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**GENERAL NOTICE**

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NOTICE 4223 OF 2000

MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES SECOND AMENDMENT BILL,  
2000

1. I, **Fholisani Sydney Mufamadi**, Minister for Provincial and Local Government, **in** terms of section 154 of the Constitution, hereby publish the Local Government: Municipal Structures Second Amendment 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 (012) 3340608 at the above address.
4. Comments must be received by no later than 15 **November 2000**.

REPUBLIC OF SOUTH AFRICA.

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LOCAL GOVERNMENT: MUNICIPAL STRUCTURES SECOND AMENDMENT BILL

(As introduced **in** the National Assembly as a section 75 **Bill**)  
(The English text **is** the official text of the Bill)

(Minister for Provincial and **Local Government**)

**GENERAL EXPLANATORY NOTE:**

----- Words underlined with a solid line indicate insertions in existing enactments.

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**BILL**

To amend the Local Government Municipal Structures Act, 1998, so as to make provision for the **functions** of traditional authorities; to make provision for municipal councils to delegate functions to traditional authorities; to make provision for the role of traditional leaders in certain community matters; **and** to provide for matters connected therewith.

Be it enacted by the Parliament of the Republic of South Africa as follows:-

**Insertion of sections 81A and 81B in Act 117 of 1998**

1. The following sections are hereby inserted in the Local Government: Municipal Structures Act, 1998, after section 81:

“Functions of traditional authorities.

**81A.** The functions of a traditional authority that observes a system of customary law include the following:

- (a) To collect and administer all fees and charges which are according to custom, payable to the traditional authority within the traditional area of that traditional authority;
- (b) to receive fines and fees collected with regard to the exercise of customary law;

- (c) to administer any funding allocated to it from any source;
- (d) to make recommendations in connection with the appointment of headmen;
- (e) to perform such functions as may be delegated to it by a municipal council;
- (f) to provide direction and leadership in cultural activities
- (g) to be the custodian of culture and customs;
- (h) to attend to matters relating to %craft and divination within its communities;
- (i) to carry out all orders given to it by competent authorities;
- (j) to make known requirements of any new laws to the community;
- (k) to convene meetings of community members;
- (l) to promote the interest and well being of residents in its traditional area;
- (m) to control\* holding of initiation ceremonies;
- (n) to facilitate the gathering of firewood;
- (o) to coordinate first fruit ceremonies;
- (p) to coordinate rainmaking ceremonies; and
- (q) to coordinate the clearing of fields to ensure good harvests.

**Role of traditional leaders in community affairs**

**§1B.** The role of traditional leaders includes:

- (a) Officiating at the opening and closing ceremonies of municipal councils;
- (b) presiding over the opening of customary Proceedings;
- (c) liaising on behalf of municipal councils with communities in respect of matters which affect the communities concerned;
- (d) presiding over traditional, customary and wedding ceremonies;
- (e) participating in burials;
- (f) mediating during ancestral worship; and
- (g) presiding over the inauguration of headmen.”.

**Short title**

2. This Act is the Local Government: Municipal Structures Second Amendment Act, 2000.

## MEMORANDUM ON THE OBJECTS OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES SECOND AMENDMENT **BILL**, 2000

### 1. BACKGROUND

Traditional leaders have expressed concern that the new municipal boundaries **will** result in their losing control over various functions traditionally **performed** by them.

The President directed the Minister of Provincial and Local Government to amend the Local **Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) ("the Act")**, and to take the concerns expressed by the traditional leaders into account,

### 2. CONTENTS OF BILL

The Bill amends the Act in order to make provision for the functions and role of the traditional leaders. These are incorporated in new sections 81A and **81B**.

### 3. OTHER DEPARTMENTS / BODIES CONSULTED

The Department of Justice and Constitutional Development was consulted.

### 4. FINANCIAL IMPLICATIONS FOR STATE

There will not be any additional financial implications for the **State**.

### 5. IMPLICATIONS FOR PROVINCES

None.

### 6. PARLIAMENTARY PROCEDURE

The **Local Government: Municipal Structures Second Amendment Bill** has been classified as a section 75 **Bill**.