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THE PRESIDENCY

No. 1098 13 October 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 19 of 2008: Local Government Laws Amendment Act, 2008.

DIE PRESIDENSIE

No. 1098 13 Oktober 2008

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 19 van 2008: Wysigingswet op Plaaslike Regeringswette, 2008.

Act No. 19, 2008

LOCAL GOVERNMENT LAWS
AMENDMENT ACT, 2008**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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(English text signed by the President.)
(Assented to 9 October 2008.)

BILL

To amend the—

Local Government: Municipal Demarcation Act, 1998, so as to insert a definition; and to provide for determinations of municipal boundaries to take effect on the commencement of the following municipal financial year;

Local Government: Municipal Structures Act, 1998, so as to insert a definition; to provide for consequential amendments pertaining to interventions in municipalities; to provide for amendments to provisions relating to ward committees; and to provide for authorisations and adjustments of powers and functions to take effect on the commencement of the following municipal financial year;

Local Government: Municipal Systems Act, 2000, so as to substitute a definition; to provide that the term of employment of a municipal manager may not exceed a maximum of five years; to align certain delegations with the Local Government: Municipal Finance Management Act, 2003; to regulate the participation of municipal staff members in national, provincial and local elections; to amend the Minister's regulatory powers; to provide for a municipality to provide an owner with copies of accounts sent to the occupier of such property; to provide for a correction in the Afrikaans text of section 106; to refine the process to investigate maladministration and related matters; to provide for the exemption of municipalities from provisions of the said Act, and to amend the Code of Conduct for Councillors and Municipal Staff in order to align it with the Municipal Finance Management Act; and

Local Government: Municipal Property Rates Act, 2004, so as to substitute certain definitions; to allow quantification in terms of cost of relief measures to be dealt with through the municipal budget; to allow for municipalities not to value public service infrastructure if there is no intention to levy rates; to correct certain citations; and to allow for the curbing of rates revenue;
to rationalise local government laws that have become obsolete as a result of local government legislation that was enacted since 1994; and to provide for matters connected therewith.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 9 Oktober 2008.)*

WET

Tot wysiging van die—

Wet op Plaaslike Regering: Munisipale Afbakening, 1998, ten einde 'n woordomskrywing in te voeg; en te voorsien dat bepalings van munisipale grense in werking tree by die aanvang van die volgende munisipale finansiële jaar;

Wet op Plaaslike Regering: Munisipale Strukture, 1998, ten einde 'n woordomskrywing in te voeg; voorsiening te maak vir gevolglike wysigings met betrekking tot ingrypings in munisipaliteit; te voorsien vir wysigings van bepalings wat met wykskomitees verband hou; en te voorsien dat magtigings en aanpassings van bevoegdhede en funksies in werking tree by die aanvang van die volgende munisipale finansiële jaar;

Wet op Plaaslike Regering: Munisipale Stelsels, 2000, ten einde 'n woordomskrywing te vervang; te voorsien dat die dienstermyn van 'n munisipale bestuurder nie 'n maksimum van vyf jaar oorskry nie; sekere delegasies met die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003, in ooreenstemming te bring; die deelname van munisipale personeellede aan nasionale, provinsiale en plaaslike verkiesings te reguleer; die Minister se reguleringsbevoegdhede te wysig; voorsiening te maak dat 'n munisipaliteit 'n eienaar van afskrifte van rekeninge aan die okkupeerder van sodanige eiendom kan voorsien; voorsiening te maak vir 'n verbetering in die Afrikaanse teks van artikel 106; die proses vir die ondersoek van wanadministrasie en verwante aangeleenthede te verfyn; voorsiening te maak vir die vrystelling van munisipaliteite van bepalings van die vermelde Wet, en die gedragskode vir raadslede en munisipale personeel te wysig om dit in ooreenstemming met die Wet op Munisipale Finansiële Bestuur te bring;

“Local Government: Municipal Property Rates Act, 2004”, ten einde bepaalde woordomskrywings te vervang; toe te laat dat bepaling van die koste van maatreëls ter verligting deur middel van die munisipale begroting gehanteer word; voorsiening te maak dat munisipaliteite nie openbare diens infrastruktuur waardeur indien daar geen bedoeling is om eiendomsbelasting daarop te hef nie; bepaalde aanhalings te verbeter; en voorsiening te maak vir die beperking van inkomste uit eiendomsbelasting;

om plaaslike regeringswette wat uitgedien geword het as gevolg van plaaslike regeringswetgewing wat sedert 1994 aangeneem is, te rasionaliseer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Act No. 19, 2008

LOCAL GOVERNMENT LAWS
AMENDMENT ACT, 2008

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER 1

AMENDMENT OF LOCAL GOVERNMENT: MUNICIPAL DEMARCATION
ACT, 1998 5

Amendment of section 1 of Act 27 of 1998, as amended by section 4 of Act 51 of 2002

1. Section 1 of the Local Government: Municipal Demarcation Act, 1998 (in this Chapter referred to as the Demarcation Act), is hereby amended by the insertion after the definition of “Minister” of the following definition:

“**‘municipal financial year’** means the financial year of a municipality commencing on 1 July each year and ending on 30 June of the following year;” 10

Amendment of section 23 of Act 27 of 1998, as amended by section 10 of Act 51 of 2002

2. Section 23 of the Demarcation Act is hereby amended by the addition of the following subsection: 15

“(4) (a) A determination referred to in subsection (2)(b) takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such determination.

(b) The Board must, at least six months prior to the commencement of the municipal financial year in which boundary determinations are to take effect, inform the Minister of Finance of such determinations. 20

(c) The Minister of Finance may, in exceptional cases, including those referred to in section 87 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), decide on a different or shorter period than the period referred to in paragraph (a) and (b).” 25

CHAPTER 2

AMENDMENT OF LOCAL GOVERNMENT: MUNICIPAL STRUCTURES
ACT, 1998

Amendment of section 1 of Act 117 of 1998, as amended by section 93 of Act 27 of 2000 30

3. Section 1 of the Local Government: Municipal Structures Act, 1998 (in this Chapter referred to as the Structures Act), is hereby amended by the insertion after the definition of “municipal council” of the following definition:

“**‘municipal financial year’** means the financial year of a municipality commencing on 1 July each year and ending on 30 June of the following year;” 35

Amendment of section 34 of Act 117 of 1998

4. Section 34 of the Structures Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The MEC for local government in a province, by notice in the *Provincial Gazette*, may dissolve a municipal council in the province if— 40

(a) the Electoral Commission in terms of section 23(2)(a) of the Demarcation Act is of the view that a boundary determination affects the representation of voters in that council, and the remaining part of the existing term of municipal councils is more than one year [;or 45

(b) an intervention in terms of section 139 of the Constitution has not resulted in the council being able to fulfil its obligations in terms of legislation.]”; and

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

HOOFSTUK 1

WYSIGING VAN WET OP PLAASLIKE REGERING: MUNISIPALE AFBAKENING, 1998

5

Wysiging van artikel 1 van Wet 27 van 1998, soos gewysig deur artikel 4 van Wet 51 van 2002

1. Artikel 1 van die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (in hierdie Hoofstuk die Afbakeningswet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van “Minister” in te voeg: 10

“**‘munisipale finansiële jaar’** die finansiële jaar van ’n munisipaliteit wat ’n aanvang neem op 1 Julie elke jaar en eindig op 30 Junie van die volgende jaar;”.

Wysiging van artikel 23 van Wet 27 van 1998, soos gewysig deur artikel 10 van Wet 51 van 2002

2. Artikel 23 van die Afbakeningswet word hierby gewysig deur die volgende subartikel by te voeg: 15

“(4) (a) ’n Bepaling bedoel in subartikel (2)(b) tree in werking op die aanvangsdatum van die munisipale finansiële jaar wat volg op die datum van publikasie van die kennisgewing wat sodanige bepaling in werking stel.

(b) Die Raad moet die Minister van Finansies minstens ses maande voor die aanvang van die munisipale jaar waarin grensbepalings in werking tree van sodanige bepaling in kennis stel. 20

(c) Die Minister van Finansies kan, in uitsonderlike gevalle, met inbegrip van dié bedoel in artikel 87 van die Wet op Munisipale Strukture, 1998 (Wet No. 117 van 1998), besluit op ’n ander of korter tydperk as die tydperk bedoel in paragrafe (a) en (b).” 25

HOOFSTUK 2

WYSIGING VAN WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998

Wysiging van artikel 1 van Wet 117 van 1998, soos gewysig deur artikel 93 van Wet 27 van 2000 30

3. Artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (in hierdie Hoofstuk die Strukturewet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van “Minister” in te voeg:

“**‘munisipale finansiële jaar’** die finansiële jaar van ’n munisipaliteit wat ’n aanvang neem op 1 Julie elke jaar en eindig op 30 Junie van die volgende jaar;” 35

Wysiging van artikel 34 van Wet 117 van 1998

4. Artikel 34 van die Strukturewet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang: 40

“(3) Die LUR vir plaaslike regering in ’n provinsie kan, by kennisgewing in die *Provinsiale Koerant*, ’n munisipale raad in die provinsie ontbind indien[—

(a)] die Verkiesingskommissie ingevolge artikel 23(2)(a) van die Afbakeningswet van mening is dat ’n grensbepaling die verteenwoordiging van kiesers in daardie raad raak, en die oorblywende gedeelte van die bestaande termyn van munisipale rade meer as een jaar is [; of 45

(b) ’n ingryping ingevolge artikel 139 van die Grondwet nie tot gevolg het dat die raad sy verpligtinge ingevolge wetgewing nakom nie].” en 50

(b) by the substitution for subsection (4) of the following subsection:

“(4) The MEC for local government in a province may dissolve a municipal council in a province in accordance with the provisions of section 139 of the Constitution of the Republic of South Africa, 1996.”.

Amendment of section 35 of Act 117 of 1998, as amended by section 13 of Act 51 of 2002 5

5. Section 35 of the Structures Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a municipal council is dissolved in terms of section [34(3)(b)] section 34(4) or does not have enough members to form a quorum for a meeting, the MEC for local government in the province must appoint one or more administrators to ensure the continued functioning of the municipality until a new municipal council is elected or until the council has sufficient members for a quorum.”. 10

Amendment of section 73 of Act 117 of 1998

6. Section 73 of the Structures Act is hereby amended— 15

(a) by the substitution for subsection (1) of the following subsection:

“(1) If a metro or local council [**decides to have**] establishes ward committees, it must establish a ward committee for each ward in the municipality.”; and

(b) by the addition of the following subsection: 20

“(5) (a) Out of pocket expenses referred to in paragraph (c) must be paid from the budget of the municipality in question.

(b) A metro or local council must develop a policy and determine criteria for and calculation of the out of pocket expenses referred to in paragraph (c) based on a provincial framework determined by the MEC subject to paragraph (e). 25

(c) A metro or local council may make arrangements for the payment of out of pocket expenses to members of ward committees in respect of participation by ward committee members in the activities of the ward committees. 30

(d) A municipal council may allocate funds and resources to enable ward committees to perform their functions, exercise their powers and undertake development in their wards within the framework of the law.

(e) The Minister must determine a national framework including criteria for the calculation of the out of pocket expenses referred to in paragraph (b).” 35

Amendment of section 74 of Act 117 of 1998

7. Section 74 of the Structures Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) has such duties and powers as the metro or local council may delegate to it in terms of section [32] 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).” 40

Substitution of section 75 of Act 117 of 1998

8. The following section is hereby substituted for section 75 of the Structures Act:

“Term of office of members 45

(1) The section 73(2)(b) members of a ward committee are elected for a term [determined by the metro or local council] that corresponds with the term referred to in section 24 of this Act.

(2) The Minister may by notice in the Government Gazette prescribe regulations for the implementation of subsection (1).” 50

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die LUR vir plaaslike regering in ’n provinsie kan ’n munisipale raad in ’n provinsie ooreenkomstig die bepalinge van artikel 139 van die Grondwet van die Republiek van Sid-Afrika, 1996, ontbind.”.

Wysiging van artikel 35 van Wet 117 van 1998, soos gewysig deur artikel 13 van Wet 51 van 2002 5

5. Artikel 35 van die Strukturewet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien ’n munisipale raad ingevolge [artikel 34(3)(b)] artikel 34(4) ontbind word of nie voldoende lede het om ’n kworum vir ’n vergadering te vorm nie, moet die LUR vir plaaslike regering in die provinsie een of meer administrateurs aanstel om die voortgesette funksionering van die munisipaliteit te verseker totdat ’n nuwe munisipale raad verkies is of totdat die raad voldoende lede vir ’n kworum het.”. 10

Wysiging van artikel 73 van Wet 117 van 1998

6. Artikel 73 van die Strukturewet word hierby gewysig— 15

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien ’n metro- of plaaslike raad [besluit om] wykskomitees [in te stel] instel, moet ’n wykskomitee vir elke wyk in die munisipaliteit [gestel] ingestel word.”; en

(b) deur die volgende subartikel by te voeg: 20

“(5) (a) Klein uitgawes bedoel in paragraaf (c) moet betaal word uit die begroting van die betrokke munisipaliteit.

(b) ’n Metro- of plaaslike raad moet beleid ontwikkel en maatstawwe bepaal vir, en die berekening van, die klein uitgawes bedoel in paragraaf (c), gebaseer op ’n provinsiale raamwerk deur die LUR onderworpe aan paragraaf (e). 25

(c) ’n Metro- of plaaslike raad mag reëlings tref vir die betaling van klein uitgawes aan lede van wykskomitees ten opsigte van deelname van wykskomiteelede aan die aktiwiteite van wykskomitees.

(d) ’n Munisipale raad mag fondse en hulpbronne toeken ten einde wykskomitees in staat te stel om hul werksaamhede te verrig, bevoegdhede uit te oefen en ontwikkeling in hul wyke, binne die raamwerk van die reg, te onderneem. 30

(e) Die Minister moet ’n nasionale raamwerk, met inbegrip van kriteria vir die berekening van klein uitgawes in paragraaf (b) bedoel, bepaal.”. 35

Wysiging van artikel 74 van Wet 117 van 1998

7. Artikel 74 van die Strukturewet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) het sodanige pligte en bevoegdhede wat die metro- of plaaslike raad ingevolge artikel [32] 59 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), aan hom kan delegeer.”. 40

Vervanging van artikel 75 van Wet 117 van 1998

8. Artikel 75 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ampstermyn van lede 45

75. (1) Die artikel 73(2)(b) lede van ’n wykskomitee word verkies vir ’n termyn [wat deur die metro- of plaaslike raad bepaal word] wat ooreenstem met die termyn bedoel in artikel 24 van hierdie Wet.

(2) Die Minister kan by kennisgewing in die Staatskoerant regulasies voorskryf vir die inwerkingstelling van subartikel (1).” 50

Amendment of section 84 of Act 117 of 1998, as amended by section 6 of Act 33 of 2000 and section 19 of Act 51 of 2002

9. Section 84 of the Structures Act is hereby amended by the addition of the following subsection:

- “(4) (a) Subject to paragraph (c), any authorisation, amendment of an authorisation or revocation of an authorisation under subsection (3) takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such authorisation or amendment or revocation. 5
- (b) The Minister must inform the Minister responsible for finance of his or her intention to publish a notice contemplated in paragraph (a) at least six months before the notice is to take effect in terms of that paragraph. 10
- (c) Paragraph (a) does not apply if any authorisation, amendment of an authorisation or revocation of an authorisation under subsection (3) is to coincide with an election of the council of an affected municipality.”. 15

Amendment of section 85 of Act 117 of 1998, as amended by section 7 of Act 33 of 2000

10. Section 85 of the Structures Act is hereby amended by the insertion after subsection (9) of the following subsection:

- “(9A) (a) Subject to paragraph (c), any adjustment of the division of functions and powers under this section takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such adjustment. 20
- (b) The MEC or Minister, as the case may be, must inform the national Minister responsible for finance of his or her intention to publish a notice contemplated in paragraph (a) at least four months before the notice is to take effect in terms of that paragraph. 25
- (c) Paragraph (a) does not apply if any adjustment of the division of powers and functions under this section is to coincide with an election of the council of an affected municipality. 30
- (d) The Minister of Finance may, in exceptional cases, including those referred to in section 87 of Municipal Structures Act, 1998 (Act No 117 of 1998), decide on a different or shorter period than the period referred to in paragraph (a) and (b).”.

CHAPTER 3**AMENDMENT OF LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000****Amendment of section 1 of Act 32 of 2000, as amended by section 35 of Act 51 of 2002 and section 1 of Act 44 of 2003**

11. Section 1 of the Local Government: Municipal Systems Act, 2000 (in this Chapter referred to as the Systems Act), is hereby amended by the substitution for the definition of “political office bearer” of the following definition: 40

- “‘**political office bearer**’ means the speaker, executive mayor, deputy executive mayor, mayor, deputy mayor or a member of the executive committee as referred to in the Municipal Structures Act;”.

Amendment of section 57 of Act 32 of 2000, as amended by Act 44 of 2003

12. Section 57 of the Systems Act is hereby amended by the substitution in subsection (6) for paragraph (a) of the following paragraph: 45

- “(a) be for a fixed term of employment up to a maximum of five years, not exceeding a period ending [two years] one year after the election of the next council of the municipality;”.

Wysiging van artikel 84 van Wet 117 van 1998, soos gewysig deur artikel 6 van Wet 33 van 2000 en artikel 19 van Wet 51 van 2002

9. Artikel 84 van die Strukturewet word hierby gewysig deur die volgende subartikel by te voeg:

- “(4) (a) Behoudens paragraaf (c) tree enige magtiging, wysiging van ’n magtiging of intrekking van ’n magtiging kragtens subartikel (3) in werking by die aanvang van die munisipale finansiële jaar wat volg op die datum van publikasie van die kennisgewing wat sodanige magtiging of wysiging of intrekking teweegbring. 5
- (b) Die Minister moet die Minister verantwoordelik vir finansies van sy of haar voorneme om ’n kennisgewing beoog in paragraaf (a) te publiseer minstens ses maande voor die inwerkingtrede van die kennisgewing ingevolge daardie paragraaf in kennis stel. 10
- (c) Paragraaf (a) is nie van toepassing nie indien enige magtiging, wysiging van ’n magtiging of intrekking van ’n magtiging kragtens subartikel (3) saamval met ’n verkiesing van die raad van ’n betrokke munisipaliteit.”. 15

Wysiging van artikel 85 van Wet 117 van 1998, soos gewysig deur artikel 7 van Wet 33 van 2000

10. Artikel 85 van die Strukturewet word hierby gewysig deur die volgende subartikel na subartikel (9) by te voeg: 20

- “(9A) (a) Behoudens paragraaf (c) tree enige aanpassing van die verdeling van funksies en bevoegdhede kragtens hierdie artikel in werking by die aanvang van die munisipale finansiële jaar wat volg op die datum van publikasie van die kennisgewing wat sodanige aanpassing in werking stel. 20
- (b) Die LUR of die Minister, na gelang van die geval, moet die nasionale Minister verantwoordelik vir finansies van sy of haar voorneme om ’n kennisgewing beoog in paragraaf (a) te publiseer minstens ses maande voor die inwerkingtrede van daardie kennisgewing ingevolge daardie paragraaf in kennis stel. 25
- (c) Paragraaf (a) is nie van toepassing nie indien enige aanpassing van die verdeling van bevoegdhede en funksies kragtens hierdie artikel saamval met ’n verkiesing van die raad van ’n betrokke munisipaliteit. 30
- (d) Die Minister van Finansies kan in uitsonderlike gevalle, met inbegrip van dié beoog in artikel 87 van die Wet op Munisipale Strukture, 1998 (Wet No. 117 van 1998), besluit op ’n ander of korter tydperk as die tydperk bedoel in paragrafe (a) en (b).” 35

HOOFSTUK 3**WYSIGING VAN WET OP PLAASLIKE REGERING:
MUNISIPALE STELSELS, 2000****Wysiging van artikel 1 van Wet 32 van 2000, soos gewysig deur artikel 35 van Wet 51 van 2002 en artikel 1 van Wet 44 van 2003 40**

11. Artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (in hierdie Hoofstuk die Stelselwet genoem), word hierby gewysig deur die omskrywing van “politieke ampsbekleër” deur die volgende omskrywing te vervang:

- “**politieke ampsbekleër**” die speaker, uitvoerende burgemeester, uitvoerende onderburgemeester, burgemeester, onderburgemeester of ’n lid van die uitvoerende komitee soos bedoel in die Munisipale Strukture Wet;” 45

Wysiging van artikel 57 van Wet 32 van 2000, soos gewysig deur Wet 44 van 2003

12. Artikel 57 van die Stelselwet word hierby gewysig deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang: 50

- “(a) vir ’n vaste dien tydperk wees tot ’n maksimum van vyf jaar wat nie ’n tydperk oorskry nie wat [twee] een jaar na die verkiesing van die volgende raad van die munisipaliteit verstryk;”.

Amendment of section 60 of Act 32 of 2000

13. Section 60 of the Systems Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The council may only delegate to **[an executive committee or executive mayor or chief financial officer decisions to make]** the municipal manager the power to make decisions on investments on behalf of the municipality within [a policy framework determined by the Minister of Finance] the municipality’s investment policy contemplated in section 13(2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).”

Insertion of section 71A in Act 32 of 2000

14. The following section is hereby inserted in the Systems Act after section 71:

“Participation of staff members in elections

71A. (1) A staff member may be a candidate for election to the National Assembly or a provincial legislature or may be nominated as a permanent delegate to the National Council of Provinces subject to the Code of Conduct for Municipal Staff Members contemplated in Schedule 2, and any other prescribed limits and conditions as may be regulated by the Minister.

(2) A staff member who is nominated as a permanent delegate to the National Council of Provinces, must resign not later than the date on which he or she is appointed as a permanent delegate to the National Council of Provinces in the manner contemplated in section 61(2)(b) of the Constitution of the Republic of South Africa, 1996.

(3) A staff member may be a candidate for election to a municipal council subject to the Code of Conduct for Municipal Staff Members contemplated in Schedule 2 and any other prescribed limits and conditions as may be regulated by the Minister.”

Amendment of section 72 of Act 32 of 2000

15. Section 72 of the Systems Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, subject to applicable labour legislation and after consultation with the bargaining council established for municipalities and the Minister for the Public Service and Administration, for the purposes of this Chapter[—

(a)] make regulations or issue guidelines in accordance with section 120 to regulate or provide for the following matters:

[(i)](a) the procedure to be followed in appealing against decisions taken in terms of delegated powers and the disposal of such appeals;

[(ii)](b) the suspension of decisions on appeal;

[(iii)](c) the setting of uniform standards for—

[(aa)](i) municipal staff establishments;

[(bb)](ii) municipal staff systems and procedures and the matters that must be dealt with in such systems and procedures; and

[(cc)](iii) any other matter concerning municipal personnel administration;

[(iv)](d) capacity building within municipal administrations;

[(v)](e) training and development of staff members of municipalities, including in-house training, subject to the requirements of the Skills Development Act, 1998 (Act No. [97] 81 of 1998), [and] the Skills Development Levies Act, 1999 (Act No. [9] 28 of 1999), and the Local Government Municipal Finance Management Act, 2003 (Act No. 56 of 2003); [and

(vi) any other matter that may facilitate the application of this Chapter; or

Wysiging van artikel 60 van Wet 32 van 2000

13. Artikel 60 van die Stelselwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die raad mag slegs, binne [**’n beleidsraamwerk wat deur die Minister van Finansies bepaal word, besluite om beleggings namens die munisipaliteit te doen**] die munisipaliteit se beleggingsbeleid beoog in artikel 13(2) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003), aan [**’n uitvoerende komitee of uitvoerende burgemeester of hoof finansiële beampte**] die munisipale bestuurder die bevoegdheid om besluite oor beleggings namens die munisipaliteit te neem, delegeer.”.

Invoeging van artikel 71A in Wet 32 van 2000

14. Die volgende artikel word hierby in die Stelselwet na artikel 71 ingevoeg:

“Deelname van personeellede aan verkiesings

71A. (1) ’n Personeellid mag ’n kandidaat wees vir verkiesing tot die Nasionale Vergadering of enige provinsiale wetgewer of kan as permanente afgevaardigde na die Nasionale Raad van Provinsies benoem word, behoudens die Gedragskode vir Munisipale Personeellede in Bylae 2 beoog en enige ander beperkings en voorwaardes wat deur die Minister by regulasie voorgeskryf kan word.

(2) ’n Personeellid wat benoem word as ’n vaste afgevaardigde na die Nasionale Raad van Provinsies moet bedank nie later nie as die datum waarop hy of sy as ’n vaste afgevaardigde na die Nasionale Raad van Provinsies benoem word op die wyse beoog in artikel 61(2)(b) van die Grondwet van die Republiek van Suid-Afrika, 1996.

(3) ’n Personeellid mag ’n kandidaat wees vir verkiesing tot ’n munisipale raad, behoudens die Gedragskode vir Munisipale Personeellede in Bylae 2 beoog en enige ander beperkings en voorwaardes wat deur die Minister by regulasie voorgeskryf kan word.”.

Wysiging van artikel 72 van Wet 32 van 2000

15. Artikel 72 van die Stelselwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan, behoudens toepaslike arbeidswetgewing en na oorleg met die bedingingsraad wat vir munisipaliteite ingestel is en die Minister vir die Staatsdiens en Administrasie, vir doeleindes van hierdie Hoofstuk—

(a) regulasies uitvaardig of riglyne uitreik ingevolge artikel 120 om voorsiening te maak vir of om die volgende aangeleenthede te reguleer:

[(i)](a) die prosedure wat gevolg staan te word om appèl aan te teken teen besluite wat ingevolge gedelegeerde bevoegdhede geneem is en die afhandeling van sodanige appèlle;

[(ii)](b) die opskorting van besluite op appèl;

[(iii)](c) die stel van eenvormige standaarde vir—

[(aa)](i) munisipale diensstate;

[(bb)](ii) munisipale personeelstelsels en -prosedures en die aangeleenthede wat in sodanige stelsels en prosedures gehanteer moet word; en

[(cc)](iii) enige ander aangeleentheid betreffende munisipale personeel-administrasie;

[(iv)](d) kapasiteitsbou binne munisipale administrasies;

[(v)](e) die opleiding en ontwikkeling van personeellede van munisipaliteite, insluitende interne opleiding, behoudens die vereistes van die ‘Skills Development Act, 1998’ (Wet No. [97] 81 van 1998), [en] die ‘Skills Development Levies Act, 1999’ (Wet No. [9] 28 van 1999), en die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003); [en

(vi) enige ander aangeleentheid wat die toepassing van hierdie Hoofstuk kan fasiliteer; of

- (b) issue guidelines to provide for the following matters:]**
- [(i)(f)]** the establishment of job evaluation systems;
 - [(ii)(g)]** the regulation of remuneration and other conditions of service of staff members of municipalities, subject to applicable labour legislation;
 - [(iii)(h)]** the measuring and evaluation of staff performance; 5
 - [(iv)(i)]** the development of remuneration grading and incentive frameworks for staff members of municipalities;
 - (j)** notwithstanding section 67(1)(h), the Minister may make regulations to provide for a disciplinary code and procedures for municipal managers and managers directly accountable to the municipal managers; 10
 - [(v)(k)]** corrective steps in the case of substandard performance by staff members of municipalities; and
 - [(vi)(l)]** any other matter that may facilitate the implementation by a municipality of an efficient and effective system of personnel administration.”.

Amendment of section 86H of Act 32 of 2000, as inserted by section 18 of Act 44 of 2003 15

16. Section 86H of the Systems Act is hereby amended by the insertion after subsection (2) of the following subsection:

- “(3) A by-law made in terms of this section must be consistent with this Act and the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).”. 20

Amendment of section 102 of Act 32 of 2000

17. Section 102 of the Systems Act is hereby amended by the addition of the following subsection:

- “(3) A municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to such a property if the owner requests such accounts in writing from the municipality concerned.”. 25

Amendment of section 106 of Act 32 of 2000

18. Section 106 of the Systems Act is hereby amended— 30

- (a)** by the substitution in the Afrikaans text in subsection (1) for paragraph (a) of the following paragraph:
 - “(a) deur middel van skriftelike kennisgewing aan die munisipaliteit, die munisipale raad of munisipale hestuurder versoek om die LUR te voorsien van inligting wat in die kennisgewing verlang word; [en] of”; 35
- (b)** by the substitution for subsection (3) of the following subsection:
 - “(3) (a) An MEC issuing a notice in terms of subsection (1)(a) or designating a person to conduct an investigation in terms of subsection (1)(b), must within 14 days submit a written statement to the National Council of Provinces motivating the action. 40
 - (b) A copy of the statement contemplated in paragraph (a) must simultaneously be forwarded to the Minister and to the Minister of Finance.”; and
- (c)** by the addition of the following subsection: 45
 - “(4) (a) The Minister may request the MEC to investigate maladministration, fraud, corruption or any other serious malpractice which, in the opinion of the Minister, has occurred or is occurring in a municipality in the province. 50
 - (b) The MEC must table a report detailing the outcome of the investigation in the relevant provincial legislature within 90 days from the date on which the Minister requested the investigation and must simultaneously send a copy of such report to the Minister, the Minister of Finance and the National Council of Provinces.”.

- (b) **riglyne uitreik om vir die volgende aangeleenthede voorsiening te maak:]**
- [(i)(f)] die instelling van posevalueringstelsels;
- [(ii)(g)] die regulering van besoldiging en ander diensvoorwaardes van personeellede van munisipaliteite, behoudens toepaslike arbeidswetgewing; 5
- [(iii)(h)] die meet en evaluering van personeelprestasie;
- [(iv)(i)] die ontwikkeling van besoldigingsgradering en aansporingsraamwerke vir personeellede van munisipaliteite;
- (j) ondanks artikel 67(1)(h) kan die Minister regulasies uitvaardig om voorsiening te maak vir 'n dissiplinêre kode en prosedures vir munisipale bestuurders en bestuurders wat direk aan die munisipale bestuurders verantwoordig doen; 10
- [(v)(k)] korrektiewe stappe in die geval van substandaard prestasie deur personeellede van munisipaliteite; en
- [(vi)(l)] enige ander aangeleentheid wat die implementering deur 'n munisipaliteit van 'n doeltreffende en effektiewe stelsel van personeeladministrasie kan fasiliteer.” 15

Wysiging van artikel 86H van Wet 32 van 2000, soos ingevoeg deur artikel 18 van Wet 44 van 2003

16. Artikel 86H van die Stelselwet word hierby gewysig deur die volgende subartikel 20 na subartikel (2) in te voeg:

“(3) 'n Verordening ingevolge hierdie artikel moet in ooreenstemming met hierdie Wet en die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003), wees.”.

Wysiging van artikel 102 van Wet 32 van 2000 25

17. Artikel 102 van die Stelselwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) 'n Munisipaliteit moet aan 'n eienaar van eiendom binne die munisipaliteit se regsgebied afskrifte voorsien van rekeninge gestuur aan die okkuperder van die eiendom vir munisipale dienste verskaf aan sodanige eiendom, indien die eienaar sodanige rekeninge skriftelik van die betrokke munisipaliteit versoek.”. 30

Wysiging van artikel 106 van Wet 32 van 2000

18. Artikel 106 van die Stelselwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: 35
“(a) deur middel van skriftelike kennisgewing aan die munisipaliteit, die munisipale raad of munisipale bestuurder versoek om die LUR te voorsien van inligting wat in die kennisgewing verlang word: **[en]** of”;

(b) deur subartikel (3) deur die volgende subartikel te vervang: 40
“(3) (a) 'n LUR wat 'n kennisgewing ingevolge subartikel (1)(a) uitreik of wat 'n persoon aanwys om 'n ondersoek ingevolge subartikel (1)(b) te onderneem, moet binne 14 dae 'n skriftelike verklaring wat die optrede motiveer aan die Nasionale Raad van Provinsies voorlê.

(b) 'n Afskrif van die skriftelike verklaring moet terselfdertyd aan die Minister en die Minister van Finansies aangestuur word.”; 45

(c) die volgende subartikel na subartikel (3) by te voeg:

“(4) (a) Die Minister kan die LUR versoek om wanadministrasie, bedrog, korrupsie of enige ander ernstige wanpraktyk wat, na die mening van die Minister, plaasgevind het of plaasvind in 'n munisipaliteit in die provinsie, te ondersoek. 50

(b) Die LUR moet, binne 90 dae vanaf die datum waarop die Minister die ondersoek versoek het, 'n verslag voorlê wat die besonderhede van die resultaat van die ondersoek aandui, en moet tegelykertyd 'n afskrif van sodanige verslag aan die Minister, die Minister van Finansies en die Nasionale Raad van Provinsies stuur.”. 55

Amendment of section 118 of Act 32 of 2000, as amended by section 44 of Act 51 of 2002

19. Section 118 of the Systems Act is hereby amended by the substitution in subsection (1A) for the expression "120 days" of the expression "60 days".

Amendment of item 6 of Schedule 1 to Act 32 of 2000

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20. Item 6 of Schedule 1 to the Systems Act is hereby amended—

(a) by the deletion of subitems (2) and (3); and

(b) by the addition of the following subitem:

"(4) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality."

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Amendment of item 14 of Schedule 1 to Act 32 of 2000

21. Item 14 of Schedule 1 to the Systems Act is hereby amended by the substitution for subitem (4) of the following subitem:

"(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation [on whether the councillor should be suspended or removed from office] as to the appropriate sanction in terms of subitem (2) if a municipal council does not conduct an investigation contemplated in subitem (1) and the MEC for local government considers it necessary."

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Amendment of item 4 of Schedule 2 to Act 32 of 2000, as amended by section 29 of Act 44 of 2003

22. Item 4 of Schedule 2 to the Systems Act is hereby amended by—

(a) the deletion of paragraphs (a) and (b) of subitem (2); and

(b) the addition of the following subitem:

"(3) No staff member of a municipality may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality."

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Insertion of item 5A in Schedule 2 to Act 32 of 2000

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23. The following item is hereby inserted in Schedule 2 to the Systems Act after item 5:

"Declaration of interests

5A. (1) A person appointed in terms of section 56 or a municipal manager must within 60 days after his or her appointment declare in writing to the chairperson of the municipal council the following interests held by that person or municipal manager:

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(a) Shares and securities in any company;

(b) membership of any close corporation;

(c) interest in any trust;

(d) directorships;

(e) partnerships;

(f) other financial interests in any business undertaking;

(g) interest in property; and

(h) subsidies, grants and sponsorships by any organisation.

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(2) Any change in the nature or detail of the financial interests of a staff member must be declared in writing quarterly to the chairperson of the municipal council.

(3) The municipal council must determine which of the financial interests referred to in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure."

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Wysiging van artikel 118 van Wet 32 van 2000, soos gewysig deur artikel 44 van Wet 51 van 2002

19. Artikel 118 van die Stelselwet word hierby gewysig deur in subartikel (1A) die woorde “120 dae” deur die woorde “60 dae” te vervang.

Wysiging van item 6 van Bylae 1 by Wet 32 van 2000

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20. Item 6 van Bylae 1 by die Stelselwet word hierby gewysig deur—

(a) subitems (2) en (3) te skrap; en

(b) die volgende subitem by te voeg:

“(4) Geen raadslid mag ’n party by of bevoordeelde kragtens ’n kontrak vir die verskaffing van goedere of dienste aan enige munisipaliteit of enige munisipale entiteit ingestel deur ’n munisipaliteit wees nie.”.

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Wysiging van item 14 van Bylae 1 by Wet 32 van 2000

21. Item 14 van Bylae 1 by die Stelselwet word hierby gewysig deur subitem (4) deur die volgende subitem te vervang:

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“(4) [Die] Indien ’n munisipale raad nie ’n ondersoek beoog in subitem (1) instel nie en die LUR vir plaaslike regering dit nodig ag, kan die LUR [vir plaaslike regering kan] ’n persoon of ’n komitee aanstel om enige beweerde oortreding van ’n bepaling van hierdie Kode te ondersoek en om ’n aanbeveling te maak [of die raadslid geskors of uit sy amp onthef moet word] ten opsigte van die paslike straf ingevolge subitem (2).”.

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Wysiging van item 4 van Bylae 2 by Wet 32 van 2000, soos gewysig deur artikel 29 van Wet 44 van 2003

22. Item 4 van Bylae 2 by die Stelselwet word hierby gewysig deur—

(a) paragrawe (a) en (b) van subitem (2) te skrap; en

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(b) die volgende subitem by te voeg:

“(3) Geen personeellid van ’n munisipaliteit mag ’n party by of bevoordeelde kragtens ’n kontrak vir die verskaffing van goedere of dienste aan enige munisipaliteit of enige munisipale entiteit ingestel deur ’n munisipaliteit wees nie.”.

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Invoeging van item 5A in Bylae 2 by Wet 32 van 2000

23. Die volgende item word hierby in Bylae 2 by die Stelselwet na item 5 ingevoeg:

“Verklaring van belange

5A. (1) ’n Persoon aangestel ingevolge artikel 56 of ’n munisipale bestuurder moet binne 60 dae na sy of haar aanstelling skriftelik aan die voorsitter van die munisipale raad die volgende belange verklaar wat deur daardie persoon of munisipale bestuurder gehou word:

35

(a) Aandele en sekuriteite in ’n maatskappy;

(b) lidmaatskap van ’n beslote korporasie;

(c) belange in ’n trust;

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(d) direkteurskappe;

(e) vennootskappe;

(f) ander finansiële belange in enige besigheidsonderneming;

(g) belang in eiendom; en

(h) subsidies, toekennings en borgskappe deur enige organisasie.

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(2) ’n Verandering in die aard of besonderhede van die finansiële belange van ’n personeellid moet kwartaalliks skriftelik aan die voorsitter van die munisipale raad verklaar word.

(3) Die munisipale raad moet bepaal welke van die finansiële belange bedoel in subitem (1) openbaar gemaak moet word, met inagneming van die behoefte aan vertroulikheid en die openbare belang vir openbaarmaking.”.

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CHAPTER 4

AMENDMENT OF LOCAL GOVERNMENT: MUNICIPAL PROPERTY
RATES ACT, 2004

Amendment of section 1 of Act 6 of 2004

24. Section 1 of the Local Government: Municipal Property Rates Act, 2004 (in this Chapter referred to as the Property Rates Act), is hereby amended— 5

(a) by the substitution for the definition of “land tenure right” of the following definition:

“**‘land tenure right’** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No. 11 of 2004);” and 10

(b) by the substitution for paragraph (j) of the definition of “public service infrastructure” of the following paragraph:

“(j) **[rights of way, easements and servitudes]** a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i);” 15

Amendment of section 3 of Act 6 of 2004

25. Section 3 of the Property Rates Act is hereby amended—

(a) by the substitution in subsection (3) for paragraph (e) of the following paragraph: 20

“(e) identify **[and quantify in terms of cost to the municipality]** and **[any benefit to the local community]** provide reasons for—

(i) exemptions[, **rebates and reductions**];

(ii) **[exclusions referred to in section 17(1)(a), (e), (g), (h) and (i)]** rebates; and 25

(iii) **[rates on properties that must be phased in terms of section 21]** reductions;” and

(b) by the substitution in subsection (3) for paragraph (g) of the following paragraph:

“(g) take into account the effect of rates on organisations conducting specified public benefit activities and registered in terms of the Income Tax Act for tax **[reductions]** exemptions because of those activities, in the case of property owned and used by such organisations for those activities;” 30

Amendment of section 7 of Act 6 of 2004 35

26. Section 7 of the Property Rates Act is hereby amended by the substitution in subsection (2)(a) for subparagraph (ii) of the following subparagraph:

“(ii) public service infrastructure **[owned by a municipal entity]**;”.

Amendment of section 9 of Act 6 of 2004

27. Section 9 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following subsection: 40

“(a) a purpose corresponding with the permitted use of the property[, **if the permitted use of the property is regulated**];”.

Amendment of section 15 of Act 6 of 2004

28. Section 15 of the Property Rates Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words: 45

“**[All exemptions, rebates and reductions projected for a financial year]** Projections regarding revenue to be forgone for a financial year in relation to subsection (3)(b) must be reflected in the municipality’s annual budget for that year as—” 50

ISAHLUKO SESI-4

ISICHIBIYELO SIKAHULUMENI WASEKHAYA:
SOMTHETHO WENTELA YEMPAHLA KAMASIPALA, KA 2004

Ukuchitshiyelwa kwesigaba soku-1 soMthetho wesi-6 ka 2004

24. Isigaba soku-1 sikhahulumeni wasekhaya: uMthetho Wentela Yempahla kaMasipala, we-2004 (obizwa ngoMthetho Wentela Yempahla) siyachitshiyelwa— 5
- (a) ngokwengeza umshwana “(uMthetho ongunombolo 11 ka 2004)” emva kwamagama athi “UMthetho kaWonkewonke waMalungelo oMhlaba, ka 2004” encazelweni ethi “ilungelo lokuhlala endaweni”; kanye
- (b) ngokufaka endaweni yesigamu (j) sencazelo “ingqalasizinda yemisebenzi yomphakathi” kulesi sigamu esilandelayo: 10
- “(j) **[imizila yokwedlula, ukuba lula kanye namagunya okusebenzisa umhlaba wabanye abantu ngokwesivumelwano ilungelo elibhaliswe ngokusemthethweni empahleni emile okuhambisana nengqalasizinda okukhulunywe ngayo ezigamini (a) kuya ku (i):**” 15

Ukuchitshiyelwa kwesigaba sesi-3 soMthetho wesi-6 ka 2004

25. Isigaba sesi-3 soMthetho Wentela Yempahla siyachitshiyelwa—
- (a) ngokufaka esikhundleni sesigamu (e) sesigatshana (3) sesigamu esilandelayo: 20
- “(e) goka **[bese wenza inani ngokulandela uhlelo lwentengo kamasipala]** bese unikeza izizathu **[zanoma yiziphi izinzuzo ezingazuzwa umphakathi wendawo kulokhu]**—
- (i) Izibonelelo **[izinxephezelo nezaphulelo]**;
- (ii) **[izinxephezelo okungangeni lapho okukhulunywe ngakho esigabeni 17(1)(a), (e), (g), (h) kanye (i)]**; kanye
- (iii) **[Nezaphulelo [izintela ezimpahleni okumele zifakwe ngokwesigaba sama-21]:**”; kanye 25
- (b) ngokufaka esikhundleni sesigatshana (3) isigaba (g) salesi sigaba esilandelayo: 30
- “(g) uma ubuka umthelela intela eba nawo ezikhungweni ezenzela imiphakathi imisebenzi ethile nezikubhalisele ukukhokha intela ngokulandela uMthetho Wentela Yomholo ukuze **[zehliselwe]** zingabe zisayikhokha intela ngenxa yaleyo misebenzi eziyenzayo, mayelana nokuthi impahla eyalezo zikhungo nokuthi isetshenziselwa leyo misebenzi eziyenzayo;”.

Ukuchitshiyelwa kwesigaba sesi-7 soMthetho wesi-6 ka 2004 35

26. Isigaba sesi-7 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka endaweni yesiganyana (ii) sesigamu (a) sesiganyana (2) sesiganyana esilandelayo:
- “(ii) ingqalasizinda yemisebenzi yomphakathi **[eyenganyelwe ngumasipala]**”.

Ukuchitshiyelwa kwesigaba sesi-9 soMthetho wesi-6 ka 2004

27. Isigaba sesi-9 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka esikhundleni sesigamu (a) sesigatshana (1) sesigatshana esilandelayo: 40
- “(a) inhloso emayelana nemvume yokusebenzisa impahla, **uma imvume yokusebenzisa impahla inomthethomgomo]**”.

Ukuchitshiyelwa kwesigaba se-15 soMthetho wesi-6 ka 2004

28. Isigaba se-15 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka esikhundleni sesigatshana (4) amagama angaphambi kwesigamu (a) sesigatshana esilandelayo: 45
- “**[Zonke izibonelelo, izinxephezelo nezaphulelo ezikanekiselwe unyaka wezimali]** Izifanekiso zezimali okufanele ziyekwe zonyaka wezimali okuhambisana nezigatshana (3)(b) kumele zivele kusabelozimali sikamasipala salowo nyaka—” 50

Amendment of section 17 of Act 6 of 2004

29. Section 17 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) on those parts of a special nature reserve, national park or nature reserve within the meaning of the **[Protected Areas Act] National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)**, or of a national botanical garden within the meaning of the **National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)**, which are not developed or used for commercial, business, agricultural or residential purposes;”

Amendment of section 19 of Act 6 of 2004

30. Section 19 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:

“(a) different rates on residential properties, except as provided for in sections **[11(1)(b)] 11(2)**, 21 and 89;
(b) a rate on a category of non-residential properties that exceeds a prescribed ratio to the rate on residential properties determined in terms of section **[11(1)(a): Provided that different ratios may be set in respect of different categories of non-residential properties.]**”

Amendment of section 20 of Act 6 of 2004

31. Section 20 of the Property Rates Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, with the concurrence of the Minister of Finance and by notice in the *Gazette*, set an upper limit on the percentage by which—
(a) rates on **[properties] property categories** or a rate on a specific category of properties may be increased; or
(b) **the total revenue derived from rates on all property categories or a rate on a specific category of properties may be increased.**”

Amendment of section 46 of Act 6 of 2004

32. Section 46 of the Property Rates Act is hereby amended—

- (a) by the substitution in subsection (3) for paragraph (a) of the following paragraph:
“(a) **[The value of any] Any** building or other immovable structure under the surface of the property which is the subject matter of any mining authorisation or mining right defined in the **[Minerals Act, 1991 (Act No. 50 of 1991)] Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)**;”
(b) by the substitution in subsection (3)(b) for the words preceding subparagraph (i) of the following words:
“**[the value of]** any equipment or machinery which, in relation to the property concerned, is immovable property, excluding—”; and
(c) by the deletion of subsection (5).

Ukuchitshiyelwa kwesigaba se-17 soMthetho wesi-6 ka 2004

29. Isigaba se-17 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka esikhundleni sesigamu (e) sesigatshana (1) sesigamu esilandelayo:

- “(e) lezo ngxenye ziyisipesheli ezigcinelwe ezemvelo noma ipaki eyenganyelwe nguhulumeni noma imvelo egciniwe ngaphansi komqondo **[WoMthetho Wezindawo Ezivikelwe]** Wokusingathwa Kwendawo KukaZwelonke: uMthetho Wezindawo Ezivikelwe, ka 2003 (UMthetho ongunombolo 57 ka 2003), noma uMthetho ophathelene nezimila kuzwelonke (national botanical garden) ngaphansi komqondo woMthetho we-National Environmental Management: Biodiversity Act, 2004 (UMthetho ongunombolo 10 ka 2004), ezingathuthukisiwe noma ezisetshenziselwa ukuhweba, amabhizinisi noma ukuhlala noma izinhloso zokulima;”.

Ukuchitshiyelwa kwesigaba se-19 soMthetho wesi-6 ka 2004

30. Isigaba se-19 soMthetho Wentela Yempahla siyachitshiyelwa—

- (a) ngokufaka esikhundleni somshwana **[“11(1)(b)”]** isigamu (a) sesigatshana (1) somshwana “11(2)”;
- (b) ngokufaka esikhundleni sesigatshana (1) isigaba (b) salesi sigaba esilandelayo:
- “(b) intela ohlwini lwezindawo okungezona ezokuhlala ezedlula isilinganiso sentela esisemthethweni sezindawo zokuhlala esibekwe esigabeni 11(1)(a): Ngaphandle uma umehluko wezilinganiso ungamiswa njengohlu olwehlukile lwezindawo okungezona ezokuhlala.”.

Ukuchitshiyelwa kwesigaba sama-20 soMthetho wesi-6 ka 2004

31. Isigaba sama-20 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka esikhundleni sesigatshana (1) sesigatshana esilandelayo:

- “(1) UNgqongqoshe, ngokuvumelana noNgqongqoshe Wezezimali ngokwesaziso kuGazethi [,] —
- (a) angamisa iphesenti elithe xaxa lapho intela **[ezimpahleni]** ezinhleni zempahla noma intela ohlwini oluthile lwezimpahla ingenyuswa; noma
- (b) angamisa iphesenti elithe xaxa esambeni okufinyelelwe kuso sentela yazo zonke izinhla zezakhiwo noma intela yohlu oluthile lwezimpahla ingenyuswa.”.

Ukuchitshiyelwa kwesigaba sama-46 soMthetho wesi-6 ka 2004

32. Isigaba sama-46 soMthetho Wentela Yempahla siyachitshiyelwa—

- (a) ngokufaka esikhundleni sesigamu (a) sesigatshana (3) sesigamu esilandelayo:
- “(a) **[Isilinganiso]** sanoma yisiphi isakhiwo noma esinye isakhiwo esimile esakhiwe endaweni okukhulunywa ngayo yanoma yikuphi ukugunyazwa kokumbiwa kuyo noma ilungelo lokumba njengalokhu kuchazwe [eMthethweni Wezimbiwa we-1991(uMthetho onguno. 50 ka 1991)]; uMthetho Wezimbiwa Nokuthuthukiswa Kwezamafutha, ka 2002 (uMthetho ongunombolo 28 ka 2002);”;
- (b) ngokufaka esikhundleni sesigatshana (3)(b) amagama angaphambi kwesigamu (i) sesigatshana esilandelayo:
- “**[Ivelu]** noma yiliphi ithuluzi lokusebenza noma imishini, okuhlobene nempahla okukhulunywa ngayo, okuyimpahla emile (immovable), kungahlanganisi—”; kanye
- (b) nokuchithwa kwesigatshana (5).

Amendment of section 78 of Act 6 of 2004

33. Section 78 of the Property Rates Act is hereby amended—

- (a) by the deletion in subsection (1) of the word “or” at the end of paragraph (e), the addition of the word “or” at the end of paragraph (f) and the addition to that subsection of the following paragraph: 5
 “(g) of which the category has changed;”; and
 (b) by the deletion in subsection (4) of the word “or” at the end of paragraph (c), the addition of the word “or” at the end of paragraph (d) and the addition to that subsection of the following paragraph: 10
 “(e) the date on which the change of category referred to in subsection (1)(g) occurred.”.

Amendment of section 86 of Act 6 of 2004

34. Section 86 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:

- “(c) wilfully gives information in an objection in terms of section 50(1)(c) or in an appeal in terms of section [48] 54 which is false in any material respect;” 15

Amendment of Part 1 of Schedule to Act 6 of 2004

35. Part 1 of the Schedule to the Property Rates Act is hereby amended—

- (a) by the insertion of the following row after row number 1:
 “1A. Valuation Ordinance, 1944 (Ordinance No. 26 of 1944) The whole.”; and 20
 (b) by the deletion of row number 26.

CHAPTER 5**MISCELLANEOUS MATTERS****Repeal of laws**

25

36. The laws specified in the first column of the Schedule are hereby repealed to the extent indicated in the second column of the Schedule.

Short title

37. This Act is called the Local Government Laws Amendment Act, 2008.

Ukuchitshiyelwa kwesigaba sama-78 soMthetho wesi-6 ka 2004

- 33.** Isigaba sama-78 soMthetho Wentela Yempahla siyachitshiyelwa—
- (a) ngokucisha isigatshana (1) segama elithi “noma” ekugcineni kwesigamu (e), ukwengeza ngegama “noma” ekugcineni kwesigamu (f) nokwengezwa kwesigatshana sesigamu-esilandelayo: 5
“(g) lapho uhlu luguquke khona.”; kanye
- (b) ngokucisha kwisigatshana (4) igama elithi “noma” ekugcineni kwesigamu (c), ukwengeza ngegama “noma” ekugcineni kwesigamu (d) nokwengezwa kusigatshana sesigamu esilandelayo: 10
“(e) usuku lapho loludaba oluphawulwe kusigaba (1)(g) lwenzeke ngalo.”

Ukuchitshiyelwa kwesigaba sama-86 soMthetho wesi-6 ka 2004

- 34.** Isigaba sama-86 soMthetho Wentela Yempahla siyachitshiyelwa ngokufaka esikhundleni somshwana “isigaba 48” somshwana “isigaba 54” esiganyini (c) sesigatshana (1). 15

Ukuchitshiyelwa kwengxenywe yoku-1 yeSheduli yoMthetho wesi-6 ka 2004

- 35.** Ingxenywe yoku-i yeSheduli yoMthetho Wentela Yempahla siyachitshiyelwa—
- (a) ngokufaka esikhundleni iphuzu ekugcineni iphuzu lama-1: 20
“IA. UMthetho wokuhlola, 1944 (UMthetho ongunombolo 26 we-1994) Wonke.”; kanye
- (b) ngokususa iphuzu lama-26.

HOOFSTUK 5**DIVERSE AANGELEENTHEDE****Herroeping van wette**

- 36.** Die wette genoem in die eerste kolom van die Bylae word hierby herroep in die mate in die tweede kolom van die Bylae aangedui. 25

Kort titel

- 37.** Hierdie Wet heet die Wysigingswet op Plaaslike Regeringswette, 2008.

SCHEDULE

(Section 37)

Title, No. and year of law	Extent of repeal	
Jan Kempdorp Act, 1964 (Act No. 40 of 1964)	The whole	5
Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983)	Chapter 1, section 14, section 15 in so far as it has not been assigned to a province, sections 17A and 17G	10
Jan Kempdorp Amendment Act, 1985 (Act No. 4 of 1985)	The whole	
Promotion of Local Government Affairs Amendment Act, 1985 (Act No. 45 of 1985)	Sections 2 and 3	
Promotion of Local Government Affairs Amendment Act, 1986 (Act No. 79 of 1986)	The whole	15
Constitutional Laws Amendment Act, 1988 (Act No. 43 of 1988)	Sections 7, 8 and 9	
Promotion of Local Government Affairs Amendment Act, 1988 (Act No. 82 of 1988)	Sections 2 and 3	20
Local Authority Affairs Amendment Act (House of Assembly), 1991 (Act No. 127 of 1991)	Sections 10 and 11	
Local Government Affairs Amendment Act, 1993 (Act No. 56 of 1993)	Sections 2, 3, 4 and 5	
Local Government Affairs Second Amendment Act, 1993 (Act No. 117 of 1993)	Sections 4 and 7	25
Local Government Transition Act, 1993 (Act No. 209 of 1993)	The whole in so far as it has not been assigned to a province	
Proclamation No. R 153 of 1994	The whole in so far as it amends Chapter 1 of the Promotion of Local Government Affairs Act, 1983	30
Local Government Transition Act Amendment Act, 1995 (Act No. 61 of 1995)	The whole	35
Local Government Transition Act Second Amendment Act, 1996 (Act No. 97 of 1996)	The whole	

WYSIGINGSWET OP PLAASLIKE
REGERINGSWETTE, 2008

Wet No. 19, 2008

BYLAE

Titel, No. en jaar van wet	Mate van herroeping	
Wet op Jan Kempdorp, 1964 (Wet No. 40 van 1964)	Die geheel	5
Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983)	Hoofstuk 1, artikel 14, artikel 15 in die mate wat dit nie aan 'n provinsie opgedra is nie, artikels 17A en 17G	10
Wysigingswet op Jan Kempdorp, 1985 (Wet No. 4 van 1985)	Die geheel	
Wysigingswet op die Bevordering van Plaaslike Oweheidsaangeleenthede, 1985 (Wet No. 45 van 1985)	Artikels 2 en 3	15
Wysigingswet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1986 (Wet No. 79 van 1986)	Die geheel	
Wysigingswet op Staatkundige Wetgewing, 1988 (Wet No. 43 van 1988)	Artikels 7, 8 en 9	20
Wysigingswet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1988 (Wet No. 82 van 1988)	Artikels 2 en 3	
Wysigingswet op Plaaslike Owerheidsaangeleenthede (Volksraad), 1991 (Wet No. 127 van 1991)	Artikels 10 en 11	25
Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1993 (Wet No. 56 van 1993)	Artikels 2, 3, 4 en 5	
Tweede Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1993 (Wet No. 117 van 1993)	Artikels 4 en 7	30
Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993)	Die geheel in die mate wat dit nie aan 'n provinsie opgedra is nie	35
Proklamasie No. R 153 van 1994	Die geheel in die mate wat dit Hoofstuk I van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, wysig	
Wysigingswet op die Oorgangswet op Plaaslike Regering, 1995 (Wet No. 61 van 1995)	Die geheel	40
Tweede Wysigingswet op die Oorgangswet op Plaaslike Regering, 1996 (Wet No. 97 van 1996)	Die geheel	45