



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

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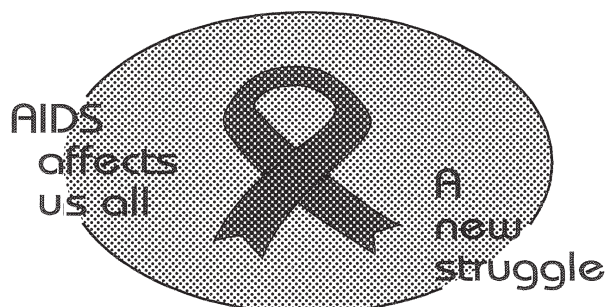
**PIETERMARITZBURG**

Vol. 10

23 JUNE 2016  
23 JUNIE 2016  
23 KUNHLANGULANA 2016

**No. 1692**

**We all have the power to prevent AIDS**



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DEPARTMENT OF HEALTH

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# Government Printing Works

## Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website [www.gpwonline.co.za](http://www.gpwonline.co.za) to familiarise yourself with the new deadlines.

### CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above. Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

**Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.**

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

### AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

### CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

### PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za), please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

### REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 119 OF 2016****DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 16(3)(c) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998, PROPOSED REPEAL AND REPLACEMENT OF THE ESTABLISHMENT NOTICES PUBLISHED IN TERMS OF SECTION 12 OF THE SAID ACT FOR THE ETHEKWINI METROPOLITAN MUNICIPALITY, AND THE UMGUNGUNDLOVU, UGU, HARRY GWALA, UTHUKHELA, UTHUNGULU, UMZINYATHI, UMKHAYAKUDE, AMAJUBA, ILEMBE AND ZULULAND DISTRICT MUNICIPALITIES**

1. The Member of the KwaZulu-Natal Executive Council responsible for Co-operative Governance and Traditional Affairs, in her capacity as the Member of the Executive Council responsible for local government, under the powers vested in her by section 16(1)(d) of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), to amend notices issued in terms of section 12 of the said Act, proposes to publish the notices contained in the Schedule hereto.

2. The public and interested parties are invited to submit comments in writing on the proposed amendment by no later than seven days after the date of publication hereof, by–

(a) post to the Head of Department, Cooperative Governance and Traditional Affairs, Pietermaritzburg, Private Bag X 9123, 3200;

(b) hand to the 7<sup>th</sup> Floor, Executive Suite, Southern Life Plaza, 271 Church Street, Pietermaritzburg, 3201,

**Attention: Mr. L. Pienaar;**

(c) facsimile to 033 – 345 5831; or

(d) e-mail to [Lionel.Pienaar@kzncogta.gov.za](mailto:Lionel.Pienaar@kzncogta.gov.za).

**UGU DISTRICT MUNICIPALITY  
(DC 21)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: AMENDMENT OF MUNICIPALITIES (DC21, KZN212, KZN213, KZN214), DISESTABLISHMENT OF MUNICIPALITIES (KZN211, KZN 215, KZN 216), MERGER OF MUNICIPALITIES (KZN215, KZN216) AND ESTABLISHMENT OF NEW MUNICIPALITY (KZN216)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and have made provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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–

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the Ray Nkonyeni, Umdoni, uMzumbane and uMuziwabantu municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**disestablished municipality**” means an existing municipality disestablished in terms of this Schedule;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**new municipality**” means a local municipality established in terms of this Schedule;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Disestablishment of existing municipalities**

2. The existing—

- (a) municipality of Vulamehlo is disestablished on the effective date; and
- (b) municipalities of eZinqoleni and Hibiscus Coast are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Ray Nkonyeni local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

#### **Establishment of municipality**

3.(1) The Ray Nkonyeni local municipality is hereby established for the local municipal area as set out in Part 6 of this Schedule.

(2) The establishment of the municipality contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Continued existence and amendment of district and related local municipalities**

4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the Ugu District Municipality and its constituent local municipalities as set out in Parts 3 to 6 of this Schedule remain as determined in the notices set out in Annexure 1, subject to —

(a) amendments contemplated in—

(i) Demarcation numbers DEM 4060, DEM 4097, DEM 449, and DEM 471 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 4060, DEM 4097, DEM 449, and DEM 471 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice;

(b) the disestablishment of Vulamehlo local municipality (KZN 211), eZinqoleni local municipality (KZN 215) and Hibiscus Coast local municipality (KZN 261) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Ray Nkonyeni local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date, unless indicated otherwise in this Notice.

#### **Allocation and division of powers and functions**

5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions—

- (a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6, are set out in Annexure B.

#### **Amendment of Notice**

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

#### **Status**

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

#### **Repeal**

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

### **CHAPTER 2: TRANSITIONAL MEASURES**

#### **Legal succession**

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the Ray Nkonyeni local municipality, whose area of jurisdiction has been amended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and
- (iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), Ray Nkonyeni local municipality is the successor in law to the eZinqoleni local municipality (KZN 215) and Hibiscus Coast local municipality (KZN 216), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Ray Nkonyeni local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Ray Nkonyeni local municipality is allocated the following matters as regards its jurisdictional area:

- (i) any power, function or duty exercised, performed or carried out by the eZinqoleni local municipality and Hibiscus Coast local municipality prior to their disestablishment;
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation notice, policy or resolution of the eZinqoleni local municipality and Hibiscus Coast local municipality until such time as the by-laws, regulations, notice, policy and resolutions of the Ray Nkonyeni local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and
- (iii) the staff, assets, rights, liabilities and obligations of the Ezingoleni local municipality and Hibiscus Coast local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of eZinqoleni local municipality and Hibiscus Coast local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the—

(i) Vulamehlo local municipality, including the—

(aa) transfer of staff;

(bb) transfer of assets, liabilities and administrative and other records; and

(cc) continued application of any by-laws, regulations and resolutions in the area of jurisdiction of the municipalities concerned and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the uMdoni local municipality or the eThekweni metropolitan municipality, as the case may be; and

(ii) eZinqoleni local municipality and Hibiscus Coast local municipality, including the—

(aa) transfer of staff;

(bb) transfer of assets, liabilities and administrative and other records; and

(cc) continued application of any by-laws, regulations and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the Ray Nkonyeni local municipality.

(b) For the purposes of this sub-paragraph, the—

(i) provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and

(ii) continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

**Continued operation of municipalities other than Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality**

**10.** Subject to the disestablishment of Vulamehlo local municipality as contemplated in paragraph 2 of Part 1 of this Schedule, other provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 18(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the Ray Nkonyeni local municipality, continues—

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

**Transitional arrangements relating to municipalities**

**11.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.



**Transfer of assets, rights, liabilities and obligations of eZinqoleni local municipality and Hibiscus Coast local municipality**

12.(1) The assets, rights, liabilities and obligations of eZinqoleni local municipality and Hibiscus Coast local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Ray Nkonyeni local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Ray Nkonyeni local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs (1) and (2) vest, as from the effective date, in the Ray Nkonyeni local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs (1) and (2) are hereby transferred as from the effective date to the Ray Nkonyeni local municipality.

**Transfer of staff from Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality**

13.(1) The transfer of staff from the—

(a) Vulamehlo local municipality to the uMdoni local municipality and the eThekweni metropolitan municipality, as the case may be; and

(b) eZinqoleni local municipality and Hibiscus Coast local municipality to the Ray Nkonyeni local municipality, is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

(i) to give priority in the structuring and management of the Umdoni local municipality, eThekweni metropolitan municipality and Ray Nkonyeni local municipality's administration, as the case may be, and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and

(ii) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2)(a) For the purposes of this paragraph, a function includes a power and a duty.

(b) An employee referred to in—

(i) sub-paragraph (1)(a) is transferred to the uMdoni local municipality or the eThekweni metropolitan municipality, as the case may be; and

(ii) sub-paragraph (1)(b) is transferred to the Ray Nkonyeni local municipality,

on terms and conditions no less favourable than those under which such employee served immediately before the effective date.

**Continued application of by-laws of Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality**

14.(1) All by-laws, regulations and resolutions that apply in the jurisdictional area of the —

(a) Vulamehlo local municipality; immediately before the effective date, continue to apply in such areas that have, as contemplated in paragraph 4(1) of Part 1 of this Schedule, been included in the jurisdictional areas of the uMdoni local municipality and the eThekweni metropolitan municipality, as the case may be, from the

effective date subject to any amendment or repeal by the councils of such municipalities, as contemplated in paragraph 9(3)(a)(i)(cc) of Part 1 of this Schedule; and  
 (b) eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the Ray Nkonyeni local municipality, as contemplated in paragraph 9(3)(a)(ii)(cc) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation or resolution to the—

- (a) Vulamehlo local municipality must be construed as a reference to the uMdoni local municipality or the eThekweni metropolitan municipality, as the case may be;
- (b) eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, must be construed as a reference to the Ray Nkonyeni local municipality; and
- (c) structure or functionary in the administrative unit of the—
  - (i) Vulamehlo local municipality must be construed as a reference to the corresponding structure or functionary in the administration of the uMdoni local municipality or the eThekweni metropolitan municipality, as the case may be; and
  - (ii) eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Ray Nkonyeni local municipality.

**Change management relating to Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality**

**15.(a)** Any recommendation or decision taken by a Change Management Committee established in respect of the Vulamehlo local municipality by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the uMdoni local municipality, eThekweni Metropolitan municipality, as the case may be, within a period not exceeding three months after the effective date.

(b) municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be implemented by the municipal council of the Ray Nkonyeni local municipality, within a period not exceeding three months after the effective date

**Consequences of disestablishment of Vulamehlo local municipality**

**16.** The MEC must, within a period not exceeding three months after the effective date, by notice in the *Provincial Gazette*, publish, in accordance with section 14(5) of the Act, a determination regulating the legal, practical, financial and other consequences resulting from the disestablishment of the Vulamehlo local municipality.

**Savings**

**17.(a)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(b) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

**Validation**

**18.** All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## PART 2

### Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of Ugu continues to exist for the district municipal area DC21 as a whole.

### Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

### Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

### Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as–

- (a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and
- (b) redetermined in accordance with–
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

### Name

5. The name of the district municipality is Ugu District Municipality.

### Councillors

6.(1) The council of the district municipality consists of 35 councillors, of whom–

- (a) 14 are proportionally elected councillors;
- (b) four are appointed by the local municipality mentioned in Part 3 of this Schedule;
- (c) four are appointed by the local municipality mentioned in Part 4 of this Schedule;
- (d) three are appointed by the local municipality mentioned in Part 5 of this Schedule; and
- (e) ten are appointed by the local municipality mentioned in Part 6 of this Schedule.

(2) A total of eight councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) five Executive Committee members.

**Seat of municipality**

7. The seat of the municipality is the Ugu Municipal Offices in Port Shepstone.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN212 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMdoni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 37 councillors of whom—  
(a) 18 are proportionally elected councillors; and  
(b) 19 are ward councillors.

(2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) one Executive Committee member.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 19 wards with boundaries as determined in Provincial Notice 71 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1427).

**Seat of the municipality**

8. The seat of the municipality is the uMdoni Municipal Offices in Scottburgh.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN213 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMzumbe Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 39 councillors of whom—  
(a) 19 are proportionally elected councillors; and  
(b) 20 are ward councillors.

(2) A total of eight councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) five Executive Committee members.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 20 wards with boundaries as determined in Provincial Notice 66 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1422).

**Seat of municipality**

8. The seat of the municipality is the uMzumbe Municipal Offices in uMthwalume.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN214 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is uMuziwabantu Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 20 councillors of whom—  
(a) 10 are proportionally elected councillors; and  
(b) 10 are ward councillors.

(2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) one Executive Committee member.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 10 wards with boundaries as determined in Provincial Notice 99 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1447).

**Seat of municipality**

8. The seat of the municipality is the uMuziwabantu Municipal Offices in Harding.

**PART 6****Establishment of local municipality**

1. For that part of the district municipal area determined in the demarcation notice as KZN216, a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Ray Nkonyeni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 71 councillors, of whom—

- (a) 35 are proportionally elected councillors; and
- (b) 36 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 36 wards with boundaries as determined in Provincial Notice 62 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1418).

**Seat of municipality**

8. The seat of the municipality is the Ray Nkonyeni Municipal Offices in Port Shepstone.

**ANNEXURE A****NOTICES REPEALED**

(Paragraph 8 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	Amendment Act, 2000: Establishment of Municipalities: Amendments	
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1245, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umzumbe Municipality	The whole
PN 1246, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Ezingoleni Municipality	The whole
PN 1247, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umuziwabantu Municipality	The whole
PN 1248, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Vulamehlo Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 1129, 2006 (PG 6493 of 13 July 2006)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillors: Vulamehlo Municipality	The whole
PN 1275, 2006 (PG 6497 of 3 August 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Umdoni Municipality	The whole
PN 1276, 2006 (PG 6497 of 3 August 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Umdoni Municipality	The whole
PN 379, 2007 (PG 46 of 1 November 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors: Umzumbe Municipality	The whole
PN 181, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Ugu District Municipality and the Local	The whole



<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	Municipalities in its Area of Jurisdiction	
PN 156, 2011 (PG 685 of 29 December 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of One Additional Full-time Member of the Executive Committee Vulamehlo Municipality	The whole
PN 31, 2012 (PG 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Two Additional Executive Committee Members - Umzumbe Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) in their respective local areas:</b>
DC21	Ugu District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZ212	Umdoni Municipality	No district functions allocated to the local municipality to perform in its local area
KZ213	Umzumbe Municipality	No district functions allocated to the local municipality to perform in its local area
KZ214	uMuziwabantu Municipality	84(1)(f) – municipal roads 84(1)(j) – fire fighting services 84(1)(n) – municipal public works relating to the above functions

**UMGUNGUNDLOVU DISTRICT MUNICIPALITY  
(DC 22)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
ESTABLISHMENT OF MUNICIPALITIES (DC22, KZN221, KZN222, KZN223, KZN224, KZN225, KZN226, KZN227)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

**1.** In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the uMshwathi, uMngeni, Mpofana, Impendle, Msunduzi, Mkhambathini and Richmond municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

### **Continued existence of district and related local municipalities**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the uMgungundlovu District Municipality and its constituent local municipalities as set out in Parts 3 to 9 of this Schedule remain as determined in the notices set out in Annexure 1, subject to amendments contemplated in–

(a) Demarcation numbers DEM 2330, DEM 2411, DEM 2444, DEM 4036, DEM 4054, DEM 4128, DEM 4132, DEM 4140, DEM 4164, DEM 4182, DEM 4301, DEM 4308, DM 445, DEM 453, DEM 482, and DEM 493 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) Demarcation numbers DEM 2330, DEM 2411, DEM 2444, DEM 4036, DEM 4054, DEM 4128, DEM 4132, DEM 4164, DEM 4182, DEM 4301, DEM 4308, DM 445, DEM 453, DEM 482, and DEM 493 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);

(c) Demarcation number DEM 4140 in General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and

(d) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

### **Division of powers and functions**

3. The division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 9,

are set out in Annexure B.

### **Amendment of Notice**

4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

### **Status**

5. A municipality has the legal status accorded to such municipality in terms of national legislation.

### **Repeal**

6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

## **CHAPTER 2: TRANSITIONAL MEASURES**

### **Legal succession**

7. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(c) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052),

is the successor in law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notices, policies or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

#### **Continued operation of municipality**

**8.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

**9.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

**10.(1)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

**11.** All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## PART 2

### Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMgungundlovu continues to exist for the district municipal area DC22 as a whole.

### Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

### Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

### Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
  - (iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052).

### Name

5. The name of the district municipality is uMgungundlovu District Municipality.

### Councillors

6.(1) The council of the district municipality consists of 45 councillors, of whom—

- (a) 18 are proportionally elected councillors;
- (b) three are appointed by the local municipality as contemplated in Part 3 of this Schedule;
- (c) two are appointed by the local municipality as contemplated in Part 4 of this Schedule; (d) one is appointed by the local municipality as contemplated in Part 5 of this Schedule;
- (e) one is appointed by the local municipality as contemplated in Part 6 of this Schedule;
- (f) 17 are appointed by the local municipality as contemplated in Part 7 of this Schedule;
- (g) one is appointed by the local municipality as contemplated in Part 8 of this Schedule; and
- (h) two are appointed by the local municipality as contemplated in Part 9 of this Schedule.

(2) A total of 11 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;

- (d) six Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Committee Chairperson.

**Seat of municipality**

7. The seat of the municipality is the uMgungundlovu Municipal Offices in Pietermaritzburg.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN221 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
  - (b) redetermined in accordance with—
    - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
    - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMshwathi Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 27 councillors, of whom—

- (a) 13 are proportionally elected councillors; and
- (b) 14 are ward councillors.

(2) A total of six councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) three Executive Committee members.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 65 dated 27 July 2015 (*Provincial Gazette* No. 1421).

**Seat of municipality**

8. The seat of the municipality is the uMshwathi Municipal Offices in New Hanover.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN222 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMngeni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 23 councillors of whom—  
(a) 11 are proportionally elected councillors; and  
(b) 12 are ward councillors.

(2) A total of five councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker; and
- (b) three Executive Committee members.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 12 wards with boundaries as determined in Provincial Notice 43 dated 29 September 2015 (*Provincial Gazette* No. 1502).

**Seat of municipality**

8. The seat of the municipality is the uMngeni Municipal Offices in Howick.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN223 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a plenary executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Mpofana Municipality.

**Councillors**

6.(1) The council of the local municipality consists of nine councillors, of whom—  
(a) four are proportionally elected councillors; and  
(b) five are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Speaker/Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has five wards with boundaries as determined in Provincial Notice 199 dated 11 November 2015 (*Provincial Gazette* No. 1545).

**Seat of municipality**

8. The seat of the municipality is the Mpofana Municipal Offices in Mooi River.

**PART 6****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN224 continues to exist as a local municipality.



**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a plenary executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Impendle Municipality.

**Councillors**

6.(1) The council of the local municipality consists of seven councillors, of whom—  
(a) three are proportionally elected councillors; and  
(b) four are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Speaker/Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has four wards with boundaries as determined in Provincial Notice 44 dated 29 September 2015 (*Provincial Gazette* No. 1505).

**Seat of municipality**

8. The seat of the municipality is the Impendle Municipal Offices in Impendle.

**PART 7****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN225 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
  - (b) redetermined in accordance with–
    - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
    - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Msunduzi Municipality.

**Councillors**

- 6.(1) The council of the local municipality consists of 78 councillors, of whom–
- (a) 39 are proportionally elected councillors; and
  - (b) 39 are ward councillors.
- (2) A total of 13 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:
- (a) Speaker;
  - (b) Mayor;
  - (c) Deputy Mayor;
  - (d) eight Executive Committee members;
  - (e) Whip; and
  - (f) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 39 wards with boundaries as determined in Provincial Notice 100 dated 28 July 2015 (*Provincial Gazette* No. 1452).

**Seat of municipality**

8. The seat of the municipality is the Msunduzi Municipal Offices in Pietermaritzburg.

**PART 8****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN226 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
  - (b) redetermined in accordance with–
    - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
    - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
    - (iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052).

**Name**

5. The name of the local municipality is Mkhambathini Municipality.

**Councillors**

- 6.(1) The council of the local municipality consists of 14 councillors, of whom–
- (a) seven are proportionally elected councillors; and
  - (b) seven are ward councillors.
- (2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:
- (a) Speaker;
  - (b) Mayor;
  - (c) Deputy Mayor; and
  - (e) one Executive Committee member.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 102 dated 28 July 2015 (*Provincial Gazette* No. 1456).

**Seat of municipality**

8. The seat of the municipality is the Mkhambathini Municipal Offices in Camperdown.

**PART 9****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A that part of the district municipal area determined in the demarcation notice as KZN227 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

- (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Richmond Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 14 councillors, of whom–

- (a) seven are proportionally elected councillors; and
- (b) seven are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 61 dated 27 July 2015 (*Provincial Gazette* No. 1417).

**Seat of municipality**

8. The seat of the municipality is the Richmond Municipal Offices in Richmond.

**ANNEXURE A**

**NOTICES REPEALED**

(Paragraph 6 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 352, 2000 (PG 5571 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 22, KZ 221, KZ 222, KZ 223, KZ 224, KZ 225, KZ 226, KZ 227, KZDMA 22)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2000 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 299, 2000 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (PG 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 257, 2002 (PG 6114 of 11 July 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Act	The whole
PN 350, 2002 (PG 6127 of 19 September 2002)	Notice in terms of Section 17 of the Local Government: Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000): Amendment to Notice Issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1261, 2004 (PG 6293 of 7 October 2004)	Notice in terms of Section 16 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 1441, 2005 (PG 6424 of 18 August 2005)	Notice in terms of Section 18(4) read with Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Determination of Full Time Councillor: uMgungundlovu District Municipality	The whole
PN 1981, 2005 (PG 6438 of 20 October 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Msunduzi Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 53, 2008 (PG 78 of 28 February 2008)	Notice in terms of Sections 18(4) of the Local Government: Municipal Structures Act, 1998: Designation as Full-time Councillor: Impendle Municipality	The whole
PN 22, 2009 (PG 229 of 12 February 2009)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Mpofana Municipality.	The whole
PN 182, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the	The whole

<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
	uMgungundlovu District Municipality and the Local Municipalities in its Area of Jurisdiction	
PN 32, 2012 (PG 717 of 9 March 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Speaker, Deputy Mayor and Three Executive Committee Members - uMshwathi Municipality	The whole
MN 56, 2012 (PG 1408 of 4 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Msunduzi Municipality	The whole
MN 58, 2012 (PG 1408 of 4 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Whip – Msunduzi Municipality	The whole
MN 87, 2012 (PG 820 of 18 September 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Accounts Committee – Msunduzi Municipality	The whole
MN 13, 2013 (PG 905 of 26 February 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Account Committee – uMgungundlovu District Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
PN 36, 2015 (PG 1408 of 15 July 2015)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors – uMngeni Local Municipality	The whole

#### ANNEXURE B

##### DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:</b>
DC22	uMgungundlovu District Municipality	The following Schedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: - Local tourism (KZ227) - Fire fighting (KZ221, KZ222, KZ223, KZ224, KZ227)
KZN221	uMshwathi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN222	uMngeni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN223	Mpofana Municipality	No district functions allocated to the local municipality to perform in its local area
KZN224	Impendle Municipality	No district functions allocated to the local municipality to perform in its local area

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:
KZN225	Richmond Municipality	No district functions allocated to the local municipality to perform in its local area
KZN226	Msunduzi Municipality	84(1)(h) – municipal airports 84(1)(k) – fresh produce markets and abattoirs (Markets only) 84(1)(n) – municipal public works relating to the above functions
KZN227	Mkhambathini Municipality	No district functions allocated to the local municipality to perform in its local area

**UTHUKELA DISTRICT MUNICIPALITY  
(DC23)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: AMENDMENT OF MUNICIPALITIES (DC23, KZN232, KZN233, KZN234, KZN235, KZN236), DISESTABLISHMENT AND MERGER OF MUNICIPALITIES (KZN232, KZN233, KZN234, KZN236) AND ESTABLISHMENT OF NEW MUNICIPALITIES (KZN237, KZN238)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and have made provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the iNkosi Langalibalele, Alfred Duma and Okhahlamba municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**disestablished municipality**” means an existing municipality disestablished in terms of this Schedule;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);



“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**new municipality**” means a local municipality established in terms of this Schedule;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

### **Disestablishment of existing municipalities**

2. The existing municipalities of–

- (a) iMbabazane and uMtshezi are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of iNkosi Langalibalele local municipality, established in accordance with paragraph 3(1)(a) of Part 1 of this Schedule; and
- (b) Indaka and eMnambithi/Ladysmith are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Alfred Duma local municipality, established in accordance with paragraph 3(1)(b) of Part 1 of this Schedule.

### **Establishment of municipality**

3.(1) The–

- (a) iNkosi Langalibalele local municipality is hereby established for the local municipal area as set out in Part 4 of this Schedule; and
- (b) Alfred Duma local municipality is hereby established for the local municipal area as set out in Part 5 of this Schedule.

(2) The establishment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

### **Continued existence and amendment of district and related local municipalities**

4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the uThukela District Municipality and its constituent local municipalities as set out in Parts 3 to 5 of this Schedule remain as determined in the notices set out in Annexure A subject to–

- (a) amendments contemplated in–
  - (i) Demarcation numbers DEM 4141, DEM 4142, DEM 422, DEM 4295, and DEM 4298 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
  - (ii) Demarcation numbers DEM 4141, DEM 4142, DEM 422, DEM 4295, and DEM 4298 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
  - (iii) this Notice;
- (b) the disestablishment of iMbabazane local municipality (KZN 236), uMtshezi local municipality (KZN 234), Indaka local municipality (KZN 233), and eMnambithi/Ladysmith local municipality (KZN232), as contemplated in paragraph 2 of Part 1 of this Schedule; and
- (c) the establishment of the iNkosi Langalibalele local municipality and the Alfred Duma local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date, unless indicated otherwise in this Notice.

**Allocation and division of powers and functions**

5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions—

- (a) as provided for in sections 84 and 85 of the Act; and
- (b) between the district municipality and the local municipalities contemplated in Parts 2 to 5, are set out in Annexure B.

**Amendment of Notice**

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

**Status**

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

**Repeal**

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

**CHAPTER 2: TRANSITIONAL MEASURES****Legal succession**

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the iNkosi Langalibalele local municipality and the Alfred Duma local municipality, whose area of jurisdiction has been amended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notices, policies or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and
- (iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2)(a) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), iNkosi Langalibalele local municipality is the successor-in-law to the Imbabazane local municipality (KZN 236) and uMtshezi local municipality (KZN 234), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the iNkosi Langalibalele local municipality in accordance with paragraph 3(1)(a) of Part 1 of this Schedule: Provided that the iNkosi Langalibalele local municipality is allocated the following matters as regards its jurisdictional area:

- (i) any power, function or duty exercised, performed or carried out by the iMbabazane local municipality and uMtshezi local municipality prior to their disestablishment;
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notices, policies or resolution of the Imbabazane local municipality and uMtshezi local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the iNkosi Langalibalele local municipality have been made applicable to its jurisdictional area

in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the Imbabazane local municipality and uMtshezi local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of iMbabazane local municipality or uMtshezi local municipality, as the case may be.

(b) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), Alfred Duma local municipality is the successor-in-law to the Indaka local municipality (KZN 233) and eMnambithi/Ladysmith local municipality (KZN 232), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Alfred Duma local municipality in accordance with paragraph 3(1)(b) of Part 1 of this Schedule: Provided that Alfred Duma local municipality is allocated the following matters as regards its jurisdictional area:

(i) any power, function or duty exercised, performed or carried out by the Indaka local municipality and eMnambithi/Ladysmith local municipality prior to their disestablishment;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notices, policies or resolution of the Indaka local municipality and eMnambithi/Ladysmith local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the Alfred Duma local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the Indaka local municipality and eMnambithi/Ladysmith local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of Indaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the Imbabazane local municipality, uMtshezi local municipality, Indaka local municipality and eMnambithi/Ladysmith local municipality, including the—

(i) transfer of staff;

(ii) transfer of assets, liabilities and administrative and other records; and

(iii) continued application of any by-laws, regulations and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the iNkosi Langalibalele local municipality or the Alfred Duma local municipality, as the case may be.

(b) For the purposes of this sub-paragraph—

(i) the provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and

(ii) the continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

**Continued operation of municipalities other than iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

**10.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 18(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the iNkosi Langalibalele local municipality and the Alfred Duma local municipality, continues—

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

**Transitional arrangements relating to municipalities**

11.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011 (Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

**Transfer of assets, rights, liabilities and obligations of iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

12.(1) The assets, rights, liabilities and obligations of—

- (a) iMbabazane local municipality and uMtshezi local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to iNkosi Langalibalele local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area; and
- (b) Indaka local municipality and eMnambithi/Ladysmith local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Alfred Duma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by—

- (a) Imbabazane local municipality and uMtshezi local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the iNkosi Langalibalele local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area; and
- (b) Indaka local municipality and eMnambithi/Ladysmith local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Alfred Duma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs—

- (a) (1)(a) and (2)(a) vest, as from the effective date, in the iNkosi Langalibalele local municipality; and
- (b) (1)(b) and (2)(b) vest, as from the effective date, in the Alfred Duma local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs—

- (a) (1)(a) and (2)(a) are hereby transferred as from the effective date to the iNkosi Langalibalele local municipality; and
- (b) (1)(b) and (2)(b) are hereby transferred as from the effective date to the Alfred Duma local municipality.

**Transfer of staff from iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

13.(1) The transfer of staff from the—

- (a) iMbabazane local municipality and uMtshezi local municipality to the iNkosi Langalibalele local municipality; and
- (b) Indaka local municipality and eMnambithi/Ladysmith local municipality to the Alfred Duma local municipality,

is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

- (i) to give priority in the structuring and management of the iNkosi Langalibalele or Alfred Duma local municipality's, as the case may be, administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and
- (ii) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2) Unless inconsistent with any of the provisions or obligations contemplated in sub-paragraph (1), the said staff are transferred, as from the effective date, to—

- (i) the iNkosi Langalibalele local municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date; and
- (ii) the Alfred Duma local municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date.

**Continued application of by-laws of iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

14.(1) All by-laws, regulations, notices, policies and resolutions that apply in the jurisdictional area of the—

- (a) iMbabazane local municipality or uMtshezi local municipality, as the case may be, immediately before the effective date, continue to apply in such areas from the effective date subject to any amendment or repeal by the council of the iNkosi Langalibalele local municipality; and
- (b) Indaka local municipality, or eMnambithi/Ladysmith local municipality, as the case may be, immediately before the effective date, continue to apply in such areas from the effective date subject to any amendment or repeal by the council of the Alfred Duma local municipality,

as contemplated in paragraph 9(3)(a)(iii) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, notices, policies or resolution to the—

- (a) iMbabazane local municipality or uMtshezi local municipality, as the case may be, must be construed as a reference to the iNkosi Langalibalele local municipality;
- (b) structure or functionary in the administration of the iMbabazane local municipality or uMtshezi local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the iNkosi Langalibalele local municipality;
- (c) Indaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be, must be construed as a reference to the Alfred Duma local municipality; and
- (d) structure or functionary in the administrative unit of the Indaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Alfred Duma local municipality.

**Change management relating to iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

15. Any recommendation or decision taken by a Change Management Committee established in respect of the municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which were adopted by the disestablished council and which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the iNkosi Langalibalele local

municipality or the Alfred Duma local municipality within a period not exceeding three months after the effective date.

**Consequences of disestablishment of iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality**

16. The MEC must, within a period not exceeding three months after the effective date, by notice in the *Provincial Gazette*, publish, in accordance with section 14(5) of the Act, a determination regulating the legal, practical, financial and other consequences resulting from the disestablishment of the iMbabazane local municipality, uMtshezi local municipality, Indaka local municipality, and eMnambithi/Ladysmith local municipality.

**Savings**

17.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

**Validation**

18. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

**PART 2**

**Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uThukela continues to exist for the district municipal area DC23 as a whole.

**Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure 1, the boundaries of the district municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and
- (b) redetermined in accordance with–
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the district municipality is uThukela District Municipality.

**Councillors**

- 6.(1) The council of the district municipality consists of 32 councillors, of whom–
- (a) 13 are proportionally elected councillors;
  - (b) three are appointed by the local municipality mentioned in Part 3 of this Schedule;
  - (c) ten are appointed by the local municipality mentioned in Part 4 of this Schedule; and
  - (d) six are appointed by the local municipality mentioned in Part 5 of this Schedule.
- (2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:
- (a) Speaker;
  - (b) Mayor;
  - (c) Deputy Mayor; and
  - (d) one Executive Committee member.

**Seat of municipality**

7. The seat of the municipality is the uThukela Municipal Offices in Ladysmith.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZ235 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Okhahlamba Municipality.

**Councillors**

- 6.(1) The council of the local municipality consists of 29 councillors of whom—
- (a) 14 are proportionally elected councillors; and
  - (b) 15 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure 1, the local municipality has 15 wards with boundaries as determined in Provincial Notice 67 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1423).

**Seat of municipality**

8. The seat of the municipality is the Okhahlamba Municipal Offices in Bergville.

**PART 4****Establishment of local municipality**

1. For that part of the district municipal area determined in the demarcation notice as KZN238 a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
  - (b) redetermined in accordance with—
    - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
    - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Alfred Duma Municipality.

**Councillors**

- 6.(1) The council of the local municipality consists of 72 councillors, of whom—
- (a) 36 are proportionally elected councillors; and
  - (b) 36 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor



**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 36 wards with boundaries as determined in Provincial Notice 103 dated July 2015 (*Extraordinary Provincial Gazette* No. 1457).

**Seat of municipality**

8. The seat of the municipality is the Alfred Duma Municipal Offices in Ladysmith.

**PART 5****Establishment of local municipality**

1. For that part of the district municipal area determined in the demarcation notice as KZN237 a local municipality is hereby established.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is iNkosi Langalibalele Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 46 councillors, of whom—  
(a) 23 are proportionally elected councillors; and  
(b) 23 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 23 wards with boundaries as determined in Provincial Notice 27 dated 28 July 2015 (*Extraordinary Provincial Gazette* No. 1455).

**Seat of municipality**

8. The seat of the municipality is the iNkosi Langalibalele Municipal Offices in Estcourt.

**ANNEXURE A**

**NOTICES REPEALED**  
(Paragraph 8 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 351, 2000 (PG 5570 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 23, KZ 232, KZ 233, KZ 234, KZ 235, KZ 236, KZDMA 23)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (PG 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 422, 2003 (PG 6180 of 12 June 2003)	Notice in terms of Section 17 of the Local Government; Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000): Amendment to Notices Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	No. 117 of 1998)	
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1244, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Okhahlamba Municipality	The whole
PN 1251, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Indaka Municipality	The whole
PN 1254, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umtshezi Municipality	The whole
PN 1637, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998.	The whole
PN 1811, 2005 (PG 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Emnambithi Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 29, 2006 (PG 6514 of 12 October 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Emnambithi Municipality	The whole
PN 2214, 2006 (PG 6528 of 21 December 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Indaka Municipality	The whole
PN 212, 2007 (PG 6540 of 15 February 2007)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Okhahlamba Municipality	The whole
PN 121, 2009 (PG 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Uthukela District Municipality	The whole
PN 183, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Uthukela District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 30, 2012 (PG 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Whip - Emnambithi/Ladysmith Local Municipality	The whole
MN 46, 2012 (PG 764 of 15 June 2012)	Local Government: Indaka Local Municipality: Determination of Deputy Mayor	The whole
MN 2, 2014 (PG 1084 of 21 January 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Emnambithi/Ladysmith Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:
DC23	Uthukela District Municipality	The following Schedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Fire fighting (KZN233 and KZN236)
KZN232	Emnambithi /Ladysmith Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN233	Indaka Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions
KZN234	Umtshezi Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN235	Okhahlamba Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions
KZN236	Imbabazane Municipality	84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions

**UMZINYATHI DISTRICT MUNICIPALITY  
(DC 24)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC24, KZN241, KZN242, KZN244, KZN245)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the eNdumeni, Nquthu, uMsinga and uMvoti municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

### **Continued existence of district and related local municipalities**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the uMzinyathi District Municipality and its constituent local municipalities as set out in Parts 2 to 6 of this Schedule remain as determined in the notices set out in Annexure 1, subject to amendments contemplated in—

- (a) Demarcation numbers DEM 2349, DEM 4143, DEM 4301 and DEM 482 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
- (b) Demarcation numbers DEM 2349, DEM 4143, DEM 4301 and DEM 482 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
- (c) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

### **Division of powers and functions**

3. The division of powers and functions—

- (a) as provided for in sections 84 and 85 of the Act; and
- (b) between the district municipality and the local municipalities contemplated in Parts 2 to 6, are set out in Annexure B.

### **Amendment of Notice**

4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

### **Status**

5. A municipality has the legal status accorded to such municipality in terms of national legislation.

### **Repeal**

6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

## **CHAPTER 2: TRANSITIONAL MEASURES**

### **Legal succession**

7. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor in law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

#### **Continued operation of municipality**

**8.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

**9.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

**10.(1)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

**11.** All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local

government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## PART 2

### Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMzinyathi continues to exist for the district municipal area DC24 as a whole.

### Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

### Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

### Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure 1, the boundaries of the district municipality are as—

- (a) determined in such repealed notices for the district municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

### Name

5. The name of the district municipality is uMzinyathi District Municipality.

### Councillors

6.(1) The council of the district municipality consists of 27 councillors, of whom—

- (a) 11 are proportionally elected councillors;
- (b) two are appointed by the local municipality as contemplated in Part 3 of this Schedule;
- (c) five are appointed by the local municipality as contemplated in Part 4 of this Schedule;
- (d) five are appointed by the local municipality as contemplated in Part 5 of this Schedule; and
- (e) four are appointed by the local municipality as contemplated in Part 6 of this Schedule.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

### Seat of municipality

7. The seat of the municipality is the uMzinyathi Municipal Offices in Dundee.

## PART 3

### Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN241 continues to exist as a local municipality.



**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the local municipality is eNdumeni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 13 councillors, of whom—  
(a) 6 are proportionally elected councillors; and  
(b) 7 are ward councillors.

(2) No councillors as contemplated in section 18(4) of the Act are designated as full-time councillors.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 98 dated 27 July 2015 (*Provincial Gazette* No. 1445).

**Seat of municipality**

8. The seat of the municipality is the eNdumeni Municipal Offices in Dundee.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN242 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the local municipality is Nquthu Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 33 councillors, of whom–

- (a) 16 are proportionally elected councillors; and
- (b) 17 are ward councillors.

(2) No councillors as contemplated in section 18(4) of the Act are designated as full-time councillors.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 17 wards with boundaries as determined in Provincial Notice 64 dated 27 July 2015 (*Provincial Gazette* No. 1420).

**Seat of municipality**

8. The seat of the municipality is the Nquthu Municipal Offices in Nquthu.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN244 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

- (a) determined in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with–
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMsinga Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 36 councillors, of whom–

- (a) 18 are proportionally elected councillors; and
- (b) 18 are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 18 wards with boundaries as determined in Provincial Notice 63 dated 27 July 2015 (*Provincial Gazette* No. 1419).

**Seat of municipality**

8. The seat of the municipality is the uMsinga Municipal Offices in Tugela Ferry.

**PART 6****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN245 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMvoti Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 27 councillors, of whom—  
(a) 13 are proportionally elected councillors; and  
(b) 14 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 198 dated 11 November 2015 (*Provincial Gazette* No. 1544).

**Seat of municipality**

8. The seat of the municipality is the uMvoti Municipal Offices in Greytown.

**ANNEXURE A**

**NOTICES REPEALED**  
(Paragraph 6 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 350, 2000 (PG 5569 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC24, KZ241, KZ242, KZ244, KZ245)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 219, 2002 (PG 6110 of 20 June 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Act	The whole
PN 329, 2002 (PG 6125 of 5 September 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act	The whole

<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
	No. 117 of 1998)	
PN 1250, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Endumeni Municipality	The whole
PN 1252, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umvoti Municipality	The whole
PN 1253, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Msinga Municipality	The whole
PN 1638, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998.	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 184, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Umzinyathi District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 93, 2011 (PG 632 of 5 September 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors in the Abaqulusi and Umvoti Municipalities	The whole
MN 62, 2012 (PG 785 of 18 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Speaker - Umzinyathi District Municipality	The whole
PN 28, 2013 (PG 902 of 18 February 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Deputy Mayor- Msinga Local Municipality	The whole
MN 135, 2014 (PG 1246 of 8 October 2014)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor and Deputy Mayor of the Nquthu Local Municipality as Full-time	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

**ANNEXURE B**

**DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)**

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:</b>
DC24	Umzinyathi District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN241	Endumeni Municipality	84(1)(h) – municipal airports
KZN242	Nquthu Municipality	No district functions allocated to the local municipality to perform in its

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:
		local area
KZN244	Msinga Municipality	No district functions allocated to the local municipality to perform in its local area
KZN245	Umvoti Municipality	No district functions allocated to the local municipality to perform in its local area

**AMAJUBA DISTRICT MUNICIPALITY  
(DC 25)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC25, KZN252, KZN253, KZN254)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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–

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the Newcastle, eMahlangueni and Dannhauser municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Continued existence of district and related local municipalities**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the Amajuba District Municipality and its constituent local municipalities as set out in Parts 2 to 5 of this Schedule remain as determined in the notices set out in Annexure 1, subject to amendments contemplated in—

- (a) Demarcation numbers DEM 2408 and DEM 422 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
- (b) Demarcation numbers DEM 2408 and DEM 422 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
- (c) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Division of powers and functions**

3. The division of powers and functions—

- (a) as provided for in sections 84 and 85 of the Act; and
- (b) between the district municipality and the local municipalities contemplated in Parts 2 to 5, are set out in Annexure B.

#### **Status**

4. A municipality has the legal status accorded to such municipality in terms of national legislation.

#### **Repeal**

5. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

### **CHAPTER 2: TRANSITIONAL MEASURES**

#### **Legal succession**

6. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policy and resolutions of the



municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

#### **Continued operation of municipality**

7. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

8.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

9.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

10. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

**PART 2****Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of Amajuba continues to exist for the district municipal area DC25 as a whole.

**Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the district municipality is Amajuba District Municipality.

**Councillors**

6.(1) The council of the district municipality consists of 27 councillors, of whom—

- (a) 11 are proportionally elected councillors;
- (b) 12 are appointed by the local municipality as contemplated in Part 3 of this Schedule;
- (c) one is appointed by the local municipality as contemplated in Part 4 of this Schedule; and
- (d) three are appointed by the local municipality as contemplated in Part 5 of this Schedule.

(2) A total of six councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) 3 Executive Committee members.

**Seat of municipality**

7. The seat of the municipality is the Amajuba Municipal Offices in Newcastle.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN252 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
  - (b) redetermined in accordance with–
    - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
    - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Newcastle Municipality.

**Councillors**

- 6.(1) The council of the local municipality consists of 67 councillors, as determined in Notice No 144 dated 31 October 2014, of whom–
- (a) 33 are proportionally elected councillors; and
  - (b) 34 are ward councillors.
- (2) The following 12 councillors are designated as full-time councillors in terms of section 18(4) of the Act:
- (a) Speaker;
  - (b) Mayor;
  - (c) Deputy Mayor;
  - (d) 7 Executive Committee members;
  - (e) Whip; and
  - (f) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 34 wards with boundaries as determined in Provincial Notice 92 dated 27 July 2015 (*Provincial Gazette* No. 1448).

**Seat of municipality**

8. The seat of the municipality is the Newcastle Municipal Offices in Newcastle.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN253 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a plenary executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and re-determined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is eMadlangeni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 11 councillors of whom–

- (a) five are proportionally elected councillors; and
- (b) six are ward councillors.

(2) No councillors are designated as full-time councillors, in terms of section 18(4) of the Act

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has six wards with boundaries as determined in Provincial Notice 72 dated 27 July 2015 (*Provincial Gazette* No. 1428).

**Seat of municipality**

8. The seat of the municipality is the eMadlangeni Municipal Offices in Utrecht.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN254 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Dannhauser Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 25 councillors, of whom—

- (a) 12 are proportionally elected councillors; and
- (b) 13 are ward councillors.

(2) A total of two councillors are designated as full-time councillors, in terms of section 18(4) of the Act:

- (a) Speaker; and
- (b) Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure 1, the local municipality has 13 wards with boundaries as determined in Provincial Notice 68 dated 27 July 2015 (*Provincial Gazette* No. 1424).

**Seat of municipality**

8. The seat of the municipality is the Dannhauser Municipal Offices in Dannhauser.

**ANNEXURE A**

**NOTICES REPEALED**

(Paragraph 6 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
MN 24 (PG 5415 of 10 May 2000)	Notice in terms of Section 21 of the Local Government: Municipal Demarcation Act, 1998 and the Board's Proposals for Municipal Boundaries Extending Across Provincial Boundaries Envisaged in Section (6A) of the Constitution, 1996 Boundaries of Category A, B and C Municipalities	The whole
MN 117 (PG 5506 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ252	The whole
MN 118 (PG 5507 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ253	The whole
MN 119 (PG 5508 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ254	The whole
PN 349, 2000 (PG 5568 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 25, KZ 252, KZ 253, KZ 254)	The whole
PN 353, 2000 (PG 5573 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (PG 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 203, 2005 (PG 6322 of 10 February 2005)	Notice in terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to notice issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 1243, 2005 (PG 6417 of 21 July 2005)	Notice in terms of section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Utrecht Municipality	The whole
PN 1256, 2005 (PG 6417 of 21 July 2005)	Notice in terms of section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Dannhauser Municipality	The whole
PN 1639, 2005 (PG 6429 of 8 September 2005)	Notice in terms of section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board – Notice for general information	The whole
PN 1480, 2006 (PG 6504 of 31 August 2006)	Notice in terms of section 16(3)(B) of the Local Government: Municipal Structures Act, 1998 – Utrecht Municipality	The whole

<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
PN 388, 2007 (PG 51 of 22 November 2007)	Notice in terms of section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of full-time councillor: Newcastle Municipality	The whole
PN 185, 2010 (PG 514 of 21 October 2010)	Notice in terms of section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the number of councillors for the Amajuba District Municipality and the local municipalities in its area of jurisdiction	The whole
MN 144 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
PN 211, 2015 (PG 1576 of 24 December 2015)	Notice in terms of section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Determination of full-time councillor – Newcastle Local Municipality	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas, and the local municipalities perform the following district functions defined in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:</b>
DC25	Amajuba District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN252	Newcastle Municipality	84(1)(h) – municipal airports
KZN253	Emadlangeni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN254	Dannhauser Municipality	No district functions allocated to the local municipality to perform in its local area

**ZULULAND DISTRICT MUNICIPALITY  
(DC 26)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC26, KZN261, KZN262, KZN263, KZN265, KZN266)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

**1.** In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the eDumbe, uPhongolo, AbaQulusi, Nongoma and Ulundi municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;



“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

### **Continued existence of district and related local municipalities**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the Zululand District Municipality and its constituent local municipalities as set out in Parts 2 to 7 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in—

- (a) Demarcation number DEM 458 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
- (b) Demarcation number DEM 458 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
- (c) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

### **Division of powers and functions**

3. The division of powers and functions—

- (a) as provided for in sections 84 and 85 of the Act; and
- (b) between the district municipality and the local municipalities contemplated in Parts 2 to 7, are set out in Annexure B.

### **Amendment of Notice**

4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

### **Status**

5. A municipality has the legal status accorded to such municipality in terms of national legislation.

### **Repeal**

6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

## **CHAPTER 2: TRANSITIONAL MEASURES**

### **Legal succession**

7. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

#### **Continued operation of municipality**

**8.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

**9.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

**10.(1)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

**11.** All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local

government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## PART 2

### Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of Zululand continues to exist for the district municipal area DC26 as a whole.

### Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

### Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

### Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

### Name

5. The name of the district municipality is Zululand District Municipality.

### Councillors

6.(1) The council of the district municipality consists of 36 councillors, of whom—

- (a) 15 are proportionally elected councillors;
- (b) two are appointed by the local municipality as contemplated in Part 3 of this Schedule;
- (c) three are appointed by the local municipality as contemplated in Part 4 of this Schedule;
- (d) six are appointed by the local municipality as contemplated in Part 5 of this Schedule;
- (e) five are appointed by the local municipality as contemplated in Part 6 of this Schedule; and
- (f) five are appointed by the local municipality as contemplated in Part 7 of this Schedule.

(2) A total of eight councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) five Executive Committee members.

### Seat of municipality

7. The seat of the municipality is the Zululand Municipal Offices in Ulundi.

## PART 3

### Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN261 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is eDumbe Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 16 councillors, of whom—

- (a) eight are proportionally elected councillors; and
- (b) eight are ward councillors.

(2) A total of two councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker; and
- (b) Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has eight wards with boundaries as determined in Provincial Notice 75 dated 27 July 2015 (*Provincial Gazette* No. 1431).

**Seat of municipality**

8. The seat of the municipality is the eDumbe Municipal Offices in Paulpietersburg.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN262 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area;

and

(b) redetermined in accordance with–

- (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

#### **Name**

5. The name of the local municipality is uPhongolo Municipality.

#### **Councillors**

6.(1) The council of the local municipality consists of 29 councillors, of whom–

- (a) 14 are proportionally elected councillors; and
- (b) 15 are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Speaker.

#### **Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 15 wards with boundaries as determined in Provincial Notice 79 dated 27 July 2015 (*Provincial Gazette* No. 1435).

#### **Seat of municipality**

8. The seat of the municipality is the uPhongolo Municipal Offices in Pongola.

### **PART 4**

#### **Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN263 continues to exist as a local municipality.

#### **Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

#### **Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

#### **Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

- (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is AbaQulusi Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 44 councillors, of whom—

- (a) 22 are proportionally elected councillors; and
- (b) 22 are ward councillors.

(2) A total of 11 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) six Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 22 wards with boundaries as determined in Provincial Notice 73 dated 27 July 2015 (*Provincial Gazette* No. 1429).

**Seat of municipality**

8. The seat of the municipality is the AbaQulusi Municipal Offices in Vryheid.

**PART 6****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN265 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Nongoma Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 42 councillors, of whom—

- (a) 21 are proportionally elected councillors; and

(b) 21 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

#### **Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 21 wards with boundaries as determined in Provincial Notice 95 dated 27 July 2015 (*Provincial Gazette* No. 1436).

#### **Seat of municipality**

8. The seat of the municipality is the Nongoma Municipal Offices in Nongoma.

### **PART 7**

#### **Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN266 continues to exist as a local municipality.

#### **Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

#### **Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

#### **Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

#### **Name**

5. The name of the local municipality is Ulundi Municipality.

#### **Councillors**

6.(1) The council of the local municipality consists of 47 councillors, of whom—

- (a) 23 are proportionally elected councillors; and
- (b) 24 are ward councillors.

(2) A total of 12 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) seven Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 24 wards with boundaries as determined in Provincial Notice 83 dated 27 July 2015 (*Provincial Gazette* No. 1434).

**Seat of municipality**

8. The seat of the municipality is the Ulundi Municipal Offices in Ulundi.

**ANNEXURE A****NOTICES REPEALED**

(Paragraph 6 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 348, 2000 (PG 5567 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 26, KZ 261, KZ 262, KZ 263, KZ 265, KZ 266)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (PG 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act	The whole



<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	No. 117 of 1998)	
PN 472, 2002 (PG 6145 of 5 December 2002)	Notice in terms of Section 17 of the Local Government: Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1642, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Edumbe Municipality	The whole
PN 1643, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Nongoma Municipality	The whole
PN 1644, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Uphongolo Municipality	The whole
PN 1810, 2005 (PG 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Abaqulusi Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 396, 2007 (PG 56 of 6 December 2007)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 - Edumbe Municipality	The whole
PN 186, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Zululand District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 69, 2011 (PG 604 of 13 July 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Designation of Full-time Whip-Ulundi Municipality	The whole
PN 93, 2011 (PG 632 of 5 September 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors in the Abaqulusi and Umvoti Municipalities	The whole
PN 23, 2012 (PG 707 of 15 February 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Speaker - Uphongolo Municipality	The whole
MN 45, 2013 (PG 764 of 15 June 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Chief Whip - Abaqulusi Local Municipality	The whole
MN 60, 2012 (PG 782 of 13 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Mayor and Deputy Mayor – Nongoma Municipality	The whole
MN 99, 2012 (PG 845 of 7 November 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998:	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	Determination of Mayor and Speaker – eDumbe Municipality	
MN 38, 2013 (PG 947 of 10 May 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Chairperson of the Municipal Public Accounts Committee - Ulundi Local Municipality	The whole
MN 1, 2014 (PG 1083 of 21 January 2014)	Notice in terms of Section 16(1)(d) of the Local Government: municipal Structures Act, 1998: Abaqulusi Local Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:</b>
DC26	Zululand District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN261	eDumbe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN262	uPhongolo Municipality	No district functions allocated to the local municipality to perform in its local area
KZN263	Abaqulusi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN265	Nongoma Municipality	No district functions allocated to the local municipality to perform in its local area
KZN266	Ulundi Municipality	No district functions allocated to the local municipality to perform in its local area

**UMKHANYAKUDE DISTRICT MUNICIPALITY  
(DC 27)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: AMENDMENT OF MUNICIPALITIES (DC27, KZN271, KZN272, KZN273, KZN274, KZN275), DISESTABLISHMENT AND MERGER OF MUNICIPALITIES (KZN273, KZN274) AND ESTABLISHMENT OF NEW MUNICIPALITY (KZN 276)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and have made provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the Big Five Hlabisa, uMhlabuyalingana, Jozini and Mtubatuba municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure 1 hereto;

“**disestablished municipality**” means an existing municipality disestablished in terms of this Schedule;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**new municipality**” means a local municipality established in terms of this Schedule;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Disestablishment of existing municipalities**

2. The existing municipalities of Big 5 False Bay and Hlabisa are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Big Five Hlabisa local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

#### **Establishment of municipality**

3.(1) The Big Five Hlabisa local municipality is hereby established for the local municipal area as set out in Part 6 of this Schedule.

(2) The establishment of the municipality contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Continued existence and amendment of district and related local municipalities**

4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the uMkhanyakude District Municipality and its constituent local municipalities as set out in Parts 3 to 6 of this Schedule remain as determined in the notices set out in Annexure 1, subject to—

(a) amendments contemplated in—

(i) Demarcation numbers DEM 4055 and DEM 4067 in General Notice No. 51 dated 8 August 2013

(*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 4055 and DEM 4067 in General Notice No. 57 dated 23 October 2013

(*Provincial Gazette* No. 1042); and

(iii) this Notice;

(b) the disestablishment of Big 5 False Bay local municipality (KZN 273) and Hlabisa local municipality (KZN 274) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Big Five Hlabisa (KZN276) local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date, unless indicated otherwise in this Notice.

#### **Allocation and division of powers and functions**

5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions—

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6,

are set out in Annexure B.

**Amendment of Notice**

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

**Status**

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

**Repeal**

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

**CHAPTER 2: TRANSITIONAL MEASURES****Legal succession**

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the KZN276 local municipality, whose area of jurisdiction has been amended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), KZN276 local municipality is the successor-in-law to the Big 5 False Bay local municipality (KZN 273) and Hlabisa local municipality (KZN 274), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Big Five Hlabisa local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Big Five Hlabisa local municipality is allocated the following matters as regards its jurisdictional area:

(i) any power, function or duty exercised, performed or carried out by the Big 5 False Bay local municipality and Hlabisa local municipality prior to their disestablishment;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the Big 5 False Bay local municipality and Hlabisa local municipality until such time as the by-laws, regulations, notice, policy and resolutions of the Big Five Hlabisa local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the Big 5 False Bay local municipality and Hlabisa local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of Big 5 False Bay local municipality and Hlabisa local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the Big 5 False Bay local municipality and Hlabisa local municipality, including–

- (i) the transfer of staff;
- (ii) the transfer of assets, liabilities and administrative and other records; and
- (iii) the continued application of any by-laws, regulations and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the Big Five Hlabisa local municipality.

(b) For the purposes of this sub-paragraph, the—

- (i) provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and
- (ii) continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

#### **Continued operation of municipalities other than Big 5 False Bay local municipality and Hlabisa local municipality**

**10.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 17(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the Big Five Hlabisa local municipality, continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,
 that applied to such municipality prior to the effective date.

#### **Transitional arrangements relating to municipalities**

**11.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Transfer of assets, rights, liabilities and obligations of Big 5 False Bay local municipality and Hlabisa local municipality**

**12.(1)** The assets, rights, liabilities and obligations of Big 5 False Bay local municipality and Hlabisa local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Big Five Hlabisa local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Big Five Hlabisa local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs (1) and (2) vest, as from the effective date, in the Big Five Hlabisa local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs (1) and (2) are hereby transferred as from the effective date to the Big Five Hlabisa local municipality.

#### **Transfer of staff from Big 5 False Bay local municipality and Hlabisa local municipality**

**13.(1)** The transfer of staff from the Big 5 False Bay local municipality and Hlabisa local municipality to the Big Five Hlabisa local municipality is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

- (a) to give priority in the structuring and management of the Big Five Hlabisa local municipality's administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and
- (b) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2) Unless inconsistent with any of the provisions or obligations contemplated in sub-paragraph (1), the said staff are transferred, as from the effective date.

#### **Continued application of by-laws of Big 5 False Bay local municipality and Hlabisa local municipality**

**14.(1)** All by-laws, regulations and resolutions that apply in the jurisdictional area of the Big 5 False Bay local municipality and Hlabisa local municipality, as the case may be, immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the Big Five Hlabisa local municipality, as contemplated in paragraph 9(3)(a)(iii) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, notice, policy or resolution to the—

- (a) Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, must be construed as a reference to the Big Five Hlabisa local municipality; and
- (b) structure or functionary in the administration of the Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Big Five Hlabisa local municipality.

#### **Change management relating to Big 5 False Bay local municipality and Hlabisa local municipality**

**15.** Any recommendation or decision taken by a Change Management Committee established in respect of the municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which were adopted by the disestablished council and which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the Big Five Hlabisa local municipality within a period not exceeding three months after the effective date.

#### **Savings**

**16.(1)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

**Validation**

17. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

**PART 2****Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMkhanyakude continues to exist for the district municipal area DC27 as a whole.

**Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the district municipality is uMkhanyakude District Municipality.

**Councillors**

6.(1) The council of the district municipality consists of 31 councillors, of whom—

(a) 13 are proportionally elected councillors;

(b) five are appointed by the local municipality mentioned in Part 3 of this Schedule;

(c) five are appointed by the local municipality mentioned in Part 4 of this Schedule;

(d) five are appointed by the local municipality mentioned in Part 5 of this Schedule; and

(e) three are appointed by the local municipality mentioned in Part 6 of this Schedule.

(2) A total of six councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

(a) Speaker;

(b) Mayor;

(c) Deputy Mayor; and

(d) three Executive Committee members.



**Seat of municipality**

7. The seat of the municipality is the uMkhanyakude Municipal offices in Mkuze.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZ271 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and  
(b) redetermined in accordance with—  
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and  
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMhlabuyalingana Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 35 councillors of whom—  
(a) 17 are proportionally elected councillors; and  
(b) 18 are ward councillors.

(2) No councillors as contemplated in section 18(4) of the Act are designated as a full-time councillor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 18 wards with boundaries as determined in Provincial Notice 77 dated 27 July 2015 (*Provincial Gazette* No. 1433).

**Seat of the municipality**

8. The seat of the municipality is the uMhlabuyalingana Municipal Office in KwaNgwanase.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN272 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Jozini Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 40 councillors of whom—

- (a) 20 are proportionally elected councillors; and
- (b) 20 are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Speaker.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 20 wards with boundaries as determined in Provincial Notice 97 dated 27 July 2015 (*Provincial Gazette* No. 1440)

**Seat of municipality**

8. The seat of the municipality is the Jozini Municipal Offices in Jozini.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN275 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Mtubatuba Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 40 councillors of whom–

- (a) 20 are proportionally elected councillors; and
- (b) 20 are ward councillors.

(2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) one Executive Committee member.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 20 wards with boundaries as determined in Provincial Notice 87 dated 27 July 2015 (*Provincial Gazette* No. 1443).

**Seat of municipality**

8. The seat of the municipality is the Mtubatuba Municipal Offices in Mtubatuba.

**PART 6****Establishment of local municipality**

1. For that part of the district municipal area determined in the demarcation notice as KZN276, a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–  
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

- (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Big Five Hlabisa Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 25 councillors, of whom–

- (a) 12 are proportionally elected councillors; and
- (b) 13 are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor;

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 13 wards with boundaries as determined in Provincial Notice 101 dated 28 July 2015 (*Provincial Gazette* No. 1454).

**Seat of municipality**

8. The seat of the municipality is the Big Five Hlabisa Municipal Offices in Hlabisa.

**ANNEXURE A****NOTICES REPEALED**

(Paragraph 8 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 347, 2000 (PG 5566 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 27, KZ 271, KZ 272, KZ 273, KZ 274, KZ 275, KZDMA 27)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act,	The whole

<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
	1998: Establishment of Municipalities: Amendments	
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1439, 2005 (PG 6424 of 18 August 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Big 5 False Bay Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 187, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Umkhanyakude District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 49, 2011 (PG 582 of 16 May 2011)	Notice in terms of Section 17 read with Section 16(1)(g) of the Local Government: Municipal Structures Act, 1998: Re-determination of the Municipal Boundaries of the Hlabisa and Mtubatuba Municipalities and the Regulation of the Transfer of Staff, Assets, Rights, Liabilities and Obligations of the Hlabisa Municipality to the Mtubatuba Municipality	The whole
MN 144, 2011 (PG 1264 of 16 May 2011)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
MN 44, 2012 (PG 764 of 15 June 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Mayor, Deputy Mayor and Speaker - Mtubatuba Local Municipality	The whole
MN 83, 2012 (PG 764 of 14 September 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor - Jozini Municipality	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) in their respective local areas:</b>
DC27	Umkhanyakude District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN271	Umhlabuyalingana Municipality	No district functions allocated to the local municipality to perform in its local area
KZN272	Jozini Municipality	No district functions allocated to the local municipality to perform in its local area
KZN276	Hlabisa/Big Five Municipality	No district functions allocated to the local municipality to perform in its local area
KZN275	Mtubatuba Municipality	No district functions allocated to the local municipality to perform in

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) in their respective local areas:
		its local area

**UTHUNGULU DISTRICT MUNICIPALITY  
(DC 28)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC28, KZN281, KZN282, KZN284, KZN285, KZN286) AND DISESTABLISHMENT  
OF MUNICIPALITY (KZN283)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the uMfolozi, uMhlathuze, uMlalazi, Mthonjaneni and Nkandla municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**disestablished municipality**” means an existing municipality disestablished in terms of this Schedule;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

**“Municipal Public Accounts Committee”** means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

**“proportionally elected councillors”** means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

**“Provincial Gazette”** means the *Provincial Gazette* of the Province of KwaZulu-Natal;

**“this Notice”** means this Notice, including its Schedule and Annexures; and

**“ward councillor”** means a councillor elected to directly represent a ward.

#### **Disestablishment of existing municipalities**

2. The existing municipality of Ntambanana is disestablished with effect from the effective date.

#### **Continued existence and amendment of district and related local municipalities**

3.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the uThungulu District Municipality and its constituent local municipalities as set out in Parts 3 to 7 of this Schedule remain as determined in the notices set out in Annexure 1, subject to—

(a) amendments contemplated in—

(i) Demarcation numbers DEM 2436, DEM 4154, and DEM 4176 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 2436, DEM 4154, and DEM 4176 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice; and

(b) the disestablishment of Ntambanana local municipality (KZN 283) as contemplated in paragraph 2 of Part 1 of this Schedule

(2) The amendment and disestablishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Allocation and division of powers and functions**

4. Subject to the provisions of paragraph 8(3) of Part 1 of this Schedule, the allocation and division of powers and functions—

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 7,

are set out in Annexure B.

#### **Amendment of Notice**

5. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

#### **Status**

6. A municipality has the legal status accorded to such municipality in terms of national legislation.

#### **Repeal**

7. The notes mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.



**CHAPTER 2: TRANSITIONAL MEASURES****Legal succession**

8.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, whose area of jurisdiction has been extended by–

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the Ntambanana local municipality, including the–

- (i) transfer of staff;
- (ii) transfer of assets, liabilities and administrative and other records; and
- (iii) continued application of any by-laws, regulations, notice, policy and resolutions in the area of jurisdiction of the municipalities concerned and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the Mthonjaneni local municipality, uMhlatuze local municipality or the uMfolozi local municipality, as the case may be.

(b) For the purposes of this sub-paragraph,

- (i) the provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 4 of Part 1 of this Schedule; and
- (ii) the continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 4 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated before.

**Continued operation of municipalities other than Ntambanana local municipality**

9. Subject to the disestablishment of Ntambanana local municipality as contemplated in paragraph 2 of Part 1 of this Schedule, other provisions of this Notice, the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 15(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, continues–

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

**Transitional arrangements relating to municipalities**

10.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which–

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided

that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Consequences of disestablishment of Ntambanana local municipality**

**11.** The MEC must, within a period not exceeding three months after the effective date, by notice in the *Provincial Gazette*, publish, in accordance with section 14(5) of the Act, a determination regulating the legal, practical, financial and other consequences resulting from the disestablishment of the Ntambanana local municipality.

#### **Transfer of staff from Ntambanana local municipality**

**12.(1)** The transfer of staff from the Ntambanana local municipality to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

- (a) to give priority in the structuring and management of the Mthonjaneni local municipality, uMhlathuze local municipality and the uMfolozi local municipality's administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and
- (b) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

Provided that:

- (i) for the purposes of item (a), a function includes a power; and
- (ii) an employee referred to in item (a) or (b), as the case may be, is transferred to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, on terms and conditions no less favourable than those under which such employee served immediately before the effective date.

#### **Continued application of by-laws of Ntambanana local municipality**

**13.(1)** All by-laws, regulations, notice, policy and resolutions that apply in the area of the Ntambanana local municipality immediately before the effective date, continue to apply in such areas that have, as contemplated in paragraph 3(1) of Part 1 of this Schedule, been included in the jurisdictional areas of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, from the effective date subject to any amendment or repeal by the councils of such local municipalities.

(2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation, notice, policy or resolution to the—

- (a) Ntambanana local municipality must be construed as a reference to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be; and
- (b) structure or functionary of the Ntambanana local municipality must be construed as a reference to the corresponding structure or functionary in the administration of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be.

#### **Change management relating to Ntambanana local municipality**

**14.** Any recommendation or decision taken by a Change Management Committee established in respect of the Ntambanana local municipality by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, within a period not exceeding three months after the effective date.

**Savings**

15.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

**Validation**

16. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

**PART 2****Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uThungulu continues to exist for the district municipal area DC28 as a whole.

**Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the district municipality is uThungulu District Municipality.

**Councillors**

6.(1) The council of the district municipality consists of 41 councillors, of whom—

(a) 17 are proportionally elected councillors;

(b) four are appointed by the local municipality mentioned in Part 3 of this Schedule;

(c) ten are appointed by the local municipality mentioned in Part 4 of this Schedule;

(d) five are appointed by the local municipality mentioned in Part 5 of this Schedule;

- (e) two are appointed by the local municipality mentioned in Part 6 of this Schedule; and
- (f) three are appointed by the local municipality mentioned in Part 7 of this Schedule.

(2) A total of ten councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) five Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Chairperson.

#### **Seat of municipality**

7. The seat of the municipality is the uThungulu Municipal Offices in Richards Bay.

### **PART 3**

#### **Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZ281 continues to exist as a local municipality.

#### **Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

#### **Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

#### **Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

#### **Name**

5. The name of the local municipality is uMfolozi Municipality.

#### **Councillors**

6.(1) The council of the local municipality consists of 33 councillors of whom—

- (a) 16 are proportionally elected councillors; and
- (b) 17 are ward councillors.

(2) No councillors as contemplated in section 18(4) of the Act are designated as full-time councillors.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 17 wards with boundaries as determined in Provincial Notice 88 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1444).

**Seat of municipality**

8. The seat of the municipality is the uMfolozi Municipal Offices in KwaMbonambi.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN282 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with–
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMhlathuze Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 67 councillors of whom–

- (a) 33 are proportionally elected councillors; and
- (b) 34 are ward councillors.

(2) A total of 12 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker
- (b) Mayor;
- (c) Deputy Mayor;
- (d) seven Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 34 wards with boundaries as determined in Provincial Notice 90 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1446).

**Seat of municipality**

8. The seat of the municipality is the uMhlathuze Municipal Offices in Richards Bay.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN284 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is uMlalazi Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 54 councillors of whom—  
(a) 27 are proportionally elected councillors; and  
(b) 27 are ward councillors.

(2) A total of 12 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) eight Executive Committee members; and
- (e) Whip.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 27 wards with boundaries as determined in Provincial Notice 94 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1450).

**Seat of municipality**

8. The seat of the municipality is the uMlalazi Municipal Offices in Eshowe.

**PART 6****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN285 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Mthonjaneni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 25 councillors of whom—

- (a) 12 are proportionally elected councillors; and
- (b) 13 are ward councillors.

(2) No councillors as contemplated in section 18(4) of the Act are designated as full-time councillors.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 13 wards with boundaries as determined in Provincial Notice 85 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1441).

**Seat of municipality**

8. The seat of the municipality is the Mthonjaneni Municipal Offices in Melmoth.

**PART 7****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN286 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Nkandla Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 27 councillors of whom—  
 (a) 13 are proportionally elected councillors; and  
 (b) 14 are ward councillors.

(2) One councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 81 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1437).

**Seat of municipality**

8. The seat of the municipality is the Nkandla Municipal Offices in Nkandla.

**ANNEXURE A****NOTICES REPEALED**

(Paragraph 7 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 346, 2000 (PG 5565 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 28, KZ281, KZ 282, KZ 283, KZ 284, KZ 285, KZ 286)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of	The whole



<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
	Municipalities: Amendments	
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (PG 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 131, 2002 (PG 6099 of 25 April 2002)	Correction Notice: Notice Published in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1640, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 397, 2007 (PG 56 of 6	Notice in terms of Section 18(4) of	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
December 2007)	the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umlalazi Municipality	
PN 398, 2007 (PG 56 of 6 December 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umlalazi Municipality	The whole
PN 399, 2007 (PG 56 of 6 December 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umhlathuze Municipality	The whole
PN 94, 2009 (PG 275 of 21 May 2009)	Notice in terms of Section 16(1)(b) of the Local Government: Municipal Structures Act, 1998 - Mbonami Municipality	The whole
PN 123, 2009 (PG 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Uthungulu District Municipality	The whole
PN 188, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Uthungulu District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 154, 2011 (PG 683 of 22 December 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 177 of 1998): Determination of Whip - Uthungulu District Municipality	The whole
PN 167, 2013 (PG 1040 of 21 October 2013)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor - Nkandla Local Municipality	The whole
MN 6, 2014 (Extraordinary PG 1096 of 17 February 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Umhlathuze Municipality	The whole
MN 7, 2014 (Extraordinary PG 1097 of 17 February 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Umlalazi Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
MN 23, 2015 (Extraordinary PG 1309 of 12 February 2015)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 – Proposed Name Change of the Mfolozi	The whole

<i>Number and year of Notice</i>	<i>Title</i>	<i>Extent of repeal</i>
	Municipality	
MN 42, 2015 ( <i>Extraordinary PG</i> 1347 of 27 March 2015)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Four Additional Members of the Executive Committee of the Umlalazi Local Municipality As Full-time	The whole
MN 41, 2015 ( <i>Extraordinary PG</i> 1346 of 27 March 2015)	Determination in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998; Full-time Chairperson of the Uthungulu District Municipality Municipal Public Accounts Committee	The whole

**ANNEXURE B**

**DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)**

<b>Municipality No.</b>	<b>Name of Municipality</b>	<b>The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) in their respective local areas:</b>
DC28	Uthungulu District Municipality	The following Schedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Building regulations (KZN281) The following Schedule 5 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Licensing and control of undertakings that sell food to the public (KZN281, KZN286)
KZN281	Mbonambi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN282	uMhlathuze Municipality	84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN284	uMlalazi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN285	Mthonjaneni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN286	Nkandla Municipality	No district functions allocated to the local municipality to perform in its local area

**ILEMBE DISTRICT MUNICIPALITY  
(DC 29)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC29, KZN291, KZN292, KZN293, KZN294)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

**1.** In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the Mandeni, KwaDukuza, Ndwedwe, and Maphumulo municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Continued existence of district and related local municipalities**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the iLembe District Municipality and its constituent local municipalities as set out in Parts 2 to 6 of this Schedule remain as determined in the notices set out in Annexure 1, subject to amendments contemplated in this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Division of powers and functions**

3. The division of powers and functions—

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6,

are set out in Annexure B.

#### **Amendment of Notice**

4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

#### **Status**

5. A municipality has the legal status accorded to such municipality in terms of national legislation.

#### **Repeal**

6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

## **CHAPTER 2: TRANSITIONAL MEASURES**

#### **Continued operation of municipality**

7. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 9(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues—

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

8.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out, must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

9.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

10. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## **PART 2**

#### **Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of iLembe continues to exist for the district municipal area DC29 as a whole.

#### **Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

#### **Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

#### **Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

**Name**

5. The name of the district municipality is iLembe District Municipality.

**Councillors**

6.(1) The council of the district municipality consists of 32 councillors, of whom–

- (a) 13 are proportionally elected councillors;
- (b) four are appointed by the local municipality as contemplated in Part 3 of this Schedule;
- (c) eight are appointed by the local municipality as contemplated in Part 4 of this Schedule;
- (d) four are appointed by the local municipality as contemplated in Part 5 of this Schedule; and
- (e) three are appointed by the local municipality as contemplated in Part 6 of this Schedule.

(2) A total of six councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) three Executive Committee members.

**Seat of municipality**

7. The seat of the municipality is the iLembe District Municipal Offices in KwaDukuza.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN291 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Mandeni Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 35 councillors, of whom–

- (a) 17 are proportionally elected councillors; and
- (b) 18 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 18 wards with boundaries as determined in Provincial Notice 76 dated 27 July 2015 (*Provincial Gazette* No. 1432).

**Seat of municipality**

8. The seat of the municipality is the Mandeni Municipal Offices in Mandeni.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN292 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is KwaDukuza Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 57 councillors, of whom—

- (a) 28 are proportionally elected councillors; and
- (b) 29 are ward councillors.

(2) A total of 13 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) eight Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Committee Chairperson.



**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 29 wards with boundaries as determined in Provincial Notice 74 dated 27 July 2015 (*Provincial Gazette* No. 1430).

**Seat of municipality**

8. The seat of the municipality is the KwaDukuza Municipal Offices in Stanger.

**PART 3****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN293 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Ndwedwe Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 37 councillors, of whom—  
(a) 18 are proportionally elected councillors; and  
(b) 19 are ward councillors.

(2) A total of two councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker; and
- (b) Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 19 wards with boundaries as determined in Provincial Notice 69 dated 27 July 2015 (*Provincial Gazette* No. 1425).

**Seat of municipality**

8. The seat of the municipality is the Ndwedwe Municipal Offices in Ndwedwe.

**PART 6****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN294 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

**Name**

5. The name of the local municipality is Maphumulo Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 22 councillors, of whom—  
 (a) 11 are proportionally elected councillors; and  
 (b) 11 are ward councillors.

(2) A total of one councillor as contemplated in section 18(4) of the Act is designated as a full-time councillor, namely the Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 11 wards with boundaries as determined in Provincial Notice 70 dated 27 July 2015 (*Provincial Gazette* No. 1426).

**Seat of municipality**

8. The seat of the municipality is the Maphumulo Municipal Offices in Maphumulo.

**ANNEXURE A**

**NOTICES REPEALED**  
 (Paragraph 6 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 345, 2000 (PG 5564 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 29, KZ 291, KZ 292, KZ 293, KZ 294)	The whole
PN 353, 2000 (PG 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	212, KZ 213, KZ 214, KZ 215, KZ 216)	
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 269, 2002 (PG 6116 of 19 July 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notice Issued in terms of Section 12 of the Act	The whole
PN 369, 2002 (PG 6128 of 26 September 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Act	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1137, 2005 (PG 6415 of 7 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Ndwedwe Local Municipality	The whole
PN 1636, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 18(4) read with Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998 Determination of Full Time Councillor: Ndwedwe Municipality (KZ293)	The whole
PN 1641, 2005 (PG 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole
PN 1809, 2005 (PG 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 -	The whole

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
	Maphumulo Municipality	
PN 3461, 2005 (PG 6454 of 29 December 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 – Kwadukuza Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 1737, 2006 (PG 6512 of 5 October 2006)	Notice in terms of Section 16(3)(b) of the Local Government: Municipal Structures Act, 1998: Endondakusuka Municipality	The whole
PN 377, 2007 (PG 46 of 1 November 2007)	Notice in terms of Sections 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors: Kwadukuza Municipality	The whole
PN 120, 2009 (PG 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Ilembe District Municipality	The whole
PN 189, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Ilembe District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 48, 2011 (PG 583 of 16 May 2011)	Proposed Amendment Notice in terms of Section 17 read with Section 16(1)(g) of the Local Government: Municipal Structures Act, 1998: To Give Effect to the Redetermination of the Municipal Boundaries of Ndwedwe and Kwadukuza Municipalities and to Regulate the Transfer of Assets, Rights, Liabilities and Obligations, and Staff of Nwedwe Municipality to the Kwadukuza Municipality	The whole
PN 94, 2011 (PG 634 of 5 September 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Three Additional Full-time Members of the Executive Committee - Kwadukuza Municipality	The whole
PN 27, 2012 (PG 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Mayor - Mandeni Municipality	The whole
MN 84, 2012 (PG 818 of 14 September 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Accounts Committee - Kwadukuza Municipality	The whole
MN 111, 2013 (PG 1029 of 2 October 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Deputy Mayor - Mandeni Municipality	The whole
MN 144, 2014 (PG 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:
DC29	Ilembe District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN291	Mandeni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN292	KwaDukuza Municipality	84(1)(f) - municipal roads 84(1)(j) - fire fighting services 84(1)(l) - cemeteries 84(1)(n) - municipal public works relating to the above functions
KZN293	Ndwedwe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN294	Maphumulo Municipality	No district functions allocated to the local municipality to perform in its local area

**HARRY GWALA DISTRICT MUNICIPALITY  
(DC 43)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITIES (DC43, KZN433, KZN434, KZN435), DISESTABLISHMENT AND MERGER OF  
MUNICIPALITIES (KZN431, KZN432) AND ESTABLISHMENT OF NEW MUNICIPALITY (KZN436)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and have made provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**constituent local municipalities**” means the Dr. Nkosazana Dlamini Zuma, Greater Kokstad, uBuhlebezwe and uMzimkhulu municipalities;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**disestablished municipality**” means an existing municipality disestablished in terms of this Schedule;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**new municipality**” means a local municipality established in terms of this Schedule;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexures; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Disestablishment of existing municipalities**

2. The existing municipalities of Ingwe and KwaSani are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Dr. Nkosazana Dlamini Zuma local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

#### **Establishment of municipality**

3.(1) The Dr. Nkosazana Dlamini Zuma local municipality is hereby established for the local municipal area as set out in Part 6 of this Schedule.

(2) The establishment of the municipality contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Continued existence and amendment of district and related local municipalities**

4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the Harry Gwala District Municipality and its constituent local municipalities as set out in Parts 3 to 6 of this Schedule remain as determined in the notices set out in Annexure 1, subject to –

(a) amendments contemplated in–

(i) Demarcation numbers DEM 2405, DEM 2411, DEM 395, DEM 4132, DEM 4150, DEM 4182, DEM 449, and DEM 453 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 2405, DEM 2411, DEM 395, DEM 4132, DEM 4150, DEM 4182, DEM 449, and DEM 453 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice; and

(b) the disestablishment of KwaSani local municipality (KZN 432) and Ingwe local municipality (KZN 431) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Dr. Nkosazana Dlamini Zuma local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date,

#### **Allocation and division of powers and functions**

5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6, are set out in Annexure B.

**Amendment of Notice**

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

**Status**

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

**Repeal**

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

**CHAPTER 2: TRANSITIONAL MEASURES****Legal succession**

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the Dr. Nkosazana Dlamini Zuma local municipality, whose area of jurisdiction has been amended by—

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), Dr. Nkosazana Dlamini Zuma local municipality is the successor-in-law to the KwaSani local municipality (KZN 432) and Ingwe local municipality (KZN 431), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Dr. Nkosazana Dlamini Zuma local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Dr. Nkosazana Dlamini Zuma local municipality is allocated the following matters as regards its jurisdictional area:

(i) any power, function or duty exercised, performed or carried out by the KwaSani local municipality and Ingwe local municipality prior to their disestablishment;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the KwaSani local municipality and Ingwe local municipality until such time as the by-laws, regulations, notice, policy and resolutions of the Dr. Nkosazana Dlamini Zuma local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the KwaSani local municipality and Ingwe local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of KwaSani local municipality or Ingwe local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the KwaSani local municipality and Ingwe local municipality, including the—



- (i) transfer of staff;
- (ii) transfer of assets, liabilities and administrative and other records; and
- (iii) continued application of any by-laws, notices, policy, regulations, and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the Dr. Nkosazana Dlamini Zuma local municipality.

(b) For the purposes of this sub-paragraph,

- (i) the provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and
- (ii) the continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

#### **Continued operation of municipalities other than KwaSani local municipality and Ingwe local municipality**

**10.** Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 17(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the Dr. Nkosazana Dlamini Zuma local municipality, continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

#### **Transitional arrangements relating to municipalities**

**11.(1)** Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which—

- (a) was determined in such notices to be performed or carried out, as the case may be; and
- (b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted that in terms of the KwaZulu-Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Transfer of assets, rights, liabilities and obligations of Kwa Sani local municipality and Ingwe local municipality**

**12.(1)** The assets, rights, liabilities and obligations of Kwa Sani local municipality and Ingwe local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Dr. Nkosazana Dlamini Zuma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by KwaSani local municipality or Ingwe local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Dr. Nkosazana Dlamini Zuma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs (1) and (2) vest, as from the effective date, in the Dr. Nkosazana Dlamini Zuma local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs (1) and (2) are hereby transferred as from the effective date to the Dr. Nkosazana Dlamini Zuma local municipality.

**Transfer of staff from KwaSani local municipality and Ingwe local municipality**

**13.(1)** The transfer of staff from the KwaSani local municipality and Ingwe local municipality to the Dr. Nkosazana Dlamini Zuma local municipality is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

- (a) to give priority in the structuring and management of the Dr. Nkosazana Dlamini Zuma local municipality's administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and
- (b) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2) Unless inconsistent with any of the provisions or obligations contemplated in sub-paragraph (1), the said staff are transferred as from the effective date, to the xxx local municipality, on terms and conditions no less favourable than those under which such employee served immediately before the effective date.

**Continued application of by-laws of KwaSani local municipality and Ingwe local municipality**

**14.(1)** All by-laws, regulations, notices, policies and resolutions that apply in the jurisdictional area of the KwaSani local municipality or Ingwe local municipality, as the case may be, immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the Dr. Nkosazana Dlamini Zuma local municipality, as contemplated in paragraph 9(3)(a)(iii) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, notices, policies or resolutions to the—

- (a) KwaSani local municipality or Ingwe local municipality, as the case may be, must be construed as a reference to the Dr. Nkosazana Dlamini Zuma local municipality; and
- (b) structure or functionary in the administration of the KwaSani local municipality or Ingwe local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Dr. Nkosazana Dlamini Zuma local municipality.

**Change management relating to KwaSani local municipality and Ingwe local municipality**

**15.** Any recommendation or decision taken by a Change Management Committee established in respect of the municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which were adopted by the disestablished council and which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the Dr. Nkosazana Dlamini Zuma local municipality within a period not exceeding three months after the effective date.

**Savings**

**16.(1)** Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

**Validation**

17. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

**PART 2****Continued existence of district municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of Harry Gwala continues to exist for the district municipal area DC43 as a whole.

**Category**

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as—

(a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and

(b) redetermined in accordance with—

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the district municipality is Harry Gwala Municipality.

**Councillors**

6.(1) The council of the district municipality consists of 27 councillors, of whom—

(a) 11 are proportionally elected councillors;

(b) three are appointed by the local municipality mentioned in Part 3 of this Schedule;

(c) three are appointed by the local municipality mentioned in Part 4 of this Schedule;

(d) six are appointed by the local municipality mentioned in Part 5 of this Schedule; and

(e) four are appointed by the local municipality mentioned in Part 6 of this Schedule.

(2) A total of six councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor; and
- (d) three Executive Committee members.

#### **Seat of municipality**

7. The seat of the municipality is the Harry Gwala Municipal Offices in Ixopo.

### **PART 3**

#### **Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZ433 continues to exist as a local municipality.

#### **Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

#### **Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

#### **Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

#### **Name**

5. The name of the local municipality is Greater Kokstad Municipality.

#### **Councillors**

6.(1) The council of the local municipality consists of 19 councillors of whom—

- (a) nine are proportionally elected councillors; and
- (b) 10 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has ten wards with boundaries as determined in Provincial Notice 82 dated 27 July 2015 (*Provincial Gazette* No. 1438).

**Seat of municipality**

8. The seat of the municipality is the Greater Kokstad Municipal Offices in Kokstad.

**PART 4****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN434 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uBuhlebezwe Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 27 councillors of whom—

- (a) 13 are proportionally elected councillors; and
- (b) 14 are ward councillors.

(2) A total of four councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker; and
- (b) three Executive Committee members, two of whom are allocated to the Mayor and Deputy Mayor.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 86 dated 27 July 2016 (*Provincial Gazette* No. 1442).

**Seat of municipality**

8. The seat of the municipality is the uBuhlebezwe Municipal Offices in Ixopo.

**PART 5****Continued existence of local municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN435 continues to exist as a local municipality.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with—

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is uMzimkhulu Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 43 councillors of whom—

(a) 21 are proportionally elected councillors; and

(b) 22 are ward councillors.

(2) A total of seven councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

(a) Speaker;

(b) Mayor

(c) Deputy Mayor;

(d) three Executive Committee members; and

(e) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 22 wards with boundaries as determined in Provincial Notice 93 dated 27 July 2015 (*Provincial Gazette* No. 1449).

**Seat of municipality**

8. The seat of the municipality is the uMzimkhulu Municipal Offices in uMzimkhulu.

**PART 6****Establishment of local municipality**

1. For that part of the district municipal area determined in the demarcation notice as KZN436, a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

**Category**

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as—

- (a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
- (b) redetermined in accordance with—
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

**Name**

5. The name of the local municipality is Dr. Nkosazana Dlamini Zuma Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 29 councillors, of whom—

- (a) 14 are proportionally elected councillors; and
- (b) 15 are ward councillors.

(2) A total of three councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor; and
- (c) Deputy Mayor

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 15 wards with boundaries as determined in Provincial Notice 26 dated 28 July 2015 (*Provincial Gazette* No. 1453).

**Seat of municipality**

8. The seat of the municipality is the Dr. Nkosazana Dlamini Zuma Municipal Offices in Ingwe.

## ANNEXURE A

NOTICES REPEALED  
(Paragraph 8 of Part 1)

<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 344, 2000 (PG 5563 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC43, KZ5a1, KZ5a2, KZ5a3, KZ5a4, KZ5a5, KZDMA43)	The whole
PN 462, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (PG 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (PG 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 6, 2002 (PG 6079 of 17 January 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 47, 2002 (PG 6084 of 12 February 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act: Withdrawal of Notice	The whole
PN 149, 2002 (PG 6103 of 9 May 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 161, 2002 (PG 6105 of 16 May 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 468, 2002 (PG 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole



<b>Number and year of Notice</b>	<b>Title</b>	<b>Extent of repeal</b>
PN 494, 2003 (PG 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1133, 2005 (PG 6415 of 7 July 2005)	Notice in terms of Section 18(4) read with 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Greater Kokstad Municipality	The whole
PN 1193, 2005 (PG 6416 of 14 July 2005)	Notice in terms of Section 16(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Ingwe Municipality (KZSAL)	The whole
PN 1249, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Ubuhlebezwe Municipality	The whole
PN 1255, 2005 (PG 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Greater Kokstad Municipality	The whole
PN 1, 2006 (PG 6456 of 5 January 2006)	Amendment Notice in terms of Section 16 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 378, 2007 (PG 46 of 1 November 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillor: Greater Kokstad Municipality	The whole
PN 122, 2009 (PG 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Sisonke District Municipality	The whole
PN 190, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Sisonke District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 29, 2013 (PG 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of One Additional Member of the Executive Committee - Ubuhlebezwe Municipality	The whole
PN 39, 2012 (PG 758 of 8 June 2012)	Proposed Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Kwa Sani Municipality	The whole
MN 97, 2013 (PG 1017 of 30 August 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Chairperson of the Municipal Public Accounts Committee – Umzimkhulu Local Municipality	The whole
MN106, 2013 (PG 1023 of 19 September 2013)	Notice in terms of Section 16(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Sisonke Municipality	The whole

## ANNEXURE B

## DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:
DC43	Harry Gwala District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN436	Dr Nkosazana Dlamini Zuma Municipality	No district functions allocated to the local municipality to perform in its local area
KZN433	Greater Kokstad Municipality	No district functions allocated to the local municipality to perform in its local area
KZN434	Ubuhlebezwe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN435	Umzimkhulu Municipality	84(1)(l) - cemeteries 84(1)(e) - solid waste disposal 84(1)(n) - municipal public works relating to the above functions

**ETHEKWINI METROPOLITAN MUNICIPALITY  
(ETH)**

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:  
AMENDMENT OF MUNICIPALITY (ETH)**

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the \_\_\_\_ day of \_\_\_\_\_, Two Thousand and Sixteen

**NOMUSA DUBE-NCUBE, MPL**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**responsible for local government**

**SCHEDULE**

**PART 1**

**CHAPTER 1: GENERAL PROVISIONS**

**Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, 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—

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**demarcation notice**” means the relevant Notices specified in Annexure A hereto;

“**effective date**” means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

“**Executive Committee**” means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

“**KwaZulu-Natal Determination of Types of Municipality Act**” means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“**MEC**” means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

“**Municipal Public Accounts Committee**” means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province of KwaZulu-Natal;

“**this Notice**” means this Notice, including its Schedule and Annexure; and

“**ward councillor**” means a councillor elected to directly represent a ward.

#### **Continued existence of metropolitan municipality**

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the eThekweni metropolitan municipality set out in Part 3 of this Schedule remain as determined in the notices set out in Annexure 1, subject to amendments contemplated in—

- (a) Demarcation numbers DEM 2444, DEM 4140, DEM 471, and DEM 493 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
- (b) Demarcation numbers DEM 2444, DEM 471, and DEM 493 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);
- (c) Demarcation number DEM 4140 in General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and
- (d) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

#### **Amendment of Notice**

3. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

#### **Status**

4. A municipality has the legal status accorded to such municipality in terms of national legislation.

#### **Repeal**

5. The notices mentioned in Annexure 1 of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

## **CHAPTER 2: TRANSITIONAL MEASURES**

#### **Legal succession**

6. Subject to the provisions of this Notice, the eThekweni metropolitan municipality's area of jurisdiction has been extended by—

- (a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
- (b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
- (c) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052),

and is the successor-in-law to the municipalities from which such areas have been excised to the extent that such areas fall within the boundaries of the eThekweni metropolitan municipality: Provided that the eThekweni metropolitan municipality is allocated the following matters as regards the extended area:

- (i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;
- (ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notice, policy and resolutions of the eThekweni metropolitan municipality, have been made applicable to such area in accordance with the laws providing for such application; and
- (iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related

to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

#### **Continued operation of municipality**

7. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 9(2) of Part 1 of this Schedule, the eThekweni metropolitan municipality continues—

- (a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
- (b) to be governed and managed, with the necessary changes, in compliance with the provisions of every—
  - (i) law; and
  - (ii) administrative and financial procedure,that applied to such municipality prior to the effective date.

#### **Transitional arrangements**

8. In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011 (Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

#### **Savings**

9.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

#### **Validation**

10. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed—

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with,

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

## **PART 2**

#### **Continued existence of metropolitan municipality**

1. Notwithstanding the repeal of the notices set out in Annexure A, the metropolitan municipality of eThekweni continues to exist for the metropolitan municipal area of ETH as a whole.

#### **Category**

2. The municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Act.

**Type**

3. The type of the metropolitan municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

**Boundaries**

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the metropolitan municipality are as–

- (a) determined, and redetermined, as the case may be, in such repealed notices for the metropolitan municipal area; and
- (b) redetermined in accordance with–
  - (i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
  - (ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);
  - (iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and
- (c) this Notice.

**Name**

5. The name of the metropolitan municipality is eThekweni Metropolitan Municipality.

**Councillors**

6.(1) The council of the local municipality consists of 219 councillors, of whom–

- (a) 109 are proportionally elected councillors; and
- (b) 110 are ward councillors.

(2) A total of 13 councillors as contemplated in section 18(4) of the Act are designated as full-time councillors, as follows:

- (a) Speaker;
- (b) Mayor;
- (c) Deputy Mayor;
- (d) eight Executive Committee members;
- (e) Whip; and
- (f) Municipal Public Accounts Committee Chairperson.

**Wards**

7. Notwithstanding the repeal of the notices set out in Annexure A, the metropolitan municipality has 110 wards with boundaries as determined in Provincial Notice 96 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1439).

**Seat of municipality**

8. The seat of the municipality is the eThekweni Municipal Offices in Durban.

## ANNEXURE A

NOTICES REPEALED  
(Paragraph 5 of Part 1)

<b><i>Number and year of Notice</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
PN 343, 2000 (PG 5562 of 19 September 2000)	Notice in terms of Sections 12, 14, 81(4) and 91 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	The whole
PN 461, 2000 (PG 5592 of 1 December 2000)	Notice in terms of Sections 12, 14 and 16(1)(h) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	The whole
PN 135, 2001 (PG 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (PG 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 460, 2001 (PG 6072 of 13 December 2001)	Correction Notice: Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 461, 2001 (PG 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 649, 2005 (PG 649 of 28 April 2005)	Notice in terms of Section 16(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: eThekweni Municipality	The whole
GN 656, 2006 (GG 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 191, 2010 (PG 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the eThekweni Municipality	The whole
MN 61, 2012 ( <i>Extraordinary PG 782 of 13 July 2012</i> )	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Accounts Committee – eThekweni Municipality	The whole

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