



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 19 OF 2016

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 14(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: TRANSITIONAL MEASURES TO FACILITATE INTEGRATED DEVELOPMENT PLANNING, APPROVAL OF BUDGETS, THE PREPARATION OF FINANCIAL STATEMENTS, THE LEVYING OF RATES AND ACTING APPOINTMENTS IN MUNICIPALITIES AFFECTED BY THE RE-DETERMINATION OF BOUNDARIES IN TERMS OF SECTION 21 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998 (ACT NO. 27 OF 1998)

I, Nomusa Dube-Ncube, in my capacity as the Member of the KwaZulu-Natal Executive Council responsible for local government, under powers vested in me by section 14(5) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and after having consulted the affected municipalities in the Province, hereby provide for the transitional measures contained in the Schedule hereto.

Given under my Hand at Durban on this the 24th day of December, Two Thousand and Fifteen

MRS N DUBE-NCUBE, PML

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE**PREAMBLE**

1.(1) As a result of the re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), certain municipalities will be disestablished and their former areas of jurisdiction merged under new municipalities to be established, while certain other municipalities will be disestablished and their former areas of jurisdiction incorporated into the areas of jurisdiction of one or more existing municipalities.

(2) In order to give effect to these re-determinations, and to assist these new and existing municipalities, it is necessary to provide for transitional measures relating to –

- (a) integrated development planning;
- (b) the preparation of budgets;
- (c) the preparation of financial statements;
- (d) the continued application of valuation rolls, rates policies, rates bylaws and rates tariffs; and
- (e) the appointment of acting municipal managers and other senior managers.

(3) The new municipalities will be established, and the former municipalities will be disestablished, with effect from the date of the municipal elections, which must occur between 19 May 2016 and 17 August 2016.

(4) Given that the municipal financial year runs from 1 July to 30 June of each year, it is necessary to provide for transitional measures that anticipate two possible scenarios, namely that the elections will fall either before or after the end of the municipal financial year.

DEFINITIONS

2. In this Schedule a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning, and unless the context indicates otherwise –

“**affected municipalities**” means an incorporating municipality, a merging municipality, a splitting municipality or a new municipality when it is established, as the case may be;

“**date of municipal elections**” means the date set by the National Minister responsible for local government in terms of section 24(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), for the election of all municipal councils in South Africa;

“**elections**” means the elections of all municipal councils in the Republic of South Africa, to be held between 19 May 2016 and 17 August 2016;

“**incorporating municipalities**” means those municipalities which, following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), will incorporate the former areas of jurisdiction of splitting municipalities, namely:

- (a) iMfolozi Local Municipality, uMhlathuze Local Municipality and Mthonjaneni Local Municipality in respect of the split Ntambanana Local Municipality; and
- (b) eThekweni Metropolitan Municipality and the Umdoni Local Municipality in respect of the split Vulamehlo Local Municipality;

“**MEC**” means the Member of the Executive Committee responsible for local government in the Province;

“**merging municipalities**” means those municipalities which, following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), will be disestablished and their former areas of jurisdiction merged under new municipalities to be established, namely:

- (a) the KwaSani and Ingwe Local Municipalities;
- (b) the Hlabisa and Big 5 False Bay Local Municipalities;
- (c) the Emnambithi / Ladysmith and Indaka Local Municipalities;
- (d) the Hibiscus Coast and Eziqoloni Local Municipalities; and
- (e) the uMtshezi and Imbabazane Local Municipalities;

“**Municipal Political Change Management Committee**” means a municipal political change management committee established in terms of either Provincial Notice No. 64 of 26 June 2014 or Provincial Notice No. 65 of 26 June 2014;

“**Municipal Technical Change Management Committee**” means a municipal technical change management committee established in terms of either Provincial Notice No. 64 of 26 June 2014 or Provincial Notice No. 65 of 26 June 2014;

“**new municipalities**” means –

- (a) those municipalities that are to be established following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), comprising the former areas of jurisdiction of the merged municipalities; and
- (b) the incorporating municipalities;

“**Provincial Transformation Committee**” means the Provincial Transformation Committee established in terms of Provincial Notice No.13 of 2015;

“**senior manager**” means a manager who is directly accountable to a municipal manager, as contemplated in section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

“**splitting municipalities**” means those municipalities which, following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), will be disestablished and their former areas of jurisdiction incorporated into existing municipalities, namely:

- (a) the Ntambanana Local Municipality, whose area of jurisdiction will be split between the uMfolozi, uMhlathuze and Mthonjaneni Local Municipalities; and
- (b) the Vulamehlo Local Municipality, whose area of jurisdiction will be split between the eThekweni Metropolitan Municipality and the Umdoni Local Municipality.

INTEGRATED DEVELOPMENT PLANS

3.(1) The affected municipalities must –

- (a) each adopt an individual integrated development plan for the 2016/2017 municipal financial year for their individual areas of jurisdiction, which plans must take due cognisance of the consolidated integrated development plan or plans contemplated in paragraph (b) below; and
- (b) together with the other affected municipalities prepare a consolidated integrated development plan for the 2016/2017 municipal financial year for adoption of the draft consolidated plan by 30 March 2016 and the final plan by 30 June 2016 comprising –
 - (i) in the case of a splitting municipality –
 - (aa) the portion of the area of jurisdiction of the splitting municipality to be incorporated into the existing area of jurisdiction of the incorporating municipality; and
 - (bb) the existing area of jurisdiction of the incorporating municipality concerned; and
 - (ii) in the case of a merging municipality, the areas of jurisdiction of the merging municipalities.

(2) The consolidated integrated development plans for the 2016/2017 municipal year must be prepared for approval by the relevant Municipal Political Change Management Committee and thereafter by the relevant councils.

- (3) In the event of a dispute relating to the preparation or approval of the consolidated integrated development plans for the 2016/2017 municipal year, the matter must be referred to the Provincial Transformation Committee for resolution.
- (4) The draft consolidated integrated development plans must be adopted by 30 March 2016, whereafter the final plans must be adopted by 30 June 2016.
- (5) In the event that the elections occur –
- (a) on or before 30 June 2016 –
 - (i) the individual reviewed integrated development plans of the merging municipalities and the splitting municipalities for the 2015/2016 municipal financial year will continue to apply within the former areas of jurisdiction of the merging municipalities and the splitting municipalities, notwithstanding the disestablishment of those municipalities and notwithstanding the provisions of any other law, from the date of the elections until 30 June 2016; and
 - (ii) the relevant consolidated reviewed integrated development plan for the 2016/2017 municipal financial year will apply to the relevant new municipality or incorporating municipality, notwithstanding the provisions of any other law, from 1 July 2016; or
 - (b) after 30 June 2016 –
 - (i) the individual reviewed integrated development plans of the merging municipalities and the splitting municipalities for the 2016/2017 municipal financial year will apply within the former areas of jurisdiction of the merging municipalities and the splitting municipalities, notwithstanding the provisions of any other law, from 1 July 2016 until the date of the elections; and
 - (ii) the relevant reviewed consolidated integrated development plan for the 2016/2017 municipal financial year will apply to the relevant new municipality or incorporating municipality, notwithstanding the provisions of any other law, from the first day following the date of the elections.

BUDGETS

4.(1) The affected municipalities must –

- (a) each adopt an individual budget for the 2016/2017 municipal financial year for their existing area of jurisdiction, which budget must take due cognisance of the consolidated budget or budgets contemplated in paragraph (b) below; and
 - (b) together with the other relevant affected municipalities prepare and adopt a consolidated budget for the 2016/2017 municipal financial year comprising –
 - (i) a reconciliation to the individual budget for the 2016/2017 municipal year;
 - (ii) in the case of a splitting municipality, that portion of the approved budget allocated to the splitting municipality as must be prescribed in the split model provision to be set out in notices in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 27 of 1998), to be promulgated in due course establishing the incorporating municipalities with their new areas of jurisdiction; and
 - (iii) in the case of a merging municipality, the approved budgets of the merging municipalities.
- (2) The individual and consolidated budgets for the 2016/2017 municipal year must be prepared for approval by the relevant Municipal Political Change Management Committees and thereafter by the relevant councils.
- (3) In the event of a dispute relating to the preparation or approval of the individual and consolidated budgets for the 2016/2017 municipal year, the matter must be referred to the Provincial Transformation Committee for resolution.
- (4) In the event that the elections occur –
- (a) on or before 30 June 2016 –
 - (i) the individual budgets of the merging municipalities and the splitting municipalities for the 2015/2016 municipal financial year will continue to apply within the former areas of jurisdiction of the merging municipalities and the splitting municipalities, notwithstanding the disestablishment of those municipalities and notwithstanding the provisions of any other law, from the date of the elections until 30 June 2016; and
 - (ii) the relevant consolidated budget for the 2016/2017 municipal financial year will apply to the relevant new municipality or incorporating municipality, notwithstanding the provisions of any other law, from 1 July 2016; or
 - (b) after 30 June 2016 –
 - (i) the individual budgets of the merging municipalities and the splitting municipalities for the 2016/2017 municipal financial year will apply within the former areas of jurisdiction of the merging municipalities and the splitting municipalities, notwithstanding the provisions of any other law, from 1 July 2016 until the last calendar day of the month following the month in which the elections are held; and
 - (ii) the relevant consolidated budgets for the 2016/2017 municipal financial year will apply to the relevant new municipality or incorporating municipality, notwithstanding the provisions of any other law, from the first day of the month following the last calendar day of the month following the month in which the elections were held.

FINANCIAL STATEMENTS

5. In the event that the elections occur –

(a) before 30 June 2016, separate financial statements for the merging and splitting municipalities for the 2015/2016 municipal financial year must, notwithstanding the disestablishment of those municipalities and notwithstanding the provisions of any other law, be prepared until the end of the financial year on 30 June 2016; or

(b) after 30 June 2016 –

(i) separate financial statements for the merging and splitting municipalities for the 2016/2017 municipal financial year must, notwithstanding the provisions of any other law, be prepared for the period commencing on 1 July 2016 to the last calendar day of the month following the month in which the elections were held; and

(ii) financial statements for the new municipalities and the incorporating municipalities must, notwithstanding the provisions of any other law, be prepared for the period from the first calendar day of the second month following the month in which the elections were held up to 30 June 2017.

VALUATION AND SUPPLEMENTARY ROLLS, RATES POLICIES AND BYLAWS, AND TARIFFS

6.(1) Sections 89A and 90 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), must apply to incorporating municipalities with the necessary changes.

(2) In respect of merging municipalities, a new municipality must –

(a) continue to apply the property rates policy, property rates by-laws and property rates tariffs that are in force in the former area or areas of jurisdiction of the relevant merging municipalities, which have been included in its area of jurisdiction;

(b) continue to apply the valuation roll and supplementary valuation roll that are in force in the former area or areas of jurisdiction of the relevant merging municipalities, which have been included in its area of jurisdiction, together with any subsequent supplementary valuation rolls; and

(c) levy rates against property values as shown on the valuation roll or supplementary valuation rolls, until it prepares and adopts a new general valuation roll in terms of section 30 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004).

(3) In applying valuation rolls and supplementary valuation rolls in terms of subsection (2), a new municipality may, notwithstanding section 19(1)(a) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), impose different rates based on the different valuation rolls or supplementary valuation rolls, to ensure that the rates payable on similarly situated and valued property is more or less the same.

ACTING APPOINTMENTS OF MUNICIPAL MANAGERS AND SENIOR MANAGERS

7. In the event that the position of municipal manager, or one or more of the senior managers in a splitting or merging municipality becomes vacant at any time prior to the date of the elections –

(a) the splitting or merging municipality concerned may, with the prior written authority of the MEC, and subject to such terms and conditions as the MEC may deem fit, notwithstanding the provisions of any other law, appoint an acting municipal manager or acting senior manager or managers, as the case may be, for a period terminating not later than six months after the date of municipal elections; and

(b) the MEC must, in authorising an acting appointment, specify an acting allowance to be paid by the splitting municipality or merging municipality to the acting municipal manager or acting senior manager.

PROVINSIALE KENNISGEWING 19 VAN 2016**DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE**

KENNISGEWING INGEVOLGE ARTIKEL 14(5) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: OORGANGSMAATREËLS VIR DIE FASILITERING VAN GEÏNTEGREERDE ONTWIKKELINGSBEPLANNING, GOEDKEURING VAN BEGROTINGS, DIE VOORBEREIDING VAN FINANSIËLE STATE, DIE HEFFING VAN BELASTING EN WAARNEMENDE AANSTELLINGS IN MUNISIPALITEITE GERAAK DEUR DIE HERBEPALING VAN GRENSE INGEVOLGE ARTIKEL 21 VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE AFBAKENING, 1998 (WET NO. 27 VAN 1998)

Ek, Nomusa Dube-Ncube, in my hoedanigheid as die Lid van die KwaZulu-Natal Uitvoerende Raad verantwoordelik vir plaaslike regering, kragtens die bevoegdheid in my gesetel deur artikel 14(5) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en na oorlegpleging met munisipaliteite in die Provinsie wat geraak word daardeur, maak hiermee voorsiening vir die oorgangsmatreëls vervat in die Bylae hieraan.

Gegee onder my Hand te Durban op hierdie 24ste dag van Desember, Tweeduisend-en-vyftien

MEV N DUBE-NCUBE, LPW

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal verantwoordelik vir plaaslike regering

BYLAE**AANHEF**

1.(1) As 'n gevolg van die herbepaling van grense ingevolge artikel 21 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), sal sekere munisipaliteite ontbind word en hul voormalige jurisdiksiegebiede saamgesmelt word met nuwe munisipaliteite wat ingestel sal word, terwyl sekere ander munisipaliteite ontbind sal word en hul voormalige jurisdiksiegebiede ingelyf sal word by die jurisdiksiegebiede van een of meer bestaande munisipaliteite.

(2) Ten einde uitwerking te gee aan hierdie herbepalings en om hierdie nuwe en bestaande munisipaliteite by te staan, is dit nodig om te voorsien vir oorgangsbepalings met betrekking tot –

- (a) geïntegreerde ontwikkelingsbeplanning;
- (b) die voorbereiding van begrotings;
- (c) die voorbereiding van finansiële state;
- (d) die voortgesette toepassing van waardasierolle, belastingbeleide, ordonnansies op belasting en belastingkoerse; en
- (e) die aanstelling van waarnemende munisipale bestuurders en ander senior bestuurders.

(3) Die nuwe munisipaliteite sal ingestel word, en die voormalige munisipaliteite sal ontbind word, met inwerkingtreding vanaf die datum van die munisipale verkiesings wat tussen 19 Mei 2016 en 17 Augustus 2016 moet plaasvind.

(4) Gegewe dat die munisipale finansiële jaar strek vanaf 1 Julie tot 30 Junie van elke jaar is dit nodig om voorsiening te maak vir oorgangsbepalings wat twee moontlike scenario's in die vooruitsig stel, naamlik dat die verkiesings sal plaasvind hetsy voor of na die einde van die munisipale finansiële jaar.

OMSKRYWINGS

2. In hierdie Bylae het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), toegeken is, dieselfde betekenis en, tensy die samehang anders blyk, beteken –

“**Bestuurskomitee: Munisipale Politieke Verandering**” ’n Bestuurskomitee: Munisipale Politieke Verandering ingestel ingevolge Provinsiale Kennisgewing No. 64 van 26 Junie 2014 of Provinsiale Kennisgewing No. 65 van 26 Junie 2014;

“**Bestuurskomitee: Munisipale Tegniese Verandering**” ’n Bestuurskomitee: Munisipale Tegniese Verandering ingestel ingevolge Provinsiale Kennisgewing No. 64 van 26 Junie 2014 of Provinsiale Kennisgewing No. 65 van 2014;

“datum van munisipale verkiesings” die datum vasgestel deur die Nasionale Minister verantwoordelik vir plaaslike regering ingevolge artikel 24(2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), vir die verkiesing van alle munisipale rade in Suid-Afrika;

“geraakte munisipaliteit” ’n munisipaliteit wat ingelyf is, ’n munisipaliteit wat saamgesmelt word, ’n munisipaliteit wat verdeel word of ’n nuwe munisipaliteit, wanneer dit ingestel word, na gelang van die geval;

“LUR” die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die Provinsie;

“munisipaliteit wat ingelyf word” daardie munisipaliteit wat, na ’n herbepaling van grense ingevolge artikel 21 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), waarby die voormalige jurisdiksiegebiede van munisipaliteite wat verdeel word ingelyf sal word, naamlik:

- (a) uMfolozi Plaaslike Munisipaliteit, uMhlathuze Plaaslike Munisipaliteit en Mthonjaneni Plaaslike Munisipaliteit ten opsigte van die verdeelde Ntambanana Plaaslike Munisipaliteit; en
- (b) eThekweni Metropolitaanse Munisipaliteit en Umdoni Plaaslike Munisipaliteit ten opsigte van die verdeelde Vulamehlo Plaaslike Munisipaliteit;

“munisipaliteit wat saamgesmelt word” daardie munisipaliteit wat ontbind sal word, na ’n herbepaling van grense ingevolge artikel 21 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), en hul voormalige jurisdiksiegebiede saamgesmelt sal word onder nuwe munisipaliteite wat ingestel sal word, naamlik:

- (a) die KwaSani en Ingwe Plaaslike Munisipaliteite;
- (b) die Hlabisa en Groot 5 Valsbaai Plaaslike Munisipaliteite;
- (c) die Emnambithi / Ladysmith en Indaka Plaaslike Munisipaliteite;
- (d) die Hibiskuskus en Ezinqoleni Plaaslike Munisipaliteite; en
- (e) die Umtshezi en Imbabazane Plaaslike Munisipaliteite;

“munisipaliteit wat verdeel word” daardie munisipaliteit wat, nadat ’n herbepaling van grense plaasgevind het, ingevolge artikel 21 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), ontbind sal word en hul voormalige jurisdiksiegebiede by bestaande munisipaliteite ingelyf sal word, naamlik:

- (a) die Ntambanana Plaaslike Munisipaliteit wie se jurisdiksiegebied verdeel sal word tussen die uMfolozi, uMhlathuze en Mthonjaneni Plaaslike Munisipaliteite; en
- (b) die Vulamehlo Plaaslike Munisipaliteit, wie se jurisdiksiegebied verdeel sal word tussen die eThekweni Metropolitaanse Munisipaliteit en die Umdoni Plaaslike Munisipaliteit;

“nuwe munisipaliteite” –

- (a) daardie munisipaliteite wat ingestel sal word nadat ’n herbepaling van grense plaasgevind het ingevolge artikel 21 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), bestaande uit die voormalige jurisdiksiegebiede van die munisipaliteite wat saamgesmelt word; en
- (b) die munisipaliteite waarby inlywing sal plaasvind;

“Provinsiale Transformasiekomitee” die Provinsiale Transformasiekomitee ingestel ingevolge Provinsiale Kennisgewing No. 13 van 2015;

“senior bestuurder” ’n bestuurder wat regstreeks teenoor ’n munisipale bestuurder aanspreeklik is, soos bedoel in artikel 56 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000); en

“verkiesings” die verkiesings van alle munisipale rade in die Republiek van Suid-Afrika tussen 19 Mei 2016 en 17 Augustus 2016 gehou sal word.

GEÏNTEGREERDE ONTWIKKELINGSPLANNE

3.(1) Die geraakte munisipaliteite moet –

(a) elkeen ’n individuele geïntegreerde ontwikkelingsplan vir hul individuele jurisdiksiegebiede, vir die 2016/2017 munisipale finansiële jaar, aanneem. Sodanige planne moet die gekonsolideerde geïntegreerde ontwikkelingsplan, of planne, bedoel in paragraaf (b) hieronder, behoorlik in ag neem; en

(b) saam met die ander geraakte munisipaliteite ’n gekonsolideerde geïntegreerde ontwikkelingsplan, vir aanneming van die konsep gekonsolideerde plan, vir die 2016/2017 munisipale finansiële jaar, teen 30 Maart 2016 voorberei en die finale plan teen 30 Junie 2016, bestaande uit –

(i) in die geval van ’n munisipaliteit wat verdeel word –

(aa) die gedeelte van die jurisdiksiegebied van die verdeelde munisipaliteit wat ingelyf sal word by die bestaande jurisdiksiegebied van die munisipaliteit waarby die verdeelde munisipaliteit ingelyf sal word; en

(bb) die bestaande jurisdiksiegebied van die betrokke munisipaliteit waarby inlywing plaasvind; en

(ii) in die geval van ’n munisipaliteit wat saamsmelt, die jurisdiksiegebiede van die munisipaliteite wat saamsmelt.

(2) Die gekonsolideerde geïntegreerde ontwikkelingsplanne vir die 2016/2017 munisipale jaar moet voorberei word vir goedkeuring deur die tersaaklike Bestuurskomitee: Munisipale Politieke Verandering, en daarna deur die tersaaklike rade.

- (3) Sou 'n geskil wat verband hou met die voorbereiding of goedkeuring van die gekonsolideerde geïntegreerde ontwikkelingsplanne vir die 2016/2017 munisipale jaar ontstaan, moet die aangeleentheid na die Provinsiale Transformasiekomitee verwys word vir beslegting.
- (4) Die gekonsolideerde geïntegreerde konsepontwikkelingsplanne moet teen 30 Maart 2016 aangeneem word, waarna die finale planne teen 30 Junie 2016 aangeneem moet word.
- (5) In die geval dat die verkiesings sou plaasvind –
- (a) op of voor 30 Junie 2016 –
- (i) sal die individuele hersiene geïntegreerde ontwikkelingsplanne van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word vir die 2015/2016 munisipale finansiële jaar voortgaan om van toepassing te wees binne die voormalige jurisdiksiegebiede van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word, niesteenstaande die ontbinding van daardie munisipaliteite en niesteenstaande die bepalings van enige ander wet, vanaf die verkiesingsdatum tot 30 Junie 2016; en
- (ii) sal die tersaaklike gekonsolideerde hersiene geïntegreerde ontwikkelingsplan vir die 2016/2017 munisipale finansiële jaar vanaf 1 Julie 2016 van toepassing wees op die tersaaklike nuwe munisipaliteit of munisipaliteit waarby inlywing plaasvind, niesteenstaande die bepalings van enige ander wet; of
- (b) na 30 Junie 2016 –
- (i) sal die individuele hersiene geïntegreerde ontwikkelingsplanne vir die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word vir die 2016/2017 munisipale finansiële jaar van toepassing wees binne die voormalige jurisdiksiegebiede van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word, niesteenstaande die bepalings van enige ander wet, vanaf 1 Julie 2016 tot die verkiesingsdatum; en
- (ii) sal die tersaaklike gekonsolideerde geïntegreerde ontwikkelingsplan vir die 2016/2017 munisipale finansiële jaar van toepassing wees op die tersaaklike nuwe munisipaliteit of munisipaliteit waarby inlywing plaasvind, niesteenstaande die bepalings van enige ander wet, vanaf die eerste dag wat volg op die verkiesingsdatum.

BEGROTINGS

4.(1) Die geraakte munisipaliteite moet –

- (a) elkeen 'n individuele begroting vir hul bestaande jurisdiksiegebied vir die 2016/2017 munisipale finansiële jaar aanneem. Sodanige begroting moet die gekonsolideerde begroting, of begrotings, bedoel in paragraaf (b) hieronder, behoorlik in ag neem; en
- (b) saam met die ander tersaaklike munisipaliteite wat geraak word 'n gekonsolideerde begroting vir die 2016/2017 munisipale finansiële jaar voorberei en aanneem wat bestaan uit –
- (i) 'n rekonsiliasie tot die individuele begroting vir die 2016/2017 munisipale jaar;
- (ii) in die geval van 'n munisipaliteit wat verdeel word, daardie gedeelte van die goedgekeurde begroting toegeken aan die munisipaliteit wat verdeel word, soos voorgeskryf moet word in die bepaling vir die verdelingsmodel wat uiteengesit moet word in kennisgewings ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en wat mettertyd gepromulgeer sal word vir die instelling van die munisipaliteite waarby inlywing plaasgevind het, met hul nuwe jurisdiksiegebiede; en
- (iii) in die geval van 'n munisipaliteit wat saamsmelt, die goedgekeurde begrotings van die munisipaliteite wat saamsmelt.
- (2) Die individuele en gekonsolideerde begrotings vir die 2016/2017 munisipale jaar moet voorberei word vir goedkeuring deur die tersaaklike Bestuurskomitees: Munisipale Politieke Verandering en daarna deur die tersaaklike rade.
- (3) Sou 'n geskil wat verband hou met die voorbereiding of goedkeuring van die individuele of gekonsolideerde begrotings vir die 2016/2017 munisipale jaar ontstaan, moet die aangeleentheid na die Provinsiale Transformasiekomitee verwys word vir beslegting.
- (4) In die geval dat die verkiesings plaasvind –
- (a) op of voor 30 Junie 2016 –
- (i) sal die individuele begrotings van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word vir die 2015/2016 munisipale finansiële jaar voortgaan om van toepassing te wees binne die voormalige jurisdiksiegebiede van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word, niesteenstaande die ontbinding van daardie munisipaliteite en niesteenstaande die bepalings van enige ander wet, vanaf die verkiesingsdatum tot 30 Junie 2016; en
- (ii) sal die tersaaklike gekonsolideerde begroting vir die 2016/2017 munisipale finansiële jaar vanaf 1 Julie 2016 van toepassing wees op die tersaaklike nuwe munisipaliteit of munisipaliteit waarby inlywing plaasvind, niesteenstaande die bepalings van enige ander wet; of
- (b) na 30 Junie 2016 –
- (i) sal die individuele begrotings van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word vir die 2016/2017 munisipale finansiële jaar van toepassing wees binne die voormalige jurisdiksiegebiede van die munisipaliteite wat saamgesmelt word en die munisipaliteite wat verdeel word,

nieteenstaande die bepalings van enige ander wet, vanaf 1 Julie 2016 tot die laaste kalenderdag van die maand wat volg op die maand waarin die verkiesings gehou word; en
(ii) sal die tersaaklike gekonsolideerde begrotings vir die 2016/2017 munisipale finansiële jaar van toepassing wees op die tersaaklike nuwe munisipaliteit of munisipaliteit waarby inlywing plaasvind, nieteenstaande die bepalings van enige ander wet, vanaf die eerste dag van die maand wat volg op die laaste kalenderdag van die maand wat volg op die maand waarin die verkiesings gehou was.

FINANSIËLE STATE

5. In die geval dat die verkiesings plaasvind –

(a) voor 30 Junie 2016, moet aparte finansiële state vir die samesmelting en verdeling van munisipaliteite vir die 2015/2016 munisipale finansiële jaar voorberei word tot die einde van die finansiële jaar op 30 Junie 2016, nieteenstaande die ontbinding van daardie munisipaliteite en nieteenstaande die bepalings van enige ander wet; of
(b) na 30 Junie 2016 –

(i) moet aparte finansiële state vir die samesmelting en verdeling van munisipaliteite vir die 2016/2017 munisipale finansiële jaar voorberei word vir die tydperk wat begin op 1 Julie 2016 tot die laaste kalenderdag van die maand wat volg op die maand waarin die verkiesings gehou was, nieteenstaande die bepalings van enige ander wet; en

(ii) moet finansiële state vir die nuwe munisipaliteite en munisipaliteite waarby inlywing plaasvind voorberei word vir die tydperk vanaf die eerste kalenderdag van die tweede maand wat volg op die maand waarin die verkiesings gehou was tot en met 30 Junie 2017, nieteenstaande die bepalings van enige ander wet.

WAARDASIEROLLE EN AANVULLENDE WAARDASIEROLLE, BELASTINGBELEIDE EN ORDONNANSIES OP BELASTING, EN TARIËWE

6.(1) Artikels 89A en 90 van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004), moet toegepas word op munisipaliteite waarby inlywing plaasvind, met die nodige veranderinge.

(2) Ten opsigte van munisipaliteite wat saamsmelt moet 'n nuwe munisipaliteit –

(a) voortgaan om die beleid vir eiendomsbelasting, ordonnansies op eiendomsbelasting en eiendomsbelastingtariewe wat van krag is in die voormalige jurisdiksiegebied of -gebiede van die tersaaklike munisipaliteite wat saamgesmelt word en wat ingesluit word in sy jurisdiksiegebied, toe te pas;

(b) voortgaan om die waardasierol en aanvullende rol wat van krag is in die voormalige jurisdiksiegebied of -gebiede van die tersaaklike munisipaliteite wat saamgesmelt word en wat ingesluit word in sy jurisdiksiegebied, tesame met enige daaropvolgende aanvullende rolle, toe te pas; en

(c) belasting hef op eiendomswaardes soos op die waardasierol of aanvullende waardasierolle getoon totdat hy 'n nuwe algemene waardasierol voorberei en aangeneem het ingevolge artikel 30 van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004).

(3) By die toepassing van waardasierolle en aanvullende waardasierolle ingevolge subartikel (2) kan 'n nuwe munisipaliteit, nieteenstaande artikel 19(1)(a) van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004), verskillende tariewe, gebaseer op die verskillende waardasierolle of aanvullende waardasierolle, hef ten einde te verseker dat die tariewe wat betaalbaar is op soortgelyk geleë en gewaardeerde eiendomme min of meer soortgelyk is.

AANSTELLINGS VAN WAARNEMENDE MUNISIPALE BESTUURDERS EN SENIOR BESTUURDERS

7. Sou dit gebeur dat die posisie van munisipale bestuurder, of een of meer van die senior bestuurders, in 'n munisipaliteit wat verdeel of saamgesmelt word vakant raak te eniger tyd voor die verkiesingsdatum –

(a) kan die betrokke munisipaliteit wat verdeel of saamgesmelt word, met die vooraf skriftelike magtiging van die LUR, en behoudens sodanige bepalings en voorwaardes wat die LUR as geskik beskou, nieteenstaande die bepalings van enige ander wet, 'n waarnemende munisipale bestuurder of waarnemende senior bestuurder of bestuurders, na gelang van die geval, aanstel vir 'n tydperk wat eindig nie later nie as ses maande na die munisipale verkiesingsdatum; en

(b) die LUR moet, in die magtiging van 'n waarnemende aanstelling, 'n waarnemende toelaag stipuleer wat betaal moet word aan die waarnemende munisipale bestuurder of waarnemende senior bestuurder deur die munisipaliteit wat verdeel word of die munisipaliteit wat saamgesmelt word.

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

ISAZISO NGOKWESIGABA 14(5) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: IZINHLELO ZESIKHASHANA ZOKUQALISA IZINHLELO ZENTUTHUKO EZIDIDIYELE, UKUGUNYAZWA KWEZABELOMALI, UKULUNGISWA KWEZITATIMENDE ZEZIMALI, UKUKHOKHISWA KWAMAREYTHI KANYE NOKUQOKWA KWAMABAMBA KOMASIPALA ABATHINTEKAYO EKUKLANYWENI KABUSHA KWEMINGCELE YOMASIPALA NGOKWESIGABA 21 SOMTHETHO WOKUKLANYWA KWEMINGCELE WOHULUMENI BASEKHAYA, 1998 (UMTHETHO NO. 27 KA 1998)

Mina, Nomusa Dube, ngokwesikhundla sami njengeLungu loMkhandlu oPhethe elibhekele ohulumeni basakhaya, ngaphansi kwamandla engiwanikezwe yisigaba 14(5) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), nangemuva kokubonisana nomasipala abathintekayo esiFundazweni, ngalokhu ngihlinzeka izinhlelo zesikhashana eziqokethwe oHlelweni olungezansi.

Sikhishwe ngaphansi kweSandla sami eThekwini ngalolu suku lomhla zingama-24 kuZibandlela oNyakeni weziNkulungwane eziMbili naNhlanu

NKK. N DUBE-NCUBE, iLungu lesiShayamthetho sesiFundazwe

iLungu loMkhandlu oPhethe wesiFundazwe saKwaZulu-Natali elibhekele ohulumeni basekhaya

UHLELO**ISANDULELO**

1.(1) Ngenxa yoklanywa kabusha kwemingcele ngokwesigaba 21 soMthetho wokuKlanywa kweMingcele woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998), omasipala abathile bazohlakazwa bese kuthi izindawo abebengaphansi kwazo zihlanganiswe zifakwe ngaphansi komasipala abasha abazosungulwa, kanti abanye omasipala bazohlakazwa bese kuthi izindawo ebezingaphansi kwabo zifakwe ngaphansi kwamasipala ovele ukhona noma komasipala abavele bekhona.

(2) Ukuze kuqaliswe lokhu klanywa kabusha, kanye nokusiza labo masipala abasha nabavele bekhona, kubalulekile ukuhlinzeka izinhlelo zesikhashana eziphathelene –

(a) nohlelo oludidiyele lwentuthuko;

(b) nokulungisa izabelomali;

(c) nokulungisa izitatimende zezimali;

(d) nokuqhubeka nokusebenzisa uhlu lwamanani ezakhiwo nezindawo, izinqubomgomo zamareythi, imithetho kamasipala ephathelene namareythi kanye nezintela zamareythi; kanye

(e) nokuqokwa kwamabamba abaphathi bomasipala kanye namabamba abaphathi.

(3) Omasipala abasha bayosungulwa, kanti omasipala abadala bayohlakazwa, kusukela ngosuku lokhetho lomasipala, okumele lubanjwe phakathi komhla ziyi-19 kuNhlabo 2016 nomhla ziyi-17 kuNcwaba 2016.

(4) Njengoba unyaka wezimali kamasipala uqala mhla lu-1 kuNtulikazi uphele mhla zingama-30 kuNhlangulana wonyaka ngamunye, kubalulekile ukuhlinzeka izinhlelo zesikhashana ezibhekelela kokubili ukuthi ukhetho lungaba ngaphambi noma ngemuva kokuphela konyaka wezimali kamasipala.

IZINCAZELO

2. Kulolu Hlelo igama noma isisho okunikezwe incazelo eMthethweni weziNhlaka zoMasipala woHulumeni, 1998 (uMthetho No. 117 ka 1998), kunencazelo efanayo, ngaphandle uma ingqikithi isho okwehlukile –

“omasipala abathintekayo” kushiwo umasipala okufakwa izindawo ezithile ngaphansi kwawo, ohlanganiswa nomunye, noma ohlukaniswayo noma umasipala omusha uma ususunguliwe, njengoba kungaba njalo;

“usuku lokhetho lomasipala” kushiwo usuku olunqunywe nguNgqongqoshe kazwelonke obhekele ohulumeni basekhaya ngokwesigaba 24(2) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), lokhetho lwayo yonke imikhandlu yomasipala eNingizimu Afrika;

“ukhetho” kushiwo ukhetho lwayo yonke imikhandlu yomasipala eNingizimu Afrika, oluyobanjwa phakathi komhla ziyi-19 kuNhlaba 2016 nomhla ziyi-17 kuNcwaba 2016;

“omasipala okufakwa izindawo ezithile ngaphansi kwabo” kushiwo labo omasipala, ngemuva koklanywa kabusha kwemingcele ngokwesigaba 21 soMthetho weziNhlaka woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998), okuyofakwa ngaphansi kwabo izindawo zomasipala abahlukaniswayo, okuyilaba:

- (a) uMasipala waseMfolozi, owaseMhlathuze kanye nowaseMthonjaneni maqondana nokuhlukaniswa kwaMasipala waseNtambanana; kanye
- (b) uMasipala weDolobhakazi laseThekwini kanye noMasipala waseMdoni maqondana nokuhlukaniswa kwaMasipala waseVulamehlo;

“iLungu loMkhandlu oPhethe” kushiwo iLungu leKomidi eliPhethe elibhekele ohulumeni basekhaya esiFundazweni;

“omasipala abahlanganiswayo” kushiwo labo masipala, ngemuva koklanywa kabusha kwemingcele ngokwesigaba 21 soMthetho wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998), abayohlakazwa bese kuthi izindawo ezingaphansi kwabo zifakwe ngaphansi komasipala abasha abazosungulwa, okuyilaba:

- (a) uMasipala waKwaSani noweNgwe;
- (b) uMasipala wakwaHlabisa nowase-Big 5 False Bay;
- (c) uMasipala waseMnambithi/Ladysmith nowaseNdaka;
- (d) uMasipala wase-Hibiscus Coast nowaseZinqoleni; kanye
- (e) noMasipala waseMtshezi nowaseMbabazane;

“iKomidi eliBhekele ukuGuqulwa kweNdelela yokuSebenza kwezoMbusazwe kuMasipala” kushiwo ikomidi elibhekele ukuguqulwa kwendlela yokusebenza kwezombusazwe elasungulwa ngokweSaziso sesiFundazwe No. 64 esashicilelwa mhla zingama-26 kuNhlanguvana 2014 noma ngokweSaziso sesiFundazwe No. 65 esashicilelwa mhla zingama-26 kuNhlanguvana 2014;

“iKomidi eliBhekele ukuGuqulwa kweNdelela yokuSebenza kuMasipala” kushiwo ikomidi elibhekele ukuguqulwa kwendlela yokusebenza elasungulwa ngokweSaziso sesiFundazwe No. 64 esashicilelwa mhla zingama-26 kuNhlanguvana 2014 noma ngokweSaziso sesiFundazwe No. 65 esashicilelwa mhla zingama-26 kuNhlanguvana 2014;

“omasipala abasha” kushiwo –

- (a) labo masipala abazosungulwa ngemuva koklanywa kabusha kwemingcele ngokwesigaba 21 soMthetho wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998), ohlanganisa izindawo kudala ebezingaphansi komasipala abahlanganiswayo; kanye
- (b) nomasipala okufakwa abanye ngaphansi kwabo;

“iKomidi loGuquko lesiFundazwe” kushiwo iKomidi loGuquko lesiFundazwe elasungulwa ngokweSaziso sesiFundazwe No. 13 sika 2015;

“umphathi omkhulu” kushiwo umphathi obika ngqo kumphathi kamasipala, njengoba kuhlongozwe esigabeni 56 soMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000); kanti

“omasipala abahlukaniswayo” kushiwo labo masipala, ngemuva koklanywa kabusha kwemingcele ngokwesigaba 21 soMthetho wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998), abazohlakazwa bese kuthi izindawo ezingaphansi kwabo zifakwe ngaphansi komasipala abasha abazosungulwa, okuyilaba:

- (a) uMasipala waseNtambanana, indawo engaphansi kwawo ezohlukaniswa phakathi kwaMasipala waseMfolozi, owaseMhlathuze kanye nowaseMthonjaneni; kanye
- (b) uMasipala waseVulamehlo, indawo engaphansi kwawo ezohlukaniswa phakathi kwaMasipala weDolobhakazi laseThekwini kanye nowaseMdoni.

IZINHLELO EZIDIDIYELE ZENTUTHUKO

3.(1) Omasipala abathintekayo kumele –

- (a) basebenzise uhlelo lwentuthuko oludidiyele ngonyaka wezimali womasipala ka 2016/2017 ezindaweni ezingaphansi kwabo, lezo zinhlelo okumele zihambisane nohlelo oludidiyele lwentuthuko oluhlukanisiwe noma nezinhlelo ezihlongozwe endimeni (b) ngezansi; kanye
- (b) nabanye omasipala abathintekayo, balungise uhlelo oludidiyele lwentuthuko oluhlukanisiwe lonyaka wezimali ka 2016/2017 ukuze kuqale kusetshenziswe uhlelo oluhlukanisiwe olusewuhlaka ungakashayi umhla zingama-30 kuNdasana 2016 nohlelo oseluphuthuliwe ungakashayi umhla zingama-30 kuNhlanguvana 2016 oluqukethe –

(i) uma kuwumasipala ohlukaniswayo –

- (aa) ingxenye yendawo kamasipala ohlukaniswayo ezofakwa endaweni e vele ingaphansi kwamasipala okufakwa izindawo ezithile ngaphansi kwawo; kanye

- (bb) nendawo evele ingaphansi kwamasipala okufakwa izindawo ezithile ngaphansi kwawo ethintekayo; kanye
- (ii) nezindawo ezingaphansi komasipala abahlanganiswayo, uma kuhlangukiswa omasipala.
- (2) Izinhlelo zentuthuko ezididiyele ezihlanganisiwe zonyaka wezimali ka 2016/2017 kumele zilungiswe ukuze zigunyazwe yiKomidi eliBhekele ukuGuqulwa kweNdllela yokuSebenza kwezoMbusazwe kuMasipala bese kuthi ngemuva kwalokho zigunyazwe yimikhandlu efanele.
- (3) Uma kunokungaboni ngaso linye mayelana nokulungiswa kwezinhlelo zentuthuko ezididiyele ezihlanganisiwe zonyaka wezimali ka 2016/2017, udaba kumele ludluliselwe eKomidini loGuquko lesiFundazwe ukuze kutholakale isixazululo.
- (4) Izinhlelo zentuthuko ezididiyele ezihlanganisiwe eziseyizinhlelo kumele ziqale ukusebenza ungakashayi umhla zingama-30 kuNdasa 2016, bese kuthi ngemuva kwalokho kusetshenziswe izinhlelo eseziphothuliwe ungakashayi umhla zingama-30 kuNhlangukano 2016.
- (5) Uma ukhetho lubanjwa –
- (a) mhla zingama-30 kuNhlangukano noma ngaphambi kwalokho –
- (i) izinhlelo zentuthuko ezididiyele ngazinye ezibuyekeziwe zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2015/2016 ziyoqhubeka zisebenze ezindaweni ezingaphansi komasipala abahlanganiswayo kanye nakomasipala abahlukaniswayo, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela ngosuku okuyobanjwa ngalo ukhetho kube umhla zingama-30 kuNhlangukano 2016; kanye
- (ii) nohlelo lwentuthuko oludidiyele oluhlanganisiwe olufanele lonyaka wezimali ka 2016/2017 luyosebenza kumasipala omusha noma kumasipala okuzofakwa izindawo ezithile ngaphansi kwawo, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela mhla lu-1 kuNtulikazi 2016; futhi
- (b) ngemuva komhla zingama-30 kuNhlangukano 2016 –
- (i) izinhlelo zentuthuko ezididiyele ngazinye ezibuyekeziwe zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2016/2017 ziyosebenza ezindaweni ezingaphansi komasipala abahlanganiswayo kanye nakomasipala abahlukaniswayo, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela mhla lu-1 kuNtulikazi 2016 kuze kube usuku okuyobanjwa ngalo ukhetho; kanye
- (ii) nohlelo lwentuthuko oludidiyele oluhlanganisiwe olufanele lonyaka wezimali ka 2016/2017 luyosebenza kumasipala omusha noma kumasipala okuzofakwa izindawo ezithile ngaphansi kwawo, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela ngosuku lokuqala lokhetho.

IZABELOMALI

4.(1) Omasipala abathintekayo kumele –

- (a) ngabanye babe nezabelomali zezindawo ezingaphansi kwabo zonyaka wezimali ka 2016/2017, lezo zabelomali kumele zihambisane nesabelomali esihlanganisiwe noma nezabelomali ezihlongozwe endimeni (b) ngezansi; kanye
- (b) nabanye omasipala abathintekayo kumele balungise basebenzise isabelomali esihlanganisiwe sonyaka wezimali womasipala ka 2016/2017 esiqukethe –
- (i) isitatimende esifakazela isabelomali ngasinye sonyaka wezimali womasipala ka 2016/2017;
- (ii) uma kuwumasipala ohlukaniswayo, leyo ngxenye yesabelomali esigunyaziwe esabelwe umasipala ohlukaniswayo njengoba kunganqunywa kwinhlinzeko yohlelo lokuhlukanisa oluzobekwa kwizaziso ngokwesigaba 12 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) ezizoshicilelwa esikhathini esizayo ezisungula omasipala okuzofakwa izindawo ezintsha ngaphansi kwabo; kanye
- (iii) uma kuwumasipala ohlanganiswayo, izabelomali ezigunyaziwe zomasipala abahlanganiswayo.
- (2) Izabelomali ezizimele noma ezihlanganisiwe zonyaka wezimali womasipala kumele zilungiswe ukuze zigunyazwe yiKomidi eliBhekele ukuGuqulwa kweNdllela yokuSebenza kwezoMbusazwe kuMasipala bese kuthi ngemuva kwalokho zigunyazwe yimikhandlu efanele.

(3) Uma kunokungaboni ngaso linye mayelana nokulungiswa kwezinhlelo zentuthuko ezididiyele ezihlanganisiwe zonyaka wezimali ka 2016/2017, udaba kumele ludluliselwe eKomidini loGuquko lesiFundazwe ukuze kutholakale isixazululo.

(4) Uma ukhetho lubanjwa –

- (a) mhla zingama-30 kuNhlangukano noma ngaphambi kwalokho –
- (i) izinhlelo zentuthuko ezididiyele ngazinye ezibuyekeziwe zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2015/2016 ziyoqhubeka zisebenze ezindaweni ezingaphansi komasipala abahlanganiswayo kanye nakomasipala abahlukaniswayo, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela ngosuku okuyobanjwa ngalo ukhetho kube umhla zingama-30 kuNhlangukano 2016; kanye
- (ii) nohlelo lwentuthuko oludidiyele oluhlanganisiwe olufanele lonyaka wezimali ka 2016/2017 luyosebenza kumasipala omusha noma kumasipala okuzofakwa izindawo ezithile ngaphansi kwawo, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela mhla lu-1 kuNtulikazi 2016; futhi
- (b) ngemuva komhla zingama-30 kuNhlangukano 2016 –

- (i) izinhlelo zentuthuko ezididiyele ngazinye ezibuyekeziwe zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2016/2017 ziyosebenza ezindaweni ezingaphansi komasipala abahlanganiswayo kanye nakomasipala abahlukaniswayo, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela mhla lu-1 kuNtulikazi 2016 kuze kube usuku okuyobanjwa ngalo ukhetho; kanye
- (ii) nohlelo lwentuthuko oludidiyele oluhlanganisiwe olufanele lonyaka wezimali ka 2016/2017 luyosebenza kumasipala omusha noma kumasipala okuzofakwa izindawo ezithile ngaphansi kwawo, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kusukela ngosuku lokuqala lwenyanga olulandela usuku lokugcina lwenyanga edlule lwenyanga elandela leyo okwabanjwa ngayo ukhetho.

IZITATIMENDE ZEZIMALI

5. Uma ukhetho lubanjwa –

- (a) mhla zingama-30 kuNhlangulana noma ngaphambi kwalokho, izitatimende zezimali ezehlukene zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2015/2016 kumele, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, kumele zilungiswe ngokuphela konyaka wezimali womasipala mhla zingama-30 kuNhlangulana 2016; kanye
- (b) nangemuva komhla zingama-30 kuNhlangulana 2016 –
- (i) izitatimende zezimali ezehlukene zomasipala abahlanganiswayo noma abahlukaniswayo ngonyaka wezimali womasipala ka 2016/2017 kumele, naphezu kokuthi labo masipala bazohlakazwa nangaphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, zilungiswe kusukela mhla lu-1 kuNtulikazi 2016 kuze kube usuku lokugcina lwenyanga elandela inyanga okwabanjwa ngayo ukhetho; kanye
- (ii) nezitatimende zezimali zomasipala abasha noma zomasipala okuzofakwa izindawo ezithile ngaphansi kwabo kumele, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, zilungiselwe isikhathi esiqala ngosuku lokuqala lwenyanga yesibili elandela inyanga okwabanjwa ngayo ukhetho.

UHLU LWAMANANI EZAKHIWO NEZINDAWO, IZINQUBOMGOMO ZAMAREYTHI KANYE NEMITHETHO KAMASIPALA NEZINTELA

6.(1) Izigaba 89A no 90 zoMthetho wamaReyithi ezaKhiwo neziNdawo, obizwa nge-Local Government: Municipal Property Rates Act, 2004 (uMthetho No. 6 ka 2004) kumele zisebenze komasipala okufakwa izindawo ezithile ngaphansi kwabo ngezinguqoko ezidingekayo.

(2) Mayelana nomasipala abahlanganiswayo, umasipala omusha kumele –

- (a) uqhubeke usebenzise inqubomgomo yamareyithi, imithetho kamasipala ephathelene namareyithi kanye nezintela okusebenza ezindaweni ebezivele zingaphansi kwawo noma ezindaweni ezingaphansi komasipala abahlanganiswayo abathintekayo, asebefakwe endaweni engaphansi kwawo;
- (b) uyoqhubeka usebenzise uhlu lwamanani ezakhiwo nezindawo okusebenza ezindaweni ebezivele zingaphansi kwawo noma ezindaweni ezingaphansi komasipala abahlanganiswayo abathintekayo, asebefakwe endaweni engaphansi kwawo, kanye nanoma yisiphi isengezo sohlu lwamanani ezakhiwo nezindawo nohlu lwamanani ezakhiwo nezindawo okusha; kanye
- (c) nezintela zamalevi ziqhathaniswe namani ezindawo njengoba kukhonjiswe ohlwini lwamanani ezakhiwo nezindawo nakwisengezo sohlu lwamanani ezakhiwo nezindawo kuze kube ulungisa futhi usebenzisa uhlu lwamanani ezakhiwo nezindawo Ngokwesigaba 30 soMthetho wamaReyithi ezaKhiwo neziNdawo, obizwa nge-Local Government: Municipal Property Rates Act, 2004 (uMthetho No. 6 ka 2004).

(3) Ekusebenziseni uhlu lwamanani ezakhiwo nezindawo kanye nesengezo sohlu lwamanani ezakhiwo nezindawo ngokwesigatshana (2), umasipala omusha, naphezu kokushiwo esigabeni 19(1)(a) soMthetho wamaReyithi ezaKhiwo neziNdawo, obizwa nge-Local Government: Municipal Property Rates Act, 2004 (uMthetho No. 6 ka 2004), unganquma amareyithi ahlukene ezinhlinzi zamanani ezakhiwo nezindawo noma ezinhlu zamanani ezakhiwo nezindawo ezehlukene, ukuqinisekisa ukuthi amareyithi akhokhwayo ezakhiwo nezindawo ezifanayo nezibiza imali ethi ayifane nawo ayafana noma acishe afane.

UKUQOKWA NJENGEBAMBA ESIKHUNDLENI SOMPHATHI KAMASIPALA NOMA SOMPHATHI OMKHULU

7. Uma kuba nesikhala esikhundleni somphathi kamasipala noma kwesisodwa noma ngaphezulu sabaphathi abakhulu kumasipala ohlukaniswayo noma ohlanganiswayo noma yingasiphi isikhathi ngaphambi kosuku lokhetho –

- (a) umasipala ohlukaniswayo noma ohlanganiswayo, ngokuqale uthole imvume yeLungu loMkhandlu oPhethe, futhi kuncike kuleyo migomo nemibandela iLungu loMkhandlu oPhethe elingayibona ifanele, naphezu kwezinhlinzeko zanoma yimuphi omunye umthetho, ungaqoka ibamba lomphathi kamasipala noma ibamba lomphathi omkhulu noma amabamba abaphathi abakhulu, njengoba kungaba njalo, isikhathi esingangezinyanga eziyisithupha ngemuva kosuku lokhetho lomasipala; futhi
- (b) iLungu loMkhandlu oPhethe kumele, uma ligunyaza ukuqokwa kwebamba, licacise izibonelelo zokuba yibamba okumele zikhokhelwe ibamba lomphathi kamasipala noma lomphathi omkhulu wumasipala ohlukaniswayo noma ohlanganiswayo.

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