

REPUBLIC OF SOUTH AFRICA

LOCAL GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL

*(As introduced in the National Assembly as a section 75 Bill) (Explanatory summary of Bill
published in Government Gazette No. 21252 of 2 June 2000) (The English text is the
official text of the Bill)*

(MINISTER OF PROVINCIAL AND LOCAL GOVERNMENT)

[B 37—2000]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP PLAASLIKE REGERING: OORGRENSMUNISIPALITEITE

*(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp)
(Verduidelikende opsomming van Wetsontwerp in Staatskoerant No. 21252 van 2 Junie
2000 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)*

(MINISTER VAN PROVINSIALE EN PLAASLIKE REGERING)

[W 37—2000]

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BILL

To give effect to section 155(6A) of the Constitution by authorizing the provincial executives affected to establish cross-boundary municipalities; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), has indicated the desirability for certain municipal boundaries to extend across provincial boundaries;

AND WHEREAS national legislation must authorise the respective provincial executives to establish a municipality within a municipal area that extends-across a provincial boundary,

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

Establishment of cross-boundary municipality

1. The members of the Executive Councils responsible for local government in the provinces indicated in the first column of the Schedule are hereby authorised to establish 5 a municipality in the municipal area mentioned in the second column of the Schedule opposite such provinces.

Short title

2. *This* Act is called the Local Government: Cross-boundary Municipalities Act, 2000.

SCHEDULE

Provinces	Municipal area
Mpumalanga and Gauteng	District Municipality CBDC2 identified by Map No. a of Schedule 2 to Notice 50 of 2000 (Mpumalanga) as amended by Notice 105 of 2000 (Mpumalanga) and Map No. c of Schedule 2 to Notice 1175 of 2000 (Gauteng) as amended by Notice 2810 of 2000 (Gauteng), respectively.
Mpumalanga and Northern Province	District Municipality CBDC3 identified by Map No. b of Schedule 2 to Notice 50 of 2000 (Mpumalanga) as amended by Notice 105 of 2000 (Mpumalanga) and Map No. a of Schedule 2 to Notice 38 of 2000 (Northern Province) as amended by Notice 106 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	District Municipality CBDC4 identified by Map No. c of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. b of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
Mpumalanga and Gauteng	Metropolitan Municipality East Rand identified by Map No. d of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. a of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
Mpumalanga and Gauteng	Local Municipality CBLC2 identified by Map No. e of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. e of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
Mpumalanga and Northern Province	Local Municipality CBLC3 identified by Map No. f of Schedule 2 to Notice 50 of 2000 (Mpumalanga) as amended by Notice 105 of 2000 (Mpumalanga) and Map No. c of Schedule 2 to Notice 38 of 2000 (Northern Province) as amended by Notice 106 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	Local Municipality CBLC4 identified by Map No. g of Schedule 2 to Notice 50 of 2000 (Mpumalanga) as amended by Notice 105 of 2000 (Mpumalanga) and Map No. d of Schedule 2 to Notice 38 of 2000 (Northern Province) as amended by Notice 106 of 2000 (Northern Province), respectively.
Mpumalanga and Northern Province	Local Municipality CBLC5 identified by Map No. h of Schedule 2 to Notice 50 of 2000 (Mpumalanga) as amended by Notice 105 of 2000 (Mpumalanga) and Map No. e of Schedule 2 to Notice 38 of 2000 (Northern Province) as amended by Notice 106 of 2000 (Northern Province), respectively.

Provinces	Municipal area
Mpumalanga and Northern Province	Local Municipality CBLC6 identified by Map No. i of Schedule 2 to Notice 50 of 2000 (Mpumalanga) and Map No. f of Schedule 2 to Notice 38 of 2000 (Northern Province), respectively.
North West and Northern Cape	District Municipality CBDC 1 identified by Map No. a of Schedule 2 to Notice 37 of 2000 (North West) and Map No. a of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
North West and Northern Cape	District Municipality DC9 identified by Map No. b of Schedule 2 to Notice 37 of 2000 (North West) and Map No. b of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
North West and Gauteng	District Municipality CBDC8 identified by Map No. c of Schedule 2 to Notice 37 of 2000 (North West) and Map No. d of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
North West and Gauteng	Metropolitan Municipality Pretoria identified by Map No. d of Schedule 2 to Notice 37 of 2000 (North West) as amended by Notice 104 of 2000 (North West) and Map No. b of Schedule 2 to Notice 1175 of 2000 (Gauteng) as amended by Notice 2810 of 2000 (Gauteng), respectively.
North West and Northern Cape	Local Municipality CBLC1 identified by Map No. e of Schedule 2 to Notice 37 of 2000 (North West) and Map No. c of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
North West and Gauteng	Local Municipality CBLC8 identified by Map No. f of Schedule 2 to Notice 37 of 2000 (North West) and Map No. f of Schedule 2 to Notice 1175 of 2000 (Gauteng), respectively.
North West and Northern Cape	Local Municipality CBLC7 identified by Map No. g of Schedule 2 to Notice 37 of 2000 (North West) and Map No. d of Schedule 2 to Notice 10 of 2000 (Northern Cape), respectively.
Eastern Cape and KwaZulu-Natal	District Municipality CBDC5 identified by Map No. a of Schedule 2 to Notice 22 of 2000 (Eastern Cape) and Map No. a of Schedule 2 to Notice M.N. 24 of 2000 (KwaZulu-Natal), respectively.

**MEMORANDUM ON THE OBJECTS OF THE LOCAL
GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL, 2000**

1. The Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), has indicated the desirability for certain municipal areas to extend across provincial boundaries. In order for such cross-boundary municipalities to be determined, section 155(6A) of the Constitution requires national legislation authorizing the respective provincial executives to establish a municipality within that municipal area.

2. The Bill seeks to provide the required authorisation in respect of the areas that have been identified by the Municipal Demarcation Board.

3. Bodies or organisations consulted:

* **Municipal Demarcation Board;**

* **The seven provincial governments affected by the identification of proposed cross-boundary municipalities; and**

* **President's Co-ordinating Council.**

4. The Bill was published for public comment in terms of section 154(2) of the Constitution.

5. Implications for provinces

The provincial governments in question must decide whether or not they are going to enter into an agreement envisaged in section 90(3) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or whether they are going to administer the cross-boundary municipality jointly.

6. Implications for municipalities

Depending on whether or not an agreement envisaged in section 90(3) of the Local Government: Municipal Structures Act, 1998, is entered into, a cross-boundary municipality may well have to apply two sets of laws emanating from the two provinces concerned.

7. Financial implications for State

None.

8. Parliamentary procedure

The State Law Advisers and the Department of Provincial and Local Government are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.