

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

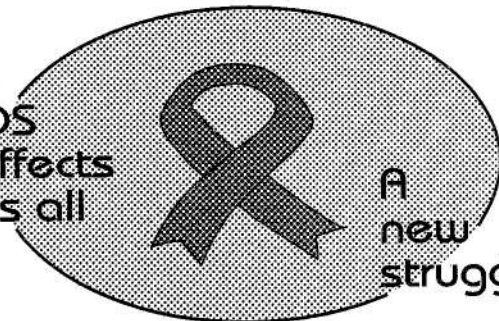
Vol. 423

PRETORIA, 1 SEPTEMBER 2000

No. 21528

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

CONTENTS

No.		Page No.	Gazette No.
	GENERAL NOTICE		
	Provincial and Local Government, Department of		
	<i>General Notice</i>		
3091	Provisions of the Local Government: Municipal Structures Act, 1988 (117/1998): Exemptions of municipalities from the provisions referred to in Section 91(1) of the Act.....	3	21528

INHOUD

No.		Bladsy No.	Koerant No.
	ALGEMENE KENNISGEWING		
	Provinsiale en Plaaslike Regering, Departement van		
	<i>Algemene Kennisgewing</i>		
3091	Wet op Plaaslike Regering: Munisipale Strukture, 1998 (117/1998): Vrystelling van munisipaliteite van die bepalings waarna in artikel 91(1) van die Wet ver- wys word, soos in die Bylae uiteengesit.	6	21528

GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 3091 OF 2000

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998
POLICY FRAMEWORK FOR EXEMPTIONS FROM CERTAIN PROVISIONS OF
THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT NO.
117 OF 1998)**

The Minister for Provincial and Local Government has, under Section 91(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), determined the policy framework, set out in the Schedule, for the exemption of municipalities from the provisions referred to in Section 91(1) of the Act.

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates, a word or a phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (hereinafter referred to as the "Municipal Structures Act"), has that meaning.

Determination of policy framework

2. The MEC for local government in a province may exempt a municipality from a provision referred to in Section 91(1) of the Municipal Structures Act, within the following policy framework:

(a) The exemption should –

- (i) promote accountability, responsiveness and openness;
- (ii) promote co-operative government;
- (iii) be in the interest of the community;
- (iv) be consistent with the capacity of the relevant municipality to pass its own by-laws with regard to a matter provided for in the exempted provision as contemplated in Section 91(2) of the Municipal Structures Act; and
- (v) be consistent with the category, type and size of the relevant municipality.

(b) If the MEC for local government in a province exempts a municipality from any of the provisions referred to in Section 91(1) of the Municipal Structures Act, -

- (i) the municipality concerned must make a by-law or by-laws regulating the matter from which it has been exempted; and
- (ii) such exemption only takes effect on the date that the relevant by-law is promulgated.

KENNISGEWING 3091 VAN 2000**DEPARTEMENT VAN PROVINSIALE EN PLAASLIKE REGERING****WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998
BELEIDSRAAMWERK VIR VRYSTELLINGS VAN SEKERE BEPALINGS VAN DIE
WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET NO.
117 VAN 1998)**

Die Minister vir Provinsiale en Plaaslike Regering het kragtens artikel 91(1) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), die beleidsraamwerk vir die vrystelling van munisipaliteite van die bepalings waarna in artikel 91(1) van die Wet verwys word, soos in die Bylae uiteengesit, bepaal.

BYLAE

Woordomskrywings

1. In hierdie Bylae, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) (hierna verwys as die "Wet op Munisipale Strukture"), geheg word, sodanige betekenis.

Bepaling van beleidsraamwerk

2. Die LUR vir plaaslike regering in 'n provinsie kan 'n munisipaliteit van 'n bepaling waarna in artikel 91(1) van die Wet op Munisipale Strukture verwys word, binne die volgende beleidsraamwerk, vrystel:

(a) Die vrystelling moet –

- (i) verantwoordbaarheid, 'n responsiewe ingesteldheid en openheid bevorder;
- (ii) samewerkende regering bevorder;
- (iii) in die belang van die gemeenskap wees;
- (iv) in ooreenstemming wees met die kapasiteit van die betrokke munisipaliteit om sy eie verordeninge aan te neem met betrekking tot 'n aangeleentheid waarvoor voorsiening gemaak is in die vrygestelde bepaling, soos in artikel 91(2) van die Wet op Munisipale Strukture beoog; en

- (v) in ooreenstemming wees met die kategorie, soort en grootte van die betrokke munisipaliteit.
- (b) Indien die LUR vir plaaslike regering in 'n provinsie 'n munisipaliteit van enige van die bepalings waarna in artikel 91(1) van die Wet op Munisipale Strukture verwys word, vrystel -
- (i) moet die betrokke munisipaliteit 'n verordening of verordeninge uitvaardig, wat die aangeleentheid waarvan dit vrygestel is, reguleer; en
 - (ii) sal sodanige vrystelling slegs in werking tree op die datum waarop die relevante verordening gepromulgeer word.
-

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531