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GENERAL NOTICE

NOTICE 265 OF 1998

MINISTRY FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

MUNICIPAL DEMARCATION BILL, 1998

1. I, Mohammed Valli Moosa, Minister for Provincial Affairs and Constitutional Development, under section 154 (2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), hereby publish the Municipal Demarcation Bill, 1998, for public comment.
2. Comments must please be submitted in writing to:
The Director-General
Attention: Mr S. L. Louw
Department of Constitutional Development
Private Bag X804
PRETORIA
0001
3. Comments may also be faxed to facsimile number (012) 334-0608.
4. Comments must be received by not later than **20 March 1998**.
5. Please provide the name, address, telephone number and fax number of a person whom the Department could contact concerning the written representations submitted.

DRAFT DEMARCATION BILL

Definitions

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

“Board” means the Municipal Demarcation Board established by section 2;

“committee” means a committee of the Board established in terms of section 18 and includes an investigating committee contemplated in section 30;

“Department” means the Department of Constitutional Development;

“determination” includes any redetermination, and **“determine”** has a corresponding meaning;

“employee”, except in sections 35(1) and 36, includes a person seconded to the Board;

“financial year” means the financial year of the Board, which is the same as that of the Department;

“Manager” means the Manager of the Board appointed in terms of section 33;

“MEC for local government” means the member of the Executive Council of a province responsible for local government in the province;

“metropolitan area” means an area recognised as a metropolitan area in terms of section 26(1);

“Minister” means the Minister for Provincial Affairs and Constitutional Development;

“municipality” has the meaning assigned to it in the Constitution;

“organ of state” means an organ of state as defined in section 239 of the Constitution;

“President” means the President acting as the head of the national executive in terms of section 85(2) of the Constitution;

“SALGA” means the South African Local Government Association recognised in terms of the Organised Local Government Act, 1997, as the national organisation representing municipalities.

(2) When in this Act the Minister is required to act in consultation with the MECs for local government, the Minister must act with the concurrence of the majority of the MECs after all the MECs have been consulted.

CHAPTER 1**MUNICIPAL DEMARCATION BOARD*****Part 1 : Establishment, function and general powers of the Board*****Establishment**

2. A board called the Municipal Demarcation Board is hereby established.

Status

3. The Board –

- (a) is a juristic person;
- (b) is independent; and
- (c) must be impartial and perform its function without fear, favour or prejudice.

Function

4. The function of the Board is to determine municipal boundaries for the whole of the territory of the Republic.

General powers

5. (1) The Board may do all that is necessary or expedient to perform its function effectively, which includes the power to –

- (a) determine its own staff establishment subject to section 20(2), and appoint employees in posts on the staff establishment having due regard to available finances;
- (b) contract the services of any person, including any organ of state, for the performance of any specific act or function;
- (c) acquire or dispose of any right in or to property, but ownership in immovable property may be acquired or disposed of only with the consent of the Minister;

- (d) open and operate its own bank accounts;
- (e) insure itself against any loss, damage or risk;
- (f) perform legal acts, including acts in association with or on behalf of any other person or organ of state;
- (g) institute or defend any legal action;
- (h) collect and disseminate relevant information; and
- (i) do anything that is incidental to the exercise of any of its powers.

(2) The Board may not borrow money.

(3) The Board may require a municipality that may be affected by a boundary determination in terms of section 21, to provide the Board or any of its committees with facilities available to that municipality, for the holding of meetings.

Part 2 : Membership of Board

Composition

6. (1) The Board consists of no fewer than 11 and no more than 15 members appointed by the President in accordance with section 8.

(2) The Minister -

- (a) must determine the number of the members of the Board; and
- (b) may alter from time to time the number determined in terms of paragraph (a), but a reduction in the number may only be effected by not filling a vacancy when a vacancy arises.

(3) The composition of the Board must -

- (a) be broadly representative of the South African society;
- (b) reflect regional diversity; and
- (c) collectively represent a pool of knowledge concerning issues relevant to municipal demarcation in each of the provinces.

Qualifications and disqualifications

7. (1) A member of the Board must -

- (a) be a South African citizen; and

- (b) have a qualification or experience in or knowledge appropriate to either local government generally or any of the following:
- (i) development economics;
 - (ii) development planning;
 - (iii) community development;
 - (iv) local government and municipal administration;
 - (v) municipal finance;
 - (vi) municipal services;
 - (vii) social or economic geography;
 - (viii) town and regional planning;
 - (ix) legal and constitutional matters affecting local government; or
 - (x) land survey, cartography and geographic information systems.

(2) The following persons are disqualified from becoming or remaining a member of the Board:

- (a) An unrehabilitated insolvent; or
- (b) a person who has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months.

(3) A disqualification in terms of subsection (2)(b) ends five years after the sentence has been completed.

Appointment procedure

8. (1) Whenever it is necessary to appoint a person as a member of the Board, the Minister must -

- (a) through advertisements in the media circulating nationally and in each of the provinces, invite persons complying with section 7 to apply within a specified period for appointment as a member; and
- (b) establish a selection panel consisting of -
 - (i) the President of the Constitutional Court or another member of that Court designated by the President of the Court, who must also be the convenor of the panel;

- (ii) a judge designated by the Chief Justice;
- (iii) one member of the Gender Commission designated by the Commission;
- (iv) two persons with specific knowledge of boundary demarcation designated by the Minister in consultation with the MECs for local government and after SALGA has been consulted; and
- (v) the Chairperson of the Select Committee for Constitutional Affairs and Public Administration of the National Council of Provinces.

(2) For the purposes of any subsequent establishment of a selection panel, a person designated in terms of subsection (1)(b) remains designated until replaced.

(3) The selection panel may determine its own procedure including its decision-making procedure, but must act in a transparent and open way.

(4) The selection panel must consider all applications and from amongst the applicants compile a list of nominees taking into account sections 6(3) and 7.

(5) The list must consist of -

- (a) three more names than the number of appointments that must be made, if six or more appointments must be made; or
- (b) two more names than the number of appointments that must be made, if fewer than six appointments must be made.

(6) If the selection panel is unable to compile a list consisting of the required number of nominees, the procedure set out in subsections (1)(a) and (4) and (5) must be repeated, except that applicants who applied in the first round -

- (a) need not reapply; and
- (b) must be considered when the list is compiled in the second round.

(7) The President must make the required number of appointments from the list.

Terms of office

- 9. (1) A member of the Board is appointed for five years.
- (2) There is no limit to the number of terms a member may serve.
- (3) Any reappointment of a member is subject to section 8.

Chairperson and Deputy Chairperson

10. (1) The President appoints one of the members as the Chairperson and another member as the Deputy Chairperson of the Board.

(2) The Chairperson and the Deputy Chairperson hold office as chairperson and deputy chairperson for the duration of their terms of office as members.

(3) The Deputy Chairperson acts as chairperson if -

- (a) the Chairperson is absent or unable to perform the functions of chairperson; or
- (b) the office of chairperson is vacant.

Conditions of appointment of members

11. (1) The Minister must determine the conditions of appointment of members of the Board, taking into account -

- (a) the conditions of appointment of members of other institutions referred to in section 219(5) of the Constitution;
- (b) the role, duties and responsibilities of a member of the Board;
- (c) affordability in relation to the responsibilities of the Board; and
- (d) the level of expertise and experience required of a member of the Board.

(2) A member of the Board is either a full-time or part-time member, as may be determined by the Minister.

(3) Conditions of appointment may differ in respect of -

- (a) the Chairperson, the Deputy Chairperson and the other members;
- (b) full-time and part-time members; and
- (c) any other appropriate circumstances.

Conduct of members

12. (1) A member of the Board -

- (a) must perform the functions of office in good faith and without fear, favour or prejudice;
- (b) must disclose any personal or any private business interest that that member or any immediate family of that member may have in any matter before the Board, and must

withdraw from the proceedings of the Board when that matter is considered by the Board, unless the Board decides that the member's interest in the matter is trivial or not relevant;

- (c) may not use the position or privileges of a member for private gain or to improperly benefit another person;
- (d) who is a full-time member may not undertake any other paid work, except with the consent of the Board and the Minister;
- (e) may not engage in party politics otherwise than by casting a vote in an election; or
- (f) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the Board.

(2) A member who contravenes or fails to comply with subsection (1) is guilty of misconduct.

Termination of membership

13. (1) A person ceases to be a member of the Board when that person –

- (a) is no longer eligible in terms of section 7 to be a member;
- (b) resigns;
- (c) is removed from office in terms of subsection (4); or
- (d) is declared to be of unsound mind.

(2) A member may resign by giving at least three month's written notice to the Minister, but the Minister may accept a shorter period in a specific case.

(3) A member is regarded as having resigned if that member –

- (a) accepts nomination for the National Assembly, the National Council of Provinces, a provincial legislature or a municipal council; or
- (b) is appointed as an office bearer of a political party.

(4) (a) The President may remove a member from office, but only on the ground of misconduct, incapacity or incompetence.

(b) A decision to remove a member on the ground of misconduct or incompetence must be based on a finding to that effect by an investigating tribunal appointed by the President.

(c) The President may suspend a member who is under investigation in terms of paragraph (b).

Vacancies

14. (1) As soon as practical after a vacancy has occurred in the Board another person must be appointed as a member in accordance with section 8.

(2) Subsection (1) does not apply if the Minister wants to reduce the number of the members in terms of section 6(2)(b).

Part 3 : Operating procedures of Board

Meetings

15. (1) The Chairperson of the Board decides when and where the Board meets, but a majority of the members may request the Chairperson in writing to convene a Board meeting at a time and place set out in the request.

(2) The Chairperson or the Deputy Chairperson presides at meetings of the Board, but if both are absent from a meeting, the members present must elect another member to preside at the meeting.

Procedures

16. The Board may determine its own procedures.

Decisions

17. A question before the Board is decided with a supporting vote of at least the majority of the members.

Committees

18. (1) The Board may -

- (a) establish one or more committees to assist the Board in the performance of its function or the exercise of any of its powers; and

(b) dissolve a committee at any time.

(2) The Board—

- (a) must determine the function of a committee;
- (b) must appoint the chairperson and other members of a committee;
- (c) may authorise a committee to co-opt advisory members within limits determined by the Board;
- (d) may remove a member of a committee at any time; and
- (e) may determine a committee's procedure.

(3) When appointing members to a committee, the Board is not restricted to Board members.

(4) The Board determines the remuneration, allowances and other conditions of office of members of a committee who are not—

- (a) Board members;
- (b) employees; or
- (c) in the service of an organ of state.

Assignment of powers and duties

19. (1) When necessary for the proper performance of its functions, the Board may—

- (a) delegate any of the Board's powers, excluding the power to make the final decision on the determination of a municipal boundary, to—
 - (i) a Board member;
 - (ii) a committee of the Board; or
 - (iii) an employee; or
- (b) instruct any such member, committee or employee to perform any of the Board's duties.

(2) A delegation or instruction in terms of subsection (1) —

- (a) is subject to any conditions and directions the Board may impose; and
- (b) does not divest the Board of the responsibility concerning the exercise of the power or the performance of the duty.

(3) The Board may confirm, vary or revoke any decision taken by a Board member, committee or employee in consequence of a delegation or instruction.

Administrative assistance to Board

20. (1) The Board may conclude an agreement with the Department, a provincial department or a municipality for the provision of administrative and secretarial assistance to the Board or any of its committees.

(2) Before the Board determines or extends its staff establishment in terms of section 5(1)(a), it must first establish the extent to which administrative and secretarial assistance could be provided under an agreement envisaged in subsection (1) of this section.

CHAPTER 2

DEMARCATATION

Part 1 : Boundary determinations

Determination of municipal boundaries

21.(1) The Board –

- (a) must determine boundaries for municipal areas for the whole of the territory of the Republic; and
- (b) may redetermine any municipal boundaries determined by it in terms of paragraph (a).

(2) The Board must publish its determination or redetermination of a municipal boundary in the relevant Provincial Gazette.

(3) Any person aggrieved by a determination of a municipal boundary may within 30 days of publication of that determination submit objections in writing to the Board.

(4) The Board must –

- (a) consider any objections; and
- (b) either confirm, vary or withdraw its determination.

Work programme

22. The Board performs the function mentioned in section 21(1)-

- (a) on its own initiative or on request by the Minister or a MEC for local government; and
- (b) in accordance with priorities for demarcation determined by the Minister in consultation with the MECs for local government after the Board has been consulted.

When boundary determinations take effect

23. (1) Once the Board has determined a municipal boundary it must without delay send particulars of the determination to the Electoral Commission.

(2) If the Electoral Commission is of the view that the boundary determination -

- (a) will materially affect the representation of voters in the council of any of the municipalities affected by the boundary determination, the determination takes effect from the date of the next election in the municipality or, if only a municipal ward is affected, in that ward; or
- (a) will not materially affect the representation of voters in such council, the determination takes effect from a date determined by notice in the relevant *Provincial Gazette* by the MEC for local government in the province concerned.

(3) The Electoral Commission must, within 30 days after having received the particulars referred to in subsection (1), make known its view as envisaged in subsection (2) by notice in the relevant *Provincial Gazette*.

Part 2 : Demarcation criteria**Demarcation objectives**

24. When the Board determines a municipal boundary its objective must be to establish an area that would -

- (a) enable the municipality for that area to fulfil its constitutional obligations, including-
 - (i) the provision of democratic and accountable government for the local communities;
 - (ii) the provision of services to the communities in a sustainable manner;
 - (iii) the promotion of social and economic development; and
 - (iv) the promotion of a safe and healthy environment;

- (b) enable effective local governance;
- (c) enable integrated social and economic planning and development; and
- (d) have a tax base as inclusive as possible of users of municipal services in the municipality.

Factors to be taken into account

25. When the Board determines a municipal boundary it must take into account-

- (a) any demarcation policy determined by the Minister in consultation with the MECs for local government after SALGA has been consulted;
- (b) the interdependence of people, communities and economies as indicated by-
 - (i) existing and expected patterns of human settlement and migration;
 - (ii) employment;
 - (iii) commuting;
 - (iv) spending;
 - (v) the use of amenities, including recreational facilities; and
 - (vi) commercial and industrial linkages;
- (c) the financial and administrative capacity of the municipality to perform municipal functions efficiently and effectively;
- (d) the need to share and redistribute financial and administrative resources;
- (e) existing functional boundaries, including provincial, magisterial, voting district, traditional authority and census enumerator boundaries;
- (f) existing municipal boundaries;
- (g) existing and proposed service and administrative systems provided or to be provided by or on behalf of the national or provincial government;
- (h) existing and expected land usage in the area;
- (i) town and transport planning;
- (j) the need to establish a single, cohesive, unfragmented area, and more specifically, the need-
 - (i) in metropolitan areas, to retain a functionally integrated city region as such in a single, cohesive, unfragmented unit;

- (ii) in areas other than metropolitan areas, to include any rural area in a municipality which has a town as its core if that town has a strong social and economic linkage with that rural area and functions primarily as a service centre for that rural area;
- (iii) in all areas, to include in a municipality which has a city or large town as its core, any formal or informal settlements or industrial or commercial developments on the fringe of that city or town;
- (k) topographical, environmental and physical characteristics of the area;
- (l) the need for co-ordinated municipal, provincial and national programmes and services; and
- (m) the administrative consequences of its boundary determination on -
 - (i) the implementation of policy referred to in paragraph (a);
 - (ii) existing municipalities, their members and staff; and
 - (iii) any other relevant matter.

Recognition of city regions as metropolitan areas.

26. (1) The Minister in consultation with the MECs for local government after the Board has been consulted, must by notice in the *Government Gazette*, recognise a city region as a metropolitan area if that region -

- (a) can reasonably be regarded as-
 - (i) a functionally integrated area;
 - (ii) a national centre of economic activity with a complex and diverse economy; and
 - (iii) a single region for which integrated development planning is desirable; and
- (b) is characterised by-
 - (i) strong social and economic linkages between its constituent units; and
 - (ii) a high population density.

(2) When recognising a city region as a metropolitan area, the Minister determines the area without specifying the exact outer boundaries of the area.

Part 3 : Demarcation procedures

Public notification of determination of municipal boundaries

27. (1) Before the Board considers any determination of a municipal boundary in terms of section 21, it must publish a notice in a newspaper circulating in the area concerned-

- (a) stating the Board's intention to consider the matter; and
- (b) inviting written representations and views from the public within a specified period (which may not be shorter than 21 days).

(2) When the Board publishes a notice it must convey by radio or other appropriate means of communication the content of the notice.

(3) The Board must send by registered post, electronic means or by hand a copy of the notice to the MEC for local government in the province concerned and to each municipality that will be affected by the Board's consideration of the matter, and invite them to submit written representations or their views on the matter to the Board, within the period determined in terms of subsection (1).

Consideration by Board

28. When the period for written representations and views has expired, the Board-

- (a) must consider all representations and views submitted to it; and
- (b) may take a decision on the determination or, before it takes a decision-
 - (i) hold a public meeting;
 - (ii) conduct a formal investigation; or
 - (iii) do both.

Public meetings

29. (1) If the Board decides to hold a public meeting it must publish a notice in a newspaper circulating in the area concerned-

- (a) stating the time, date and place of the meeting or of each meeting; and
- (b) invite the public to attend the meeting or meetings.

(2) At a public meeting a representative of the Board must -

- (a) explain the issue the Board has to consider, including any options open to the Board;
- (b) allow people attending the meeting to air their views on the issue; and
- (c) answer relevant questions.

Formal investigations

30. (1) If the Board decides to conduct an investigation, it may conduct the investigation itself or in terms of section 18 designate one or more Board members or other persons as an investigating committee to conduct the investigation on its behalf.

(2) If an investigating committee has been appointed the committee must report and make recommendations to the Board.

Powers of investigating committees

31. For the purposes of its investigation the Board or an investigating committee may –

- (a) by written notice summon a person to appear before the Board or the committee–
 - (i) to give evidence; or
 - (ii) to produce a document available to that person and specified in the summons;
- (b) call a person present at a Board or committee meeting, whether summoned or not -
 - (i) to give evidence before the Board or committee; or
 - (ii) to produce a document in that person's custody;
- (c) administer an oath or solemn affirmation to that person;
- (d) examine that person or have such a person examined by a person designated by the Board or committee; and
- (e) retain for a reasonable period a document produced in terms of paragraph (a)(ii) or (b)(ii).

Part 4 : Regulation of consequences of boundary determinations

Regulations

32. (1) The MEC for local government of a province may make regulations regulating the legal, practical and other consequences when a municipality is wholly or partially incorporated in, combined with or superseded by another municipality, including regulations -

- (a) providing for the transfer of staff from one municipality to another or the retrenchment of staff;
- (b) providing for the transfer of assets and liabilities from one municipality to another, or the disposal of assets and liabilities; or
- (c) limiting, extending or otherwise regulating or withdrawing the application of any existing by-laws, regulations and resolutions of a municipality to or in any specific area.

(2) Regulations made in terms of subsection (1) may apply-

- (a) generally to all, or any specific category of, boundary determinations in the province concerned; or
- (b) to a specific boundary determination.

(3) The transfer or retrenchment of staff in terms of a regulation made under subsection (1) must be effected in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995).

(4) (a) On production of a certificate by a municipality that immovable property was transferred to it in terms of a regulation made under subsection (1), a registrar of deeds must make such entries or endorsements in or on any relevant register, title deed or other document to register that property in the name of that municipality.

(b) No duty fee or other charge is payable for a registration in terms of paragraph (a).

CHAPTER 3

ADMINISTRATIVE AND OTHER MATTERS

Part 1 : Administration

Appointment of Manager

- 33. (1) The Board must appoint a person as the Manager of the Board.
- (2) The person appointed as the Manager holds office -

- (a) for an agreed term not exceeding five years, but which is renewable; and
- (b) subject to the rules and determinations applicable to employees.

Responsibilities of Manager

34. (1) The Manager is the chief executive officer and also the accounting officer of the Board.

(2) As chief executive officer the Manager is responsible for -

- (a) the formation and development of an efficient administration;
- (b) the organisation, control and management of all staff, including persons seconded to the Board from any other organ of state;
- (c) the maintenance of discipline; and
- (d) the carrying out of the decisions of the Board.

(3) As accounting officer of the Board the Manager is responsible for -

- (a) all income and expenditure of the Board;
- (b) all assets and the discharge of all liabilities of the Board; and
- (c) the proper and diligent implementation of Part 2.

Terms and conditions of employment

35. (1) An employee of the Board is employed subject to the terms and conditions of employment determined by the Board.

(2) The terms and conditions must comply with the basic values and principles set out in section 195 of the Constitution.

(3) Persons in the public service or other state institutions seconded to the Board, perform their functions under the control and directions of the Manager.

Pension rights

36. (1) A person appointed as an employee of the Board may become a member of the Government Employees' Pension Fund mentioned in section 2 of the Government Employees' Pension Law, 1996 (Proclamation No. 21 of 1996).

(2) An employee of the Board who becomes a member of that pension fund, is entitled to pension and retirement benefits as if that person is an official in the public service.

Part 2 : Finances of the Board

Funding

37. (1) The Board is entitled to money appropriated annually by Parliament to enable it to perform its function effectively.

(2) For the purposes of subsection (1) the Board -

- (a) must submit to the Minister and the Minister of Finance during each financial year, but before a date set by the Minister, estimates of the Board's income and expenditure for the next financial year; and
- (b) may submit to the Minister and the Minister of Finance, at any time during a financial year, estimates of the Board's income and expenditure supplementary to those mentioned in paragraph (a).

(3) When submitting the estimates the Board must disclose full particulars of any income that has accrued, or is expected to accrue, to the Board from a source other than an appropriation by Parliament.

(4) The Board must refund to the National Revenue Fund any money paid to the Board in terms of subsection (1) that has not been used at the end of a financial year, unless otherwise agreed with the Minister acting with the concurrence of the Minister of Finance.

Accountability

38. As accounting officer of the Board, the Manager must—

- (a) keep full and proper records of—
 - (i) all income and expenditure of the Board; and
 - (ii) all its assets, liabilities and financial transactions;
- (b) ensure that the Board's available resources are properly safeguarded and used in the most efficient and effective way;
- (c) ensure that all statutory measures applicable to the Board are complied with; and

- (d) prepare annual financial statements in accordance with generally accepted accounting practice within three months after the end of each financial year.

Audit

39. The Auditor-General must audit the accounts and financial records of the Board.

Annual Report

40. (1) The Board must annually submit to both Houses of Parliament and to each provincial legislature a report on the activities of the Board during a financial year.

(2) The report must be submitted within six months after the end of the financial year to which it relates, and must include audited financial statements, if those statements are available at that time, reflecting the Board's financial affairs during the year, consisting of at least -

- (a) a balance sheet;
- (b) an income statement; and
- (c) a report of the auditors.

Part 3 : Miscellaneous matters

Protection of confidential information

41. No person may disclose any information acquired on a confidential basis in the course of the application of this Act, except when disclosure is—

- (a) necessary for the purposes of this Act;
- (b) required in terms of other legislation or the law;
- (c) required for the purposes of legal proceedings; or
- (d) ordered by a court.

Legal proceedings against Board

42. (1) The State Liability Act, 1957 (Act No. 20 of 1957), applies, with the necessary changes, in respect of the Board, and in such application a reference in that Act to the

Minister of the department concerned must be construed as a reference to the Chairperson of the Board.

(2) No person, including the Board, is liable for anything done or omitted in good faith when performing a duty or exercising a power in terms of this Act.

Regulations

43. The Minister, with the concurrence of the Board, may make regulations not inconsistent with this Act or any other Act of Parliament prescribing procedures to facilitate the performance by the Board of its function.

Offences and penalties

44. (1) A person commits an offence if that person—

- (a) wilfully disrupts the proceedings of the Board or a Board committee;
- (b) wilfully hinders, obstructs or threatens members of the Board or of a committee, or other persons in the exercise of their powers or the performance of their duties in terms of this Act;
- (c) does anything calculated to improperly influence the Board or a committee in its consideration of a matter;
- (d) after having been summoned in terms of section 31(a), fails—
 - (i) to be present at a meeting of the Board or an investigating committee at the time and place specified in the summons; or
 - (ii) to remain present until excused by the Board or committee;
 - (iii) to produce a document specified in the summons;
- (e) after having been called in terms of section 31(b) refuses—
 - (i) to appear before the Board or the committee;
 - (ii) to answer any question; or
 - (iii) to produce a document in that person's custody; or
- (f) contravenes section 41.

(2) A person convicted of an offence in terms of subsection (1) is liable to a fine or to imprisonment not exceeding one year, or to both a fine and imprisonment.

Repeal of legislation

45. The legislation mentioned in the first column of the Schedule is amended or repealed to the extent set out in the other column of the Schedule.

Transitional provisions

46. The boundaries of municipalities which existed immediately before this Act took effect, continue to exist until superseded by boundaries determined by the Board in terms of section 21.

Short title

47. This Act is called the Municipal Demarcation Act, 1998.

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