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GENERAL NOTICE

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GENERAL NOTICE

NOTICE 331 OF 2009

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1988 (ACT 117 OF 1998). NOTICE OF DETERMINATION BY THE MEMBER OF THE EXECUTIVE COUNCIL OF THE NORTH WEST PROVINCE RESPONSIBLE FOR LOCAL GOVERNMENT.

By virtue of the powers vested in me by sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), read with the provisions of Section 7(1) and Section 8(1) of General Notice 301 of 2000 published in the Provincial Gazette Extraordinary No. 5574 of 29 September 2000, I have made the determination as set out hereunder.

Preamble

In terms of the provisions of Section 12(1), Section 12(3), Section 14(1) and Section 14(2) of the Local Government: Municipal Structures Act, Act 117 the KLERKSDORP LOCAL MUNICIPALITY (NW403) was established by the Notice Relating to the Establishment of the Klerksdorp Local Municipality, General Notice 301 of 2000, published in the Provincial Gazette Extraordinary No. 5574 of 29 September 2000.

General Notice 301 of 2000 was amended by Premier's Notice 1 of 2001, published in the Provincial Gazette No 5658 of ~ March 2001 by substituting and changing the name, and any reference to "KLERKSDORP LOCAL MUNICIPALITY" to the "CITY OF KLERKSDORP LOCAL MUNICIPALITY".

Premier's Notice 1 of 2001 was amended by Official Notice 9 of 2001, published in Provincial Gazette No. 5668 of 24 April 2001 by substituting and changing the name, and any reference to "CITY OF KLERKSDORP LOCAL MUNICIPALITY" to the "CITY COUNCIL OF KLERKSDORP".

Official Notice 9 of 2001 was amended by General Notice 627 of 2005, published in Provincial Gazette No. 6235 of 23 November 2005 by substituting and changing the name, and any reference to "CITY COUNCIL OF KLERKSDORP" to the "CITY OF MATLOSANA".

Section 7(1) of General Notice 301 of 2000 stipulated that the assets, liabilities, rights, duties, obligations and records of the disestablished municipalities shall vest in the established municipality in accordance with a determination made by the responsible Member, with effect from a date mentioned in such a determination. Section 7(3) of General Notice 301 of 2000 further stipulated that the said determination be published in the Provincial Gazette for information purposes and that the effective date of such a determination may be a date prior to the date of publication.

Section 8(1) of General Notice 301 of 2000 stipulated that any person in the employ of the disestablished municipality shall be transferred to and placed in the service of the established municipality in accordance with a determination made by the responsible Member, with effect from the date mentioned in the determination. Section 8(3) of General Notice 301 of 2000 further stipulated that the said determination be published in the Provincial Gazette for information purposes and that the effective date of such a determination may be a date prior to the date of publication.

The determinations as detailed hereunder were made by the responsible Member and are herewith published in accordance with the provisions of Section 7(3)(a) and Section 8(3)(a) of Notice 301 of 2000.

1 Definitions and Interpretation

In this, unless the context otherwise indicates, the singular includes the plural and vice versa, a word or expression to which a meaning has been

assigned in the Municipal Structures Act or Notice 301 of 2000 has the same meaning, and

- (1) "disestablished municipalities"** means the municipalities which had as its area of jurisdiction any part of the area as described in Annexure "A" to Notice 301 of 2000, and which were disestablished in terms of the provisions of Section 2(2) of Notice 301 of 2000..
- (2) "effective date"** means the date on which the first election of the council of the established municipality commenced, as referred to in the provisions of Section 2(2) of Notice 301 of 2000, and as such coincides with the date upon which the establishment of the established municipality took effect.
- (3) "established municipality"** means the KLERKSDORP LOCAL MUNICIPALITY (NW403), established by the provisions of Section 2 of General Notice 301 of 2000, published in the Provincial Gazette Extraordinary No. 5574 of 29 September 2000, and which is currently known as "THE CITY OF MATLOSANA".

- (4) **"Labour Relations Act"** means the Labour Relations Act, Act 66 of 1995.
- (5) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, Act 117 of 1998.
- (6) **"responsible Member"** means the Member of the Executive Council of the Province of the North West responsible for local government.

2 The Determinations and Legal Succession

2.1 Take notice that the responsible Member determined that from the effective date:


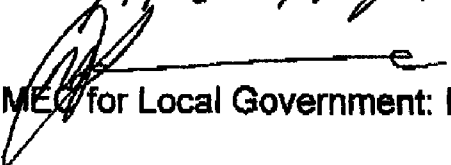
2.1.1 all the assets, liabilities, rights, duties] obligations and records of the disestablished municipalities shall vest in and be transferred to the established- municipality, who shall have right, title and interest therein and be allowed to exercise the powers and functions the established municipality has in relation thereto;

2.1.2 in accordance with Section 197 of the Labour Relations Act, any person in the employ of the disestablished municipality shall be transferred to and placed in the service of the established municipality, without interrupting such a person's

continuity of employment, and the person]s employment continues with the established municipality as if with the disestablished municipality.

- 2.2. The established municipality shall] from the effective date, be the superseding municipality in respect of the disestablished municipalities as provided for in section 14(1) of the Municipal Structures Act and shall become the successor in law and title of the disestablished municipality in all respects, including those set out in Clause 2.1 above.

Dated on this 14th day of October 2009.

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