

**NORTH WEST
NOORDWES
EXTRAORDINARY
PROVINCIAL GAZETTE
BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 251

27 JUNE 2008
JUNIE

No. 6505

CONTENTS

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICE		
386 Local Government: Municipal Structures Act (117/1998): Adjustments of the division of function and powers as per section 85: For public comments	3	6505

GENERAL NOTICE

NOTICE 386 OF 2008

PUBLICATION FOR PUBLIC COMMENTS

ADJUSTMENTS OF THE DIVISION OF FUNCTIONS AND POWERS AS PER SECTION 85 OF THE LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT (ACT NO.117 OF 1998)

1. In terms section 84 and 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, the attached adjustments are hereby published for public comments before their enactment.

2. Comments must please be submitted in writing to;

The Deputy Director General
Attention: Mr S P Ramagaga
Department of Developmental Local Government and Housing
Private Bag X 2099
MMABATHO
2735

3. Comments by fax to facsimile number (018) 387 3812

4. Comments must be submitted within fourteen (14) days of the date of publication hereof

5. Failure to make comments within the period stated above will automatically give effect to these adjustments

NOTICE IN TERMS OF SECTION 85 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT NO .117 OF 1998)

Under the powers invested in me by section 85 (1) , 85(6) and 85 (9) of the Local Government : Municipal Structures Act,1998 (Act No. 117 of 1998), I hereby adjust the division of powers and functions by way of reallocation as inserted in Annexure "A" of the schedule of this notice



Howard Yawa

**Member of the Executive Council of the NorthWest Province
responsible for Local Government**

SCHEDULE

Definitions

1. In this schedule, unless the context indicated otherwise, or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, Chapter 2 of the Local Government : Municipal Structures Amendment Act and section 12 has the same meaning and-

"Amendment Act" means the Local Government: Municipal Structures Amendment Act, 200 (Act No 33 of 200);

"district municipalities" means the Category C municipalities established in terms of the section 12 notices, and "district municipality" has a corresponding meaning;

"local municipalities" means the Category B municipalities established in terms of the section 12 notices, and "local municipality" has a corresponding meaning

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

"section 12 notices" mean the notices issued in terms of the Local Government: Municipal Structures Act in terms of which the district municipalities and local municipalities specified in the notices, for which elections were held on 05 December 2000, were established, and "section 12 notice" has a corresponding meaning; and

"ceding municipality" means the district or local municipality which loses a function or power, such function or power being allocated to another municipality in terms of Annexure A of this Schedule;

"effective date " means 1 July 2005

2. **Adjustment of division of functions and powers between the district municipalities and local municipalities by way of allocations.**

In terms of section 85 of the Act and with effect from 1 July 2005, the division of functions and powers between the district and the local Annexure hereto, and for the purposes of the said Annexure, "function" includes power

3. Legal , practical and other consequences of the adjustments

The provisions regarding:

- a) The transfer of staff;
- b) The transfer of assets, liabilities, rights and obligation, and administrative units and other records;
- c) The continued application of any bylaw, regulations and the extent of such application,

set out in the section 12 notices establishing the municipalities 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 district municipality or local municipality in accordance with this notice

Revocation of Notice 8 of 2003

Notice No 8 of 2003 as published in Provincial Gazette Extraordinary Number 5905 of 2003, is hereby revoked

ANNEXURE A

Municipality No	Name of Municipality	Allocation of functions and powers in terms of section 85(1),85(6) and 85(9)
DC 37	Bojanala Platinum District Municipality	The following powers and functions or aspects thereof in the area of local municipality indicated in the brackets: Schedule 4 Part B Remove fire fighting services from (NW 371, NW 375 , NW 374)
NW 371	Moretele Local Municipality	84 (1)(i) Cemeteries 84(1)(n) public works relating to the above
NW372	Local Municipality of Madibeng	84(1)(e)-Solid waste 84(1)(i)-Cemeteries 84(1)(j)-Firefighting Services 84(1)(n)-Public works relating to the above
NW373	Rustenburg Local Municipality	84(1)(e)-Solid waste 84(1)(i)-Cemeteries 84(1)(j)-Firefighting Services 84(1)(n)-Public works relating to the above
NW374	Kgetleng Revier Local Municipality	84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW375	Moses Kotane Local Municipality	84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
DC38	Ngaka Modiri Molema District Municipality	The following Powers and Functions or aspects thereof in the area of local municipalities indicated in brackets Schedule 4 Part B Fire fighting services (NW381-Ratlou,382-Tswaing, 384-Ditsobotla, 385-Ramotshere Moiloa)
NW381	Ratlou Local Municipality	84(1)(f)- Roads 84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW382	Tswaing Local Municipality	84(1)(e)-Solid waste 84(1)(f)- Roads 84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW383	Mafikeng Local Municipality	84(1)(e)-Solid waste 84(1)(f)- Roads 84(1)(i)-Cemeteries 84(1)(j)-Firefighting 84(1)(n)-Public works relating to the above
NW384	Ditsobotla Local Municipality	84(1)(e)-Solid waste 84(1)(f)- Roads 84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW385	Ramotshere Moiloa Local Municipality	84(1)(e)-Solid waste 84(1)(f)- Roads

Municipality No	Name of Municipality	Allocation of functions and powers in terms of section 85(1),85(6) and 85(9)
		84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
DC39	Dr Ruth Mompoti District Municipality	The following Powers and functions or aspects thereof in the area of local municipality indicated in brackets: Schedule 4 Part B Firefighting Services(NW393) Solid waste (NW391, NW393, NW394, NW396) Roads (NW391, NW392, NW393)
NW391	Kagisano Local Municipality	84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW392	Naledi Local Municipality	84(1)(e)-Solid Waste 84(1)(i)-Cemeteries 84(1)(j)-(Firefighting) 84(1)(n)-Public works relating to the above
NW393	Mamusa Local Municipality	84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW394	Greater Taung Local Municipality	84(1)(f)-Roads 84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW395	Moiopo Local Municipality	84(1)(i)-Cemeteries 84(1)(n) – Public works relating to the above
NW396	Lekwa Teemane Local Municipality	84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
DC40	Dr Kenneth Kaunda District Municipality	The following powers and functions or aspects thereof in the area of local municipality indicated in brackets Schedule 4 Part B (NW401-Ventersdorp, NW404-Maquassi Hills)
NW401	Ventersdorp Local Municipality	84(1)(e)-Solid Waste 84(1)(f)-Roads 84(1)(i)-Cemeteries 84(1)(n)-Public works relating to the above
NW402	Potchefstroom Local Municipality	84(1)(e)-Solid waste 84(1)(f)-Roads 84(1)(i)-Cemeteries 84(1)(j)-Firefighting Services 84(1)(n)-Public works relating to the above
NW403	City Council of Klerksdorp	84(1)(e)-Solid waste 84(1)(f)-Roads 84(1)(i)-Cemeteries 84(1)(j)-Firefighting Services 84(1)(n)-Public works relating to the above

Municipality No	Name of Municipality	Allocation of functions and powers in terms of section 85(1),85(6) and 85(9)
NW404	Maquassi Hills Local Municipality	84(1)(e)-Solid waste 84(1)(i)-Cemetries 84(1)(n)-Public works relating to the above
NW405	Merafong Local Municipality	84(1)(e)-Solid waste 84(1)(f)-Roads 84(1)(i)-Cemetries 84(1)(j)-Firefighting Services 84(1)(n)-Public works relating to the above
