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GENERAL NOTICE

NOTICE 1866 OF 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

FINAL AMENDMENT OF NOTICE ESTABLISHING THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY (NOTICE NO. 3584 OF 2005)

I, Mpempetjane Kgaogelo Lekgoro, Member of the Executive Council responsible for local government in the Province of Gauteng, in terms of section 16(1) read together with section 17(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby amend the Notice establishing the City of Tshwane Metropolitan Municipality (Notice No. 3584 of 2005) as set out in the Schedule hereto.

Given under my hand at Johannesburg the 25th day of June 2010.


M K LEKGORO

MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG PROVINCE

SCHEDULE

Notice No. 3584 of 2005, published in the Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005, is hereby amended by amending the Schedule thereto as follows:

AMENDMENT OF PART 1

1. *Amendment of clause 1*

Clause 1 is hereby amended by the substitution for the definition "metropolitan area" with the following definition:

"metropolitan area" means the area indicated by Map No. DEM389 B, published under provincial General Notice No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008;

AMENDMENT OF PART 2

2. *Amendment of clause 2*

Clause 2 is hereby amended by the substitution therefor of the following clause:

"For the metropolitan area indicated by Map No. DEM389 B, published under provincial General Notice No. No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008, a new metropolitan municipality called the City of Tshwane Metropolitan Municipality is hereby established with effect from the effective date."

3. *Amendment of clause 5*

Clause 5 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

"(1) The boundaries of the City of Tshwane Metropolitan Municipality are as indicated by Map No. DEM389 B, published under provincial General Notice No. No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008, and attached hereto as **Annexure "A"**.

4. *Amendment of clause 6*

Clause 6 is hereby amended by the substitution therefor of the following clause:

“6. The council of the City of Tshwane Metropolitan Municipality consists of 210 councillors as determined in provincial General Notice No. 2906 of 2009, published in Gauteng Provincial Gazette Extraordinary No. 208 dated 9 September 2009 of whom:

- (a) 105 must be proportionally elected councillors; and
- (b) 105 must be ward councillors.”

5. *Amendment of clause 8*

Clause 8 is hereby amended by the substitution therefor of the following clause:

“8. The City of Tshwane Metropolitan Municipality consists of 105 wards.”

AMENDMENT OF PART 3

6. *Amendment of clause 11*

Clause 11 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

“(1). The following existing municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the metropolitan area:

- (a) Metsweding District Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005;

- (c) Kungwini Local Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005; and
- (d) Nokeng Tsa Taemane Local Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005."

AMENDMENT OF PART 5

7. *Amendment of clause 14*

Clause 14 is hereby amended:

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

"(1). In terms of section 14(1) of the Municipal Structures Act, the City of Tshwane Metropolitan Municipality, as from the effective date, becomes the successor-in-law of the disestablished municipalities in respect of all the resources, assets, liabilities, rights, obligations, titles and all the administrative and other records of the disestablished municipalities to the extent that the whole or any portion of the area of a disestablished municipality falls within the boundaries of the new City of Tshwane Metropolitan Municipality; and

- (2) by the addition, after sub-clause (2), of the following sub-clause (3):

(3). The municipal manager (or any person acting in that capacity) of a disestablished municipality must by not later than seven days after the effective date, submit an inventory of all the assets and liabilities as at that date to the municipal manager (or any person acting in that capacity) of the City of Tshwane Metropolitan Municipality."

8. *Amendment of clause 17*

Clause 17 is hereby amended by the substitution therefor of the following clause:

“17. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to the City of Tshwane Metropolitan Municipality; Provided that where the area of the disestablished municipality falls in more than one newly established municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the City of Tshwane Metropolitan Municipality.”

AMENDMENT OF PART 6

9. *Amendment of clause 19*

Clause 19 is hereby amended by the substitution therefor of the following clause:

- “19. (1) Any provision in any law applicable to local government and any right, competence, duty or obligation conferred, and any action taken in terms thereof, before the effective date shall remain in force in respect of the City of Tshwane Metropolitan Municipality until repealed or superseded.
- (2) 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 a local government body incorporated into it in terms of any applicable law, 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.
- (3) A by-law, and any action taken in terms of such by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice of a disestablished municipality or local government body referred to in sub-clause (2), must be applied or carried out by the City of Tshwane Metropolitan Municipality to the extent to which that by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice continues in force in terms of sub-clause (2) in the area of the City of Tshwane Metropolitan Municipality.

- (4) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice to –
- (a) a disestablished municipality must be construed as a reference to the City of Tshwane Metropolitan Municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (3); and
 - (b) a structure or functionary of a disestablished municipality must be construed as a reference to the corresponding structure or functionary of the City of Tshwane Metropolitan Municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (3)."

10. *Amendment of clause 20*

Clause 20 is hereby amended by the substitution for sub-clause (3) of the following sub-clause:

"(3). If the provisions of sub-clause (1) are applicable, the relevant existing municipalities must before the effective date enter into an agreement on the terms and conditions on which the service will be rendered; Provided that the agreement shall not extend beyond 30 June 2012."

11. *Amendment of clause 23*

Clause 23 is hereby amended by the substitution therefor of the following clause:

"23. Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provision of this Notice:

- (a) the 2010/2011 budget of a disestablished municipality shall remain in force until 30 June 2011;

- (b) the 2010/2011 budget of a disestablished municipality shall be incorporated into the budget of the City of Tshwane Metropolitan Municipality and accordingly allocated to the area of the City of Tshwane Metropolitan Municipality in which area the disestablished municipality falls; and
- (c) the aforementioned budgets will be applicable for the 2010/2011 financial year and may be adjusted in terms of an applicable law.

12. *Amendment of clause 24*

Clause 24 is hereby amended by the substitution for sub-clause (a) of the following sub-clause:

- “(a) 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;”

NOTICE 1867 OF 2010
LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

FINAL AMENDMENT OF NOTICE ESTABLISHING THE EKURHULENI
METROPOLITAN MUNICIPALITY (NOTICE NO. 3584 OF 2005)

I, Mpempetjane Kgaogelo Lekgoro, Member of the Executive Council responsible for local government in the Province of Gauteng, in terms of section 16(1) read together with section 17(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby amend the Notice establishing the Ekurhuleni Metropolitan Municipality (Notice No. 3585 of 2005) as set out in the Schedule hereto.

Given under my hand at Johannesburg the 25th day of June 2010.


M K LEKGORO
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG PROVINCE

SCHEDULE

Notice No. 3585 of 2005, published in the Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005, is hereby amended by amending the Schedule thereto as follows:

AMENDMENT OF PART 1

1. *Amendment of clause 1*

Clause 1 is hereby amended by the substitution for the definition "metropolitan area" with the following definition:

"metropolitan area" means the area indicated by Map No. DEM389 A, published under provincial General Notice No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008;

AMENDMENT OF PART 2

2. *Amendment of clause 2*

Clause 2 is hereby amended by the substitution therefor of the following clause:

"For the metropolitan area indicated by Map No. DEM389 A, published under provincial General Notice No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008, a new metropolitan municipality called the Ekurhuleni Metropolitan Municipality is hereby established with effect from the effective date."

3. *Amendment of clause 5*

Clause 5 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

"(1) The boundaries of the Ekurhuleni Metropolitan Municipality are as indicated by Map No. DEM389 A, published under provincial General Notice No. 2922 of 2008, published in Gauteng Provincial Gazette Extraordinary No. 209 dated 6 August 2008, and attached hereto as Annexure "A".

4. *Amendment of clause 6*

Clause 6 is hereby amended by the substitution therefor of the following clause:

"6. The council of the Ekurhuleni Metropolitan Municipality consists of 202 councillors as determined in provincial General Notice No. 2906 of 2009, published in Gauteng Provincial Gazette Extraordinary No. 208 dated 9 September 2009 of whom:

- (a) 101 must be proportionally elected councillors; and
- (b) 101 must be ward councillors."

5. *Amendment of clause 8*

Clause 8 is hereby amended by the substitution therefor of the following clause:

"8. The Ekurhuleni Metropolitan Municipality consists of 101 wards.

AMENDMENT OF PART 3

6. *Amendment of clause 11*

Clause 11 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

"(1). The following existing municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the metropolitan area:

- (a) Metsweding District Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005;
- (c) Kungwini Local Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial Gazette Extraordinary No. 394 dated 16 September 2005; and
- (d) Nokeng Tsa Taemane Local Municipality established by Notice No. 3587 of 2005, published in Gauteng Provincial

Gazette Extraordinary No. 394 dated 16 September 2005."

AMENDMENT OF PART 5

7. *Amendment of clause 14*

Clause 14 is hereby amended:

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

"(1). In terms of section 14(1) of the Municipal Structures Act, the Ekurhuleni Metropolitan Municipality, as from the effective date, becomes the successor-in-law of the disestablished municipalities in respect of all the resources, assets, liabilities, rights, obligations, titles and all the administrative and other records of the disestablished municipalities to the extent that the whole or any portion of the area of a disestablished municipality falls within the boundaries of the new Ekurhuleni Metropolitan Municipality; and

(2) by the addition, after sub-clause (2), of the following sub-clause (3):

(3). The municipal manager (or any person acting in that capacity) of a disestablished municipality must by not later than seven days after the effective date, submit an inventory of all the assets and liabilities as at that date to the municipal manager (or any person acting in that capacity) of the Ekurhuleni Metropolitan Municipality."

8. *Amendment of clause 17*

Clause 17 is hereby amended by the substitution therefor of the following clause:

"17. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to the Ekurhuleni Metropolitan Municipality; Provided that where the area of the disestablished municipality falls in more than one newly established municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the Ekurhuleni Metropolitan Municipality."

AMENDMENT OF PART 6**9. Amendment of clause 19**

Clause 19 is hereby amended by the substitution therefor of the following clause:

- "19. (1) Any provision in any law applicable to local government and any right, competence, duty or obligation conferred, and any action taken in terms thereof, before the effective date shall remain in force in respect of the Ekurhuleni Metropolitan Municipality until repealed or superseded.
- (2) 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 a local government body incorporated into it in terms of any applicable law, 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.
- (3) A by-law, and any action taken in terms of such by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice of a disestablished municipality or local government body referred to in sub-clause (2), must be applied or carried out by the Ekurhuleni Metropolitan Municipality to the extent to which that by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice continues in force in terms of sub-clause (2) in the area of the Ekurhuleni Metropolitan Municipality.
- (4) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice to –
- (a) a disestablished municipality must be construed as a reference to the Ekurhuleni Metropolitan Municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning

scheme, integrated development plan or statutory notice in terms of sub-clause (3); and

(b) a structure or functionary of a disestablished municipality must be construed as a reference to the corresponding structure or functionary of the Ekurhuleni Metropolitan Municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (3)."

10. *Amendment of clause 20*

Clause 20 is hereby amended by the substitution for sub-clause (3) of the following sub-clause:

"(3). If the provisions of sub-clause (1) are applicable, the relevant existing municipalities must before the effective date enter into an agreement on the terms and conditions on which the service will be rendered; Provided that the agreement shall not extend beyond 30 June 2012."

11. *Amendment of clause 23*

Clause 23 is hereby amended by the substitution therefor of the following clause:

"23. Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provision of this Notice:

(a) the 2010/2011 budget of a disestablished municipality shall remain in force until 30 June 2011;

(b) the 2010/2011 budget of a disestablished municipality shall be incorporated into the budget of the Ekurhuleni Metropolitan Municipality and accordingly allocated to the area of the City of Ekurhuleni Metropolitan Municipality in which area the disestablished municipality falls; and

(c) the aforementioned budgets will be applicable for the 2010/2011 financial year and may be adjusted in terms of an applicable law.

12. *Amendment of clause 24*

Clause 24 is hereby amended by the substitution for sub-clause (a) of the following sub-clause:

“(a) 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 Ekurhuleni Metropolitan Municipality until such time as it is superseded by another valid valuation roll;”
