



**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

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## **STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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**THE PRESIDENCY**

No. 1016. 13 October 2000

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 33 of 2000: Local Government: Municipal Structures Amendment Act, 2000.

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**DIE PRESIDENSIE**

No. 1016. 13 Oktober 2000

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 33 van 2000: Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000.

Act No. 33, 2000 LOCAL GOVERNMENT: MUNICIPAL STRUCTURES  
AMENDMENT ACT, 2000

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)*  
*(Assented to 11 October 2000.)*

## ACT

To amend the Local Government: Municipal Structures Act, 1998, so as to further regulate the contents of notices establishing municipalities; to further regulate transitional measures when existing municipalities are disestablished and new municipalities established; to further regulate the determination of the number of councillors; to redetermine the provisions from which a municipality may be exempted; to determine the date on which the first term of municipalities end; and to further regulate the transitional arrangements; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:

### CHAPTER 1

#### AMENDMENT OF ACT 117 OF 1998

#### Amendment of section 12 of Act 117 of 1998, as amended by section 93 of Act 27 of 2000 5

1. Section 12 of the Local Government: Municipal Structures Act, 1998 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 10  
“The notice establishing the municipality must **[specify]** set out—”;
- (b) by the insertion in subsection (3) of the following paragraph after paragraph (d):  
“(dA) in the case of a metropolitan or local municipality, the number of 15  
wards in the municipality;” and
- (c) by the deletion of paragraph (g) of subsection (3).

#### Amendment of section 14 of Act 117 of 1998

2. Section 14 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 20  
“(1) (a) A municipality established in terms of section 12 in a 20  
particular area, supersedes the existing municipality or municipalities to  
the extent that the existing municipality or municipalities fall within that  
area.  
(b) The superseding municipality becomes the successor in law of the 25  
existing municipality subject to paragraph (c).”

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [                    ]    Woorde in vet druk tussen vierkantige hake dui skappings uit  
bestaande verordenings aan.
- \_\_\_\_\_                Woorde met 'n volstreep daaronder, dui invoegings in be-  
staande verordenings aan.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 11 Oktober 2000.)

**WET**

Tot wysiging van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, ten einde die inhoud van kennisgewings wat munisipaliteite instel verder te reël; oorgangsmatreëls wanneer bestaande munisipaliteite afgeskaf en nuwe munisipaliteite ingestel word verder te reël; die bepaling van die getal raadslede verder te reël; die bepalings waarvan 'n munisipaliteit vrygestel mag word te herbepaal; die datum waarop die eerste termyn van munisipaliteite verval te bepaal; en die oorgangsmatreëls verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**HOOFSTUK 1****WYSIGING VAN WET 117 VAN 1998****5 Wysiging van artikel 12 van Wet 117 van 1998, soos gewysig deur artikel 93 van Wet 27 van 2000**

1. Artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
10                    “Die kennisgewing wat die munisipaliteit instel moet die volgende [spesifiseer] uiteensit—”;
- (b) deur in subartikel (3) na paragraaf (d) die volgende paragraaf in te voeg:  
15                    “(dA) in die geval van 'n metropolitaanse of plaaslike munisipaliteit, die getal wyke in die munisipaliteit;”; en
- (c) deur paragraaf (g) van subartikel (3) te skrap.

**Wysiging van artikel 14 van Wet 117 van 1998**

2. Artikel 14 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
20                    “(1)(a) 'n Munisipaliteit wat ingevolge artikel 12 in 'n bepaalde gebied ingestel is, vervang die bestaande munisipaliteit of munisipaliteite in so verre die bestaande munisipaliteit of munisipaliteite in daardie gebied val.
- (b) Die vervangende munisipaliteit word die regsopvolger van die  
25                    bestaande munisipaliteit behoudens paragraaf (c).

- (c) Where a district municipality and one or more local municipalities within the area of the district municipality supersede the existing municipality or municipalities in that area, the district and local municipalities in that area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations allocated to the district and local municipalities respectively in terms of the relevant section 12 notice or notices.”; 5
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:  
“(2) If subsection (1) is applicable, the section 12 notice, or any amendment of the section 12 notice, must—”; and 10
- (c) by the substitution in subsection (2) for paragraph (b) of the following paragraph:  
“(b) regulate the legal, practical and other consequences of the total or partial disestablishment of the existing municipality, including— 15
- (i) the vacation of office by councillors of the existing municipality;
  - (ii) the transfer of staff from the existing municipality to the superseding municipality, or, if there is more than one superseding municipality, to any of the superseding municipalities; 20
  - (iii) the transfer of assets, liabilities, rights and obligations, and administrative and other records, from the existing municipality to the superseding municipality, or, if there is more than one superseding municipality, to any of the superseding municipalities, taking into account the interests of creditors of the existing municipality; and 25
  - (iv) the continued application of any by-laws [, **regulations**] and resolutions of the existing municipality to or in that area, and the extent of such application: 30
- Provided that if the superseding municipality is a district or local municipality a transfer referred to in subparagraph (ii) or (iii) must be effected in a way that would enable the superseding municipality to perform the functions or exercise the powers assigned to it in terms of section 84(1) or (2).”; 35
- (d) by the substitution for subsection (3) of the following subsection:  
“(3) (a) The transfer of a staff member in terms of a section 12 notice must **[take place]** be—
- (i) on conditions of service not less favourable than those under which that staff member served in the existing municipality; and 40
  - (ii) in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (b) A section 12 notice transferring staff of an existing municipality to a superseding municipality may determine that— 45
- (i) the staff transferred from the existing municipality to the superseding municipality form an administrative unit that functions as such until the superseding municipality has established a staff structure and has appointed staff to positions on that staff structure; and
  - (ii) such administrative unit functions under the control of the municipal manager or acting municipal manager of the superseding municipality.”. 50

### Amendment of section 16 of Act 117 of 1998

3. Section 16 of the principal Act is hereby amended by the deletion of paragraph (e) of subsection (1).

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- (c) Waar 'n distriksmunisipaliteit en een of meer plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit, die bestaande munisipaliteit of munisipaliteite in daardie gebied vervang, word die distriks- en plaaslike munisipaliteite in daardie gebied die regsopvolger van die bestaande munisipaliteit of munisipaliteite afhange van die spesifieke bates, laste, regte en verpligtinge wat aan die distriks- en plaaslike munisipaliteite onderskeidelik, ingevolge die relevante artikel 12 kennisgewing of kennisgewings, toegeken word.”;
- (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
“(2) Indien subartikel (1) van toepassing is, moet die artikel 12 kennisgewing, of enige wysiging van die artikel 12 kennisgewing—”;
- (c) deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang:  
“(b) die wetlike, praktiese en ander gevolge van die algehele of gedeeltelike afskaffing van die bestaande munisipaliteit reguleer, met inbegrip van—
- (i) die ontruiming van amp deur raadslede van die bestaande munisipaliteit;
  - (ii) die oorplasing van personeel vanaf die bestaande munisipaliteit na die vervangende munisipaliteit, of, indien daar meer as een vervangende munisipaliteit is, na enige van die vervangende munisipaliteite;
  - (iii) die oorplasing van bates, laste, regte en verpligtinge, en administratiewe en ander rekords, vanaf die bestaande munisipaliteit na die vervangende munisipaliteit, of, indien daar meer as een vervangende munisipaliteit is, na enige van die vervangende munisipaliteite, met inagneming van die belange van skuldeisers van die bestaande munisipaliteit; en
  - (iv) die voortgesette toepassing van enige verordeninge [**regulasies**] en besluite van die bestaande munisipaliteit op of in daardie gebied, en die bestek van sodanige toepassing:
- Met dien verstande dat indien die vervangende munisipaliteit 'n distriks- of plaaslike munisipaliteit is, 'n oorplasing in subparagraaf (ii) of (iii) bedoel, op so 'n wyse uitgevoer moet word dat die vervangende munisipaliteit in staat gestel word om die funksies te verrig of die bevoegdhede uit te oefen wat ingevolge artikel 84(1) of (2) aan die betrokke munisipaliteit opgedra is.”; en
- (d) deur subartikel (3) deur die volgende subartikel te vervang:  
“(3)(a) Die oorplasing van [**personeel**] 'n personeelid ingevolge 'n artikel 12-kennisgewing moet geskied—
- (i) op diensvoorwaardes wat nie minder gunstig is nie as die diensvoorwaardes waaronder die personeelid by die munisipaliteit gedien het; en
  - (ii) ooreenkomstig die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995).
- (b) 'n Artikel 12 kennisgewing wat personeel vanaf 'n bestaande munisipaliteit na 'n vervangende munisipaliteit oorplaas, kan bepaal dat—
- (i) die personeel wat van die bestaande munisipaliteit na die vervangende munisipaliteit oorgeplaas word 'n administratiewe eenheid vorm wat as sodanig funksioneer totdat die vervangende munisipaliteit 'n personeelstruktuur ingestel het en personeel in posisies op daardie personeelstruktuur aangestel het; en
  - (ii) sodanige administratiewe eenheid onder die beheer van die munisipale bestuurder of waarnemende munisipale bestuurder van die vervangende munisipaliteit funksioneer.”.

**Wysiging van artikel 16 van Wet 117 van 1998**

- 60 3. Artikel 16 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (1) te skrap.

**Amendment of section 20 of Act 117 of 1998**

4. Section 20 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) must be determined in accordance with a formula determined by the Minister by notice in the *Government Gazette*, which formula must be based on the number of voters registered on that municipality’s segment of the national common voters’ roll on a date determined in the notice;”.

**Amendment of section 81 of Act 117 of 1998**

5. Section 81 of the principal Act is hereby amended by the substitution for the expression “10 per cent”, wherever it occurs, of the expression “20 per cent”.

**Amendment of section 84 of Act 117 of 1998**

6. Section 84 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A district municipality has the following functions and powers:

- (a) Integrated development planning for the district municipality as a whole, including a framework for integrated development plans **[for the local municipalities within]** of all municipalities in the area of the district municipality, **taking into account the integrated development plans of those local municipalities**. 15
- (b) **[Bulk supply of water that affects a significant proportion of municipalities in the district]** Potable water supply systems. 20
- (c) Bulk supply of electricity **[that affects a significant proportion of municipalities in the district]**, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity. 25
- (d) **[Bulk sewage purification works and main sewage disposal that affects a significant proportion of municipalities in the district]** Domestic waste-water and sewage disposal systems. 30
- (e) Solid waste disposal sites **[serving the area of the district municipality as a whole]**, in so far as it relates to— 30
  - (i) the determination of a waste disposal strategy;
  - (ii) the regulation of waste disposal;
  - (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities **for more than one local municipality in the district**. 35
- (f) Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole. 40
- (g) Regulation of passenger transport services.
- (h) Municipal airports serving the area of the district municipality as a whole. 40
- (i) Municipal health services **[serving the area of the district municipality as a whole]**. 45
- (j) Fire fighting services serving the area of the district municipality as a whole, which includes— 45
  - (i) planning, co-ordination and regulation of fire services;
  - (ii) specialised fire fighting services such as mountain, veld and chemical fire services;
  - (iii) co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
  - (iv) training of fire officers. 50

**Wysiging van artikel 20 van Wet 117 van 1998**

4. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

- 5 “(a) moet bepaal word ooreenkomstig ’n formule wat deur die Minister by kennisgewing in die *Staatskoerant* bepaal word, welke formule gebaseer moet word op die getal kiesers wat, op ’n datum bepaal in die kennisgewing, op daardie munisipaliteit se segment van die nasionale gemeenskaplike kieserslys geregistreer is;”.

**Wysiging van artikel 81 van Wet 117 van 1998**

- 10 5. Artikel 81 van die Hoofwet word hierby gewysig deur die uitdrukking “10 persent”, waar dit ook al voorkom, deur die uitdrukking “20 persent” te vervang.

**Wysiging van artikel 84 van Wet 117 van 1998**

6. Artikel 84 van die Hoofwet word hierby gewysig—

- 15 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) ’n Distriksmunisipaliteit het die volgende funksies en bevoegdhede:
- (a) Geïntegreerde ontwikkelingsbeplanning vir die distriksmunisipaliteit, as geheel, met inbegrip van ’n raamwerk vir geïntegreerde ontwikkelingsplanne [**van die plaaslike munisipaliteite**] in die gebied van die distriksmunisipaliteit[, **met inagneming van die geïntegreerde ontwikkelingsplanne van daardie plaaslike munisipaliteite**].
- 20 (b) [**Grootmaatwatervoorsiening wat ’n aansienlike gedeelte van munisipaliteite in die distrik raak.**] Stelsels vir die voorsiening van drinkbare water.
- 25 (c) Grootmaatvoorsiening van elektrisiteit wat, vir doeleindes van sodanige voorsiening, [**’n aansienlike gedeelte van munisipaliteite in die distrik raak.**] die transmissie, verspreiding en, waar van toepassing, die opwek van elektrisiteit insluit.
- 30 (d) [**Grootmaat-rioolsuiweringswerke en hoofrioolwegdoening wat ’n aansienlike gedeelte van munisipaliteite in die distrik raak.**] Stelsels vir die wegdoen van huishoudelike afvalwater en rioolvuil.
- 35 (e) Persele vir die wegdoening van vaste-afval wat [**die gebied van die distriksmunisipaliteit as geheel bedien**] insluit—
- (i) die bepaling van ’n afvalverwyderingsbeleid;
- (ii) die regulering van die verwydering van afval;
- (iii) die instel, bedryf en beheer van afvalverwyderingsterreine, grootmaat-afvaloorplasingfasiliteite en afvalverwyderingsfasiliteite vir meer as een plaaslike munisipaliteit in die distrik.
- 40 (f) Munisipale paaie wat ’n geïntegreerde deel vorm van ’n padnetwerkstelsel vir die gebied van die distriksmunisipaliteit as geheel.
- 45 (g) Regulering van passasiersvervoerdienste.
- (h) Munisipale lughawens wat die gebied van die distriksmunisipaliteit as ’n geheel bedien.
- (i) Munisipale gesondheidsdienste [**wat die gebied van die distriksmunisipaliteit as geheel bedien**].
- 50 (j) Brandbestrydingsdienste wat die gebied van die distriksmunisipaliteit as geheel bedien, met inbegrip van—
- (i) beplanning, koördinerings en regulering van brandbestrydingsdienste;
- (ii) gespesialiseerde brandbestrydingsdienste soos berg-, veld- en chemiese brandbestrydingsdienste;
- 55 (iii) koördinerings van die standardisering van infrastruktuur, voertuie, toerusting en prosedures;
- (iv) opleiding van brandweerbeamptes.

- (k) The establishment, conduct and control of fresh produce markets and abattoirs serving the area of **[the district municipality as a whole]** a major proportion of the municipalities in the district.
- (l) The establishment, conduct and control of cemeteries and crematoria serving the **[district as a whole]** area of a major proportion of municipalities in the district. 5
- (m) Promotion of local tourism for the area of the district municipality.
- (n) Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
- (o) The receipt, allocation and, if applicable, the distribution of grants made to the district municipality. 10
- (p) The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.”; and
- (b) by the substitution for subsection (3) of the following subsection: 15
- “(3)(a) The Minister may, by notice in the *Government Gazette*, and after consultation with the Cabinet member responsible for the functional area in question, and after consulting the MEC for local government in the province and, if applicable, subject to national legislation, authorise a local municipality to perform a function or exercise a power mentioned in subsection (1) (b), (c), (d) or (i) in its area or any aspect of such function or power. 20
- (b) The Minister must in the notice referred to in paragraph (a) regulate the legal, practical and other consequences of the authorisation, which may include— 25
- (i) the transfer of staff;
- (ii) the transfer of assets, liabilities, rights and obligations, and administrative and other records; and
- (iii) the continued application of any by-laws and resolutions in the area of the municipalities concerned and the extent of such application. 30
- (c) The Minister may amend a notice issued in terms of paragraph (a) to effect technical changes or to regulate the authorisation more effectively.”.

#### Amendment of section 85 of Act 117 of 1998

7. Section 85 of the principal Act is hereby amended by— 35
- (a) the substitution in subsection (1) for paragraph (b) of the following paragraph: 35
- “(b) in the district municipality (excluding a function or power referred to in section 84(1) (a), (b), (c), (d), (i), (o) or (p), to the local municipality.”; and
- (b) by the addition of the following subsection: 40
- “(10) This section does not apply before the date of the first elections of municipal councils in terms of this Act.”.

#### Substitution of section 86 of Act 117 of 1998

8. The following section is hereby substituted for section 86 of the principal Act:

#### “Resolution of disputes concerning performance of functions or exercise of powers 45

86. [If a district and a local municipality perform a function or exercise a power of a similar nature and] If a dispute arises between [them] a district and a local municipality concerning the performance of [that] a function or the exercise of [that] a power, the MEC for local government in the province, after consulting them, may, by notice in the *Provincial Gazette*, resolve the dispute by defining their respective roles in the performance of that function or in the exercise of that power.”. 50



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- (k) Die instelling, bedryf en beheer van varsproduktemarkte en abat-  
toirs wat die gebied van **[die distriksmunisipaliteit as geheel]** 'n  
groot deel van die munisipaliteite in die distrik bedien.
- 5 (l) Die instelling, bedryf en beheer van begraafplase en krematoriums  
wat **[die distrik as 'n geheel]** die gebied van 'n groot deel van die  
munisipaliteite in die distrik bedien.
- (m) Bevordering van plaaslike toerisme vir die gebied van die dis-  
triksmunisipaliteit as geheel.
- 10 (n) Munisipale openbare werke met betrekking tot bostaande funksies  
of enige ander funksies wat aan die distriksmunisipaliteit opgedra  
is.
- (o) Die ontvangs, toedeling en, indien van toepassing, die verdeling  
van toekennings wat aan die distriksmunisipaliteit gedoen is.
- 15 (p) Die oplê en invordering van belastinge, heffings en regte wat op  
bostaande funksies betrekking het of wat ingevolge nasionale  
wetgewing aan die distriksmunisipaliteit opgedra mag word.”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- 20 “(3)(a) Die Minister kan, by kennisgewing in die *Staatskoerant*, en  
na oorlegpleging met die lid van die Kabinet verantwoordelik vir die  
betrokke funksionele area, en na oorlegpleging met die LUR vir  
plaaslike regering in 'n provinsie en, indien van toepassing, behoudens  
nasionale wetgewing, 'n plaaslike munisipaliteit magtig om in sy gebied  
'n funksie of 'n bevoegdheid of enige aspek van sodanige funksie of  
bevoegdheid in subartikel (1) (b), (c), (d) of (i) te verrig of uit te oefen.
- 25 (b) Die Minister moet in die kennisgewing in paragraaf (a) bedoel,  
die wetlike, praktiese en ander gevolge van die magtiging reguleer, wat  
mag insluit—
- (i) die oorplasing van personeel;
- 30 (ii) die oorplasing van bates, laste, regte en verpligtinge, en adminis-  
tratiewe en ander rekords; en
- (iii) die voortgesette toepassing van enige verandering en besluite in die  
gebied van die betrokke munisipaliteite, en die bestek van sodanige  
toepassing.
- 35 (c) Die Minister kan 'n kennisgewing ingevolge paragraaf (a)  
uitgereik, wysig ten einde tegniese veranderinge aan te bring en om die  
magtiging meer doeltreffend te reguleer.”.

**Wysiging van artikel 85 van Wet 117 van 1998**

7. Artikel 85 van die Hoofwet word hierby gewysig—
- 40 (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- “(b) by die distriksmunisipaliteit (uitgesluit 'n funksie of bevoegd-  
heid bedoel in artikel 84(1) (a), (b), (c), (d), (i), (o) of (e)) na die  
plaaslike munisipaliteit.”; en
- (b) deur die volgende subartikel by te voeg:
- 45 “(10) Hierdie artikel is nie voor die datum van die eerste verkiesing  
van munisipale rade ingevolge hierdie Wet van toepassing nie.”.

Act No. 33, 2000 LOCAL GOVERNMENT: MUNICIPAL STRUCTURES  
AMENDMENT ACT, 2000

**Amendment of section 90 of Act 117 of 1998**

9. Section 90 of the principal Act is hereby amended by the substitution in the Afrikaans text in subsection (2) for the words "betrokke munisipaliteit" of the words "betrokke provinsies".

**Amendment of section 91 of Act 117 of 1998**

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10. Section 91 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The MEC for local government in a province, within a policy framework as may be determined by the Minister, and by notice in the *Provincial Gazette*, may exempt a municipality in the province from [a provision of section] any of the provisions of sections 36 [(2),] (3) or (4), 38, [to 41] 39, 45 to 47, 48(2), (3) [and] or (4), 50 to 53, 58, 65 to 71, 75 and 76."

**Amendment of section 93 of Act 117 of 1998**

11. Section 93 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection: 15

"(2) If any conflict relating to the matters dealt with in this Act arises between this Act and the provisions of any other law, except the Constitution and Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000, the provisions of this Act prevail."

(b) by the substitution for subsection (3) of the following subsection: 20

"(3) The first term of all municipal councils after the enactment of this Act expires [not later than 1 November 2000 as determined by the Minister by notice in the *Government Gazette*] on 31 October 2000."; and

(c) by the addition of the following subsections: 25

"(4) Despite anything to the contrary in any other law and as from the date on which a municipal council has been declared elected as contemplated in item 26(1)(a) of Schedule 6 to the Constitution—

(a) section 10G of the Local Government Transition Act, 1993 (Act No. 209 of 1993), read with the necessary changes, apply to such a municipality; and 30

(b) any regulation made under section 12 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and which relates to section 10G of that Act, read with the necessary changes, apply to such a municipality. 35

(5) For purposes of subsection (4)—

(a) any reference in section 10G of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or a regulation referred to in subsection (4)(b), to— 40

(i) 'chairperson of the council' must be construed as a reference to the speaker of the council;

(ii) 'chief executive officer' must be construed as a reference to the municipal manager appointed in terms of section 82;

(iii) 'local council', 'metropolitan council', 'metropolitan local council' and 'rural council' must be construed as a reference to a municipal council; 45

(iv) 'MEC' must be construed as a reference to the member of the Executive Council of a province responsible for local government;

(v) 'MEC responsible for Finance' must be construed as a reference to the member of the Executive Council of a province responsible for finances in the province; and 50

(vi) 'remaining area' and 'areas of jurisdiction of representative councils' must be construed as a reference to a district management area; and 55

(b) section 10G of the Local Government Transition Act, 1993 (Act No. 209 of 1993), must be regarded as having been amended by the insertion of the following subsection after subsection (6):

**Wysiging van artikel 90 van Wet 117 van 1998**

9. Artikel 90 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde “betrokke munisipaliteit” deur die woorde “betrokke provinsies” te vervang.

**Wysiging van artikel 91 van Wet 117 van 1998**

5 10. Artikel 91 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die LUR vir plaaslike regering in ’n provinsie kan binne ’n beleidsraamwerk wat die Minister mag bepaal, ’n munisipaliteit in die provinsie by kennisgewing in die *Provinsiale Koerant* vrystel van [’n bepaling van] artikel 36 [2], (3) of (4), 38, [tot 41] 39, 45 tot 47, 48(2), (3) [en] of (4), 50 tot 53, 58, 65 tot 71, 75 en 76.”

**Wysiging van artikel 93 van Wet 117 van 1998**

11. Artikel 93 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

15 “(2) Indien enige konflik wat betrekking het op aangeleenthede waarmee in hierdie Wet gehandel word, ontstaan tussen hierdie Wet en die bepalings van enige ander Wet, behalwe die Grondwet en Hoofstuk 2 van die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000, gaan die bepalings van hierdie Wet voor.”;

20 (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die eerste termyn van alle munisipale rade na die promulgering van hierdie Wet verval [nie later as 1 November 2000 soos deur die Minister by kennisgewing in die *Staatskoerant* bepaal] op 31 Oktober 2000.”; en

25 (c) deur die volgende subartikels by te voeg:

“(4) Ondanks andersluidende bepalings van enige ander wet en vanaf die datum waarop ’n munisipale raad verkose verklaar is soos beoog in item 26(1)(a) van Bylae 6 by die Grondwet—

30 (a) is artikel 10G van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), gelees met die nodige veranderings, op so ’n munisipaliteit van toepassing; en

35 (b) enige regulasie kragtens artikel 12 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), uitgevaardig en wat met artikel 10G van daardie Wet, saamgelees met die nodige wysigings, verband hou, is op sodanige munisipaliteit van toepassing.

(5) By die toepassing van subartikel (4)—

40 (a) word ’n verwysing in artikel 10G van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), of ’n regulasie in subartikel (4)(b) bedoel, na—

(i) “voorsitter van die raad” uitgelê as ’n verwysing na die speaker van die raad;

(ii) “hoof- uitvoerende beampte” uitgelê as ’n verwysing na die munisipale bestuurder wat ingevolge artikel 82 aangestel is;

45 (iii) “plaaslike raad”, “metropolitaanse raad”, metropolitaanse plaaslike raad” en “landelike raad” uitgelê as ’n verwysing na ’n munisipale raad;

(iv) “LUR” uitgelê as ’n verwysing na die lid van die Uitvoerende Raad van ’n provinsie verantwoordelik vir plaaslike regering;

50 (v) “LUR verantwoordelik vir Finansies” uitgelê as ’n verwysing na die lid van die Uitvoerende Raad van ’n provinsie verantwoordelik vir finansies in die provinsie; en

(vi) “oorblywende gebied” en “regsgebiede van verteenwoordigende rade” uitgelê as ’n verwysing na ’n distrik bestuursgebied;

55 (b) word artikel 10G van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), geag gewysig te wees deur na subartikel (6) die volgende subartikel in te voeg:

(6A) (a) Despite anything to the contrary in any other law, a municipality must value property for purposes of imposing rates on property in accordance with generally recognised valuation practices, methods and standards.

(b) For purposes of paragraph (a)—

(i) physical inspection of the property to be valued, is optional; and

(ii) in lieu of valuation by a valuer, or in addition thereto, comparative, analytical and other systems or techniques may be used, including—

(aa) aerial photography;

(bb) information technology;

(cc) computer applications and software; and

(dd) computer assisted mass appraisal systems or techniques.

(6) A district municipality or a metropolitan municipality may levy and claim a regional services levy and a regional establishment levy referred to in section 12(1)(a) of the Regional Services Councils Act, 1985, or section 16(1)(a) of the KwaZulu and Natal Joint Services Act, 1990.”

## CHAPTER 2

### TRANSITIONAL ARRANGEMENTS IN RESPECT OF NEW LOCAL GOVERNMENT DISPENSATION

#### Definitions

**12.** (1) In this Chapter a word or expression to which a meaning has been assigned in the Structures Act, has that meaning and, unless the context otherwise indicates—

“**existing municipality**” means a municipality established in terms of legislation other than the Structures Act before the date of the first elections of municipal councils in terms of that Act;

“**new municipality**” means a municipality established or to be established in terms of the Structures Act;

“**section 12 notice**” means a notice envisaged in section 12 (1) of the Structures Act;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**superseding municipality**” means a new municipality which wholly or partially supersedes an existing municipality in accordance with section 14 (1) of the Structures Act;

“**transition**” means the process of putting into operation the new local government dispensation as set out in the Structures Act read with Chapter 7 of the Constitution.

#### Duration of transition

**13.** (1) The transition ends two years from the date of the first election of municipal councils in terms of the Structures Act, unless the Minister determines a shorter period by notice in the *Government Gazette*.

(2) This Chapter lapses when the transition ends.

#### Transitional application of section 12 of Act 117 of 1998

**14.** (1) For purposes of the transition, section 12 of the Structures Act must be regarded as permitting—

(a) a new municipality to be named in the section 12 notice by way of a provisional designation which must consist of or include the number allocated to the area of the municipality when that area was demarcated in terms of the Demarcation Act; and

(b) the establishment of a district municipality, the establishment of local municipalities within the area of the district municipality, and the total or

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(6A) (a) Ondanks andersluidende bepalings van enige ander wet, moet 'n munisipaliteit vir die doeleindes van die heffing van eiendomsbelasting eiendomme waardeer ooreenkomstig algemeen erkende waardasiepraktyke, -metodes en -standaarde.

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(b) By die toepassing van paragraaf (a)—

(i) is fisiese inspeksie van die eiendom wat waardeer staan te word, opsioneel; en

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(ii) in plaas van waardasie deur 'n waardeerder, of bykomend daartoe, kan vergelykende, analitiese en ander stelsels of tegnieke gebruik word, met inbegrip van—

(aa) lugfotografie;

(bb) inligtingstechnologie;

(cc) rekenaaraanwendings en -sagteware; en

15

(dd) rekenaar bygestaande massaskattingsstelsels of -tegnieke.

(6) 'n Distriksmunisipaliteit of 'n metropolitaanse munisipaliteit kan 'n streeksdiensteheffing en 'n streeksvestigingsheffing bedoel in artikel 12(1)(a) van die Wet op Streeksdiensterade, 1985, of artikel 16(1)(a) van die Wet op die Gesamentlike Dienste vir KwaZulu en Natal, 1990, hef en eis.”.

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## HOOFSTUK 2

OORGANGSMAATREËLS TEN OPSIGTE VAN NUWE  
PLAASLIKE REGERINGSBEDELING

## Woordomskrywing

25 12. (1) In hierdie Hoofstuk het 'n woord of uitdrukking waaraan 'n betekenis in die Strukturewet toegeken is daardie betekenis, en tensy uit die samehang anders blyk, beteken—

“artikel 12-kennisgewing” 'n kennisgewing beoog in artikel 12(1) van die Strukturewet;

30 “bestaande munisipaliteit” 'n munisipaliteit wat ingevolge wetgewing anders as die Strukturewet ingestel is voor die datum van die eerste verkiesings van munisipale rade ingevolge daardie Wet;

“nuwe munisipaliteit” 'n munisipaliteit wat ingevolge die Strukturewet ingestel word of ingestel staan te word;

35 “oorgang” die proses om die nuwe plaaslike regeringsbedeling in werking te stel soos uiteengesit in die Strukturewet, gelees met Hoofstuk 7 van die Grondwet;

“Strukturewet” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

40 “vervangende munisipaliteit” 'n nuwe munisipaliteit wat 'n bestaande munisipaliteit geheel of gedeeltelik vervang ooreenkomstig artikel 14 (1) van die Strukturewet.

## Duur van oorgang

13. (1) Die oorgang eindig twee jaar vanaf die datum van die eerste verkiesing van munisipale rade ingevolge die Strukturewet, tensy die Minister 'n korter tydperk by kennisgewing in die *Staatskoerant* bepaal.

45 (2) Hierdie Hoofstuk verval wanneer die oorgang eindig.

## Oorgangstoepassing van artikel 12 van Wet 117 van 1998

14. (1) Vir doeleindes van die oorgang, word artikel 12 van die Strukturewet geag om toe te laat dat—

50 (a) 'n nuwe munisipaliteit in die artikel 12-kennisgewing vernoem kan word by wyse van 'n voorlopige benoeming wat uit die nommer wat aan die gebied van die munisipaliteit toegeken is toe daardie gebied ingevolge die Afbakingswet afgebaken is, moet bestaan of dit insluit; en

(b) die instelling van 'n distriksmunisipaliteit, die instelling van plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit, en die algehele of

partial disestablishment of existing municipalities within that area, to be effected by way of the same section 12 notice.

(2) Section 12 (4) of the Structures Act does not apply during the transition.

#### Transitional application of section 14 of Act 117 of 1998

15. For purposes of the transition— 5
- (a) section 14(2)(b) of the Structures Act must be regarded as permitting the regulation of any legal, practical and other consequences of the disestablishment of an existing municipality, to be effected by way of an amendment to the section 12 notice disestablishing the existing municipality, provided the notice is amended before the date on which the disestablishment of the existing municipality takes effect; and 10
- (b) section 14(5) of the Structures Act must be regarded to read as follows:
- “(5)(a) The MEC for local government in a province, by notice in the *Provincial Gazette*, may make provision for transitional measures to facilitate the disestablishment of an existing municipality and the establishment of a new municipality. 15
- (b) The measures contemplated in paragraph (a) may include measures—
- (i) establishing a committee to advise the MEC on any matter affecting the transition; or 20
- (ii) in relation to the existing municipality, restricting or regulating the—
- (aa) alterations to the staff establishment;
- (bb) appointment of staff or the filling of vacancies; 25
- (cc) upgrading of posts or promotions;
- (dd) increases in salaries or wages;
- (ee) disposal or acquisition of assets;
- (ff) conclusion of contracts with a duration longer than one year or the renewal of such contracts; or
- (gg) use of reserve capital. 30
- (c) The MEC must consult the existing municipality before publishing the notice contemplated in paragraph (a).”.

#### Transitional application of section 16 of Act 117 of 1998

16. (1) For purposes of the transition, section 16 (2) of the Structures Act must be regarded to read as follows: 35
- “(2) Any amendment of a section 12 notice must be consistent with the provisions of this Act read with the provisions of Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000.”.
- (2) Section 16 (3) of the Structures Act does not apply when a section 12 notice is amended for purposes of the transition. 40

#### Transitional arrangement in respect of notice and consultation

17. For purposes of the transition, the MEC for local government in a province must, before publishing a notice in terms of section 12 or 16 of the Structures Act—
- (a) consult organised local government in the province; and
- (b) publish particulars of the proposed notice for public comment for at least 14 45 days.

#### Temporary authorisations

18. (1) The MEC for local government in a province, by notice in the *Provincial Gazette*, may authorise—
- (a) a local municipality to perform a function or exercise a power of a nature described in section 84(1) (e), (f), (g), (h), (j), (k), (l), (m) and (n) in its area or an aspect of such function or power; or 50

gedeeltelike afskaffing van bestaande munisipaliteite in daardie gebied, by wyse van dieselfde artikel 12-kennisgewing kan geskied.

(2) Artikel 12 (4) van die Strukturewet is nie van toepassing gedurende die oorgang nie.

## 5 Oorgangstoepassing van artikel 14 van Wet 117 van 1998

### 15. Vir doeleindes van die oorgang—

- (a) word artikel 14(2)(b) van die Strukturewet geag om toe te laat dat die regulering van enige wetlike, praktiese en ander gevolge van die afskaffing van 'n bestaande munisipaliteit by wyse van die wysiging van die artikel 12-kennisgewing wat die bestaande munisipaliteit afskaf bewerkstellig kan word, met dien verstande dat die kennisgewing gewysig word voor die datum waarop die afskaffing van die bestaande munisipaliteit in werking tree; en
- (b) word artikel 14(5) van die Strukturewet geag om soos volg te lees:
- “(5)(a) Die LUR vir plaaslike regering in 'n provinsie kan, by kennisgewing in die *Provinsiale Koerant*, voorsiening maak vir oorgangsreëlins om die afskaffing van 'n bestaande munisipaliteit en die instelling van 'n nuwe munisipaliteit te vergemaklik.
- (b) Die maatreëls beoog in paragraaf (a) kan maatreëls insluit wat—
- (i) 'n komitee instel om die LUR te adviseer oor enige aangeleentheid wat die oorgang raak; of
- (ii) ten opsigte van die bestaande munisipaliteit—
- (aa) wysigings aan die personeeldiensstaat;
- (bb) die aanstelling van personeel of die vul van vakatures;
- (cc) die opgradering van poste of bevorderings;
- (dd) verhogings van salarisse of lone;
- (ee) die vervreemding of verkryging van bates;
- (ff) die aangaan van kontrakte met 'n lewensduur van langer as een jaar of die hernuwing van sodanige kontrakte; of
- (gg) die gebruik van reserwekapitaal, beperk of reguleer.
- (c) Die LUR moet die bestaande munisipaliteit raadpleeg voordat 'n kennisgewing beoog in paragraaf (a) gepubliseer word.”.

## Oorgangstoepassing van artikel 16 van Wet 117 van 1998

16. (1) Vir doeleindes van die oorgang word artikel 16(2) van die Strukturewet geag om soos volg te lees:

“(2) Enige wysiging van 'n artikel 12-kennisgewing moet bestaanbaar wees met die bepalings van hierdie Wet, saamgelees met die bepalings van Hoofstuk 2 van die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000.”.

(2) Artikel 16(3) van die Strukturewet is nie van toepassing nie wanneer 'n artikel 12-kennisgewing gewysig word vir doeleindes van die oorgang.

## Oorgangsmatreël ten opsigte van kennisgewing en oorlegpleging

17. Vir doeleindes van die oorgang moet die LUR vir plaaslike regering in 'n provinsie, voordat 'n kennisgewing ingevolge artikel 12 of 16 van die Strukturewet gepubliseer word—

- (a) oorleg pleeg met georganiseerde plaaslike regering in die provinsie; en
- (b) besonderhede van die voorgenome kennisgewing vir minstens 14 dae vir openbare kommentaar publiseer.

## Tydlike magtiging

18. (1) Die LUR vir plaaslike regering in 'n provinsie kan, by kennisgewing in die *Provinsiale Koerant*, magtiging verleen dat—

- (a) 'n plaaslike munisipaliteit binne sy gebied 'n funksie mag verrig of 'n bevoegdheid mag uitoefen, of 'n aspek van sodanige funksie of bevoegdheid, van 'n aard beskryf in artikel 84(1)(e), (f), (g), (h), (j), (k), (l), (m) en (n); of

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- (b) a district municipality to perform a function or exercise a power of the nature referred to in section 84(2) in the area of a local municipality, or an aspect of such function or power.
- (2) The MEC may issue an authorisation in terms of subsection (1) only if—
- (a) the district municipality or the local municipality, as the case may be, cannot or does not perform the function or exercise the power in the relevant area or if, for any other reason, it is necessary to ensure the continued performance of the function or exercise of the power in that area; and
- (b) the Demarcation Board has recommended the authorisation.
- (3)(a) If the Demarcation Board has made a recommendation in favour of an authorisation and the MEC disagrees with the recommendation, the MEC must furnish reasons, in writing, to the Board and the Minister.
- (b) After considering the reasons furnished by the MEC and after consulting the Demarcation Board, the Minister may by notice in the *Government Gazette* issue the authorisation subject to subsection (2)(a).
- (4) The MEC or the Minister must in the notice referred to in subsection (1) or (3), as the case may be, regulate the legal, practical and other consequences of the authorisation, which may include—
- (i) the transfer of staff;
- (ii) the transfer of assets, liabilities, rights and obligations, and administrative and other records; and
- (iii) the continued application of any by-laws and resolutions in the area of the municipalities concerned and the extent of such application.
- (5) The MEC or Minister may amend a notice issued in terms of subsection (1) or (3), as the case may be, to effect technical changes or to regulate the authorisation more effectively.
- (6) (a) The MEC must revoke an authorisation issued in terms of subsection (1) or (3) if—
- (i) the Demarcation Board so recommends; or
- (ii) an adjustment concerning the relevant function or power is made in terms of section 85.
- (b) The Demarcation Board must so recommend if the reason for the authorisation is no longer valid.
- (7) When an authorisation is revoked in terms of subsection (6) or lapses in terms of section 13, the MEC must, if necessary, regulate by notice in the *Provincial Gazette* the legal, practical and other consequences resulting from the revocation or lapsing of the authorisation, which may include—
- (a) the transfer of staff;
- (b) the transfer of assets, liabilities, rights and obligations, and administrative and other records; and
- (c) the continued application of any by-laws, and resolutions in the area of the municipalities concerned and the extent of such application.

**Transitional arrangement in respect of section 20 of Act 117 of 1998**

**19.** For the first election of municipal councils after the enactment of this Act, the date contemplated in section 20(1)(a) of the Structures Act, as amended by section 2 of this Act, must be regarded as 31 March 2000.

**Short title**

**20.** This Act is called the Local Government: Municipal Structures Amendment Act, 2000.



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- (b) 'n distriksmunisipaliteit binne die gebied van 'n plaaslike munisipaliteit 'n funksie mag verrig of 'n bevoegdheid mag uitoefen, of 'n aspek van sodanige funksie of bevoegdheid, van die aard bedoel in artikel 84(2).
- (2) Die LUR kan 'n magtiging ingevolge subartikel (1) slegs verleen indien—
- 5 (a) die distriksmunisipaliteit of die plaaslike munisipaliteit, na gelang van die geval, nie die funksie verrig of kan verrig nie of nie die bevoegdheid uitoefen of kan uitoefen nie in die betrokke gebied, of indien, vir enige ander rede, dit nodig is om die deurlopende verrigting van die funksie of die uitoefening van die bevoegdheid in daardie gebied te verseker; en
- 10 (b) die Afbakeningsraad die magtiging aanbeveel het.
- (3) (a) Indien die Afbakeningsraad 'n aanbeveling ten gunste van 'n magtiging gedoen het en die LUR van die aanbeveling verskil, moet die LUR skriftelik redes aan die Raad en die Minister verskaf.
- (b) Na oorweging van die redes deur die LUR verskaf en na oorlegpleging met die
- 15 Afbakeningsraad, kan die Minister by kennisgewing in die *Staatskoerant* die magtiging behoudens subartikel (2)(a) verleen.
- (4) Die LUR of die Minister moet die regs-, praktiese en ander gevolge van die magtiging in die kennisgewing waarna in subartikel (1) of (3) verwys word, na gelang van die geval, reguleer, wat mag insluit—
- 20 (i) die oorpasing van personeel;
- (ii) die oorpasing van bates, laste, regte en verpligtinge, en administratiewe en ander rekords; en
- (iii) die deurlopende toepassing van enige verordeninge en besluite in die gebied van die betrokke munisipaliteite en die omvang van sodanige toepassing.
- 25 (5) Die LUR of die Minister mag 'n kennisgewing kragtens subartikel (1) of (3) uitgereik, na gelang van die geval, wysig ten einde tegniese veranderinge aan te bring of om die magtiging meer effektief te reguleer.
- (6) (a) Die LUR moet 'n magtiging kragtens subartikel (1) of (3) uitgereik, intrek, indien—
- 30 (i) die Afbakeningsraad so 'n aanbeveling doen; of
- (ii) 'n aanpassing met betrekking tot die betrokke funksie of bevoegdheid kragtens artikel 85 gedoen word.
- (b) Die Afbakeningsraad moet so 'n aanbeveling doen indien die rede vir die magtiging nie meer geldig is nie.
- 35 (7) Wanneer 'n magtiging kragtens subartikel (6) ingetrek word of kragtens artikel 13 verval, moet die LUR, indien nodig, by kennisgewing in die *Provinsiale Koerant* die regs-, praktiese en ander gevolge van die intrekking of verval van die magtiging reguleer, wat mag insluit—
- (a) die oorpasing van personeel;
- 40 (b) die oorpasing van bates, laste, regte en verpligtinge, en administratiewe en ander rekords; en
- (c) die deurlopende toepassing van enige verordeninge en besluite in die gebied van die betrokke munisipaliteite en die omvang van sodanige toepassing.

**Oorgangsmatreëls ten opsigte van artikel 20 van Wet 117 van 1998**

- 45 **19.** Vir die eerste verkiesing van munisipale rade na die inwerkingtreding van hierdie Wet moet die datum soos voorsien in artikel 20(1)(a) van die Struktuwewet, soos gewysig deur artikel 2 van hierdie Wet, beskou word 31 Maart 2000 te wees.

**Kort titel**

- 50 **20.** Hierdie Wet heet die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000.

