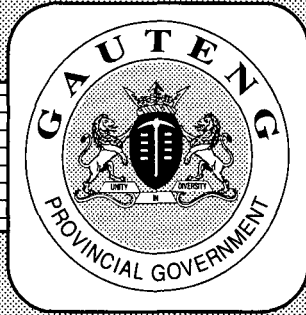


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

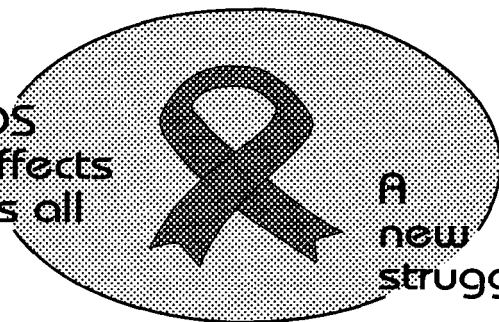
Vol. 6

**PRETORIA, 4 DECEMBER
DESEMBER 2000**

No. 198

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 8701 OF 2000

**AMENDMENT OF NOTICE ESTABLISHING THE METSWEDING
DISTRICT MUNICIPALITY (GAUTENG NOTICE NO. 6767 OF 2000 AND
MPUMALANGA NOTICE NO. 308 OF 2000)**

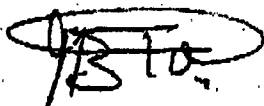
In terms of section 16(1) of the Local Government: Municipal Structures Act, 1998, we, Trevor George Fowler and Bagudi Jonathan Tsietsi Tolo, Members of the Executive Councils responsible for local government in the Provinces of Gauteng and Mpumalanga respectively, hereby amend the notices establishing the Metsweding District Municipality (Gauteng Notice No. 6767 of 2000 and Mpumalanga Notice No. 308 of 2000) as set out in the Schedule hereto.

Given under my hand at Johannesburg, this First day of December, 2000.



T G FOWLER
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG PROVINCE

Given under my hand at Nelspruit, this First day of December 2000.



B J T TOLO
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: MPUMALANGA PROVINCE

SCHEDULE

1. Notice No. 6767 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000, and Notice No. 308 of 2000, published in the Mpumalanga Provincial Gazette Extraordinary No. 636 dated 1 October 2000, are hereby amended by the substitution for the word "Johannesburg", where it indicates the place for the signature for the MEC responsible for local government: Mpumalanga Province, of the word "Nelspruit".
2. The Schedule to the notices referred to in clause 1 above is amended as follows:

AMENDMENT OF PART 1

(1) Amendment of clause 1

Clause 1 is hereby amended:

- (a) by the substitution for the term "Notice No. 6396 dated 13 September 2000" of the term "Notice No. 6574 dated 22 September 2000" in the definition of "district municipal area";
- (b) by the substitution for the term "MEC" where it appears after the words "acting jointly with the" in the definition of "MEC" of the term "Member of the Executive Council"; and
- (c) by the deletion of the semicolon after the word "Schedule" in the definition of "new municipality" and by the insertion of the following term ", or where the context so indicates, any other municipality established in terms of section 12(1) of the Municipal Structures Act".

AMENDMENT OF PART 2

(2) Amendment of clause 2

Clause 2 is hereby amended by the substitution for the term "General Notice No. 6369 dated 13 September 2000" of the term "General Notice No. 6574 dated 22 September 2000".

(3) Amendment of clause 5

Clause 5 is hereby amended:

- (a) by the substitution for the term "General Notice No. 6396 dated 13 September 2000" in sub-clause (1) of the term "General Notice No. 6574 dated 22 September 2000"; and
- (b) the map referred to in sub-clause (1) and attached to the Schedule, showing the boundaries of District Municipality CBDC 2, is hereby withdrawn and replaced by **Annexure "A"**.

(4) Amendment of clause 6

Sub-clause 6(1) is hereby amended by the substitution therefor of the following clause:

"(6) The Council of Metsweding District Municipality consists of 15 councillors as determined in provincial General Notice No. 4590 dated 13 July 2000 (Gauteng) and provincial General Notice No. 212 dated 21 July 2000 (Mpumalanga), of whom;

- (a) 6 must be proportionally elected councillors;
- (b) 3 must be appointed by the local municipality mentioned in Part 3 of this Schedule; and
- (c) 6 must be appointed by the local municipality mentioned in Part 4 of this Schedule."

(5) Amendment of clause 7

Clause 7(1) is hereby amended by the renumbering thereof to 7.

AMENDMENT OF PART 3

(6) Amendment of clause 13

The map referred to in sub-clause (1) is hereby withdrawn and replaced with **Annexure "B"**.

(7) Amendment of clause 14

Clause 14(1) is hereby amended by the renumbering thereof to 14.

(8) *Amendment of clause 15*

Clause 15 is hereby amended by the insertion of the term "as full time councillors" after the word "designated".

(9) *Amendment of clause 16*

Clause 16 is hereby amended by the deletion of the full stop at the end thereof and the addition of the following term " and provincial General Notice No. 7069 dated 9 October 2000."

(10) *Amendment of clause 18*

Clause 18 is hereby amended by the addition of a full stop after the word "determine".

AMENDMENT OF PART 4

(11) *Amendment of clause 19*

Clause 19 is hereby amended by the substitution for the term "Notice No. 6569 dated 19 September 2000" of the term "Notice No. 6574 dated 22 September 2000".

(12) *Amendment of clause 22*

Clause 22 is hereby amended:

- (a) by the substitution for the term "Notice No. 6569 dated 19 September 2000" in sub-clause (1) of the term "Notice No. 6574 dated 22 September 2000"; and
- (b) the map referred to in sub-clause (1) and attached to the Schedule, showing the boundaries of Local Municipality CBLC 2, is hereby withdrawn and replaced by **Annexure "C"**.

(13) *Amendment of clause 24*

Clause 24 is hereby amended by the insertion of the term "as full time councillors" after the word "designated".

(14) *Amendment of clause 25*

Clause 25 is hereby amended by the substitution for the term "provisional provincial General Notice No. 4894 dated 24 July 2000" of term "Notice No. 6904 dated 2 October 2000".

AMENDMENT OF PART 5*(15) Amendment of clause 28*

Clause 28 is hereby amended by the addition of the following sub-clause after sub-clause (2):

"(3) Notwithstanding the provisions of any other law, the present term of office of all existing committees and office bearers of a municipality to be disestablished on the effective date shall extend until that date".

AMENDMENT OF PART 6*(16) Amendment of clause 30*

Clause 30 is hereby amended by the substitution for the term "The powers and functions of the municipalities" at the beginning of the clause of the term "The powers and functions of the new municipalities".

AMENDMENT OF PART 7*(17) Amendment of clause 32*

Clause 32 is hereby amended:

- (a) by the insertion of the word "resources," after the word "assets," in sub-clauses (a), (b) and (2); and
- (b) by the substitution for the term "successors-in-law to" in sub-clause (1) of the term "successors-in-law of".

(18) Amendment of clause 33

Clause 33(1) is hereby amended:

- (a) by the renumbering thereof to 33; and
- (b) by the deletion of the full stop after the word "jurisdiction".

(19) *Amendment of clause 35*

Clause 35 is hereby amended:

- (a) by the substitution for the word "meetings" of the word "meeting" in sub-clause (2);
- (b) by the deletion of the full stop at the end of sub-clause (2) and the addition thereto of the following term:

"; Provided that no matter shall be dealt with at the meeting before all the office bearers as required in terms of the Municipal Structures Act have been elected."; and
- (c) by the substitution for the term "Ekangala Transitional Representative Council" of the term "Ekangala Local Council" in sub-clause (4)(b).

(20) *Amendment of clause 36*

Clause 36 is hereby amended by the substitution for the word "established" of the word "new".

(21) *Amendment of clause 38*

Clause 38 is hereby amended by the substitution for the heading "AGREEMENT" of the heading "AGREEMENTS".

AMENDMENT OF PART 8

(22) *Amendment of clause 40*

Clause 40 is hereby amended:

- (a) by the substitution for sub-clause (1) of the following sub-clause:

"(1) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the North Eastern District Council (CBDC 2), established in terms of section 14(5) of the Municipal Structures Act, and approved and designated by the MEC; Provided that the MEC may, if no nomination of the Municipal Facilitation Committee is accepted by him, make such an appointment in his discretion.";

- (b) by the substitution for the words "managers" and "municipalities are" in sub-clause (2) of the words "manager" and "municipality is" respectively; and
- (c) by the substitution for the term "Tshwane Metropolitan Municipality" in sub-clause (5) of the term "the new municipality".

(23) Amendment of clause 41

Clause 41 is hereby amended by the substitution therefor of the following clause:

- "41. (1) The transfer of staff to a new municipality shall be effected in accordance with an agreement entered into between all the relevant new municipalities upon completion of an audit of the functions to be performed by a new municipality and the staff and other resources necessary for the performance of such functions.
- (2) The agreement referred to in sub-clause (1) must be signed within three (3) months from the effective date.
- (3) Until such time as the agreement referred to in sub-clause (1) has been signed a person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:
- (a) Employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function, allocated in terms of section 84(1) and (2) or 85 of the Municipal Structures Act, to a new municipality, or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
 - (b) Employees not mentioned in sub-clause (a) become employees of the new local municipality in whose area they are usually stationed.
- (4) The employment of persons transferred to a new district or a new local municipality in terms of sub-clause (1)-

- (a) must be regulated in accordance with any collective agreement concluded between the new district or new local municipality and trade unions representing those employees; and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.
- (5) Until an agreement referred to in sub-clauses (1) and (4)(a) has been concluded, employees are employed by the new district or a new local municipality on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipalities which previously employed them.
- (6) The chief executive officer/town clerk of a disestablished municipality must by not later than seven days after the effective date draw up a list containing the names and particulars of all persons who on that date were in the employ of the municipality and submit that list to the acting municipal manager referred to in clause 40.
- (7) Notwithstanding any other provisions in this Schedule, the transfer of staff may include the transfer of such staff in administrative units as envisaged by section 14(3)(b) of the Municipal Structures Act.
- (8) The transfer of any person who is employed by any other organ of state in the rendering of a municipal function, which will as from the effective date become a function of the new municipality, must be negotiated in accordance with the Labour Relations Act, 1995, and any other applicable legislation.
- (9) Until such time as the new municipality has adopted conditions of service for its employees, the conditions of service of the disestablished Bronkhorstspuit Transitional Local Council shall apply to the appointment and employment of staff who are appointed after the effective date."

(24) Amendment of clause 42

Clause 42 is hereby amended:

- (a) by the insertion of the term "or any person acting in that capacity" in sub-clause (2)(a) after the word "manager";

- (b) by the substitution for the term "sub-clause 3(d)" in sub-clause (e) of the term "sub-clause (a)"; and
- (c) by the substitution for sub-clause (5) of the following sub-clause:

"(5) Subject to sub-clause (7), nothing contained in this Schedule shall prevent the council of any municipality to declare a dispute for resolution by the MEC in terms of section 86 of the Municipal Structures Act".

(25) Amendment of clause 43

Clause 43 is hereby amended by the substitution for the words "binding to" of the words "binding on".

(26) Amendment of clause 44

Clause 44 is hereby amended:

- (a) by the insertion of the word "amended" in sub-clause (1) after the word "repealed";
- (b) by the substitution for sub-clause (2)(a) of the following:
 - "(a) All by-laws, and any action taken in terms of such by-laws, and all resolutions, delegations, town planning schemes, integrated development plans or statutory notices of a disestablished municipality, or of a local government body incorporated into it in terms of the Local Government Transition Act, 1993, that are in force on the effective date, shall continue in force in the area in which they were applicable until superseded, amended or repealed."; and
- (c) by the substitution for the term "must be applied" in sub-clause (2)(b) of the term "or local government body referred to in sub-clause (a), must be applied or carried out".

(27) Amendment of clause 45

Clause 45 is hereby amended by the substitution therefor of the following clause:

"45. Notwithstanding the provisions of any applicable law:

- (1) any valuation roll and any supplementary or interim valuation roll of a disestablished municipality which was of force and effect on the effective date, shall continue to be

of force and effect from the effective date in the area of jurisdiction of the new municipality until such time as it is superseded by another valid valuation roll;

- (2) the new municipality shall be entitled to compile an interim valuation roll for an area in which such roll does not exist until a single valuation roll has been compiled for the whole area of jurisdiction of the new municipality and such interim valuation roll will have no effect on the existing valuation rolls as described in sub-clause (1)."

(28) Amendment of clause 46

Clause 46(1) is hereby amended:

- (a) by the renumbering thereof to 46; and
- (b) by the substitution for the terms "clause (a) and (b)" and "the established municipalities" in sub-clause (c), of the terms "sub-clauses (a) and (b)" and "a new municipality" respectively.

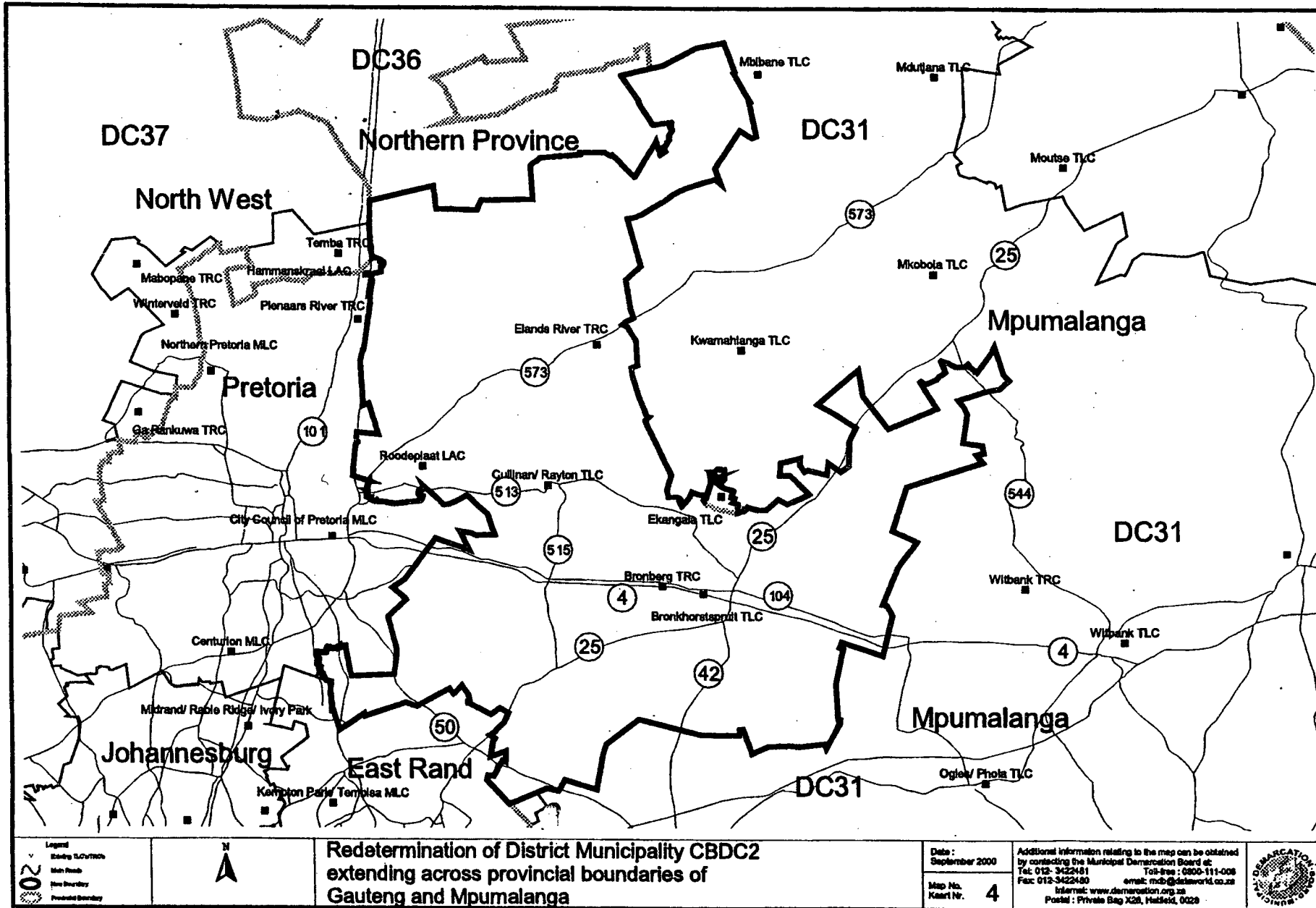
(29) Amendment of clause 47

Clause 47 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

- "(1) If a service which is rendered in an area which will form part of the area of a new municipality can, because of prevailing circumstances, not be rendered by such new municipality, the successor of the municipality which rendered the service prior to the effective date, shall, subject to sub-clauses (2) and (3) continue to render the service; Provided that if the latter successor is unable or lacks the capacity to render such service it may enter into an agreement with any other municipality for the rendering of such a service, as envisaged in clause 38 of this Schedule".

(30) General

Notice No. 298, published in the Mpumalanga Provincial Gazette Extraordinary No. 631 dated 1 October 2000, is hereby repealed.



Legend
 Existing Suburbs
 Main Road
 New Boundary
 Provincial Boundary



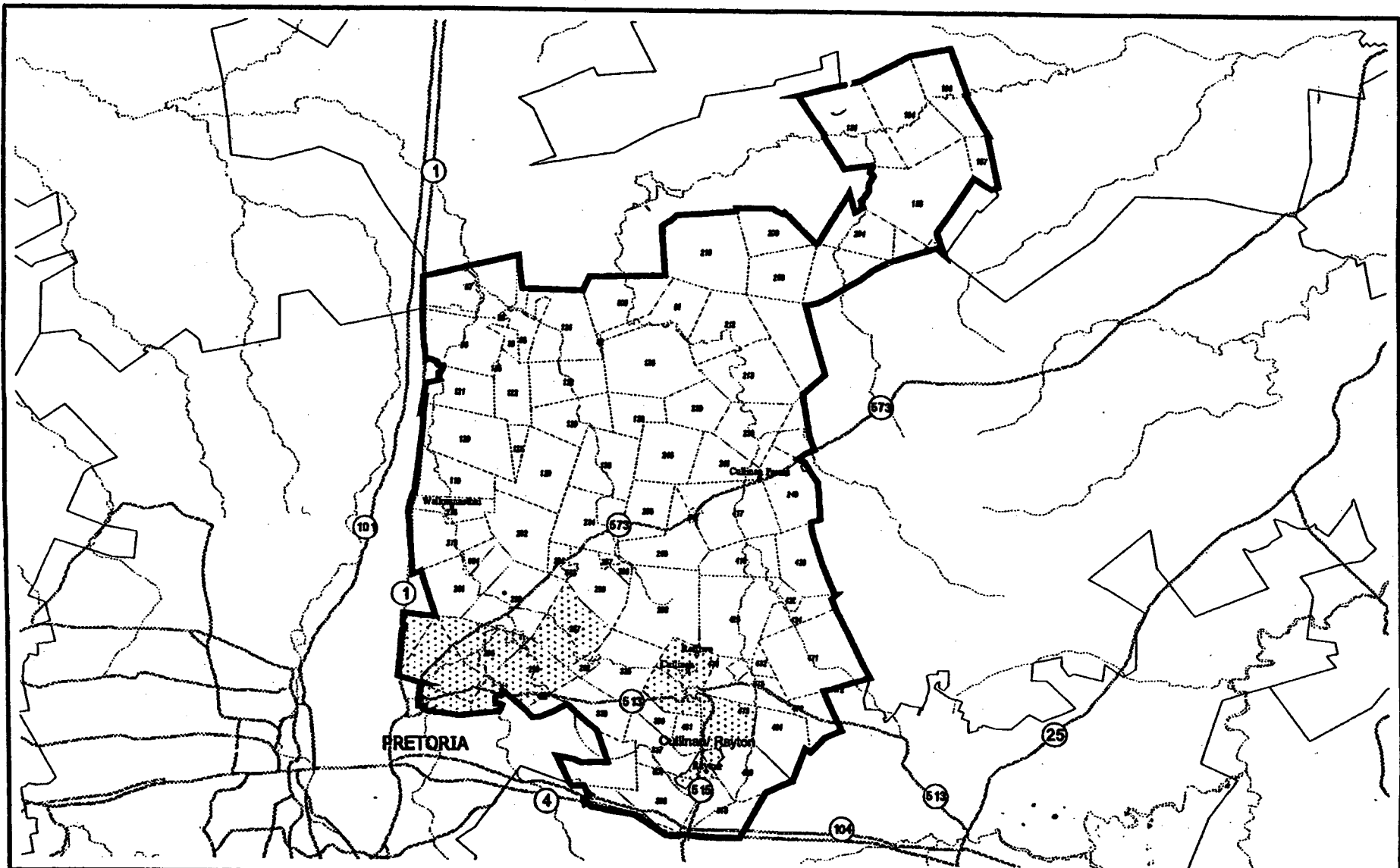
**Redetermination of District Municipality CBDC2
 extending across provincial boundaries of
 Gauteng and Mpumalanga**

Date:
 September 2000

Map No.
 4

Additional information relating to the map can be obtained
 by contacting the Municipal Demarcation Board at:
 Tel: 012-3422481 Toll-free: 0800-111-008
 Fax: 012-3422480 email: mdb@stateworld.co.za
 Internet: www.demarcation.org.za
 Postal: Private Bag X26, Hatfield, 0028





New Boundary Council Water
 Road L.S. Municipality

Plans drawn on behalf of the Department of Water Affairs
 Customised developments are based on digital information supplied by the Department of Water Affairs.

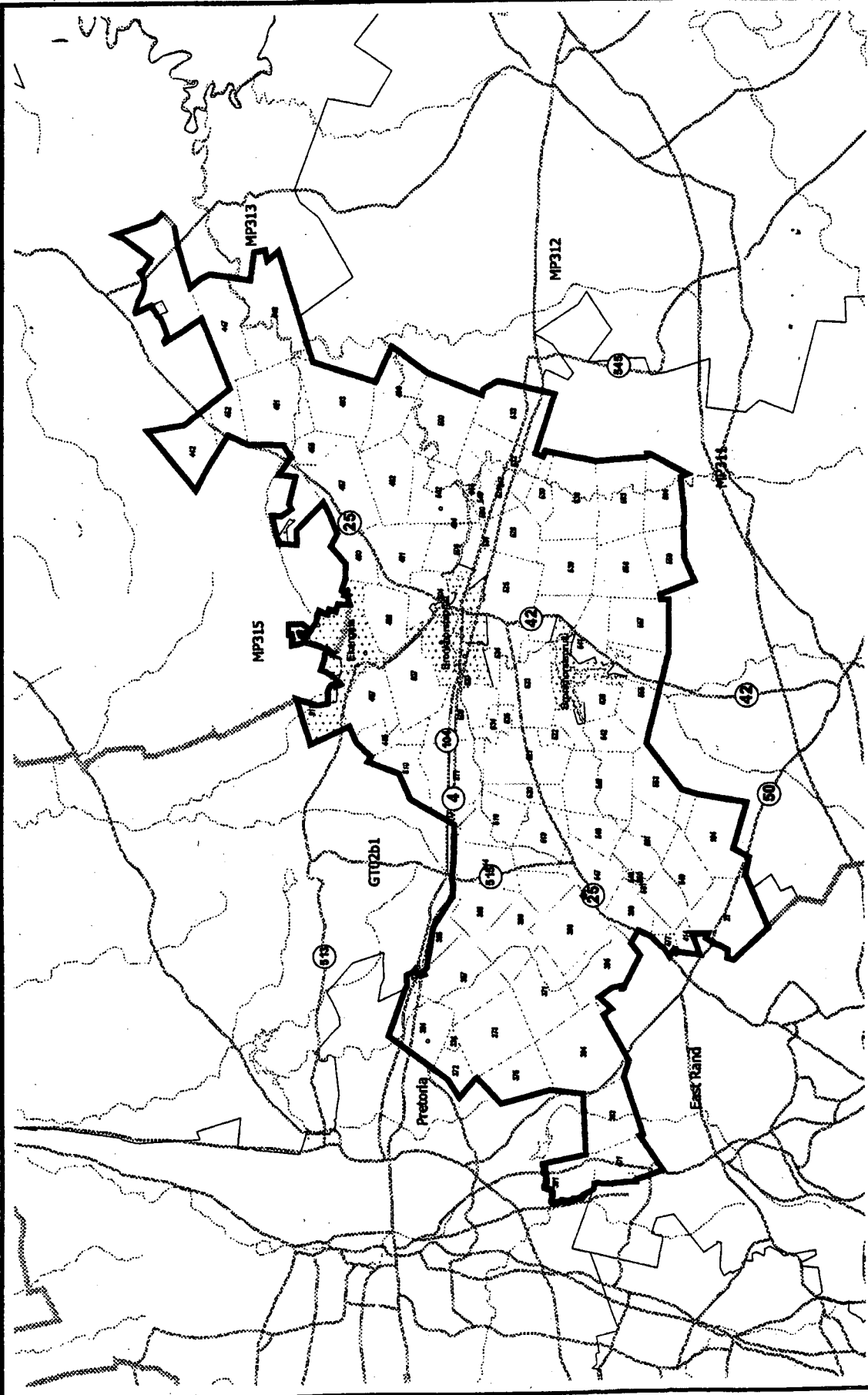
**Determination of the outer boundary of Local Municipality GT02B1
 in terms of Section 21(b) of the Local Government:
 Municipal Demarcation Act, No 27 of 1998.**

Date : September 2000
 Additional information relating to this map can be obtained
 by contacting the Municipal Demarcation Board at:
 Tel: 012-3422483 Toll-free : 0800-111-008
 Fax: 012-3422480 e-mail: mdb@dateworld.co.za
 Internet: www.demarcation.org.za
 Postal : Private Bag X28, Hatfield, 0028

Map No. **10**
 Sheet No.



ANNEXURE "C"



Additional information relating to this map can be obtained by contacting the Municipal Demarcation Board at:
 Tel: 012-5224811 Fax: 012-5224800
 e-mail: info@demarcation.org.za
 Internet: www.demarcation.org.za
 Postal: Private Bag 5024, Johannesburg, 2008

Date: September 2000
 Map No. 10
 Sheet No. 10

**REDETERMINATION OF LOCAL MUNICIPALITY CBLC2
 EXTENDING ACROSS PROVINCIAL BOUNDARIES OF
 GAUTENG AND MPUMALANGA**



Legend
 Existing Municipalities
 New Municipalities
 Provincial Boundaries

