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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
ACTING DIRECTOR-GENERAL

Provincial Building,
Wale Street
Cape Town.

PROVINSIALE KENNISGEWINGS

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ADV. B. GERBER,
WNDE DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat
Kaapstad.

P.N. 70/2011

25 February 2011

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****CENTRAL KAROO DISTRICT MUNICIPALITY (DC5) ESTABLISHMENT FOURTH AMENDMENT NOTICE**

In terms of section 16, read with sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I further amend the Central Karoo District Municipality (DC5) Establishment Notice, Provincial Notice 505/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000 (the principal Notice), as set out in the schedule.

In this notice "principal Notice" means the Central Karoo District Municipality (DC5) Establishment Notice, Provincial Notice 505/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000, as amended by Provincial Notice 691/2000 published in the Provincial Gazette Extraordinary No. 5645 dated 4 December 2000, Provincial Notice 472/2002 published in the Provincial Gazette Extraordinary No. 5971 dated 19 December 2002, Provincial Notice 199/2003 published in the Provincial Gazette Extraordinary No. 6023 dated 28 May 2003 and Provincial Notice 133/2008 published in the Provincial Gazette 6511 dated 29 March 2008.

Dated this 23rd day of February 2011.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE**Amendment of principal Notice****1. Section 2 of the Schedule to the principal Notice is amended by the substitution for subsections (1) and (2) of the following subsections:**

2. (1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the District Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000. (A copy of the map is republished in Annexure "1A" to this Schedule).
- (2) (a) On 10 March 2000 the Municipal Demarcation Board, acting in terms of section 6 of the Municipal Structures Act, declared the area reflected in map no. 6 published in Government Gazette No. 21617 dated 29 September 2000 as District Management Area (WCDMA5). (A copy of the map is republished in Annexure "2A" to this Schedule).
- (b) The declaration of the District Management Area (WCDMA5) has been withdrawn by General Notice 1022/2008 published in Government Gazette 31353 dated 19 August 2008.
- (c) The municipal boundary of the Beaufort West Municipality (WCO53) has been re-determined by the Demarcation Board as reflected in map number DC5 WCO53 published under Provincial Notice 1/2008 published in Provincial Gazette Extraordinary 6492 dated 17 January 2008 read with Provincial Notice No. 198/2008 published in Provincial Gazette 6528 dated 2 June 2008, to include the area of the former District Management Area, which has been withdrawn as set out in paragraph (b).
- (d) Transitional measures to facilitate the implementation of the changes referred to in paragraphs (b) and (c) are set out in Annexure 3 to the Schedule.

2. The following section is substituted for section 8 of the Schedule to the principal Notice:

"8. The Municipal Council of the District Municipality has 13 (thirteen) councillors, as determined by the Provincial Minister in Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No. 6646 dated 31 July 2009, of whom-

- (1) 6 (six) proportionally represent the parties contesting the election in the District Municipality in terms of section 23(1)(a) of the Municipal Structures Act;
- (2) 7 (seven) directly represent the Local Municipalities in terms of section 23(1)(b) of the Municipal Structures Act, of whom-
 - (a) 1 (one) directly represents the Laingsburg Municipality (WCO51);
 - (b) 1 (one) directly represents the Prince Albert Municipality (WCO52), and
 - (c) 5 (five) directly represent the Beaufort West Municipality (WCO53)."

3. The following Annexure is inserted in the Schedule to the principal Notice after Annexure 2A:

“ANNEXURE 3

Transitional measures to facilitate the disestablishment of the District Management Area (WCDMA5) and the incorporation of the area concerned in the superseding municipality

Definitions

1. In this Annexure, unless inconsistent with the context-

“**DMA**” means the area of the former District Management Area (WCDMA5), which has been incorporated into the superseding local municipality as set out in section 2(2)(c) of this Schedule;

“**effective date**” means the date of the first general election of municipal councils after the publication of the Central Karoo District Municipality (DC5) Establishment Fourth Amendment Notice;

“**local municipal function**” means a function referred to in section 84(2) of the Municipal Structures Act and section 16C(a) of the principal Notice, and

“**superseding local municipality**” means the Beaufort West Municipality (WCO53) whose boundaries have been re-determined to include the DMA as referred to in section 2(2)(c) of this Schedule

Transitional measures

- 2.(1) Subject to sections 14 and 16 of the Municipal Structures Act, the transitional measures and principles set out in this item apply from the effective date.
- (2) The following principles determine the transfer of staff members from the District Municipality to the superseding local municipality in respect of the DMA:
- (a) Due to the fact that the District Municipality has performed all the municipal functions in the DMA, it is necessary to ensure the transfer of the staff members and assets of the District Municipality associated with the performance of local municipal functions in the DMA to the superseding local municipality to ensure that the superseding local municipality is able to perform those functions in respect of the DMA included within its municipal area.
 - (b) The District Municipality and the superseding local municipality must engage in a consultative process with each other and their staff members to determine which staff members are to be transferred from the District Municipality to the superseding local municipality to enable the superseding local municipality to fulfil the local municipal functions in respect of the DMA. A written agreement must be entered into between the District Municipality and the superseding local municipality setting out the agreement in respect of the transfer and allocation of staff members.
 - (c) The following guidelines may be followed in reaching an agreement in respect of the transfer and allocation of staff:
 - (i) A staff member of the District Municipality associated exclusively with local municipal functions which, from the effective date, are to be carried out by the superseding local municipality may be transferred to the superseding local municipality;
 - (ii) a staff member of the District Municipality associated with municipal functions which, from the effective date, are to be performed by the District Municipality and the superseding local municipality may be transferred, or may remain in the service of the District Municipality, according to the function taking up the largest portion of that staff member's time;
 - (iii) the largest portion of the time spent by a staff member in performing a municipal function may be considered to be the determining factor in the municipalities reaching an agreement pertaining to the transfer of that staff member from the District Municipality to the superseding local municipality; and
 - (iv) the municipalities concerned may by agreement determine the extent of a staff member's time towards municipal functions of either the District Municipality or the superseding local municipality.
 - (d) When a staff member is transferred to the superseding local municipality, all rights and obligations between the District Municipality and that staff member at the time of the transfer continue in force as if they were rights and obligations between the superseding local municipality and the staff member. This provision is subject to any applicable collective agreement.
 - (e) A transfer does not interrupt an employee's continuity of employment and it continues with the superseding local municipality as if with the District Municipality.
 - (f) An employee that is transferred to the superseding local municipality may be required to report to any of the offices of that municipality and, unless otherwise agreed, is not entitled to any additional remuneration as a result thereof.
 - (g) The human resource policies and procedures of the superseding local municipality is the human resource policies and procedures applicable to an employee transferred to the superseding municipality, and take force from the effective date or, if an employee is transferred with effect from a later date than the effective date, from that later date.
 - (h) In the application of this item, all the rights of employees and employers in terms of the Labour Relations Act, 1995 (Act 66 of 1995), the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), and any other applicable employment legislation must be adhered to.
- (3) The following principles determine the transfer of assets and liabilities from the District Municipality to the superseding local municipality in respect of the DMA:
- (a) All financial, movable, immovable assets, corporeal and incorporeal assets of the District Municipality associated exclusively with local municipal functions which from the effective date are to be carried out by the superseding local municipality within or in respect of the DMA, must be transferred to the superseding municipality, unless otherwise agreed to between the District Municipality and the superseding local municipality.

- (b) The transfer and distribution of financial, movable, immovable, corporeal and incorporeal assets of the District Municipality associated with municipal functions which from the effective date are to be carried out by the District Municipality and the superseding local municipality within or in respect of the DMA, must be effected on an equitable basis by having regard to the nature of, the purpose served by, the utilisation of the assets concerned or any other appropriate criteria as may be agreed upon between the District Municipality and the superseding local municipality. The transfer and distribution must be determined by way of a written agreement between the District Municipality and the superseding local municipality.
 - (c) The District Municipality must continue to spend allocations made to it in terms of the annual Division of Revenue Act in respect of municipal functions in a DMA for the 2011/12 financial year as if that area had not been incorporated into the superseding local municipality, unless the municipalities concerned have entered into a written agreement that ensures that-
 - (i) the area and the superseding local municipality are not negatively affected; or
 - (ii) the budget attached to a local municipal function to be carried out by the superseding local municipality within or in respect of the DMA is available to the superseding local municipality.
 - (d) As soon as practicable after the effective date the superseding local municipality must in respect of the DMA included in its municipal area, consider the adoption of financial management plans and policies that deal with -
 - (i) measures, including inter-municipal budgetary transfers, to ensure revenue stability;
 - (ii) medium term expenditure;
 - (iii) equalisation of tariff structures;
 - (iv) the review of the general valuation roll and the introduction of equitable property taxes;
 - (v) the introduction of a consolidated billing system;
 - (vi) the consolidation of financial accounting systems and budgetary systems;
 - (vii) credit control, and
 - (viii) procurement.
 - (e) All liabilities of the District Municipality associated exclusively with a local municipal function which from the effective date is to be carried out by the superseding local municipality within or in respect of the DMA, must be transferred to the superseding local municipality, unless otherwise agreed to between the District Municipality and the superseding local municipality.
 - (f) All liabilities of the District Municipality associated with municipal functions which from the effective date are to be carried out by the District Municipality and the superseding local municipality must be shared equitably between the District Municipality and the superseding local municipality, taking into account the nature of the liability, the cause thereof and the availability of funds to settle the liability. A written agreement must be entered into between the District Municipality and the superseding local municipality, setting out how the liabilities are to be shared.
 - (g) All records required by the superseding local municipality to perform the local municipal functions within or in respect of the DMA must be supplied by the District Municipality to the superseding local municipality within 90 days from the effective date.
 - (h) Written agreements may be entered into between the District Municipality and the superseding local municipality pertaining to functional operations within the DMA.
- (4) The following principles determine legal succession in respect of the DMA:
- (a) Notwithstanding anything to the contrary contained in any municipal service delivery agreement entered into by the District Municipality associated with a municipal function which from the effective date is to be carried out within or in respect of the DMA by the District Municipality and the superseding local municipality or by the superseding local municipality, the arrangements regarding the transfer and distribution of staff members, assets and liabilities associated with that function must be agreed to in accordance with this Annexure. The District Municipality and the superseding local municipality must by written agreement determine which municipality is the successor in law of the District Municipality in respect of the service delivery agreement. The successor in law is responsible for the administration of the agreement or any interim agreement that may be reached to ensure continued service delivery.
 - (b) From the effective date:-
 - (i) subject to subitem (a), the superseding local municipality is the successor in law of the District Municipality in respect of matters associated with local municipal functions to be carried out by the superseding local municipality within or in respect of the DMA included within its area;
 - (ii) any valuation rolls in force or arising from the introduction of interim or additional valuations within the DMA remain of force until the review by the superseding local municipality of the general valuation roll applicable to the DMA included in its area.
- (5) The following transitional measures apply in relation to by-laws and resolutions:
- (a) Any by-law in force in the DMA immediately before the effective date remains of full force subject to any amendment or repeal by the superseding local municipality.
 - (b) In the application of such a by-law in or in respect of the DMA, unless inconsistent with the context or clearly inappropriate, a reference in any such by-law to:-
 - (i) the District Municipality or its predecessor, must be construed as a reference to the superseding local municipality; and
 - (ii) a structure or functionary of the District Municipality, must be construed as a reference to the corresponding structure or functionary of the superseding local municipality.
 - (c) Subject to this Annexure, any-
 - (i) resolution taken;
 - (ii) notice, certificate or other document issued;

- (iii) direction, approval, consent or authority given;
- (iv) exemption, licence, or permit granted or issued;
- (v) appointment made;
- (vi) employee nominated;
- (vii) agreement or contract entered into;
- (viii) delegation of powers granted to an employee;
- (ix) rates, tariffs or charges levied or imposed;
- (x) reservation of land made;
- (xi) indigent provisions; and
- (xii) other action taken or thing done,

by the District Municipality in respect of the DMA and in force immediately before the effective date is deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the superseding local municipality, and continue to apply in or in respect of the DMA pending its review and rationalisation in terms of section 15 of the Municipal Structures Act.

- (d) Any staff member of the District Municipality who, on the effective date, exercises a power or performs a duty or function in respect of the DMA by virtue of the office held by him or her or by virtue of a delegation of power conferred upon him or her by the District Municipality, continues to exercise that power or perform that duty or function until such time as it may be decided to the contrary by agreement between the District Municipality and the superseding local municipality in accordance with this Annexure.
 - (e) Any statutory plan relating to municipal functions and in force in respect of the DMA immediately before the effective date, remains in force until it is amended, varied or repealed by the superseding local municipality.
- (6) The following principles apply to the agreements to be entered into between the District Municipality and the superseding local municipality in terms of this Annexure:
- (a) The District Municipality and the superseding local municipality must reach agreement within 90 days of the effective date on all the matters in respect of which an agreement is required.
 - (b) An agreement must be in writing and must be signed by all the municipalities who are parties to the agreement.
 - (c) Separate or combined contracts may be entered into relating to any of the matters in respect of which an agreement is required.
 - (d) The municipalities that are parties to an agreement must ensure that the agreement includes dispute-settlement mechanisms or procedures that are appropriate to the nature of the agreement and the matters that are likely to become the subject of a dispute.
 - (e) The municipalities that are parties to an agreement may at any time agree to amend the agreement, which amendment must be reduced to writing and signed by all the parties to the agreement.
 - (f) The District Municipality must keep every original signed agreement in a safe place and must ensure that the superseding local municipality that is a party to an agreement receives a copy of the agreement. That copy must be kept in safe place by the superseding local municipality.
 - (g) If the municipalities cannot reach an agreement within 90 days from the effective date on any of the matters in respect of which an agreement is required, the matter must be resolved in terms of item 3.

Settlement of disputes

3. (1)(a) Where a dispute arises out of or in connection with the application of this Annexure, the District Municipality and the superseding municipality (the municipalities) may by agreement follow the mediation or arbitration procedure, or mediation and arbitration procedure, as set out in subitems (2) to (16).
- (b) Paragraph (a) does not detract from the right of the District Municipality or the superseding municipality to institute any proceedings in any court of competent jurisdiction.
- (2) Any dispute arising out of or in connection with the application of this Annexure may be referred by agreement between the municipalities to mediation.
- (3) The dispute must be heard by the Mediator at a place and time to be determined by him or her in consultation with the municipalities.
- (4) The Mediator is an independent and suitably qualified person agreed upon between the municipalities or, failing agreement, nominated in terms of subitem (5).
- (5) If agreement cannot be reached regarding the selection of a Mediator within three business days after the municipalities agreed to refer the matter to mediation, the municipal managers of the municipalities must in writing inform the chairperson of the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997 (Act 52 of 1997). That chairperson must within three days of being so informed, nominate the Mediator.
- (6) The Mediator must after consultation with the municipalities, determine whether the municipalities are to make their representations in writing or orally or both in writing and orally. The Mediator may be guided by the mutual reasonable desire of the municipalities regarding the form of the representations. The municipalities may not be legally represented before the Mediator.
- (7) The municipalities must make their representations within seven business days from notification by the Mediator of the required form of their representations. The Mediator must within seven business days of the making of the representations express in writing an opinion on the matter and furnish each of the municipalities with a copy thereof by hand or by registered post.

- (8) The opinion so expressed by the Mediator is final and binding upon the municipalities unless a municipality within three days of receiving the copy of the opinion informs the other municipality in writing that it does not accept the opinion. In such event, the municipality must refer the dispute to arbitration in accordance with subitem (11). The opinion of the Mediator does not prejudice the rights of either party in any manner in the event of the dispute proceeding to court or to arbitration.
- (9) The Mediator must determine, and apportion liability for, the costs of the mediation.
- (10) The amount of the costs is due and payable to the Mediator on presentation of his or her written account.
- (11) Any dispute arising out of or in connection with this Annexure may be referred by agreement between the municipalities to arbitration.
- (12) The arbitration must be held at a place to be agreed upon between the municipalities to the dispute, informally and otherwise in accordance with the Arbitration Act, 1965 (Act 42 of 1965). If possible, the arbitration must be held and concluded within 12 days of the matter being referred to arbitration.
- (13) The Arbitrator is, if the matter in dispute is-
- (a) primarily a legal matter, a practising Senior Advocate of the Cape Bar; or
 - (b) any other matter, an independent and suitably qualified person,
- agreed upon between the municipalities or, failing agreement, nominated in terms of subitem (14)(b).
- (14) If agreement cannot be reached on whether the matter in dispute falls under subitems (13)(a) or (13)(b) or upon a particular Arbitrator within three days after the municipalities have agreed to refer the dispute to arbitration, the municipal managers of the municipalities must in writing inform the chairperson of the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997. That chairperson must within three days of being so informed, as the case may be-
- (a) determine whether the matter in dispute falls under subitem 13(a) or 13(b); or
 - (b) nominate the Arbitrator.
- (15) The Arbitrator must give his or her decision within five days after the completion of the arbitration. The Arbitrator must determine, and apportion liability for, the costs of the mediation.
- (16) The decision of the Arbitrator is final and binding and may be made an order of the Western Cape High Court upon the application by any municipality to the arbitration.”.

5. Short title and commencement

This Notice is called the Central Karoo District Municipality (DC5) Establishment Fourth Amendment Notice and has effect from the date of the next general election of municipal councils.

P.N. 71/2011

25 February 2011

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE LAINGSBURG MUNICIPALITY (WCO51) ESTABLISHMENT SIXTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Laingsburg Municipality (WCO51) Establishment Notice, Provincial Notice 506/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice “principal Notice” means the Laingsburg Municipality (WCO51) Establishment Notice, Provincial Notice 506/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000, as amended by Provincial Notice 692/2000 published in the Provincial Gazette Extraordinary No. 5645 dated 4 December 2000, Provincial Notice 473/2002 published in the Provincial Gazette Extraordinary No. 5971 dated 19 December 2002, Provincial Notice 216/2003 published in the Provincial Gazette Extraordinary No. 6029 dated 9 June 2003, Provincial Notice 26/2006 published in the Provincial Gazette Extraordinary No. 6336 dated 3 January 2006, Provincial Notice 134/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008 and Provincial Notice 266/2008 published in the Provincial Gazette No 6550 dated 1 August 2008.

Dated this 23rd day of February 2011.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule to the principal Notice

1. The following section is substituted for section 6 of the principal Notice:

“6. The Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).”.

2. The following subsections are substituted for subsections 8(1) and (2) of the principal Notice:-

“8.(1) The Municipal Council of the Municipality has 7 (seven) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 dated 4 May 2000 and repealed by Provincial Notice 100/2004 published in Provincial Gazette Extraordinary No 6137 dated 8 June 2004 and Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No 6646 dated 31 July 2009 of which 4 (four) are ward councillors and 3 (three) are proportionally elected councillors.

(2) The Municipality has 4 (four) wards.”.

Short title and commencement

3. This Notice is called the Laingsburg Municipality (WCO51) Establishment Sixth Amendment Notice and has effect from the date of the next general election of municipal councils.

P.N. 72/2011

25 February 2011

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE PRINCE ALBERT MUNICIPALITY (WCO52) ESTABLISHMENT SIXTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Prince Albert Municipality (WCO52) Establishment Notice, Provincial Notice 507/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice “principal Notice” means the Prince Albert Municipality (WCO52) Establishment Notice, Provincial Notice 507/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000, as amended by Provincial Notice 693/2000 published in the Provincial Gazette Extraordinary No. 5645 dated 4 December 2000, Provincial Notice 474/2002 published in the Provincial Gazette Extraordinary No. 5971 dated 19 December 2002, Provincial Notice 217/2003 published in the Provincial Gazette Extraordinary No. 6029 dated 9 June 2003, Provincial Notice 27/2006 published in the Provincial Gazette Extraordinary No. 6336 dated 3 January 2006, Provincial Notice 162/2007 published in the Provincial Gazette No. 6442 dated 1 June 2007 and Provincial Notice 135/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule to the principal Notice

1. The following section is substituted for section 6 of the principal Notice:-

“6. The Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).”.

2. The following subsections are substituted for subsections 8(1) and (2) of the principal Notice:-

“8.(1) The Municipal Council of the Municipality has 7 (seven) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 dated 4 May 2000 and repealed by Provincial Notice 100/2004 published in Provincial Gazette Extraordinary No. 6137 dated 8 June 2004 and Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No. 6646 dated 31 July 2009, of which 4 (four) are ward councilors and 3 (three) are proportionally elected councillors.

(2) The Municipality has 4 (four) wards.”.

Short title and commencement

3. This Notice is called the Prince Albert Municipality Establishment Sixth Amendment Notice and has effect from the date of the next general election of municipal councils.

P.N. 73/2011

25 February 2011

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE BEAUFORT WEST MUNICIPALITY (WCO53) ESTABLISHMENT FIFTH AMENDMENT NOTICE

In terms of section 16, read with sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Beaufort West Municipality (WCO53) Establishment Notice, Provincial Notice 508/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice “principal Notice” means the Beaufort West Municipality (WCO53) Establishment Notice, Provincial Notice 508/2000 published in the Provincial Gazette Extraordinary No. 5593 dated 22 September 2000, as amended by Provincial Notice 694/2000 published in the Provincial Gazette Extraordinary No. 5645 dated 4 December 2000, Provincial Notice 475/2002 published in the Provincial Gazette Extraordinary No. 5971 dated 19 December 2002, Provincial Notice 200/2003 published in the Provincial Gazette Extraordinary No. 6023 dated 28 May 2003, Provincial Notice 28/2006 published in the Provincial Gazette Extraordinary No. 6336 dated 3 January 2006 and Provincial Notice 136/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule to the principal Notice

1. Section 2 of the principal Notice is amended by the substitution for subsection (1) of the following subsection:

“2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000 (A copy of the map is republished in Annexure “1” to this Schedule) and amended by Provincial Notice 370/2003 published in Provincial Gazette Extraordinary No. 6081 dated 5 November 2003 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 dated 30 July 2004 and includes the area of the former WCDMA5 as published in Provincial Notice 1/2008 published in Provincial Gazette No. 6492 dated 17 January 2008 read with Provincial Notice 198/2008 published in Provincial Gazette No. 6528 dated 2 June 2008. (See Annexure 2 for Transitional Measures).”.

2. The following Annexure is inserted in the principal Notice after Annexure 1:

“ANNEXURE 2

Transitional Measures to facilitate the disestablishment of the District Management Area (WCDMA5)

Definitions

1. In this Annexure, unless inconsistent with the context-

“**DMA**” means the District Management Area set out in section 2(1) of this Schedule; and

“**effective date**” means the date of the next general election of municipal councils.

Transitional measures

2. Subject to section 14, read with section 16, of the Municipal Structures Act, the transitional measures to regulate and facilitate the consequences of the inclusion of the DMA into the Local Municipality are as set out in the Fourth Amendment Notice of the District Municipality Notice, published together with this notice.”.

3. Short title and commencement

This Notice is called the Beaufort West Municipality (WCO53) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.