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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING

No. R. 1535

14 November 1997

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

REGULATIONS CONCERNING THE PUBLICATION OF PARTICULARS OF THE REMUNERATION OF CERTAIN MUNICIPAL OFFICIALS

The Minister for Provincial Affairs and Constitutional Development has, under section 12 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Local Government Transition Act, 1993 (Act No. 209 of 1993), shall have such meaning.

Remuneration of certain municipal officials

2. (1) The chief executive officer of every district council, local council, metropolitan council and metropolitan local council shall, on or before 30 September of each year, submit to the Minister as well as to his or her municipal council in writing, the full particulars of the basic salary and all other benefits of whatever nature, applicable to the chief executive officer and each employee of such council who is remunerated on the salary grading directly below that at which the chief executive officer is remunerated.

(2) The chief executive officer of every district council, local council, metropolitan council and metropolitan local council shall cause the particulars contemplated in subregulation (1) to be published in a newspaper in circulation within its area of jurisdiction and the *Provincial Gazette* on or before 31 October of each year.

No. R. 1535**14 November 1997**

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET No. 209 VAN 1993)

**REGULASIES BETREFFENDE DIE PUBLIKASIE VAN BESONDERHEDE TEN OPSIGTE
VAN DIE BESOLDIGING VAN SEKERE MUNISIPALE BEAMPTES**

Die Minister vir Provinsiale Sake en Staatskundige Ontwikkeling het kragtens artikel 12 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), geheg word, sodanige betekenis.

Besoldiging van sekere munisipale beamptes

2. (1) Die hoof- uitvoerende beampte van elke distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad sal, voor of op 30 September van elke jaar die volle besonderhede ten opsigte van die basiese salaris en alle ander voordele van watter aard ook al, van toepassing op die hoof- uitvoerende beampte en elke werknemer van sodanige raad wat besoldig word ingevolge die salarisgradering direk ondergeskik aan die gradering ingevolge waarvan die hoof- uitvoerende beampte besoldig word, skriftelik aan die Minister sowel as aan sy of haar munisipale raad voorlê.

(2) Die hoof- uitvoerende beampte van elke distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad sal die besonderhede bedoel in subregulasie (1) voor of op 31 Oktober van elke jaar publiseer of laat publiseer in 'n koerant in sirkulasie binne sy regsgebied asook in die *Provinsiale Koerant*.

No. R. 1536**14 November 1997**

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

REGULATIONS CONCERNING FINANCIAL REPORTING BY MUNICIPALITIES

The Minister for Provincial Affairs and Constitutional Development has, under section 12 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Local Government Transition Act, 1993 (Act No. 209 of 1993), shall have such meaning—

“privatisation” means the alienation of a municipal service or system to private ownership either in whole or in part;

“public private partnership” means a contract whereby a publicly owned municipal service or system is managed by a person, firm, closed corporation or company on such conditions as the municipality concerned and the person, firm, closed corporation or company agree upon;

“the Act” means the Local Government Transition Act, 1993 (Act No. 209 of 1993).

Application of regulations

2. These regulations shall apply to district councils, local councils, metropolitan councils and metropolitan local councils.

Financial indicators

3. (1) The chief executive officer of every district council, local council, metropolitan council and metropolitan local council shall at intervals prescribed by subregulation (2), provide to his or her council a report containing the following financial indicators:

- (a) A comprehensive analysis of debits with regard to rates, as well as water, electricity, refuse, gas and sewerage service debts which shall reflect the number of debtors and amounts outstanding of current debts and debts outstanding for 30 days, 60 days, 90 days, 120 days and more than 120 days;
- (b) the turnover rate of all outstanding monthly recurring rates and services charges. The turnover shall be calculated by expressing unpaid rates and service charges as a % of budgeted rates and service charges income for the current financial year. The turnover rate shall be compared with a norm of 11,5%–15%;
- (c) the total number of ratepayers and consumers liable for service charges and ratepayers who did not receive an account during the period of review;
- (d) in respect of the distribution of electricity, the number of disconnections and reconnections after payment for the month concerned, as well as the number consumers not reconnected, including those for previous periods;
- (e) in respect of each separate service, or where a consolidated billing system is operated, the number of legal actions instituted in respect of a service or consolidated bill, as the case may be, as compared to the total number of accounts which are in arrears, including the total number of summonses issued compared to the judgements obtained;
- (f) a reconciliation of the cashbook with the bank statement, including an explanation of all reconciling items which have been outstanding for more than three months;
- (g) the investment portfolio, including the type of investment, interest rates, period of investment and a summary of the exposures to particular financial institutions;
- (h) the anticipated cashflow for the ensuing six months which shall include plans to finance any shortfall;
- (i) the turnover rate of the 20 highest value stock items accompanied by recommendations on how to improve the turnover rate of such stock items;
- (j) all surpluses and shortfalls in stock levels as well as reasons for such surpluses and shortfalls; and
- (k) an age analysis of the 20 highest value monthly paid creditors including the reasons for all amounts outstanding for more than 30 days.

(2) The reports referred to in subregulation (1) shall be submitted at the following intervals:

- (a) In respect of paragraphs (a), (b), (c) and (d), monthly, but based on information not older than two months;
- (b) in respect of paragraphs (e), (g), (h) and (k), every three months;
- (c) in respect of paragraph (f), monthly;

(d) in respect of paragraph (i), every six months;

(e) in respect of paragraph (j), annually.

(3) Any report contemplated in subregulation (1) shall also be submitted to the MEC concerned within 14 days after submission of a report to the council concerned.

Viability indicators

4. The chief executive officer of a district council, local council, metropolitan council and metropolitan local council shall on such dates as determined by the Minister submit to him or her or an institution or person designated by him or her, the MEC as well as to the municipal council concerned, within 21 days after the aforementioned dates, such information and in such form as may be determined by the Minister or MEC from time to time, and which is aimed at determining whether the finances of a municipality are or may be in the process of becoming unsound.

Exemption from submitting reports

5. (1) A chief executive officer may apply in writing to the MEC for exemption from not complying with the provisions of regulations 3 (1) (a) and (h) and 4.

(2) An application referred to in subregulation (1) shall be accompanied by the reasons for such non-compliance.

(3) The MEC may, after considering the application referred to in subregulation (1), grant exemption for a period of not more than six months.

Public private partnership

6. (1) The chief executive officer of every district council, local council, metropolitan council and metropolitan local council shall provide the Minister and the MEC with the following particulars of each public private partnership within 30 days of the signing of the contract or agreement:

- (a) The name of the person, firm or company with whom the public private partnership was entered into or with whom a privatisation arrangement was entered into;
- (b) a brief description of the nature of the public private partnership or privatisation arrangement;
- (c) the monetary value of the public private partnership or privatisation arrangement;
- (d) the details of any loan agreement entered into by the council concerned as a result of a public private partnership; and
- (e) a public private partnership compliance report on a six monthly basis and such report shall include financial, quality and service data.

(2) The chief executive officer of every district council, local council, metropolitan council and metropolitan local council shall within 30 days of the publication or circulation of the tender documents or a request for proposals for a public private partnership or privatisation arrangement, submit a copy of such tender document or request for proposals to the Minister and the MEC.

No. R. 1536

14 November 1997

OORGANGSWET OP PLAASLIKE REGERING, 1993

(WET No. 209 VAN 1993)

REGULASIES BETREFFENDE FINANSIËLE VERSLAGDOENING DEUR MUNISIPALITEITE

Die Minister vir Provinsiale Sake en Staatkundige Ontwikkeling het kragtens artikel 12 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), geheg word, sodanige betekenis en beteken—

“**privatisering**” die algehele of gedeeltelike vervreemding van 'n munisipale diens of stelsel ten gunste van private eienaarskap;

“**openbare private vennootskap**” 'n kontrak ingevolge waarvan 'n munisipale diens of stelsel in openbare besit bestuur word deur 'n persoon, firma, beslote korporasie of maatskappy ingevolge sodanige voorwaardes waarop die betrokke munisipaliteit en die persoon, firma, beslote korporasie of maatskappy ooreenkom;

“**die Wet**” die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993).

Toepassing van regulasies

2. Hierdie regulasies is van toepassing op distriksrade, plaaslike rade, metropolitaanse rade en metropolitaanse plaaslike rade.

Finansiële aanwysers

3. (1) Die hoof- uitvoerende beampte van elke distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad voorsien, met tussenposes voorgeskryf by subregulasie (2), aan sy of haar raad 'n verslag wat die volgende finansiële aanwysers bevat:

- (a) 'n Omvattende ontleding van belastingskuld asook skuld ten opsigte van water- elektrisiteit-, vullis-, gas- en riooldienste wat die aantal persone wie gelde verskuldig is en die bedrae wat uitstaande is vir huidige skuld en skuld wat 30 dae, 60 dae, 90 dae, 120 dae en meer as 120 dae uitstaande is, aandui;
- (b) die omsetkoers van alle uitstaande maandelikse lopende belasting en dienstegelde. Die omsetkoers word bereken deur onbetaalde belasting en dienstegelde as 'n % van begrote inkomste uit belasting en dienstegelde vir die huidige finansiële jaar uit te druk. Die omsetkoers word vergelyk met 'n norm van 11,5%–15%;
- (c) die totale aantal belastingbetalers en verbruikers aanspreeklik vir dienstegelde en belastingbetalers wie nie 'n rekening gedurende die hersieningstydperk ontvang het nie;
- (d) met betrekking tot die verspreiding van elektrisiteit, die aantal diensbeëindigings en heraansluitings na betaling vir die betrokke maand, asook die aantal verbruikers wat nie heraangesluit is nie, insluitende daardie vir vorige tydperke;
- (e) ten opsigte van elke afsonderlike diens, of waar gebruik gemaak word van 'n gekonsolideerde rekeningstelsel, die aantal geregtelike aksies ingestel ten opsigte van 'n diens of gekonsolideerde rekening, soos die geval mag wees, in vergelyking met die totale aantal rekeninge wat agterstallig is, insluitende die totale aantal dagvaardigings uitgereik in vergelyking met die vonnisse verkry;
- (f) 'n rekonsiliasie van die kasboek met die bankstaat, insluitende 'n verduideliking van alle rekonsiliasie items wat vir meer as drie maande uitstaande is;
- (g) die beleggingsportefeulje, insluitende die soort belegging, rentekoerse, tydperk van belegging en 'n opsomming van die blootleggings aan spesifieke finansiële instellings;
- (h) die verwagte kontantvloei vir die komende ses maande wat planne insluit om enige tekort te finansier;
- (i) die omsetkoers van die 20 hoogste waarde voorraaditems vergesel met voorstelle waarvolgens die omsetkoers van sodanige voorraaditems verbeter kan word;
- (j) alle oorskotte en tekorte in voorraadvlakke asook die redes vir sodanige oorskotte en tekorte; en
- (k) 'n ouderdomsontleding van die 20 hoogste waarde maandeliks betaalde krediteure insluitende die redes vir alle bedrae uitstaande vir meer as 30 dae.

(2) Die verslae bedoel in subregulasie (1) word met die volgende tussenposes voorgelê:

- (a) Ten opsigte van paragrawe (a), (b), (c) en (d), maandeliks, maar gebaseer op inligting nie ouer as twee maande nie.
- (b) Ten opsigte van paragrawe (e), (g), (h) en (k), elke drie maande.
- (c) Ten opsigte van paragraaf (f), maandeliks.
- (d) Ten opsigte van paragraaf (i), elke ses maande.
- (e) Ten opsigte van paragraaf (j), jaarliks.

(3) Enige verslag bedoel in subregulasie (1) word ook binne 14 dae na voorlegging van 'n verslag aan die betrokke raad, aan die betrokke LUR voorgelê.

Lewensvatbaarheidsaanwysers

4. Die hoof- uitvoerende beampte van 'n distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad moet op sodanige datums soos deur die Minister bepaal aan hom of haar of 'n instelling of persoon deur hom of haar aangewys, die LUR asook die betrokke munisipale raad, binne 21 dae na die voormelde datums, sodanige inligting voorlê en in sodanige formaat soos deur die Minister of LUR van tyd tot tyd mag bepaal en wat daarop gemik is om te bepaal of die finansies van 'n munisipaliteit ongesond is of besig is om sodanig te word.

Vrystelling van voorlegging van verslae

5. (1) 'n Hoof- uitvoerende beampte mag skriftelik by die LUR om vrystelling aansoek doen vir die nie-nakoming van die bepalings van regulasies 3 (1) (a) en (h) en 4.

(2) 'n Aansoek bedoel in subregulasie (1) moet vergesel word van die redes vir sodanige nie-nakoming.

(3) Die LUR mag, na oorweging van die aansoek bedoel in subregulasie (1), vrystelling verleen vir 'n tydperk van nie meer as ses maande nie.

Openbare private vennootskappe

6. (1) Die hoof- uitvoerende beampte van elke distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad voorsien die volgende besonderhede van elke openbare private vennootskap aan die Minister en die LUR binne 30 dae vanaf die ondertekening van die kontrak of ooreenkoms:

- (a) Die naam van die persoon, firma of maatskappy met wie die openbare private vennootskap aangegaan is of met wie 'n privatiseringsooreenkoms aangegaan is;
- (b) 'n kort beskrywing van die aard van die openbare private vennootskap of privatiseringsooreenkoms;
- (c) die geldwaarde van die openbare private vennootskap of privatiseringsooreenkoms;
- (d) die besonderhede van enige leningsooreenkoms wat die betrokke raad aangegaan het as 'n gevolg van 'n openbare private vennootskap; en
- (e) 'n openbare private vennootskap voldoeningsverslag op 'n ses maandelikse basis en sodanige verslag moet finansiële, gehalte- en diensdata insluit.

(2) Die hoof- uitvoerende beampte van elke distriksraad, plaaslike raad, metropolitaanse raad en metropolitaanse plaaslike raad moet binne 30 dae vanaf die publikasie of sirkulasie van die tenderdokumente of 'n versoek om voorstelle vir 'n openbare private vennootskap of privatiseringsooreenkoms, 'n afskrif van sodanige tenderdokumente of versoek om voorstelle aan die Minister en LUR voorlê.

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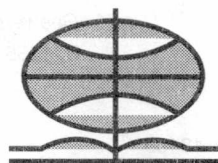
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