

PROVINCIAL NOTICE 123 OF 2018

EASTERN CAPE PROVINCE

**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

REPEAL OF LOCAL GOVERNMENT LAWS BILL, 2018

The Member of the Executive Council for Co-operative Governance and Traditional Affairs hereby publishes the Repeal of Local Government Laws Bill, 2018 for public comments to the Schedule as set out in the Bill.

Interested persons and organisations may submit their comments to the above-mentioned Bill in writing on or before the 09 August 2018 for the attention of:

The Head of Department

Department of Co-operative Governance and Traditional Affairs

Room 2124

Tyamzashe Building

Phalo Avenue

BHISHO

Or

Private Bag x 0035

BHISHO

5605

Or

Per fax to 040-6351161

Or

Email: peters.marge@eccogta.gov.za/ lazola.ralushe@eccogta.gov.za

Kindly provide the name, address, telephone, fax numbers and email address of the person or organisation submitting the comments

PROVINCE OF THE EASTERN CAPE

**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

REPEAL OF LOCAL GOVERNMENT LAWS BILL (EASTERN CAPE), 2018

As introduced

**(BY THE MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR CO-
OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN THE
PROVINCE OF THE EASTERN CAPE)**

BILL

To provide for the repeal obsolete and old order Spatial Planning and Land Use Management and other local government laws assigned to the Department of Cooperative Governance and Traditional Affairs in the Province of the Eastern Cape; and to provide for matters connected therewith.

BE IT ENACTED by the Legislature of the Province of the Eastern Cape as follows:-

REPEAL OF LAWS

1. The laws mentioned in the second column of the Schedule are hereby repealed to the extent set out in the third column thereof.

SHORT TITLE

2. This Act is called the Repeal of Local Government Laws Act (Eastern Cape), 2018 and shall come into operation on a date determined by the Premier by proclamation in the Provincial Gazette.

SCHEDULE

Number and year of Act	Short title	Extent of repeal
(a) Ordinance 13 of 1913	City of Port Elizabeth Municipal Ordinance	Repealed as a whole
(b) Ordinance No. 33 of 1934	Townships Ordinance	Repealed as a whole
(c) Ordinance No.20 of 1974	Municipal Ordinance (EX – CPA)	Repealed as a whole
(d) Act 24 of 1979	Municipalities Act (Transkei)	Repealed as a whole
(e) Act No 4 of 1984	Black Communities Development Act	Sections 52 & 57B
(f) Ordinance 15 of 1985	Land Use Planning Ordinance	Repealed as a whole
(g) PN 1897 of 1986 I.T.O. Act No. 4 of 1984	Regulations Relating to Township Establishment and Land Use	Except Regulations 16,21 & 25
(h) Act No.9 of 1987	Rural Areas Act (House of Reps)	Sections 20-42,45,49,49A,50 &55
(i) Act No. 15 of 1987	Land Use Regulation Act (Ciskei)	Repealed as a whole
(j) PN 733 of 1989 I.T.O. Act No.4 of 1984	Regulations relating to the Establishment & Amendment of Town Planning Schemes	Repealed as a whole

EXPLANATORY MEMORANDUM ON THE REPEAL OF LOCAL GOVERNMENT LAWS BILL (EASTERN CAPE), 2018

PART 1

(GENERAL PRINCIPLES)

BACKGROUND

The Eastern Cape Province inherited a myriad of laws from the then Cape Provincial Administration, and the erstwhile Republics of Transkei and Ciskei, some of which regulated the spatial planning and land use activities in the province. In line with item 2(1) of Schedule 6 to the Constitution, 1996 old order Land Use and Spatial Planning legislation in the former Transkei and Ciskei is still effective to the extent that it has not been repealed.

The President of the Republic of South Africa assented to the Spatial Planning and Land Use Management Act, No. 16 of 2013 which came into operation on 01 July 2015. Act No. 16 of 2013 seeks to provide a uniform, effective and just system of spatial planning and land use management and thus rationalize old order legislation.

This Bill is therefore intended to repeal all these obsolete old order laws.

REASONS AND EFFECT OF THE BILL

The Bill is to ensure that old order Land Use and Spatial Planning and other Local Government legislation is repealed, thereby creating legal certainty.

OBJECTS OF THE BILL

The object of the Bill is to repeal obsolete and old order Land Use and Spatial Planning legislation of the Eastern Cape Province.

FINANCIAL IMPLICATIONS

The estimated costs associated with the publication of the Bill in the Provincial Gazette to solicit public comments will be R10 000-R12 000.00

CONSULTATION

The following municipalities and stakeholders have been consulted on legislation repealed by this Bill:

1. Alfred Nzo District Municipality
2. Amathole District Municipality
3. Buffalo City Metropolitan Municipality
4. Chris Hani District Municipality
5. Joe Gqabi District Municipality
6. Nelson Mandela Bay Metropolitan Municipality
7. O.R. Tambo District Municipality
8. Sarah Baartman District Municipality
9. Eastern Cape House of Traditional Leaders

PART 2

(Clause by Clause Analysis)

- CLAUSE 1 - provides for the repeal of all legislation listed in the Schedule to the Bill
- CLAUSE 2 - provides the short title of the Bill