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THE PRESIDENCY

No. 1261

23 December 2005

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

No. 23 of 2005: Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005.



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Act No. 23,2005 CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL
AND RELATED MATTERS ACT, 2005

*(English text signed by the President.)
(Assented to 22 December 2005.)*

ACT

To—

amend the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), so as to delete a provision in respect of cross-boundary municipalities; repeal the Local Government: Cross-boundary Municipalities Act, 2000 (Act No. 29 of 2000);
repeal the Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2000 (Act No. 69 of 2000);
repeal the Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2005 (Act No. 6 of 2005);
provide for consequential matters as a result of the re-alignment of former cross-boundary municipalities and the re-determination of the geographical areas of provinces; and
provide for matters connected therewith.

PREAMBLE

SINCE the Constitution Twelfth Amendment Act of 2005 provides for the re-determination of the geographical areas of the provinces;

SINCE in terms of the Constitution Twelfth Amendment Act of 2005 cross-boundary municipalities are no longer possible;

SINCE an Act amending the Constitution may not include provisions other than constitution amendments and matters connected with the amendments;

SINCE it is necessary to provide for the repeal of all provisions dealing with cross-boundary municipalities; and

SINCE it is necessary to provide for consequential arrangements as a result of the re-alignment of former cross-boundary municipalities and the re-determination of the geographical areas of provinces,

NOW THEREFORE BE IT ENACTED by the Parliament of the Republic of South Africa. as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
 - “cross-boundary municipality” means a municipality envisaged in section 155(6A) of the Constitution of the Republic of South Africa, 1996, as it existed immediately before the commencement of the Constitution Twelfth Amendment Act of 2005; 5
 - “Municipal Demarcation Board” means the board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); 10
 - “MEC for local government” means the member of the Executive Council of a province responsible for local government in the province;

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“section 12 notice” means a notice provided for in section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Consequential arrangements

- 2** (1) Despite any applicable provisions of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the demarcation by the Municipal Demarcation Board as indicated in the second column of Schedule 2 of a municipality indicated in the first column of Schedule 2 is regarded as a demarcation in terms of the Local Government: Municipal Demarcation Act, 1998, of a municipality —
- (a) with the designation indicated in the third column of Schedule 2; and
- (b) within the province indicated in the fourth column of Schedule 2.
- (2) (a) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, a section 12 notice referred to in the first column of Schedule 3 in respect of a municipality referred to in the second column of Schedule 3 is regarded as the section 12 notice —
- (i) of a newly established municipality with the designation indicated in the third column of Schedule 3; and
- (ii) issued by the MEC for local government of the province indicated in the fourth column of Schedule 3.
- (b) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, any municipality referred to in paragraph (a)(i) is regarded to be the successor in law of the municipality as designated in the second column of Schedule 3.
- (3) Despite the applicable provisions of the Local Government: Municipal Structures Act, 1998, the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), and the Electoral Commission Act, 1996 (Act No. 51 of 1996), an MEC for local government, the Municipal Demarcation Board and the Electoral Commission may take any steps in respect of a municipality referred to in the second column of Schedule 3 to prepare for a general election of all municipal councils in respect of any newly established municipality envisaged by subsection (2).
- (4) (a) Despite any applicable provisions of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the proposed demarcation by the Municipal Demarcation Board of a municipality as indicated in the first column of Schedule 4 is regarded as a demarcation in terms of the Local Government: Municipal Demarcation Act, 1998, of a municipality —
- (i) with the designation indicated in the second column of Schedule 4; and
- (ii) in the province indicated in the third column of Schedule 4.
- (b) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, the proposed section 12 notice referred to in the first column of Schedule 5 in respect of a proposed municipality referred to in the second column of Schedule 5 is regarded as the section 12 notice —
- (i) of a newly established municipality with the designation indicated in the second column of Schedule 5; and
- (ii) issued by the MEC for local government of the province indicated in the third column of Schedule 5.
- (c) Despite any applicable provisions of the Local Government: Municipal Structures Act, 1998, any municipality referred to in paragraph (b)(i) is regarded to be the successor in law of the municipality referred to in the fourth column of Schedule 5.
- (d) Despite the applicable provisions of the Local Government: Municipal Structures Act, 1998, the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), and the Electoral Commission Act, 1996 (Act No. 51 of 1996), an MEC for local government, the Municipal Demarcation Board and the Electoral Commission may take any steps in respect of a municipality referred to in the second column of Schedule 5 to prepare for a general election of all municipal councils in respect of any newly established municipality envisaged by this subsection.

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Repeal of laws

3. The laws specified in Schedule 1 are repealed to the extent set out in the third column of Schedule 1.

Savings

4. (1) Where a particular area will in future as a result of this Act be relocated in a province (the receiving province) other than the province (releasing province) in which it was located before the commencement of this Act— 5

(a) any licence, permit or authorisation issued;

(b) any appointment made to any office; or

(c) any right, privilege, obligation or liability acquired, accrued or incurred, in terms of a law applicable in the releasing province will continue to have the force of law until revoked, withdrawn or replaced in terms of a law applicable in the receiving province. 10

(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. 15

Transitional arrangements regarding the transfer of provincial functions, assets and liabilities 20

5. (1) Where a particular area is relocated from one province (the releasing province) to another province (the receiving province) at the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005—

(a) any function exercised or service delivered by the provincial government of the releasing province in the area in question must, subject to subsections (2) and (3), be exercised or delivered by the provincial government of the receiving province; and 25

(b) any asset, right, obligation, duty or liability associated or connected with the exercise of such function or the delivery of such service vests in the provincial government of the receiving province. 30

(2) The provincial government of the releasing province and the provincial government of the receiving province may before the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005 enter into an implementation protocol in terms of section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), in order to provide for— 35

(a) the provincial government of the releasing province to continue exercising a function or delivering a service on an agency basis in the area in question; or

(b) the transfer of staff in accordance with applicable labour law from the provincial government of the releasing province to the provincial government of the receiving province. 40

(3) (a) If an agreement on the content of an implementation protocol envisaged in subsection (2) cannot be reached before the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005, the matter must be referred to the National Council of Provinces.

(b) The National Council of Provinces is mandated to assist the provincial governments concerned in any manner necessary in order to reach agreement within two months after the commencement of sections 2 to 4 of the Constitution Twelfth Amendment Act of 2005. 45

(c) If no agreement is reached within the period referred to in paragraph (b), subsection (1) applies without any exception. 50

(d) Where a matter has been referred to the National Council of Provinces as provided for in paragraph (a), the provincial government of the releasing province must continue to exercise any relevant function and deliver any relevant service in the area in question during the two month period referred to in paragraph (b).

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(4) Where an implementation protocol has been concluded as provided for in subsections (2) and (3), the President's Co-ordinating Council referred to in section 6 of the Intergovernmental Relations Framework Act, 2005, must co-ordinate the implementation of the protocol in question.

(5) (a) Where immovable property vests in the provincial government of a receiving province in terms of subsection (1), the registrar of deeds having jurisdiction must upon the production of a certificate signed by both the premier of the releasing province and the premier of the receiving province, make such entries or endorsements in or on any relevant register, title deed or other document to register such immovable property in the name of the provincial government of the receiving province. 5 10

(b) No duty, fee or other charge is payable in respect of a registration in terms of paragraph (a).

Short title and commencement

6. (1) This Act is called the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005. 15

(2) Sections 2(3) and (4)(d), and 5 of this Act takes effect on the date of publication of the Act and all other provisions of this Act take effect on a date determined by the President by proclamation in the *Gazette*.

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SCHEDULE 1**Laws repealed (Section 3)**

No. and year of law	Short title	Extent of repeal
Act No. 117 of 1998	Local Government: Municipal Structures Act, 1998	Section 90
Act No. 29 of 2000	Local Government: Cross-boundary Municipalities Act, 2000	The whole
Act No. 69 of 2000	Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2000	The whole.
Act No. 6 of 2005	Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2005	The whole

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SCHEDULE 2

Demarcation of newly established municipalities in a province

Designation of municipality	Demarcation notice and date	New designation of municipality (where applicable)	Province in respect of which demarcation is deemed
Metropolitan Municipality Ekurhuleni	Identified by Map No. 1 of the Schedule to Notice 1179 of 2005	EKU (Map No. 33 of the Schedule to Notice 1594 of 2005)	Gauteng
Metropolitan Municipality Tshwane	Identified by Map No. 2 of the Schedule to Notice 1179 of 2005	TSH (Map No. 32 of the Schedule to Notice 1594 of 2005)	Gauteng
CBDC3 known as Sekhukhune District Municipality	Identified by Map No. 10 of the Schedule to Notice 1179 of 2005	DC47 (Map No. 15 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLC3 known as Greater Marble Hall Local Municipality	Identified by Map No. 11 of the Schedule to Notice 1179 of 2005	NP03a4 (Map No. 16 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLC4 known as Greater Groblersdal Local Municipality	Identified by Map No. 12 of the Schedule to Notice 1179 of 2005	NP03a5 (Map No. 17 of the Schedule to Notice 1594 of 2005)	Limpopo
CBLCS known as Greater Tubatse Local Municipality	Identified by Map No. 13 of the Schedule to Notice 1179 of 2005	NP03a6 (Map No. 18 of the Schedule to Notice 1594 of 2005)	Limpopo
DC9 known as Frances Baard District Municipality	Identified by Map No. 24 of the Schedule to Notice 1179 of 2005	DC9 (Map No. 11 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBLC7 known as Phokwane Local Municipality	Identified by Map No. 25 of the Schedule to Notice 1179 of 2005	NC094 (Map No. 12 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBDCI known as Kgalagadi District Municipality	Identified by Map No. 3 of the Schedule to Notice 1179 of 2005	DC45 (Map No. 6 of the Schedule to Notice 1594 of 2005)	Northern Cape
CBLCI known as Ga-Segonyana Cross-boundary Local Municipality	Identified by Map No. 4 of the Schedule to Notice 1179 of 2005	VC452 (Map No. 8 of the Schedule to Notice 1594 of 2005)	Northern Cape
NW1a1 known as Moshaweng Local Municipality	Identified by Map No. 5 of the Schedule to Notice 1179 of 2005	VC451 (Map No. 7 of the Schedule to Notice 1594 of 2005)	Northern Cape

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SCHEDULE 3

Deemed establishment of new municipalities in a province

Section 12 notice	Designation of municipality	New designation of <i>mu</i> -municipality (where applicable)	Province in which new municipality is deemed to be established
Notice 3585 of 2005 (Gauteng)	Metropolitan Municipality Ekurhuleni	EKU (Map No. 33 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 3584 of 2005 (Gauteng)	Metropolitan Municipality Tshwane	TSH (Map No. 32 of the Schedule to Notice 1594 of 2005)	Gauteng
Notice 4168 of 2005 (Gauteng)	GT02b1 known as Nokeng tsa Taemane	GT02b1	Gauteng
Notice 4861 of 2005 (Gauteng)	GT411 known as Mogale City Local Municipality	GT481 (Map No. 30 of the Schedule to Notice 1594 of 2005)	
Notice 4861 of 2005 (Gauteng)	GT412 known as Randfontein Local Municipality	GT482 (Map No. 31 of the Schedule to Notice 1594 of 2005)	
Notice 4861 of 2005 (Gauteng)	GT414 known as Westonaria Local Municipality	GT483 (Schedule 1 to Notice 1998 of 2005, read with map No. 23 of the Schedule to Notice 1179 of 2005)	
Notice 302 of 2000 (Northern Province)	CBDC3 known as Sekhukhune District Municipality	DC47 (Map No. 15 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 302 of 2000 (Northern Province)	CBLC3 known as Greater Marble Hall Local Municipality	NP03a4 (Map No. 16 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 302 of 2000 (Northern Province)	CBLC4 known as Greater Groblersdal Local Municipality	NP03a5 (Map No. 17 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 302 of 2000 (Northern Province)	CBLCS known as Tubatse Local Municipality	NP03a6 (Map No. 18 of the Schedule to Notice 1594 of 2005)	Limpopo
Notice 130 of 2000 (Northern Cape), read with Notice 31 of 2000 (Northern Cape)	DC9 known as Frances Baard District Municipality	DC9 (Map No. 11 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 130 of 2000 (Northern Cape), read with Notice 31 of 2000 (Northern Cape)	CBLC7 known as Phokwane Local Municipality	NC094 (Map No. 12 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 131 of 2000 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	CBDCI known as Kgalagadi District Municipality	DC45 (Map No. 6 of the Schedule to Notice 1594 of 2005)	Northern Cape
Notice 131 of 2000 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	CBLCI known as Ga-Segonyana Cross-boundary Local Municipality	NC452 (Map No. 8 of the Schedule to Notice 1594 of 2005)	Northern Cape

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SCHEDULE 4

Demarcation of newly established municipalities in a province

Proposed demarcation of a municipality (Municipal Demarcation Board notice and date)	Proposed designation of municipality	Province in respect of which demarcation is deemed
Identified by Map No. 8 of the Schedule to Notice 1257 of 2005	KZ5a6 known as Umzimkulu Local Municipality	KwaZulu-Natal
Identified by Map No. 7 of the Schedule to Notice 1257 of 2005	DC43 known as Sisonke District Municipality	KwaZulu-Natal
Identified by Map No. 11 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	DC44 known as Alfred Nzo District Municipality	Eastern Cape
Identified by Map No. 10 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	EC05b2 known as Umzimvubu Local Municipality	Eastern Cape
Identified by Map No. 9 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005	EC05b3 known as Matatiele Local Municipality	Eastern Cape
Identified by Map No. 6 of the Schedule to Notice 1257 of 2005	MP325 known as Bushbuckridge Local Municipality	Mpumalanga
Identified by Map No. 5 of the Schedule to Notice 1257 of 2005	DC32 known as Ehlanzeni District Municipality	Mpumalanga
Identified by Map No. 4 of the Schedule to Notice 1257 of 2005	NP335 known as Maruleng Local Municipality	Limpopo
Identified by Map No. 3 of the Schedule to Notice 1257 of 2005	DC33 known as Mopani District Municipality	Limpopo
Identified by Map No. 14 of the Schedule to Notice 1257 of 2005	NW405 known as Merafong City Local Municipality	Northwest
Identified by Map No. 13 of the Schedule to Notice 1257 of 2005	DC40 known as Southern District Municipality	North West
Identified by Map No. 12 of the Schedule to Notice 1257 of 2005	DC48 known as West Rand District Municipality	Gauteng
Identified by Map No. 1 of the Schedule to Notice 1257 of 2005	DC46 known as Metsweding District Municipality	Gauteng
Identified by Map No. 2 of the Schedule to Notice 1257 of 2005	GT02b2 known as Kungwini Local Municipality	Gauteng

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SCHEDULE 5

Deemed establishment of new municipalities in a province

Proposed section 12 notice	Proposed designation of municipality	Province in which new municipality is deemed to be established	Designation of former municipality
Notice 1756 of 2005 (KwaZulu-Natal), read with Notice 3253 of 2005 (KwaZulu-Natal)	KZ5a6 known as Umzimkulu Local Municipality (Map No. 8 of the Schedule to Notice 1257 of 2005)	KwaZulu-Natal	ECOSbl
Notice 1756 of 2005 (KwaZulu-Natal), read with Notice 344 of 2000 (KwaZulu-Natal) and Notice 3253 of 2005 (KwaZulu-Natal)	DC43 known as Sisonke District Municipality (Map No. 7 of the Schedule to Notice 1257 of 2005)	KwaZulu-Natal	DC43
Notice 354 of 2005 (Eastern Cape)	DC44 known as Alfred Nzo District Municipality (Map No. 11 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	DC44
Notice 354 of 2005 (Eastern Cape)	EC05b2 known as Umzimvubu Local Municipality (Map No. 10 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	EC05b2
Notice 354 of 2005 (Eastern Cape)	EC05b3 known as Matatiele Local Municipality (Map No. 9 of the Schedule to Notice 1257 of 2005, read with correction Notice 1496 of 2005)	Eastern Cape	KZ5a3
Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)	MP325 known as Bushbuckridge Local Municipality (Map No. 6 of the Schedule to Notice 1257 of 2005)	Mpumalanga	CBLC6
Notice 1286 of 2005 (Mpumalanga), read with Notice 301 of 2000 (Mpumalanga)	DC32 known as Ehlanzeni District Municipality (Map No. 5 of the Schedule to Notice 1257 of 2005)	Mpumalanga	DC32
Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)	NP335 known as Maruleng Local Municipality (Map No. 4 of the Schedule to Notice 1257 of 2005)	Limpopo	NP04a1
Notice 348 of 2005 (Limpopo), read with Notice 409 of 2005 (Limpopo)	DC33 known as Mopani District Municipality (Map No. 3 of the Schedule to Notice 1257 of 2005)	Limpopo	DC33
Notice 651 of 2005 (North West)	NW405 known as Merafong City Local Municipality (Map No. 14 of the Schedule to Notice 1257 of 2005)	North West	CBLC8
Notice 650 of 2005 (North West)	DC40 known as Southern District Municipality (Map No. 13 of the Schedule to Notice 1257 of 2005)	North West	DC40
Notice 4861 of 2005 (Gauteng)	DC48 known as West Rand District Municipality (Map No. 12 of the Schedule to Notice 1257 of 2005)	Gauteng	CBDC8

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Proposed section 12 notice	Proposed designation of municipality	Province in which new municipality is deemed to be established	Designation of former municipality
Notice 4768 of 2005 (Gauteng)	DC46 known as Metsweding District Municipality (Map No. 1 of the Schedule to Notice 1257 of 2005)	Gauteng	CBDC2
Notice 4768 of 2005 (Gauteng)	GT02b2 known as Kungwini Local Municipality (Map No. 2 of the Schedule to Notice 1257 of 2005)	Gauteng	CBLC2
Notice 89 of 2005 (Northern Cape), read with Notice 32 of 2000 (Northern Cape)	NC451 known as Moshaweng Local Municipality (Map No. 7 of the Schedule to Notice 1594 of 2005)	Northern Cape	NW1a1