

**Act No. 23, 2005 CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL  
AND RELATED MATTERS ACT, 2005**

*(English text signed by the President.)*

*(Assented to 22 December 2005.)*

## ACT

To-

**amend the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), so as to delete a provision in respect of cross-boundary municipalities; repeal the Local Government: Cross-boundary Municipalities Act, 2000 (Act No. 29 of 2000);**

**repeal the Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2000 (Act No. 69 of 2000);**

**repeal the Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2005 (Act No. 6 of 2005);**

**provide for consequential matters as a result of the re-alignment of former cross-boundary municipalities and the re-determination of the geographical areas of provinces; and**  
**provide for matters connected therewith.**

### PREAMBLE

**SINCE** the Constitution Twelfth Amendment Act of 2005 provides for the re-determination of the geographical areas of the provinces;

**SINCE** in terms of the Constitution Twelfth Amendment Act of 2005 cross-boundary municipalities are no longer possible;

**SINCE** an Act amending the Constitution may not include provisions other than constitution amendments and matters connected with the amendments;

**SINCE** it is necessary to provide for the repeal of all provisions dealing with cross-boundary municipalities; and

**SINCE** it is necessary to provide for consequential arrangements as a result of the re-alignment of former cross-boundary municipalities and the re-determination of the geographical areas of provinces,

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

### Definitions

1. In this Act, unless the context indicates otherwise-

**"cross-boundary municipality"** means a municipality envisaged in section 155(6A) of the Constitution of the Republic of South Africa, 1996, as it existed immediately before the commencement of the Constitution Twelfth Amendment Act of 2005;

**"Municipal Demarcation Board"** means the board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**"MEC for local government"** means the member of the Executive Council of a province responsible for local government in the province;

;

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**"section 12 notice"** means a notice provided for in section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

**Consequential arrangements**

2. (1) Despite any applicable provisions of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the demarcation by the Municipal Demarcation Board as indicated in the second column of Schedule 2 of a municipality indicated in the first column of Schedule 2 is regarded as a demarcation in terms of the Local Government: Municipal Demarcation Act, 1998, of a municipality -

- (a) with the designation indicated in the third column of Schedule 2; and
- (b) within the province indicated in the fourth column of Schedule 2.

(2) (a) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, a section 12 notice referred to in the first column of Schedule 3 in respect of a municipality referred to in the second column of Schedule 3 is regarded as the section 12 notice-

- (i) of a newly established municipality with the designation indicated in the third column of Schedule 3; and
- (ii) issued by the MEC for local government of the province indicated in the fourth column of Schedule 3.

(b) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, any municipality referred to in paragraph (a)(i) is regarded to be the successor in law of the municipality as designated in the second column of Schedule 3.

(3) Despite the applicable provisions of the Local Government: Municipal Structures Act, 1998, the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), and the Electoral Commission Act, 1996 (Act No. 51 of 1996), an MEC for local government, the Municipal Demarcation Board and the Electoral Commission may take any steps in respect of a municipality referred to in the second column of Schedule 3 to prepare for a general election of all municipal councils in respect of any newly established municipality envisaged by subsection (2).

(4) (a) Despite any applicable provisions of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the proposed demarcation by the Municipal Demarcation Board of a municipality as indicated in the first column of Schedule 4 is regarded as a demarcation in terms of the Local Government: Municipal Demarcation Act, 1998, of a municipality-

- (i) with the designation indicated in the second column of Schedule 4; and
- (ii) in the province indicated in the third column of Schedule 4.

(b) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, the proposed section 12 notice referred to in the first column of Schedule 5 in respect of a proposed municipality referred to in the second column of Schedule 5 is regarded as the section 12 notice-

- (i) of a newly established municipality with the designation indicated in the second column of Schedule 5; and
- (ii) issued by the MEC for local government of the province indicated in the third column of Schedule 5.

(c) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, any municipality referred to in paragraph (b)(i) is regarded to be the successor in law of the municipality referred to in the fourth column of Schedule 5.

(d) Despite the applicable provisions of the Local Government: Municipal Structures Act, 1998, the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), and the Electoral Commission Act, 1996 (Act No. 51 of 1996), an MEC for local government, the Municipal Demarcation Board and the Electoral Commission may take any steps in respect of a municipality referred to in the second column of Schedule 5 to prepare for a general election of all municipal councils in respect of any newly established municipality envisaged by this subsection.

**Repeal of laws**

3. The laws specified in Schedule I are repealed to the extent set out in the third column of Schedule 1.

**Savings**

4. (1) Where a particular area will in future as a result of this Act be relocated in a province (the receiving province) other than the province (releasing province) in which it was located before the commencement of this Act---

- (a) any licence, permit or authorisation issued;
- (b) any appointment made to any office; or
- (c) any right, privilege, obligation or liability acquired, accrued or incurred, law until revoked, withdrawn or replaced in terms of a law applicable in the receiving province.

(2) An MEC for local government may, by way of an amendment to an applicable section 12 notice, regulate any legal, practical or other consequences of the relocation of an area referred to in subsection (1) in so far as such regulation is necessary to ensure the proper functioning of a municipality in whose area of jurisdiction such relocated area falls.

**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) 2 5 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).

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(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).

**Short title and commencement**

**6. (1)** This Act is called the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005.

(2) Sections 2(3) and (4)(d), and 5 of this Act takes effect on the date of publication of the Act and all other provisions of this Act take effect on a date determined by the President by proclamation in the *Gazette*.

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| No.and year of law  | Short title   | Extent of repeal |
|---------------------|---|------------------|
| Act No. 117 of 1998 | Local Government: Municipal Structures Act, 2000                              | Section 90       |
| Act No. 29 of 2000  | Local Government: Cross-boundary Municipalities Act, 2000                     | The whole        |
| Act No. 69 of 2000  | Re-determination of the Boundaries Cross-boundary Municipalities Act, 2000    | The whole        |
| Act No. 6 of 2005   | Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2005 | The whole        |

**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  | TSII (Map No. 32 of the Schedule to Notice 1594 of 2005)    | Gauteng  |
| <b>CBDC3</b> 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  |
| <b>CBLC3</b> known as Greater Marble Hall Local Municipality         | Identified by Map No. 11 of the Schedule to Notice 1179 of 2005 | NPO3a4 (Map No. 16 of the Schedule to Notice 159,4 of 2005) | Limpopo  |
| <b>CBLC4</b> known as Greater Groblersdal Local Municipality         | Identified by Map No. 12 of the Schedule to Notice 1179 of 2005 | NPO3a5 (Map No. 17 of the Schedule to Notice 159,4 of 2005) | Limpopo  |
| <b>CBLC5</b> known as Greater Tubatse Local Municipality             | Identified by Map No. 13 of the Schedule to Notice 1179 of 2005 | NPO3a6 (Map No. 18 of the Schedule to Notice 159,4 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                                      |
| <b>CBLC7</b> 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                                      |
| CBDC1 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                                      |
| <b>CBLC1</b> 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                                      |
| <b>NW1a1</b> 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)   | <b>Metropolitan Municipality Ekurhuleni</b>                          | <b>EKU</b> (Map No. 33 of the Schedule to Notice 1594 of 2005)  | Gauteng  |
| Notice 3584 of 2005 (Gauteng)   | <b>Metropolitan Municipality Tshwane</b>                             | <b>TSH</b> (Map No. 32 of the Schedule to Notice 1594 of 2005)  | Gauteng  |
| Notice 4768 of 2005 (Gauteng)   | <b>GTO2b1</b> known as Nokeng tsa Taemane                            | <b>GTO2b1</b>   | Gauteng  |
| Notice 4861 of 2005 (Gauteng)   | <b>GT411</b> known as Mogale City Local Municipality                 | <b>GT4S1</b> (Map No. 30 of the Schedule to Notice 1594 of 2005)  | Gauteng  |
| Notice 4861 of 2005 (Gauteng)   | <b>GT412</b> known as Randfontein Local Municipality                 | <b>GT482</b> (Map No. 31 of the Schedule to Notice 1594 of 2005)  | Gauteng  |
| Notice 4861 of 2005 (Gauteng)   | <b>GT414</b> known as Westonaria Local Municipality                  | <b>GT483</b> (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)  | <b>CBDC3</b> known as Sekhukhune District Municipality               | <b>DC47</b> (Map No. 15 of the Schedule to Notice 1594 of 2005)   | Limpopo  |
| Notice 302 of 2000 (Northern Province)  | <b>CBLC3</b> known as Greater Marble Hall Local Municipality         | <b>NPO3a4</b> (Map No. 16 of the Schedule to Notice 1594 of 2005)   | Limpopo  |
| Notice 302 of 2000 (Northern Province)  | <b>CBLC4</b> known as Greater Groblersdal Local Municipality         | <b>NPO3a5</b> (Map No. 17 of the Schedule to Notice 1594 of 2005)   | Limpopo  |
| Notice 302 of 2000 (Northern Province)  | <b>CBLC5</b> known as Tubatse Local Municipality                     | <b>NPO3a6</b> (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) | <b>DC9</b> known as Frances Baard District Municipality              | <b>DC9</b> (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) | <b>CBLC7</b> known as Phokwane Local Municipality                    | <b>NC094</b> (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) | <b>CBDC1</b> known as Kgalagadi District Municipality                | <b>DC45</b> (Map No. 8 of the Schedule to Notice 1594 of 2005)  | Northern Cape  |
| Notice 131 of 2000 (Northern Cape), read with Notice 32 of 2000 (Northern Cape) | <b>CBLC1</b> known as Ga-Segonyana Cross-boundary Local Municipality | <b>NC452</b> (Map No. 8 of the Schedule to Notice 1594 of 2005)   | Northern Cape  |

SCHEDULE 4

Demarcation of newly established municipalities in a province

| <b>Proposed demarcation of a municipality (Municipal Demarcation Board notice and date)</b>               | <b>Proposed designation of municipality</b>            | <b>Province in respect of which demarcation is deemed</b> |
|---|--|---|
| Identified by Map No. 8 of the Schedule to Notice 1257 of 2005  | <b>KZ5a6</b> known as Umzimkulu Local Municipality     | KwaZulu-Natal   |
| Identified by Map No. 7 of the Schedule to Notice 1257 of 2005  | <b>DC43</b> known as Sisonke District Municipality     | KwaZulu-Natal   |
| Identified by Map No. 11 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005 | <b>DC44</b> 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 | <b>ECO5b2</b> Umzimvubu known as Local Municipality    | Eastern Cape  |
| Identified by Map No. 9 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005  | <b>ECO5b3</b> known as Matatiele Local Municipality    | Eastern Cape  |
| Identified by Map No. 6 of the Schedule to Notice 1257 of 2005  | <b>MP325</b> known as Bushbuckridge Local Municipality | Mpumalanga  |
| Identified by Map No. 5 of the Schedule to Notice 1257 of 2005  | <b>DC32</b> known as Ehlanzeni District Municipality   | Mpumalanga  |
| Identified by Map No. 4 of the Schedule to Notice 1257 of 2005  | <b>NP335</b> known as Maruleng Local Municipality      | Limpopo   |
| Identified by Map No. 3 of the Schedule to Notice 1257 of 2005  | <b>DC33</b> known as Mopani District Municipality      | Limpopo   |
| Identified by Map No. 14 of the Schedule to Notice 1257 of 2005   | <b>NW405</b> known as Merafong City Local Municipality | North West  |
| Identified by Map No. 13 of the Schedule to Notice 1257 of 2005   | <b>DC40</b> known as Southern District Municipality    | North West  |
| Identified by Map No. 12 of the Schedule to Notice 1257 of 2005   | <b>DC48</b> known as West Rand District Municipality   | Gauteng   |
| Identified by Map No. 1 of the Schedule to Notice 1257 of 2005  | <b>DC46</b> known as Metsweding District Municipality  | Gauteng   |
| Identified by Map No. 2 of the Schedule to Notice 1257 of 2005  | <b>GTO2b2</b> known as Kungwini Local Municipality     | Gauteng   |



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**SCHEDULES**

**Deemed establishment of new municipalities 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)  | <b>KZ5a6</b> known as Umzimkulu Local Municipality (Map No. 8 of the Schedule to Notice 1257 of 2005)   | KwaZulu-Natal  | <b>ECOSb1</b>                      |
| Notice 1756 of 2005 (KwaZulu-Natal), read with Notice 344 of 2000 (KwaZulu-Natal) and Notice 3253 of 2005 (KwaZulu-Natal) | <b>DC43</b> known as Sisonke Ijistrini Municipality (Map No. 7 of the Schedule to Notice 1257 of 2005)  | KwaZulu-Natal  | <b>DC43</b>                        |
| Notice 354 of 2005 (Eastern Cape)   | <b>DC44</b> 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   | <b>DC44</b>                        |
| Notice 354 of 2005 (Eastern Cape)   | <b>ECOSb2</b> known as Umzinivubu Local Municipality (Map No. 10 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)  | Eastern Cape   | <b>ECOSb2</b>                      |
| Notice 354 of 2005 (Eastern Cape)   | <b>ECOSb3</b> 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   | <b>KZ5a3</b>                       |
| Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)   | <b>MP325</b> known as Bushbuckridge Local Municipality (Map No. 6 of the Schedule to Notice 1257 of 2005)   | Mpumalanga   | <b>CBLC6</b>                       |
| Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)   | <b>DC32</b> known as Ehlanzeni District Municipality (Map No. 5 of the Schedule to Notice 1257 of 2005)   | Mpumalanga   | <b>DC32</b>                        |
| Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)  | <b>NP335</b> known as Maruleng Local Municipality (Map No. 4 of the Schedule to Notice 1257 of 2005)  | Limpopo  | <b>NP04a1</b>                      |
| Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)  | <b>DC33</b> known as Mopani District Municipality (Map No. 3 of the Schedule to Notice 1257 of 2005)  | Limpopo  | <b>DC33</b>                        |
| Notice 651 of 2005 (North West)   | <b>NW405</b> known as Merafong City Local Municipality (Map No. 14 of the Schedule to Notice 1257 of 2005)  | North West   | <b>CBLC8</b>                       |
| Notice 650 of 2005 (North West)   | <b>DC40</b> known as Southern district Municipality (Map No. 13 of the Schedule to Notice 1257 of 2005)   | North West   | <b>DC40</b>                        |
| Notice 4861 of 2005 (Gauteng)   | <b>DC48</b> known as West Rand District Municipality (Map No. 12 of the Schedule to Notice 1257 of 2005)  | Gauteng  | <b>CBDC8</b>                       |

| Proposed section 12 notice   | Proposed designation of municipality   | Province in which new municipality is deemed to be established | of former municipality |
|--|--|--|------------------------|
| Notice 4768 of 2005 (Gauteng)  | <b>DC46</b> known as Metsweding District Municipality (Map No. 1 of the Schedule to Notice 1257 of 2005) | Gauteng  | <b>CBDC2</b>           |
| Notice 4768 of 2005 (Gauteng)  | <b>GTO2b2</b> known as Kungwini Local Municipality (Map No. 2 of the Schedule to Notice 1257 of 2005)    | Gauteng  | <b>CBLC 2</b>          |
| Notice 89 of 2005 (Northern Cape), read with Notice 32 of 2000 (Northern Cape) | <b>NC451</b> known as Moshaweng Local Municipality (Map No. 7 of the Schedule to Notice 1594 of 2005)    | Northern Cape  | <b>NW1al</b>           |