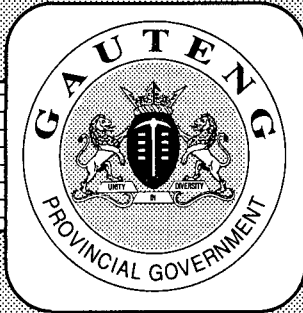


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
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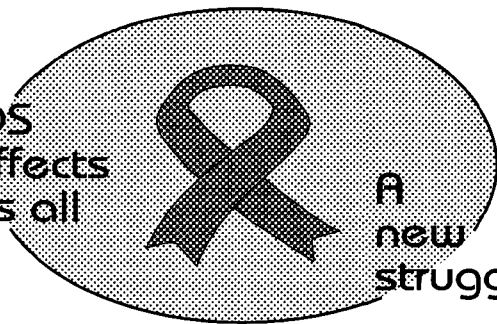
**Vol. 6**

**PRETORIA, 4 DECEMBER 2000  
DESEMBER**

**No. 199**

**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 8702 OF 2000**

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**

**AMENDMENT OF NOTICE ESTABLISHING THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY (GAUTENG NOTICE NO. 6770 OF 2000 AND NORTH WEST NOTICE NO. 330 OF 2000)**

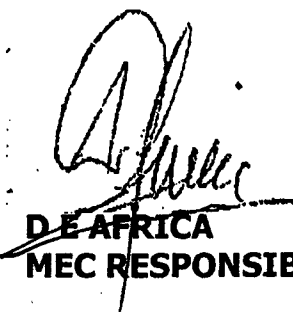
In terms of section 16(1) of the Local Government: Municipal Structures Act, 1998, we, Trevor George Fowler and Darkey Ephraim Africa, Members of the Executive Councils responsible for local government in the Provinces of Gauteng and North West respectively, hereby amend the notices establishing the City of Tshwane Metropolitan Municipality (Gauteng Notice No. 6770 of 2000 and North West Notice No. 330 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 Mafikeng, this First day of December 2000.



**D E AFRICA  
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: NORTH-WEST PROVINCE**

## SCHEDULE

1. Notice No. 6770 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000, and Notice No. 330 of 2000, published in the North West Extraordinary Provincial Gazette No. 5580 dated 1 October 2000, are hereby amended as follows:
  - (a) by the insertion of the term "City of" before the term "Tshwane Metropolitan Municipality" where it appears therein;
  - (b) by the substitution for the term "establish the municipalities" of the term "establish the municipality"; and
  - (c) by the substitution for the word "Johannesburg" where it indicates the place of signature by the MEC responsible for local government: North West Province of the word "Mafikeng".
2. The Schedule to the notices referred to in clause 1 above are amended as follows:

(1) *General Amendment*

The term "Tshwane Metropolitan Municipality" is hereby substituted by the term "City of Tshwane Metropolitan Municipality" wherever it occurs in the Schedule.

### AMENDMENT OF PART 1

(2) *Amendment of clause 1*

Clause 1 is hereby amended as follows:

- (a) by the substitution for the term "Notice No. 6396 dated 13 September 2000" where it appears in the definition of "metropolitan area" of the term "Notice No. 6574 dated 22 September 2000";
- (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 Executive Council"; and
- (c) by the insertion of the following definition after the definition of "Municipal Structures Act":

"new municipality" means the municipality established in terms of this Schedule, 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**

### *(3) Amendment of clause 2*

Clause 2 is hereby amended by the substitution for the term “General Notice No. 6396 dated 13 September 2000” of the term “General Notice No. 6574 dated 22 September 2000”.

### *(4) Amendment of clause 5*

Clause 5 is hereby amended by:

- (a) 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 maps annexed to the Schedule showing the boundaries of:
  - (i) the Metropolitan Municipality Pretoria;
  - (ii) the District Municipality CBDC 8;
  - (iii) the Local Municipality GT 411;
  - (iv) the Local Municipality GT 412;
  - (v) the Local Municipality GT 414; and
  - (vi) the Local Municipality CBLC 8

are hereby withdrawn and replaced by **Annexure “A”**.

### *(5) Amendment of clause 7*

Clause 7(1) is hereby amended:

- (a) by the renumbering thereof to 7; and
- (b) the deletion of sub-clause (d) and the substitution for the semi-colon and the word “and” at the end of sub-clause (c) of a full stop.

### *(6) Amendment of clause 8*

Clause 8 is hereby amended by the substitution for the term “provisional provincial General Notice No. 4901 dated 24 July 2000” of the term “provincial General Notice No. 6907 dated 2 October 2000.”.

**AMENDMENT OF PART 3***(7) Amendment of clause 11*

Clause 11 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 4***(8) Amendment of clause 13*

Clause 13 is hereby amended by the insertion of the term "in its area of jurisdiction" after the term "Tshwane Metropolitan Municipality".

**AMENDMENT OF PART 5***(9) Amendment of clause 15*

Clause 15 is hereby amended:

- (a) by the substitution for the word "area" of the word "boundaries" in sub-clause (1); and
- (b) by the deletion of the words "of those" and "other" in sub-clause (2).

*(10) Amendment of clause 16*

Clause 16 is hereby amended by the deletion of the full stop after 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."

*(11) Amendment of clause 19*

Clause 19 is hereby amended by the substitution for the heading "AGREEMENT" of the heading "AGREEMENTS".

*(12) Amendment of clause 20*

Clause 20(1) is hereby amended by the renumbering thereof to 20.

*(13) Amendment of clause 22*

Clause 22 is hereby amended by the substitution for the term "metropolitan municipality" of the term "City of Tshwane Metropolitan Municipality".

**AMENDMENT OF PART 6**

*(14) Amendment of clause 23*

Clause 23 is hereby amended:

(a) by the substitution for 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.";

(b) 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"; and

(c) by the substitution for the term "carry out" in sub-clause (3)(a) of the term "apply or carry out".

*(15) Amendment of clause 24*

Clause 24 is hereby amended:

(a) 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 19 of this Schedule"; and

- (b) by the substitution for the term "The chief executive officers of the existing municipalities" in sub-clause (2) of the term "The Chief Executive Officer of an existing municipality".

*(16) Amendment of clause 25*

Clause 25 is hereby amended 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 Greater Pretoria Metro, 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."

*(17) Amendment of clause 26*

Clause 26 is hereby amended by the substitution for sub-clause (5) of the following sub-clause:

- "(5) Subject to sub-clause (7), nothing contained in this clause 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".

*(18) Amendment of clause 26 (Human Resources)*

The second clause 26 is hereby amended:

- (a) by the renumbering thereof to 27; and
- (b) by the substitution therefor of the following sub-clauses:

- "27. (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 the City of Tshwane Metropolitan Municipality.
- (4) The employment of persons by the City of Tshwane Metropolitan Municipality in terms of sub-clause (3)-
  - (a) must be regulated in accordance with any collective agreement concluded between the City of Tshwane Metropolitan 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 City of Tshwane Metropolitan 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.
- (7) Notwithstanding any other provision in the 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 City of Tshwane Metropolitan Municipality must be negotiated in accordance with the Labour Relations Act, 1995, and any other applicable legislation.

- (9) Until such time as the City of Tshwane Metropolitan Municipality has adopted conditions of service for its employees, the conditions of service of the disestablished Greater Pretoria Metropolitan Council shall apply to the appointment and employment of staff who are appointed after the effective date."

*(19) Amendment of clause 27*

Clause 27 is hereby amended:

- (a) by the renumbering thereof to 28; and  
(b) by the substitution therefor of the following clause:

"28. Notwithstanding the provisions of any applicable law:

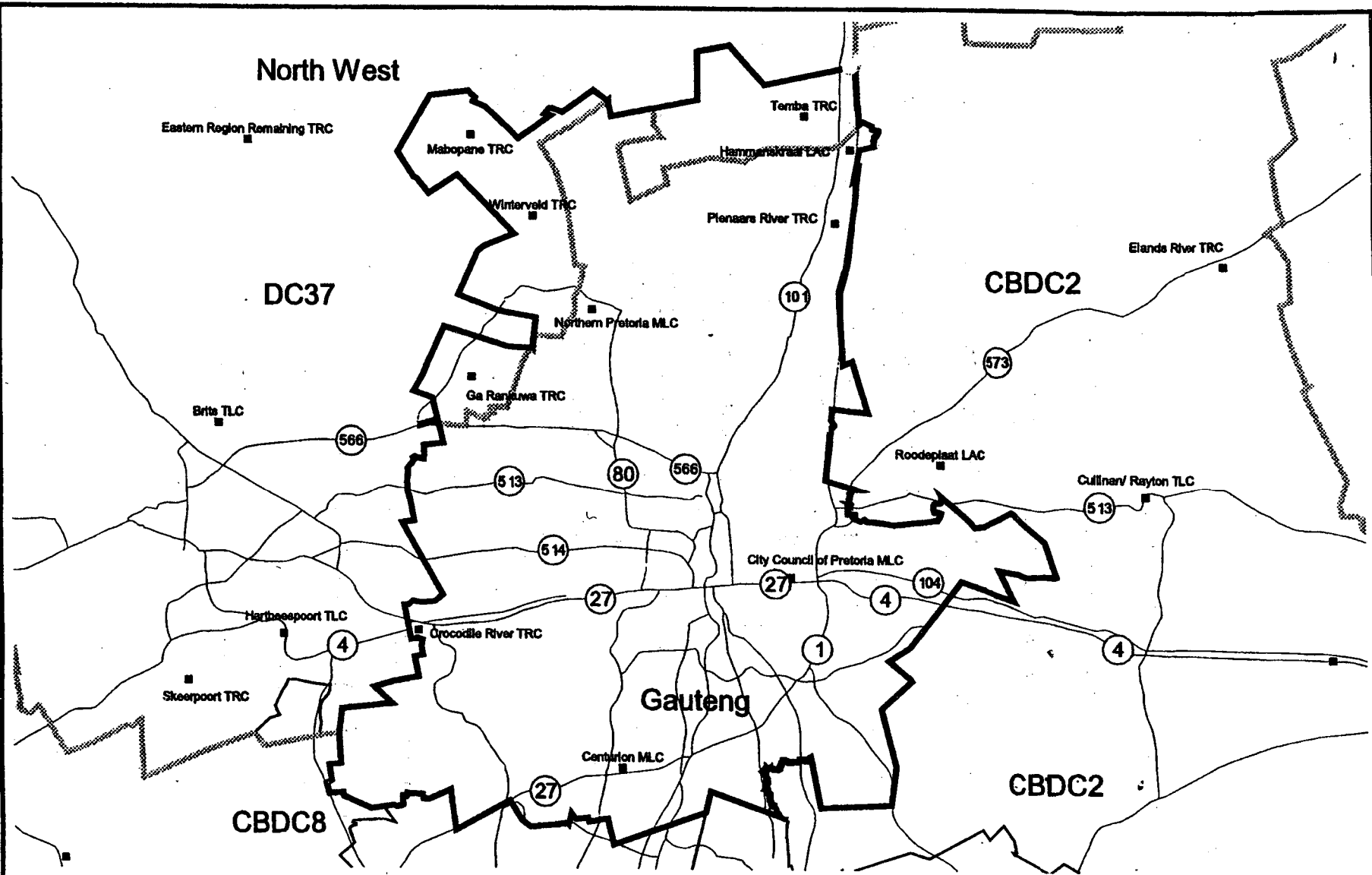
- (1) any valuation roll and any supplementary or interim valuation roll of a disestablished municipality which was of force and effect on the effective date, shall continue to be of force and effect from the effective date in the area of jurisdiction of the City of Tshwane Metropolitan Municipality until such time as it is superseded by another valid valuation roll;
- (2) the City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality and such interim valuation roll will have no effect on the existing valuation rolls as described in sub-clause (1)."

*(20) Amendment of clause 28*

Clause 28(1) is hereby amended:

- (a) by the renumbering thereof to 29; and  
(b) by the deletion of the term "be deemed to" in sub-clause (c).

**ANNEXURE "A"**



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Existing M.C./T.M.C.</li> <li> Met. Bound.</li> <li> New Boundary</li> <li> Provincial Boundary</li> </ul>	<p>N</p>	<p><b>Redetermination of Metropolitan Municipality Pretoria extending across provincial boundaries of Gauteng and North West</b></p>	<p>Date : September 2000</p> <p>Map No. Keart Nr. <b>2</b></p>	<p>Additional information relating to the map can be obtained by contacting the Municipal Demarcation Board at:</p> <p>Tel: 012-3422481      Toll-free : 0800-111-006</p> <p>Fax: 012-3422480      e-mail: mdb@dataworld.co.za</p> <p>Internet: www.demarcation.org.za</p> <p>Postal : Private Bag X26, Hatfield, 0028</p>	
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