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PROVINCE OF THE EASTERN CAPE
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PROVINSIE OOS-KAAP

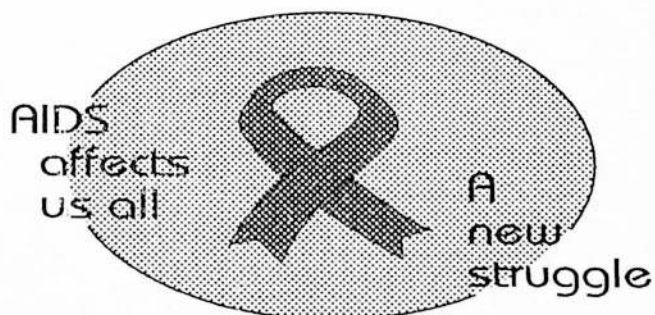
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No. 1556
(Extraordinary)

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DEPARTMENT OF HEALTH



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PROVINCIAL NOTICE

No. 29

6 July 2006

**PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****PUBLICATION FOR PUBLIC COMMENT.****PROPOSED ADJUSTMENT OF DIVISION OF FUNCTIONS AND POWERS BETWEEN
DISTRICT AND LOCAL MUNICIPALITIES ISSUED IN TERMS OF SECTION 85 OF THE
LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT No. 117 OF 1998)**

1. In terms of the consultation requirements contained in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, the attached amendments are hereby published for public comment before their enactment.
2. Comments must please be submitted in writing to:
The Head of Department
Attention: Mr. Qwane K.
Department of Housing, Local Government and Traditional Affairs
Private Bag X0035
BISHO
5605
3. Comments may be faxed to facsimile number (040)639 1768 at the above address.
4. Comments must be submitted within fourteen (14) days of the date of publication hereof.

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

I, Sam Kwelita, Member of the Executive Council responsible for Local Government in the Province of the Eastern Cape, hereby under the powers vested in me by sections 85(1) and 85(6) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) adjust the division of functions and powers by way of allocation in terms of paragraph 14 hereunder, which is inserted in Part 1 of the Schedule to the notices published in terms of section 12 of the said Act (as amended from time to time) and which are contained in Provincial Notices No's 105, 106, 107, 108, 109, and 110 of 2000 all dated 2 December 2000, as amended.

SIGNED: S. KWELITA
ACTING MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE
DATE: June 2006

Adjustment of division of functions and powers between district and local municipalities by way of allocation.

- 14 (1) In terms of section 85 of the Act and with effect from 1 July 2006, the division of functions and powers between the district municipality and the local municipalities is adjusted by way of allocations in accordance with Part 1 of the Annexure hereto, and for the purposes of the said Part 1, "function" includes "power".
- (2) (a) Subject to subparagraph (2) (b) and unless clearly inappropriate or inapplicable, the provisions of this Chapter which regulate the legal practical and other consequences of the disestablishment of municipalities including -
- (i) the transfer of staff;
 - (ii) the transfer of assets, liabilities, rights and obligations, and administrative and other records; and
 - (iii) the continued application of any bylaws, regulations and resolutions in the area 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 district municipality or a local municipality.
- (2) (b) For the purposes of this paragraph -
- (i) the provisions referred to in subparagraph (2)(a) must be construed as provisions which regulate any allocation in terms of subparagraph (1);
 - (ii) the continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of subparagraph (1), including the consequences of the matters referred to in subparagraph (2) (a)(i), (ii) and (iii) being further or otherwise regulated before, on or after 1 July 2006; and
 - (iii) any reference in this Chapter to
 - (aa) "disestablished municipality" must be construed as a reference to the district or local municipality which loses a function or power, such function or power being allocated to another municipality in terms of subparagraph (1);
 - (bb) "effective date" must be construed as a reference to 1 July 2006; and
 - (cc) "new municipality" must be construed as a reference to the district or local municipality to which a function or power is allocated in terms of subparagraph (1).

PROVINCIAL NOTICE NO. 110, 2000 DATED 2 DECEMBER 2000

PART 1: 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 in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
DC10	Cacadu District Municipality	The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Schedule 4 Part B of the Constitution: <ul style="list-style-type: none">• Municipal planning in EC103
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC101	Camdeboo Local Municipality	As listed in the following section of the Structures Act: 84(1)(h) - municipal airports 84(1)(n) - relating to the above functions.
EC102	Blue Crane Route Local Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC103	Ikwezi Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC104	Makana Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC105	Ndlambe Local Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC106	Sunday's River Valley Local Municipality	No function as listed in section 84(1) of the Structures Act:
EC107	Baviaans Local Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC108	Kouga Local Municipality	No function as listed in section 84(1) of the Structures Act: 84(1)(j) - Fire Fighting Services has been removed
EC109	Kou-Kamma Local Municipality	As listed in the following section of the Structures Act: 84(1)(h) - Municipal Airports 84(1)(n) - relating to the above functions.

PROVINCIAL NOTICE NO. 106, 2000 DATED 2 DECEMBER 2000

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

DC12	Amatole District Municipality	<p>The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets:</p> <p>Schedule 4 Part B of the Constitution:</p> <ul style="list-style-type: none"> • Building regulations in (EC121). • Municipal public transport in (EC121, EC122, EC123, EC126, EC127 and EC128). • Fire fighting in (EC126) <p>Schedule 5 Part B of the Constitution:</p> <ul style="list-style-type: none"> • Local amenities in (EC 122, EC123, EC126, EC127 and EC128). • Licensing and control of undertakings that sell food to the public in (EC121, (EC122), (EC123), (EC126) and (EC127) • Municipal roads in (EC126)
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC121	Mbhashe Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(f) - Roads</p> <p>84(1)(n) – relating to the above functions.</p>
EC122	Mnquma Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(f)- Roads</p> <p>84(1)(n) – relating to the above functions.</p>
EC123	Great Kei Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(f) - Roads</p> <p>84(1)(n) – relating to the above functions.</p>
EC124	Amahlati Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(f) - Roads</p> <p>84(1)(n) – relating to the above functions.</p>
EC125	Buffalo City Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(e) – Solid waste</p> <p>84(1)(f) – Roads</p> <p>84(1)(g) – Passenger Services</p> <p>84(1)(j) - Fire Fighting Services</p> <p>84(1)(k) - Markets and abatoirs</p> <p>84(1)(l) - Cementeries</p> <p>84(1)(m) – Local tourism</p> <p>84(1)(n) – relating to the above functions.</p>

EC126	Ngqushwa Local Municipality	No function as listed in section 84(1) of the Structures Act:
EC127	Nkonkobe Local Municipality	As listed in the following section of the Structures Act: 84(1)(f) - Roads 84(1)(n) – relating to the above functions.
EC128	Nxuba Local Municipality	As listed in the following section of the Structures Act: 84(1)(f) – Roads 84(1)(n) – relating to the above functions.

PROVINCIAL NOTICE NO. 105, 2000 DATED 2 DECEMBER 2000

PART 1 : 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 in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
DC13	Chris Hani District Municipality	The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Schedule 4 Part B • Municipal Planning (EC137)
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC131	Inxuba Yethemba Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(h) - Municipal Airports 84(1)(j) - Fire Fighting Services 84(1)(l) - Cemeteries 84(1)(m) – Local tourism 84(1)(n) – relating to the above functions.
EC132	Tsolwana Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(h) - Municipal Airports 84(1)(j) - Fire Fighting Services 84(1)(l) - Cemeteries 84(1)(n) – relating to the above functions.
EC133	Inkwanca Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Cemeteries 84(1)(n) – relating to the above functions.

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Municipality No.	Name of Municipality	The district municipality performs the following local functions in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
EC134	Lukanji Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(h) - Municipal Airports 84(1)(l) - Cemeteries 84(1)(n) – relating to the above functions.
EC135	Intsika Yethu Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Cemeteries 84(1)(m) - Local Tourism 84(1)(n) – relating to the above functions.
EC136	Emalahleni Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Cemeteries 84(1)(n) – relating to the above functions.
EC137	Engcobo Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Cemeteries 84(1)(n) – relating to the above functions.
EC138	Sakhisizwe Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(j) - Fire Fighting Services 84(1)(l) - Cemeteries 84(1)(m) - Local tourism 84(1)(n) – relating to the above functions.

PROVINCIAL NOTICE NO. 108, 2000 DATED 2 DECEMBER 2000

PART 1 : 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 in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
DC14	Ukhahlamba District Municipality	The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Schedule 5 Part B of the Constitution:

Municipality No.	Name of Municipality	The district municipality performs the following local functions in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
		<ul style="list-style-type: none"> • Licensing and control of the selling of food to the public in (EC141). • Municipal public transport EC(141), (EC142) and (EC143)
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC141	Elundini Local Municipality	As listed in the following section of the Structures Act: 84(1)(m) - Local tourism 84(1)(n) – relating to the above functions No function as listed in the section of the Structures Act:
EC142	Senqu Local Municipality	No function as listed in section 84(1) of the Structures Act: Solid waste has been removed
EC143	Maletswai Local Municipality	As listed in the following section of the Structures Act: 84(1)(h) - Municipal Airports 84(1)(n) – relating to the above functions.
EC144	Gariep Local Municipality	As listed in the following section of the Structures Act: 84(1)(h) - Municipal Airports 84(1)(n) – relating to the above functions.

PROVINCIAL NOTICE NO. 107, 2000 DATED 2 DECEMBER 2000

PART 1 : 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 in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
DC15	O.R. Tambo District Municipality	<p>The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets:</p> <p>Schedule 5 Part B of the Constitution:</p> <p>- Municipal abattoirs in (EC152, EC154 and EC157).</p>

Municipality No.	Name of Municipality	The district municipality performs the following local functions in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC151	Mbizana Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
EC152	Ntabankulu Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
EC153	Qaukeni Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC154	Port St. Johns Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
EC155	Nyandeni Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
EC156	Mhlontlo Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.
EC157	King Sabata Dalindyebo Local Municipality	As listed in the following section of the Structures Act: 84(1)(e) - Solid waste 84(1)(j) - Fire Fighting Services 84(1)(k) - markets only. 84(1)(l) - Local tourism 84(1)(n) – relating to the above functions.

PROVINCIAL NOTICE NO. 107, 2000 DATED 2 DECEMBER 2000**PART 1 : 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 in the local areas indicated in brackets, and that the local municipalities performs the following district functions in their respective local areas:
DC44	Alfred Nzo District Municipality	<p>The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets:</p> <p>Schedule 4 Part B of the Constitution:</p> <ul style="list-style-type: none"> • Fire fighting services in (EC441) and EC05b2).
Municipality No.	Name of Municipality	The local municipalities performs the following district functions in their respective local areas:
EC05b1	Matatiele Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) - relating to the above functions.</p>
EC05b2	Umzimvubu Local Municipality	<p>As listed in the following section of the Structures Act:</p> <p>84(1)(e) - Solid waste 84(1)(l) - Local tourism 84(1)(n) - relating to the above functions.</p>

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