

REPUBLIC OF SOUTH AFRICA

LOCAL GOVERNMENT: CROSS-BOUNDARY MUNICIPALITIES BILL

*(As amended by the Portfolio Committee on Provincial and Local Government
(National Assembly)) (The English text is the official text of the Bill)*

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

[B 37B—2000]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP PLAASLIKE REGERING: OORGRENSMUNISIPALITEITE

*(Soos gewysig deur die Portefeuljekomitee oor Provinsiale en Plaaslike Regering
(Nasionale Vergadering)) (Die Afrikaanse teks is die amptelike vertaling van die
Wetsontwerp)*

(MINISTER VIR PROVINSIALE EN PLAASLIKE REGERING)

[W 37 B—2000]

ISBN O 621295388

No. of copies printed

1 800

BILL

To give effect to section 155(6A) of the Constitution by authorizing the provincial executives affected to establish cross-boundary municipalities; to provide for the re-determination of the boundaries of such municipalities under certain circumstances; 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.

Re-determination of boundaries

2. The boundaries of a municipality authorised by this Act may only be re-determined under circumstances other than those provided for in section 90(5) of the Local 10 Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)—

- (a) with the concurrence of the legislatures of the provinces involved; and
(b) if the re-determination is authorised by national legislation.

Short title

3. This Act is called the Local Government: Cross-boundary Municipalities Act, 15 2000.

SCHEDULE

Provinces	Municipal area
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.
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 Notices 53 and 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 Notices 105 and 153 of 2000 (Mpumalanga), and Map No. e of Schedule 2 to Notice 38 of 2000 (Northern Province), as amended by Notices 106 and 161 of 2000 (Northern Province), respectively.
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	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.
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	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.

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 11 75 of 2000 (Gauteng), as amended by Notice2810 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 Notices 53 and 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.
North West and Gauteng	District municipality CBDC8 identified by Map No. c of Schedule 2 to Notice 37 of 2000 (North West), as amended by Notice 150 of 2000 (North West), and Map No. d of Schedule 2 to Notice 1175 of 2000 (Gauteng), as amended by Notice 3687 of 2000 (Gauteng), 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.
Mpumalanga and Gauteng	Metropolitan municipality East Rand identified by Map No. d of Schedule 2 to Notice 50 of 2000 (Mpumalanga), as amended by Notice 153 of 2000 (Mpumalanga), and Map No. a of Schedule 2 to Notice 1175 of 2000 (Gauteng), as amended by Notice 3489 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.

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, and provides for the re-determination of the boundaries of the municipalities authorised by the Bill.

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.