

South Africa

## Organised Local Government Act, 1997

Act 52 of 1997

Legislation as at 5 December 2002

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## Organised Local Government Act, 1997

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# South Africa

## Organised Local Government Act, 1997

### Act 52 of 1997

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**Assented to on 6 November 1997**

**Commenced on 12 November 1997**

*[This is the version of this document as it was from 5 December 2002 to 16 October 2003.]*

*[Amended by [Local Government Laws Amendment Act, 2002 \(Act 51 of 2002\)](#) on 5 December 2002]*

(Afrikaans text signed by the President.)

## ACT

**To provide for the recognition of national and provincial organisations representing the different categories of municipalities; to determine procedures by which local government may designate representatives to participate in the National Council of Provinces; to determine procedures by which local government may consult with national and provincial government; to determine procedures by which local government may nominate persons to the Financial and Fiscal Commission; and to provide for matters connected therewith.**

**SINCE** the [Constitution](#) requires an Act of Parliament to provide for the recognition of national and provincial organisations representing municipalities;

**AND SINCE** the legislation must determine procedures by which local government may consult with national and provincial government, designate representatives to participate in the National Council of Provinces and nominate persons to the Financial and Fiscal Commission,

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

### 1. Definitions

- (1) In this Act, unless the context indicates otherwise—

"**Minister**" means the Minister for Provincial Affairs and Constitutional Development; (i)

"**national organisation**" means the organisation recognised in terms of [section 2\(1\)\(a\)](#); (ii)

"**provincial organisation**" means an organisation recognised in terms of [section 2\(1\)\(b\)](#); (iii)

"**responsible member**" means the member of the Executive Council responsible for local government in the province in question. (iv)

- (2) *[subsection (2) deleted by section 1 of [Act 51 of 2002](#)]*

### 2. Recognition of national and provincial organisations

- (1) Subject to [section 6](#), the Minister must, by notice in the *Gazette*—

- (a) recognise one national organisation representing the majority of the provincial organisations contemplated in paragraph (b); and
- (b) with the concurrence of the responsible member, recognise one organisation in each province representing the majority of municipalities in the province in question: Provided

that all the different categories of municipalities in the province in question are represented in the organisation in question.

- (2) (a) The Minister may withdraw any recognition referred to in subsection (1) if—
  - (i) the organisation ceases to represent the organisations or municipalities as contemplated in subsection (1) or ceases to comply with any of the criteria contemplated in [section 6](#); and
  - (ii) the Minister gives the organisation in question 30 days notice of the intended withdrawal.
- (b) If the Minister withdraws the recognition of an organisation contemplated in subsection (1) (b), he or she must act with the concurrence of the responsible member.

### 3. Designation of representatives to participate in National Council of Provinces

- (1) Each provincial organisation may nominate not more than six members of municipal councils in writing for designation as representatives to participate in the proceedings of the National Council of Provinces.
- (2) (a) The national organisation must in accordance with criteria determined by it, when necessary, designate not more than 10 persons from the nominees contemplated in subsection (1) as representatives to participate in the proceedings of the National Council of Provinces.
- (b) The national organisation may assign the duty to so designate representatives to the head of its administration.
- (3) Every designation made in terms of subsection (2) must be communicated to the Secretary of the National Council of Provinces by the head of the administration of the national organisation.
- (4) Such communication must be in writing, which may include electronically transmitted print, and must indicate the period or purpose for which the designation is made.
- (5) Whenever a vacancy occurs in the number of persons contemplated in subsection (1), the provincial organisation concerned may nominate another person in writing to till the vacancy.

### 4. Consultation procedure

- (1) Consultation between the national organisation and the national and a provincial government takes place at a meeting convened by the Minister.
- (2) The Minister may invite any of the provincial organisations to the meeting contemplated in subsection (1).
- (3) Despite subsection (1), the national organisation may at any time approach any Minister to consult with the national government.
- (4) A provincial organisation may only consult the national government after consultation with the national organisation.
- (5) Consultation between a provincial organisation and the provincial government in question takes place at a meeting convened by the responsible member.
- (6) The responsible member may invite the national organisation or any other provincial organisation to the meeting contemplated in subsection (5).
- (7) Despite subsection (5), a provincial organisation may at any time approach any member of the Executive Council of the province in question to consult with the provincial government.
- (8) This section does not preclude consultation by organised local government with any other organ of state as defined in the [Constitution](#).

## 5. Nomination of persons to Financial and Fiscal Commission

- (1) The nomination of persons for appointment by the President as members of the Financial and Fiscal Commission must take place at a meeting of the executive committee of the national organisation.
- (2) Each provincial organisation may designate one person in writing for the purposes of subsection (1).
- (3) The two persons to be nominated for appointment must be determined by means of a secret ballot by the executive committee.
- (4) Any vacancy which may occur, must be filled in accordance with subsections (1), (2) and (3).

## 6. Regulations

- (1) The Minister may, after consultation with the responsible members and having regard to principles of transparency and equity, make regulations determining criteria other than those contemplated in [section 2](#), for the recognition of the organisation referred to in [section 2](#)(1)(a) and the organisations referred to in [section 2](#)(1)(b).
- (2) The Minister must, in determining the criteria contemplated in subsection (1), take into account all relevant factors, including—
  - (a) political inclusiveness;
  - (b) provincial representiveness;
  - (c) a balance between urban and rural municipalities.

## 7. Repeal of law and saving

- (1) Subject to subsection (2), section 10F of the Local Government Transition Act, 1993 ([Act No. 209 of 1993](#)), is hereby repealed.
- (2) Any organisation recognised under section 10F of the Local Government Transition Act, 1993 ([Act No. 209 of 1993](#)), immediately before the coming into operation of this Act, must be regarded as having been recognised in terms of [section 2](#) of this Act.

## 8. Short title

This Act is called the Organised Local Government Act, 1997.