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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
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GOVERNMENT NOTICE

Provincial and Local Government, Department of

Government Notice

99	Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004): Determination of conditions of appointment of members of appeal boards and members of committees established by appeal boards.....	3	29595
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GOVERNMENT NOTICE

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

No. 99

8 February 2007

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO. 6 OF 2004): DETERMINATION OF CONDITIONS OF APPOINTMENT OF MEMBERS OF APPEAL BOARDS AND MEMBERS OF COMMITTEES ESTABLISHED BY APPEAL BOARDS

Under section 61(1), read together with section 71(5), of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), I, Fholisani Sydney Mufamadi, Minister for Provincial and Local Government, hereby, after consultation with the MECs for local government, with effect from 08 February 2007, determine the conditions of appointment of members of appeal boards and members of committees established by appeal boards as set out in the Schedule.

F S MUFAMADI

MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT

SCHEDULE

Definitions

1. In this Schedule, a word or expression to which a meaning has been assigned in the Act, has that meaning unless the context indicates otherwise-

“ **committee of an appeal board**” means a committee contemplated in section 71 of the Act;

“**member**” means -

- (a) a member of an appeal board;
- (b) an alternate member contemplated in section 64 of the Act; and
- (c) a member of a committee of an appeal board who is not also a member of an appeal board;

“resident” means a person who is ordinarily resident-

- (a) in a local municipality;
- (b) district management area; or
- (c) metropolitan municipality;

“ **the Act**”, means the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004).

Conditions of appointment of members of appeal boards and members of committees established by appeal boards

2. (1) The chairperson of an appeal board and of a committee of an appeal board is remunerated at the same tariff prescribed from time to time for a chairperson of a Commission by the National Treasury circular issued in terms of Treasury Regulation 20.2.2.
- (2) A member of an appeal board and of a committee of an appeal board is remunerated at the same tariff prescribed from time to time

for a member of a Commission by the National Treasury circular issued in terms of Treasury Regulation 20.2.2.

- (3) The remuneration referred to in subregulations (1) and (2) is for an eight hour working day, and where more or less hours of service are rendered, a chairperson of an appeal board and of a committee of an appeal board or other member, as the case may be, must be remunerated for such hours of service in proportion to an eight hour working day.
- (4) Where a chairperson of an appeal board and of a committee of an appeal board or other member, as the case may be, makes use of his or her own vehicle to attend meetings of an appeal board or a committee of an appeal board, an allowance is payable in accordance with the tariffs prescribed from time to time by the national Department of Transport for use of privately owned vehicles.
- (5) Where a chairperson of an appeal board and of a committee of an appeal board or other member, as the case may be, is not resident in a local municipality, district management area or metropolitan municipality, for which the appeal board has been established, allowances are payable subject to the following limitations:
 - (a) Air fares: Economy class
 - (b) Motor rental: Category A or B vehicles
 - (c) Private vehicle: As provided for in subregulation (4)
 - (d) Hotel accommodation (bed and breakfast): Three or Four star or equivalent

Processing of claims

3. (1) A Municipality for which an appeal board was established in terms of section 56 of the Act must remunerate and compensate a chairperson of an appeal board and of a committee of an appeal board or member, as the case may be, within 30 days of the submission of a claim to the municipality;
- (2) A claim for payment contemplated in sub-regulation (1) must be accompanied by a copy of a register of attendance signed by a chairperson of an appeal board and of a committee of an appeal board or member, as the case may be, together with a completed traveling and accommodation claim form required by the municipality concerned, where applicable;
- (3) The chairperson of the appeal board and of a committee of an appeal board is responsible for ensuring the due completion of the claim forms and the attendance registers, which must in the case of the attendance register include
 - (i) details of the Municipality against whose valuation roll or supplementary valuation roll appeal(s) have been lodged; and
 - (ii) the duration of such appeal(s); and
- (4) The Municipality, against whose valuation roll or supplementary valuation roll appeal(s) have been lodged, must retain the claim forms and attendance registers for safekeeping.

ISAZISO SIKAHULUMENI

UMNYANGO WOHULUMENI BEZIFUNDAZWE NABEZINDAWO**Inombolo 99****8 Nhlolanja 2007****UHULUMENI WASEKHAYA: UMTHETHO KAMASIPALA WENTELE
YOBUNINIMHLABA, WE-2004 (UMTHETHO ONGUNOMBOLO 6 WE-
2006: UKUBEKWA KWEMIBANDELA YOKUQASHWA KWAMALUNGU
AMABHODI EZOKWEDLULISWA KWEZIKHALO KANYE
NAMALUNGU AMAKOMIDI ASUNGULWE AMABHODI
EZOKWEDLULISWA KWEZIKHALO**

Ngaphansi kwesigaba 61(1), sifundwa ngokuhlanganyela nesigaba 71(5) sohulumeni bazindawo: uMthetho kaMasipala Wentela yoBuninimhlaba, we-2004 (umthetho ongunombolo 6 we-2004), Mina, Fholisani Sydney Mafumadi, uNgqongqoshe WoMnyango Wohulumeni beZifundazwe Nabezindawo, ngokuxhumana ne-MEC yohulumeni bezindawo, kusukela kumhla ka 08 Nhlolanja 2007, ngibeka imibandela yokuqashwa kwamalungu amabhodi ezokwedluliswa kwezikhalo zezilinganisomanani kanye namalungu amakomidi asungulwe amabhodi ezokwedluliswa kwezikhalo njengalokhu kubekwe kusheduli.

F.S MUFAMADI**UNGQONGQOSHE WEZOHULUMENI BEZIFUNDAZWE NABEZINDAWO**

Isheduli

Izincazelo

1. Kule Sheduli, igama noma incazelo ebekwe ngayo lisetshenziswa, isanikeza yona leyo ncazelo, ngaphandle uma ingqikithi ichaza ngenye indlela-

“ikomidi lebhodi lezokwedluliswa kwezikhalo” kusho ikomidi elibekwe ngokusemthethweni esigabeni sama-71 soMthetho;

“ilungu” kusho-

- a) ilungu lebhodi lokwedluliswa kwezikhalo;
- b) ilungu eliyibambela njengalokhu kubekwe ngokusemthethweni esigabeni sama-64; nanokuthi
- c) ilungu lekomidi lebhodi lezokwedluliswa kwezikhalo futhi elingesilona ilungu lebhodi lokwedluliswa kwezikhalo;

“umhlali” kusho umuntu oyisakhamuzi-

- a) kumasipala wendawo;
- b) endaweni yokuphatha yesifunda; noma
- c) umasipala oyidolobhakazi;

“uMthetho” kusho uHulumeni Wezindawo: Umthetho Kamasipala Wentela yoBuninimhlaba, we-2004 (Umthetho ongunombolo 6 we-2004).

Imibandela yokuqashwa kwamalungu amabhodi ezokwedluliswa kwezikhalo kanye namalungu amakomidi asungulwe amabhodi ezokwedluliswa kwezikhalo.

2. (1) usihlalo webhodi lokwedluliswa kwezikhalo kanye nowekomidi lebhodi lokwedluliswa kwezikhalo ukhokhelwa imali efanayo ebekwe ngokusemthethweni izikhathi ngezikhathi kasihlalo weKhomishani

Wezezimali kuZwelonke, isekhula ekhishwe ngokweNqubomgomo yeZezimali u-20.2.2;

- (2) Ilungu lebhodi lokwedluliswa kwezikhalo kanye nekomidi lebhodi lokwedluliswa kwezikhalo likhokhelwa imali efanayo ebekwe ngokusemthethweni izikhathi ngezikhathi kasihlalo weKhomishani Wezezimali kuZwelonke, isekhula ekhishwe ngokweNqubomgomo yeZezimali u-20.2.2;
- (3) Inkokhelo okukhulunywe ngayo ezinqubomgomaneni (1) no (2) eyosuku lokusebenza olungamahora ayisishiyagalombili, nanokuthi uma kungukuthi kunamahora angaphezulu noma angaphansi asetshenziwe, uSihlalo webhodi lokwedluliswa kwezikhalo kanye nekomidi lebhodi lezokwedluliswa kwezikhalo noma elinye ilungu, uma kungenzeka, kumele likhokhelwe lawo mahora eliwasebenzile njengengxenye yamahora ayisishiyagalombili osuku lokusebenza.
- (4) Lapho usihlalo webhodi lezokwedluliswa kwezikhalo kanye nekomidi lebhodi lokwedluliswa kwezikhalo noma elinye ilungu, uma kwenzekile, esebenzise imoto yakhe ukwethamela umhlangano webhodi lokwedluliswa kwezikhalo noma wekomidi lebhodi lezokwedluliswa kwezikhalo, kumele akhokhelwe izindleko ezidaleke ngalolo hambo ngokulandela uhlelo lokukhokha olubekwe ngomthetho izikhathi ngazikhathi uMnyango Wezokuthutha, okunguMthetho olawula inkokhelo yokusetshenziswa kwezimoto zomuntu ngomuntu.
- (5) Lapho usihlalo webhodi lokwedluliswa kwezikhalo kanye nowekomidi lebhodi lokwedluliswa kwezikhalo noma elinye ilungu, uma kwenzeka, akasiye umhlali kamasipala waleyo ndawo, wendawo engaphansi kolawulo lwesifunda noma kamasipala oyidolobhakazi, lapho ibhodi lokwedluliswa kwezikhalo lisungulwe khona, inkokhelo kumele yenziwe kodwa ngaphansi kwale mibandela elandelayo:

- a) Izimali zamabhanoyi: ube ibhanoyi elisezingeni elikahle
- b) Imoto eqashwayo: Izimoto ezisohlwini A noma B

- c) Imoto yomuntu ngomuntu: njengalokhu kubekwe kumthethomgomana (4)
- d) Indawo yokulala eyihhotela (ukulala nesidlo sasekuseni): ihhotela elinezinkanyezi ezinthathu noma ezine noma okuhambelana nakho.

Ukwenza izicelo zokukhokhelwa

3. (1) uMasipala okwasungulwa kuye ibhodi lokwedluliswa kwezikhalo ngokwesigaba sama-56 soMthetho kumele akhokhele aphinde anxephezele usihlalo webhodi lokwedluliswa kwezikhalo kanye nowekomidi lebhodi lokwedluliswa kwezikhalo noma ilungu, uma kwenzeka, zingakapheli izinsuku ezingama-30 kufakwe izicelo kumasipala;
- (2) isicelo sokukhokhelwa njengalokhu kubekwe emthethomgomaneni (1) kumele aphelezelwe ikhophi yohlu lwababethamele umhlangano olusayindwe usihlalo webhodi lokwedluliswa kwezikhalo kanye nowekomidi lebhodi lezokwedluliswa kwezikhalo noma ilungu, uma kwenzeka, kuhambisana nesicelo esigcwalisiwe sezindleko zokuhamba nokulala okudingwa umasipala oqondene, uma kudingekile;
- (3) usihlalo webhodi lokwedluliswa kwezikhalo kanye nowekomidi lebhodi lokwedluliswa kwezikhalo unomthwalo wokuqinisekisa ukuthi amafomu ukugcwaliswa kwamafomu kanye nohlu lwababethamele umhlangano,okumele uhlu lwababethamele umhlangano lufake lokhu:
- (i) imininingwane kamasipala okufakwe kuye izikhalo zohlu lwezilinganisomanani noma izichibiyelo zalo; kanye
 - (ii) nobude besikhathi salezo zikhalo; nanokuthi

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- (4) uMasipala, okufakwe kuye uhlu lwezilinganisomanani noma izichibiyelo zalo, kumele agcine amafomu ezicelo kanye nohlu lwababethamele umhlangano ngendlela ephephile.
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