
GENERAL NOTICE

NOTICE 1272 OF 2000**MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT****LOCAL GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL, 2000**

1. I, Fholisani Sydney Mufamadi, Minister for Provincial and Local Government, under section 154 of the Constitution, hereby publish the Local Government: Cross-Boundary Municipalities Bill, 2000, for public comment.
2. Comments must please be submitted in writing to -

The Director-General
Attention: Mr S L Louw
Department of Provincial and Local Government
Private Bag X 804
PRETORIA
0001
3. Comments may also be faxed to facsimile number (O 12) 3340608 at the above address.
4. Comments must be received by no later than 17 April 2000.

LOCAL GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL, 2000

BILL

To provide authority for identified provincial executives to establish cross-boundary municipalities; and to provide for matters connected therewith.

PREAMBLE

Whereas the Municipal Demarcation Board has indicated the desirability for certain municipal boundaries to extend across provincial boundaries;

Whereas the concurrence of the legislatures of the provinces involved has been obtained;
and

Whereas an Act of Parliament must authorise the respective provincial executives to establishment a municipality within a municipal area that extends across a provincial boundary;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates "MEC for local government" means the member of the Executive Council of a province responsible for local government in the province.

Authorisation for MEC's for local government to establish cross-boundary municipality

2. The MEC's for local government in the provinces indicated in the first column of the Schedule are hereby authorised to establish a municipality in the municipal area mentioned in the second column of the Schedule opposite such provinces.

Short title

3. This Act is called the Local Government: Cross-boundary Municipalities Act, 2000.

SCHEDULE

Provinces	Municipal area
Mpumalanga and Gauteng	District municipality CBDC2 identified by Map No. a of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. c of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
Mpumalanga and Northern Province	District municipality CBDC3 identified by Map No. b of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. a of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	District municipality CBDC4 identified by Map No. c of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. b of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Gauteng	Metropolitan municipality East Rand identified by Map No. d of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. a of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.

Mpumalanga and Gauteng	Local municipality CBLC2 identified by Map No. e of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. e of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
Mpumalanga and Northern Province	Local municipality CBLC3 identified by Map No. f of Schedule 2 to Notice 50 of 2000, (Mpumalanga) and Map No. c of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	Local municipality CBLC4 identified by Map No. g of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. d of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	Local municipality CBLC5 identified by Map No. h of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. e of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	Local municipality CBLC6 identified by Map No. i of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. f of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
North West and Northern Cape	District municipality CBDC1 identified by Map No. a of Schedule 2 to Notice 37 of 2000 (North West) and Map No. a of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.

North West and Northern Cape	District municipality DC9 identified by Map No. b of Schedule 2 to Notice 37 of 2000 (North West) and Map No. b of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
North West and Gauteng	District municipality CBDC8 identified by Map No. c of Schedule 2 to Notice 37 of 2000 (North West) and Map No. d of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
North West and Gauteng	Metropolitan municipality Pretoria identified by Map No. d of Schedule 2 to Notice 37 of 2000 (North West) and Map No. b of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
North West and Northern Cape	Local municipality CBLC1 identified by Map No. e of Schedule 2 to Notice 37 of 2000 (North West) and Map No. c of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
North West and Gauteng	Local municipality CBLC8 identified by Map No. f of Schedule 2 to Notice 37 of 2000 (North West) and Map No. f of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
North West and Northern Cape	Local municipality CBLC7 identified by Map No. g of Schedule 2 to Notice 37 of 2000 (North West) and Map No. d of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.

Eastern Cape and KwaZulu-Natal	District municipality CBDC5 identified by Map No. a of Schedule 2 to Notice 22 of 2000 (Eastern Cape) and Map No. a of Schedule 2 to Notice M.N. 24 of 2000 (KwaZulu-Natal), respectively.
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MEMORANDUM ON THE OBJECTS OF THE LOCAL GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL, 2000

The Municipal Demarcation Board has indicated the desirability for certain municipal areas to extend across provincial boundaries. In order for such cross-boundary municipalities to be determined, section 155(6A) of the Constitution requires national legislation authorizing the respective provincial executives to establish a municipality within that municipal area.

The Bill aims at providing the required authorisation in respect of the areas that has been identified by the Municipal Demarcation Board. In view of the fact that section 90(2)(a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (hereafter referred to as “the Municipal Structures Act”), empowers the MECs for local government to establish cross-boundary municipalities, the Bill authorises those MECs specifically.

Clause 1 of the Bill contains a definition of “MEC for local government”.

Clause 2 of the Bill authorises the relevant MECs for local government to establish a municipality in the municipal area mentioned in the second column of the Schedule.

Bodies/organisations consulted

Municipal Demarcation Board.

The seven provincial governments affected by the identification of proposed cross-boundary municipalities.

President’s Co-ordinating Council.

The Bill was published for public comment in terms section 154(2) of the Constitution.

Implications for the provinces

The provincial governments concerned must decide whether they are going to enter into an agreement envisaged in section 90(3) of the Municipal Structures Act, or whether they are going to administer the cross-border municipality jointly,

Implications for municipalities

Depending on whether an agreement envisaged in section 90(3) of the Municipal Structures Act is entered into, a cross-boundary municipality may well have to apply two sets of laws emanating from the two provinces concerned.

Parliamentary procedures

In view of the fact that municipal demarcation is not a subject matter falling within any of the functional areas listed in Schedule 4 to the Constitution, and section 155(6A) of the Constitution is not referred to in section 76(3) of the Constitution, the Department of Provincial and Local Government is of the opinion that the Bill must be dealt with in accordance with section 75 of the Constitution.
