally elected councillors and 21 ward councillors.”

**Amendment of Notice No. 309 of 2000**

1. General Notice No. 309 of 2000, establishing the Ramotshere Moiloa Local Municipality (NW385) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Ramotshere Moiloa Local Municipality (NW 385), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 20 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 39 members with 19 of those members being proportionally elected councillors and 20 ward councillors.”

**Amendment of Notice No. 317 of 2000**

3. General Notice No. 317 of 2000, establishing the Madibeng Local Municipality (NW372) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“2. (1) (d) shall be known as the Madibeng Local Municipality (NW 372), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 36 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 72 members with 36 of those members being proportionally elected councillors and 36 ward councillors.”

**Amendment of Notice No. 318 of 2000**

4. General Notice No. 318 of 2000, establishing the Moretele Local Municipality (NW371) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Madibeng Local Municipality (NW 371), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 28 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 55 members with 27 of those members being proportionally elected councillors and 28 ward councillors.”

**Amendment of Notice No. 316 of 2000**

5. General Notice No. 316 of 2000, establishing the Rustenburg Local Municipality (NW373) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Rustenburg Local Municipality (NW 373), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 38 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 76 members with 38 of those members being proportionally elected councillors and 38 ward councillors.”

**Amendment of Notice No. 315 of 2000**

1. General Notice No. 315 of 2000, establishing the Moses Kotane Local Municipality (NW375) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Moses Kotane Local Municipality (NW 375), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 31wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 62 members with 31 of those members being proportionally elected councillors and 31 ward councillors.”

**Amendment of Notice No. 314 of 2000**

1. General Notice No. 314 of 2000, establishing the Kgetleng-Rivier Local Municipality (NW374) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Kgetleng-Rivier Local Municipality (NW 374), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 6 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 12 members with 6 of those members being proportionally elected councillors and 6 ward councillors.”

**Amendment of Notice No. 351 of 2000**

2. General Notice No. 351 of 2000, establishing the Greater Taung Local Municipality (NW394) and published in the Provincial Gazette Extraordinary No. 5593 dated 6 October 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“2. (1) (d) shall be known as the Greater Taung Local Municipality (NW 394), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 26 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 51 members with 25 of those members being proportionally elected councillors and 26 ward councillors.”

**Amendment of Notice No. 306 of 2000**

1. General Notice No. 306 of 2000, establishing the Mamusa Local Municipality (NW393) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Mamusa Local Municipality (NW 393), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 8 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 15 members with 7 of those members being proportionally elected councillors and 8 ward councillors.”

**Amendment of Notice No. 304 of 2000**

1. General Notice No. 304 of 2000, establishing the Lekwa-Teemane Local Municipality (NW396) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Lekwa-Teemane Local Municipality (NW 396), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 7 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 14 members with 7 of those members being proportionally elected councillors and 7 ward councillors.”

**Amendment of Notice No. 302 of 2000**

3. General Notice No. 302 of 2000, establishing the Tlokwe Local Municipality (NW402) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Tlokwe Local Municipality (NW 402), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 26 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 52 members with 26 of those members being proportionally elected councillors and 26 ward councillors.”

**Amendment of Notice No. 301 of 2000**

4. General Notice No. 301 of 2000, establishing the Matlosana Local Municipality (NW403) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsections:

“ 2. (1) (d) shall be known as the Matlosana Local Municipality (NW 403), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 35 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 70 members with 35 of those members being proportionally elected councillors and 35 ward councillors.”

**Amendment of Notice No. 303 of 2000**

1. General Notice No. 303 of 2000, establishing the Ventersdorp Local Municipality (NW401) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Ventersdorp Local Municipality (NW 401), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 6 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 12 members with 6 of those members being proportionally elected councillors and 6 ward councillors.”

**Amendment of Notice No. 300 of 2000**

2. General Notice No. 300 of 2000, establishing the Maquassi Hills Local Municipality (NW404) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsections 2. (1) (d) and 3. (1) of the following subsection:

“2. (1) (d) shall be known as the Maquassi Hills Local Municipality (NW 404), is hereby established with its area of jurisdiction as described in Annexure “A” hereto, with such area being divided into 11 wards.

3. (1) The local municipality referred to in section 2 (1) shall have a council consisting of 21 members with 10 of those members being proportionally elected councillors and 11 ward councillors.”

**Amendment of Notice No. 319 of 2000**

5. General Notice No. 319 of 2000, establishing the Bojanala Platinum District Municipality (DC 37) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsection 3. (1) of the following subsection:

“3. (1) The district municipality referred to in section 2 (1) shall have a council consisting of 68 members with 27 of those members being proportionally elected councillors and 41 councillors being appointed by the respective local municipalities falling within the district municipal area and listed in the first column of Annexure “B” hereto on the basis as described in the corresponding row of the second column of the said Annexure after application of the formulae and quotas contemplated in Schedule 2 to the Act. ”

**Amendment of Notice No. 320 of 2000**

1. General Notice No. 320 of 2000, establishing the Ngaka Modiri Molema District Municipality (DC 38) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsection 3. (1) of the following subsection:

“3. (1) The district municipality referred to in section 2 (1) shall have a council consisting of 41 members with 16 of those members being proportionally elected councillors and 25 councillors being appointed by the respective local municipalities falling within the district municipal area and listed in the first column of Annexure “B” hereto on the basis as described in the corresponding row of the second column of the said Annexure after application of the formulae and quotas contemplated in Schedule 2 to the Act. ”

**Amendment of Notice No. 321 of 2000**

1. General Notice No. 319 of 2000, establishing the Dr Ruth Segomotsi Mompati District Municipality (DC 39) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsection 3. (1) of the following subsection:

“3. (1) The district municipality referred to in section 2 (1) shall have a council consisting of 29 members with 12 of those members being proportionally elected councillors and 17 councillors being appointed by the respective local municipalities falling within the district municipal area and listed in the first column of Annexure “B” hereto on the basis as described in the corresponding row of the second column of the said Annexure after application of the formulae and quotas contemplated in Schedule 2 to the Act. ”



**Amendment of Notice No. 322 of 2000**

1. General Notice No. 322 of 2000, establishing the Dr Kenneth Kaunda District Municipality (DC 40) and published in the Provincial Gazette Extraordinary No. 5574 dated 29 September 2000, is hereby amended by the substitution for subsection 3. (1) of the following subsection:

“3. (1) The district municipality referred to in section 2 (1) shall have a council consisting of 39 members with 16 of those members being proportionally elected councillors and 23 councillors being appointed by the respective local municipalities falling within the district municipal area and listed in the first column of Annexure “B” hereto on the basis as described in the corresponding row of the second column of the said Annexure after application of the formulae and quotas contemplated in Schedule 2 to the Act. ”

**ANNEXURE B**

Number of councillors appointed by each local municipality to the council of the respective district municipality, as contemplated in section 3(1), of the respective district municipalities, with effect from the 2011 municipal elections, are as reflected in the table below.

<b>“DC 37</b>	<b>Bojanala-platinum DM</b>	<b>41</b>
NW 371	Moretele	7
NW 372	Madibeng	12
NW 373	Rustenburg	14
NW 374	Kgetleng-Rivier	1
NW 375	Moses Kotane	7
	<b>Total</b>	<b>41</b>
<b>DC 38</b>	<b>Ngaka Modiri Molema DM</b>	<b>25</b>
NW 381	Ratlou	3
NW 382	Tswaing	4
NW 383	Mafikeng	8
NW 384	Ditsobotla	5
NW 385	Ramotshere Moiloa	5
	<b>Total</b>	<b>25</b>
<b>DC 39</b>	<b>Dr Ruth Segomotsi Mompoti DM</b>	<b>17</b>
NW 391	Kagisano-Molopo	4
NW 392	Naledi	2
NW 393	Mamusa	2
NW 394	Greater Taung	7
NW 396	Lekwa-Teemane	2
	<b>Total</b>	<b>17</b>
<b>DC 40</b>	<b>Dr Kenneth Kaunda DM</b>	<b>23</b>
NW 401	Ventersdorp	1
NW 402	Tlokwe	6
NW 403	Matlosana	13
NW 404	Maquassi Hills	3
	<b>Total</b>	<b>23”</b>

**Short title**

12. This notice shall be called the Amendment Notice in respect of Notices relating to the establishment of Municipalities in the Province of the North West, 2010.

**NOTICE 378 OF 2010****NOTICE IN TERMS OF SECTION 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 FOR THE DISESTABLISHMENT OF CERTAIN EXISTING MUNICIPALITIES**

I, Mosetlha Paul Sebego, Member of the Executive Council responsible for local government in the North West Province, hereby publish for general information a notice in terms of section 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) for the disestablishment of municipalities within the North West Province as reflected in the Municipal Demarcation Board notice for the re-determination of the boundaries of Molopo and Kagisano published under Notice No. 811 of 2007 (Provincial Gazette Extraordinary No. 6451 dated 24 December 2007), and as set out in the Schedule hereto.

Given under my hand at Mafikeng this 1<sup>st</sup> day of December 2010.

**M P SEBEGO**  
**MEMBER OF THE EXECUTIVE COUNCIL OF THE NORTH WEST PROVINCE**  
**RESPONSIBLE FOR LOCAL GOVERNMENT**

**SCHEDULE****DISESTABLISHMENT OF MUNICIPALITIES**

1. The following municipalities are hereby disestablished with effect from the commencement of the 2011 municipal elections, the date which is still to be announced, to the extent that those municipalities fall within Dr Ruth Segomotsi Mompati district municipal area.
  - (a) Kagisano Local Municipality (NW 391) established by Notice 308 of 2000, published in the North West Extraordinary Provincial Gazette No. 5574 dated 29 September 2000.
  - (b) Molopo Local Municipality (NW 395) established by Notice 305 of 2000, published in the North West Extraordinary Provincial Gazette No. 5574 dated 29 September 2000.

**REPEAL OF EXISTING SECTION 12 NOTICES**

2. The section 12 Notices that established local municipalities of Kagisano and Molopo respectively are hereby repealed to the extent indicated in the second column:

<b>Section 12 Notice</b>	<b>Extent of Repeal</b>
(a) Notice 308 of 2000 published in the North West Extraordinary Provincial Gazette No. 5574, dated 29 September 2000.	The whole
(b) Notice 305 of 2000 published in the North West Extraordinary Provincial Gazette No. 5574, dated 29 September 2000.	The whole

**NOTICE 379 OF 2010****NOTICE IN TERMS OF SECTION 12 AND 14 OF THE LOCAL GOVERNMENT:  
MUNICIPAL STRUCTURES ACT, 1998 RELATING TO THE ESTABLISHMENT  
OF THE KAGISANO-MOLOPO LOCAL MUNICIPALITY (NW 391)**

I, Mosetlha Paul Sebego, Member of the Executive Council responsible for local government in the North West Province, hereby publish notice in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), for the establishment of Kagisano-Molopo Local Municipality (NW 391) within the North West Province as reflected in Notice 485 of 2008 per Government Gazette No. 6526 dated 22<sup>nd</sup> August 2008, and as set out in the Schedule hereto.

Given under my Hand at Mafikeng this 1<sup>st</sup> day of December 2010.

**M P SEBEGO**  
**MEMBER OF THE EXECUTIVE COUNCIL OF THE PROVINCE OF THE NORTH**  
**WEST RESPONSIBLE FOR LOCAL GOVERNMENT**

## SCHEDULE

### Definitions

1. In this notice any word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), herein after referred to as the Act, shall, unless clearly inappropriate, bear that meaning, and, unless the context otherwise indicates –

“**Constitution**” means the Constitution of the Republic of South Africa;

“**demarcation board**” means the Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“**disestablished municipality**” means an existing municipality disestablished in terms of section 2 of this Schedule;

“**existing municipality**” means the Kagisano and Molopo municipalities;

“**district municipality**” means the Category C municipality namely Dr Ruth Segomotsi Mompoti district municipality;

“**effective date**” means-

- (a) the day on which the results of the elections of the council of the district municipality and the local municipalities in the district are declared elected in terms of section 190(1) (c) of the Constitution;
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“**local municipality**” means a category B municipality referred to in section 2 of this Schedule;

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**North West Municipal Structures Act**” means the North West Municipal Structures Act, 2000 (Act 3 of 2000);

“**proportionally elected councillors**” means councillors elected to proportionally represent parties in a municipal council;

“**responsible member**” means the Member of the Executive Council of the Province of the North West responsible for local government ; and

“**ward councillor**” means a councillor elected to represent a ward in a municipal council.

### Establishment of local municipality

- 2.(1) The local municipality designated as NW 391 by the Demarcation Board for which elections shall be held as contemplated in the Act, which –

- (a) shall be a juristic person;

- (b) shall be a category B municipality as determined by the Demarcation Board in terms of section 4 of the Act falling within the district municipal area of the category C municipality known as Dr Ruth Segomotsi Mompati District Municipality (DC 39);
- (c) shall be a type as described in section 2(1)(a)(ii) of the North West Municipal Structures Act, 2000 (Act 3 of 2000), that is, a local municipality with a collective executive system combined with a ward participatory system; and
- (d) shall be known as the Kagisano-Molopo Local Municipality (NW 391),

is hereby established with its area of jurisdiction as described in Annexure "A", with such area being divided into 15 wards.

(2) The establishment of the local municipality referred to in subsection (1) takes effect at the commencement of the next election of the council of that municipality whereupon any existing municipality which had as its area of jurisdiction any part of the area as described in Annexure "A" hereto, shall be disestablished: Provide that-

- (a) any such existing municipality continues and remains competent to function as the municipality for its area until the council of the local municipality referred to in subsection (1) has been declared duly elected; and
- (b) the councillors of any such existing municipality vacate their office when the council of the local municipality referred to in subsection (1) has been declared duly elected.

#### **Constitution of local municipality**

**3.(1)** The local municipality referred to in section 2(1) shall have a council consisting of 30 members with 15 of those members being proportionally elected councillors and 15 ward councillors.

(2) The council of the local municipality may designate any or all of the following offices in the council to which councillors may be elected, as full-time:

- (a) the speaker;
- (b) the mayor;
- (c) members of the Executive Committee;

(3) The participation of traditional leaders in the proceedings of the council of the local municipality shall take place in accordance with the provisions of section 81 of the Act.

#### **Powers, duties and functions of local municipality**

**4.(1)** The local municipality referred to in section 2(1) –

- (a) shall, within its area of jurisdiction, have the powers, duties and functions of a local municipality as listed in Annexure "B" hereto;
- (b) shall have any other power, duty or function assigned or delegated by a law of the national or provincial government; and
- (c) shall have such additional powers, duties and functions assigned by the national or the provincial government as contemplated by section 156(4) of the Constitution.

(2) The relevant district municipality shall, within the area of jurisdiction of the local municipality referred to in section 2(1), exercise and perform those powers, duties and functions of a local municipality as listed in Annexure "C" hereto.

**Exemption from provisions of Act**

5. The local municipality referred to in section 2(1) is not exempted from any provision of the Act.

**Transitional provisions relating to by-laws, regulations, statutory notices, delegations and town planning schemes**

6.(1)(a) All by-laws, regulations, statutory notices, delegations and town planning schemes of the existing local municipality referred to in section 2(2), which, immediately before the disestablishment of such municipality, were in force in any area of the said existing local municipalities shall, subject to the provisions of section 15 of the Act, remain in force in any such area until amended or repealed by by-laws, regulations, statutory notices, delegations or town planning schemes of local municipality established by section 2(1).

(b) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, statutory notice, delegation and town planning scheme to –

- (i) the disestablished local municipalities shall be construed as a reference to the local municipality established by section 2(1); and
- (ii) a structure or functionary of the existing local municipalities shall be construed as a reference to the corresponding structure or functionary of the local municipality established by section 2(1).

(2) In the case of conflict between any by-law, regulation, resolution, statutory notice or delegation of a traditional authority established by or under any law and a by-law, regulation, statutory notice or delegation of the local municipality established by section 2(1), the by-law, regulation, resolution, statutory notice or delegation of the local municipality shall prevail.

**Transitional provisions relating to assets, liabilities, rights, duties, obligations and records**

7.(1) The assets liabilities, rights, duties, obligations and records of the existing municipality referred to in section 2(2) shall, in accordance with a determination by the responsible Member vest in the local municipality established by section 2(1), the relevant district municipality or any other local municipality within the district municipal area, with effect from a date mentioned in such determination.

(2) The local municipality established by section 2(1), the relevant district municipality or other local municipality within the district municipal area shall, in accordance with the determination of the responsible Member contemplated by that subsection in respect of powers, functions, assets, liabilities, rights, duties, obligations and records so vested in it, for all purposes be deemed to be the successor-in-law of the existing municipality.

(3)(a) A determination contemplated in subsection (1) shall be published in the Provincial Gazette for information.

(b) The effective date of a determination referred to in paragraph (a) may be a date prior to the date of the publication of a notice for information as contemplated in this subsection.

(c) The responsible Member may amend a determination contemplated in subsection (1).

(4) The local municipality referred to in subsection (1) may, by agreement with the relevant district municipality or any other local municipality within the district municipal area and with effect from a date determined by such agreement, transfer or cede any asset, liability,

right, duty, obligation or record referred to in subsection (1), to the district or local municipality concerned.

(5) For the purpose of this section, "assets" shall include all property, both movable and immovable, and investments, cash and cash balances.

#### **Transitional provisions relating to personnel**

**8.(1)** Any person in the employ of the existing municipality referred to in section 2(2) shall, in accordance with a determination by the responsible Member with effect from a date mentioned in such determination, be transferred to and placed in the service of the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipality area, on such terms and conditions of service as are not less favourable under which such person previously served : Provided that-

- (a) the salary or salary scale of such person shall not be reduced on his or her transfer and appointment;
- (b) vacation leave standing to the credit of such person with the existing municipality shall stand to his or her credit with the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipal area;
- (c) pensionable service performed by such person in the service of the existing municipality shall be deemed to be pensionable service performed by him or her in the service of the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipal area;
- (d) such person shall not, as a consequence of such transfer, acquire a right to retire or to be offered a severance or retrenchment package;
- (e) such person shall not, as a consequence of such transfer and appointment, acquire a retirement age which is less or more favourable than that which applied to him or her in the service of the existing municipality;
- (f) such person shall, within six months after his or her transfer to and appointment by the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipal area, be afforded a non-recurrent choice either to remain a member of the pension or provident fund of which he or she was a member while in the service of the existing municipality or to become a member of the pension or provident fund applicable to officers or employees, as the case may be, of the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipal area, subject to the laws and rules applicable to the pension or provident fund of such municipality;
- (g) any disciplinary, considered or instituted, against such person in terms of the provisions of any law arising from alleged misconduct or improper conduct committed before the date of his or her transfer and appointment shall be dealt with in terms of the provisions of the laws applicable to officers or employees, as the case may be, of the existing municipality as if such person was still an officer or employee, as he case may be, of the existing municipality at the time when the alleged misconduct or improper conduct was committed; and
- (h) any person who refuses or withholds his or here consent to be transferred as contemplated by this section, shall not be entitled to any severance benefit or benefits:

Provided, further, that the provisions of this subsection shall not prevent the municipality concerned from implementing a scheme to re-organise its personnel subject to the Labour Relations Act, 1995 (Act 66 of 1995).

- (2) The employment of personnel referred to in subsection (1)-
- (a) must be regularized in accordance with any collective agreement reached between the municipality concerned and the trade unions representing those employees; and
  - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No 66 of 1995).
- (3) (a) A determination contemplated in subsection (1) shall be published in the Provincial Gazette for information.
- (b) The effective date of a determination referred to in paragraph (a) may be a date prior to the date of publication of a notice for information contemplated in this subsection.
- (c) The responsible Member may amend a determination contemplated in subsection (1).
- (4) The local municipality referred to in section 2(1) may, by agreement with the relevant district municipality or any other local municipality within the district municipality area and with effect from a date determined by such agreement, after due consultation with the relevant trade union and with the consent of the employee concerned, transfer or second any of its employees to or place the services of any such employee at the disposal of the district or local municipality concerned: Provided that in the event of a transfer such employee shall be employed on such terms and conditions and enjoy such rights and privileges as are not less favourable than those applicable to him or her at the time of such transfer.

**Additional duties of municipal managers of existing municipality**

9. The municipal manager of the existing municipalities shall, within seven working days after the date on which the newly elected council has been declared elected-

- (a) compile a list containing the names, identity numbers and other relevant particulars (including, but not limited to, job title and post description, salary scale, qualifications, experience and date of commencement of service) of all persons who, on the date on which the newly elected council has been declared elected, were in the employ of the existing municipality concerned; and
- (b) compile an inventory of all assets (as defined in section 7(5) and liabilities (including contractual obligations) of the existing municipality as on the above-mentioned date, and submit such list and inventory forthwith to the responsible Member and the acting municipal manager referred to in section 10.

**Appointment of Acting Municipal Manager**

(10). The council of the local municipality referred to in section 2(1) shall, at its first meeting, designate a suitably qualified experienced person to act as municipal manager of the local municipality until the appointment of a municipal manager by the council of the municipality.



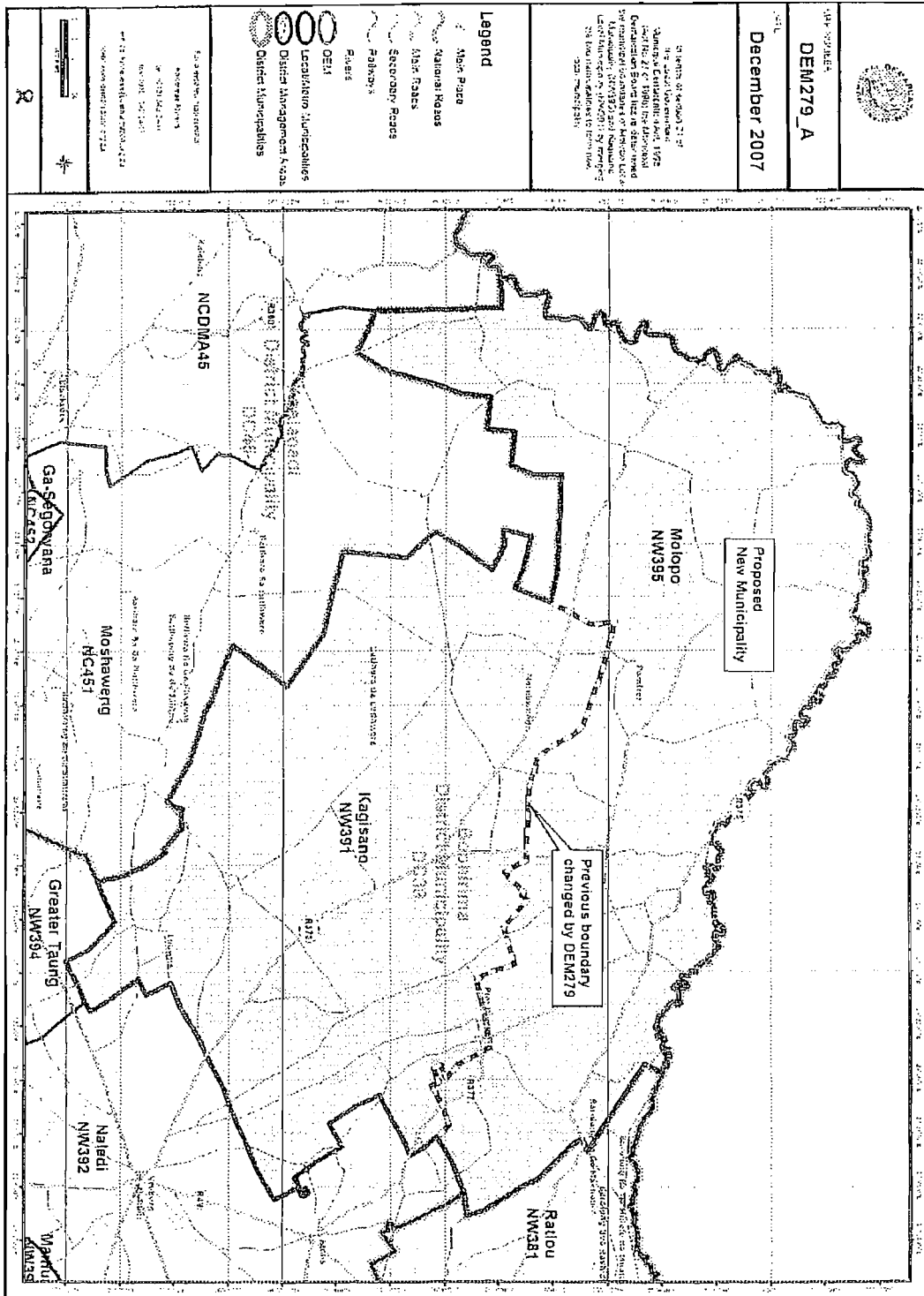
**First meeting of council of municipality**

(11). A person designated by the responsible member shall call the first meeting of the council of the local municipality referred to in section 2(1) within 14 days after the council has been declared elected.

**Interpretation of Annexures**

(12). The Annexures to this notice shall for all purposes be deemed to be part of this notice and shall be read as one with this notice.

**ANNEXURE "A"**  
**Area of jurisdiction of local municipality**  
**Referred to in section 2(1)**  
**MAP DEPICTING THE AREA OF JURISDICTION**  
**OF THE KAGISANO-MOLOPO LOCAL MUNICIPALITY**



**ANNEXURE "B"****Powers, duties and functions of local municipality  
Referred to in section 4(1)(a)**

1. Air pollution
2. Amusement facilities
3. Billboards and display of advertisements in public places
4. Building regulations
5. Cemeteries, funeral parlours and crematoria serving the area of the local municipality
6. Child care facilities
7. Cleansing
8. Control of public nuisances
9. Control of undertakings that sell liquor to the public
10. Facilities for the accommodation, care and burial of animals
11. Fencing and fences
12. Fire fighting services serving the area of the local municipality
13. Integrated development planning for the area of the local municipality
14. Levying of fees for services provided by the local municipality
15. Levying of rates on property
16. Levying of surcharges on fees for services provided for or on behalf of the local municipality
17. Licensing and control of undertakings that sell food to the public
18. Licensing of dogs
19. Local amenities
20. Local roads and streets
21. Local sports facilities
22. Markets serving the area of the local municipality
23. Municipal abattoirs serving the area of the local municipality
24. Municipal airports serving the area of the local municipality
25. Municipal health services serving the area of the local municipality
26. Municipal parks and recreation
27. Municipal planning for the area of the local municipality
28. Municipal public transport serving the area of the local municipality
29. Municipal public works relating to any function of the local municipality
30. Noise pollution
31. Pontoons, ferries, jetties and piers
32. Pounds
33. Promotion of local tourism for the area of the local municipality
34. Public places
35. Refuse removal, refuse dumps and solid waste disposal sites serving the area of the local municipality
36. Retail potable water supply systems and domestic waste-water and sewage disposal systems serving the area of the municipality
37. Retail supply of electricity and gas
38. Street lighting
39. Street trading
40. Storm water management systems in built-up areas of the local municipality
41. Trading regulations
42. Traffic and parking

**ANNEXURE "C"**

Powers, duties and functions which the district municipality shall exercise and perform within the area of jurisdiction of the local municipality as referred to in section 4(2).

1. Air pollution
  2. Fire fighting services serving the area of the local municipality
  3. Municipal abattoirs serving the area of the local municipality
  4. Municipal airports serving the area of the local municipality
  5. Municipal health services serving the area of the local municipality
  6. Municipal public transport serving the area of the local municipality
  7. Municipal public works serving the area of the local municipality
  8. Noise pollution
  9. Pontoons, ferries, jetties and piers
  10. Pounds
  11. Street lighting.
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