
GENERAL NOTICE

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.

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.

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 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

81B. 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**.