Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 525 Cape Town, / Kaapstad, 26 March / Maart 2009 No. 32064

THE PRESIDENCY

No. 366 26 March 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 8 of 2009: Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2009.

DIE PRESIDENSIE

No. 366 26 Maart 2009

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 8 van 2009: Wysigingswet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2009.

GENERAL EXPLANATORY NOTE:

________ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 25 March 2009.)

ACT

To amend the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005, so as to provide for consequential matters as a result of the re-determination of the geographical areas of certain provinces; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 23 of 2005

1. Section 1 of the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (hereinafter referred to as the "principal Act"), is hereby amended by the insertion after the definition of "section 12 notice" of the following definition:

" **'section 17 notice'** means a notice repealing, amending or replacing a section 12 notice in terms of section 17 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).".

Substitution of section 1A of Act 23 of 2005, as inserted by section 1 of Act 24 of 2007

2. The following section is hereby substituted for section 1A of the principal Act:

"**Application of Act as amended by Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2007, and Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2009**

1A. In the application of this Act, as amended by the Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2007, and the Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2009, due regard must be had to the provisions of the Constitution Thirteenth Amendment Act of 2007 and the Constitution Sixteenth Amendment Act of 2009.".

ALGEMENE VERDUIDELIKENDE NOTA:

________ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 25 Maart 2009.)

WET

Tot wysiging van die Wet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2005, ten einde voorsiening te maak vir gevolglike aangeleenthede as gevolg van die herbepaling van die geografiese gebiede van sekere provinsies; en om voorsiening te maak vir aangeleenthede wat daarmee in verhand staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 23 van 2005

1. Artikel 1 van die Wet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2005 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van "artikel 12-kennisgewing" die volgende omskrywing in te voeg:

" **'artikel 17-kennisgewing'** 'n kennisgewing wat 'n artikel 12-kennisgewing ingevolge artikel 17 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), herroep, wysig of vervang;".

Vervanging van artikel 1A van Wet 23 van 2005, soos ingevoeg deur artikel 1 van Wet 24 van 2007

2. Artikel 1A van die Hoofwet word hierby deur die volgende artikel vervang:

"Toepassing van Wet soos gewysig deur Wysigingswet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2007, en Wysigingswet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2009

1A. By die toepassing van hierdie Wet, soos gewysig deur die Wysigingswet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2007, en die Wysigingswet op die Herroeping van Wette Betreffende Oorgangsmunisipaliteite en Aanverwante Aangeleenthede, 2009, moet die bepalings van die Dertiende Wysigingswet op die Grondwet van 2007 en die Sestiende Wysigingswet op die Grondwet van 2009 behoorlik in ag geneem word.".

Amendment of section 2 of Act 23 of 2005

3. Section 2 of the principal Act is hereby amended by the addition in subsection (4) of the following paragraphs:

"*(e)* Despite any applicable provision of the Local Government: Municipal Structures Act, 1998, and as a result of the demarcation of the Merafong City Local Municipality contemplated in section 5*(a)* of the Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2009, the number of councillors of the Dr Kenneth Kaunda District Municipality is reduced by the number of councillors representing Merafong City Local Municipality on that District Municipality and the number of councillors of the West Rand District Municipality is increased by that number.

(f) Despite the applicable provisions of the Local Government: Municipal Structures Act, 1998, the proposed section 17 notice referred to in the first column of Schedule 6 in respect of a disestablished municipality referred to in the second column of Schedule 6 must be regarded as the notice—

(i) repealing the section 12 notice that established the municipality referred to in the second column of schedule 6; and

(ii) issued by the MEC for local government of the province indicated in the third column of Schedule 6.".

Amendment of section 4 of Act 23 of 2005

4. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) An MEC for local government may, by way of an amendment to an applicable section 12 notice, regulate any legal, practical or other consequences of the relocation of an area referred to in subsection (1) in so far as such regulation is necessary to ensure the proper functioning of a municipality in whose area of jurisdiction such relocated area falls or a municipality from whose area of jurisdiction such relocated area has been removed.".

Amendment of Schedule 4 to Act 23 of 2005, as amended by section 2 of Act 24 of 2007

5. Schedule 4 to the principal Act is hereby amended by—

(a) the substitution for the expressions in the row relating to "**NW405** known as the Merafong City Local Municipality" of the following expressions:

Identified by Map No. 14 of General Notice 1490 of 2008	**GT484** known as Merafong City Local Municipality	Gauteng

(b) the substitution for the expressions in the row relating to "**DC40** known as Southern District Municipality" of the following expressions:

Identified by Map No. 5 of General Notice 1490 of 2008	**DC40** known as Dr Kenneth Kaunda District Municipality	North West

(c) the substitution for the expressions in the row relating to "**DC48** known as West Rand District Municipality" of the following expressions:

Identified by Map No. 4 of General Notice 1490 of 2008	**DC48** known as West Rand District Municipality	Gauteng

Wysiging van artikel 2 van Wet 23 van 2005

3. Artikel 2 van die Hoofwet word hierby gewysig deur die volgende paragrawe by subartikel (4) te voeg:

"*(e)* Ondanks die toepaslike bepalings van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, en as gevolg van die afbakening van die Merafong Stad Plaaslike Munisipaliteit beoog in artikel 5*(a)* van die Wet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2009, word die getal raadslede van die Kenneth Kaunda Distriksmunisipalitiet verminder met die getal raadslede wat die Merafong Stad Plaaslike Munisipaliteit op daardie Distriksmunisipaliteit verteenwoordig en die getal raadslede van die Wesrand Distriksmunisipaliteit word met daardie getal vermeerder.

(f) Ondanks die toepaslike bepalings van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, word die voorgestelde artikel 17-kennisgewing bedoel in die eerste kolom van Bylae 6 ten opsigte van die afgeskafte munisipaliteit bedoel in die tweede kolom van Bylae 6 geag die kennisgewing te wees—

(i) wat die artikel 12-kennisgewing wat die munisipaliteit bedoel in die tweede kolom van Bylae 6 ingestel het, herroep; en

(ii) wat uitgereik is deur die LUR vir plaaslike regering van die provinsie wat in die derde kolom van Bylae 6 aangedui word.".

Wysiging van artikel 4 van Wet 23 van 2005

4. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n LUR vir plaaslike regering kan, by wyse van 'n wysiging aan 'n toepaslike artikel 12-kennisgewing, enige wetlike, praktiese of ander gevolge van die hervestiging van 'n gebied bedoel in subartikel (1) reël vir sover sodanige regulering noodsaaklik is om die behoorlike funksionering te verseker van 'n munisipaliteit in wie se regsgebied sodanige hervestigde gebied val, of 'n munisipaliteit uit wie se regsgebied sodanige hervestigde gebied verwyder is.".

Wysiging van Bylae 4 by Wet 23 van 2005, soos gewysig deur artikel 2 van Wet 24 van 2007

5. Bylae 4 by die Hoofwet word hierby gewysig—

(a) deur die uitdrukkings in die ry wat betrekking het op "**NW405** bekend as Merafong Stad Plaaslike Munisipaliteit" deur die volgende uitdrukkings te vervang:

Geïdentifiseer deur Kaart No. 14 van Algemene Kennisgewing 1490 van 2008	**GT484** bekend as Merafong Stad Plaaslike Munisipaliteit	Gauteng

(b) deur die uitdrukkings in die ry wat betrekking het op "**DC40** bekend as Suidelike Distriksmunisipaliteit" deur die volgende uitdrukkings te vervang:

Geïdentifiseer deur Kaart No. 5 van Algemene Kennisgewing 1490 van 2008	**DC40** bekend as Dr Kenneth Kaunda Distriksmunisipaliteit	Noordwes

(c) deur die uitdrukkings in die ry wat betrekking het op "**DC48** bekend as Wesrand Distriksmunisipaliteit" deur die volgende uitdrukkings te vervang:

Geïdentifiseer deur Kaart No. 4 van Algemene Kennisgewing 1490 van 2008	**DC48** bekend as Wesrand Distriksmunisipaliteit	Gauteng

Amendment of Schedule 5 to Act 23 of 2005, as amended by section 3 of Act 24 of 2007

6. Schedule 5 to the principal Act is hereby amended by—

(a) the substitution for the expressions in the row relating to "**NW405** known as Merafong City Local Municipality" of the following expressions:

Notice 5321 of 2008 (Gauteng)	**GT 484** known as Merafong City Local Municipality Map No.14 of General Notice 1490 of 2008	Gauteng	**GT484**

(b) the substitution for the expressions in the row relating to "**DC40** known as Southern District Municipality" of the following expressions:

Notice 670 of 2008 (North West)	**DC40** known as Dr Kenneth Kaunda District Municipality Map No. 5 of General Notice 1490 of 2008	North West	**DC40**

(c) the substitution for the expressions in the row relating to "**DC48** known as West Rand District Municipality" of the following expressions:

Notice 5321 of 2008 (Gauteng)	**DC48** known as West Rand District Municipality Map No.4 of General Notice 1490 of 2008	Gauteng	**DC48**

Insertion of Schedule 6 in Act 23 of 2005

7. The following Schedule is hereby inserted in the principal Act after Schedule 5:

Schedule 6

Deemed disestablished municipalities in province

Proposed section 17 notice	*Designation of disestablished municipality*	*Province in which municipality is deemed to be disestablished*
Notice 669 of 2008 (North West)	**NW405** known as Merafong City Local Municipality (Map No. 14 of the Schedule to Notice 1257 of 2005)	North West

Application of Act 23 of 2005

8. (1) Sections 2(4), 4 and 5 of the principal Act apply to the Municipalities referred to in sections 4 and 5 of this Act in accordance with the Constitution Sixteenth Amendment Act of 2009.

Wysiging van Bylae 5 by Wet 23 van 2005, soos gewysig deur artikel 3 van Wet 24 van 2007

6. Bylae 5 by die Hoofwet word hierby gewysig—

(a) deur die uitdrukkings in die ry wat betrekking het op "**NW405** bekend as Merafong Stad Plaaslike Munisipaliteit" deur die volgende uitdrukkings te vervang:

Kennisgewing 5321 van 2008 (Gauteng)	**GT484** bekend as Merafong Stad Plaaslike Munisipaliteit Kaart No. 14 van Algemene Kennisgewing 1490 van 2008	Gauteng	**GT484**

(b) deur die uitdrukkings in die ry wat betrekking het op "**DC 40** bekend as Suidelike Distriksmunisipaliteit" deur die volgende uitdrukkings te vervang:

Kennisgewing 670 van 2008 (Noordwes)	**DC40** bekend as Dr Kenneth Kaunda Distriks-munisipaliteit Kaart No. 5 van Algemene Kennisgewing 1490 van 2008	Noordwes	**DC40**

(c) deur die uitdrukkings in die ry wat betrekking het op "**DC48** bekend as Wesrand Distriksmunisipaliteit" deur die volgende uitdrukkings te vervang:

Kennisgewing 5321 van 2008 (Gauteng)	**DC48** bekend as Wesrand Distriks-munisipaliteit Kaart No. 4 van Algemene Kennisgewing 1490 van 2008	Gauteng	**DC48**

Invoeging van Bylae 6 in Wet 23 van 2005

7. Die volgende Bylae word hierby in die Hoofwet ingevoeg na Bylae 5:

Bylae 6

Geagte afskaffing van munisipaliteite in provinsie

Voorgestelde artikel 17-kennisgewing	*Aanduiding van afgeskafte munisipaliteit*	*Provinsie waarin munisipaliteit geag word afgeskaf te wees*
Kennisgewing 669 van 2008 (Noordwes)	**NW405** bekend as Merafong Stad Plaaslike Munisipaliteit (Kaart No. 14 van die Bylae by Kennisgewing 1257 van 2005)	Noordwes

Toepassing van Wet 23 van 2005

8. (1) Artikels 2(4), 4 en 5 van die Hoofwet is ooreenkomstig die bepalings van die Sestiende Wysigingswet op die Grondwet van 2009 op die Munisipaliteite bedoel in artikels 4 en 5 van hierdie Wet van toepassing.

(2) For the purposes of the application of this Act, the expression "sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005", wherever it appears in section 5 of the principal Act, must be substituted by the expression "the Constitution Sixteenth Amendment Act of 2009".

Transitional arrangements in respect of 2009 elections

9. In order to give effect to the Constitution Sixteenth Amendment Act of 2009 and for purposes of section 24 of the Electoral Act, 1998 (Act No. 73 of 1998), the voting districts in the Merafong City Local Municipality are deemed to be part of the Gauteng provincial segment of the voters' roll, if the Constitution Sixteenth Amendment Act of 2009 comes into operation before the 2009 election date.

Short title and commencement

10. (1) This Act is called the Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Act, 2009, and takes effect on the same date as the commencement of the Constitution Sixteenth Amendment Act of 2009.

(2) Section 9 is deemed to have come into operation on the day that the 2009 election was proclaimed in terms of sections 17 and 18 of the Electoral Act, 1998 (Act No. 73 of 1998).

(2) By die toepassing van hierdie Wet word die uitdrukking "artikels 2 tot 4 van die 'Constitution Twelfth Amendment Act of 2005' ", waar dit ook al voorkom in artikel 5 van die Hoofwet, vervang deur die uitdrukking "die 'Constitution Sixteenth Amendment Act of 2009' ".

Oorgangsbepalings ten opsigte van 2009-verkiesing

9. Ten einde uitvoering te gee aan die Sestiende Wysigingswet op die Grondwet van 2009, en by die toepassing van artikel 24 van die Verkiesingswet, 1998 (Wet No. 73 van 1998), word die stemdistrikte in die Merafong Stad Plaaslike Munisipaliteit geag deel van die Gautengse provinsiale segment van die kiesersrol te wees, indien die Sestiende Wysigingswet op die Grondwet van 2009 voor die datum van die 2009-verkiesing in werking tree.

Kort titel en inwerkingtreding

10. (1) Hierdie Wet heet die Wysigingswet op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2009, en tree in werking op dieselfde dag as wat die Sestiende Wysigingswet op die Grondwet van 2009 in werking tree.

(2) Artikel 9 word geag in werking te getree het op die dag waarop die 2009-verkiesing ingevolge artikels 17 and 18 van die Verkiesingswet, 1998 (Wet No. 73 van 1998), geproklameer is.