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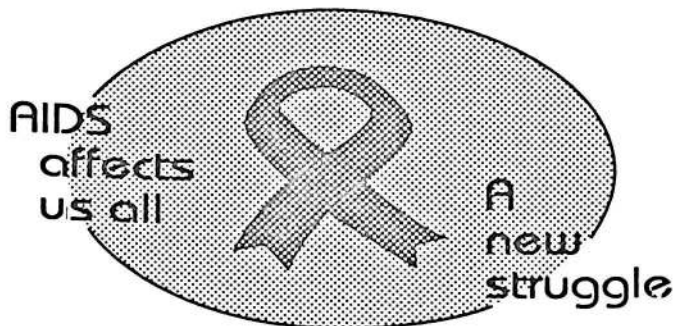
**Ku katsa na Tigazete to
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No. 601

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DEPARTMENT OF HEALTH

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NOTICE 273 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, and I , Bagudi Jonathan Tsietsi Tolo , Member of the Executive Council responsible for Local Government , Traffic Safety in the Mpumalanga Province acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

“administrative unit” means the administrative unit referred to in Clause 9 of this Schedule;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“demarcation notices” means Northern Province Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000; the Provincial Notice as published in the Provincial Gazette, Mpumalanga Province, No of 2000

“disestablished municipality” means an existing municipality disestablished in terms of Clause 2 of this Schedule;

“district municipal area” means the area indicated by Map No 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“MEC’s” means the Members of Executive Council for Local Government in the Northern and Mpumalanga Provinces;

“DRC” means the District Restructuring Committee referred to in Clause 11 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or

- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

"IDRC" means the inter district restructuring committee referred to in Clause 12 of this Schedule.

"local municipality" means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:

Northern Province

- (a) Northern District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (b) Bushbuckridge South TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (c) Bushbuckridge North TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (d) Bushbuckridge Midlands TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (e) Hoedspruit Makhutswi TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (f) Lowveld Escarpment District Council established by Provincial Proclamation No. 118 dated 28 July 1995;
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -

- (a) continues after the establishment of the superseding municipalities;
and
- (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2 vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 8 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraphs (1) and (2) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights and

obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said subsections.

- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, liabilities, rights and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

- 7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
 - (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraphs 2(1)(a) and (b) and 2 (2) (a), accrue to the new district municipality: Provided that where the area of the disestablished district municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC's, will accrue to the new district municipality concerned.
 - (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(b) to (f) accrue to the new local municipalities in whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

- 8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:

- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
- (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
- (c) for the purposes of paragraph (a) "function" include a power.
- (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995(Act No. 66 of 1995);
- (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date;
- (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).

- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

- 9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

- 10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
 - (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be

construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
(b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
(c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the DRC.
(b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
(c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.

- (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC,s for local government who may, in their discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC's whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.
- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;
 - (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
 - (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and

84 of the Act, be to recommend to the relevant authority –

- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3)
 - (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
 - (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;
 - (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:
 - (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC's for local government who may,

in their discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC's, whose decision shall be final and shall be deemed to constitute a recommendation of the IDRC on the matter .

- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the two MEC 's may in terms of section 29(2) of the Act designate any person to call the first meeting of the council of the new municipality and such person shall deem to be the acting municipal manager from the effective date until the council appoints a municipal manager.

Duties of chief executive officers of existing municipalities

14. The person who was the chief executive officer of a disestablished municipality must-
- (a) by not later than two days after the effective date draw up –
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and
 - (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
 - (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. For the district municipal area as a whole, a district municipality is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as determined in terms of section 4 of the Act.

TYPE

3. The new district municipality is a municipality with a Collective executive system contemplated in section 3(a) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No 4 of 2000) and section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No.4 of 2000)

BOUNDARIES

4. The boundaries of the district municipality are as determined in the demarcation notice for the CBDC4 area.

NAME

5. The name of the district municipality is Eastern.

COUNCILLORS

6. (1) The council of the district municipality consists of 29 councillors as determined in Provincial Notice 597 of 21 July 2000,(Mpumalanga) and Provincial Notice 504 dated 11 May 2000 of whom;
 - (a) 11 must be proportionally elected councillors,
 - (b) 17 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
 - (c) 1 must be appointed by the local municipality mentioned in Part 4 of this

Schedule,

FULL TIME COUNCILLORS

7. The council of the district municipality may designate any of the following office-bearers as full time:

- (a) Speaker
- (b) Mayor
- (c) Members of the Executive Committee

SEAT OF FIRST MEETING

8. The seat of the new district municipality for the purposes of the first meeting of its council after the effective date shall be Thulamahashe until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

9. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council until otherwise determined by the council.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For the part of the local municipality area determined in the demarcation notice as CBLC 6 a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is a municipality with a Collective Executive system contemplated in section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act 4 of 2000) and the Northern Province Determination of Types of Municipality Act, 2000 (Act no. 4 of 2000.)

BOUNDARIES

4. The boundaries of the local municipality are as indicated in map G (Mpumalanga Province) and map D (Northern Province) of the demarcation notice.

NAME

5. The name of the local municipality is Bushbuckridge

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 34 proportionally elected councillors and 34 ward councillors as determined in Provincial Notice 21 dated 21 July 2000 (Mpumalanga Province) and Provincial notice 504 dated 11 May 2000 (Northern Province)
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
- (a) Speaker
 - (b) Mayor

WARDS

8. The local municipality has 8 wards with boundaries as determined by notice 175 of 2000 dated 10 June 2000 as amended , (Mpumalanga Province) and the Provincial notice 575 of 2000 (Northern Province).

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Groblersdal until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Groblersdal municipality until otherwise determined by the council.

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. For that part of the district municipal area determined in the demarcation notice as NPO4A1, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The new local municipality is a municipality with a Collective Executive system contemplated in section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No. 4 of 2000) and section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No.4 of 2000).

BOUNDARIES

4. The boundaries of the new local municipality are as indicated by Map No.E (Northern Province) and Map No. H (Mpumalanga) of the demarcation notices.

NAME

5. The name of the local municipality is Drakensburg

COUNCILLORS

6. (1) The council of the local municipality consists of 10 proportionally elected councillors and 10 ward councillors as determined in Provincial Notice 597 dated 21 July 2000 (Mpumalanga Province) and Provincial Notice 504 dated 11 May 2000 (Northern Province).

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Mayor
 - (b) Speaker

WARDS

8. The local municipality has 10 wards with boundaries as indicated in Provincial notice 216 of 24 July 2000 (Mpumalanga Province) and Provincial Notice 576 of 25 July 2000 (Northern Province).

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Hoedspruit until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council and Hoedspruit/MakhutswiTLC until otherwise determined by the council.

NOTICE 274 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

“administrative unit” means the administrative unit referred to in Clause 9 of this Schedule;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“demarcation notice” means Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000;

“disestablished municipality” means an existing municipality disestablished in terms of Clause 2 of this Schedule;

“district municipal area” means the area indicated by Map No 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“DRC” means the District Restructuring Committee referred to in Clause 11 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“IDRC” means the inter district restructuring committee referred to in Clause 12 of

this Schedule.

“local municipality” means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“the Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
 - (a) Bosveld District Council established by Provincial Proclamation No. 51 of 31 July 1995;
 - (b) Greater Northam TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (c) Springbokvlakte TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (d) Greater Vaalwater TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (e) Ellisras/Tswelopele TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (f) Bakenberg TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (g) Koedoesrand-Rebone TLC established by Provincial Proclamation No. 51 of 31 July 1995;
 - (h) Naboomspruit/Roedtan-Thusang TLC established by Provincial

Proclamation No. 51 of 31 July 1995;

- (i) Ellisras Marapong TLC established by Provincial Proclamation No. 17 of 10 February 1995;
 - (j) Thabazimbi TLC established by Provincial Proclamation No. 4 of 16 January 1995;
 - (k) Greater Warmbaths TLC established by Provincial Proclamation No. 1 of 4 January 1995;
 - (l) Greater Nylstroom TLC established by Provincial Proclamation No. 8 of 31 January 1995;
 - (m) Greater Potgietersrus TLC established by Provincial Proclamation No. 16 of 13 February 1995;
 - (n) Greater Naboomspruit TLC established by Provincial Proclamation No. 100 of 12 December 1995.
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 8 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights, and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights, and obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said subsections.
- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished district municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipality concerned.
 - (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(1)(b), to (n) accrue to the new local municipalities in whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:
- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
 - (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
 - (c) for the purposes of paragraph (a) "function" include a power.
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new

municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date;

- (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

- 9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.

- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
 - (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
- (b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;

- (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3)
 - (a) The councillor designated by the new district municipality is the chairperson of the DRC.
 - (b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
 - (c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period

of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.

- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;
- (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
- (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority –
- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
- (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
- (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;

- (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:
 - (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation the IDRC on the matter provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

- 13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the MEC may in terms of section 29(2) of the Act, designate any person to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints a

municipal manager.

Duties of chief executive officers of existing municipalities

14. The person who was the chief executive officer of a disestablished municipality must-
- (a) by not later than two days after the effective date draw up –
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and
 - (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
 - (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. For the district municipal area as a whole, a district municipality is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as determined in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 3(a) of the Northern Province Determination of Types of Municipality Act, 2000. (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the district municipality are as determined in the demarcation notice for the DCSG area.

NAME

5. The name or provisional designation of the district municipality is Waterberg.

COUNCILLORS

6. (1) The council of the district municipality consists of 28 councillors as determined in Provincial Notice 15 dated 11 May 2000 of whom
 - (a) 12 must be proportionally elected councillors,
 - (b) 2 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
 - (c) 2 must be appointed by the local municipality mentioned in Part 4 of this Schedule,
 - (d) 1 must be appointed by the local municipality mentioned in Part 5 of this Schedule,

- (f) 1 must be appointed by the local municipality mentioned in Part 6 of this Schedule,
 - (f) 2 must be appointed by the local municipality mentioned in Part 7 of this Schedule,
 - (g) 8 must be appointed by the local municipality mentioned in Part 8 of this Schedule,
- (2) Full time councillors are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the district municipality may designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) members of the Executive Committee

SEAT OF FIRST MEETING

8. The seat of the new district municipality for the purposes of the first meeting of its council after the effective date shall be Nylstroom until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

9. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Bosveld District Council until otherwise determined by the council.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of the district municipal area determined in the demarcation notice as NP361, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP361.

NAME

5. The name or provisional designation of the local municipality is Thabazimbi.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 8 proportionally elected councillors and 8 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any of the office-bearers as full time:

WARDS

8. The local municipality has 8 wards with boundaries as determined by notice 175 of 2000 dated 10 June 2000 as amended by notice 235 of 2000 dated 8 August 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Thabazimbi until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Thabazimbi TLC until otherwise determined by the council.

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. For that part of the district municipal area determined in the demarcation notice as NP362, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP362.

NAME

5. The name or provisional designation of the local municipality is Lephalale.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 10 proportionally elected councillors and 11 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (3) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any of the office-bearers as full time:

WARDS

8. The local municipality has 11 wards with boundaries as determined by notice 176 of 2000 dated 10 June 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Ellisras until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Ellisras/Marapong TLC until otherwise determined by the council.

PART 5

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of the district municipal area determined in the demarcation notice as NP364, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(f) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP364.

NAME

5. The name or provisional designation of the local municipality is NP364.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 3 proportionally elected councillors and 4 ward councillors as determined in Provincial Notice 15 dated 11 May 2000 as amended by Provincial Notice 29 dated 28 July 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any of the office-bearers as full time:

WARDS

8. The local municipality has 4 wards with boundaries as determined by notice 177 of 2000 dated 10 June 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Naboomspruit until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Naboomspruit TLC until otherwise determined by the council.

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of the district municipal area determined in the demarcation notice as NP365, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP365.

NAME

5. The name or provisional designation of the local municipality is Modimolle.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 6 proportionally elected councillors and 7 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any of the office-bearers as full time:

WARDS

8. The local municipality has 7 wards with boundaries as determined by notice 178 of 2000 dated 10 June 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Nylstroom until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Nylstroom TLC until otherwise determined by council.

PART 7**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. For that part of the district municipal area determined in the demarcation notice as NP366, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP366.

NAME

5. The name or provisional designation of the local municipality is Bela Bela.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 6 proportionally elected councillors and 7 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any of the office-bearers as full time:

WARDS

8. The local municipality has 7 wards with boundaries as determined by notice 179 of 2000 dated 10 June 2000 as amended by notice 234 of 2000 dated 8 August 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Warmbaths until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Warmbaths TLC until otherwise determined by the Council.

PART 8**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. For that part of the district municipal area determined in the demarcation notice as NP367, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for NP367.

NAME

5. The name or provisional designation of the local municipality is Mogalakwena.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 31 proportionally elected councillors and 31 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Speaker

- (b) Members of the Executive Committee

WARDS

8. The local municipality has 31 wards with boundaries as determined by notice 180 of 2000 dated 10 June 2000.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Potgietersrus until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Potgietersrus TLC until otherwise determined by council.

NOTICE 275 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

“administrative unit” means the administrative unit referred to in Clause 9 of this Schedule;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“demarcation notice” means Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000;

“disestablished municipality” means an existing municipality disestablished in terms of Clause 2 of this Schedule;

“district municipal area” means the area indicated by Map No 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“MEC” means the Members of Executive Council for Local Government in the Northern Provinces;

“DRC” means the District Restructuring Committee referred to in Clause 11 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are

declared;

"IDRC" means the inter district restructuring committee referred to in Clause 12 of this Schedule.

"local municipality" means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
 - (a) Northern District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (b) Alldays/LTT-Buysdorp TLC established by Provincial Proclamation NO. 51 dated 31 July 1995,
 - (c) Bochum/My Darling TLC established by Provincial Proclamation NO. 51 dated 31 July 1995,
 - (d) Moletjie/Matlala TLC established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (e) Dendron TLC established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (f) Dikgale/Soekmekaar TLC established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (g) Maraba-Mashashane/Maja TLC established by Provincial

proclamation No. 51 dated 31 July 1995,

- (h) Lebowakgomo TLC established by Provincial Proclamation no. 51 dated 31 July 1995,
 - (i) Zebediela TLC established by Provincial Proclamation No.51 dated 31 July 1995,
 - (j) Mankweng TLC established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (k) Noko-Tlou/Fetakgomo TLC established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (l) Pietersburg/Polokwane TLC established by Provincial Proclamation No. 6 dated 6 January 1995.
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 7 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and

local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights, and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights and obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said subsections.
- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished district

municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipality concerned.

- (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(1)(b) to (l) accrue to the new local municipalities in whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

- 8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:
 - (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
 - (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
 - (c) for the purposes of paragraph (a) "function" include a power.
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995(Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date:
 - (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;

- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

- 9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be

deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
- (b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -

- (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3)
 - (a) The councillor designated by the new district municipality is the chairperson of the DRC.
 - (b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
 - (c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
 - (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
 - (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.

- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;
- (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
- (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority –
- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
- (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
- (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;
- (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:

- (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation the IDRC on the matter.
- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the two MEC 's may in terms of section 29(2) of the Act designate any person to call the first meeting of the council of the new municipality and such person shall deem to be the acting municipal manager from the effective date until the council appoints a municipal manager.

Duties of chief executive officers of existing municipalities

14. The person who was the chief executive officer of a disestablished municipality must-
- (a) by not later than two days after the effective date draw up –
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and

- (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
- (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2**ESTABLISHMENT OF DISTRICT MUNICIPALITY**

1. For the district municipal area as a whole, a district municipality is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as determined in terms of section 4 of the Act.

TYPE

3. The new district municipality is a mayoral executive system contemplated in section of the Northern Province Determination of Types of Municipality Act, 2000 (Act No 4 of 2000).

BOUNDARIES

4. The boundaries of the district municipality are as determined in the demarcation notice for DC35 area.

NAME

5. The name or provisional designation of the district municipality is Central District Council.

COUNCILLORS

6. (1) The council of the district municipality consists of 42 councillors as determined in Provincial Notice 15 of 11 May 2000,
 - (a) 17 must be proportionally elected councillors,
 - (b) 3 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
 - (c) 5 must be appointed by the local municipality mentioned in Part 4 of this Schedule,
 - (d) 1 must be appointed by the local municipality mentioned in Part 5 of

this Schedule,

- (e) 11 must be appointed by the local municipality mentioned in part 6 of this schedule,
- (f) 5 must be appointed by the local municipality mentioned in part 7 of this schedule.

FULL TIME COUNCILLORS

- 7. The council of the district municipality may designate any of the following office-bearers as full time:
 - (a) Speaker
 - (b) Executive mayor
 - (c) Members of the Executive Committee

SEAT OF FIRST MEETING

- 8. The seat of the new district municipality for the purposes of the first meeting of its council after the effective date shall be Pietersburg until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

- 9. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council and Pietersburg/Polokwane TLC until otherwise determined by the council.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP351, a new municipality is hereby established.

CATEGORY

1. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

2. The local municipality is a municipality with a Collective Executive system contemplated in section 4(a) of the Northern Province Determination of Types of Municipalities Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as indicated in map 13 of the demarcation notice .

NAME

5. The name of the local municipality is Blouberg.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 16 proportionally elected councillors and 16 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Speaker
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 16 wards with boundaries as determined by demarcation notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Bochum until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council and Bochum/My Darling TLC until otherwise determined by the council.

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of municipal area determined in the demarcation notice as NP352, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No.4 of 2000).

BOUNDARIES

4. The boundaries of the new local municipality are as indicated by Map No.14 of the Demarcation.

NAME

5. The name of the local municipality is Aganang.

COUNCILLORS

6. (1) The council of the local municipality consists of 21 proportionally elected councillors and 22 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Speaker
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 22 wards with boundaries as indicated in the Map no. 6 of Provincial Notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Cornelia until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Moletjie/Matlala and the Northern District Council until otherwise determined by the council.

PART 5

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP353, a new municipality hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 2000). (Northern Province)

3. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map NO. 15 (Northern Province) of the demarcation notices.

4. NAME

The name of the new local municipality is Molemole.

5. COUNCILLORS

- (1) The council of the new local municipality consists of 8 proportionally elected councillors and 8 ward councillors as determined in Provincial Notice 15 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Member of the Executive Committee

6 WARD

The new local municipality has 8 wards with boundaries as indicated in the demarcation notice.

7. SEAT OF FIRST MEETING

The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Dendron until otherwise determined in terms of section 29(1) of the Act.

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council until otherwise determined by the council.

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP354, a new municipality is hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a mayoral executive system combined with a ward participatory system contemplated in section 2(d) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

3. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map No. 16 (Northern Province) of the demarcation notices.

4. NAME

The name of the new local municipality is Polokwane.

5. COUNCILLORS

- (1) The council is the new local municipality consists of 34 proportionally elected councillors and 35 ward councillors as determined in Provincial Notice 15 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Executive mayor
 - (c) Members of the mayoral committee

6. WARDS

The new local municipality has 35 wards with boundaries as indicated in Provincial Notice.

7. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Pietersburg

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Pietersburg/Polokwane and the Northern District Council until otherwise determined by the council.

PART 7

1. ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of the municipal area determined in the demarcation notice as NP355, a new local municipality is hereby established.

2. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

3. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

4. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map No. 17 of the demarcation notices.

5. NAME

The name of the new local municipality is Lepelle - Nkumpi.

6. COUNCILLORS

- (1) The council of the new local municipality consists of 24 proportionally elected councillors and 25 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Members of Executive Committee

7. WARDS

The new local municipality has 25 wards with boundaries as indicated in the Demarcation notice.

8. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Lebowakgomo until otherwise determined in terms of section 29(1) of the act.

9. STANDING RULES FOR THE FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as the Northern District Council until otherwise determined by the council.

NOTICE 276 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

“administrative unit” means the administrative unit referred to in Clause 9 of this Schedule;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“demarcation notice” means Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000;

“disestablished municipality” means an existing municipality disestablished in terms of Clause 2 of this Schedule;

“district municipal area” means the area indicated by Map No 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“MEC” means the Members of Executive Council for Local Government in the Northern Provinces;

“DRC” means the District Restructuring Committee referred to in Clause 11 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are

declared;

"IDRC" means the inter district restructuring committee referred to in Clause 12 of this Schedule.

"local municipality" means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Northern District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (b) Mooketsi/Sekgosese established by Provincial Proclamation NO. 51 dated 31 July 1995,
 - (c) Bolobedu/Hlanganani established by Provincial Proclamation NO. 51 dated 31 July 1995,
 - (d) Duiwelskloof/Ga-Kgapane established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (e) Haenertsburg established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (f) Greater Tzaneen established by Provincial Proclamation No. 51 dated 31 July 1995,
 - (g) Greater Phalaborwa established by Provincial proclamation No. 51

dated 31 July 1995,

- (h) Greater Giyani established by Provincial Proclamation no. 51 dated 31 July 1995,
 - (i) Letsitele/Gravelotte established by Provincial Proclamation No.51 dated 31 July 1995,
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 8 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights and obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, liabilities rights and obligations are transferred in terms of the said subsections.
- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished district municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipality concerned.
- (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(1)(b) to (i) accrue to the new local municipalities in

whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:
- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
 - (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
 - (c) for the purposes of paragraph (a) "function" include a power.
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
 - (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued

- membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
- (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to

apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.

- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
 - (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

- 11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
 - (b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
 - (c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the DRC.

- (b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
 - (c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.
- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;

- (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
 - (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority –
- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3)
- (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
 - (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;
 - (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:
- (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral.

The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;

- (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation the IDRC on the matter provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

- 13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the MEC may in terms of section 29(2) of the Act designate any person to call the first meeting of the council of the new municipality and such person shall deem to be the acting municipal manager from the effective date until the council appoints a municipal manager.

Duties of chief executive officers of existing municipalities

- 14. The person who was the chief executive officer of a disestablished municipality must-
 - (a) by not later than two days after the effective date draw up –
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and
 - (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
 - (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. For the district municipal area as a whole, a district **municipality** is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as **determined** in terms of section 4 of the Act.

TYPE

3. The new district municipality is a municipality with a **Collective** executive system contemplated in section 3(a) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No 4 of 2000) and section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No.4 of 2000)

BOUNDARIES

4. The boundaries of the district municipality are as **determined** in the demarcation notice for DC33 area.

NAME

5. The name or provisional designation of the district municipality is Mopani District Council.

COUNCILLORS

6. (1) The council of the district municipality consists of 37 councillors as determined in Provincial Notice 15 of 11 May 2000,
 - (a) 15 must be proportionally elected councillors,
 - (b) 5 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
 - (c) 5 must be appointed by the local municipality mentioned in Part 4 of this

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
- (a) Speaker
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 25 wards with boundaries as determined by demarcation notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Giyani TLC until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council and Giyani TLC municipality until otherwise determined by the council.

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of municipal area determined in the demarcation notice as NP332, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No.4 of 2000).

BOUNDARIES

4. The boundaries of the new local municipality are as indicated by Map No.6 of the Demarcation.

NAME

5. The name of the local municipality is Greater Letaba.

COUNCILLORS

6. (1) The council of the local municipality consists of 50 proportionally elected councillors and 25 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Speaker

(b) Members of the Executive Committee

WARDS

8. The local municipality has 25 wards with boundaries as indicated in the Map no. 6 of the demarcation notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Duiwelskloof until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Duiwelskloof/Ga-Kgapane TLC and the Northern District Council until otherwise determined by the council.

PART 5

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP333, a new municipality hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 2000). (Northern Province)

3. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map NO. 7 (Northern Province) of the demarcation notices.

4. NAME

The name of the new local municipality is Greater Tzaneen.

5. COUNCILLORS

- (1) The council of the new local municipality consists of 33 proportionally elected councillors and 33 ward councillors as determined in Provincial Notice 15 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Member of the Executive Committee

6 WARD

The new local municipality has 33 wards with boundaries as indicated in Map no. 7 of the demarcation notice.

7. SEAT OF FIRST MEETING

The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Tzaneen until otherwise determined in terms of section 29(1) of the Act.

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Tzaneen TLC and Northern District Council until otherwise determined by the council.

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP334, a new municipality is hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

3. BOUNDARIES

The boundaries of the new local municipality are as indicted by Map No. 8 (Northern Province) of the demarcation notices.

4. NAME

The name of the new local municipality is Ba-Phalaborwa.

5. COUNCILLORS

- (1) The council is the new local municipality consists of 14 proportionally elected councillors and 14 ward councillors as determined in Provincial Notice 15 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Members of the Executive Committee

6. WARDS

The new local municipality has 14 wards with boundaries as indicated in demarcation notice.

7. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Phalaborwa until otherwise determined in terms of section 29(1) of the Act.

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipalities known as Greater Phalaborwa TLC and the Northern District Council until otherwise determined by the council.

NOTICE 277 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

"administrative unit" means the administrative unit referred to in Clause 9 of this Schedule;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"demarcation notice" means Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000;

"disestablished municipality" means an existing municipality disestablished in terms of Clause 2 of this Schedule;

"district municipal area" means the area indicated by Map No 4 of the demarcation notice;

"district municipality" means the Category C municipality established in terms of Part 2 of this Schedule;

"MEC" means the Member of Executive Council for Local Government in the Northern Province;

"DRC" means the District Restructuring Committee referred to in Clause 11 of this Schedule;

"effective date" means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are

declared;

"IDRC" means the inter district restructuring committee referred to in Clause 12 of this Schedule.

"local municipality" means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
 - (a) Northern District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (b) Greater Messina TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (c) Mutale/Masisi/Vhutshwema TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (d) Nzhelele/Tshipise TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (e) Alldays/LTT/Buysdorp TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (f) Elim/Tshitale/Hlanganani/Levubu-Vuwani TLC established by Provincial Proclamation No.51 dated 31 July 1995;

- (g) Levubu/Shingwedzi TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (h) Greater Thohoyandou TLC established by Provincial Proclamation No.51 dated 31 July 1995;
 - (i) Greater Louis Trichardt TLC established by Provincial Proclamation No.15 dated 13 February 1995, No.9 dated 20 March 1996, No.12 dated 10 April 1996 and No.14 dated 10 April 1996.
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 8 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights and obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, liabilities rights and obligations are transferred in terms of the said subsections.
- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, liabilities, rights and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished district municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipality concerned.
- (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(1)(b) to (i) accrue to the new local municipalities in

whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:
- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
 - (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
 - (c) for the purposes of paragraph (a) "function" include a power.
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
 - (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued

- membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
- (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to

- apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
- (b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the DRC.

- (b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
 - (c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.
- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;

- (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
 - (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority –
- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;
- (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:
- (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral.

The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;

- (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation the IDRC on the matter provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the MEC may in terms of section 29(2) of the Act, designate any person to call the first meeting of the council of the new municipality and such person shall deem to be the acting municipal manager from the effective date until the council appoints a municipal manager.

Duties of chief executive officers of existing municipalities

14. The person who was the chief executive officer of a disestablished municipality must-
- (a) by not later than two days after the effective date draw up –
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and
 - (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
 - (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. For the district municipal area as a whole, a district municipality is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as determined in terms of section 4 of the Act.

TYPE

3. The new district municipality is a municipality with a mayoral executive system contemplated in section 3(b) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No 4 of 2000).

BOUNDARIES

4. The boundaries of the district municipality are as determined in the demarcation notice for DC34 area.

NAME

5. The name or provisional designation of the district municipality is Vhembe District Council.

COUNCILLORS

6. (1) The council of the district municipality consists of 43 councillors as determined in Provincial Notice 15 of 11 May 2000,
 - (a) 17 must be proportionally elected councillors,
 - (b) 1 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
 - (c) 2 must be appointed by the local municipality mentioned in Part 4 of this Schedule,

(d) 12 must be appointed by the local municipality mentioned in Part 5 of this Schedule,

(e) 11 must be appointed by the local municipality mentioned in part 6 of this schedule,

FULL TIME COUNCILLORS

7. The council of the district municipality may designate any of the following office-bearers as full time:

- (a) Speaker
- (b) Executive Mayor
- (c) Members of the Executive Committee

SEAT OF FIRST MEETING

8. The seat of the new district municipality for the purposes of the first meeting of its council after the effective date shall be Thohoyandou until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

9. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council TLC until otherwise determined by the council.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP341, a new municipality is hereby established.

CATEGORY

1. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

2. The local municipality is a municipality with a plenary executive system combined with a ward participatory system as contemplated in section 2(f) of the Northern Province Determination of Types of Municipalities Act, 2000 (Act 4 of 2000).

BOUNDARIES

4. The boundaries of the local municipality are as indicated in the demarcation notice .

NAME

5. The name of the local municipality is Musina

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 4 proportionally elected councillors and 5 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
- (a) Speaker
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 5 wards with boundaries as determined by demarcation notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Messina until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipalities known as Northern District Council and Messina TLC municipality until otherwise determined by the council.

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of municipal area determined in the demarcation notice as NP342, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The new local municipality is a municipality with a plenary executive system contemplated in section 3(e) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No.4 of 2000).

BOUNDARIES

4. The boundaries of the new local municipality are as indicated by the Demarcation notice..

NAME

5. The name of the local municipality is Mutale.

COUNCILLORS

6. (1) The council of the local municipality consists of 8 proportionally elected councillors and 9 ward councillors as determined in Provincial Notice 15 dated 11 May 2000.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:

(a) Speaker

(b) Members of the Executive Committee

WARDS

8. The local municipality has 9 wards with boundaries as indicated in the Map no. 6 of the demarcation notice.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Mutale until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as the Northern District council until otherwise determined by the council.

PART 5

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP343, a new municipality hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a collective executive system combined with a ward participatory system contemplated in section 2(b) of the Determination of Types of Municipality Act, 2000 (Act No. 4 2000). (Northern Province)

3. BOUNDARIES

The boundaries of the new local municipality are as indicated by the demarcation notices.

4. NAME

The name of the new local municipality is Thohoyandou or Thohoyandou/Malamulela

5. COUNCILLORS

- (1) The council of the new local municipality consists of 35 proportionally elected councillors and 36 ward councillors as determined in Provincial Notice 170 dated 10 June 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Member of the Executive Committee

6. WARD

The new local municipality has 36 wards with boundaries as indicated in the demarcation notice.

7. SEAT OF FIRST MEETING

The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Thohoyandou/Malamulela until otherwise determined in terms of section 29(1) of the Act.

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Greater Thohoyandou and the Northern District Council until otherwise determined by the council.

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of municipal area determined in the demarcation notice as NP344, a new municipality is hereby established.

1. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

2. TYPE

The new local municipality is a municipality with a Mayoral Executive system contemplated in section 2(c) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

3. BOUNDARIES

The boundaries of the new local municipality are as indicted by the demarcation notices.

4. NAME

The name of the new local municipality is Makhado, Swongozwi, Louis Trichardt or Mvelaphanda.

5. COUNCILLORS

- (1) The council is the new local municipality consists of 34 proportionally elected councillors and 35 ward councillors as determined in Provincial Notice 170 dated 10 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Speaker
 - (b) Mayor
 - (b) Members of the Executive Committee

6. WARDS

The new local municipality has 35 wards with boundaries as indicated in demarcation notice.

7. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Louis Trichardt until otherwise determined in terms of section 29(1) of the Act.

8. STANDING RULES FOR FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipalities known as Louis Trichardt and the Northern District Council until otherwise determined by the council.

NOTICE 278 OF 2000**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT AND ESTABLISHMENT OF MUNICIPALITIES**

I Mkhacani Joseph Maswanganyi Member of the Executive Council responsible for Local Government and Housing in the Northern Province, and I , Bagudi Jonathan Tsietsi Tolo , Member of the Executive Council responsible for Local Government , Traffic Safety in the Mpumalanga Province acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and -

“administrative unit” means the administrative unit referred to in Clause 9 of this Schedule;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“demarcation notice” means Provincial Notice No. 38 published in Provincial Gazette No. 484 of 28 February 2000 as amended by Provincial Notice 53 published in Provincial Gazette No. 489 of 17 March 2000;

“disestablished municipality” means an existing municipality disestablished in terms of Clause 2 of this Schedule;

“district municipal area” means the area indicated by Map No 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“MEC” means the Members of Executive Council for Local Government in the Northern and Mpumalanga Provinces;

“DRC” means the District Restructuring Committee referred to in Clause 11 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are

declared;

"IDRC" means the inter district restructuring committee referred to in Clause 12 of this Schedule.

"local municipality" means a Category B municipality established in terms of Parts 3 to 8 of this Schedule;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of Clause 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended;

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
 - (a) Northern District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (b) Bosveld District Council established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (c) Hlogotlou/Lepelle TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (d) Eastern Tubatse TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (e) Dilokong TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (f) Tubatse/Steelpoort TLC established by Provincial Proclamation No. 51 dated 31 July 1995 ;
 - (g) Ngwaritsi/Makhuduthamaga TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (h) Nebo North TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (i) 31 July 1995;
 - (j) Nokotlou /Fetakgomo TLC established by Provincial Proclamation No. 51 dated 31 July 1995;
 - (k) Highveld District Council established by Provincial Proclamation No.

- 117 dated 28 July 1995;
- (l) Lowveld Escarpment District Council established by Provincial Proclamation No. 118 dated 28 July 1995;
 - (m) Groblersdal Municipality established by Provincial Proclamation No. 5 dated 24 February 1988;
 - (n) Marble Hall Local Municipality established by Provincial Proclamation No. 67 dated 30 October 1985 for the interim phase of Local Government;
 - (o) Moutse Local Council established by Provincial Proclamation No. 52 dated 12 July 1995;
 - (p) Steelpoort/Ohrigstad/Steelpoort Local Council established by Provincial Proclamation No. 93 dated 26 July 1995
- (2) Until it is disestablished on the effective date, a municipality referred to in Clause (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in Clause 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as well as local municipal areas as set out in Parts 2 to 8 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms

of this Schedule.

Transfer of assets, liabilities, rights and obligations

6. (1) The assets, liabilities, rights, and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-clause (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, liabilities, rights, and obligations referred to in sub-clause (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said subsections.
- (4) Assets, liabilities, rights and obligations other than those referred to in sub-clause (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-clause (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this clause must be reviewed and dealt with by the IDRC and the DRC referred to in clauses 11 and 12 of this Schedule.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality established in terms of clause 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1), accrue to the new district municipality: Provided that where the area of the disestablished district municipality falls in more than one newly established district municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipality concerned.

- (b) the investments, cash and cash balances of a disestablished municipalities referred to in clause 2(b) to (p) accrue to the new local municipalities in whose area the disestablished municipalities fall: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned.

Transfer of staff

8. A person who on the effective date is an employee of a disestablished municipality becomes an employee of a new municipality in accordance with the following rules:

- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of sections 83 and 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area.
- (b) employees not mentioned in paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located.
- (c) for the purposes of paragraph (a) "function" include a power.
- (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 199 (Act No. 66 of 1995);
- (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions not less favourable than those under which such employee served immediately before the effective date;
- (f) service by a person so transferred is deemed to be service as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the

effective date –

- (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) or (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995).
- (i) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate IDRC and DRC referred to in Clauses 11 and 12 of this Schedule.
- (j) a new municipality shall, pending the review referred to in paragraph (i) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Schedule forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalization process contemplated in paragraphs 11 and 12 of this Schedule.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative unit.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the chief executive officer in respect of the activities of the administrative unit.

Continued application of by-laws

10. (1) All by-laws, regulations and resolutions that applied in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to -
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the new municipality.

District Restructuring Committee

11. (1) (a) A district restructuring committee (DRC) is hereby established for the district municipal area.
- (b) The establishment of the DRC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A DRC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the DRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to Clause 8 of this Schedule, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the

rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.

- (3)
 - (a) The councillor designated by the new district municipality is the chairperson of the DRC.
 - (b) The chairperson of the DRC decides when and where the DRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the DRC at a time and place set out in the request.
 - (c) The chairperson presides at meetings of the DRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The DRC may determine its own procedures, subject to the following:
 - (a) A question before the DRC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the DRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the DRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
 - (b) Where the DRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the DRC on the matter.
- (6) Any expense incurred by the DRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the DRC.

Inter-district restructuring Committee (IDRC)

- 12(1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an IDRC is hereby established in respect of those new district municipalities;
- (b) The establishment of the IDRC takes effect no later than 60 days after the effective date;
- (c) An IDRC consists of one councilor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an IDRC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority -
- (a) which of the assets, liabilities, rights and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
- (b) subject to Clause 8 of this Schedule, the implementation of a process of reorganizing the employees transferred to each new municipality;
- (c) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The IDRC, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) The Chairperson of the IDRC decides when and where IDRC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the IDRC at a time and place set out in the request;
- (c) The Chairperson presides at meetings of the IDRC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The IDRC may determine its own procedures, subject to the following:
- (a) A question before the IDRC is decided with a supporting vote of the majority of the members present at the meeting;

- (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the IDRC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the IDRC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
- (b) Where the IDRC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation the IDRC on the matter provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the IDRC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the IDRC.

Acting municipal managers

- 13. Pending the appointment by the council of the new municipalities of a municipal manager or acting municipal manager in terms of section 82 of the Act, the two MEC 's may in terms of section 29(2) of the Act designate any person to call the first meeting of the council of the new municipality and such person shall deem to be the acting municipal manager from the effective date until the council appoints a municipal manager.

Duties of chief executive officers of existing municipalities

- 14. The person who was the chief executive officer of a disestablished municipality must-
 - (a) by not later than two days after the effective date draw up -
 - (i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and

- (ii) an inventory of all the assets, liabilities, rights and obligations of the municipality as at the effective date; and
- (b) submit that list and inventory to each of the acting municipal managers referred to in clause 13 of this Schedule.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. For the district municipal area as a whole, a district municipality is hereby established.

CATEGORY

2. The district municipality is a Category C municipality as determined in terms of section 4 of the Act.

TYPE

3. The new district municipality is a municipality with a Collective executive system contemplated in section 3(a) of the Northern Province Determination of Types of Municipality Act, 2000 (Act No 4 of 2000) and section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No.4 of 2000)

BOUNDARIES

4. The boundaries of the district municipality are as determined in the demarcation notice for the CBDC3 area.

NAME

5. The name or provisional designation of the district municipality is Sekhukhune Cross Boundary District Council.

COUNCILLORS

6. (1) The council of the district municipality consists of 42 councillors as determined in Provincial Notice 597 of 21 July 2000,(Mpumalanga) and Provincial Notice 504 dated 11 May 2000 of whom;
 - (a) 17 must be proportionally elected councillors,
 - (b) 7 must be appointed by the local municipality mentioned in Part 3 of this Schedule,

- (c) 6 must be appointed by the local municipality mentioned in Part 4 of this Schedule,
- (d) 7 must be appointed by the local municipality mentioned in Part 5 of this Schedule,
- (e) 2 must be appointed by the local municipality mentioned in part 6 of this schedule,
- (f) 3 must be appointed by the local municipality mentioned in part 7 of this schedule.

FULL TIME COUNCILLORS

7. The council of the district municipality may designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Mayor

SEAT OF FIRST MEETING

8. The seat of the new district municipality for the purposes of the first meeting of its council after the effective date shall be Groblersdal until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

9. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Bosveld District Council until otherwise determined by the council.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For the part of the local municipal area as a whole a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The local municipality is a municipality with a Collective Executive system contemplated in section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act 4 of 2000) and the Northern Province Determination of Types of Municipality Act, 2000 (Act no. 4 of 2000.)

BOUNDARIES

4. The boundaries of the local municipality are as indicated in map G (Mpumalanga Province) and map D (Northern Province) of the demarcation notice.

NAME

5. The name of the local municipality is Greater Groblersdal Local Council.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 29 proportionally elected councillors and 28 ward councillors as determined in Provincial Notice 21 dated 21 July 2000 (Mpumalanga Province) and Provincial notice 504 dated 11 May 2000 (Northern Province)
 - (2) Full time councillors will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
- (a) Speaker
 - (b) Mayor

WARDS

8. The local municipality has 8 wards with boundaries as determined by notice 215 of 2000 dated 24 July 2000, (Mpumalanga Province) and the Provincial notice 575 of 2000 (Northern Province).

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Groblersdal until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Groblersdal municipality until otherwise determined by the council.

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. For that part of the local municipal area determined in the demarcation notice as CBLC5, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined in terms of section 4 of the Act.

TYPE

3. The new local municipality is a municipality with a Collective Executive system contemplated in section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No. 4 of 2000) and section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No.4 of 2000).

BOUNDARIES

4. The boundaries of the new local municipality are as indicated by Map No.E (Northern Province) and Map No. H (Mpumalanga) of the demarcation notices.

NAME

5. The name of the local municipality is Greater Tubatse Local Council.

COUNCILLORS

6. (1) The council of the local municipality consists of 26 proportionally elected councillors and 26 ward councillors as determined in Provincial Notice 597 dated 21 July 2000 (Mpumalanga Province) and Provincial Notice 504 dated 11 May 2000 (Northern Province).

FULL TIME COUNCILLORS

7. The council of the local municipality may designate any of the office-bearers as full time:
 - (a) Mayor
 - (b) Speaker

WARDS

8. The local municipality has 26 wards with boundaries as indicated in Provincial notice 216 of 24 July 2000 (Mpumalanga Province) and Provincial Notice 576 of 25 July 2000 (Northern Province).

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Burgersfort until otherwise determined in terms of section 29(1) of the Act.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as Northern District Council and Burgersfort/Orihgstad/Steelpoort and until otherwise determined by the council.

PART 5

1. ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of the local municipal area determined in the demarcation notice as NPO3A2 a local municipality is hereby established.

2. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

3. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 2000). (Northern Province)

4. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map NO. 25 (Northern Province) of the demarcation notices.

5. NAME

The name of the new local municipality is Makhuduthamaga Local Council.

6. COUNCILLORS

- (1) The council of the new local municipality consists of 30 proportionally elected councillors and 30 ward councillors as determined in Provincial Notice 582 dated 25 July 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Mayor,
 - (b) Speaker

7. WARD

The new local municipality has 30 wards with boundaries as indicated in Provincial Notice 582 July of 2000. (Northern Province)

8. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Jane Furse

9. STANDING RULES FOR THE FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as the Northern District Council until otherwise determined by the new council.

PART 6

1. ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of the local municipal area determined in the demarcation notice as NPO3A3, a local municipality is hereby established.

2. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

3. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

4. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map No. 26 (Northern Province) of the demarcation notices.

5. NAME

The name of the new local municipality is Fetakgomo Local Council.

6. COUNCILLORS

- (1) The council is the new local municipality consists of 11 proportionally elected councillors and 11 ward councillors as determined in Provincial Notice 504 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Mayor
 - (b) Speaker

7. WARDS

The new local municipality has 11 wards with boundaries as indicated in Provincial and Provincial Notice 583 25 July 2000. (Northern Province)

8. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Apel.

9. STANDING RULES FOR THE FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipality known as the Northern District Council until determined by the new council.

PART 7

1. ESTABLISHMENT OF LOCAL MUNICIPALITY

For that part of the local municipal area determined in the demarcation notice as CBLC3, a local municipality is hereby established.

2. CATEGORY

The new local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

3. TYPE

The new local municipality is a municipality with a Collective Executive system contemplated in section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No. 4 of 2000) and section 2(a) of the Determination of Types of Municipality Act, 2000 (Act No. 4 of 2000).

4. BOUNDARIES

The boundaries of the new local municipality are as indicated by Map No. F (Mpumalanga Province) and Map NO. C (Northern Province) of the demarcation notices.

5. NAME

The name of the new local municipality is Greater Marble Hall.

6. COUNCILLORS

- (1) The council of the new local municipality consists of 12 proportionally elected councillors and 12 ward councillors as determined in Provincial Notice 597 dated 21 July 2000 (Mpumalanga province) and Provincial Notice 504 dated 11 May 2000 (Northern Province).
- (2) The council of the new local municipality may designate any of the following office-bearers as full-time:
 - (a) Mayor
 - (b) Speaker

7. WARDS

The new local municipality has 12 wards with boundaries as indicated in Provincial Notice 214 of 24 July 2000, (Mpumalanga Province) and Provincial Notice 574 of 25 July 2000.

(Northern Province).

8. SEAT OF MUNICIPALITY

The first sitting of the municipality shall be held in Marble HALL

9. STANDING RULES FOR THE FIRST MEETING

The standing rules and orders for the first meeting of the new municipality shall be those which applied to the disestablished municipalities known as the Northern District Council, the Highveld District Council and Marble Hall local municipality until otherwise determined by the Council.
