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## 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.**



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**Act No. 8, 2009** CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL AND  
RELATED MATTERS AMENDMENT ACT, 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.

**B**E 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: 5

“‘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** 10

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** 15

**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.”. 20

**Act No. 8, 2009 CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL AND RELATED MATTERS AMENDMENT ACT, 2009**

**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	<b>GT484</b> known as Merafong City Local Municipality	Gauteng
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- (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	<b>DC40</b> known as Dr Kenneth Kaunda District Municipality	North West
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- (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	<b>DC48</b> known as West Rand District Municipality	Gauteng
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**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:

<u>Notice 5321 of 2008 (Gauteng)</u>	<u>GT 484 known as Merafong City Local Municipality Map No.14 of General Notice 1490 of 2008</u>	<u>Gauteng</u>	<u>GT484</u>
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- (b) the substitution for the expressions in the row relating to “DC40 known as Southern District Municipality” of the following expressions:

<u>Notice 670 of 2008 (North West)</u>	<u>DC40 known as Dr Kenneth Kaunda District Municipality Map No. 5 of General Notice 1490 of 2008</u>	<u>North West</u>	<u>DC40</u>
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- (c) the substitution for the expressions in the row relating to “DC48 known as West Rand District Municipality” of the following expressions:

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

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

**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.

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(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**

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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.

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**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).

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