

REPUBLIC OF SOUTH AFRICA

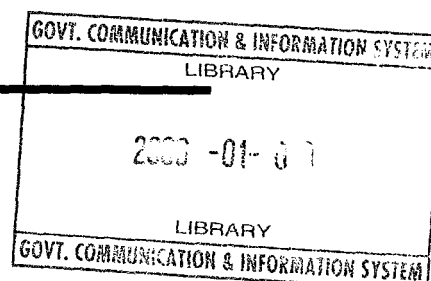
**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**CROSS-BOUNDARY
MUNICIPALITIES LAWS
REPEAL BILL**

*(As agreed to by the Portfolio Committee on Provincial and Local Government
(National Assembly))*

[B 36A—2005]

REPUBLIEK VAN SUID-AFRIKA



**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**WETSONTVERP OP DIE
HERROEPING VAN WETTE
BETREFFENDE
OORGRENSMUNISIPALITEITE**

*(Soos goedgekeur deur die Portefeuljekomitee oor Provinsiale en Plaaslike
Regering (Nasionale Vergadering))*

[W 36A—2005]

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AMENDMENTS AGREED TO

CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL BILL [B 36—2005]

CLAUSE 2

1. On page 4, from line 25, to omit “MEC for local government and the Electoral Commission” and to substitute:

MEC for local government, the Municipal Demarcation Board and the Electoral Commission

2. On page 4, from line 51, to omit “MEC for local government and the Electoral Commission” and to substitute:

MEC for local government, the Municipal Demarcation Board and the Electoral Commission

NEW CLAUSE

1. That the following be a new Clause:

Transitional arrangements regarding the transfer of provincial functions, assets and liabilities

5. (1) Where a particular area is relocated from one province (the releasing province) to another province (the receiving province) at the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005—

- (a) any function exercised or service delivered by the provincial government of the releasing province in the area in question must, subject to subsections (2) and (3), be exercised or delivered by the provincial government of the receiving province; and
- (b) any asset, right, obligation, duty or liability associated or connected with the exercise of such function or the delivery of such service vests in the provincial government of the receiving province.

(2) The provincial government of the releasing province and the provincial government of the receiving province may before the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005 enter into an implementation protocol in terms of section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), in order to provide for—

- (a) the provincial government of the releasing province to continue exercising a function or delivering a service on an agency basis in the area in question; or
- (b) the transfer of staff in accordance with applicable labour law from the provincial government of the releasing province to the provincial government of the receiving province.

(3) (a) If an agreement on the content of an implementation protocol envisaged in subsection (2) cannot be reached before the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005, the matter must be referred to the National Council of Provinces.

(b) The National Council of Provinces is mandated to assist the provincial governments concerned in any manner necessary in order to reach agreement within two months after the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005.

(c) If no agreement is reached within the period referred to in paragraph (b), subsection (1) applies without any exception.

(d) Where a matter has been referred to the National Council of Provinces as provided for in paragraph (a), the provincial government of the releasing province must continue to exercise any relevant function and deliver any relevant service in the area in question during the two month period referred to in paragraph (b).

(4) Where an implementation protocol has been concluded as provided for in subsections (2) and (3), the President's Co-ordinating Council referred to in section 6 of the Intergovernmental Relations Framework Act, 2005, must co-ordinate the implementation of the protocol in question.

(5) (a) Where immovable property vests in the provincial government of a receiving province in terms of subsection (1), the registrar of deeds having jurisdiction must upon the production of a certificate signed by both the premier of the releasing province and the premier of the receiving province, make such entries or endorsements in or on any relevant register, title deed or other document to register such immovable property in the name of the provincial government of the receiving province.

(b) No duty, fee or other charge is payable in respect of a registration in terms of paragraph (a).

CLAUSE 5

1. On page 6 in line 20, to omit "Cross-boundary Municipalities Laws Repeal Act, 2005" and to substitute:

Cross-boundary Municipalities Laws Repeal and Related Matters Act,
2005

2. On page 6, in line 21, to omit "Section 2(3) and (4)(d) of this Act" and to substitute:

Sections 2(3) and (4)(d), and 5 of this Act

SCHEDULES 2 TO 5

Schedules 2 to 5 rejected.

NEW SCHEDULES

1. That the following be new Schedules:

SCHEDULE 2**Demarcation of newly established municipalities in a province**

Designation of municipality	Demarcation notice and date	New designation of municipality (where applicable)	Province in respect of which demarcation is deemed
Metropolitan Municipality Ekurhuleni	Identified by Map No. 1 of the Schedule to Notice 1179 of 2005	EKU (Map No. 33 of the Schedule to Notice 1594 of 2005)	Gauteng
Metropolitan Municipality Tshwane	Identified by Map No. 2 of the Schedule to Notice 1179 of 2005	TSH (Map No. 32 of the Schedule to Notice 1594 of 2005)	Gauteng
CBDC3 known as Sekhukhune District Municipality	Identified by Map No. 10 of the Schedule to Notice 1179 of 2005	DC47 (Map No. 15 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLC3 known as Greater Marble Hall Local Municipality	Identified by Map No. 11 of the Schedule to Notice 1179 of 2005	NP03a4 (Map No. 16 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLC4 known as Greater Groblersdal Local Municipality	Identified by Map No. 12 of the Schedule to Notice 1179 of 2005	NP03a5 (Map No. 17 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLC5 known as Greater Tubatse Local Municipality	Identified by Map No. 13 of the Schedule to Notice 1179 of 2005	NP03a6 (Map No. 18 of the Schedule to Notice 1594 of 2005)	Limpopo
DC9 known as Frances Baard District Municipality	Identified by Map No. 24 of the Schedule to Notice 1179 of 2005	DC9 (Map No. 11 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBLC7 known as Phokwane Local Municipality	Identified by Map No. 25 of the Schedule to Notice 1179 of 2005	NC094 (Map No. 12 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBDCI known as Kgalagadi District Municipality	Identified by Map No. 3 of the Schedule to Notice 1179 of 2005	DC45 (Map No. 6 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBLCI known as Ga-Segonyana Cross-boundary Local Municipality	Identified by Map No. 4 of the Schedule to Notice 1179 of 2005	NC452 (Map No. 8 of the Schedule to Notice 1594 of 2005)	Northern Cape

Designation of municipality	Demarcation notice and date	New designation of municipality (where applicable)	Province in respect of which demarcation is deemed
NW1a1 known as Moshaweng Local Municipality	Identified by Map No. 5 of the Schedule to Notice 1179 of 2005	NC451 (Map No. 7 of the Schedule to Notice 1594 of 2005)	Northern Cape

SCHEDULE 3

Deemed establishment of new municipalities in a province

Section 12 notice	Designation of municipality	New designation of municipality (where applicable)	Province in which new municipality is deemed to be established
Notice 3585 of 2005 (Gauteng)	Metropolitan Municipality Ekurhuleni	EKU (Map No. 33 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 3584 of 2005 (Gauteng)	Metropolitan Municipality Tshwane	TSH (Map No. 32 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 4768 of 2005 (Gauteng)	GT02b1 known as Nokeng tsa Taemane	GT02b1	Gauteng
Notice 4861 of 2005 (Gauteng)	GT411 known as Mogale City Local Municipality	GT481 (Map No. 30 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 4861 of 2005 [Gauteng]	GT412 known as Randfontein Local Municipality	GT482 (Map No. 31 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 4861 of 2005 (Gauteng)	GT414 known as Westonaria Local Municipality	GT483 (Schedule 1 to Notice 1998 of 2005, read with map No. 23 of the Schedule to Notice 1179 of 2005)	Gauteng
Notice 302 of 2000 (Northern Province)	CBDC3 known as Sekhukhune District Municipality	DC47 (Map No. 15 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 302 of 2000 (Northern Province)	CBLC3 known as Greater Marble Hall Local Municipality	NP03a4 (Map No. 16 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 302 of 2000 (Northern Province)	CBLC4 known as Greater Groblersdal Local Municipality	NP03a5 (Map No. 17 of the Schedule to Notice 1594 of 2005)	Limpopo

Section 12 notice	Designation of municipality	New designation of municipality (where applicable)	Province in which new municipality is deemed to be established
Notice 302 of 2000 (Northern Province)	CBLCS known as Tubatse Local Municipality	NP03a6 (Map No. 18 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 130 of 2000 (Northern Cape), read with Notice 31 of 2000 (Northern Cape)	DC9 known as Frances Baard District Municipality	DC9 (Map No. 11 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 130 of 2000 (Northern Cape), read with Notice 31 of 2000 (Northern Cape)	CBLC7 known as Phokwane Local Municipality	NC094 (Map No. 12 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 131 of 2000 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	CBDCI known as Kgalagadi District Municipality	DC45 (Map No. 6 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 131 of 2000 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	CBLCI known as Ga-Segonyana Cross-boundary Local Municipality	NC452 (Map No. 8 of the Schedule to Notice 1594 of 2005)	Northern Cape

SCHEDULE 4

Demarcation of newly established municipalities in a province

Proposed demarcation of a municipality (Municipal Demarcation Board notice and date)	Proposed designation of municipality	Province in respect of which demarcation is deemed
Identified by Map No. 8 of the Schedule to Notice 1257 of 2005	KZ5a6 known as Umzimkulu Local Municipality	KwaZulu-Natal
Identified by Map No. 7 of the Schedule to Notice 1257 of 2005	DC43 known as Sisonke District Municipality	KwaZulu-Natal

Proposed demarcation of a municipality (Municipal Demarcation Board notice and date)	Proposed designation of municipality	Province in respect of which demarcation is deemed
Identified by Map No. 11 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	DC44 known as Alfred Nzo District Municipality	Eastern Cape
Identified by Map No. 10 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	EC05b2 known as Urnzimvubu Local Municipality	Eastern Cape
Identified by Map No. 9 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	EC05b3 known as Matatiele Local Municipality	Eastern Cape
Identified by Map No. 6 of the Schedule to Notice 1257 of 2005	MP325 known as Bushbuckridge Local Municipality	Mpumalanga
Identified by Map No. 5 of the Schedule to Notice 1257 of 2005	DC32 known as Ehlanzeni District Municipality	Mpumalanga
Identified by Map No. 4 of the Schedule to Notice 1257 of 2005	NP335 known as Maruleng Local Municipality	Limpopo
Identified by Map No. 3 of the Schedule to Notice 1257 of 2005	DC33 known as Mopani District Municipality	Limpopo
Identified by Map No. 14 of the Schedule to Notice 1257 of 2005	NW405 known as Merafong City Local Municipality	North West
Identified by Map No. 13 of the Schedule to Notice 1257 of 2005	DC40 known as Southern District Municipality	North West
Identified by Map No. 12 of the Schedule to Notice 1257 of 2005	DC48 known as West Rand District Municipality	Gauteng
Identified by Map No. 1 of the Schedule to Notice 1257 of 2005	DC46 known as Metsweding District Municipality	Gauteng
Identified by Map No. 2 of the Schedule to Notice 1257 of 2005	GT02b2 known as Kungwini Local Municipality	Gauteng

SCHEDULE 5

Deemed establishment of new municipality in a province

Proposed section 12 notice	Proposed designation of municipality	Province in which new municipality is deemed to be established	Designation of former municipality
Notice 1756 of 2005 (KwaZulu-Natal), read with Notice 3253 of 2005 (KwaZulu-Natal)	KZ5a6 known as Umzimkulu Local Municipality (Map No. 8 of the Schedule to Notice 1257 of 2005)	KwaZulu-Natal	EC05b1

Proposed section 12 notice	Proposed designation of municipality	Province in which new municipality is deemed to be established	Designation of former municipality
Notice 1756 of 2005 (KwaZulu-Natal), read with Notice 344 of 2000 (KwaZulu-Natal) and Notice 3253 of 2005 (KwaZulu-Natal)	DC43 known as Sisonke District Municipality (Map No. 7 of the Schedule to Notice 1257 of 2005)	KwaZulu-Natal	DC43
Notice 354 of 2005 (Eastern Cape)	DC44 known as Alfred Nzo District Municipality (Map No. 11 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	DC44
Notice 354 of 2005 (Eastern Cape)	EC05b2 known as Umzimvubu Local Municipality (Map No. 10 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	EC05b2
Notice 354 of 2005 (Eastern Cape)	EC05b3 known as Matatiele Local Municipality (Map No. 9 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	KZ5a3
Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)	MP325 known as Bushbuckridge Local Municipality (Map No. 6 of the Schedule to Notice 1257 of 2005)	Mpumalanga	MBLC6
Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)	DC32 known as Ehlanzeni District Municipality (Map No. 5 of the Schedule to Notice 1257 of 2005)	Mpumalanga	DC32

Proposed section 12 notice	Proposed designation of municipality	Province in which new municipality is deemed to be established	Designation of former municipality
Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)	NP335 known as Maruleng Local Municipality (Map No. 4 of the Schedule to Notice 1257 of 2005)	Limpopo	NP04a1
Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)	DC33 known as Mopani District Municipality (Map No. 3 of the Schedule to Notice 1257 of 2005)	Limpopo	DC33
Notice 651 of 2005 (North West)	NW405 known as Merafong City Local Municipality (Map No. 14 of the Schedule to Notice 1257 of 2005)	North West	CBLCS
Notice 650 of 2005 (North West)	DC40 known as Southern District Municipality (Map No. 13 of the Schedule to Notice 1257 of 2005)	North West	DC40
Notice 4861 of 2005 (Gauteng)	DC48 known as West Rand District Municipality (Map No. 12 of the Schedule to Notice 1257 of 2005)	Gauteng	CBDCS
Notice 4768 of 2005 (Gauteng)	DC46 known as Metsweding District Municipality (Map No. 1 of the Schedule to Notice 1257 of 2005)	Gauteng	CBDC2
Notice 4768 of 2005 (Gauteng)	GT02b2 known as Kungwini Local Municipality (Map No. 2 of the Schedule to Notice 1257 of 2005)	Gauteng	CBLC2
Notice 89 of 2005 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	NC451 known as Moshaweng Local Municipality (Map No. 7 of the Schedule to Notice 1594 of 2005)	Northern Cape	NW1a1