
REPUBLIC OF SOUTH AFRICA

**LOCAL GOVERNMENT:
MUNICIPAL STRUCTURES
AMENDMENT ACT**

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWET OP
PLAASLIKE REGERING:
MUNISIPALE STRUKTURE**

No , 1999

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Local Government: Municipal Structures Act, 1998, so as to vest the power to determine whether an area must have a single category A municipality or whether it must have municipalities of both category C and category B in the Municipal Demarcation Board; to vest the power to declare a part of the area of a category C municipality as a district management area in the Municipal Demarcation Board; and to remove the power of the Minister to determine guidelines for types of municipalities and to determine the term of municipal councils; and to provide for matters connected therewith.

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

Substitution of section 4 of Act 117 of 1998

1. The following section is hereby substituted for section 4 of the Local Government: Municipal Structures Act, 1998 (hereinafter referred to as the principal Act): 5

“Application of criteria

4. (1) The [Minister] Demarcation Board must—

- (a) apply the criteria set out in section 2 and determine whether an area in terms of the criteria must have a single category A municipality or whether it must have municipalities of both category C and category B; and 10

(b) determine the boundaries of the area in terms of the Demarcation Act.

(2) The [Minister] Demarcation Board may determine that an area must have a category A municipality only after consultation with the Minister, the MEC for local government in the province concerned [the Demarcation Board] and SALGA [and organised local government in the province].” 15

Repeal of section 5 of Act 117 of 1998

2. Section 5 of the principal Act is hereby repealed.

Amendment of section 6 of Act 117 of 1998 20

3. Section 6 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) The [**Minister, on the recommendation of the**] Demarcation Board, [**and**] after consulting the Minister and the MEC for local government in the province concerned, may by notice in the *Government Gazette* declare a part of an area that must have municipalities of both category C and category B as a district management area, if the establishment of a category B municipality in that part of the area will not be conducive to fulfilment of the objectives set out in section 24 of the Demarcation Act. 5

(3) (a) The [**Minister, on the recommendation of the**] Demarcation Board, [**and**] after consulting the Minister and the MEC for local government in the province concerned, may by notice in the *Government Gazette* withdraw the declaration of an area as a district management area. 10

(b) When such declaration is withdrawn, the MEC for local government in the province concerned must, in accordance with any boundary determinations or redeterminations of the Demarcation Board and with effect from the date of the next election of municipal councils— 15

- (i) establish a local municipality for that area in terms of section 12; or
- (ii) include that area into another local municipality in terms of section [**16**] 17.”. 15

Repeal of section 13 of Act 117 of 1998

- 4. Section 13 of the principal Act is hereby repealed.

Amendment of section 24 of Act 117 of 1998 20

- 5. Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The term of municipal councils is [**no more than**] five years, [**as determined by the Minister by notice in the *Government Gazette***] calculated from the day following the date or dates set for the previous election of all municipal councils in terms of subsection (2).” 25

Short title

- 6. This is the Local Government: Municipal Structures Amendment Act, 1999.