



FREE STATE PROVINCE

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PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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OFFICE OF THE PREMIER	KANTOOR VAN DIE PREMIER
<p>No. 2 30 March 2009</p>	<p>No. 2 30 Maart 2009</p>
<p>It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-</p>	<p>Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-</p>
<p>No. 2 of 2009 : Determination of the Types of Municipalities Act, 2009</p>	<p>No. 2 van 2009 : Wet op die Bepaling van Soorte Munisipaliteite, 2009</p>

ACT

To repeal the Determination of Types of Municipality Act, 2000 (Act No. 1 of 2000) and to provide for the determination of the types of the municipalities that may be established in Categories A, B and C municipalities in the Province; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 155(1) of the Constitution defines the different categories of municipalities that may be established;

AND WHEREAS section 155(2) of the Constitution requires national legislation to define the different types of municipalities that may be established within each category of municipality;

AND WHEREAS Part 2 of Chapter 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), in compliance with section 155(2) of the Constitution, defines the different types of municipalities that may be established within each category of municipality;

AND WHEREAS section 155(5) of the Constitution requires provincial legislation to determine which of the defined types of municipalities must be established in the Province;

BE IT THEREFORE ENACTED by the Provincial Legislature of the Free State as follows:-

(Afrikaans text assented to and signed by the Premier.)

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Definitions

1. In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Local Government: Municipal Structures Act, 1998, has a similar meaning, and - 10

“category” in relation to municipalities, means a category A, B or C municipality as defined in section 155(1) of the Constitution;

“collective executive system” means a system of municipal government which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested; 15

“Constitution” means the Constitution of the Republic of South Africa Act, 1996; 20

“mayoral executive system” means a system of municipal government which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee; 25

“MEC for Local Government” means the Member of the Executive Council responsible for local government in the Province;

WET

Om die Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet Nr. 1 van 2000) te herroep en voorsiening te maak vir die bepaling van die soorte munisipaliteite wat gestig kan word in Kategorieë A, B en C munisipaliteite in die Provinsie; en om voorsiening te maak vir sake wat daarmee verband hou.

AANHEF

AANGESIEN artikel 155(1) van die Grondwet die verskillende kategorieë munisipaliteite wat gestig kan word, omskryf;

EN AANGESIEN artikel 155(2) van die Grondwet vereis dat nasionale wetgewing die verskillende soort munisipaliteite omskryf wat binne elke kategorie van munisipaliteit gestig kan word;

EN AANGESIEN Deel 2 van Hoofstuk 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998), ter nakoming van artikel 155(2) van die Grondwet, die verskillende soorte munisipaliteite omskryf wat gestig kan word binne elke kategorie van munisipaliteit;

EN AANGESIEN artikel 155(5) van die Grondwet vereis dat provinsiale wetgewing moet bepaal watter van die omskrewe soorte munisipaliteite in die Provinsie gestig moet word;

WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

(Afrikaanse teks deur die Premier bekragtig en geteken.)

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Woordomskrywings

1. In hierdie regulasies, tensy die samehang anders aandui, het 'n woord of uitdrukking waaraan 'n betekenis toegeken word in die Wet op Plaaslike Regering: Munisipale Strukture, 1998, 'n soortgelyke betekenis, en beteken -

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“**burgemeesters-uitvoerende stelsel**” ‘n stelsel van munisipale regering wat voorsiening maak vir die uitoefening van uitvoerende gesag deur ‘n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit gesetel is en wat bygestaan word deur ‘n burgemeesterskomitee;

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“**gesamentlike uitvoerende stelsel**” ‘n stelsel van munisipale regering wat voorsiening maak vir die uitoefening van uitvoerende gesag deur ‘n uitvoerende komitee waarin die uitvoerende leierskap van die munisipaliteit gesamentlik gesetel is;

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“**Grondwet**” beteken die Grondwet van die Republiek van Suid-Afrika, 1996;

“**kategorie**” met betrekking tot munisipaliteite, ‘n kategorie A, B of C munisipaliteit soos omskryf in artikel 155(1) van die Grondwet;

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“**LUR vir Plaaslike Regering**” die Lid van die Uitvoerende Raad wat verantwoordelik is vir plaaslike regering in die Provinsie;

“**plenary executive system**” means a system of municipal government which limits the exercise of executive authority to the municipal council itself;

“**Province**” means the Free State Province as referred to in section 103(1)(b) of the Constitution;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**subcouncil participatory system**” means a system of municipal government which allows for delegated powers to be exercised by subcouncils established for parts of the municipality; and

“**ward participatory system**” means a system of municipal government which allows for matters of local concern to wards to be dealt with by committees established for such wards.

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Category A municipalities

2. The following types of Category A municipalities may be established in the Province by the MEC for Local Government:

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(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a subcouncil participatory system;

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(c) a municipality with a collective executive system combined with a ward participatory system;

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(d) a municipality with a collective executive system combined with both a subcouncil and a ward participatory system;

(e) a municipality with a mayoral executive system;

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(f) a municipality with a mayoral executive system combined with a subcouncil participatory system;

(g) a municipality with a mayoral executive system combined with ward participatory system; and

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(h) a municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system.

Category B Municipalities

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3. The following types of Category B municipalities may be established in the Province by the MEC for Local Government:

(a) a municipality with a collective executive system;

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“**Provinsie**” die Provinsie Vrystaat soos na verwys word in artikel 103(1)(b) van die Grondwet;

5 “**Strukture Wet**” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet Nr. 117 van 1998);

10 “**subraad deelnemende stelsel**” ‘n stelsel van munisipale regering wat voorsiening maak vir gedelegeerde magte wat uitgeoefen kan word deur subrade wat vir gedeeltes van die munisipaliteit in die lewe geroep is;

“**volle raad uitvoerende stelsel**” ‘n stelsel van munisipale regering wat die uitoefening van uitvoerende gesag beperk tot die munisipale raad self; en

15 “**wyk deelnemende stelsel**” ‘n stelsel van munisipale regering wat voorsiening maak vir sake van plaaslike belang vir wyke om gehanteer te word deur komitees wat vir sodanige wyke geskep is.

Kategorie A munisipaliteite

20 2. Die volgende soorte Kategorie A munisipaliteite kan deur die LUR vir Plaaslike Regering in die Provinsie gestig word:

- 25 (a) ‘n munisipaliteit met ‘n gesamentlike uitvoerende stelsel;
- (b) ‘n munisipaliteit met ‘n gesamentlike uitvoerende stelsel wat gekombineer is met ‘n subraad deelnemende stelsel;
- 30 (c) ‘n munisipaliteit met ‘n gesamentlike uitvoerende stelsel wat gekombineer is met ‘n wyk deelnemende stelsel;
- (d) ‘n munisipaliteit met ‘n gesamentlike uitvoerende stelsel wat gekombineer is met beide ‘n subraad deelnemende stelsel en ‘n wyk deelnemende stelsel;
- 35 (e) ‘n munisipaliteit met ‘n burgemeesters-uitvoerende stelsel;
- (f) ‘n munisipaliteit met ‘n burgemeesters-uitvoerende stelsel wat gekombineer is met ‘n subraad deelnemende stelsel;
- 40 (g) ‘n munisipaliteit met ‘n burgemeesters-uitvoerende stelsel wat gekombineer is met ‘n wyk deelnemende stelsel; en
- (h) ‘n munisipaliteit met ‘n burgemeesters-uitvoerende stelsel wat gekombineer is met beide ‘n subraad deelnemende stelsel en ‘n wyk deelnemende stelsel.

45 Kategorie B Munisipaliteite

3. Die volgende soorte Kategorie B munisipaliteite kan deur die LUR vir Plaaslike Regering in die Provinsie gestig word:

- 50 (a) ‘n munisipaliteit met ‘n kollektiewe uitvoerende stelsel;

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(b)	a municipality with a collective executive system combined with a ward participatory system;	
(c)	a municipality with a mayoral executive system;	5
(d)	a municipality with a mayoral executive system combined with a ward participatory system;	
(e)	a municipality with a plenary executive system; and	10
(f)	a municipality with a plenary executive system combined with a ward participatory system.	
Category C Municipalities		
4.	The following types of Category C municipalities may be established in the Province by the MEC for Local Government:	15
(a)	a municipality with a collective executive system;	
(b)	a municipality with a mayoral executive system; and	20
(c)	a municipality with a plenary executive system.	
Provincial government bound by Act		
5.	The Structures Act binds the MEC for Local Government when –	25
(a)	determining the type of municipality to be established in terms of section 12 of the Structures Act;	30
(b)	changing the municipality from one type to another in terms of section 16 of the Structures Act; or	
(c)	amending or replacing an establishment notice in terms of section 17 of the Structures Act.	35
Repeal of laws		
6.	The Determination of Types of Municipality Act, 2000 (Act No. 1 of 2000), is hereby repealed.	40
Short title and commencement		
7.	This Act shall be called the Determination of the Types of Municipalities Act, 2009.	45

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- (b) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel wat gekombineer is met 'n wyk deelnemende stelsel;
- (c) 'n munisipaliteit met 'n burgemeesters-uitvoerende stelsel;
- (d) 'n munisipaliteit met 'n burgemeesters-uitvoerende stelsel wat gekombineer is met 'n wyk deelnemende stelsel;
- 10 (e) 'n munisipaliteit met 'n volle raad uitvoerende stelsel;
- (f) 'n munisipaliteit met 'n volle raad uitvoerende stelsel wat gekombineer is met 'n wyk deelnemende stelsel.

15 **Kategorie C Munisipaliteite**

4. Die volgende soorte Kategorie C munisipaliteite kan deur die LUR vir Plaaslike Regering in die Provinsie gestig word:
- 20 (a) 'n munisipaliteit met 'n gesamentlike uitvoerende stelsel;
- (b) 'n munisipaliteit met 'n burgemeesters-uitvoerende stelsel;
- (c) 'n munisipaliteit met 'n volle raad uitvoerende stelsel.

25 **Provinsiale regering verbind deur Wet**

5. Die Strukture Wet verbind die LUR vir Plaaslike Regering wanneer -
- 30 (a) die soort munisipaliteit wat gestig moet word ingevolge artikel 12 van die Strukture Wet bepaal moet word;
- (b) die munisipaliteit van een soort na 'n ander verander moet word ingevolge artikel 16 van die Strukture Wet; of
- 35 (c) 'n stigtingskennisgewing ingevolge artikel 17 van die Strukture Wet gewysig of vervang word.

Herroeping van wette

- 40 6. Die Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet Nr. 1 van 2000), word hiermee herroep.

Korttitel en inwerkingtreding

- 45 7. Hierdie Wet sal heet die Wet op die Bepaling van Soorte Munisipaliteite, 2009.

PROVINCIAL GAZETTE
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R10.50 must be sent for each copy.

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All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 12:00, seven workings days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 10:30 on the Thursday** of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

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Notices required by Law to be inserted in the Provincial Gazette: R11.50 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.

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PROVINSIALE KOERANT
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Indien eksemplare van die Provinsiale Koerant verlang word, moet R10.50 vir elke eksemplaar gestuur word.

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Seëls word nie aanvaar nie.

Sluitingstyd vir die Aannee van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later **nie as 12:00 sewe werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 10:30 op die Donderdag** van die week voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R11.50 per sentimeter of deel daarvan, enkel-kolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering