

# Provincial Gazette

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**SPECIAL**

NO. 28	FRIDAY, 10 JUNE 2011	NO. 28	VRYDAG, 10 JUNIE 2011
<p style="text-align: center;"><b>CORRECTION NOTICE</b></p> <p>Amendment of Provincial Notice 10 of 2011 as amended by Amendment Notice 9 of 2011</p> <p>Amendment of Provincial Notice 10 of 2011 ..... 2</p>			

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**CORRECTION NOTICE**

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1. **Amendment of Provincial Notice 10 of 2011 as amended by Amendment Notice 9 of 2011**
  2. **Amendment of Provincial Notice 10 of 2011**
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I, **MG Qabathe**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs & Human Settlements in the Free State Province, acting in terms of Section 16 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby publish a Notice as set out in the Schedule for public comment. Any person who wishes to comment on the proposed amendments should submit such comments not later than Friday, 17 June 2011, at 09:00 to the following address:

The Head of Department  
Cooperative Governance, Traditional Affairs & Human Settlements  
PO Box 211, Bloemfontein, 9301  
Fax: (086) 698 8906

**SCHEDULE****Explanatory Note**

[ ] indicates proposed omissions from the existing enactments

— words underlined with a solid line, indicates the proposed insertions in the existing enactments

**Amendment of paragraph 5(1), Part 2, of Notice 7 of 2011**

1. Paragraph 5(1), Part 2, of Notice 7 of 2011 is hereby amended as follows:

**“DISESTABLISHMENT OF EXISTING [MUNICIPALITY] MUNICIPALITIES**

5.1(1) The Motheo district Municipality (DC17) and the Mangaung local municipality (FS172) are disestablished with effect from the effective date

(2) ....”

**Amendment of paragraph 19, Part 2, of Notice 11 of 2011**

2. Paragraph 19, Part 2, of Notice 11 of 2011 is hereby substituted by the following:

“19. Until the post of municipal manager of the Mangaung metropolitan municipality is appropriately filled, the person who, on the effective date, occupy the post of municipal manager of the Mangaung local municipality (FS172) is designated with effect from that date as the municipal manager for the metropolitan municipality and will vacate the post on the assumption of duty of the municipal manager so appointed.”

**Amendment of paragraph 19A, Part 2, of Notice 7 of 2011**

3. Paragraph 19A, Part 2, of Notice 7 of 2011 is hereby amended as follows:

**“ADMINISTRATIVE UNIT**

19A(1) All the employees of the disestablished Motheo district municipality and the disestablished Mangaung local municipality will, on the effective date, be transferred to an administrative unit, which will function as such until the Mangaung metropolitan municipality has established a staff structure and has appointed staff to the positions on that staff structure. The **[An]** administrative unit will function[s] in terms of the budgets systems, rules and policies, which applied to **[it]** the Mangaung local municipality immediately prior to the disestablishment of the Mangaung local municipality **[metropolitan municipality]** until it is amended [changed] by the Mangaung metropolitan **[that]** municipality.

(2) The administrative unit will function under the control of the municipal manager and **[T]** the municipal manager of the metropolitan municipality –

(a) .....

**Amendment of paragraph 8, Part 2, of Notice 7 of 2011**

4. Paragraph 8, Part 2, of Notice 7 of 2011 is hereby amended as follows:

“8.(1)(a) The metropolitan municipality, the Xhariep district municipality (DC16) and the Thabo Mofutsanyana district municipality (DC19), the Naledi local municipality (FS171) and the Mantsopa local municipality (FS173) become the successors in law of the respective disestablished **[municipality] municipalities** and depends on the specific assets, liabilities, rights and obligations allocated to the municipalities in terms of a determination by the MEC for **[local government] Cooperative Governance & Traditional Affairs** of a notice published in the Provincial Gazette after consultation with the Transitional Facilitation committee established in terms of Section 15.

(b) **[The metropolitan municipality becomes the successor in law of the Mangaung local municipality (FS172).]**

(2) .....

**Amendment of paragraph 9, Part 2, of Notice 7 of 2011**

5. Paragraph 9, Part 2, of Notice 7 of 2011 is hereby amended as follows:

“9.(1) The assets, rights, liabilities and obligations (excluding investments, cash and cash balances in so far as they were immediately before the effective date) predominantly deployed in respect of, or related to, the performance of the respective disestablished **[municipality] municipalities** **[and the Mangaung local municipality (FS172)]** of a function or functions in a specific area, will be transferred in terms of a determination by the MEC for **[local government] Cooperative Governance & Traditional Affairs** as published by notice in the Provincial Gazette to the metropolitan municipality, the Xhariep district municipality(DC16), the Thabo Mofutsanyana district municipality (DC19), the Naledi local municipality (FS171) and the Mantsopa local municipality (FS173) after consultation with the TFC established in terms of paragraph **[15] 13**, which on the effective date, will have responsibility for the performance of the said function or functions in the said area.

(2) .....

#### Amendment of paragraph 10, Part 2, of Notice 7 of 2011

6. Paragraph 10, Part 2, of Notice 7 of 2011 is hereby amended as follows:

##### “INVESTMENTS, CASH AND CASH BALANCES

10. As from the effective date all investments and all cash and cash balances in a bank account of the respective disestablished **[municipality] municipalities** accrue to the metropolitan municipality, the affected district municipalities, the Naledi local municipality (FS171) and the Mantsopa local municipality (FS173) in terms of the determination by the MEC, published by notice in the Provincial Gazette:

Provided that the full value of -

(a) .....

#### Amendment of paragraph 11, Part 2, of Notice 7 of 2011

7. Paragraph 11, Part 2, of Notice 7 of 2011 is hereby amended as follows:

##### “TRANSFER OF STAFF

11. The person who, on the effective date, is an employee of the respective disestablished **[municipality] municipalities [or the Mangaung local municipality (FS172)]** becomes an employee of the metropolitan municipality, either of the affected district municipalities, the Naledi local municipality (FS171) or the Mantsopa local municipality (FS173) in terms of a determination by the MEC, published by Notice in the Provincial Gazette after consultation with the TFC in accordance with the following rules:

(1) Employees of the respective disestablished **[municipality] municipalities [and the Mangaung local municipality (FS172)]** who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific municipal function are transferred to, and become employees of the metropolitan municipality, either of the affected district municipalities, the Naledi local municipality (FS171) or the Mantsopa local municipality (FS173), which, as from the effective date, **[is] will be** responsible for the performance of that specific function;

(2) .....

#### Amendment of paragraph 12, Part 2, of Notice 7 of 2011

8. Paragraph 12, Part 2, of Notice 7 of 2011 is hereby amended as follows:

##### “TRANSITIONAL POSITIONS RELATING TO EXISTING BYLAWS AND RESOLUTIONS

12.(1) Bylaws and resolutions (including standing delegations) of the respective disestablished **[municipality] municipalities [and the Mangaung local municipality (FS172)]** that are in force on the effective date, continue in force in the area in which they were applicable subject to any amendment or repeal by the municipality for that area.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such bylaw or resolution (including standing delegations) to the respective disestablished **[municipality] municipalities [or the Mangaung local municipality (FS172)]** must be construed as a reference to the municipality, which has to apply the bylaw or resolution (including standing delegations), provided that -

(a) .....

**Amendment of paragraph 18, Part 2, of Notice 7 of 2011**

9. Paragraph 18, Part 2, of Notice 7 of 2011 is hereby amended as follows:

**“DUTIES OF MUNICIPAL MANAGERS**

18. The municipal manager of [the] a disestablished municipality must not later than two days after the MEC has published the determination in terms of this notice, compile and submit to the municipal manager of the metropolitan municipality, [and] affected district municipality, Naledi local municipality (FS171) or Mantsopa local municipality (FS173) (as the case may be) –

(1) .....

**Amendment of paragraph 2 of Notice 10 of 2011**

10. Paragraph 2 of Notice 10 of 2011 is hereby amended as follows:

**“TRANSFER OF ASSETS, RIGHTS, LIABILITIES AND OBLIGATIONS**

2.(a) All immovable property in the possession of the Motheo district municipality and the Mangaung local municipality [is] are transferred to the Mangaung metropolitan municipality.

(b) All movable assets in possession of the Motheo district municipality and the Mangaung local municipality with the exception of those mentioned in subparagraphs (c) and (d) below [is] are transferred to the Mangaung metropolitan municipality.

(c) .....

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