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**GENERAL NOTICE**

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## GENERAL NOTICE

NOTICE 195 OF 2009

### PUBLICATION FOR PUBLIC COMMENTS

#### **ADJUSTMENTS OF THE DIVISION OF FUNCTIONS AND POWERS AS PER SECTION 85 OF THE LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT (ACT NO.117 OF 1998)**

1. In terms of section 84 and 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, the attached adjustments are hereby published for public comments before their enactment.
2. Comments must please be submitted in writing to;

The Deputy Director General  
 Attention: Mrs Mapatane Kgomo  
 Department of Developmental Local Government and Housing  
 Private Bag X 2099  
 MMABATHO  
 2735

3. Comments by fax to facsimile number (018) 387 3812
4. Comments must be submitted within fourteen (14) days of the date of publication hereof
5. Failure to make comments within the period stated above will automatically give effect to these adjustments

#### **NOTICE IN TERMS OF SECTION 85 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT NO. 117 OF 1998)**

Under the powers invested in me by section 85 (1), 85(6) and 85 (9) of the Local Government : Municipal Structures Act,1998 (Act No. 117 of 1998), I hereby adjust the division of powers and functions by way of reallocation as inserted in Annexure "A" of the schedule of this notice

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**Mr Mothibedi Gordon Kegakilwe**  
**MEC for Local Government and Traditional Affairs**

## ANNEXURE A

| Municipality Number | Name of the Municipality             | Allocation of functions and powers in terms of section 85(1),85(6) and 85(9)   |
|---------------------|--------------------------------------|--|
| NW372               | Local Municipality of Madibeng       | The following district function previously adjusted to the local municipality indicated in brackets is hereby reversed.<br>(NW372) 84(1)(j)- Firefighting Services   |
| NW373               | Rustenburg Local Municipality        | The following district function previously adjusted to the local municipality indicated in brackets hereby reversed.<br>(NW373) 84(1)(j)- Firefighting Services  |
| NW381               | Ratlou Local Municipality            | The following district function previously adjusted to the local municipality indicated in brackets is hereby reversed<br>(NW381) 84(1)(f)- Roads  |
| NW382               | Tswaing Local Municipality           | The following district function previously adjusted to the local municipality indicated in brackets is hereby reversed.<br>(NW382) 84(1)(f)- Roads   |
| NW383               | Mafikeng Local Municipality          | The following district function previously adjusted to the local municipality indicated in brackets) is hereby reversed.<br>(NW383) 84(1)(f)- Roads  |
| NW384               | Ditsobotla Local Municipality        | The following district function previously adjusted to the local municipality indicated in brackets) is hereby reversed.<br>(NW384) 84(1)(f)- Roads  |
| NW385               | Ramotshere Moiloa Local Municipality | The following district function previously adjusted to the local municipality indicated in brackets) is hereby reversed.<br>(NW385) 84(1)(f)- Roads  |
| DC 39               | Dr Ruth Segomotsi Mompati            | The following district functions previously adjusted to the local municipality indicated in brackets are hereby reallocated.<br><b>Schedule 4 Part B</b><br>Local Tourism- (NW391)<br><b>Schedule 5 Part B</b><br>Solid Waste- (NW391, NW393, NW394, NW396)<br>Roads-(NW391, NW392, NW393) |

| <b>Municipality Number</b> | <b>Name of the Municipality</b>   | <b>Allocation of functions and powers in terms of section 85(1),85(6) and 85(9)</b>   |
|----------------------------|-----------------------------------|---|
| NW401                      | Ventersdorp Local Municipality    | The following district functions previously adjusted to the local municipality indicated in brackets are hereby reallocated.<br>(NW401) 84(1)(i)-Cemetries<br>84(1)(f)(Roads)<br>84(1)(e)-(Solid Waste)<br>84(1)(j)( Firefighting Services) |
| NW402                      | Tlokwe Local Municipality         | The following district functions previously adjusted to the local municipality indicated in brackets are hereby reversed.<br>(NW402) 84(1)(l)-Cemetries<br>84(1)(f) –Roads<br>84(1)(e)-solid waste<br>84(1)(j)- Firefighting Service        |
| NW403                      | City Council of Matlosana         | The following district functions previously adjusted to the local municipality indicated in brackets are hereby reversed. (NW403)<br>84(1)(l)-Cemetries<br>84(1)(f) –Roads<br>84(1)(e)-solid waste<br>84(1)(j)- Firefighting Service        |
| NW404                      | Maquassi Hills Local Municipality | The following district functions previously adjusted to the local municipality indicated in brackets are hereby reversed. (NW404)<br>84(1)(e)-Solid waste<br>84(1)(l)-Cemetries<br>84(1)(j)- Firefighting Services                          |

## SCHEDULE

### Definitions

1. In this schedule, unless the context indicated otherwise, or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, Chapter 2 of the Local Government : Municipal Structures Amendment Act and section 12 has the same meaning and-

"Amendment Act" means the Local Government: Municipal Structures Amendment Act, 200 (Act No 33 of 200);

"District municipalities" means the Category C municipalities established in terms of the section 12 notices and "district municipality" has a corresponding meaning;

"Local municipalities" means the Category B municipalities established in terms of the section 12 notices, and "local municipality" has a corresponding meaning

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"section 12 notices" mean the notices issued in terms of the Local Government: Municipal Structures Act in terms of which the district municipalities and local municipalities specified in the notices, for which elections were held on 05 December 2000, were established, and "section 12 notice" has a corresponding meaning; and

"ceding municipality" means the district or local municipality which loses a function or power, such function or power being allocated to another municipality in terms of Annexure A of this Schedule;

"Effective date "means 1 July 2009"

2. **Adjustment of division of functions and powers between the district municipalities and local municipalities by way of allocations.**

In terms of section 85 of the Act and with effect from 1 July 2009, the division of functions and powers between the district and the local Annexure hereto, and for the purposes of the said Annexure, "function" includes power

### **3. Legal , practical and other consequences of the adjustments**

The provisions regarding:

- a) The transfer of staff;
- b) The transfer of assets, liabilities, rights and obligation, and administrative units and other records;
- c) The continued application of any bylaw, regulations and the extent of such application, set out in the section 12 notices establishing the municipalities continue to apply with the necessary changes required by the context to the performance of a function or the exercise of a power where such function or power is allocated to the district municipality or local municipality in accordance with this notice

### **Revocation of Notice 386 of 2008**

Notice No 386 of 2008 as published in Extraordinary Provincial Gazette Number 6505 of 27 June 2008, is hereby revoked

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