

THE PROVINCE OF GAUTENG
DIE PROVINSIE GAUTENG

Provincial Gazette Extraordinary
Buitengewone Provinciale Koerant

Selling price: R1,50 ◇ Other countries: R1,95
Verkoopprys: R1,50 ◇ Buitelands: R1,95

Vol. 1

PRETORIA, 1 JANUARY 1995

No. 3

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION

No. 2 (Premier's), 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

ESTABLISHMENT OF NORTH EAST RAND
TRANSITIONAL METROPOLITAN COUNCIL WITH
TRANSITIONAL METROPOLITAN SUBSTRUCTURES

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), read with Premier's Proclamations No's. 24 and 38 of 1994, and No's. 3, 4 and 5 of 1995, respectively, I hereby, with the concurrence of the Provincial Committee, make the enactments in the Schedule.

Given under my Hand at Johannesburg this Twenty-ninth day of December, One thousand Nine hundred and Ninety-four.

T. M. G. SEXWALE,
Premier-in-Executive Council.

PROKLAMASIE

No. 2 (Premiers-), 1995

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET NO. 209 VAN 1993)

INSTELLING VAN NOORD-OOS RAND METROPOLITAANSE OORGANGSRAAD MET METROPOLITAANSE OORGANGSUBSTRUKTURE

Kragtens artikel 10 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), gelees met Premiers Proklamasies Nos. 24 en 38 van 1994, en No's. 3, 4 en 5 van 1995, onderskeidelik, vaardig ek hierby, met die instemming van die Provinciale Komitee, die Maatreëls in die Bylae uit.

Gegee onder my Hand te Pretoria, op hede die Nege-en-twintigste dag van Desember Eenduisend Negehonderd Vier-en-negentig.

T. M. G. SEXWALE,
Premier-in-Uitvoerende Raad.

SCHEDULE**CHAPTER 1****TRANSITIONAL METROPOLITAN
SUBSTRUCTURES****Establishment of Transitional Metropolitan Substructures**

1. Three Transitional Metropolitan Substructures, hereunder called the Kempton Park/Tembisa Metropolitan Substructure, the Midrand/Rabie Ridge/Ivory Park Metropolitan Substructure and the Edenvale/Modderfontein Metropolitan Substructure, are hereby established as contemplated in section 7 (1) (b) (ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date), comprising the following local government bodies:

- (a) The Kempton Park/Tembisa Metropolitan Substructure—the City Council of Kempton Park and the City Council of Tembisa;
- (b) the Midrand/Rabie Ridge/Ivory Park Metropolitan Substructure—the Town Council of Midrand, Rabie Ridge and extensions and Ivory Park and extensions; and
- (c) the Edenvale/Modderfontein Metropolitan Substructure—the Town Council of Edenvale and the Town Council of Modderfontein,

which Transitional Metropolitan Substructures shall be deemed to be local authorities in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

Dissolution of local government bodies

2. (1) The following local government bodies are hereby dissolved on the effective date:

- (a) City Council of Kempton Park;
- (b) City Council of Tembisa;
- (c) Town Council of Edenvale;
- (d) Town Council of Modderfontein;
- (e) Town Council of Midrand;
- (f) Rabie Ridge and extensions; and
- (g) Ivory Park and extensions.

(2) Administrator's Notice No. 407 of 16 September 1992 as promulgated in *Official Gazette* No. 4857 is as from the effective date repealed under section 13 (6) (a) of the Local Government Transition Act, 1993, in so far as it applies to the areas of Rabie Ridge and extensions.

(3) Administrator's Notice No. 311 of 6 July 1993 as promulgated in *Official Gazette* No. 4924 is as from the effective date repealed under section 13 (6) (a) of the Local Government Transition Act, 1993, in so far as it applies to the areas of Ivory Park and extensions.

BYLAE**HOOFSTUK 1****METROPOLITAANSE OORGANG-SUBSTRUKTURE****Instelling van Metropolitaanse Oorgangsubstrukture**

1. Drie Metropolitaanse Oorgangsubstrukture, hieronder die Kempton Park/Tembisa Metropolitaanse Substruktuur, die Midrand/Ivory Park/Rabie Ridge Metropolitaanse Substruktuur en die Edenvale/Modderfontein Metropolitaanse Substruktuur genoem, word hierby, soos beoog in artikel 7 (1) (b) (ii) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vanaf die datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem), ingestel, bestaande uit die volgende plaaslike owerheidsliggame:

- (a) Die Kempton Park/Tembisa Metropolitaanse Substruktuur—die Stadsraad van Kempton Park en die Stadsraad van Tembisa;
- (b) die Midrand/Rabie Ridge/Ivory Park Metropolitaanse Substruktuur—die Stadsraad van Midrand, Rabie Ridge en uitbreidings en Ivory Park en uitbreidings; en
- (c) die Edenvale/Modderfontein Metropolitaanse Substruktuur—die Stadsraad van Edenvale en die Stadsraad van Modderfontein,

welke Metropolitaanse Oorgangsubstrukture geag word plaaslike besture ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggame

2. (1) Die volgende plaaslike owerheidsliggame word hierby op die effektiewe datum ontbind:

- (a) Stadsraad van Kempton Park;
- (b) Stadsraad van Tembisa;
- (c) Stadsraad van Edenvale;
- (d) Stadsraad van Modderfontein;
- (e) Stadsraad van Midrand;
- (f) Rabie Ridge en uitbreidings; en
- (g) Ivory Park en uitbreidings.

(2) Administrateurskennisgewing No. 407 van 16 September 1992 soos uitgevaardig in *Offisiële Koorant* No. 4857 word vanaf die effektiewe datum kragtens artikel 13 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, herroep in soverre dit van toepassing is op die gebiede van Rabie Ridge en uitbreidings.

(3) Administrateurskennisgewing No. 311 van 6 Julie 1993 soos uitgevaardig in *Offisiële Koorant* No. 4924 word vanaf die effektiewe datum kragtens artikel 13 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, herroep in soverre dit van toepassing is op die gebiede van Ivory Park en uitbreidings.

Area of Transitional Metropolitan Substructures

3. (1) The area of the North East Rand Metropolitan Substructures established under section 1 comprises the following:

- (a) The Kempton Park/Tembisa Metropolitan Substructure comprising the existing area of jurisdiction of the dissolved City Council of Kempton Park as defined in Administrator's Proclamation No. 121 of 9 September 1942 as amended or extended and the existing area of jurisdiction of the dissolved City Council of Tembisa as defined in Government Notice No. 2037 of 16 September 1983 as amended or extended;
 - (b) The Midrand/Rabie Ridge/Ivory Park Metropolitan Substructure comprising the existing area of jurisdiction of the dissolved Town Council of Midrand as defined in Administrator's Notice No. 147 of 1 July 1981 as amended or extended and including—
 - (i) the area of the dissolved Township of Rabie Ridge as defined in Administrator's Notice No. 433 of 24 May 1989 as amended or extended; and
 - (ii) Rabie Ridge numbers 4 and 5 and the area of the dissolved Township of Ivory Park as defined in Administrator's Notice No. 407 of 16 September 1992 as amended or extended; and
 - (c) The Edenvale/Modderfontein Metropolitan Substructure comprising the existing area of jurisdiction of the dissolved Town Council of Edenvale as defined in Administrator's Proclamation No. 53 of 4 June 1935 as amended or extended and the existing area of jurisdiction of the dissolved Town Council of Modderfontein as defined in Administrator's Proclamation No. 18 of 13 March 1986 as amended or extended.
- (2) A cadastral map reflecting the areas of jurisdiction of the North East Rand Metropolitan Substructures, as described in subsection (1), is contained in Annexure A.

Functions, powers and duties

4. Any functions, powers and duties pertaining to the provision and maintenance of services and facilities shall be performed by the North East Rand Metropolitan Substructures established by section 1 within the context of the broad policy guidelines laid down by the North East Rand Transitional Metropolitan Council established by section 19 and function as primary local authorities as contemplated in any law applicable to local authorities.

Gebied van Metropolitaanse Oorgangssubstrukture

3. (1) Die gebied van die Noord-Oos Rand Metropolitaanse Substrukture ingestel kragtens artikel 1 bestaan uit die volgende:

- (a) Die Kempton Park/Tembisa Metropolitaanse Substruktuur bestaande uit die bestaande regsgebied van die ontbinde Stadsraad van Kempton Park soos omskryf in Administrateursproklamasie No. 121 van 9 September 1942, soos gewysig of uitgebrei en die bestaande gebied van die ontbinde Stadsraad van Tembisa soos omskryf in Goewermentskennisgewing No. 2037 van 16 September 1983 soos gewysig of uitgebrei;
 - (b) Die Midrand/Rabie Ridge/Ivory Park Metropolitaanse Substruktuur bestaande uit die bestaande regsgebied van die ontbinde Stadsraad van Midrand soos omskryf in Administrateurskennisgewing No. 147 van 1 Julie 1981 soos gewysig of uitgebrei en insluitend—
 - (i) die gebied van die ontbinde dorpsgebied van Rabie Ridge soos omskryf in Administrateurskennisgewing No. 433 van 21 Mei 1989 soos gewysig of uitgebrei; en
 - (ii) Rabie Ridge nommers 4 en 5 en die gebied van die ontbinde dorpsgebied van Ivory Park soos omskryf in Administrateurskennisgewing No. 407 van 16 September 1992 soos gewysig of uitgebrei; en
 - (c) Die Edenvale/Modderfontein Metropolitaanse Substruktuur bestaande uit die bestaande regsgebied van die ontbinde Stadsraad van Edenvale soos omskryf in Administrateursproklamasie No. 53 van 4 Junie 1935 soos gewysig of uitgebrei en die bestaande regsgebied van die ontbinde Stadsraad van Modderfontein soos omskryf in Administrateursproklamasie No. 18 van 13 Maart 1986 soos gewysig of uitgebrei.
- (2) 'n Kadastrale kaart waarop die regsgebiede van die Noord-Oos Rand Metropolitaanse Substrukture soos bedoel in subartikel (1) aangedui word, word in Aanhangsel A vervat.

Funksies, bevoegdhede en pligte

4. Enige funksies, bevoegdhede en pligte met betrekking tot die voorsiening en instandhouding van dienste en fasilitete word binne die konteks van die breë beleidsriglyne wat neergelê is deur die Noord-Oos Rand Metropolitaanse Raad ingestel kragtens artikel 19, deur die Noord-Oos Rand Metropolitaanse Substrukture ingestel kragtens artikel 1 uitgevoer en funksioneer as primêre plaaslike owerhede soos bêoog in enige wet wat van toepassing is op plaaslike besture.

Councillors and authorized persons

5. (1) The Kempton Park/Tembisa Metropolitan Substructure comprises 50 Councillors, the Midrand/Rabie Ridge/Ivory Park Metropolitan Substructure comprises 22 Councillors and the Edenvale/Modderfontein Metropolitan Substructure comprises 14 Councillors.

(2) The terms of office of the Councillors of the dissolved local government bodies mentioned in section 2 shall be terminated on the effective date.

(3) The authorization under Premier's Proclamation No. 15 of 5 October 1994 of persons to exercise, perform or fulfil all the rights, powers, functions, duties and obligations assigned to the dissolved City Council of Tembisa is hereby as from the effective date repealed.

(4) The persons mentioned in Annexure B, C and D, and duly nominated under paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby as from the effective date appointed as Councillors of the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures respectively.

(5) Any casual vacancy arising on any of the North-East Rand Metropolitan Substructures after the effective date shall be reported to the Member for Housing and Local Government of the Provincial Executive Council within 30 days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), be filled by the competent authority from the relevant component of the list as contained in Annexures E, F and G of additional candidates in order of preference as contemplated in paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993.

Allowances of Councillors

6. All the Councillors shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of the highest grade local authority of the respective Substructures which existed within the area of the relevant Substructure on the date immediately preceding the effective date in terms of section 19 (8) of the Local Government Ordinance, 1939: Provided that Councillors of the North-East Rand Metropolitan Substructures who are also Councillors of the North East Rand Metropolitan Council shall be paid an allowance as determined by the Premier from time to time.

Chairperson

7. Each of the North East Rand Metropolitan Substructures shall, within seven days after the effective date, at a special meeting and thereafter annually at meetings of such Metropolitan Substructure, in the manner prescribed for the election of a mayor in sec-

Raadslede en gemagtigde persone

5. (1) Die Kempton Park/Tembisa Metropolitaanse Substruktur bestaan uit 50 Raadslede, die Midrand/Rabie Ridge/Ivory Park Metropolitaanse Substruktur bestaan uit 22 Raadslede en die Edenvale/Modderfontein Metropolitaanse Substruktur bestaan uit 14 Raadslede.

(2) Die ampstermyne van die Raadslede van die ontbinde plaaslike owerheidsliggame in artikel 2 vermeld word op die effektiewe datum beëindig.

(3) Die magtiging kragtens Premiersproklamasie No. 15 van 5 Oktober 1994 van persone om al die regte, bevoegdhede, werksaamhede, pligte en verpligte wat aan die ontbinde Stadsraad van Tembisa opgedra is, uit te oefen, te verrig of na te kom, word hierby vanaf die effektiewe datum herroep.

(4) Die persone in Aanhansel B, C en D, vermeld, wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, benoem is, word hierby vanaf die effektiewe datum as Raadslede van onderskeidelik die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substruktur aangestel.

(5) Enige toevallige vakature wat na die effektiewe datum op enige van die Noord-Oos Rand Metropolitaanse Substrukture ontstaan moet binne 30 dae aan die Lid vir Behuising en Plaaslike Regering van die Proviniale Uitvoerende Raad gerapporteer word, welke vakture, ondanks die bepalings van artikels 20 en 36 van die Ordonnansie op Munisipale Verkiesings, 1970 (Ordonnansie No. 16 van 1970), deur die bevoegde gesag gevul moet word uit die relevante komponent van die lys soos vervat in Aanhangsels E, F en G van bykomende kandidate in voorkeurorde soos beoog in paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993.

Toelaes van Raadslede

6. Al die Raadslede ontvang vanaf die effektiewe datum dieselfde toelaes as die toelaes wat aan die Raadslede van die hoogste gegradeerde plaaslike bestuur van die onderskeie Substrukture wat op die datum van die effektiewe datum onmiddellik voorafgaan binne die gebied van die betrokke Substruktur kragtens artikel 19 (8) van die Ordonnansie op Plaaslike Bestuur, 1939, bestaan het: Met dien verstande dat Raadslede van die Noord-Oos Rand Metropolitaanse Substrukture wat ook Raadslede van die Noord-Oos Rand Metropolitaanse Raad is, 'n toelaag betaal word soos van tyd tot tyd deur die Premier vastgestel.

Voorsitters

7. Elkeen van die Noord-Oos Rand Metropolitaanse Substrukture verkies, binne sewe dae na die effektiewe datum op 'n spesiale vergadering en daarna by elke vergadering van diesulke Metropolitaanse Substruktur, op die wyse voorgeskryf vir die verkiesing,

tion 16 of the Local Government Ordinance, 1939, elect a Chairperson from the Councillors mentioned in section 5 (4), which Chairperson shall alternately be elected from the statutory component and the non-statutory component.

Executive Committee

8. (1) The Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures shall at the special meeting contemplated in section 7, notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960), under section 16 (6) of the Local Government Transition Act, 1993, each elect from its members an Executive Committee.

(2) The Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures shall at the special meeting contemplated in section 7 each elect two persons from the Executive Committee as Co-Chairpersons of the Executive Committee, of which one shall be from the statutory component and one from the non-statutory component, which persons shall act as Co-Chairpersons of every meeting of the Executive Committee.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation be applicable *mutatis mutandis* to the respective Executive Committees contemplated in subsection (1).

(4) The Chairperson mentioned in section 7 shall not be a member of the Executive Committee concerned, and shall not have a casting vote.

Principles and procedure of meetings

9. The provisions of sections 20, 21, 22, 23, 24, 26, 27, 31, 32 and 33 of the Local Government Ordinance, 1939, and the applicable sections of the Standing Orders, promulgated by Administrator's Notice No. 1224 of 14 October 1970 as amended, shall *mutatis mutandis* apply to the principles and procedure of meetings of the North East Rand Metropolitan Substructure may at its discretion determine the principles and procedures applicable to meetings of such Metropolitan Substructure.

Transfer of assets, liabilities, rights, obligations and legal succession (successor-in-law)

10. (1) All assets, liabilities, rights and obligations of the dissolved local government bodies mentioned in section 2 shall, as from the effective date and subject to the provisions of subsection (3), be transferred to the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures respectively.

van 'n burgemeester in artikel 16 van die Ordonnansie op Plaaslike Bestuur, 1939, 'n Voorsitter uit die Raadslede vermeld in artikel 5 (4), welke Voorsitter om die beurt uit die statutêre komponent en die nie-statutêre komponent verkies word.

Uitvoerende Komitee

8. (1) Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture verkies tydens die spesiale vergadering beoog in artikel 7, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960 (Ordonnansie No. 40 van 1960), kragtens artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, elk uit sy lede 'n Uitvoerende Komitee.

(2) Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture verkies elk tydens die spesiale vergadering beoog in artikel 7 twee persone uit die Uitvoerende Komitee as Mede-voorsitters van die Uitvoerende Komitee, waarvan een uit die statutêre komponent en een uit die nie-statutêre komponent afkomstig moet wees, welke persone om die beurt as Mede-voorsitters van elke vergadering van die Uitvoerende Komitee optree.

(3) Die bepalings van artikels 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings) 1960, is, by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die onderskeie Uitvoerende Komitees beoog in subartikel (1) van toepassing.

(4) Die Voorsitter vermeld in artikel 7 is nie 'n lid van die betrokke Uitvoerende Komitee nie en het nie 'n beslissende stem nie.

Beginsels en prosedure van vergaderings

9. Die bepalings van artikels 20, 21, 22, 23, 24, 26, 27, 31, 32 en 33 van die Ordonnansie op Plaaslike Bestuur, 1939, en die toepaslike artikels van die Reglement van Orde, uitgevaardig kragtens Administrateurskennisgewing No. 1224 van 14 Oktober 1970 soos gewysig, is *mutatis mutandis* van toepassing op die beginsels en prosedure van vergaderings van die Noord-Oos Rand Metropolitaanse Substrukture: Met dien verstande dat elke Noord-Oos Rand Metropolitaanse Substruktur sy diskresie kan uitoefen om die beginsels en prosedure van toepassing op dieselke Substrukture te bepaal.

Oordra van bates, laste, regte, verpligtinge enregsopvolging (regsopvolger)

10. (1) Alle bates, laste, regte en verpligtinge van die ontbinde plaaslike owerheidsliggome vermeld in artikel 2 word vanaf die effektiewe datum en behoudens die bepalings van subartikel (3), aan onderskeidelik die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture oorgedra.

(2) The Kempton Park/Tembisa; Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures shall for the purposes of this Proclamation as from the effective date and subject to the provisions of subsection (3), be deemed to be the successor-in-law of the assets, liabilities, rights and obligations of the dissolved local government bodies concerned.

(3) Any liability, debt or obligation which has been incurred by any of the dissolved black local government bodies mentioned in section 2 up to and including the day preceding the effective date other than a liability, debt or obligation which has been incurred in respect of any infrastructure that generates revenue or infrastructure which is or can be utilised by the North East Rand Metropolitan Substructure concerned, shall devolve upon the North East Rand Metropolitan Council, subject to the right of the national government to assume such liabilities, debts or obligations in terms of assurances made by the national government that no transitional council will inherit any external debts of the said black local government bodies up to the effective date.

By-laws, regulations, resolutions, statutory notices and delegations

11. Subject to the provisions of this Proclamation, all by-laws, regulations, resolutions, statutory notices and delegations of the dissolved local government bodies mentioned in section 2 which immediately before the effective date were in force in any area of the said local government bodies shall continue in force in such area, subject to any repeal or amendment of such by-laws, regulations, resolutions, statutory notices and delegations by the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures respectively.

Budget

12. (1) The 1994/95 budget of the dissolved local government bodies mentioned in section 2 shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, be deemed to be the 1994/95 budget of the North East Rand Metropolitan Substructures concerned.

(2) In the event of any North East Rand Metropolitan Substructure bearing an uneven financial load such Substructure shall be subsidized by the North East Rand Transitional Metropolitan Council within the context of paragraphs 23, 24 and 25 of Schedule 2 of the Local Government Transition Act, 1993.

Representation on Pretoria and East Rand Regional Services Councils

13. Representation of the dissolved local government bodies mentioned in section 2 on the Pretoria and East Rand Regional Services Council shall be terminated as from the effective date.

(2) Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropo-litaanse Substrukture word by die toepassing van hierdie Proklamasie vanaf die effektiewe datum en behoudens die bepalings van subartikel (3) geag om dieregsopvolger van die bates, laste, regte en verpligtinge van die betrokke ontbinde plaaslike owerheidsliggame te wees.

(3) Enige las, skuld of verpligting wat deur enige van die ontbinde swart plaaslike owerheidsliggame vermeld in artikel 2 aangegaan is tot op en insluitend die dag wat die effektiewe datum voorafgaan, behalwe 'n las, skuld of verpligting wat aangegaan is ten opsigte van enige infrastruktuur wat inkomste genereer of infrastruktuur wat deur die betrokke Noord-Oos Rand Metropo-litaanse Substruktuur aangewend word of kan word, gaan op die Noord-Oos Rand Metropo-litaanse Raad oor, onderhewig aan die reg van die nasionale regering om diesulke laste, skulde of verpligtinge te aanvaar kragtens versekerings gemaak deur die nasionale regering dat geen oorgangsraad enige eksterne skulde van die genoemde swart plaaslike owerheidsliggame tot op die effektiewe datum sal erf nie.

Verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies

11. Behoudens die bepalings van hierdie Proklamasie bly alle verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 wat onmiddellik voor die effektiewe datum van krag was in enige gebied van die genoemde plaaslike owerheidsliggame van krag in die gebied, onderhewig aan enige herroeping of wysiging van diesulke verordeninge, regulasies, besluite, statutêre kennisgewings en delegasies deur onderskeidelik die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropo-litaanse Substrukture.

Begroting

12. (1) Die 1994/95 begroting van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 word, ondanks die bepalings van artikel 58 van die Ordonnansie op Plaaslike Bestuur, 1939, geag om die 1994/95 begroting van die betrokke Noord-Oos Rand Metropo-litaanse Substrukture te wees.

(2) Indien enige Noord-Oos Rand Metropo-litaanse Substruktuur 'n ongelyke finansiële las dra, word diesulke Substruktuur deur die Noord-Oos Rand Metropo-litaanse Oorgangsraad gesubsidieer binne die konteks van paragrawe 23, 24 en 25 van Bylae 2 van die Oorgangswet op Plaaslike Regering, 1993.

Verteenwoordiging op Pretoria en Oos-Rand Streeksdiensterade

13. Verteenwoordiging wat die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 op die Pretoria en Oos-Rand Streeksdiensterade gehad het word vanaf die effektiewe datum beëindig.

Authorized local authorities

14. (1) The Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures shall, under section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, be authorized local authorities for the purposes of Chapters II, III and IV of the said Ordinance.

(2) The Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures shall, under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, be authorized local authorities for the purposes of Chapter IV of the said Ordinance.

Local Authorities contemplated in Sixth Schedule to Local Government Ordinance, 1939

15. The Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures are, as from the effective date, deemed to be local authorities as contemplated in Parts 1, 3 and 2 respectively of the Sixth Schedule to the Local Government Ordinance, 1939.

Single Local Administration for Transitional North-East Rand Metropolitan Substructures

16. (1) A Single Local Administration for each of the North-East Rand Metropolitan Substructures is, subject to the provisions of subsection (2), hereby established as from the effective date.

(2) A permanent organisational structure for the Single Local Administration shall be constituted by each of the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures as soon as possible after the effective date.

Chief Executive Officers/Town Clerks

17. (1) The Town Clerks of the dissolved City Council of Kempton Park, the dissolved Town Council of Midrand and the dissolved Town Council of Edenvale shall, for the purposes of this Proclamation and subject to the provisions of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984) the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988) and sections 16 and 18, temporarily act as from the effective date, as the Chief Executive Officers/Town Clerks of the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures respectively as contemplated in section 62 of the Local Government Ordinance, 1939, until, subject to the provisions of section 18, Chief Executive Officers/Town Clerks are appointed by the said Substructures.

(2) The Chief Executive Officers/Town Clerks mentioned in subsection (1) shall, for the purposes of this Proclamation, perform all the functions, powers and duties assigned to the Chief Executive Officers/Town

Gemagtigde plaaslike besture

14. (1) Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture word, kragtens artikel 2 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986), vanaf die effektiewe datum gemagtigde plaaslike besture vir doelendes van Hoofstukke II, III en IV van genoemde Ordonnansie.

(2) Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture word, kragtens artikel 3 van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), vanaf die effektiewe datum gemagtigde plaaslike besture vir doeleindest van Hoofstuk IV van genoemde Ordonnansie.

Plaaslike Besture in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, bedoel

15. Die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture word, vanaf die effektiewe datum geag plaaslike besture soos beoog in Dele 1, 3 en 2 onderskeidelik van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Enkele Plaaslike Administrasie vir Noord-Oos Rand Metropolitaanse Oorgangsubstrukture

16. (1) 'n Enkele Plaaslike Administrasie vir elk van die Noord-Oos Rand Metropolitaanse Substrukture word, behoudens die bepalings van subartikel (2) hierby vanaf die effektiewe datum ingestel.

(2) 'n Permanente organisatoriese struktuur vir die Enkele Plaaslike Administrasie word so spoedig moontlik na die effektiewe datum deur die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture saamgestel.

Hoof Uitvoerende Beamppte/Stadsklerke

17. (1) Die Hoof Uitvoerende Beamptes/Stadsklerke van die ontbinde Stadsraad van Kempton Park, die ontbinde Stadsraad van Midrand en die ontbinde Stadsraad van Edenvale tree, by die toepassing van hierdie Proklamasie en behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), die Wet op die Beroep van Stadsklerke, 1988 (Wet No. 75 van 1988) en artikels 16 en 18, tydelik van die effektiewe datum as die Hoof Uitvoerende Beamptes/Stadsklerke van onderskeidelik die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture op soos beoog in artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939, totdat Hoof Uitvoerende Beamptes/Stadsklerke deur die genoemde Substrukture aangestel word.

(2) Die Hoof Uitvoerende Beamptes/Stadsklerke in subartikel (1) vermeld oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit wat kragtens die Ordonnansie op Plaaslike

Clerks in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, by-law or resolution of the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures.

Employees and officers of Transitional Metropolitan Substructures

18. (1) The employees and officers of the dissolved local government bodies mentioned in section 2 shall, subject to the provisions of subsection (3), as from the effective date be transferred to the North-East Rand Metropolitan Substructure concerned and shall take up employment with the said Substructures on terms and conditions of service not less favourable than those under which they previously served.

(2) After a permanent organisational structure as contemplated in section 16 (2) has been constituted, all employees and officers in the service of the dissolved local government bodies shall be allocated to the relevant North East Rand Metropolitan Substructure Local Administration contemplated in section 16 (1) and constituted by the said local government bodies within whose areas of jurisdiction they served before the effective date in accordance with the provisions of section 10 (3) (f), (i) and (j) of the Local Government Transition Act, 1993.

(3) As from the effective date, the employees and officers mentioned in subsection (1) shall individually—

- (a) be credited with all the vacation and sick leave to their credit with their previous employers;
- (b) notwithstanding the provisions of any law, be deemed as far as pensionable service and chronological seniority in respect of earnings and benefits are concerned, to have been in the employ of the respective North East Rand Metropolitan Substructures continuously from the date of their employment by their previous employers; and
- (c) all activities systems, procedures and arrangements provided for in the conditions of service, Council resolutions or any legislation presently applicable to individual employers and employees will remain in place and in operation until it is superseded by new conditions of service and resolutions which will be determined by way of Industrial Council negotiations and agreements as prescribed in the applicable labour laws.

CHAPTER 2

TRANSITIONAL METROPOLITAN COUNCIL

Establishment of Transitional Metropolitan Council

19. A Transitional Metropolitan Council, hereunder called the North East Rand Transitional Metropolitan Council, is hereby established as contemplated in sec-

Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Municipale Verkiesings, 1970, of enige ander wet, verordening of besluit van die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein aan die Hoof Uitvoerende Beampies/Stads-klerke opgedra is.

Werknemers en beampies van Metropoli-taanse Oorgangsubstrukture

18. (1) Die werknemers en beampies van die ontbinde plaaslike owerheidsliggame vermeld in artikel 2 word, behoudens die bepalings van subartikel (3), vanaf die effektiewe datum oorgeplaas na die betrokke Noord-Oos Rand Metropolitaanse Substruktur en aanvaar diens met die genoemde Substrukture op bedinge en diensvoorraad wat nie minder gunstig is as dié waaronder hulle voorheen gewerk het nie.

(2) Nadat 'n permanente organisatoriese struktuur soos beoog in artikel 16 (2) saamgestel is, word alle werknemers en beampies in diens van die ontbinde plaaslike owerheidsliggame toegewys aan die relevante Noord-Oos Rand Metropolitaanse Substruktur se Plaaslike Administrasie beoog in artikel 16 (1) en saamgestel uit die genoemde plaaslike owerheidsliggame binne wie se regsgebied hulle in diens was voor die effektiewe datum, ooreenkomsdig die bepalings van artikel 10 (3) (f), (i) en (j) van die Oorgangswet op Plaaslike Regering, 1993.

(3) Vanaf die effektiewe datum, word die werknemers en beampies vermeld in subartikel (1) individueel—

- (a) gekrediteer met al die vakansie- en siekverlof tot hul krediet by hul vorige werkgewers;
- (b) ondanks die bepalings van enige wet, in soverre dit pensioendraende diens en chronologiese senioriteit ten opsigte van vergoedings en voordele aanbetrif, geag om deurlopend in die diens van die onderskeie Noord-Oos Rand Metropolitaanse Substrukture te gewees het vanaf die aanvangsdatum van hul diens by hul vorige werkgewers; en
- (c) alle aktiwiteitstelsels, prosedures en reëlings waarvoor daar in die diensvoorraad, Raadsbesluite of enige wetgewing wat tans van toepassing is op individuele werkgewers en werknemers, voorsiening gemaak word bly voortbestaan en van krag totdat dit vervang word deur middel van Nywerheidsraadonderhandelings en ooreenkomste soos voorgeskryf in die toepaslike Arbeidswette.

HOOFSTUK 2

METROPOLITAANSE OORGANGSRAAD

Instelling van Metropoli-taanse Oorgangsaad

19. 'n Metropoli-taanse Oorgangsaad, hieronder die Noord-Oos Rand Metropoli-taanse Oorgangsaad genoem, word hierby, soos beoog in artikel 7 (1) (b) (ii)

tion 7 (1) (b) (ii) of the Local Government Transition Act, 1993, as from the effective date, comprising the Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park and Edenvale/Modderfontein Metropolitan Substructures established by section 1, which North East Rand Metropolitan Council shall, subject to the provisions of section 21, be deemed to be a local authority in terms of the Local Government Ordinance, 1939.

Area of North East Rand Metropolitan Council

20. The area of the North East Rand Metropolitan Council comprises the areas of jurisdiction of the North East Rand Metropolitan Substructures mentioned in section 3 (1).

Functions, powers and duties of North East Rand Metropolitan Council

21. (1) The functions, powers and duties of the North East Rand Metropolitan Council shall be as set out in Schedule 2 to the Local Government Transition Act, 1993.

(2) Sections 12 (1) (b), 10A, 12 (1) (a) and (10) and 14 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), shall *mutatis mutandis* apply to the North East Rand Metropolitan Council.

(3) The North East Rand Metropolitan Council may, in terms of section 80 of the Local Government Ordinance, 1939, promulgate by-laws it deems necessary for the effective carrying out of the functions, powers and duties mentioned in subsection (1).

(4) The North East Rand Metropolitan Council may delegate any of its functions, powers and duties to any of the North East Rand Metropolitan Substructures established by section 1.

Councillors

22. (1) The North East Rand Metropolitan Council comprises 40 Councillors: 24 from the Kempton Park/Tembisa Metropolitan Substructure, 10 from the Midrand/Rabie Ridge/Ivory Park Metropolitan Substructure and six from the Edenvale/Modderfontein Metropolitan Substructure.

(2) The persons mentioned in Annexure H, and duly nominated under paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby from the effective date appointed as Councillors of the North East Rand Metropolitan Council.

(3) Any casual vacancy arising on the North East Rand Metropolitan Council after the effective date shall be reported to the Member for Housing and Local Government of the Provincial Executive Council within 30 days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970, be filled by the competent authority

van die Oorgangswet op Plaaslike Regering, 1993, vanaf die effektiewe datum ingestel, bestaande uit die Kempton Park/Tembisa, Midrand/Rabie Ridge/Ivory Park en Edenvale/Modderfontein Metropolitaanse Substrukture ingestel kragtens artikel 1, welke Noord-Oos Rand Metropolitaanse Oorgangsaad, behoudens die bepalings van artikel 21 geag word 'n plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Gebied van Noord-Oos Rand Metropolitaanse Raad

20. Die gebied van die Noord-Oos Rand Metropolitaanse Raad bestaan uit die regsegebiede van die Noord-Oos Rand Metropolitaanse Substrukture vermeld in artikel 3(1).

Funksies, Bevoegdhede en Pligte van Noord-Oos Rand Metropolitaanse Raad

21. (1) Die funksies, bevoegdhede en pligte van die Noord-Oos Rand Metropolitaanse Raad is dieselfde soos uiteengesit in Bylae 2 by die Oorgangswet op Plaaslike Regering, 1993.

(2) Artikel 12 (1) (b), 10A, 12 (1) (a) en (10) en 14 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), is *mutatis mutandis* van toepassing op die Noord-Oos Rand Metropolitaanse Raad.

(3) Die Noord-Oos Rand Metropolitaanse Raad kan, kragtens artikel 80 van die Ordonnansie op Plaaslike Bestuur, 1939, vir doeleinnes van die uitoefening van die funksies, bevoegdhede en pligte vermeld in subartikel (1), verordeninge uitgevaardig wat hy nodig ag vir die effektiewe uitvoering van diesulke funksies, bevoegdhede en pligte.

(4) Die Noord-Oos Rand Metropolitaanse Raad kan enige van sy funksies, bevoegdhede en pligte aan enige van die Noord-Oos Rand Metropolitaanse Substrukture ingestel kragtens artikel 1, deleer.

Raadslede

22. (1) Die Noord-Oos Metropolitaanse Raad bestaan uit 40 Raadslede: 24 uit Kempton Park/Tembisa Metropolitaanse Substruktur, 10 uit die Midrand/Rabie Ridge/Ivory Park Metropolitaanse Substruktur en ses uit Edenvale/Modderfontein Metropolitaanse Substruktur.

(2) Die persone in Aanhangsel H vermeld en wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, benoem is, word hierby vanaf die effektiewe datum as Raadslede van die Noord-Oos Rand Metropolitaanse Raad aangestel.

(3) Enige toevallelike vakature wat na die effektiewe datum op die Noord-Oos Rand Metropolitaanse Raad ontstaan, moet binne 30 dae aan die Lid vir Behuising en Plaaslike Regering van die Provinciale Uitvoerende Raad gerapporteer word, welke vakture, ondanks die bepalings van artikels 20 en 36 van die Ordonnansie op Municipale Verkiesings, 1970, deur die bevoegde gesag gevul moet word uit die relevante komponent

from the relevant component of the list of additional candidates as contained in Annexure I in order of preference as contemplated in paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993.

Allowances of Councillors

23. All the Councillors of the North East Rand Metropolitan Council shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of a grade 12 local authority: Provided that Councillors of the Metropolitan Substructures who, during the pre-interim and interim phases are also Councillors of the Metropolitan Council, shall be paid an allowance as determined by the Premier from time to time.

Mayor and Deputy Mayors

24. The North East Rand Metropolitan Council shall, within seven days after the effective date, at a special meeting of the Council, in the manner prescribed for the election of a Mayor and a Deputy Mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect a Mayor as well as two Deputy Mayors from the Councillors mentioned in section 22 (2), which Mayor and Deputy Mayors shall, notwithstanding the provisions of any law—

- (a) be members of the Transitional Metropolitan Council but not members of the Executive Committee of either the Metropolitan Council or a Metropolitan Substructure;
- (b) hold office for a period mutually to be agreed upon by the statutory and the non-statutory components of the Metropolitan Council: Provided that this period does not exceed 12 months;
- (c) be entitled to the allowances paid to a Mayor and a Deputy Mayor of a grade 12 local authority; and
- (d) provided that if the Mayor is elected from the statutory component the Deputy Mayor shall be elected from the non-statutory component and vice versa.

Meetings and decision making procedure

25. Sections 20, 21, 22, 23, 24, 26, 27, 31, 32 and 33 of the Local Government Ordinance, 1939, and the applicable sections of the Standard Standing Orders promulgated by Administrator's Notice No. 1224 of 1970, as amended, shall *mutatis mutandis* apply to the principles and procedures of meetings of the North East Rand Metropolitan Council: Provided that the Metropolitan Council may at its discretion determine the principles and procedures applicable to meetings of the Council.

van die lys soos vervaat in Aanhangsel I van bykomende kandidate in voorkeurorde soos beoog in paraagraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993.

Toelaes van Raadslede

23. Al die Raadslede van die Noord-Oos Rand Metropolitaanse Raad ontvang vanaf die effektiewe datum, dieselfde toelaes as die toelaes wat aan die Raadslede van 'n Graad 12 plaaslike bestuur betaal word: Met dien verstande dat die Raadslede van die Metropolitaanse Substrukture wat gedurende die pre-interim en interim fasies ook Raadslede van die Metropolitaanse Raad is, 'n toelaag betaal word soos van tyd tot tyd deur die Premier vasgestel word.

Burgemeester en Onderburgemeester

24. Die Noord-Oos Rand Metropolitaanse Raad verkieks binne sewe dae na die effektiewe datum op 'n spesiale vergadering van die Raad, op die wyse voorgeskryf vir die verkiesing van 'n Burgemeester en 'n Onderburgemeester in artikels 16 en 17 onderskeidelik van die Ordonnansie op Plaaslike Bestuur, 1939, 'n Burgemeester sowel as twee Onderburgemeesters uit die Raadslede vermeld in artikel 22 (2), welke Burgemeester en Onderburgemeesters, ondanks die bepalings van enige wet—

- (a) lede is van die Metropolitaanse Oorgangsraad maar nie lede van die Uitvoerende Komitee van óf die Metropolitaanse Raad óf 'n Metropolitaanse Substruktur is nie;
- (b) hul ampte beklee vir 'n tydperk wat gesamentlik deur die statutêre en die nie-statutêre komponente van die Metropolitaanse Raad ooreengekom moet word: Met dien verstande dat hierdie tydperk nie 12 maande oorskry nie;
- (c) geregtig is op die toelaes betaalbaar aan 'n Burgemeester en 'n Onderburgemeester van 'n graad 12 plaaslike owerheid; en
- (d) sou die Burgemeester uit die statutêre komponent verkieks word, moet die Onderburgemeester uit die nie-statutêre komponent verkieks word en vice versa.

Vergaderings en besluitnemingsprosedures

25. Artikels 20, 21, 22, 23, 24, 26, 27, 31, 32 en 33 van die Ordonnansie op Plaaslike Bestuur, 1939, en die toepaslike artikels van die Standaard Reglement van Orde, uitgevaardig kragtens Administrateurs-kennisgewing No. 1224 van 1970 soos gewysig, is *mutatis mutandis* van toepassing op die beginsels en prosedures van vergaderings van die Noord-Oos Rand Metropolitaanse Raad: Met dien verstande dat die Metropolitaanse Raad sy diskresie kan uitoefen om die beginsels en prosedures van toepassing op die Raad te bepaal.

Executive Committee

26. (1) The North East Rand Metropolitan Council shall, at the special meeting contemplated in section 24, notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960, under section 16 (6) of the Local Government Transition Act, 1993, elect from its members an Executive Committee.

(2) The North East Rand Metropolitan Council shall, at the special meeting contemplated in section 24 elect two persons from the Executive Committee as Co-Chairpersons of the Executive Committee of which one shall be from the statutory component and one from the non-statutory component, which persons shall alternate as Chairpersons at each meeting of the Executive Committee.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the Executive Committee contemplated in subsection (1).

Administration for North-East Rand Metropolitan Council

27. An Administration is hereby as from the effective date established for the North-East Rand Metropolitan Council.

Chief Executive Officer/Town Clerk

28. (1) The North East Rand Metropolitan Council shall, at its discretion, appoint under section 62 of the Local Government Ordinance, 1939, a Chief Executive Officer/Town Clerk who shall be remunerated at the level applicable to a grade 12 local authority.

(2) The Chief Executive Officer/Town Clerk shall, for the purposes of this Proclamation, perform all the functions, powers and duties in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, by-law or resolution of the North East Rand Metropolitan Council.

Local Authority contemplated in Sixth Schedule of Local Government Ordinance, 1939

29. The North-East Rand Metropolitan Council is as from the effective date, deemed to be a local authority as contemplated in Part 1 of the Sixth Schedule to the Local Government Ordinance, 1939.

Pretoria and East Rand Regional Services Councils

30. (1) The Pretoria and East Rand Regional Services Councils shall, for the purposes of this Proclamation, as from the effective date, be deemed to be disestablished in terms of section 10 (3) (h) of the Local Government Transition Act, 1993, in respect of the areas of the North-East Rand Metropolitan Council described in section 20.

Uitvoerende Komitee

26. (1) Die Noord-Oos Rand Metropolitaanse Raad verkies tydens die spesiale vergadering beoog in artikel 24, ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings) Ordonnansie, 1960, kragtens artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, uit sy lede 'n Uitvoerende Komitee.

(2) Die Noord-Oos Rand Metropolitaanse Raad verkies tydens die spesiale vergadering beoog in artikel 24 twee persone uit die Uitvoerende Komitee as Medevoorsitters van die Uitvoerende Komitee waarvan een uit die statutêre komponent en een uit die nie-statutêre komponent afkomstig moet wees, welke persone om die beurt as Voorsitters van elke vergadering van die Uitvoerende Komitee optree.

(3) Die bepalings van artikel 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, is, by die toepassing van hierdie Proklamasie *mutatis mutandis* op die Uitvoerende Komitee in subartikel (1) beoog van toepassing.

Administrasie vir Noord-Oos Rand Metropolitaanse Raad

27. 'n Administrasie word hierby vanaf die effektiewe datum ingestel vir die Noord-Oos Rand Metropolitaanse Raad.

Hoof Uitvoerende Beampte/Stadsklerk

28. (1) Die Noord-Oos Rand Metropolitaanse Raad stel volgens sy diskresie, kragtens artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939, 'n Hoof Uitvoerende Beampte/Stadsklerk aan wat op dieselfde vlak as 'n graad 12 plaaslike owerheid vergoed word.

(2) Die Hoof Uitvoerende Beampte/Stadsklerk oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander wet, verordening of besluit van die Noord-Oos Rand Metropolitaanse Raad.

Plaaslike Bestuur in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, beoog

29. Die Noord-Oos Rand Metropolitaanse Raad word vanaf die effektiewe datum geag 'n plaaslike bestuur soos beoog in Deel 1 van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Pretoria en Oos-Rand Streeksdiensterade

30. (1) Die Pretoria en Oos-Rand Streeksdiensterade word, by die toepassing van hierdie Proklamasie vanaf die effektiewe datum geag om ontbind te wees kragtens artikel 10 (3) (h) van die Oorgangswet op Plaaslike Regering, 1993, ten opsigte van die regsgebied van die Noord-Oos Rand Metropolitaanse Raad.

(2) The North East Rand Metropolitan Council shall, for the purposes of this Proclamation and subject to the provisions of section 159bis of the Local Government Ordinance, 1939, as from the effective date, be deemed to be the successor-in-law of the Pretoria and East Rand Regional Services Councils in respect of the area of the Metropolitan Council described in section 20.

(3) All resolutions, delegations and statutory notices of the Pretoria and East Rand Regional Services Councils pertaining to the area described in section 20, shall, as from the effective date, be deemed to be resolutions, delegations and statutory notices of the North-East Rand Metropolitan Council until amended or repealed by the said Council.

Agreement with Pretoria and East Rand Regional Services Councils

31. The North-East Rand Metropolitan Council shall, as an interim measure until the Premier has acted under section 10 (3) (h) of the Local Government Transition Act, 1993, notwithstanding the provisions of any law to the contrary and with the concurrence of the Premier, enter into an agreement with the Pretoria and East Rand Regional Services Councils regarding any of the following matter or matters:

- (a) the rendering of services on behalf of the Pretoria and East Rand Regional Services councils; and
- (b) the equitable allocation of assets, liabilities, rights and obligations of the Pretoria and East Rand Regional Services Councils for the purpose of altering the boundaries of the areas of the Pretoria and East Rand Regional Services Councils under section 2 of the Regional Services Councils Act, 1985, to exclude the area of the North East Rand Metropolitan Council mentioned in section 20 from the boundaries of the areas of the Pretoria and East Rand Regional Services Councils.

CHAPTER 3

GENERAL

Suspension of laws

32. The provisions of any law which relate to the establishment, dissolution or combination of a local authority or the alteration of the area thereof are, for the purposes of this Proclamation and subject to the provisions of sections 8 and 11 (6) (a) of the Local Government Transition Act, 1993, hereby suspended.

Effective date

33. This Proclamation shall come into operation on 1 January 1995.

(2) Die Noord-Oos Rand Metropolitaanse Raad word, by die toepassing van hierdie Proklamasie en behoudens die bepalings van artikel 159bis van die Ordonnansie op Plaaslike Bestuur, 1939 vanaf die effektiewe datum geag om die regsonvolger van die Pretoria en Oos-Rand Streeksdiensterade te wees ten opsigte van die gebied van die Metropolitaanse Raad in artikel 20 beskryf.

(3) Alle besluite, delegasies en statutêre kennisgewings van die Pretoria en Oos-Rand Streeksdiensterade wat betrekking het op die gebied beskryf in artikel 20, word vanaf die effektiewe datum geag om besluite, delegasies en statutêre kennisgewings van die Noord-Oos Rand Metropolitaanse Raad te wees die effektiewe datum geag om besluite, delegasies en statutêre kennisgewings van die Noord-Oos Rand Metropolitaanse Raad te wees totdat dit gewysig of herroep word deur genoemde Raad.

Ooreenkoms met Pretoria en Oos-Rand Streeksdiensterade

31. Die Noord-Oos Rand Metropolitaanse Raad moet, as 'n interim maatreël totdat die Premier kragtens artikel 10 (3) (h) van die Oorgangswet op Plaaslike Regering gehandel het, ondanks die bepalings van enige wet tot die teendeel en met die instemming van die Premier, 'n ooreenkoms met die Pretoria en Oos-Rand Streeksdiensterade aangaan met betrekking tot enige van die volgende aangeleentheid of aangeleenthede:

- (a) die lewering van dienste namens die Pretoria en Oos-Rand Streeksdiensterade; en
- (b) die billike toekenning van bates, laste, regte en verpligte van die Pretoria en Oos-Rand Streeksdiensterade vir doeleindes van die wysiging van die grense van die gebiede van die Pretoria en Oos-Rand Streeksdiensterade kragtens artikel 2 van die Wet op Streeksdiensterade, 1985, om die gebied van die Noord-Oos Rand Metropolitaanse Raad vermeld in artikel 20 uit te sluit van die grense van die gebied van die Pretoria en Oos-Rand Streeksdiensterade.

HOOFSTUK 3

ALGEMEEN

Opskorting van wette

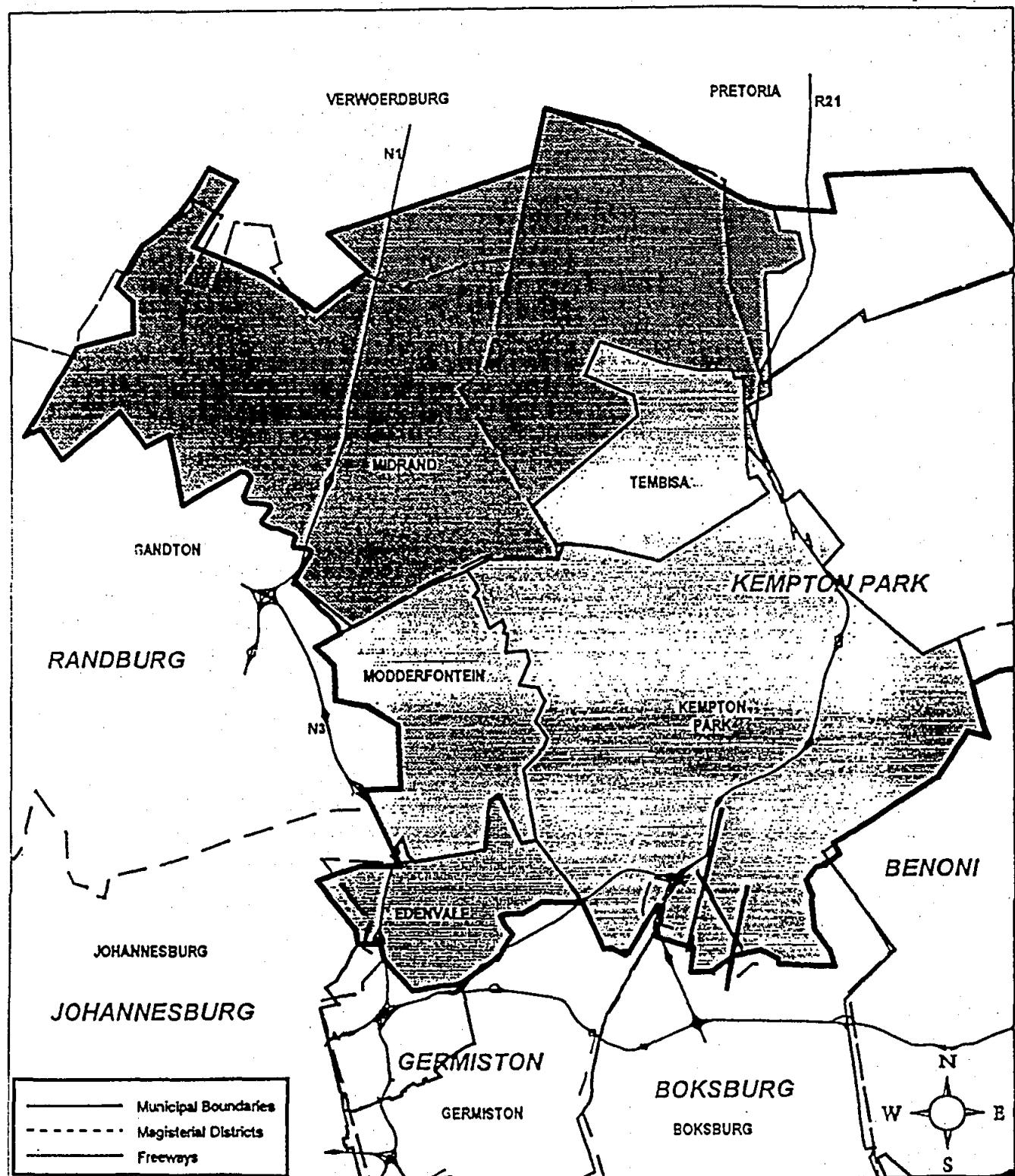
32. Die bepalings van enige wet wat betrekking het op die instelling, ontbinding of samestelling van 'n plaaslike bestuur of die wysiging van sy gebied, word by die toepassing van hierdie Proklamasie en behoudens die bepalings van artikels 8 en 11 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, hierby opgeskort.

Effektiewe datum

33. Hierdie Proklamasie tree in werking op 1 Januarie 1995.

ANNEXURE A • AANHANGSEL A

Cadastral map of the North-East Rand Metropolitan Substructures mentioned in section 3 (2)
Kadastrale kaart van die Noord-Oos Rand Metropolitaanse Substrukture vermeld in artikel 3 (2)



ANNEXURE B

Nominated persons of the Kempton Park/Tembisa Metropolitan Substructure mentioned in section 5 (4):

STATUTORY COMPONENT

1. R. J. Verster.
2. G. P. van Tonder.
3. A. W. Korf.
4. H. Eybers.
5. J. M. van Rooyen.
6. Dr. P. E. J. Kruger.
7. H. C. de Wet.
8. C. M. De Lucia.
9. M. C. Botha.
10. H. W. J. Smit.
11. L. G. Wright.
12. J. H. Hattingh.
13. C. M. Hattingh.
14. C. Channing.
15. S. J. Kelder.
16. M. Waters.
17. P. A. Moatlhodi.
18. L. G. S. Moatlhodi.
19. A. V. N. Zikalala.
20. M. L. Mthembu.
21. A. G. van der Bergh.
22. J. F. Mitchell.
23. P. J. Gildenhuys.
24. A. Visser.
25. C. Mkhonazi.

NON-STATUTORY COMPONENT

1. B. B. Khumalo.
2. G. R. Malebo.
3. R. Herzberg.
4. Z. D. Mhlabeni.
5. P. Phasha.
6. V. S. Hlatswayo.
7. P. J. Sekhwela.
8. M. S. Mashiloane.
9. T. Swakamisa.
10. G. Bila.
11. T. Mabogoane.
12. A. Skosana.
13. M. Mothlake.
14. H. R. Zwane.
15. B. A. Kheswa.
16. J. M. Mokoena.
17. C. J. Ngidi.
18. E. S. Ntombela.
19. F. Mbele.
20. M. Cebekhulu.
21. M. Ledwaba.
22. C. Rammutla.
23. M. E. Manaioa.
24. G. Mobupe.
25. B. Tshabalala.

AANHANGSEL B

Genomineerde persone van die Kempton Park/Tembisa Metropolitaanse Substruktuur vermeld in artikel 5 (4):

STATUTÊRE KOMPONENT

1. R. J. Verster.
2. G. P. van Tonder.
3. A. W. Korf.
4. H. Eybers.
5. J. M. van Rooyen.
6. Dr. P. E. J. Kruger.
7. H. C. de Wet.
8. C. M. De Lucia.
9. M. C. Botha.
10. H. W. J. Smit.
11. L. G. Wright.
12. J. H. Hattingh.
13. C. M. Hattingh.
14. C. Channing.
15. S. J. Kelder.
16. M. Waters.
17. P. A. Moatlhodi.
18. L. G. S. Moatlhodi.
19. A. V. N. Zikalala.
20. M. L. Mthembu.
21. A. G. van der Bergh.
22. J. F. Mitchell.
23. P. J. Gildenhuys.
24. A. Visser.
25. C. Mkhonazi.

NIE-STATUTÊRE KOMPONENT

1. B. B. Khumalo.
2. G. R. Malebo.
3. R. Herzberg.
4. Z. D. Mhlabeni.
5. P. Phasha.
6. V. S. Hlatswayo.
7. P. J. Sekhwela.
8. M. S. Mashiloane.
9. T. Swakamisa.
10. G. Bila.
11. T. Mabogoane.
12. A. Skosana.
13. M. Mothlake.
14. H. R. Zwane.
15. B. A. Kheswa.
16. J. M. Mokoena.
17. C. J. Ngidi.
18. E. S. Ntombela.
19. F. Mbele.
20. M. Cebekhulu.
21. M. Ledwaba.
22. C. Rammutla.
23. M. E. Manaioa.
24. G. Mobupe.
25. B. Tshabalala.

ANNEXURE C

Nominated persons of the Midrand/Rable Ridge/Ivory Park Metropolitan Substructure mentioned in section 5 (4):

STATUTORY COMPONENT

1. L. Passet.
2. I. Stolp.
3. R. Oxley.
4. D. W. du Toit.
5. W. Eybers.
6. S. Plump.
7. P. Douglas.
8. J. Lehr.
9. B. Denny.
10. C. Stoop.
11. I. Lourens.

NON-STATUTORY COMPONENT

1. H. Kgaka.
2. S. Naidoo.
3. D. Venter.
4. S. Mfeketho.
5. A. Moloto.
6. S. Mokoena.
7. I. Lewela.
8. S. M. Songo.
9. M. Dlomo.
10. R. Njokwe.
11. P. Sithole.

ANNEXURE D

Nominated persons of the Edenvale/Modderfontein Metropolitan Substructure mentioned in section 5 (4):

STATUTORY COMPONENT

1. K. F. Jankowitz.
2. G. W. Gravett.
3. A. J. Roos.
4. M. G. Tulip.
5. R. J. Sandison.
6. J. J. Jacobs.
7. C. P. Ucko.

NON-STATUTORY COMPONENT

1. F. Kobus.
2. O. Makgohloa.
3. W. Chuene.
4. J. Mafafo.
5. M. R. H. Molokwane.
6. M. Mtshali.
7. W. A. Hirschler.

AANHANGSEL C

Genomineerde persone van die Midrand/Rable Ridge/Ivory Park Metropolitaanse Substruktuur vermeld in artikel 5 (4):

STATUTÈRE KOMPONENT

1. L. Passet.
2. I. Stolp.
3. R. Oxley.
4. D. W. du Toit.
5. W. Eybers.
6. S. Plump.
7. P. Douglas.
8. J. Lehr.
9. B. Denny.
10. C. Stoop.
11. I. Lourens.

NIE-STATUTÈRE KOMPONENT

1. H. Kgaka.
2. S. Naidoo.
3. D. Venter.
4. S. Mfeketho.
5. A. Moloto.
6. S. Mokoena.
7. I. Lewela.
8. S. M. Songo.
9. M. Dlomo.
10. R. Njokwe.
11. P. Sithole.

AANHANGSEL D

Genomineerde persone van die Edenvale/Modderfontein Metropolitaanse Substruktuur vermeld in artikel 5 (4):

STATUTÈRE KOMPONENT

1. K. F. Jankowitz.
2. G. W. Gravett.
3. A. J. Roos.
4. M. G. Tulip.
5. R. J. Sandison.
6. J. J. Jacobs.
7. C. P. Ucko.

NIE-STATUTÈRE KOMPONENT

1. F. Kobus.
2. O. Makgohloa.
3. W. Chuene.
4. J. Mafafo.
5. M. R. H. Molokwane.
6. M. Mtshali.
7. W. A. Hirschler.

ANNEXURE E

Additional candidates of the Kempton Park/Tembisa Metropolitan Substructure mentioned in section 5 (5):

STATUTARY COMPONENT

1. K. Kuschke.
2. J. Kleynhans.
3. P. Botes.
4. D. Klein.
5. G. J. Muller.
6. J. Serfontein.
7. P. B. Fourie.
8. P. van Landsbergh.
9. L. Reynolds.
10. W. Overbosch.
11. K. Mahlasi.
12. M. A. Tshabalala.
13. N. H. Mbunga.
14. J. van Niekerk.
15. D. Kleyn.

NON-STATUTORY COMPONENT

1. R. W. Gamage.
2. B. Nhloze.
3. F. Matlwa.
4. L. Mawela.
5. R. Manzini.
6. H. Mokakabye.
7. C. Mtshali.
8. D. Tshabalala.
9. G. Magaxa.
10. M. Sithole.

ANNEXURE F

Additional candidates of the Midrand/Rable Ridge/Ivory Park Metropolitan Substructure mentioned in section 5 (5):

STATUTORY COMPONENT**NON-STATUTORY COMPONENT****ANNEXURE G**

Additional candidates of the Edenvale/Modderfontein Metropolitan Substructure mentioned in section 5 (5):

STATUTORY COMPONENT

1. F. P. van Niekerk.
2. W. J. le Grange.
3. K. J. Krause.
4. B. Naylor.
5. L. R. Wark.
6. H. van der Walt.

AANHANGSEL E

Addisionele kandidate van die Kempton Park/Tembisa Metropolitaanse Substruktuur vermeld in artikel 5 (5):

STATUTÊRE KOMPONENT

1. K. Kuschke.
2. J. Kleynhans.
3. P. Botes.
4. D. Klein.
5. G. J. Muller.
6. J. Serfontein.
7. P. B. Fourie.
8. P. van Landsbergh.
9. L. Reynolds.
10. W. Overbosch.
11. K. Mahlasi.
12. M. A. Tshabalala.
13. N. H. Mbunga.
14. J. van Niekerk.
15. D. Kleyn.

NIE-STATUTÊRE KOMPONENT

1. R. W. Gamage.
2. B. Nhloze..
3. F. Matlwa..
4. L. Mawela..
5. R. Manzini..
6. H. Mokakabye..
7. C. Mtshali..
8. D. Tshabalala..
9. G. Magaxa..
10. M. Sithole..

AANHANGSEL F

Addisionele kandidate van die Midrand/Rable Ridge/Ivory Park Metropolitaanse Substruktuur vermeld in artikel 5 (5):

STATUTÊRE KOMPONENT**NIE-STATUTÊRE KOMPONENT****AANHANGSEL G**

Addisionele kandidate van die Edenvale/Modderfontein Metropolitaanse Substruktuur vermeld in artikel 5 (5):

STATUTÊRE KOMPONENT

1. F. P. van Niekerk.
2. W. J. le Grange.
3. K. J. Krause.
4. B. Naylor.
5. L. R. Wark.
6. H. van der Walt.

NON-STATUTORY COMPONENT

1. B. J. Magwaza.
2. T. Vukeya.
3. G. Sekatane.
4. M. Maphoto.
5. S. J. Sontangane.

ANNEXURE H

Nominated persons of the North-East Rand Metropolitan Council mentioned in section 22 (2):

KEMPTON PARK/TEMBISA**STATUTORY COMPONENT**

1. A. W. Korf.
2. H. Eybers.
3. Dr P. E. J. Kruger.
4. J. M. van Rooyen.
5. R. J. Verster.
6. L. G. Wright.
7. J. H. Hattingh.
8. M. Waters.
9. S. J. Kelder.
10. P. A. Moatlhodi.
11. H. W. J. Smit.
12. P. Gildenhuys.

NON-STATUTORY COMPONENT

1. P. Twala.
2. I. Mahlangu.
3. C. Maila.
4. W. A. Ngulele.
5. A. Tleane.
6. A. Makhadi.
7. D. K. Buthelezi.
8. N. I. Steyn.
9. S. Zikalala.
10. S. Mmatli.
11. S. Ramogale.
12. G. Sihlangu.

MIDRAND/RABIE RIDGE/IVORY PARK**STATUTORY COMPONENT**

1. G. Redcliffe.
2. S. Mbedzi.
3. T. Cox.
4. C. Stoop.
5. I. Lourens.

NON-STATUTORY COMPONENT

1. E. Magerman.
2. A. Dawson.
3. Y. Twala.
4. D. Mkhatswa.
5. B. J. Magwaza.

NIE-STATUTÊRE KOMPONENT

1. B. J. Magwaza.
2. T. Vukeya.
3. G. Sekatane.
4. M. Maphoto.
5. S. J. Sontangane.

AANHANGSEL H

Genomineerde persone van die Noord-Oos Rand Metropolitaanse Raad vermeld in artikel 22 (2):

KEMPTON PARK/TEMBISA**STATUTÊRE KOMPONENT**

1. A. W. Korf.
2. H. Eybers.
3. Dr P. E. J. Kruger.
4. J. M. van Rooyen.
5. R. J. Verster.
6. L. G. Wright.
7. J. H. Hattingh.
8. M. Waters.
9. S. J. Kelder.
10. P. A. Moatlhodi.
11. H. W. J. Smit.
12. P. Gildenhuys.

NIE-STATUTÊRE KOMPONENT

1. P. Twala.
2. I. Mahlangu.
3. C. Maila.
4. W. A. Ngulele.
5. A. Tleane.
6. A. Makhadi.
7. D. K. Buthelezi.
8. N. I. Steyn.
9. S. Zikalala.
10. S. Mmatli.
11. S. Ramogale.
12. G. Sihlangu.

MIDRAND/RABIE RIDGE/IVORY PARK**STATUTÊRE KOMPONENT**

1. G. Redcliffe.
2. S. Mbedzi.
3. T. Cox.
4. C. Stoop.
5. I. Lourens.

NIE-STATUTÊRE KOMPONENT

1. E. Magerman.
2. A. Dawson.
3. Y. Twala.
4. D. Mkhatswa.
5. B. J. Magwaza.

EDENVALE/MODDERFONTEIN**STATUTORY COMPONENT**

1. K. F. Jankowitz.
2. G. W. Gravett.
3. R. J. Sandison.

NON-STATUTORY COMPONENT

1. S. Ramatlhodi.
2. L. D. Mofokeng.
3. S. Ngozi.

ANNEXURE I

Additional candidates of the North-East Rand Metropolitan Council mentioned in section 22 (3):

KEMPTON PARK/TEMBISA**STATUTORY COMPONENT**

1. G. P. van Tonder.
2. H. C. de Wet.
3. J. F. Mitchell.
4. C. Channing.
5. C. M. Hattingh.

NON-STATUTORY COMPONENT

1. L. Makutu.
2. P. Zongwane.
3. H. Mukwebo.
4. Z. Ximba.
5. S. P. Mbokazi.
6. K. J. Ndlovu.

MIDRAND/RABIE RIDGE/IVORY PARK**STATUTORY COMPONENT****NON-STATUTORY COMPONENT**

1. E. Dlamini.

EDENVALE/MODDERFONTEIN**STATUTORY COMPONENT**

1. A. J. Roos.
2. J. J. Jacobs.

NON-STATUTORY COMPONENT

1. N. Brits.
2. T. Ratikane.
3. A. Sepirwa.
4. E. Ndamane.

EDENVALE/MODDERFONTEIN**STATUTÊRE KOMPONENT**

1. K. F. Jankowitz.
2. G. W. Gravett.
3. R. J. Sandison.

NIE-STATUTÊRE KOMPONENT

1. S. Ramatlhodi.
2. L. D. Mofokeng.
3. S. Ngozi.

AANHANGSEL I

Addisionele kandidate van die Noord-Oos Rand Metropolitaanse Raad vermeld in artikel 22 (3):

KEMPTON PARK/TEMBISA**STATUTÊRE KOMPONENT**

1. G. P. van Tonder.
2. H. C. de Wet.
3. J. F. Mitchell.
4. C. Channing.
5. C. M. Hattingh.

NIE-STATUTÊRE KOMPONENT

1. L. Makutu.
2. P. Zongwane.
3. H. Mukwebo.
4. Z. Ximba.
5. S. P. Mbokazi.
6. K. J. Ndlovu.

MIDRAND/RABIE RIDGE/IVORY PARK**STATUTÊRE KOMPONENT****NIE-STATUTÊRE KOMPONENT**

1. E. Dlamini.

EDENVALE/MODDERFONTEIN**STATUTÊRE KOMPONENT**

1. A. J. Roos.
2. J. J. Jacobs.

NIE-STATUTÊRE KOMPONENT

1. N. Brits.
2. T. Ratikane.
3. A. Sepirwa.
4. E. Ndamane.

PROCLAMATION

No. 3 (Premier's), 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

ESTABLISHMENT OF A TRANSITIONAL METROPOLITAN COUNCIL WITH TRANSITIONAL METROPOLITAN SUBSTRUCTURES IN RESPECT OF THE VAAL METROPOLITAN AREA

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), read with Premier's Proclamations Nos. 24 and 38 of 1994, and Nos. 2, 4 and 5 of 1995, respectively, I hereby, with the concurrence of the Provincial Committee, make the enactments in the Schedule.

Given under my Hand at Johannesburg this Twenty-ninth day of December, One thousand Nine hundred and Ninety-four.

T. M. G. SEXWALE,

Premier-in-Executive Council.

SCHEDULE

CHAPTER 1

TRANSITIONAL METROPOLITAN SUBSTRUCTURES

Establishment of Transitional Metropolitan Substructures

1. Three Transitional Metropolitan Substructures, the Western Vaal Metropolitan Substructure, the Eastern Vaal Metropolitan Substructure and the Northern Vaal Metropolitan Substructure (hereunder called the Metropolitan Substructures), are hereby established as contemplated in section 7 (1) (b) (ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date), comprising the following local government bodies:

- (a) The Western Vaal Metropolitan Substructure—the Town Councils of Vanderbijlpark and Sebokeng (west of the P88/1), the Town Committees of Bophelong and Boipatong, the area of Tshepiso as defined under section 13 (6) of the Local Government Transition Act, 1993, and the Local Area Committees of Vaal Oewer and Noordvaal;
- (b) the Eastern Vaal Metropolitan Substructure—the City Council of Vereeniging including Roschnee and Rust-Ter-Vaal, the Town Councils of Sharpeville and Sebokeng (east of the P88/1), and the Local Area Committee of Vaal Marina; and
- (c) the Northern Vaal Metropolitan Substructure—the City Council of Evaton including Zones 3, 6 and 7 of Sebokeng south of the Welgevonden Road and the portion of Evaton north of the Wel-

PROKLAMASIE

No. 3 (Premiers-), 1995

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET NO. 209 VAN 1993)

INSTELLING VAN 'N METROPOLITAANSE OORGANGSRAAD MET METROPOLITAANSE OORGANGSUBSTRUKTURE BETREFFENDE DIE VAAL METROPOLITAANSE GEBIED

Kragtens artikel 10 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), gelees met Premiers Proklamasies No's. 24 en 38 van 1994, en No's. 2, 4 en 5 van 1995, onderskeidelik, vaardig ek hierby, met die instemming van die Provinciale Komitee, die maatreëls in die Bylae uit.

Gegee onder my Hand te Johannesburg, op hede die Nege-en-twintigste dag van Desember Eenduisend Negehonderd Vier-en-negentig.

T. M. G. SEXWALE,

Premier-in-Uitvoerende Raad.

BYLAE

HOOFSTUK 1

METROPOLITAANSE OORGANG- SUBSTRUKTURE

Instelling van Metropolitaanse Oorgangsubstrukture

1. Drie Metropolitaanse Oorgangsubstrukture, die Westelike Vaal Metropolitaanse Substruktuur, die Oostelike Vaal Metropolitaanse Substruktuur en die Noordelike Vaal Metropolitaanse Substruktuur (hieronder die Metropolitaanse Substrukture genoem), word hierby, soos beoog in artikel 7 (1) (b) (ii) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), vanaf die datum van inwerkingtreding van hierdie Proklamasie (hieronder die effektiewe datum genoem), ingestel, bestaande uit die volgende plaaslike owerheidsliggome:

- (a) die Westelike Vaal Metropolitaanse Substruktuur—die Dorpsrade van Vanderbijlpark en Sebokeng (wes van die P88/1), die Dorpskomitees van Bophelong en Boipatong, die gebied van Tshepiso soos omskryf kragtens artikel 13 (6) van die Oorgangswet op Plaaslike Regering, 1993, en die Plaaslike Gebiedskomitees van Vaal Oewer en Noordval;
- (b) die Oostelike Vaal Metropolitaanse Substruktuur—die Stadsraad van Vereeniging insluitende Roschnee en Rust-Ter-Vaal, die Dorpsrade van Sharpeville en Sebokeng (oos van die P88/1), en die Plaaslike Gebiedskomitee van Vaal Marina; en
- (c) die Noordelike Vaal Metropolitaanse Substruktuur—die Stadsraad van Evaton insluitende zones 3, 6 en 7 van Sebokeng suid van die Welgevonden pad en die gedeelte van Evaton

gevonden road, the areas of Orange Farm, Drieziek, Stretford and Poortje as defined under section 13 (6) of the Local Government Transition Act, 1993, the Town Councils of Meyerton and Randvaal, and the Local Area Committees of Walkerville, De Deur and Eikenhofvallei, which Metropolitan Substructures, shall be deemed to be local authorities in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

Dissolution of local government bodies

2. (1) The following local government bodies are hereby dissolved on the effective date:

- (a) Town Council of Vanderbijlpark;
- (b) Town Committee of Bophelong;
- (c) Town Committee of Boipatong;
- (d) Local Area Committee of Vaal Oewer;
- (e) Local Area Committee of Noordvaal;
- (f) City Council of Vereeniging, including Roshnee and Rust-Ter-Vaal;
- (g) Town Council of Sharpeville;
- (h) Town Council of Sebokeng;
- (i) Local Area Committee of Vaal Marina;
- (j) Town Council of Meyerton;
- (k) Town Council of Randvaal;
- (l) Local Area Committee of Walkerville;
- (m) Local Area Committee of De Deur;
- (n) Local Area Committee of Eikenhofvallei; and
- (o) City Council of Evaton.

(2) (a) Administrator's Notice No. 548 of 6 December 1993 as promulgated in *Official Gazette* No. 4958 is as from the effective date repealed under section 13 (6) (a) of the Local Government Transition Act, 1993, in so far as it applies to the area of Tshepiso; and

(b) Administrator's Notice No. 311 of 6 July 1993 as promulgated in *Official Gazette* No. 4924 is as from the effective date repealed under section 13 (6) (a) of the Local Government Transition Act, 1993, in so far as it applies to the areas of Orange Farm, Drieziek, Poortje and Stretford as defined in paragraph (v) of the Appendix to the said Administrator's Notice.

Absolution of functions, powers and duties of Local Government Affairs Council

3. (1) The Local Government Affairs Council shall, notwithstanding any provisions contained in the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), and the Transvaal Board for the Development of Peri Urban Areas Ordinance, 1943

noord van die Welgevonden pad, die gebiede van Orange Farm, Drieziek, Stretford en Poortje soos omskryf kragtens artikel 13 (6) van die Oorgangswet op Plaaslike Regering, 1993, die Dorpsrade van Meyerton en Randvaal, en die Plaaslike Gebiedskomitees van Walkerville, De Deur, en Eikenhofvallei,

welke Metropolitaanse Substrukture geag word plaaslike besture ingevolge die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), te wees.

Ontbinding van plaaslike owerheidsliggome

2. (1) Die volgende plaaslike owerheidsliggome word hierby op die effektiewe datum ontbind:

- (a) Dorpsraad van Vanderbijlpark;
- (b) Dorpskomitee van Bophelong;
- (c) Dorpskomitee van Boipatong;
- (d) Plaaslike Gebiedskomitee van Vaal Oewer;
- (e) Plaaslike Gebiedskomitee van Noordvaal;
- (f) Stadsraad van Vereeniging, insluitend Roshnee en Rust-Ter-Vaal;
- (g) Dorpsraad van Sharpeville;
- (h) Dorpsraad van Sebokeng;
- (i) Plaaslike Gebiedskomitee van Vaal Marina;
- (j) Dorpsraad van Meyerton;
- (k) Dorpsraad van Randvaal;
- (l) Plaaslike Gebiedskomitee van Walkerville;
- (m) Plaaslike Gebiedskomitee van De Deur;
- (n) Plaaslike Gebiedskomitee van Eikenhofvallei; en
- (o) Stadsraad van Evaton.

(2) (a) Administrateurskennisgewing No. 548 van 6 Desember 1993, soos uitgevaardig in *Offisiële Koorant* No. 4958 word vanaf die effektiewe datum kragtens artikel 13 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, herroep in soverre dit van toepassing is op die gebied van Tshepiso; en

(b) Administrateurskennisgewing No. 311 van 6 Julie 1993 soos uitgevaardig in *Offisiële Koorant* No. 4924 word vanaf die effektiewe datum kragtens artikel 13 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, herroep in soverre dit van toepassing is op die gebiede van Orange Farm, Drieziek, Poortje en Stretford soos gedefinieer in paragraaf (v) van die Aanhangsel tot genoemde Administrateurskennisgewing.

Kwytskelding van funksies, bevoegdhede en pligte van Raad op Plaaslike Bestuursaangeleenthede

3. (1) Die Raad op Plaaslike Bestuursaangeleenthede word, ondanks enige bepalings vervat in die Wet op die Raad op Plaaslike Bestuursaangeleenthede (Volksraad), 1989 (Wet No. 84 van 1989), en die Ordonnansie op die Transvaalse Raad vir die Ontwik-

(Ordinance No. 20 of 1943), as from the effective date be absolved from exercising any of its functions, powers and duties in respect of the areas described in subsections 4 (1) (a) (i), (ii) and (iii), 4 (1) (b) (i) and 4 (1) (c) (i), (ii) and (iii).

(2) In the event of the apportionment of any assets, rights and liabilities, including the taking over of any employees in respect of the areas mentioned in sections 4 (1) (a) (i), (ii) and (iii), 4 (1) (b) (i) and 4 (1) (c) (i), (ii) and (iii), the provisions of section 159bis of the Local Government Ordinance, 1939, shall *mutatis mutandis* apply.

(3) The provisions of section 18 shall *mutatis mutandis* apply to the taking over of any employees mentioned in subsection (2).

(4) The Metropolitan Substructures shall for the purposes of this Proclamation as from the effective date be deemed to be the successor-in-law of the Local Government Affairs Council relating to any power, duty, asset, obligation, right and liability within the areas described in subsection (1).

(5) Notwithstanding the provisions of section 159bis (2) of the Local Government Ordinance, 1939, all resolutions, by-laws, delegations and statutory notices of the Local Government Affairs Council pertaining to the areas described in subsection (1), shall as from the effective date remain in force in the areas mentioned in subsection (1), until amended or repealed by the said Substructures.

Area of Metropolitan Substructures

4. (1) The areas of the Metropolitan Substructures established under section 1 comprise the following:

(a) The Western Vaal Metropolitan Substructure—
the existing areas of jurisdiction of the dissolved Town Council of Vanderbijlpark as defined in Administrator's Proclamation No. 187 of 24 December 1946, as amended or extended, the dissolved Town Committee of Bophelong as defined in Administrator's Notice No. 415 of 1 August 1991, as amended or extended, the dissolved Town Committee of Boipatong as defined in Administrator's Notice No. 415 of 1 August 1991, as amended or extended, the dissolved Town Council of Sebokeng west of the P88/1 as defined in Administrator's Notice No. 415 of 1 August 1991, as amended or extended, and—

(i) the areas of Tshepiso as defined in Administrator's Notice No. 548 of 6 December 1993;

kelling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), vanaf die effektiewe datum kwytgeskel van die uitvoering van enige van sy funksies, bevoegdhede en pligte ten opsigte van die gebiede beskryf in subartikels 4 (1) (a) (i), (ii) en (iii), 4 (1) (b) (i) en 4 (1) (c) (i), (ii) en (iii).

(2) In die geval van 'n verdeling van enige bates, regte en verpligte, insluitend die oornname van enige werknemers ten opsigte van die gebiede vermeld in artikels 4 (1) (a) (i), (ii) en (iii), 4 (1) (b) (i) en 4 (1) (c) (i), (ii) en (iii), sal die bepalings van artikel 159bis van die Ordonnansie op Plaaslike Regering, 1939 *mutatis mutandis* van toepassing wees.

(3) Die bepalings van artikel 18 is *mutatis mutandis* van toepassing op die oornname van enige werknemers vermeld in subartikel (2).

(4) Die Metropolitaanse Substrukture word by die toepassing van hierdie Proklamasie vanaf die effektiewe datum geag om dieregsopvolger van die Raad op Plaaslike Bestuursaangeleenthede betreffende enige bevoegdheid, plig, bate, verpligting, reg en las binne die onderskeie gebiede beskryf in subartikel (1) wat binne hul onderskeie regsgebiede val, te wees.

(5) Ondanks die bepalings van artikel 159bis (2) van die Ordonnansie op Plaaslike Regering, 1939, bly alle besluite, verordeninge, delegasies en statutêre kennisgewings van die Raad op Plaaslike Bestuursaangeleenthede wat betrekking het op die gebiede beskryf in subartikel (1), vanaf die effektiewe datum van krag in die gebiede vermeld in subartikel (1) totdat dit deur die genoemde Substrukture gewysig of herroep word.

Gebied van Metropolitaanse Oorgangsubstrukture

4. (1) Die gebiede van die Metropolitaanse Substrukture ingestel kragtens artikel 1 bestaan uit die volgende:

(a) Die Westelike Vaal Metropolitaanse Substruktur—

die bestaande regsgebiede van die ontbinde Dorpsraad van Vanderbijlpark soos omskryf in Administrateurs Proklamasie No. 187 van 24 Desember 1946, soos gewysig of uitgebrei, die ontbinde Dorpskomitee van Bophelong soos omskryf in Administrateurskennisgewing No. 415 van 1 Augustus 1991, soos gewysig of uitgebrei, die ontbinde Dorpskomitee van Boipatong soos omskryf in Administrateurskennisgewing No. 415 van 1 Augustus 1991, soos gewysig of uitgebrei, die ontbinde Dorpsraad van Sebokeng wes van die P88/1 soos omskryf in Administrateurskennisgewing No. 415 van 1 Augustus 1991, soos gewysig of uitgebrei, en—

(i) die gebied van Tshepiso soos omskryf in Administrateurskennisgewing No. 548 van 6 Desember 1993;

- (ii) the area of the dissolved Local Area Committee of Vaal Oewer as defined in Government Notice No. 1310 of 15 June 1990; and
 - (iii) the area of the dissolved Local Area Committee of Noordvaal as defined in Administrator's Proclamation No. 58 of 25 February 1972;
 - (b) the Eastern Vaal Metropolitan Substructure—
the existing areas of jurisdiction of the dissolved City Council of Vereeniging as defined in Proclamation No. 3722/82 of 29 June 1892, including Rust-Ter-Vaal and Roshnee, as amended or extended, the dissolved Town Council of Sharpeville as defined in Administrator's Notice No. 415 of 1 August 1991, as amended or extended, the dissolved Town Council of Sebokeng east of the P88/1 as defined in Administrator's Notice No. 415 of 1 August 1991, as amended or extended, and—
 - (i) the area of the dissolved Local Area Committee of Vaal Marina as defined in Administrator's Proclamation No. 36 of 13 June 1986; and
 - (c) the Northern Vaal Metropolitan Substructure—
the existing areas of jurisdiction of the dissolved Town Council of Meyerton as defined in Proclamation No. 611 of 17 August 1892, as amended or extended, the dissolved Town Council of Randvaal as defined in Administrator's Notice No. 30 of 3 May 1989, as amended or extended, the dissolved City Council of Evaton as defined in Proclamation No. 834 of 21 April 1978, as amended or extended, including Zones 3, 6 and 7 of Sebokeng south of the Welgevonden Road and the portion of Evaton north of the Welgevonden Road, and—
 - (i) the areas of the dissolved Local Area Committee of Walkerville as defined in Administrator's Proclamation No. 352 of 17 October 1973;
 - (ii) the area of the dissolved Local Area Committee of De Deur as defined in Administrator's Proclamation No. 352 of 17 October 1973; and
 - (iii) the areas of Orange Farm, Drieziek, Poortje and Stretford as defined in Administrator's Notice No. 311 of 6 July 1993.
- (2) A map reflecting the areas of jurisdiction of the Metropolitan Substructures, as described in subsection (1), is contained in Annexure A.
- (ii) Die gebied van die ontbinde Plaaslike Gebiedskomitee van Vaal Oewer soos omskryf in Goewermentskennisgewing No. 1310 van 15 Junie 1990; en
 - (iii) die gebied van die ontbinde Plaaslike Gebiedskomitee van Noordvaal soos omskryf in Administrateurs Proklamasie No. 58 van 25 Februarie 1972;
 - (b) die Oostelike Vaal Metropolitaanse Substruktur—
die bestaande regsegebiede van die ontbinde Stadsraad van Vereeniging soos omskryf in Proklamasie No. 3722/82 van 29 Junie 1892 insluitend Rust-Ter-Vaal en Roshnee, soos gewysig of uitgebrei, die ontbinde Dorpsraad van Sharpeville soos omskryf in Administrateurskennisgewing No. 415 van 1 Augustus 1991, soos gewysig of uitgebrei, die ontbinde Dorpsraad van Sebokeng oos van die P88/1 soos omskryf in Administrateurskennisgewing No. 415 van 1 Augustus 1991, soos gewysig of uitgebrei, en—
 - (i) die gebied van die ontbinde Plaaslike Bestuurskomitee van Vaal Marina soos omskryf in Administrateurs Proklamasie No. 36 van 13 Junie 1986; en
 - (c) die Noordelike Vaal Metropolitaanse Substruktur—
die bestaande regsegebiede van die ontbinde Dorpsraad van Meyerton soos omskryf in Proklamasie No. 611 van 17 Augustus 1892, soos gewysig of uitgebrei, die ontbinde Dorpsraad van Randvaal soos omskryf in Administrateurskennisgewing No. 30 van 3 Mei 1989, soos gewysig of uitgebrei, die ontbinde Stadsraad van Evaton soos omskryf in Proklamasie No. 834 van 21 April 1978, soos gewysig of uitgebrei insluitend Sones 3, 6 en 7 van Sebokeng suid van die Welgevonden pad en die gedeelte van Evaton noord van die Welgevonden pad, en—
 - (i) die gebied van die ontbinde Plaaslike Gebiedskomitee van Walkerville soos omskryf in Administrateurs Proklamasie No. 352 van 17 Oktober 1973;
 - (ii) die gebied van die ontbinde Plaaslike Gebiedskomitee van De Deur soos omskryf in Administrateurs Proklamasie No. 352 van 17 Oktober 1973; en
 - (iii) die gebiede van Orange Farm, Drieziek, Poortje en Stretford soos omskryf in Administrateurskennisgewing No. 311 van 6 Julie 1993.
- (2) 'n Kaart waarop die gebiede van die Metropolitaanse Substrukture bedoel in subartikel (1) aangedui word, word in Aanhangle A vervat.

Functions, powers and duties

5. Any functions, powers and duties pertaining to the provision and maintenance of services and facilities shall, within the context of the broad policy guidelines laid down by the Vaal Metropolitan Council, established by section 19, be performed by the Metropolitan Substructures established by section 1, as contemplated in any law applicable to local authorities: Provided that the Vaal Metropolitan Council may institute such measures as it deems fit if any of the Metropolitan Substructures should fail to adhere to such guidelines.

Councillors and authorized persons

6. (1) The Western Vaal Metropolitan Substructure comprises 28 Councillors, the Eastern Vaal Metropolitan Substructure comprises 34 Councillors and the Northern Vaal Metropolitan Substructure comprises 36 Councillors.

(2) The terms of office of the Councillors or the dissolved local government bodies mentioned in section 2 shall be terminated on the effective date.

(3) The authorization under Premier's Proclamation No. 15 of 5 October 1994 of persons to exercise, perform or fulfil all the rights, powers, functions, duties and obligations assigned to the dissolved City Council of Evaton and the dissolved Town Councils of Boipatong, Sebokeng, Sharpeville and Bophelong, is hereby as from the effective date repealed.

(4) The persons mentioned in Annexure B, C and D, and duly nominated under paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby as from the effective date appointed as Councillors of the Western, Eastern and Northern Vaal Metropolitan Substructures, respectively.

(5) Any casual vacancy arising on any of the Metropolitan Substructures after the effective date shall be reported to the Member for Housing and Local Government of the Provincial Executive Council within 30 days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), be filled by the competent authority from the list of additional candidates in order of preference as contemplated in paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, as contained in Annexures E, F and G respectively.

Allowances of Councillors

7. All the Councillors shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of the highest graded local authority of the respective Substructures which existed within the area of the relevant Substructure on the date immediately preceding the effective date in terms of section 19 (8) of the Local Government Ordinance,

Funksies, bevoegdhede en pligte

5. Enige funksies, bevoegdhede en pligte met betrekking tot die lewering van dienste en die dag tot dag administrasie en verrigting van funksies word, binne die konteks van die breë beleidsriglyne wat neergelê is deur die Vaal Metropolitaanse Raad, ingestel kragtens artikel 19, deur die Metropolitaanse Substrukture ingestel kragtens artikel 1 uitgevoer soos beoog in enige wet wat van toepassing is op plaaslike besture: Met dien verstande dat die Vaal Metropolitaanse Raad sulke maatreëls mag instel wat dit goed mag vind indien enige van die Metropolitaanse Substrukture versuim om aan sodanige riglyne te voldoen.

Raadslede en gemagtigde persone

6. (1) Die Westelike Vaal Metropolitaanse Substruktur bestaan uit 28 Raadslede, die Oostelike Vaal Metropolitaanse Substruktur bestaan uit 34 Raadslede en die Noordelike Vaal Metropolitaanse Substruktur bestaan uit 36 Raadslede.

(2) Die ampstermyne van die Raadslede van die ontbinde plaaslike owerheidsliggame in artikel 2 genoem, word op die effektiewe datum beëindig.

(3) Die magtiging kragtens Premiersproklamasie No. 15 van 5 Oktober 1994 van persone om al die regte, bevoegdhede, werksaamhede, pligte en verpligte wat aan die ontbinde Stadsraad van Evaton en die ontbinde Dorpsrade van Boipatong, Sebokeng, Sharpeville en Bophelong opgedra is, uit te oefen, te verrig of na te kom, word hierby vanaf die effektiewe datum herroep.

(4) Die persone in Aanhangsels B, C en D vermeld, wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, benoem is, word hierby onderskeidelik vanaf die effektiewe datum as Raadslede van die Westelike, Oostelike en Noordelike Vaal Metropolitaanse Substrukture respektiewelik aangestel.

(5) Enige toevallige vakature wat na die effektiewe datum op enige van die Vaal Metropolitaanse Substrukture ontstaan moet binne 30 dae aan die Lid vir Behuising en Plaaslike Regering van die Provinciale Uitvoerende Raad gerapporteer word, welke vakature, ondanks die bepalings van artikels 20 en 36 van die Ordonnansie op Municipale Verkiesings, 1970 (Ordonnansie No. 16 van 1970), deur die bevoegde gesag gevul moet word uit die lys van bykomende kandidate in orde van voorkeur soos beoog in paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, in onderskeidelik Aanhangsel E, F en G vervat.

Toelaes van Raadslede

7. Al die Raadslede ontvang vanaf die effektiewe datum dieselfde toelaes as die toelaes wat aan die Raadslede van die hoogste gegradeerde plaaslike bestuur van die onderskeie Substrukture wat op die datum wat die effektiewe datum onmiddellik voorafgaan binne die gebied van die betrokke Substruktuur

1939: Provided that the Premier may, subject to the provisions of section 207 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), from time to time, review the allowances to be paid to such Councillors: Provided further that such remuneration shall be paid from the revenue of each respective Substructure with which such members are associated.

Chairperson and Vice-Chairperson

8. (1) Each of the Metropolitan Substructures shall, within 21 days after the effective date, at a special meeting of such Metropolitan Substructure, in the manner prescribed for the election of a mayor and a deputy mayor in section 16 and 17 respectively of the Local Government Ordinance, 1939, elect a Chairperson and Vice-Chairperson from the Councillors mentioned in section 6 (4).

(2) The Chairperson and Vice-Chairperson shall perform all the functions and duties of a mayor and deputy mayor as contemplated in any law applicable to local government bodies.

Executive Committee

9. (1) The Metropolitan Substructures shall, at the special meeting contemplated in section 8 (1), notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960), under section 16 (6) of the Local Government Transition Act, 1993, each elect from its members an Executive Committee.

(2) The Metropolitan Substructures shall at the special meeting contemplated in section 8 (1) each elect one member of the Executive Committee as Chairperson and one member as Vice-Chairperson of the Executive Committee.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the respective Executive Committees contemplated in subsection (1).

Principles and procedures of meetings

10. The provisions of sections 20, 21, 22, 23, 24, 26, 27, 31, 32 and 33 of the Local Government Ordinance, 1939, and the applicable sections of the Standing Orders, promulgated by Administrator's Notice No. 1224 of 14 October 1970, as amended, shall *mutatis mutandis* apply to the principles and procedure of meetings of the Metropolitan Substructures: Provided that each Metropolitan Substructure may at its discretion determine the principles and procedures applicable to meetings of such Substructure.

kragtens artikel 19 (8) van die Ordonnansie op Plaaslike Regering, 1939 bestaan het: Met dien verstande dat die Premier, behoudens die bepalings van artikel 207 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), van tyd tot tyd die toelaes wat aan sulke Raadslede betaal word, kan hersien: Met dien verstande verder dat sodanige vergoeding betaal sal word uit die inkomste van die onder skeie Substrukture waarmee sodanige Raadslede geassosieer word.

Voorsitter en Ondervoorsitter

8. (1) Elkeen van die Metropolitaanse Substrukture verkies, binne 21 dae na die effektiewe datum op 'n spesiale vergadering van die Metropolitaanse Substruktur, op die wyse voorgeskryf vir die verkiesing van 'n burgemeester en 'n onderburgemeester onderskeidelik in artikel 16 en 17 van die Ordonnansie op Plaaslike Bestuur, 1939, 'n Voorsitter en 'n Ondervoorsitter uit die Raadslede vermeld in artikel 6 (4).

(2) Die Voorsitter en die Ondervoorsitter verrig al die funksies en pligte van 'n burgemeester en onderburgemeester soos bedoel in enige wet wat betrekking het op plaaslike owerheidsliggame.

Uitvoerende Komitee

9. (1) Die Metropolitaanse Substrukture verkies tydens die spesiale vergadering beoog in artikel 8 (1), ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960 (Ordonnansie No. 40 van 1960), kragtens artikel 16 (6) van die Oorgangswet op Plaaslike Regerings, 1993, elk uit sy lede 'n Uitvoerende Komitee.

(2) Die Metropolitaanse Substrukture verkies elk tydens die spesiale vergadering beoog in artikel 8 (1) een lid van die Uitvoerende Komitee as Voorsitter en een lid as Ondervoorsitter van die Uitvoerende Komitee.

(3) Die bepalings van artikels 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, is, by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die Uitvoerende Komitees in subartikel (1) bedoel van toepassing.

Beginsels en prosedure van vergaderings

10. Die bepalings van artikels 20, 21, 22, 23, 24, 26, 27, 31, 32 en 33 van die Ordonnansie op Plaaslike Bestuur, 1939, en die toepaslike artikels van die Reglement van Orde, uitgevaardig by Administrateurs-kennisgewing No. 1224 van 14 Oktober 1970, soos gewysig, is *mutatis mutandis* van toepassing op die beginsels en prosedures van vergaderings van die Metropolitaanse Substrukture: Met dien verstande dat elke Metropolitaanse Substruktur sy diskresie kan uitoeft om die beginsels en prosedures van toepassing op die Substrukture te bepaal.

Transfer of assets, liabilities, rights, obligations and legal succession (successor-in-law)

11. (1) All assets, liabilities, rights and obligations of the dissolved local government bodies mentioned in section 2 shall, as from the effective date, and subject to the provisions of subsection (3), be transferred to the Metropolitan Substructure concerned.

(2) The Metropolitan Substructures shall for the purposes of this Proclamation, as from the effective date, and subject to the provisions of subsection (3), be deemed to be the successor-in-law of the assets, liabilities, rights and obligations of the dissolved local government bodies concerned.

(3) Any liability, debt or obligation which has been incurred by any of the dissolved black local government bodies mentioned in section 2 up to and including the day preceding the effective date, other than a liability, debt or obligation which has been incurred in respect of any infrastructure that generates revenue of infrastructure which is or can be utilised by the Metropolitan Substructure concerned, shall devolve upon the Vaal Metropolitan Council, subject to the right of the national government to assume such liabilities, debts or obligations in terms of assurances made by the national government that no transitional council will inherit any external debts of the said black local government bodies up to the effective date.

Regulations, by-laws, statutory notices, resolutions and delegations

12. Subject to the provisions of this Proclamation, all regulations, by-laws, statutory notices, resolutions and delegations of the dissolved local government bodies mentioned in section 2 which immediately before the effective date were in force in any area of the said dissolved local government bodies, shall continue in force in such area, subject to any repeal or amendment of such regulations, by-laws, statutory notices, resolutions and delegations by the Metropolitan Substructure concerned.

Budgets

13. (1) The 1994/95 budgets of the local government bodies mentioned in section 2 shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, be subject to such adjustments by the Metropolitan Substructures established by section 1 as may be deemed necessary, subject to review by the Vaal Metropolitan Council established by section 19.

(2) Should any Metropolitan Substructure bear an uneven financial load in the equalization of services and facilities, such Substructure shall be subsidized by the Vaal Metropolitan Council within the context of paragraphs 23, 24 and 25 of Schedule 2 of the Local Government Transition Act, 1993.

Oordra van bates, laste, regte, verpligtinge enregsopvolging (regsopvolger)

11. (1) Alle bates, laste, regte en verpligtinge van die ontbinde plaaslike owerheidsliggome vermeld in artikel 2 word vanaf die effektiewe datum, en behoudens die bepalings van subartikel (3), aan die betrokke Metropolitaanse Substruktuur oorgedra.

(2) Die Metropolitaanse Substrukture word by die toepassing van hierdie Proklamasie vanaf die effektiewe datum en behoudens die bepalings van subartikel (3) geag om die regsopvolger van die bates, laste, regte en verpligtinge van die betrokke ontbinde plaaslike owerheidsliggome te wees.

(3) Enige las, skuld of verpligting wat deur enige van die ontbinde swart plaaslike owerheidsliggome vermeld in artikel 2 aangegaan is tot op en insluitend die dag wat die effektiewe datum voorafgaan, behalwe 'n las, skuld of verpligting wat aangegaan is ten opsigte van enige infrastruktuur wat inkomste genereer of infrastruktuur wat deur die betrokke Vaal Metropolitaanse Substruktuur aangewend word of kan word, gaan op die Vaal Metropolitaanse Raad oor onderhewig aan die reg van die nasionale regering om diesulke laste, skulde of verpligtinge te aanvaar kragtens versekerings gemaak deur die nasionale regering dat geen oorgangsraad enige eksterne skulde van die genoemde swart plaaslike owerheidsliggome tot op die effektiewe datum sal erf nie.

Regulasies, verordeninge, statutêre kennisgewings, besluite en delegasies

12. Behoudens die bepalings van hierdie Proklamasie bly alle regulasies, verordeninge, statutêre kennisgewings, besluite en delegasies van die ontbinde plaaslike owerheidsliggome vermeld in artikel 2 wat onmiddellik voor die effektiewe datum van krag was en in enige gebied van die genoemde plaaslike owerheidsliggome, van krag in die gebied, onderhewig aan enige herroeping of wysiging van sodanige regulasies, verordeninge, statutêre kennisgewings, besluite en delegasies deur die betrokke Metropolitaanse Substruktuur.

Begrottings

13. (1) Die 1994/95-begrottings van die plaaslike owerheidsliggome in artikel 2 vermeld is, ondanks die bepalings van artikel 58 van die Ordonnansie op Plaaslike Regering, 1939, onderhewig aan die wysiging daarvan wat deur die Metropolitaanse Substruktuur ingestel kragtens artikel 1 nodig geag word, onderhewig aan hersiening deur die Metropolitaanse Raad ingestel kragtens artikel 19.

(2) Indien enige Metropolitaanse Substruktuur 'n ongelyke finansiële las dra in die gelykstelling van dienste en geriewe, word sodanige substruktuur gesubsidenteer deur die Vaal Metropolitaanse Raad binne die konteks van paragrafe 23, 24 en 25 van Bylae 2 van die Oorgangswet op Plaaslike Regering, 1993.

Authorized local authorities

14. (1) The Metropolitan Substructures shall, under section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, be authorized local authorities for the purposes of Chapters II, III and IV of the said Ordinance.

(2) The Metropolitan Substructures shall, under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, be authorized local authorities for the purposes of Chapter IV of the said Ordinance.

Local authorities contemplated in Sixth Schedule to Local Government Ordinance, 1939

15. The Western, Eastern and Northern Vaal Metropolitan Substructures are, as from the effective date, deemed to be local authorities as contemplated in Parts II, I and III respectively of the Sixth Schedule to the Local Government Ordinance, 1939.

Single Local Administration for Metropolitan Substructures

16. (1) A temporary Single Local Administration for each of the Metropolitan Substructures is, subject to the provisions of subsection (2), hereby established as from the effective date.

(2) A permanent integrated organisational structure shall after the effective date be constituted by each of the Metropolitan Substructures in accordance with the provisions of subsection (3).

(3) The Vaal Metropolitan Council shall conduct a restructuring exercise, investigate and professionally assess the personnel requirements of the Vaal Metropolitan Council and each of the Metropolitan Substructures and shall allocate and integrate the employees and officers referred to in sections 18 (1), 3 (3) and 30 (4).

Acting Chief Executive Officer/Acting Town Clerks and Acting Deputy Chief Executive Officers/Acting Deputy Town Clerks

17. (1) As soon as possible after the effective date, each of the Metropolitan Substructures shall under section 62 of the Local Government Ordinance, 1939, and subject to the provisions of the Renumeration of Town Clerks Act, 1984 (Act No. 115 of 1984), and the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988), appoint an Acting Chief Executive Officer/Acting Town Clerk and Acting Deputy Chief Executive Officer/Acting Deputy Town Clerk for each of the Metropolitan Substructures concerned.

(2) The Acting Chief Executive Officers/Acting Town Clerks and Acting Deputy Executive Officers/Acting Deputy Town Clerks shall, for the purposes of this Proclamation, perform all functions, powers and duties

Gemagtigde plaaslike besture

14. (1) Die Metropolitaanse Substrukture word, kragtens artikel 2 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986), vanaf die effektiewe datum gemagtigde plaaslike besture vir doeleindes van Hoofstukke II, III en IV van genoemde Ordonnansie.

(2) Die Metropolitaanse Substrukture word, kragtens artikel 3 van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), vanaf die effektiewe datum gemagtigde plaaslike besture vir doeleindes van Hoofstuk IV van genoemde Ordonnansie.

Plaaslike besture in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, bedoel

15. Die Westelike, Oostelike en Noordelike Vaal Metropolitaanse Substrukture word, vanaf die effektiewe datum, geag plaaslike besture soos beoog in onderskeidelik Dele II, I en III van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Enkele Plaaslike Administrasie vir Metropolitaanse substrukture

16. (1) 'n Tydelike Enkele Plaaslike Administrasie vir elk van die Metropolitaanse Substrukture word, behoudens die bepalings van subartikel (2), hierby vanaf die effektiewe datum ingestel.

(2) 'n Permanente geïntegreerde organisatoriese struktuur word na die effektiewe datum deur elkeen van die Metropolitaanse Substrukture saamgestel ooreenkomsdig die bepalings van subartikel (3).

(3) Die Vaal Metropolitaanse Raad onderneem 'n herstruktureringsprogram, ondersoek en beraam professioneel die personeelbehoeftes van die Vaal Metropolitaanse Raad en elkeen van die Metropolitaanse Substrukture en allokeer en integreer die werknemers en beampies in artikel 18 (1), 3 (3) en 30 (4) genoem.

Waarnemende Hoof Uitvoerende Beampies/Waarnemende Stadsklerke en Waarnemende Adjunk Hoof Uitvoerende Beampies/Waarnemende Adjunk Stadsklerke

17. (1) So spoedig moontlik na die effektiewe datum stel elkeen van die Metropolitaanse Substrukture kragtens artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939, en, behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), en die Wet op die Beroep van Stadsklerke, 1988 (Wet No. 75 van 1988), 'n Waarnemende Hoof Uitvoerende Beampie/Waarnemende Stadsklerk en Waarnemende Adjunk Hoofuitvoerende Beampie/Waarnemende Adjunk Stadsklerk aan vir elkeen van die betrokke Metropolitaanse Substrukture.

(2) Die Waarnemende Hoof Uitvoerende Beampies/Waarnemende Stadsklerke en Waarnemende Adjunk Hoofuitvoerende Beampies/Waarnemende Adjunk Stadsklerke oefen by die toepassing van hier-

assigned to a Chief Executive Officer/Town Clerk and Deputy Chief Executive Officer/Deputy Town Clerk in terms of the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, or resolution of the Metropolitan Substructure concerned.

Employees and officers of Metropolitan Substructures

18. (1) The employees and officers of the dissolved local government bodies mentioned in section 2, shall, subject to the provisions of subsection (4), as from the effective date be transferred to the Metropolitan Substructures concerned and shall take up employment with the said Substructures on terms and conditions of service not less favourable than those under which they previously served.

(2) Employees and officers of the Metropolitan Substructures shall, be remunerated in accordance with the salary scale of the highest graded local government body which existed within the area of the relevant Substructure on the date immediately preceding the effective date.

(3) As from the effective date, the employees and officers mentioned in subsection (1) shall individually—

(a) notwithstanding the provisions of any law, be deemed as far as pensionable service and chronological seniority in respect of earnings and benefits are concerned, to have been in the employ of the respective Metropolitan Substructures continuously from the date of their employment by their previous employers to the same extent that they have been continuously in the employ of the relevant dissolved local government body; and

(b) be dealt with in respect of any allegation of misconduct outstanding against them with the relevant dissolved local government body, in terms of the conditions applicable to them whilst in such employ, unless they consent to the contrary.

(4) Appointment and dismissal of employees and officers employed in the services of a Metropolitan Substructure shall be the sole responsibility of that particular Substructure.

CHAPTER 2

TRANSITIONAL METROPOLITAN COUNCIL

Establishment of Transitional Metropolitan Council

19. A Transitional Metropolitan Council, hereunder called the Vaal Metropolitan Council, is hereby established as contemplated in section 7 (1) (b) (ii) of the

die Proklamasie al die funksies, bevoegdhede en pligte uit kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander wet of besluit van die betrokke Metropolitaanse Substruktur wat aan 'n Hoof Uitvoerende Beampete/Stadsklerk en Adjunk Hoof Uitvoerende Beampete/Adjunk Stadsklerk opgedra is.

Werknemers en beamptes van Metropolitaanse Substruktur

18. (1) Die werknemers en beamptes van die ontbinde plaaslike overheidsliggome in artikel 2 genoem word, behoudens die bepalings van subartikel (4), vanaf die effektiewe datum oorgeplaas na die betrokke Metropolitaanse Substrukture en aanvaar diens met die genoemde Substrukture op bedinge en diensvoorraades wat nie minder gunstig is as dié waaronder hulle voorheen gewerk het nie.

(2) Werknemers en beamptes van die Metropolitaanse Substrukture word besoldig in ooreenstemming met die salarisskaal van die hoogste gegradeerde plaaslike overheidsliggaaam wat binne die gebied van die betrokke Substruktuur bestaan het op die datum wat die effektiewe datum onmiddellik voorafgegaan het.

(3) Vanaf die effektiewe datum word die werknemers en beamptes vermeld in subartikel (1) individueel—

(a) ondanks die bepalings van enige wet, ten opsigte van pensioengewende diens en chronologiese senioriteit ten opsigte van verdienstes en voordele geag om deurlopend in die diens van die onderskeie Metropolitaanse Substrukture te gewees het vanaf die aanvangsdatum van hulle diens by hul vorige werkgewers tot dieselfde mate as wat hulle deurlopend in die diens van die betrokke ontbinde plaaslike overheidsliggaaam was; en

(b) hanteer ten opsigte van enige uitstaande bewering van wangedrag teen hulle by die betrokke ontbinde plaaslike overheidsliggaaam in terme van die voorwaardes van toepassing op hulle terwyl hulle in die diens was tensy hulle tot die teendeel toestem.

(4) Die aanstelling en ontslag van werknemers en beamptes werksaam in diens van 'n Metropolitaanse Substruktuur is die alleen verantwoordelikheid van daardie besondere Substruktuur.

HOOFSTUK 2

METROPOLITAANSE OORGANGSRAAD

Instelling van Metropolitaanse Oorgangsraad

19. 'n Metropolitaanse oorgangsraad, hieronder die Vaal Metropolitaanse Raad genoem, word hierby, soos beoog in artikel 7 (1) (b) (ii) van die Oorgangswet

Local Government Transition Act, 1993, as from the effective date, comprising the Metropolitan Substructures established by section 1, which Vaal Metropolitan Council shall, subject to the provisions of section 21, be deemed to be a local authority in terms of the Local Government Ordinance 1939.

Area of Vaal Metropolitan Council

20. The area of the Vaal Metropolitan Council comprises the areas of jurisdiction of the Metropolitan Substructures mentioned in section 4 (1).

Functions, powers and duties of Vaal Metropolitan Council

21. (1) The functions, powers and duties of the Vaal Metropolitan Council shall be as set out in Schedule 2 to the Local Government Transition Act, 1993.

(2) Sections 12 (1) (b), 10A, 12 (1) (a) and (10) and 14 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), shall *mutatis mutandis* apply to the Vaal Metropolitan Council.

(3) The Vaal Metropolitan Council may, for the purposes of exercising the functions, powers and duties mentioned in subsection (1), promulgate by-laws in terms of section 80 of the Local Government Ordinance, 1939, if it deems necessary for the effective carrying out of such functions, powers and duties.

(4) The Vaal Metropolitan Council may delegate any of its functions, powers and duties to any of the Metropolitan Substructures established by section 1: Provided that the Vaal Metropolitan Council may at any time recall such delegations.

Councillors

22. (1) The Vaal Metropolitan Council comprises 60 Councillors.

(2) The persons mentioned in Annexure "H", and duly nominated under paragraph 5 of Schedule 1 to the Local Government Transition Act, 1993, are hereby as from the effective date appointed as Councillors of the Vaal Metropolitan Council.

(3) Any casual vacancy arising on the Vaal Metropolitan Council as from the effective date shall be reported to the Member for Housing and Local Government of the Provincial Executive Council within 30 days, which vacancy shall, notwithstanding the provisions of sections 20 and 36 of the Municipal Elections Ordinance, 1970, be filled by the competent authority from the list of additional candidates in order of preference as contemplated in paragraph 5 of Schedule 1 of the Local Government Transition Act, 1993, as contained in Annexure I.

op Plaaslike Regering, 1993, vanaf die effektiewe datum ingestel, bestaande uit die Metropolitaanse Substrukture kragtens artikel 1 ingestel, welke Vaal Metropolitaanse Raad, behoudens die bepalings van artikel 21 geag word 'n plaaslike bestuur ingevolge die Ordonnansie op Plaaslike Bestuur, 1939, te wees.

Gebied van Vaal Metropolitaanse Raad

20. Die gebied van die Vaal Metropolitaanse Raad bestaan uit die regsgebiede van die Metropolitaanse Substrukture in artikel 4 (1) vermeld.

Funksies, Bevoegdhede en Pligte van Vaal Metropolitaanse Raad

21. (1) Die funksies, bevoegdhede en pligte van die Vaal Metropolitaanse Raad is dieselfde soos uitgeset in Bylae 2 by die Oorgangswet op Plaaslike Regering, 1993.

(2) Artikel 12 (1) (b), 10A, 12 (1) (a) en (10) en 14 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985) is *mutatis mutandis* van toepassing op die Vaal Metropolitaanse Raad.

(3) Die Vaal Metropolitaanse Raad kan, kragtens artikel 80 van die Ordonnansie op Plaaslike Bestuur, 1939 vir doeleindes van die uitvoering van die funksies, bevoegdhede en pligte vermeld in subartikel (1), verordeninge wat hy nodig ag vir die effektiewe uitvoering van dié funksies, bevoegdhede en pligte, uitvaardig.

(4) Die Vaal Metropolitaanse Raad kan enige van sy funksies, bevoegdhede en pligte aan enige van die Metropolitaanse Substrukture ingestel kragtens artikel 1 deleer: Met dien verstande dat die Vaal Metropolitaanse Raad te eniger tyd sodanige delegasies kan herroep.

Raadslede

22. (1) Die Vaal Metropolitaanse Raad bestaan uit 60 Raadslede.

(2) Die persone in Aanhengsel "H" vermeld, en wat behoorlik kragtens paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, genoem is, word hierby vanaf die effektiewe datum as Raadslede van die Vaal Metropolitaanse Raad aangestel.

(3) Enige toevallige vakature wat vanaf die effektiewe datum op die Vaal Metropolitaanse Raad ontstaan, moet binne 30 dae aan die Lid vir Behuising en Plaaslike Regering van die Provinciale Uitvoerende Raad gerapporteer word, welke vakture, ondanks die bepalings van artikels 20 en 36 van die Ordonnansie op Munisipale Verkiesings, 1970, deur die bevoegde gesag gevul moet word uit die lys van bykomende kandidate in orde van voorkeur soos beoog in paragraaf 5 van Bylae 1 by die Oorgangswet op Plaaslike Regering, 1993, soos in Aanhengsel "I" vervat.

Allowances of Councillors

23. All the Councillors of the Vaal Metropolitan Council shall, as from the effective date, receive the same allowances as the allowances paid to the Councillors of the highest graded local authority which existed within the area of the Vaal Metropolitan Council on the date immediately preceding the effective date in terms of section 19 (8) of the Local Government Ordinance, 1939: Provided that the Premier may, subject to the provisions of section 207 of the Constitution of South Africa, 1993, from time to time, review the allowances to be paid to such Councillors.

Chairperson and Deputy Chairperson

24. (1) The Vaal Metropolitan Council shall, within 21 days as from the effective date, at a special meeting of the Council, in the manner prescribed for the election of a mayor and a deputy mayor in section 16 and 17 respectively of the Local Government Ordinance, 1939, elect a Chairperson and Deputy Chairperson for the Vaal Metropolitan Council from the Councillors mentioned in section 22 (2).

(2) The Chairperson and Deputy Chairperson shall perform all the functions and duties of a mayor and deputy mayor, respectively as contemplated in any law applicable to local government bodies.

Meetings and decision making procedure

25. Sections 20, 21, 22, 23, 24, 26, 27, 31, 32 and 33 of the Local Government Ordinance, 1939, and the applicable sections of the Standard Standing Orders promulgated by Administrator's Notice No. 1224 of 1970, as amended, shall *mutatis mutandis* apply to the principles and procedures of meetings of the Vaal Metropolitan Council.

Executive Committee

26. (1) The Vaal Metropolitan Council shall at the special meeting contemplated in section 24 (1), notwithstanding the provisions of the Local Government (Administration and Elections) Ordinance, 1960, under section 16 (6) of the Local Government Transition Act, 1993, elect from its members an Executive Committee.

(2) The Vaal Metropolitan Council shall at the special meeting contemplated in section 24 (1) elect one member of the Executive Committee as Chairperson and one member as Vice-Chairperson of the Executive Committee in the manner prescribed for the election of a mayor and deputy mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939.

(3) The provisions of sections 1 and 55 to 61 of the Local Government (Administration and Elections) Ordinance, 1960, shall, for the purposes of this Proclamation, be applicable *mutatis mutandis* to the Executive Committee contemplated in subsection (1).

Toelaes vir Raadslede

23. Al die Raadslede van die Vaal Metropolitaanse Raad ontvang vanaf die effektiewe datum, dieselfde toelaes as die toelaes wat aan die Raadslede van die hoogste gegradeerde plaaslike bestuur wat bestaan het binne die gebied van die Vaal Metropolitaanse Raad op die datum wat die effektiewe datum onmiddellik voorafgaan kragtens artikel 19 (8) van die Ordonnansie op Plaaslike Bestuur, 1939, betaal is: Met dien verstande dat die Premier, behoudens die bepalings van artikel 207 van die Grondwet van die Republiek van Suid-Afrika, 1993, van tyd tot tyd die toelaes wat aan sulke Raadslede betaal word kan hersien.

Voorsitter en Ondervoorsitter

24. (1) Die Vaal Metropolitaanse Raad verkie, binne 21 dae vanaf die effektiewe datum op 'n spesiale vergadering van die Raad, op die wyse voorgeskryf vir die verkiezing van 'n burgemeester en 'n onderburgemeester, 'n Voorsitter en 'n Ondervoorsitter vir die Vaal Metropolitaanse Raad uit die Raadslede in artikel 22 (2) vermeld kragtens onderskeidelik artikels 16 en 17 van die Ordonnansie op Plaaslike Bestuur, 1939.

(2) Die Voorsitter en Ondervoorsitter verrig al die funksies en pligte van onderskeidelik 'n burgemeester en onderburgemeester, soos bedoel in enige wet wat betrekking het op plaaslike overheidsliggame.

Vergaderings en besluitnemingsprosedure

25. Artikels 20, 21, 22, 23, 24, 26, 27, 31, 32 en 33 van die Ordonnansie op Plaaslike Bestuur, 1939, en die toepaslike artikels van die Reglement van Orde, uitgevaardig by Administrateurskennisgewing No. 1224 van 1970, soos gewysig, is *mutatis mutandis* van toepassing op die beginsels en prosedures van vergaderings van die Vaal Metropolitaanse Raad.

Uitvoerende Komitee

26. (1) Die Vaal Metropolitaanse Raad verkie tydens die spesiale vergadering beoog in artikel 24 (1), ondanks die bepalings van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, kragtens artikel 16 (6) van die Oorgangswet op Plaaslike Regering, 1993, uit sy lede 'n Uitvoerende Komitee.

(2) Die Vaal Metropolitaanse Raad verkie tydens die spesiale vergadering beoog in artikel 24 (1) op die wyse voorgeskryf vir die verkiezing van 'n burgemeester en 'n onderburgemeester een lid van die Uitvoerende Komitee as Voorsitter en een lid as Ondervoorsitter van die Uitvoerende komitee kragtens onderskeidelik artikels 16 en 17 van die Ordonnansie op Plaaslike Bestuur, 1939.

(3) Die bepalings van artikels 1 en 55 tot 61 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, is, by die toepassing van hierdie Proklamasie, *mutatis mutandis* op die Uitvoerende Komitee in subartikel (1) bedoel van toepassing.

Administration, conditions of service and labour relations guidelines of employees and officers of Vaal Metropolitan Council

27. (1) A temporary Administration is hereby as from the effective date established for the Vaal Metropolitan Council.

(2) A permanent integrated organisational structure shall after the effective date be constituted by the Vaal Metropolitan Council in accordance with the provisions of section 16 (3).

(3) Conditions of service and labour relations guidelines of employees and officers of the Vaal Metropolitan Council shall be determined by the Vaal Metropolitan Council: Provided that such conditions are compatible with the service conditions as accepted and approved by the Industrial Council for the Local Government Undertaking in the Province of the Transvaal.

Acting Chief Executive Officer/Acting Town Clerk and Acting Deputy Chief Executive Officer/Acting Deputy Town Clerk

28. (1) As soon as possible after the effective date, the Vaal Metropolitan Council shall, under section 62 of the Local Government Ordinance, 1939, and subject to the provisions of the Renumeration of Town Clerks Act, 1984 (Act No. 115 of 1984), and the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988), appoint an Acting Chief Executive Officer/Acting Town Clerk and Acting Deputy Chief Executive Officer/Acting Deputy Town Clerk for the Vaal Metropolitan Council.

(2) The Acting Chief Executive Officer/Acting Town Clerk and Acting Deputy Chief Executive Officer/Acting Deputy Town Clerk shall, for the purposes of this Proclamation perform all functions, powers and duties assigned to a Chief Executive Officer/Town Clerk and Deputy Chief Executive Officer/Deputy Town Clerk in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970, or any other law, or resolution of the Vaal Metropolitan Council.

Local authority contemplated in Sixth Schedule of Local Government Ordinance, 1939

29. The Vaal Metropolitan Council is as from the effective date, deemed to be a local authority as contemplated in Part 1 of the Sixth Schedule to the Local Government Ordinance, 1939, and the provisions of section 14 (2) shall *mutatis mutandis* be applicable to the Vaal Metropolitan Council.

CHAPTER 3

REGIONAL SERVICES COUNCIL

30. (1) The Vaal Triangle Regional Services Council shall, as from the effective date, be disestablished in terms of section 10 (3) (h) of the Local Government Transition Act, 1993, in respect of the area of the Vaal Metropolitan Council.

Administrasie, diensvoorraad en arbeidsverhoudinge riglyne van werknemers en beampies van Vaal Metropolitaanse Raad

27. (1) 'n Tydelike Administrasie word hierby vanaf die effektiewe datum ingestel vir die Vaal Metropolitaanse Raad.

(2) 'n Permanente geïntegreerde organisatoriese struktuur word na die effektiewe datum saamgestel deur die Vaal Metropolitaanse Raad ooreenkomsdig die bepalings van artikel 16 (3).

(3) Diensvoorraad en arbeidsverhoudinge riglyne van werknemers en beampies van die Vaal Metropolitaanse Raad word bepaal deur die Vaal Metropolitaanse Raad: Met dien verstande dat sodanige voorwaardes versoenbaar is met die diensvoorraad wat aanvaar en goedgekeur is deur die Nywerheidsraad vir die Plaaslike Bestuursonderneming in die Provincie Transvaal.

Waarnemende Hoof Uitvoerende Beampte/Waarnemende Stadsklerk en Waarnemende Adjunk Hoof Uitvoerende Beampte/Waarnemende Adjunk Stadsklerk

28. (1) So spoedig moontlik na die effektiewe datum stel die Vaal Metropolitaanse Oorgangsraad kragtens artikel 62 van die Ordonnansie op Plaaslike Bestuur, 1939, en, behoudens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), en die Wet op die Beroep van Stadsklerke, 1988 (Wet No. 75 van 1988), 'n Waarnemende Hoof Uitvoerende Beampte/Waarnemende Stadsklerk en Waarnemende Adjunk Hoof Uitvoerende Beampte/Waarnemende Adjunk Stadsklerk aan vir die Vaal Metropolitaanse Oorgangsraad.

(2) Die Waarnemende Hoof Uitvoerende Beampte/Waarnemende Stadsklerk en Waarnemende Adjunk Hoof Uitvoerende Beampte/Waarnemende Adjunk Stadsklerk oefen by die toepassing van hierdie Proklamasie al die funksies, bevoegdhede en pligte uit kragtens die Ordonnansie op Plaaslike Bestuur, 1939, die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960, die Ordonnansie op Munisipale Verkiesings, 1970, of enige ander wet, of besluit van die Vaal Metropolitaanse Oorgangsraad wat aan 'n Hoof Uitvoerende Beampte/Stadsklerk en Adjunk Hoof Uitvoerende Beampte/Adjunk Stadsklerk opgedra is.

Plaaslike bestuur in Sesde Bylae by Ordonnansie op Plaaslike Bestuur, 1939, beoog

29. Die Vaal Metropolitaanse Raad word vanaf die effektiewe datum, geag 'n plaaslike bestuur soos beoog in Deel 1 van die Sesde Bylae by die Ordonnansie op Plaaslike Bestuur, 1939, te wees en die bepalings van artikel 14 (2) is *mutatis mutandis* van toepassing op die Vaal Metropolitaanse Raad.

HOOFSTUK 3

STREEKSDIENSTERAAD

30. (1) Die Vaaldriehoek Streeksdiensteraad word, by die toepassing van hierdie Proklamasie, vanaf die effektiewe datum ontbind kragtens artikel 10 (3) (h) van die Oorgangswet op Plaaslike Regering, 1993, ten opsigte van die regsgebied van die Vaal Metropolitaanse Raad.

(2) The Vaal Metropolitan Council shall, as from the effective date, be the successor-in-law of the Vaal Triangle Regional Services Council.

(3) All resolutions, delegations and statutory notices of the Vaal Triangle Regional Services Council pertaining to the area described in section 20 shall, as from the effective date, be deemed to be resolutions, delegations and statutory notices of the Vaal Metropolitan Council until amended or repealed by the Vaal Metropolitan Council.

(4) All the personnel employed by the Vaal Triangle Regional Services Council, shall, as from the effective date be transferred to the Vaal Metropolitan Council subject to the provisions of sections 10 (3) (f) (i) and (j) of the Local Government Transition Act, 1993.

CHAPTER 4

GENERAL

Suspension of laws

31. The provisions of any law which relate to the establishment, dissolution or combination of a local authority or the alteration of the area thereof are, for the purposes of this Proclamation and subject to the provisions of sections 8 and 11 (6) (a) of the Local Government Transition Act, 1993, hereby suspended.

Effective date

32. This Proclamation shall come into operation on 1 January 1995.

(2) Die Vaal Metropolitaanse Raad, word vanaf die effektiewe datum dieregsopvolger van die Vaal drie hoek Streeksdiensteraad.

(3) Alle besluite, delegasies en statutêre kennisgewings van die Vaal drie hoek Streeksdiensteraad wat betrekking het op die gebied beskryf in artikel 20, word vanaf die effektiewe datum geag om besluite, delegasies en statutêre kennisgewings van die Vaal Metropolitaanse Raad te wees totdat dit gewysig of herroep word deur die Vaal Metropolitaans Raad.

(4) Al die personeel in diens van die Vaal drie hoek Streeksdiensteraad word, vanaf die effektiewe datum oorgeplaas na die Vaal Metropolitaanse Raad ooreenkomsdig die bepalings van artikel 10 (3) (f) (i) en (j) van die Oorgangswet op Plaaslike Regering, 1993.

HOOFTUK 4

ALGEMEEN

Opskorting van wette

31. Die bepalings van enige wet wat van toepassing is op die instelling, ontbinding of samestellende van 'n plaaslike bestuur of die wysiging van sy gebied, word by die toepassing van hierdie Proklamasie en behoudens die bepalings van artikels 8 en 11 (6) (a) van die Oorgangswet op Plaaslike Regering, 1993, hierby opgeskort.

Effektiewe datum

32. Hierdie Proklamasie tree in werking op 1 Januarie 1995.

ANNEXURE A • AANHANGSEL A

Map of the Metropolitan substructures mentioned in section 4 (2)
Kaart van die metropolitaanse Substrukture vermeld in artikel 4 (2)



ANNEXURE B

Nominated persons of the Western Vaal Metropolitan Substructure mentioned in section 6 (4):

STATUTORY COMPONENT

P. J. Kilian.
W. H. J. Van Rensburg.
G. M. Zwarts.
C. A. Herbst.
F. E. Brits.
L. J. Filmalter.
N. J. Böhme.
L. A. Muir.
L. J. Venter.
M. J. Tshabalala.
D. M. du P. Meyer.
J. M. C. Bekker.
M. P. Muir.
H. J. van der Walt.

NON-STATUTORY COMPONENT

Khapane Moloi.
Noel Phakathi.
Duma Plaatjie.
Mr Pooe.
S. Ntshingila.
Kate S. Ngwenya.
Phineas Malapela.
M. B. Matsabu.
J. Ntshingila.
Thomas Maleka.
Maurice More.
Siphia Khanye.
Gibson Dlova.
Charles Mofokeng.

ANNEXURE C

Nominated persons of the Eastern Vaal Metropolitan Substructure mentioned in section 6 (4):

STATUTORY COMPONENT

R. K. T. Bell.
M. Brcic.
C. J. A. Champher.
B. Cupido.
S. J. Gross.
De V. Hoogenhout.
Y. Kajee.
C. R. Kleynhans.
J. P. D. Maree.
A. B. McEwen.
M. L. Milani.
D. J. Nel.
S. Saley.
D. C. Spies.
F. J. Swan.
F. H. Swart.
P. J. F. Booyens.

AANHANGSEL B

Genomineerde persone van die Westlike Vaal Metropolaanse Substruktuur vermeld in artikel 6 (4):

STATUTÊRE KOMPONENT

P. J. Kilian.
W. H. J. Van Rensburg.
G. M. Zwarts.
C. A. Herbst.
F. E. Brits.
L. J. Filmalter.
N. J. Böhme.
L. A. Muir.
L. J. Venter.
M. J. Tshabalala.
D. M. du P. Meyer.
J. M. C. Bekker.
M. P. Muir.
H. J. van der Walt.

NIE-STATUTÊRE KOMPONENT

Khapane Moloi.
Noel Phakathi.
Duma Plaatjie.
Mnr Pooe.
S. Ntshingila.
Kate S. Ngwenya.
Phineas Malapela.
M. B. Matsabu.
J. Ntshingila.
Thomas Maleka.
Maurice More.
Siphia Khanye.
Gibson Dlova.
Charles Mofokeng.

AANHANGSEL C

Genomineerde persone van die Oostelike Vaal Metropolaanse Substruktuur vermeld in artikel 6 (4):

STATUTÊRE KOMPONENT

R. K. T. Bell.
M. Brcic.
C. J. A. Champher.
B. Cupido.
S. J. Gross.
De V. Hoogenhout.
Y. Kajee.
C. R. Kleynhans.
J. P. D. Maree.
A. B. McEwen.
M. L. Milani.
D. J. Nel.
S. Saley.
D. C. Spies.
F. J. Swan.
F. H. Swart.
P. J. F. Booyens.

NON-STATUTORY COMPONENT

Mosotho Petlane.
 Sello Mokoena.
 Lawrence Moremoholo.
 Mr Mosesi.
 T. P. Tlali.
 M. C. Noge.
 Machoni Marame.
 Ike Mahiti.
 Kheesi Ndaba.
 Tebogo Moepadisa.
 Mirriam Segole.
 Refique Baba.
 Daddy Nakana.
 Solomon Roets.
 Azael Mokale.
 Winne da Souza.
 Mswazi Tshabalala.

NIE-STATUTÊRE KOMPONENT

Mosotho Petlane.
 Sello Mokoena.
 Lawrence Moremoholo.
 Mr Mosesi.
 T. P. Tlali.
 M. C. Noge.
 Machoni Marame.
 Ike Mahiti.
 Kheesi Ndaba.
 Tebogo Moepadisa.
 Mirriam Segole.
 Refique Baba.
 Daddy Nakana.
 Solomon Roets.
 Azael Mokale.
 Winne da Souza.
 Mswazi Tshabalala.

ANNEXURE D**Nominated persons of the Northern Vaal Metropolitan Substructure mentioned in section 6 (4):****STATUTORY COMPONENT**

D. A. S. McLean.
 J. Williamson.
 G. A. J. Grobler.
 N. J. C. Brits.
 E. F. W. Merrick.
 J. J. Neethling.
 P. J. de Bruyn.
 D. L. Slabbert.
 H. J. Maritz.
 W. S. J. Grobler.
 F. W. Peters.
 B. F. Keet.
 J. C. Brits.
 A. J. Stoltz.
 B. I. Murray.
 W. Barnes.
 C. A. Whyte.
 I. V. Human.

NON-STATUTORY COMPONENT

Makuoe Chapatso.
 Kingsleys Boloang.
 Chester Motloung.
 Mr Bapela.
 J. Hlahasoane.
 Paul Ranyao.
 Modise Lehako.
 Mabati Seabe.
 M. Twala.
 S. Molotsi.

AANHANGSEL D**Genomineerde persone van die Noordelike Vaal Metropolitaanse Substruktuur vermeld in artikel 6 (4):****STATUTÊRE KOMPONENT**

D. A. S. McLean.
 J. Williamson.
 G. A. J. Grobler.
 N. J. C. Brits.
 E. F. W. Merrick.
 J. J. Neethling.
 P. J. de Bruyn.
 D. L. Slabbert.
 H. J. Maritz.
 W. S. J. Grobler.
 F. W. Peters.
 B. F. Keet.
 J. C. Brits.
 A. J. Stoltz.
 B. I. Murray.
 W. Barnes.
 C. A. Whyte.
 I. V. Human.

NIE-STATUTÊRE KOMPONENT

Makuoe Chapatso.
 Kingsleys Boloang.
 Chester Motloung.
 Mr Bapela.
 J. Hlahasoane.
 Paul Ranyao.
 Modise Lehako.
 Mabati Seabe.
 M. Twala.
 S. Molotsi.

Dikeledi Tsotesi.
 Professor Nhlapo.
 Thokozane Mazibuko.
 Anne-Marie Berry.
 Sthembiso Radebe.
 Wendy Masilo.
 James Madikane.
 Moses Sebatlelo.

ANNEXURE E

Additional candidates of the Western Vaal Metropolitan Substructure mentioned in section 6 (5):

STATUTORY COMPONENT**NON-STATUTORY COMPONENT**

Jake Sibanda.
 Alinah Sophangisa.
 Martha Morobi.
 Mr Pitjeng.
 N. Poswa.
 J. Motshole.
 Tshidiso Fhefu.
 Fana Nthuthu.
 Jake Sibanda.
 Sdinani Nxumalo.
 Maria Mojapelo.
 Samuel Mahlatsi.
 Moses Manamela.
 Hans Mahau.

ANNEXURE F

Additional candidates of the Eastern Vaal Metropolitan Substructure mentioned in section 6 (5):

STATUTORY COMPONENT

G. P. Mills.
 C. J. A. Campher.

NON-STATUTORY COMPONENT

Selo Musa.
 Vusimusi Rashama.
 Alfred Maloisane.
 Inyet Fakir.
 Mr Mpuu.
 P. Mosebi.
 S. Morake.
 Klaas Mphalela.
 J. Maleka.
 Benla Kubheka.
 Inayet Fakir.
 Pute Phakedi.
 Vick Reinecke.
 Tankiso Rantsatsi.

ANNEXURE G

Additional candidates of the Northern Vaal Metropolitan Council mentioned in section 6 (5):

STATUTORY COMPONENT

A. D. Thompson.
 J. D. Kruger.
 J. J. Neethling.
 P. J. de Bruyn.
 W. Barnes.

Dikeledi Tsotesi.
 Professor Nhlapo.
 Thokozane Mazibuko.
 Anne-Marie Berry.
 Sthembiso Radebe.
 Wendy Masilo.
 James Madikane.
 Moses Sebatlelo.

AANHANGSEL E

Addisionele kandidate van die Westelike Vaal Metropolitaanse Substruktuur vermeld in artikel 6 (5):

STATUTÊRE KOMPONENT**NIE-STATUTÊRE KOMPONENT**

Jake Sibanda.
 Alinah Sophangisa.
 Martha Morobi.
 Mnr Pitjeng.
 N. Poswa.
 J. Motshole.
 Tshidiso Fhefu.
 Fana Nthuthu.
 Jake Sibanda.
 Sdinani Nxumalo.
 Maria Mojapelo.
 Samuel Mahlatsi.
 Moses Manamela.
 Hans Mahau.

AANHANGSEL F

Addisionele kandidate van die Oostelike Vaal Metropolitaanse Substruktuur vermeld in artikel 6 (5):

STATUTÊRE KOMPONENT

G. P. Mills.
 C. J. A. Campher.

NIE-STATUTÊRE KOMPONENT

Selo Musa.
 Vusimusi Rashama.
 Alfred Maloisane.
 Inyet Fakir.
 Mr Mpuu.
 P. Mosebi.
 S. Morake.
 Klaas Mphalela.
 J. Maleka.
 Benla Kubheka.
 Inayet Fakir.
 Pute Phakedi.
 Vick Reinecke.
 Tankiso Rantsatsi.

AANHANGSEL G

Addisionele kandidate van die Noordelike Vaal Metropolitaanse Substruktuur vermeld in artikel 6 (5):

STATUTÊRE KOMPONENT

A. D. Thompson.
 J. D. Kruger.
 J. J. Neethling.
 P. J. de Bruyn.
 W. Barnes.

NON-STATUTORY COMPONENT

Npiyake Mnguni.
 K. Ramakarane.
 Jacob Sebebalo.
 Oupa Mofokeng.
 Mr Mnguni.
 T. Ntshingila.
 Stembiso Malindi.
 Oupa Mlompa.
 Tsokodibane Ramasimono.
 Alex Mthimkhulu.
 S. Tshabanga.
 R. S. Gama.
 Simon Mgawathi.
 Jordan Tabane.
 Mohau Moledi.
 D. Radebe.

ANNEXURE H

Nominated persons of the Vaal Metropolitan Council mentioned in section 23 (2):

STATUTORY COMPONENT**Western Vaal Metropolitan Substructure**

P. J. Kilian.
 W. H. J. van Rensburg.
 G. M. Zwarts.
 C. A. Herbst.
 N. J. Böhme.
 L. J. Venter.
 L. A. Muir.
 M. P. Muir.
 H. J. van der Walt.

Northern Vaal Metropolitan Substructure

W. S. J. Grobler.
 F. W. Peters.
 B. F. Keet.
 J. C. Brits.
 D. A. S. McLean.
 J. Williamson.
 G. A. J. Grobler.
 N. J. C. Brits.
 E. W. F. Merrick.
 C. A. Whyte.
 I. V. Human.

Eastern Vaal Metropolitan Substructure

M. L. Milani.
 S. J. Gross.
 M. de V. Hoogenhout.
 C. R. Kleynhans.
 Y. Kajee.

NIE-STATUTËRE KOMPONENT

Npiyake Mnguni.
 K. Ramakarane.
 Jacob Sebebalo.
 Oupa Mofokeng.
 Mnr. Mnguni.
 T. Ntshingila.
 Stembiso Malindi.
 Oupa Mlompa.
 Tsokodibane Ramasimono.
 Alex Mthimkhulu.
 S. Tshabanga.
 R. S. Gama.
 Simon Mgawathi.
 Jordan Tabane.
 Mohau Moledi.
 D. Radebe.

AANHANGSEL H

Genomineerde persone van die Vaal Metropolitaanse Raad vermeld in artikel 23 (2):

STATUTËRE KOMPONENT**Westelike Vaal Metropolitaanse Substruktuur.**

P. J. Kilian.
 W. H. J. van Rensburg.
 G. M. Zwarts.
 C. A. Herbst.
 N. J. Böhme.
 L. J. Venter.
 L. A. Muir.
 M. P. Muir.
 H. J. van der Walt.

Noordelike Vaal Metropolitaanse Substruktuur.

W. S. J. Grobler.
 F. W. Peters.
 B. F. Keet.
 J. C. Brits.
 D. A. S. McLean.
 J. Williamson.
 G. A. J. Grobler.
 N. J. C. Brits.
 E. W. F. Merrick.
 C. A. Whyte.
 I. V. Human.

Oostelike Vaal Metropolitaanse Substruktuur.

M. L. Milani.
 S. J. Gross.
 M. de V. Hoogenhout.
 C. R. Kleynhans.
 Y. Kajee.

A. B. McEwen.
D. J. Nel.
D. C. Spies.
F. H. Swart.
P. J. F. Booysen.

NON-STATUTORY COMPONENT

Makuoel Chapatso.
Mosotho Petlane.
Jeffrey Rademeyer.
Mhlungisi Hlongwane.
Patricia Mogo.
Ike Makiti.
T. P. Tlali.
Kate S. Ngwenya.
John Mpiyabhe Kubheka.
Lee Thulo.
Count Pietersen.
Mbuyiswa Gants.
M. Twala.
S. Molotsi.
D. Mdaba.
J. Ntombela.
Jeffrey Mokoro.
Lebohang Mahata.
Wilson Mabasa.
Mpho J. Molefe.
Kedibone Mogotsi.
Nelisiwe Mbatha.
Chris Rabaji.
Sakhiwe Khumalo.
Greta Hlongwane.
Hilda Shange.
Florence Vundisa.
Yunus Chamda.
Themibile Nquba.
Ernest Sotsu.

ANNEXURE I

Additional candidates of the Vaal Metropolitan Council mentioned in section 22 (3):

STATUTORY COMPONENT**NON-STATUTORY COMPONENT**

Khapane Moloi.
Joel Mtutu.
Vusimusi Rashama.
Paul Sithole.
Oumatjie Mokoena.
Nkapu Ranake.
Mr Bapela.
J. Hlahasoane.

A. B. McEwen.
D. J. Nel.
D. C. Spies.
F. H. Swart.
P. J. F. Booysen.

NIE-STATUTÊRE KOMPONENT

Makuoel Chapatso.
Mosotho Petlane.
Jeffrey Rademeyer.
Mhlungisi Hlongwane.
Patricia Mogo.
Ike Makiti.
T. P. Tlali.
Kate S. Ngwenya.
John Mpiyabhe Kubheka.
Lee Thulo.
Count Pietersen.
Mbuyiswa Gants.
M. Twala.
S. Molotsi.
D. Mdaba.
J. Ntombela.
Jeffrey Mokoro.
Lebohang Mahata.
Wilson Mabasa.
Mpho J. Molefe.
Kedibone Mogotsi.
Nelisiwe Mbatha.
Chris Rabaji.
Sakhiwe Khumalo.
Greta Hlongwane.
Hilda Shange.
Florence Vundisa.
Yunus Chamda.
Themibile Nquba.
Ernest Sotsu.

AANHANGSEL I

Addisionele kandidate van die Vaal Metropolitaanse Raad vermeld in artikel 22 (3):

STATUTÊRE KOMPONENT**NIE-STATUTÊRE KOMPONENT**

Khapane Moloi.
Joel Mtutu.
Vusimusi Rashama.
Paul Sithole.
Oumatjie Mokoena.
Nkapu Ranake.
Mnr. Bapela.
J. Hlahasoane.

Molefi Casosell Noge.
 Tshepo Sibusisi.
 M. S. Makoeng.
 Amin Lutchka.
 E. Roux.
 C. Theunissen.
 Simon Mofokeng.
 Charl Rademeyer.
 David Mthimkulu.
 Khali Khambule.
 Johannes Mofokeng.

Molefi Casosell Noge.
 Tshepo Sibusisi.
 M. S. Makoeng.
 Amin Lutchka.
 E. Roux.
 C. Theunissen.
 Simon Mofokeng.
 Charl Rademeyer.
 David Mthimkulu.
 Khali Khambule.
 Johannes Mofokeng.

PROCLAMATION

No. 4 (Premier's), 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT NO. 209 OF 1993)

ESTABLISHMENT OF EASTERN SERVICES COUNCIL AND TRANSITIONAL COUNCILS FOR RURAL AREA OF LOCAL GOVERNMENT

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), read with Premier's Proclamations Nos. 24 and 38 of 1994, and Nos. 2, 3 and 5 of 1995, respectively, I hereby, with the concurrence of the Provincial Committee, make the further enactments in the Schedule.

Given under my Hand at Johannesburg this Thirtieth day of December, One thousand Nine hundred and Ninety-four.

T. M. G. SEXWALE,
 Premier-in-Executive Council.

SCHEDULE

CHAPTER 1

SERVICES COUNCIL

Establishment of Eastern Services Council

1. A Services Council, hereunder called the Eastern Services Council, is hereby established as contemplated in section 10 (3) (i) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date) for the area as described in section 4, comprising—

- (a) the following transitional local councils:
 - (i) Alberton, established under Premier's Proclamation No. 31 of 1994;
 - (ii) Greater Germiston, established under Premier's Proclamation No. 23 of 1994;
 - (iii) Boksburg, established under Premier's Proclamation No. 46 of 1994;
 - (iv) Benoni, established under Premier's Proclamation No. 33 of 1994;
 - (v) Brakpan, established under Premier's Proclamation No. 10 of 1994, read with Premier's Proclamation No. 41 of 1994;
 - (vi) Springs, established under Premier's Proclamation No. 34 of 1994;
 - (vii) Greater Nigel, established under Premier's Proclamation No. 42 of 1994;
 - (viii) Heidelberg, established under Premier's Proclamation No. 45 of 1994;
 - (ix) Devon, established under Premier's Proclamation No. 44 of 1994; and
 - (x) Bronkhorstspruit, established under Premier's Proclamation No. 47 of 1994.

- (b) The Town Council of Rayton, as defined in Administrator's Notice No. 4626 of 28 June 1989, as amended or extended, the existing area of jurisdiction of the dissolved Town Committee of Refilwe as defined in *Government Gazette* No. R. 1480 of 11 July 1986, as amended or extended, and the areas of Cullinan, Zonderwater and Onverwacht as described in *Government Gazette* No. 9036 of 20 January 1984, as amended or extended, which Town Council of Rayton, Town Committee of Refilwe including the areas Cullinan, Zonderwater and Onverwacht, shall collectively be deemed to be, for the purposes of this Proclamation, the Transitional Local Council of Greater Cullinan as contemplated in section 7 (1) (b) (i) and 10 of the Local Government Transition Act, 1993;
 - (c) the transitional councils for a rural area of local government established under section 18; and
 - (d) the local area committees mentioned in section 3 (9) read with section 24,
- which Eastern Services Council shall be deemed to be a local authority in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), and a transitional council as contemplated in section 16 of the Local Government Transition Act, 1993.

Disestablishment of Regional Services Councils and Rural Councils

2. (1) The Pretoria, East Rand and Vaal Triangle Regional Services Councils are hereby, as from the effective date, deemed to be disestablished in terms of section 10 (3) (i) of the Local Government Transition Act, 1993.

(2) Mr P. F. Smith, Chairperson of the disestablished Pretoria Regional Services Council and Mr S. Lebese are hereby appointed to wind-up the affairs of the Pretoria Regional Services Council within 90 days as from the effective date, during which period Mr P. F. Smith and Mr S. Lebese shall receive the same remuneration as the Chairperson of the disestablished Pretoria Regional Services Council, which remuneration shall be debited to the account of the said disestablished Council.

(3) The following rural councils established under section 12A of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), are hereby, as from the effective date, deemed to be disestablished:

- (a) the Pienaar's River Rural Council, established under Government Notice No. R. 3077 of 6 November 1992;
- (b) the Elands River Rural Council, established under Government Notice No. R. 99 of 22 January 1993; and
- (c) the Nigel Rural Council, established under Government Notice No. R. 1286 of 7 June 1991.

Absolution of functions, powers and duties of Local Government Affairs Council

3. (1) The Local Government Affairs Council shall, notwithstanding any provisions contained in the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), and the Transvaal Board for the Development of Peri Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), as from the effective date, be absolved from exercising any of its functions, powers and duties in respect of the areas described in sections 4 (b) and (c).

(2) The apportionment of any assets, rights and liabilities, including the taking over of any employees in respect of the areas mentioned in sections 4 (b) and (c) shall be done under section 159bis of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), by the following persons:

- (a) Mr A. D. Niemandt, as Chairperson;
- (b) Mr S. J. Benadie;
- (c) Mr S. A. Patel; and
- (d) Mrs F. P. Daniels

(3) The persons mentioned in subsection (2) shall conclude the apportionment referred to in subsection (2) before the date of the election of local government or on 31 October 1995, whichever date is the earliest.

(4) The persons mentioned in subsection (2) shall receive the same remuneration as the Chairperson and members, respectively, of the Local Government Affairs Council, which remuneration shall be debited to the account of the Local Government Affairs Council.

(5) The persons mentioned in subsection (2) are hereby appointed to manage and control the affairs of the Local Government Affairs Council and to exercise and perform the powers, duties, rights and obligations of the said Council as contemplated in section 10 (3) (c) of the Local Government Transition Act, 1993.

(6) The provisions of section 17 shall *mutatis mutandis* apply to the taking over of any employees mentioned in subsection (2).

(7) The Eastern Services Council shall for the purposes of this Proclamation, as from the effective date, be deemed to be the successor-in-law of the Local Government Affairs Council relating to any power, duty, asset, obligation, right and liability within the areas described in sections 4 (b) and (c).

(8) Notwithstanding the provisions of section 159bis (2) of the Local Government Ordinance, 1939, all resolutions, by-laws, delegations and statutory notices of the Local Government Affairs Council pertaining to the areas described in sections 4 (b) and (c) shall, as from the effective date, remain in force in the said areas, until amended or repealed by the Eastern Services Council.

(9) Notwithstanding the provisions of the Local Government Affairs Council Act (House of Assembly), 1989, and the Transvaal Board for the Development of Peri Urban Areas Ordinance, 1943, the administration of the following local area committees are hereby, subject to the provisions of section 9, be deemed to be transferred to the Eastern Services Council as from the effective date—

- (a) Hammanskraal Local Area Committee, established under Administrator's Proclamation No. 157 of 10 August 1977;
- (b) Nest Park Local Area Committee, established under Administrator's Proclamation No. 52 of 6 May 1994;
- (c) Roodeplaat Local Area Committee, established under Government Notice No. 1187 of 30 April 1992;
- (d) Vischkuil Local Area Committee, established under Administrator's Proclamation No. 105 of 29 April 1955,

read with proclamation No. 112 of 13 April 1994.

Area of jurisdiction of Eastern Services Council

4. The area of jurisdiction of the Eastern Services Council established under section 1 comprises the following:

- (a) The areas of the transitional local councils mentioned in section 1 (a);
- (b) the areas of the transitional councils for a rural area of local government established under section 18 and as described in Annexure A hereto; and
- (c) the areas of the local area committees mentioned in section 3 (9) (a), (b), (c) and (d);

Provided that the areas of jurisdiction of any transitional metropolitan council shall be excluded from such area: Provided further that the area of jurisdiction of any transitional local council shall be excluded from such area for the purposes of the rendering of local government functions solely.

Functions, powers and duties of Eastern Services Council

5. The Eastern Services Council shall jointly with the transitional local councils, the transitional councils for a rural area of local government and the local area committees mentioned in section 1 execute the following functions, powers and duties:

- (a) The powers and duties mentioned in Schedule 2 to the Local Government Transition Act, 1993.

- (b) The functions, powers and duties mentioned in sections 10A, 12(1)(a), 12(1)(b), 12(10) and 14 of the Regional Services Councils Act, 1985.
- (c) The functions, powers and duties mentioned in sections 1, 10, 11(b), 11(d), 12, 13, 14, 16, 18, 23, 28 and 29 of the Local Government Affairs Council Act (House of Assembly), 1989.
- (d) The implementation of the Reconstruction and Development Programme for the rural area.
- (e) If any portion of the area mentioned in section 4 falls within the area of jurisdiction of a transitional local council, the Eastern Services Council shall, notwithstanding the provisions of any law, be entitled and empowered to execute its functions, powers and duties in the area of jurisdiction of such transitional local council, excluding local government functions, powers and duties executed by such transitional local council.
- (f) Subject to the provisions of any law pertaining to local authorities, the Eastern Services Council may delegate any of its functions, powers and duties and the execution of any law applicable to the said Council to an executive committee, a local area committee, a transitional council for a rural area of local government or any person in the service of its administration: Provided that the power to take any decision on a matter pertaining to town-planning by a committee of the Council shall not be delegated unless the Council has by a two thirds majority approved a town-planning scheme setting out areas for specific development.

Constitution

6. The transitional local councils, transitional councils for a rural area of local government and local area committees mentioned in section 1 shall nominate two councillors, one from the statutory and one from the non-statutory side, to serve on the Council of the Eastern Services Council established under section 1.

Chairpersons

7. Notwithstanding the provisions of sections 16 and 17 of the Local Government Ordinance, 1939, Mr L. Ferreira and Mr M. Mofekeng are hereby, for the purposes of this Proclamation, appointed Chairpersons of the Eastern Services Council. Their terms of office will terminate on the day local government elections take place.

Remuneration, allowances and travelling expenses of Chairpersons and Councillors

8. The remuneration, allowances and travelling expenses of the Chairpersons and Councillors of the Eastern Services Council shall be equal to the remuneration, allowances and travelling expenses payable to the Chairperson and members, respectively, of the disestablished East Rand Regional Services Council.

Transfer of assets, liabilities, rights, obligations and legal succession (successor-in-law)

9. (1) All assets, liabilities, rights and obligations of the disestablished local government bodies and rural councils mentioned in section 2 shall, as from the effective date, for the purposes of this Proclamation be transferred to the Eastern Services Council.

(2) The Eastern Services Council shall, as from the effective date, for the purposes of this Proclamation be deemed to be the successor-in-law of the disestablished regional services councils and rural councils mentioned in section 2.

By-laws, regulations, resolutions, statutory notices and delegations

10. Subject to the provisions of this Proclamation, all by-laws, regulations, resolutions, statutory notices and delegations of the disestablished regional services councils and rural councils mentioned in section 2, which immediately before the effective date were in force in any area of the said disestablished councils, shall remain in force in such areas, subject to any repeal or amendment of such by-laws, regulations, resolutions, statutory notices and delegations by the Eastern Services Council.

Budgets

11. (1) The 1994/95 budget of the disestablished regional services councils and rural councils mentioned in section 2 and the budget of the Local Government Affairs Council relating to the areas mentioned in sections 4 (b) and (c), shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, read with section 23 of the Local Government Affairs Council Act (House of Assembly), 1989, and section 12 (4) of the Regional Services Councils Act, 1985, be deemed to be the 1994/95 budget of the Eastern Services Council until a single consolidated budget is approved by the said Council.

(2) All transitional metropolitan councils shall allocate and pay a percentage to a maximum of 10% of the revenue accrued by such councils as regional services levies and regional establishment levies as contemplated in item 23 (a) of Schedule 2 to the Local Government Transition Act, 1993, as determined by the Premier after consultation with the various transitional metropolitan councils, to the Pretoria-Witwatersrand-Vereeniging Provincial Government for distribution on merit to the Eastern Services Council on application.

Authorized local authority

12. (1) The Eastern Services Council shall, under section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, be an authorized local authority for the purposes of Chapters II, III and IV of the said Ordinance.

(2) The Eastern Services Council shall, under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, be an authorized local authority for the purposes of Chapter IV of the said Ordinance.

Local Authority contemplated In Sixth Schedule to Local Government Ordinance, 1939

13. The Eastern Services Council shall, as from the effective date, be a local authority as contemplated in Part 2 of the Sixth Schedule to the Local Government Ordinance, 1939.

Licensing authority

14. Notwithstanding Administrator's Notice No. 120 published in *Official Gazette* of 13 April 1994 the Eastern Services Council shall for the purposes of section 2 (1) of the Businesses Act, 1991 (Act No. 71 of 1991), be deemed to be a licensing authority for its area of jurisdiction, excluding the area of jurisdiction of a transitional local council mentioned in section 1 (a).

Single local administration for Eastern Services Council

15. (1) A single local administration is, as from the effective date, hereby established for the Eastern Services Council.

(2) A permanent organisational structure for the single administration shall be constituted by the Eastern Services Council as soon as possible after the effective date.

Chief Executive Officer/Town Clerk

16. (1) For the purposes of this Proclamation and subject to the provisions of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988), and the Regional Services Councils Act, 1985, the present Chief Executive Officer of the disestablished East Rand Regional Services Council shall be deemed to be the Chief Executive Officer/Town Clerk of the Eastern Services Council as contemplated in section 62 of the Local Government Ordinance, 1939.

(2) The Chief Executive Officer/Town Clerk shall, for the purposes of this Proclamation, perform all the functions, powers and duties assigned to a Chief Executive Officer/Town Clerk in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), or any other law or any resolution of the said disestablished regional services councils or rural councils mentioned in section 2, the Local Government Affairs Council mentioned in section 3 (1), the transitional councils for a rural area of local government and the Eastern Services Council.

Employees and officers of Eastern Services Council

17. (1) The personnel of the disestablished regional services councils mentioned in section 2 and the employees mentioned in section 3 (2) shall, as from the effective date, be transferred to the Eastern Services Council and shall take up employment with the said Council on terms and conditions of service not less favourable than those under which they previously served.

(2) After a permanent organisational structure as contemplated in section 15 (2) has been constituted, all personnel and employees mentioned in subsection (1), shall be transferred to the single local administration as contemplated in section 15 (1) in accordance with the provisions of sections 10 (3) (f) (i) and 10 (3) (j) of the Local Government Transition Act, 1993.

(3) Until the personnel and employees mentioned in subsection (1) have been transferred to the single local administration, they shall, for the purposes of this Proclamation, be deemed to be in the service of the single local administration of the Eastern Services Council as contemplated in section 15 (1).

(4) The posts of the personnel and employees mentioned in subsection (1) shall not be declared redundant nor shall such personnel or employees obtain any right to retire owing to or as a result of the disestablishment of any local government body or their transfer to the Eastern Services Council.

(5) The personnel and employees of the Eastern Services Council shall also be the personnel and employees of the transitional councils for a rural area of local government established in terms of section 18 on the terms and conditions agreed upon by the parties.

CHAPTER 2

TRANSITIONAL COUNCILS FOR RURAL AREA OF LOCAL GOVERNMENT

Establishment of transitional councils for rural area of local government

18. The following transitional councils for a rural area of local government are hereby established as contemplated in section 10 (3) (iA) of the Local Government Transition Act, 1993:

- (a) the Pienaar's River Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A;
- (b) the Elands River Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A;
- (c) the Blesbokspruit Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A; and
- (d) the Suikerbosrand River Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A,

which councils shall, for the purposes of section 1, be deemed to be transitional councils for a rural area of local government administered by the Eastern Services Council.

Constitution of transitional councils for rural area of local government

19. (1) The transitional councils for a rural area of local government established in terms of section 18 shall each comprise six members.

(2) For the purposes of an election as contemplated in section 10 (3) (iA) of the Local Government Transition Act, 1993, a forum for each transitional council for a rural area of local government mentioned in section 18 shall, within 30 days as from the effective date, be established for each area of such council for the election of six members for each such council.

(3) For the purposes of the election of members of the councils mentioned in subsection (2) the following principles and procedures shall apply:

- (a) Membership of a forum shall be in accordance with the principle of inclusivity and representativity: Provided that the process shall continue despite the refusal or failure of any person, body or organization to participate in any such forum.
- (b) Observers, who or which shall be entitled to attend and to participate fully in forum meetings, without the right to vote, may be appointed to a forum.

- (c) To qualify for membership or observer status, any prospective member or observer shall, where applicable, submit in writing to the forum its constitution, a list of office-bearers and details of activities and membership as contemplated in subparagraph (d).
 - (d) Membership of a forum shall be available to—
 - (i) persons representing local organizations which are representative of substantial sectors of the wider community having a vested interest in the political restructuring of local government, including organized agricultural, civic associations, residents' associations and the local structures of political parties; and
 - (ii) supplier bodies such as Eskom and Water Boards, may have observer status.
 - (e) Members of the forum shall be required to indicate whether they are to be regarded as part of—
 - (i) the statutory component, comprising persons representing bodies or organizations approved by the forum as being part of such component; or
 - (ii) the non-statutory component, comprising persons representing any other bodies or organizations not contemplated in item (i) having a vested interest in the political restructuring of local government and approved by the forum as being part of such component.
 - (f) The election of persons as members of a transitional council for a rural area of local government shall be in accordance with the procedure agreed upon by the forum: Provided that one half of the elected members shall represent the statutory component and the other half the non-statutory component.
 - (g) The Eastern Services Council shall appoint a secretariate to provide secretarial services.
 - (h) The Eastern Services Council shall be responsible for the administrative expenses incurred.
- (4) Should the forum not be able to elect members for the transitional council for a rural area of local government within 30 days as from the effective date, the Premier shall appoint such members, which members shall, for the purposes of this Proclamation, be deemed to be elected as contemplated in section 10 (3)(iA) of the Local Government Transition Act, 1993.

Functions, powers, duties and rights

20. The functions, powers, duties and rights of the transitional councils for a rural area of local government established in terms of section 18 shall be the provision of essential services and other local government functions, powers and duties as delegated by the Eastern Services Council from time to time, in such council's area of jurisdiction.

Chairperson and Vice-Chairperson

21. (1) Each transitional council for a rural area of local government shall, within 40 days as from the effective date, at a special meeting of the Council, in the manner prescribed for the election of a mayor and deputy-mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect a Chairperson and a Vice-Chairperson for each Council from the members mentioned in sections 19 (3) (f) and 19 (4).

(2) The Chief Executive Officer/Town Clerk of the Eastern Services Council shall act as Chief Executive Officer/Town Clerk for the purposes of sections 16 and 17 of the Local Government Ordinance, 1939, for each of the councils established in terms of section 18.

Allowances of members

22. All the members of the transitional councils for a rural area of local government established in terms of section 18 shall receive the same allowances as that of the members of a group 1 local area committee within the area mentioned in section 4 (c).

Finances

23. (1) The finances of the transitional councils for a rural area of local government established in terms of section 18 shall consist of—

- (a) all moneys which are in any manner levied, claimed or recovered by, under or by virtue of any law delegated to the transitional councils for a rural area of local government; and
- (b) any allocations from the Eastern Services Council.

(2) For the purposes of this Proclamation, the provisions of section 21ter of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, shall *mutatis mutandis* apply.

CHAPTER 3**LOCAL AREA COMMITTEES****Termination and nomination of members of local area committees**

24. (1) The terms of office of the members of the local area committees mentioned in section 3 (9) are hereby on the effective date terminated.

(2) Each local area committee shall comprise six members.

(3) The local area committees mentioned in section 3 (9) shall, within 30 days as from the effective date, establish a forum for each area of the said local area committees and nominate six members for each local area committee in the manner prescribed in paragraphs 3 (1) to (5), 5 (1) to (3) and (5), 6 and 7 of Schedule 1 to the Local Government Transition Act, 1993.

(4) If the forum mentioned in subsection (3) does not nominate six members for each local area committee within 30 days as from the effective date, the Premier shall appoint such members.

CHAPTER 4**AMENDMENT AND REPEAL OF LAWS****Amendment of laws**

25. (1) Section 29 (2) of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Administrator may from time to time by notice in the *Official Gazette*, declare that for a period of not less than one financial year, the provisions of the Local Authorities Rating Ordinance, 1977, shall not apply in such portion of the area under the jurisdiction of the board as the Administrator may by notice in the *Official Gazette* specify, and that for the period and in the aforesaid portion, there shall be levied and collected a rate (hereinafter referred to as a land rate) in accordance with a tariff approved by the Administrator.”.

(2) The Regional Services Council Act, 1985, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of section 4 of the following paragraph:

“(1) Subject to the provisions of—

(a) this Act and any other law, a council shall have the powers and duties of a local authority or an officer in the employment of any local authority in terms of the laws which apply in the province where the seat of the council is situated and in relation to such functions or any part of a function which the Administrator entrusts to it by notice referred to in section 3 (1); ”and

(b) by the substitution for paragraph (a) of subsection (2) of section 10B of the following paragraph:

“(2) (a) An executive committee shall consist of the chairman and the deputy chairman of the council, who shall be the chairman and deputy chairman of the committee respectively, and not more than eight members, who shall be members of the council, designated by the council, of which not more than two members may be members of the same local body.”.

Repeal of laws

26. (1) The Regional Services Councils Act, 1985, except sections 1, 3(b) to 3(3), 4, 5, 6(1), 6(3), 7, 8, 10(2), 10(3), 10(4) (b) to (c), 10 (5), 10 (6), 10A(1), 10B, 11A, 12, 13, 13A, 14, 15, 15A and 16 are hereby repealed in terms of section 10(1)(b) of the Local Government Transition Act, 1993.

(2) The Local Government Affairs Council Act (House of Assembly), 1989, except sections 1, 10, 11(b) and (d), 12, 13, 14, 15, 16, 18, 23, 28 and 29 are hereby repealed in terms of section 10 (1)(b) of the Local Government Transition Act, 1993.

CHAPTER 5**GENERAL****Effective date**

27. This Proclamation shall come into operation on **1 January 1995**.

ANNEXURE A**Transitional Councils for Rural Area of Local Government contemplated in sections 4(b) and 18:****1. PIENAAR'S RIVER TRANSITIONAL COUNCIL**

The area of the disestablished Pienaars River Rural Council, as described in Government Notice No. R. 3077 of 6 November 1992 within the Magisterial Districts of Wonderboom and Pretoria, including the farm Zoutpan 104 JR.

Areas specifically excluded—

- ▶ The areas of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.
- ▶ The area of the Local Area Committee of Hammanskraal, as described in Administrator's Proclamation No. 157 of 4 August 1977.
- ▶ The area of the Local Area Committee of Roodeplaat, as described in Government Notice No. 1187 of 30 April 1992.
- ▶ A portion of the area of the disestablished Pienaars River Rural Council on the western boundary of the Pretoria Magisterial District, as described in the area of the Crocodile River Transitional Council for a Rural Area of Local Government within the area of jurisdiction of the Western Services Council.

2. ELANDS RIVER TRANSITIONAL COUNCIL

- (a) The area of the disestablished Elands River Rural Council, as described in Government Notice No. R. 99 of 22 January 1993.
- (b) The areas of the Magisterial Districts of Bronkhorstspruit, Kemptonpark and Benoni.

Areas specifically excluded—

- ▶ The areas of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.
- ▶ The area of the Nest Park Local Area Committee, as described in Administrator's Proclamation No. 52 of 6 May 1994.

3. BELSBOKSPRUIT TRANSITIONAL COUNCIL

- (a) The area of the disestablished Nigel Rural Council, as described in Government Notice No. R. 1286 of 7 June 1991.
- (b) The areas of the Springs magisterial District.

Areas specifically excluded—

- ▶ The area of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.
- ▶ The areas of the Vischkuil Local Area Committee, as described in Administrator's Proclamation No. 105 of 29 April 1955.

4. SUIKERBOSRAND RIVER TRANSITIONAL COUNCIL

The areas of the Magisterial Districts of Heidelberg and Vereeniging, excluding the areas of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.

PROCLAMATION

No. 5 (Premier's), 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT NO. 209 OF 1993)

**ESTABLISHMENT OF WESTERN SERVICES COUNCIL AND TRANSITIONAL COUNCILS
FOR RURAL AREA OF LOCAL GOVERNMENT**

Under section 10 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), read with Premier's Proclamations Nos. 24 and 38 of 1994, and Nos. 2, 3, and 4 of 1995, respectively, I hereby, with the concurrence of the Provincial Committee, make the further enactments in the Schedule.

Given under my Hand at Johannesburg this Thirtieth day of December, One thousand Nine hundred and Ninety four.

T. M. G. SEXWALE,

Premier-in-Executive Council.

SCHEDULE

CHAPTER 1

SERVICES COUNCIL

Establishment of Western Services Council

1. A Services Council, hereunder called the Western Services Council, is hereby established as contemplated in section 10 (3) (i) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), with effect from the date upon which this Proclamation shall come into operation (hereunder called the effective date) for the area as described in section 4, comprising—

- (a) the following transitional local councils;
 - (i) Carletonville, established under Premier's Proclamation No. 32 of 1994;
 - (ii) Krugersdorp, established under Premier's Proclamation No. 21 of 1994;
 - (iii) Randfontein, established under Premier's Proclamation No. 20 of 1994, read with Proclamation No. 43 of 1994; and
 - (iv) Westonaria established under Premier's Proclamation No. 39 of 1994; and
- (b) the transitional councils for a rural area of local government established under section 18, which Western Services Council shall be deemed to be a local authority in terms of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), and a transitional council as contemplated in section 16 of the Local Government Transition Act, 1993.

Disestablishment of Regional Services Council and Rural Council

2. (1) The West Rand Regional Services Council is hereby, as from the effective date, deemed to be disestablished in terms of section 10 (3) (i) of the Local Government Transition Act, 1993.

(2) The Krokodil River Rural Council, established under Government Notice No. R. 165 of 12 February 1993, in terms of section 12A of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), is hereby, as from the effective date, deemed to be disestablished.

Absolution of functions, powers and duties of Local Government Affairs Council

3. (1) The Local Government Affairs Council shall, notwithstanding any provisions contained in the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), and the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), as from the effective date, be absolved from exercising any of its functions, powers and duties in respect of the area described in section 4 (b).

(2) The apportionment of any assets, rights and liabilities, including the taking over of any employees in respect of the area mentioned in section 4 (b), shall be done under section 159bis of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), by the following persons:

- (a) Mr A. D. Niemandt, as Chairperson;
- (b) Mr S. J. Benadie;
- (c) Mr S. A. Patel; and
- (d) Mrs F. P. Daniels.

(3) The persons mentioned in subsection (2) shall conclude the apportionment referred to in subsection (2) before the date of the election of local government or on 31 October 1995, whichever date is the earliest.

(4) The persons mentioned in subsection (2) shall receive the same remuneration as the Chairperson and members, respectively, of the Local Government Affairs Council, which remuneration shall be debited to the account of the Local Government Affairs Council.

(5) The persons mentioned in subsection (2) are hereby appointed to manage and control the affairs of the Local Government Affairs Council and to exercise and perform the powers, duties, rights and obligations of the said Council as contemplated in section 10 (3) (c) of the Local Government Transition Act, 1993.

(6) The provisions of section 17 shall *mutatis mutandis* apply to the taking over of any employees mentioned in subsection (2).

(7) The Western Services Council shall for the purposes of this Proclamation, as from the effective date, be deemed to be the successor-in-law of the Local Government Affairs Council relating to any power, duty, asset, obligation, right and liability within the area described in section 4 (b).

(8) Notwithstanding the provisions of section 159bis (2) of the Local Government Ordinance, 1939, all resolutions, by-laws, delegations and statutory notices of the Local Government Affairs pertaining to the area described in section 4 (b) shall, as from the effective date, remain in force in the said area, until amended or repealed by the Western Services Council.

Area of jurisdiction of the Western Services Council

4. The area of jurisdiction of the Western Services Council established under section 1 comprises the following:

- (a) The areas of the transitional local councils mentioned in section 1 (a); and
- (b) the areas of the transitional councils for a rural area of local government established under section 18 and as described in Annexure A hereto:

Provided that the areas of jurisdiction of any transitional metropolitan council shall be excluded from such area: Provided further that the area of jurisdiction of any transitional local council shall be excluded from such area for the purposes of the rendering of local government functions solely.

Functions, powers and duties of Western Services Council

5. The Western Services Council shall jointly with the transitional local councils, the transitional councils for a rural area of local government and the local area committees mentioned in section 1 execute the following functions, powers and duties:

- (a) The powers and duties mentioned in Schedule 2 to the Local Government Transition Act, 1993.
- (b) The functions, powers and duties mentioned in sections 10A, 12 (1) (a), 12 (1) (b), 12 (10) and 14 of the Regional Services Councils Act, 1985.
- (c) The functions, powers and duties mentioned in section 1, 10, 11 (b), 11 (d), 12, 13, 14, 16, 18, 23, 28 and 29 of the Local Government Affairs Council Act (House of Assembly), 1989.
- (d) The implementation of the Reconstruction and Development Programme for the rural area.

- (e) If any portion of the area mentioned in section 4 falls within the area of jurisdiction of a transitional local council, the Western Services Council shall, notwithstanding the provisions of any law, be entitled and empowered to execute its functions, powers and duties in the area of jurisdiction of such transitional local council, excluding local government functions, powers and duties executed by such transitional local council.
- (f) Subject to the provisions of any law pertaining to local authorities, the Western Services Council may delegate any of its functions, powers and duties and the execution of any law applicable to the said Council to an executive committee, a transitional council for a rural area of local government or any person in the service of its administration: Provided that the power to take any decision on a matter pertaining to town-planning by a committee of the Council shall not be delegated unless the Council has by a two thirds majority approved a town-planning scheme setting out areas for specific development.

Constitution

6. The transitional local councils and transitional councils for a rural area of local government mentioned in section 1 shall nominate two councillors, one from the statutory and one from the non-statutory side, to serve on the Council of the Western Services Council established under section 1.

Chairpersons

7. Notwithstanding the provisions of sections 16 and 17 of the Local Government Ordinance, 1939, Dr B. van Graan and Mr M. J. Mohlakoana are hereby, for the purposes of this Proclamation, appointed Chairpersons of the Western Services Council. Their term of office will terminate on the day local government elections take place.

Remuneration, allowances and travelling expenses of Chairpersons and Councillors

8. The remuneration, allowances and travelling expenses of the Chairpersons and Councillors of the Western Services Council shall be equal to the remuneration, allowances and travelling expenses payable to the Chairperson and members, respectively, of the disestablished West Rand Regional Services Council.

Transfer of assets, liabilities, rights, obligations and legal succession (successor-in-law)

9. All assets, liabilities, rights and obligations of the disestablished local government body and rural council mentioned in section 2 shall, as from the effective date, for the purposes of this Proclamation be transferred to the Western Services Council.

(2) The Western Services Council shall, as from the effective date, for the purposes of this Proclamation be deemed to be the successor-in-law of the disestablished regional services council and rural council mentioned in section 2.

By-laws, regulations, resolutions, statutory notices and delegations

10. Subject to the provisions of this Proclamation, all by-laws, regulations, resolutions, statutory notices and delegations of the disestablished regional services council and rural council mentioned in section 2, which immediately before the effective date were in force in any area of the said disestablished councils shall remain in force in such areas, subject to any repeal or amendment of such by-laws, regulations, resolutions, statutory notices and delegations by the Western Services Council.

Budgets

11. (1) The 1994/95 budget of the disestablished regional services council and rural council mentioned in section 2 and the budget of the Local Government Affairs Council relating to the areas mentioned in section 4(b) shall, notwithstanding the provisions of section 58 of the Local Government Ordinance, 1939, read with section 23 of the Local Government Affairs Council Act (House of Assembly), 1989, and section 12(4) of the Regional Services Councils Act, 1985, be deemed to be the 1994/95 budget of the Western Services Council until a single consolidated budget is approved by the said Council.

(2) All transitional metropolitan councils shall allocate and pay a percentage to a maximum of 10% of the revenue accrued by such councils as regional services levies and regional establishment levies as contemplated in item 23(a) of Schedule 2 to the Local Government Transition Act, 1993, as determined by the Premier after consultation with the various transitional metropolitan councils, to the Pretoria-Witwatersrand-Vereeniging Provincial Government for distribution on merit to the Western Services Council on application.

Authorized local authority

12. (1) The Western Services Council shall, under section 2 of the Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, be an authorized local authority for the purpose of Chapters II, III and IV of the said Ordinance.

(2) The Western Services Council shall, under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, be an authorized local authority of the purposes of Chapter IV of the said Ordinance.

Local Authority contemplated in Sixth Schedule to Local Government Ordinance, 1939

13. The Western Services Council shall, as from the effective date, be a local authority as contemplated in Part 2 of the Sixth Schedule to the Local Government Ordinance, 1939.

Licensing authority

14. Notwithstanding Administrator's Notice No. 120 published in *Official Gazette* of 13 April 1994 the Western Services Council shall for the purposes of section 2(1) of the Businesses Act, 1991 (Act No. 71 of 1991), be deemed to be a licensing authority for its area of jurisdiction, excluding the area of jurisdiction of a transitional local council mentioned in section 1(a).

Single local administration for Western Services Council

15. (1) A single local administration is, as from the effective date, hereby established for the Western Services Council.

(2) A permanent organisational structure for the single administration shall be constituted by the Western Services Council as soon as possible after the effective date.

Chief Executive Officer/Town Clerk

16. (1) For the purposes of this Proclamation and subject to the provisions of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), the Profession of Town Clerks Act, 1988 (Act No. 75 of 1988), and the Regional Services Councils Act, 1985, the present Chief Executive Officer of the disestablished West Rand Regional Services Council shall be deemed to be the Chief Executive Officer/Town Clerk of the Western Services Council as contemplated in section 62 of the Local Government Ordinance, 1939.

(2) The Chief Executive Officer/Town Clerk shall, for the purposes of this Proclamation, perform all the functions, powers and duties assigned to a Chief Executive Officer/Town Clerk in terms of the Local Government Ordinance, 1939, the Local Government (Administration and Elections) Ordinance, 1960, the Municipal Elections Ordinance, 1970 (Ordinance No. 16 of 1970), or any other law or any resolution of the said disestablished regional services council and rural council mentioned in section 2, the Local Government Affairs Council mentioned in section 3(1), the transitional council for a rural area of local government and the Western Services Council.

Employees and officers of Western Services Council

17. (1) The personnel of the disestablished regional services council mentioned in section 2 and the employees mentioned in section 3(2) shall, as from the effective date, be transferred to the Western Services Council and shall take up employment with the said Council on terms and conditions of service not less favourable than those under which they previously served.

(2) After a permanent organisational structure as contemplated in section 15(2) has been constituted, all personnel and employees mentioned in subsection (1), shall be transferred to the single local administration as contemplated in section 15(1) in accordance with the provisions of sections 10(3)(f)(i) and 10(3)(j) of the Local Government Transition Act, 1993.

(3) Until the personnel and employees mentioned in subsection (1) have been transferred to the single local administration, they shall, for the purposes of this Proclamation, be deemed to be in the service of the single local administration of the Western Services Council as contemplated in section 15(1).

(4) The posts of the personnel and employees mentioned in subsection (1) shall not be declared redundant nor shall such personnel or employees obtain any right to retire owing to or as a result of the disestablishment of any local government body or their transfer to the Western Services Council.

(5) The personnel and employees of the Western Services Council shall also be the personnel and employees of the transitional councils for a rural area of local government established in terms of section 18 on the terms and conditions agreed upon by the parties.

CHAPTER 2

TRANSITIONAL COUNCILS FOR RURAL AREA OF LOCAL GOVERNMENT

Establishment of transitional councils for rural area of local government

18. The following transitional councils for a rural area of local government are hereby established as contemplated in section 10 (3) (iA) of the Local Government Transition Act, 1993:

- (a) The Crocodile River Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A;
- (b) the Magaliesberg Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A;
- (c) the Gatsrand Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A; and
- (d) the Vaal River Transitional Council for a Rural Area of Local Government, comprising the area as described in Annexure A,

which councils shall, for the purposes of section 1, be deemed to be transitional councils for a rural area of local government administered by the Western Services Council.

Constitution of transitional councils for rural area of local government

19. (1) The transitional councils for a rural area of local government established in terms of section 18 shall each comprise six members.

(2) For the purposes of an election as contemplated in section 10 (3) (iA) of the Local Government Transition Act, 1993, a forum for each transitional council for a rural area of local government mentioned in section 18 shall, within 30 days as from the effective date, be established for each area of such council for the election of six members for each such council.

(3) For the purposes of the election of members of the councils mentioned in subsection (2) the following principles and procedures shall apply:

- (a) Membership of a forum shall be in accordance with the principle of inclusivity and representativity: Provided that the process shall continue despite the refusal or failure of any person, body or organization to participate in any such forum.
- (b) Observers, who or which shall be entitled to attend and to participate fully in forum meetings, without the right to vote, may be appointed to a forum.
- (c) To qualify for membership or observer status, any prospective member or observer shall, where applicable, submit in writing to the forum its constitution, a list of office-bearers and details of activities and membership as contemplated in subparagraph (d).
- (d) Membership of a forum shall be available to—
 - (i) persons representing local organizations which are representative of substantial sectors of the wider community having a vested interest in the political restructuring of local government, including organized agriculture, civic associations, residents' associations and the local structures of political parties; and
 - (ii) supplier bodies such as Eskom and Water Boards, may have observer status.

- (e) Members of the forum shall be required to indicate whether they are to be regarded as part of—
 - (i) the statutory component, comprising persons representing bodies or organizations approved by the forum as being part of such component; or
 - (ii) the non-statutory component, comprising persons representing any other bodies or organizations not contemplated in item (i) having a vested interest in the political restructuring of local government and approved by the forum as being part of such component.
 - (f) The election of persons as members of a transitional council for a rural area of local government shall be in accordance with the procedure agreed upon by the forum: Provided that one half of the elected members shall represent the statutory component and the other half the non-statutory component.
 - (g) The Western Services Council shall appoint a secretarial to provide secretariate services.
 - (h) The Western Services Council shall be responsible for the administrative expenses incurred.
- (4) Should the forum not be able to elect members for the transitional council for a rural area of local government within 30 days as from the effective date, the Premier shall appoint such members, which members shall, for the purposes of this Proclamation, be deemed to be elected as contemplated in section 10 (3) (iA) of the Local Government Transition Act, 1993.

Functions, powers, duties and rights

20. The functions, powers, duties and rights of the transitional councils for a rural area of local government established in terms of section 18 shall be the provision of essential services and other local government functions, powers and duties as delegated by the Western Services Council from time to time, in such council's area of jurisdiction.

Chairperson and Vice-Chairperson

21. (1) Each transitional council for a rural area of local government shall, within 40 days as from the effective date, at a special meeting of the Council, in the manner prescribed for the election of a mayor and deputy-mayor in sections 16 and 17 respectively of the Local Government Ordinance, 1939, elect a Chairperson and a Vice-Chairperson for each Council from the members mentioned in sections 19(3)(f) and 19(4).

(2) The Chief Executive Officer/Town Clerk of the Western Services Council shall act as Chief Executive Officer/Town Clerk for the purposes of sections 16 and 17 of the Local Government Ordinance, 1939, for each of the councils established in terms of section 18.

Allowances of members

22. All the members of the transitional councils for a rural area of local government established in terms of section 18 shall receive the same allowances as that of a group 1 local area committee.

Finances

23. (1) The finances of the transitional councils for a rural area of local government established in terms of section 18 shall consist of—

- (a) all moneys which are in any manner levied, claimed or recovered by, under or by virtue of any law delegated to the transitional councils for a rural area of local government; and
- (b) any allocations from the Western Services Council.

(2) For the purposes of this Proclamation, the provisions of section 21ter of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, shall *mutatis mutandis* apply.

CHAPTER 3

GENERAL

Effective date

24. This Proclamation shall come into operation on 1 January 1995.

ANNEXURE A

Transitional Councils for Rural Area of Local Government contemplated in sections 4 (b) and 18:

1. THE CROCODILE RIVER TRANSITIONAL COUNCIL

- (a) A portion of the area of the disestablished Pienaars River Rural Council, as described in Government Notice No. R. 3077 of 6 November 1992 within the Magisterial Districts of Pretoria and Wonderboom, consisting of the following area:

Beginning at the south-western beacon of the farm Schurweberg 488 JQ, proceed generally northwards along the Pretoria Magisterial District boundary and the Wonderboom Magisterial District boundary to the point where it meets the Soshanguve 2 Magisterial District boundary; thence generally eastwards along the Soshanguve 2 Magisterial District boundary to the point where it meets the southern boundary of the Transnet railway reserve (the railroad between Pretoria and Brits); thence along the southern boundary of the said Transnet railway reserve to the point where it meets the municipal boundary of the dissolved Town Council of Akasia; thence generally south-westwards along the western municipal boundaries of the dissolved councils of Akasia, Pretoria and Atteridgeville to the point where it meets the dissolved Rantesig Local Area Committee boundary; thence generally westwards and southwards along the dissolved Rantesig Local Area Committee boundary to the point where it meets the southern boundary of the farm Schurweberg 488 JQ; thence generally westwards along the southern boundary of the farm Schurweberg 488 JQ to the point where it meets the south-western beacon of the farm Schurweberg 488 JQ, to the point of beginning.

- (b) A portion of the area of the disestablished Krokodil River Rural Council, as described in Government Notice No. R. 165 of 12 February 1993 within the Magisterial District of Pretoria, consisting of the following area:

Beginning at the point, the north-western beacon of the farm Rhenosterspruit 495 JQ, also the meeting point of the Krugersdorp and Pretoria Magisterial District boundaries; thence generally southwards along the Pretoria Magisterial District boundary to the point where it meets the disestablished Central Witwatersrand Regional Services Council boundary; thence generally eastwards along the disestablished Central Witwatersrand Regional Services Council boundary to the point where it meets the south-eastern boundary of the farm Kruispaaie 392 JR; thence generally northwards along the eastern boundaries of the farms Kruispaaie 392 JR and Doornrandje 368 JR, to the point where the boundary of the farm Doornrandje 386 JR meets the boundary of the farm Hennopsriver 489 JQ; thence generally northwards and westwards along the boundary of the farm Hennopsrivier 489 JQ, so as to include it in this area, to the point where it meets the Pretoria Magisterial District boundary; thence generally south-westwards along the Pretoria Magisterial District boundary to the point where it meets the north-western beacon of the farm Rhenosterspruit 495 JQ to the point of beginning.

2. MAGALIESBERG TRANSITIONAL COUNCIL

The area of the Krugersdorp Magisterial District, excluding the areas of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.

3. GATSRANT TRANSITIONAL COUNCIL

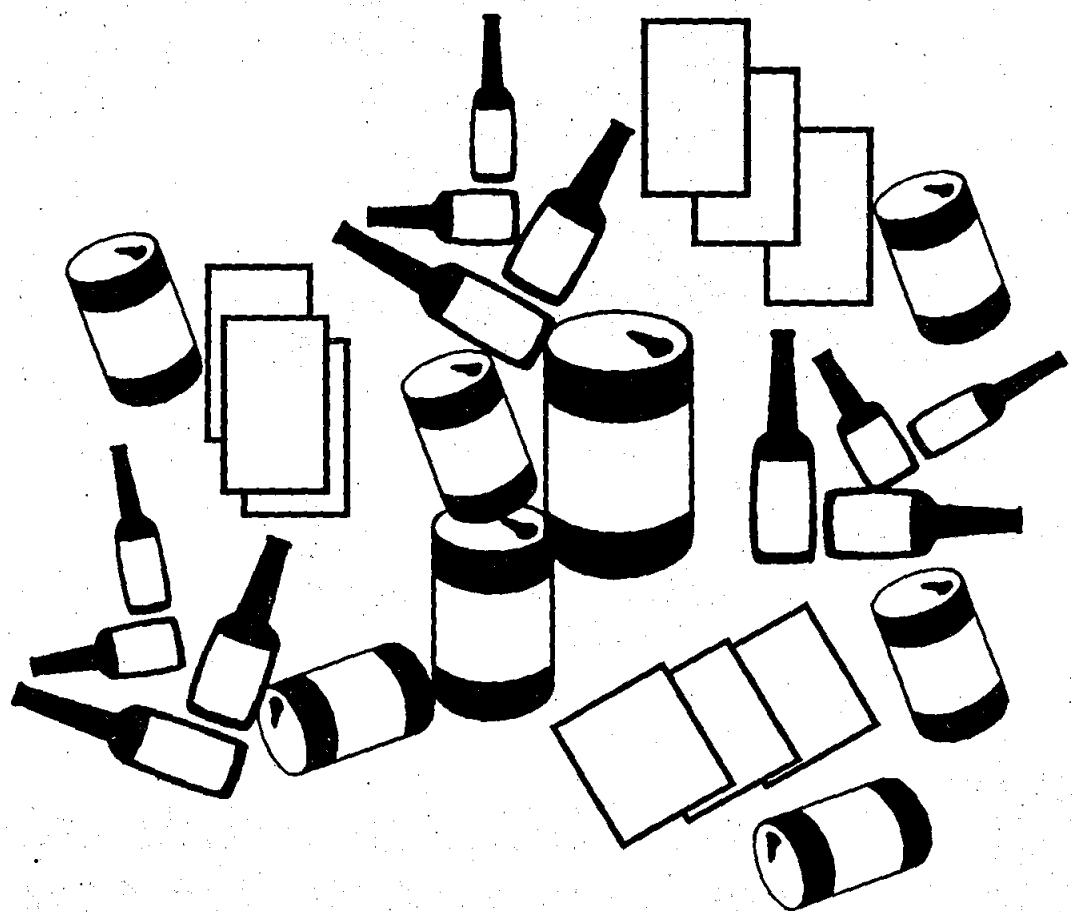
The area of the Magisterial Districts of Randfontein, Oberholzer and Westonaria, excluding the areas of jurisdiction of the Transitional Metropolitan Councils and the Transitional Local Councils.

4. VAAL RIVER TRANSITIONAL COUNCIL

The area of the Vanderbijlpark Magisterial District, excluding the areas of jurisdiction of the Transitional Metropolitan Councils and Transitional Local Councils.



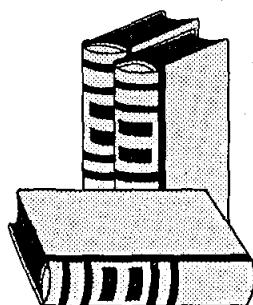
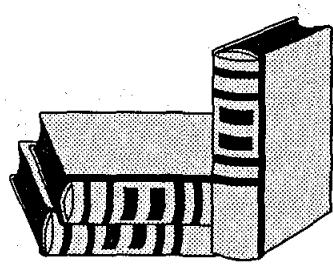
RECYCLE HERGEBRUIK



Department of Environment Affairs
Departement van Omgewingsake



Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

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