

Provincial Gazette Extraordinary

5703

5703

5703

Thursday, 26 April 2001

Donderdag, 26 April 2001

uLwesine, 26 kuEpreli 2001

Registered at the Post Office as a Newspaper

CONTENTS

P.N. 131

26 April 2001

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT ACT, 2000 (ACT 33 OF 2000): REVOCATION OF CERTAIN OF THE AUTHORISATIONS OF LOCAL AND DISTRICT MUNICIPALITIES TO PERFORM CERTAIN FUNCTIONS OR EXERCISE CERTAIN POWERS REFERRED TO IN SECTION 84(1) AND 84(2) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998).....

2

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

P.K. 131

26 April 2001

WYSIGINGSWET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 2000 (WET 33 VAN 2000): INTREKKING VAN SEKERE VAN DIE MAGTIGINGS VAN PLAASLIKE EN DISTRIKSMUNISIPALITEITE OM SEKERE FUNKSIES TE VERRIG OF SEKERE BEVOEGDHEDE UIT TE OEFEN SOOS BEDOEL IN ARTIKEL 84(1) EN 84(2) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998).....

3

Ibhaliswe ePosini njengephephandaba

IZIQULATHO

P.N. 131

26 kuEpreli 2001

URHULUMENTE WENGINGQI: UMTHETHO-SIHLOMELO WAMASEBE OOMASIPALA, 2000 (UMTHETHO 33 WONYAKA WAMA-2000): URHOXISO LWEZIGUNYAZISO EZITHILE ZOORHULUMENTE BENGINGQI NABEZITHILI ZIGUNYAZISO EZO IZEZO-KWENZA IMISEBENZI ETHILE OKANYE ZOKUSEBENZISA AMAGUNYA ATHILE EKUBHEKISWE KUWO KWICANDELO 84(1) NECANDELO 84(2) LOMTHETHO WAMASEBE OOMASIPALA, 1998 (UMTHETHO 117 WONYAKA WAMA-1998).

4

P.N. 131/2001

26 April 2001

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT ACT, 2000
(ACT 33 OF 2000)

REVOCATION OF CERTAIN OF THE AUTHORISATIONS OF LOCAL AND DISTRICT MUNICIPALITIES TO PERFORM CERTAIN
FUNCTIONS OR EXERCISE CERTAIN POWERS REFERRED TO IN SECTION 84(1) AND 84(2) OF THE LOCAL GOVERNMENT:
MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

By virtue of the powers vested in me by section 18 of the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000), I hereby give notice of the revocation of certain authorisations given in terms of Provincial Notice 664/2000 published in Provincial Gazette Extraordinary No. 5639 dated 4 December 2000 on the terms set out in the Schedule hereto.

Dated this 26th day of April 2001.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT AND DEVELOPMENT PLANNING

SCHEDULE

Definitions and Interpretation

1. In this Schedule, unless the context otherwise indicates, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts, a word or expression to which a meaning has been assigned in the Municipal Structures Act, 1998 (Act 117 of 1998) or the Municipal Structures Amendment Act, 2000 (Act 33 of 2000) has the same meaning, a word or expression to which a meaning has been assigned in the Establishment Notices or in the Authorisation Notice has, subject to this Schedule, the same meaning, and:—
 - (1) "authorisation" means an authorisation in terms of section 3 of the Authorisation Notice;
 - (2) "Authorisation Notice" means Provincial Notice 664/2000 published in Provincial Gazette Extraordinary No. 5639 dated 4 December 2000, and
 - (3) "effective date" means 5 December 2000.

Preamble

2. (1) In terms of section 18(6)(a) of the Municipal Structures Amendment Act the Provincial Minister must revoke an authorisation if the Municipal Demarcation Board so recommends.
 - (2) The Municipal Demarcation Board gave written notice of its recommendation in terms of section 18(6)(b) of the Municipal Structures Amendment Act by way of a letter addressed to the Provincial Minister dated 9 April 2001.
 - (3) In compliance with the provisions of section 18(6)(a) of the Municipal Structures Amendment Act, and in order to allow the Local and District Municipalities to implement the transfer process in terms of the Establishment Notices, the Provincial Minister has decided to revoke certain of the authorisations as set out below.

Revocation

3. (1) With effect from 1 July 2001 all authorisations are hereby revoked, save for the authorisations in relation to the following powers and functions:—
 - (a) air pollution;
 - (b) fire fighting services, and
 - (c) noise pollution.
- (2) Nothing contained in this Schedule or in the Authorisation Notice shall in any way be construed as limiting the powers and functions of a District Municipality in a district management area, as provided for in section 89 of the Municipal Structures Act.

Transfer of staff, assets, liabilities and records

4. (1) Notwithstanding section 4 of the Authorisation Notice, with effect from the effective date all staff, assets, liabilities and records of the disestablished local municipalities and the disestablished district municipalities shall be transferred in accordance with sections 12, 12A, 16A and 16B of the Establishment Notices.
 - (2) Notwithstanding subsection (1), the staff, assets, liabilities and records of the disestablished local municipalities and the disestablished district municipalities associated with the functions and powers listed in section 3(1) of this Schedule shall be transferred in accordance with section 4 of the Authorisation Notice.

Commencement

5. This Notice comes into operation on the date of publication hereof.

WYSIGINGSWET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 2000
(WET 33 VAN 2000)

INTREKKING VAN SEKERE VAN DIE MAGTIGINGS VAN PLAASLIKE EN DISTRIKSMUNISIPALITEITE OM SEKERE
FUNKSIES TE VERRIG OF SEKERE BEVOEGDHEDE UIT TE OEFEN SOOS BEDOEL IN ARTIKEL 84(1) EN 84(2) VAN DIE
WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Uit hoofde van die gesag aan my verleen deur artikel 18 van die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000), gee ek hierby kennis van die intrekking van sekere magtigings uitgereik by Provinsiale Kennisgewing 664/2000, afgekondig in Buitengewone Provinsiale Koerant No. 5639 van 4 Desember 2000, op die terme soos in die Bylaag hiervan vervat.

Gedateer op hierdie 26ste dag van April 2001.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING EN ONTWIKKELINGSBEPLANNING

BYLAAG

Woordskrywing en Vertolking

1. In hierdie Bylaag, tensy dit uit die samehang anders bly, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, het 'n woord of uitdrukking waaraan daar in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), of die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000), 'n betekenis geheg is, dieselfde betekenis, en het 'n woord of uitdrukking waaraan daar in die Instellingskennisgewings of in die Magtigingskennisgewing 'n betekenis geheg is, behoudens hierdie Bylaag dieselfde betekenis, en beteken:—

- (1) "effektiewe datum" 5 Desember 2000;
- (2) "magtiging" 'n magtiging ingevolge artikel 3 van die Magtigingskennisgewing, en
- (3) "Magtigingskennisgewing" Provinsiale Kennisgewing 664/2000, afgekondig in Buitengewone Provinsiale Koerant No. 5639 van 4 Desember 2000.

Aanhef

2. (1) Ingevolge artikel 18(6)(a) van die Munisipale Strukture Wysigingswet moet die Provinsiale Minister 'n magtiging intrek indien die Munisipale Afbakeningsraad dit aanbeveel.
- (2) Die Munisipale Afbakeningsraad het skriftelik kennis gegee van sy aanbeveling ingevolge artikel 18(6)(b) van die Munisipale Strukture Wysigingswet deur middel van 'n brief gerig aan die Provinsiale Minister gedateer 9 April 2001.
- (3) In ooreenstemming met die bepalings van artikel 18(6)(a) van die Munisipale Strukture Wysigingswet, en ten einde die Plaaslike en Distriksmunisipaliteite in staat te stel om die oorplasingproses ingevolge die Instellingskennisgewings te implementeer, het die Provinsiale Minister besluit om sekere van die magtigings soos hieronder uiteengesit, in te trek.

Intrekking

3. (1) Met ingang van 1 Julie 2001 word alle magtigings hierby ingetrek, uitgesonderd die magtigings ten opsigte van die volgende bevoegdhede en funksies:—
 - (a) brandbestrydingsdienste;
 - (b) geraasbesoedeling, en
 - (c) lugbesoedeling.
- (2) Geen bepaling vervat in hierdie Bylaag of die Magtigingskennisgewing sal op enige wyse so uitgelê word dat dit die funksies en bevoegdhede van 'n Distriksmunisipaliteit in 'n distriksbestuursgebied, soos uiteengesit in artikel 89 van die Munisipale Strukturewet, beperk nie.

Oorplasing van personeel, bates, laste en rekords

4. (1) Ondanks artikel 4 van die Magtigingskennisgewing word alle personeel, bates, laste en rekords van die afgeskafte plaaslike munisipaliteite en die afgeskafte distriksmunisipaliteite met ingang van die effektiewe datum oorgeplaas in ooreenstemming met artikels 12, 12A, 16A, 16B van die Instellingskennisgewings.
- (2) Ondanks subartikel (1) word die personeel, bates, laste en rekords van die afgeskafte plaaslike munisipaliteite en die afgeskafte distriksmunisipaliteite wat verband hou met die funksies en bevoegdhede gelys in artikel 3(1) van hierdie Bylaag, oorgeplaas in ooreenstemming met artikel 4 van die Magtigingskennisgewing.

Inwerkingtreding

5. Hierdie Kennisgewing tree in werking op die datum van publikasie.

P.N. 131/2001

26 kuEpreli 2001

**URHULUMENTE WENGINGQI: UMTHETHO-SIHLOMELO WAMASEBE OOMASIPALA, 2000
(UMTHETHO 33 WONYAKA WAMA-2000)**

**URHOXISO LWEZIGUNYAZISO EZITHILE ZOORHULUMENTE BENGINGQI NABEZITHILI ZIGUNYAZISO EZO IZEZOKWENZA
IMISEBENZI ETHILE OKANYE ZOKUSEBENZISA AMAGUNYA ATHILE EKUBHEKISWE KUWO KWICANDELO 84(1)
NECANDELO 84(2) LOMTHETHO WAMASEBE OOMASIPALA, 1998 (UMTHETHO 117 WONYAKA WAMA-1998)**

Ngamandla andigunyazisayo aqulethwe licandelo-18 loMthetho-sihlomelo wooRhulumente beNgingqi, 2000 (UMthetho 33 wonyaka wama-2000), ngolu xwebhu ndazisa ngokurhoxiswa kwezigunyaziso ezithile ezenziwe ngokweSaziso sePhondo 664/2000 nesapapashwa kwiGazethi yePhondo eYongezelelweyo enguNombolo 5639 yomhla we-4 kuDisemba 2000 ngokwemiqathango echazwe kwiShedyuli exokonyezelwe apha.

Ngomhla we-26 kuEpreli 2001.

P UYS, UMPHATHISWA WEPHONDO OSINGETHE IMICIMBI YOORHULUMENTE BEENGINGQI

ISHEDYULI

Inkcazo yamagama

1. Kule Shedyuli ngaphandle kokuba okuqulathiweyo kukuxelela enye into, isinye sibandakanya isininzi nesininzi sibandakanya isinye, isicatshulwa sesiNgesi siya kuma simi isiso esisetyenziswayo apho kuthe kwakho iyantlukwano kwizicatshulwa ezahlukeneyo kwaye igama okanye ibinzana lamagama elinikwe intsingiselo ethile kuMthetho wamaSebe ooMasipala, 1998 (UMthetho 117 wonyaka we-1998) linentsingiselo efanayo kanti negama okanye ibinzana lamagama elinikwe intsingiselo ethile kwiZaziso zokuSekwa kooMasipala okanye kwiSaziso soGunyaziso linentsingiselo efanayo ngokwale Shedyuli, kwaye:—

- (1) **“ugunyaziso”** luthetha ugunyaziso ngokwecandelo 3 leSaziso soGunyaziso;
- (2) **“leSaziso soGunyaziso”** sithetha iSaziso sePhondo 664/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo enguNombolo 5639 yomhla we-4 kuDisemba 2000, kananjalo
- (3) **“umhla wokuqalisa”** uthetha umhla we-5 kuDisemba 2000.

Intshayelelo

2. (1) Ngokwecandelo 18(6)(a) loMthetho-sihlomelo wamaSebe ooMasipala uMphathiswa wePhondo kufuneka alurhoxise ugunyaziso ukuba oko kucetyiswa yiBhodi yoCando lweMida yooMasipala.
- (2) IBhodi yoCando lweMida yooMasipala ikhuphe isaziso esibhaliweyo ngecebiso layo ngokwecandelo 18(6)(b) loMthetho-sihlomelo wooMasipala oko kusenziwa ngencwadi ebhalile uMphathiswa nekhutshwe ngomhla we-9 kuEpreli 2001.
- (3) Ukuthobela imiqathango yecandelo 18(6)(a) loMthetho-sihlomelo wamaSebe ooMasipala kananjalo ngenjongo yokunika ooMasipala beNgingqi nabeZithili ithuba lokuqalisa inkqubo yodluliselo ngo kwemiqathango Zaziso zokuSekwa kooMasipala, uMphathiswa wePhondo uqube ekubeni azirhoxise izigunyaziso ezithile ngendlela echazwe ngezantsi apha.

Urhoxiso

3. (1) Ukususela ngomhla wokuqala kuJulayi zonke izigunyaziso ziya kurhoxiswa ngolu xwebhu, ngaphandle kwesigunyaziso esiphathelele kula magunya alandelayo:—
 - (a) elongcoliseko lomoya;
 - (b) eleenkonzo zocimo-mlilo, kunye
 - (c) nelolawulo lwengxolo.
- (2) Kule Shedyuli okanye kwisiSaziso soGunyaziso, akukho ndawo iqulathe nto ingathatyathwa njengenokunciphisa amagunya nemisebenzi yoMasipala weSithili kulawulo lomasipala wommandla, njengoko kumiselwe kwimiqathango yecandelo 89 loMthetho wamaSebe ooMasipala.

Ukugqithiselwa kwabasebenzi, impahla, amatyala neerekhodi

4. (1) Lingatyeshelwanga icandelo 4 leSaziso soGunyaziso ukususela ngomhla wokuqalisa bonke abasebenzi, impahla yexabiso, amatyala neerekhodi zoomasipala bengingqi abatshitshisiweyo nezoomasipala bezithili abatshitshisiweyo ziya kudluliselwa ngokwendlela echazwe kwicandelo 12, 12A, 16A necandelo 16B leZaziso zokuSekwa kooMasipala.
- (2) Lingatyeshelwanga icandelwana (1), abasebenzi, impahla, amatyala neerekhodi zoomasipala bengingqi abatshitshisiweyo nezoomasipala bezithili abatshitshisiweyo, zinto ezo zayamene namagunya adweliswe kwicandelo 3(1) lale Shedyuli, ziya kudluliselwa ngokwendlela echazwe kwicandelo 4 leSaziso soGunyaziso.

Ukuqalisa

5. Esi Saziso siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngawo.

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS

SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE