



PROVINCE OF THE EASTERN CAPE
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(Extraordinary)

PROCLAMATIONS

PROCLAMATION

PROVINCE OF THE EASTERN CAPE

No. 16, 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993)

EXEMPTIONS FOR CERTAIN PURCHASES FOR THE PURPOSE OF LOCAL GOVERNMENT ELECTIONS

By virtue of the powers vested in me by section 10(1) of the Local Government Transition Act, 1993 (Act 209 of 1993), with the concurrence of the Provincial Committee for Local Government for the Eastern Cape Province as required in terms of section 4(1) of the aforesaid Act, I hereby make the Enactment set out in this Schedule hereto.

The Proclamation shall come into operation with immediate effect.

Dated at Port Elizabeth on the Eighteenth day of July 1995.

M. M. MAMASE,
Minister of Housing and Local Government and Competent Authority.

SCHEDULE**ENACTMENT**

To enable transitional authorities to purchase goods required for the forthcoming local government elections to be held as contemplated in section 9(1) of the Local Government Transition Act, 1993 (Act 209 of 1993), without inviting tenders and for the purchase of goods in terms of tenders accepted by the State Tender Board or for the printing of ballot papers subject to the conditions set forth hereunder.

Definitions

1. (1) In this Enactment, unless the context otherwise indicates—
 - (i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993);
 - (ii) "ballot paper" means any ballot paper contemplated in the election regulations;
 - (iii) "competent authority" means the competent authority designated by the Premier of the Eastern Cape Province for the Administration of the Act;
 - (iv) "election" means the election contemplated in section 9(1) of the Act;
 - (v) "election regulations" means the election regulations promulgated by a province in terms of section 8(2) of the Act as may be amended from time to time;
 - (vi) "goods" for the purposes of the election, means any furniture, equipment, stationery or other thing which a transitional authority is required to purchase for the purpose of complying with the election regulations;
 - (vii) "printer" means a company, closed corporation, partnership or person designated as a printer as contemplated in section 5(1)(b);
 - (viii) "State Tender Board" means the State Tender Board established in terms of section 2 of the State Tender Board Act, 1988;
 - (ix) "transitional authority" means a transitional authority as defined in the election regulations and includes any other body charged with or responsible for the elections to be held in rural areas.

Applications

2. The provisions of this Enactment shall apply to every transitional authority responsible for the implementation of the election regulations.

Exemption

3. Notwithstanding the provisions of—
 - (a) section 172(1)(a) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) (Cape) or any determination made thereunder;
 - (b) Municipalities Act, 1987 (Act 17 of 1987) (Former "Ciskei")
 - (c) Municipalities Act, 1979 (Act 24 of 1979) (Former "Transkei")
 - (d) section 4(1)(b) of the Regional Services Councils Act, 1985 (Act 109 of 1985);
 - (e) any notice issued in terms of section 4(1)(b) or any regulation made in terms of section 6(2) of the Local Councils Act (House of Assembly), 1987 (Act 94 of 1987),

any transitional authority referred to in section 2 may, without inviting tenders or obtaining quotations—

- (i) Purchase or lease any goods forming part of a tender accepted by the State Tender Board at the price or prices accepted on the conditions and specifications determined by such State Tender Board and at no other price or prices; and
- (ii) order and pay for the printing of ballot papers by a printer at the price or prices designated and on the conditions and specifications determined for printers for the area or region concerned by the State Tender Board in respect of both paper and printing.

Where the exemptions do not apply

4. Where a transitional authority does not wish to purchase any goods as contemplated in section 3, it shall comply with all legal requirements relating to the invitation and acceptance of tenders.

Procedure of placing orders

5. (1) Any transitional council which wishes to make a purchase contemplated by this Enactment shall—

(a) in the case of a purchase of goods contemplated in this Enactment, do so in accordance with the provisions of paragraph (i);

(b) in the case of the ordering and printing of ballot papers contemplated in this Enactment do so in accordance with the provisions of paragraph (ii);

so purchase and so order in accordance with the succeeding provisions—

(i) select a supplier from the list of approved suppliers provided by the State Tender Board and thereafter furnish such supplier with—

(aa) a copy of this Enactment;

(bb) its official order form specifying the nature, quantity and prices to be paid as set out in the list provided by the State Tender Board;

(cc) the specification, if any, relative to an item of goods ordered as determined by the State Tender Board;

(dd) the conditions of tender determined by the State Tender board;

(ii) select a printer from the list of approved printers by the State Tender Board and thereafter furnish such printer with—

(aa) a copy of this Enactment;

(bb) its official order form to which shall be attached a *pro forma* of each ballot paper to be printed with such details as to persons or parties as are required by the election regulations;

(cc) the price for paper and the printing of the ballot papers so ordered;

(dd) the specification for the paper to be used and the printing of ballot papers as determined by the State Tender Board, and

(ee) the conditions of tender, supply and delivery as determined by the State Tender Board;

provided that the exemption contemplated in this Enactment may apply to any printer not referred to in the list of approved printers provided by the State Tender Board and an order may be placed with such a printer if the aforesaid printer warrants that it will comply with the specification and conditions of tender determined by the State Tender Board and will not exceed the price for the printing of ballot papers in that particular area as determined by the State Tender Board.

5. (2) Any order placed in terms of subsection (1) and the proviso thereto shall be deemed to be a contract between the transitional authority and the supplier or printer concerned, the terms of which shall include the specification, conditions of tender and price determined by the State Tender Board at the time such order is placed.

Duration of Enactment

6. This Enactment shall remain in operation until the day of election contemplated in section 9 (1) of the Act.

Short title

7. This Enactment shall be called the **Exemption for the Procurement of Election Goods Enactment, 1995**.

PROCLAMATION**PROVINCE OF THE EASTERN CAPE****No. 17, 1995****LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993)****DETERMINATION OF REMUNERATION AND SERVICE BENEFITS OF TOWN CLERKS ENACTMENT, 1995**

In terms of section 10(1) of the Local Government Act, 1993 (Act No. 209 of 1993), I hereby make the Enactment set out in the Schedule hereto.

Dated at Port Elizabeth on the Eighteenth day of July 1995.

M. M. MAMASE,
Minister of Local Government.

SCHEDULE**ENACTMENT**

To authorise the Board on Remuneration and Service Benefits of Town Clerks to determine as a transitional measure the remuneration and service benefits of town clerks in the absence of a valid classification of Local Government Transitional Bodies according to grades.

Definitions

1. In this Enactment, unless the context otherwise indicates, "principal Act" means the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), and any word or expression to which a meaning has been assigned in the principal Act shall have the meaning so assigned thereto.

Application of the Principal Act

2. The principal Act is hereby made applicable to any Local Government body, transitional council or metropolitan substructure as defined in section 16 of the Local Government Transitional Act, 1993 (Act No. 209 of 1993), in the Province of the Eastern Cape.

The Board can determine the remuneration and service benefits of town clerks in the absence of a valid general grading of Local Government Transitional Bodies

3. (1) The Board may determine the remuneration and service benefits of town clerks and take resolutions in terms of the principal Act with regard to Local Government Transitional Bodies as contemplated in the Local Government Transitional Act, 1993 (Act No. 209 of 1993), regardless of the absence of valid gradings as prescribed in section 8(1) of the principal Act.

(2) The board may make such determinations having regard to the gradings of Local Authorities which applied prior to the establishment of Local Government Transitional Bodies and which fall within the area of jurisdiction of such Local Government Transitional Bodies.

Duration of Enactment

4. This Enactment shall cease to have effect when the board classifies Local Government Transitional Bodies according to grades as provided in section 8(1) of the principal Act.

Short title

5. This Enactment shall be called the **Determination of Remuneration and Service Benefits of Town Clerks Enactment, 1995**.

PROCLAMATION

PROVINCE OF THE EASTERN CAPE

No. 18, 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993)

ELECTORAL ARRANGEMENTS FOR RURAL AREAS

By virtue of the powers vested in me by section 10(1) read with section 9(2) of the Local Government Transition Act, 1993 (Act 209 of 1993), and with the concurrence of the Provincial Committee for Local Government for the Eastern Cape Province as required in terms of section 4(1) of the aforesaid Act, I hereby make the Enactment set out in the Schedule hereto.

This Proclamation shall come into operation with immediate effect.

Dated at Bisho on the Eighteenth day of July 1995.

M. M. MAMASE,
Minister of Local Government and Housing.

SCHEDULE**ENACTMENT**

To provide for the implementation of election regulations for rural areas.

Definitions

1. In this Enactment unless the context otherwise indicates:

- (i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993);
- (ii) "competent authority" means the competent authority designated by the Premier of the Eastern Cape for the administration of the Act;
- (iii) "election" means the election as contemplated in section 9(1) of the Act;
- (iv) "Enactment" means the Enactment contained in this proclamation;
- (v) "region" means a region delimited in terms of Section 2 of the Regional Services Council Act, 1985 (Act 109 of 1985), or as delimited by the Demarcation Board for Local Government for the Eastern Cape;
- (vi) "regional services council" means a regional services council established for a region;

Application

2. The provisions of this Enactment shall apply to and within every region.

Directive

3. Each regional services council is directed to take such steps, perform all acts and to do all things necessary to implement and carry out the provisions of the Election Regulations as may be amended from time to time in respect of every transitional representative council established as a result of the application of the provisions of Proclamation R. 65 dated 29 June 1995.

Duration of Enactment

4. This Enactment shall remain of force and effect until amended or repealed.

Short title

5. This Enactment shall be called the **Electoral Arrangements for Rural Areas Enactment, 1995**.

PROCLAMATION**PROVINCE OF THE EASTERN CAPE****No. 19, 1995**

LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT No. 209 OF 1993)

DETERMINATION OF NUMBER OF SEATS IN TRANSITIONAL COUNCILS

By virtue of the powers vested in me by section 8 read with section 10 (1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), I hereby determine that the transitional councils mentioned in Column I of the Schedule hereto shall have the number of seats indicated opposite each such transitional council in Column II of the Schedule.

Given under my hand at Port Elizabeth, this Eighteenth day of July 1995.

M. M. MAMASE,

Member of the Executive Council: Housing and Local Government.

SCHEDULE

COLUMN I Transitional council	COLUMN II Number of seats
Aberdeen	7
Adelaide	8
Alexandria	11
Alice	9
Alicedale	6
Aliwal North	15
Barkly East	7
Bathurst	6
Bedford	9
Bizana	7
Boesmansriviermond	7
Burgersdorp	8
Butterworth	18
Cala	6
Cathcart	7
Comfimvaba	6
Cookhouse	6
Cradock	12
Despatch	10
Dordrecht	6
East London	43
Elliot	15
Elliotdale	6
Engcobo	6
Flagstaff	6
Fort Beaufort	12
Graaff-Reinet	13
Grahamstown	20
Hamburg	6
Hankey	7
Hofmeyr	6
Humansdorp	13
Idutywa	6
Indwe	7
Jamestown	6
Jansenville	6
Jeffrey's Bay	12
Joubertina	6
Kareedouw	6
Kei Mouth	6
Kei Road	6
Keiskammahoek	6
Kentani	6
Kenton-on-Sea	8
King William's Town	26
Kirkwood	8
Klipplaat	6
Komga	7
Lady Frere	6
Lady Grey	6
Libode	6
Lusikisiki	6
Maclear	8
Middelburg	10
Middledrift	6
Molteno	9
Mount Ayliff	6
Mount Fletcher	6
Mount Frere	6
Mqanduli	6

COLUMN I Transitional council	COLUMN II Number of seats
Ngqeleni.....	6
Nieu Bethesda.....	4
Nqamakwe.....	6
Patensie.....	6
Paterson.....	8
Pearston.....	8
Peddie.....	8
Port Alfred.....	9
Port Elizabeth.....	55
Port St Johns.....	6
Queenstown.....	20
Qumbu.....	6
Rhodes.....	4
Riebeeck East.....	4
Seymore.....	6
Somerset East.....	8
St Francis Bay.....	8
Sterkspruit.....	6
Sterkstroom.....	7
Steynsburg.....	8
Steytlerville.....	6
Stutterheim.....	10
Tabankulu.....	6
Tarkastad.....	7
Tsolo.....	6
Tsomo.....	6
Ugie.....	6
Uitenhage.....	28
Umtata.....	20
Umzimkulu.....	6
Venterstad.....	7
Whittlesea.....	8
Willowmore.....	7
Willowvale.....	6

COLUMN 1 Local council	COLUMN 2 Number of seats
Oyster Bay.....	4
Seaview.....	4
Seafeld.....	4
Blue Horizon Bay.....	4
Boknes/Canon Rocks.....	4
Hogsback.....	4
Amatola Coastal Local Council.....	6

PROCLAMATION

PROVINCE OF THE EASTERN CAPE

No. 20, 1995

DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

ESTABLISHMENT OF RURAL GOVERNMENT STRUCTURES

By virtue of the powers vested in me by section 10 of the Local Government Transition Act, 1993 (Act 209 of 1993), and with the concurrence of the Provincial Committee for Local Government for the Eastern Cape Province as required in terms of section 4 (1) of the aforesaid Act, I hereby make the Enactment set out in the Schedule hereto.

Dated at Bisho on this Eighteenth day of July 1995.

M. M. MAMASE,

Minister of Local Government and Housing and Competent Authority.

SCHEDULE**ENACTMENT**

To abolish regional services councils and to replace them with district councils; to establish transitional representative councils and to deal with all matters necessary or incidental thereto.

Definitions

1. In these Enactments unless the context otherwise indicates—

- (i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993), as amended from time to time;
- (ii) "Auditor-General" means the Auditor-General referred to in section 2 of the Auditor-General Act, 1989 (Act 53 of 1989);
- (iii) "competent authority" means the competent authority designated by the Premier for the administration of the Act;
- (iv) "Director-General" means the Director-General for the Eastern Cape Province;
- (v) "district" means a district established or to be established in terms of section 5 of these Enactments;
- (vi) "district council" means a district council established in terms of section 6 of these Enactments;
- (vii) "Eastern Cape Province" means the Eastern Cape Province established in terms of section 124 (1) (a) of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993);
- (viii) "Election Regulations" means the Election Regulations promulgated in terms of Proclamation 95 dated 30 December 1994;
- (ix) "Enactments" means the provisions contained in section 1 to 27;
- (x) "Interest group" means an interest group defined in section 9A of the Act;
- (xi) "local council" means a local council established in terms of section 2 of the Local Councils (House of Assembly) Act, 1987 (Act 94 of 1987);
- (xii) "Municipal Ordinance" means the Municipal Ordinance, 1974 (Ordinance 20 of 1974);
- (xiii) "region" means a region delimited in terms of section 2 of the Regional Services Councils Act, 1985 (Act 109 of 1985), and as referred to in section 5;
- (xiv) "regional services council" means a regional services council established in terms of section 3 of the Regional Services Councils Act, 1985 (Act 109 of 1985);
- (xv) "rural council" means a rural council established in terms of section 12A of the Regional Services Councils Act, 1985 (Act 109 of 1985);
- (xvi) "transitional local council" means a transitional local council established in terms of section 7 (1) (b) of the Act;
- (xvii) "transitional representative council" means a transitional representative council referred to in section 9C (1) of the Act;
- (xviii) "traditional leader" means a traditional leader contemplated in Chapter 11 of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993).

Application

2. The provisions of these Enactments apply to the whole of the Eastern Cape Province, except within the area of jurisdiction of a transitional local council.

PART A: DISESTABLISHMENT AND ABOLITION**Regional services councils**

3. Every regional services council is disestablished.

Rural council

4. Every rural council established in terms of section 12A of the Regional Services Councils Act, 1985 (Act 109 of 1985), is abolished.

PART B: DISTRICTS AND DISTRICT COUNCILS

Establishment of districts

5. (1) Every region in existence on the operative date shall be a district referred to in subsection (2), respectively, under the letters A, B, C, D, E and F.

(2) Each district established in terms of subsection (1) shall be divided into those transitional representative councils established in terms of section 15 under the name for each, together with the number of elected and nominated seats for each such transitional representative council as is reflected below—

<i>Transitional representative council</i>	<i>Total seats</i>	<i>Elected seats</i>	<i>Nominated seats</i>
1. District Council A			
Aberdeen	6	5	1
Alexandria	9	7	2
Graaff-Reinet.....	7	6	1
Hankey	8	7	1
Humansdorp.....	10	8	2
Jansenville	6	5	1
Joubertina.....	8	7	1
Kirkwood	9	7	2
Pearston.....	6	5	1
Port Elizabeth.....	12	10	2
Somerset East	7	6	1
Steytlerville.....	6	5	1
Uitenhage	7	6	1
Willowmore	7	6	1
2. District Council B			
Adelaide	7	6	1
Albany	10	8	2
Bathurst.....	8	7	1
Bedford	6	5	1
Butterworth/Gcuwa	14	12	2
Cathcart.....	7	6	1
Centani	19	16	3
East London/Mdantsane	24	20	4
Fort Beaufort.....	8	7	1
Gatyana/Willowvale	20	17	3
Idutywa	18	15	3
Keiskammahoek	12	10	2
King William's Town/Zwelitsha	23	19	4
Komga	6	5	1
Middeldrift.....	15	12	3
Mpfu/Stockenstroom	8	7	1
Nqamakwe	18	15	3
Peddie.....	15	12	3
Stutterheim.....	9	7	2
Tsomo	17	14	3
Victoria East.....	16	13	3
3. District Council C			
Albert	7	6	1
Aliwal North.....	7	8	1
Barkly East	8	7	1
Herschel.....	21	17	4
Indwe.....	6	5	1
Lady Grey	7	6	1
Venterstad	6	5	1
Wadehouse.....	7	6	1
Xalanga/Cala.....	14	12	2

Transitional representative council	Total seats	Elected seats	Nominated seats
4. District Council D			
Cacadu/Glen Grey.....	23	19	4
Cofimvaba.....	19	16	3
Cradock.....	8	7	1
Hawu.....	11	9	2
Hofmeyer.....	6	5	1
Middelburg.....	7	6	1
Molteno.....	7	6	1
Nmabathemba.....	10	8	2
Queenstown.....	8	7	1
Sterkstroom.....	6	5	1
Steynsburg.....	6	5	1
Tarka.....	6	5	1
5. District Council E			
Elliot.....	6	5	1
Engcobo.....	23	19	4
Libode.....	19	16	3
Maclear.....	6	5	1
Mqandull.....	21	17	4
Nggqeleni.....	21	17	4
Qumbu.....	20	17	3
Tsolo.....	18	15	3
Umtata.....	28	23	5
Umzimvubu.....	14	12	2
Xhora.....	16	13	3
6. District Council F			
Bizana.....	23	19	4
Kwabhaca/Mount Frere.....	21	17	4
Lusikisiki.....	25	21	4
Maluti.....	19	16	3
Maxeslbeni/Mount Ayliff.....	16	13	3
Mount Fletcher.....	21	17	4
Siphageni/Flagstaff.....	22	18	4
Tabankulu.....	20	17	3
Umzimkulu.....	21	17	4

(3) Each district established in terms so subsection 6 shall by reason agree on a name for its district and submit such name to the competent authority for proclamation in the *Provincial Gazette*.

District councils

6. For every district there shall be a district council, the members of which shall be nominated by the transitional local councils and the transitional representative councils according to the number of seats in column 1 on each district council in the number indicated in column 2:

COLUMN 1 No of seats	COLUMN 2
1-10.....	1
11-20.....	2
21-40.....	3
41 or more.....	4

Chairperson and vice-chairperson

7. (1) A district council shall within twenty-one days of being established—
 (a) elect from amongst its members, one member to be chairperson and another member to be vice-chairperson, or

(b) elect a person resident in its district who is an enrolled voter in that district and who is considered to be a fit and proper person, to be its chairperson: Provided that in such a case, the aforesaid district council shall also elect from amongst its members, one member to be vice-chairperson.

(2) Whenever the chairperson is absent or unable to perform his or her duties, the vice-chairperson shall act as chairperson.

Meetings

8. (a) The holding of meetings, the manner of convening meetings, the quorum for meetings, the preparation of agendas, the keeping of minutes and conduct and procedure at meetings for or of district councils, shall *mutatis mutandis* be in accordance with the appropriate provisions in the Municipal Ordinance and the standard rules of order published under Provincial Notice 148 of 1952 as amended from time to time.

(b) The provisions of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) in respect of decision-making and the taking of ordinary and special resolutions and the provisions of section 16 (5) of the Act shall apply *mutatis mutandis* to a district council.

Fiscal powers

9. Every district council—

(a) shall have the power to levy and claim the regional services levy and the regional establishment levy referred to in section 12 (1) (a) of the Regional Services Councils Act, 1985 (Act 109 of 1985), which the prior regional services council would, but for its disestablishment, have levied and claimed and those provisions of the aforesaid Regional Services Councils Act which relate thereto shall apply to such district council and be deemed to form part of these Enactments.

(b) shall, subject to the written approval of the competent authority, from time to time and in the manner contemplated in section 187 of the Municipal Ordinance, fix service charges payable by those persons who do not pay the property rate referred to in paragraph (b), but who receive services from the district council.

Financial matters

10. (1) The financial year for a district council shall be from 1 July in every year to 30 June in the next ensuing year.

(2) Every district council shall cause to be kept such books of account as may be necessary to maintain a detailed record of all assets, liabilities and financial transactions, showing *inter alia* capital transactions and revenue, transactions separately, and such books and records as may be required by the Auditor-General.

(3) The books of account shall be kept in the custody of the treasurer and shall not be removed except by leave of the district council or by order of the competent authority or by order of a competent court. Any person may at all reasonable times, without payment of any fee, inspect and take extracts from the district council's main books of account, excluding such portions of such books of account as contain details of debtors and creditors accounts and personal accounts in respect of any other person.

(4) Every district council shall annually, at a special meeting held not later than the thirtieth day of June after at least fourteen days notice thereof has been given, adopt estimates of probable income and expenditure on revenue account (to be known as the annual operating budget) and estimates of anticipated capital expenditure (to be known as the capital budget) for the calendar year next ensuing.

(5) The budgets, referred to in subsection (4) which are adopted by the council shall be signed by the chairperson, the chief executive officer and the treasurer and shall be available for inspection by any voter of the region.

(6) Within thirty days of the holding of the special meeting referred to in subsection (1), the district council shall cause—

(a) a duly authenticated copy of the budgets adopted by the council to be submitted to the Director-General who may call for such further documents and information as he or she may require and report any contravention of these Enactments or the applicable law to the competent authority or the Auditor-General, as the case may be, and

(b) to be published in the press a notice stating the amount of every levy made by it and that an abstract of such budgets is available for inspection at the offices of the district council.

(7) No district council shall depart from the operating and capital budgets adopted by it or exceed the total amount of the estimated expenditure therein: Provided that such total amount may by special resolution be exceeded—

(a) up to an amount not exceeding three per cent thereof, in the case of the operating budget, and

(b) by such further amount as the competent authority may approve in respect of either budget.

(8) The books, statements, transactions, accounts, registers and balance sheets of a district council shall be audited by the Auditor-General.

(9) A district council shall allocate its income equitably between the transitional local councils and the transitional representative councils in its district.

Powers, duties and functions

11. (1) A district council shall, notwithstanding the disestablishment of the prior regional services council, continue to exercise the powers and perform the duties and functions of a regional services council as if the Regional Services Councils Act, 1986 (Act 109 of 1985), still applied to it and shall in addition—

- (a) have all the powers, functions and duties of a municipal council established or deemed to have been established in terms of section 5 of the Municipal Ordinance within the area of jurisdiction of a transitional representative council; and
- (b) have all the powers, duties and functions conferred or imposed by these Enactments and Part VA of the Act.

Employees

12. (1) Subject to the provisions of the Act, on the date when these Enactments come into operation—

- (a) all employees of a prior regional services council shall be deemed to have been transferred to the service of the succeeding district council.
- (b) the employment of the said employees by the aforesaid district council shall be deemed to be in continuation of their employment by the regional services council concerned, on the same terms and conditions and in the same posts which, on the date on which these Enactments come into operation, applied to their employment by the said regional services council, and
- (c) no amendment of the said terms and conditions shall be valid save through the same methods which, at the date referred to in paragraph (b), were required for their employment by the said regional services council, or through methods which are in accordance with subsequent developments in labour law.

(2) Every employee referred to in subsection (1) shall individually—

- (a) be credited with all the vacation and sick leave standing to his or her credit with the aforesaid regional services council on the date on which these Enactments come into operation;
 - (b) as far as pensionable service is concerned, be deemed to have been in the employ of the succeeding district council, from the date recorded in terms of the rules of the applicable pension funds;
 - (c) as far as chronological seniority is concerned, be deemed to have been in the employ of the succeeding district council, from the date of his or her employment by the regional services council concerned, to the extent that he or she had been continuously in the employ of the said regional services council.
 - (d) in respect of any allegation of misconduct or other disciplinary matter outstanding against him or her with such regional services council, be dealt with in terms of the conditions applicable to him or her whilst in its employ; and
 - (e) carry with him or her any service record established whilst in the employ of such regional services council.
- (3) Any employee of any regional services council who by virtue of his or her terms and conditions of employment is—
- (a) a member of a pension or provident fund; and/or
 - (b) a member of a medical aid scheme in terms of which the whole or a part of his or her medical costs are paid for or refunded; and/or
 - (c) insured under any scheme in terms of which his or her life is insured for a benefit, after death, equal to or a multiple of his or her remuneration,

shall remain a member of such pension, provident, or medical aid fund or insurance scheme and, if applicable, continue to be insured in the manner described in this subsection and in connection therewith the district council which is the employer of such employee shall continue to pay any subsidy of or contribution to such pension, provident or medical aid fund or insurance scheme.

Legal succession

13. (1) A district council established in terms of these Enactments shall be the successor in law to the prior regional services council abolished in terms of section 4 (a).

(2) With effect from the date referred to in section 26—

- (a) the ownership of all movable and immovable property and other assets of the prior regional services council shall, subject to such determinations as the competent authority may make in terms of the Act, vest in the district council;
- (b) all levies, revenue and other monies payable to or recoverable by the prior regional services council shall be payable to and recoverable by the succeeding district council; and
- (c) all other rights, powers and privileges of whatsoever nature and all liabilities, duties and obligations of the prior regional services council shall vest in and devolve upon the succeeding district council, which may continue to prosecute or defend all legal proceedings instituted by or the prior regional services council and may do all things necessary or expedient in connection with such proceedings.

(3) Subject to the provisions of section 16 of the Act, any person who on the date on which these Enactments come into operation, exercises a power or performs a duty or function by virtue of the office held by him or her or by virtue of a delegation of power to him or her by a prior regional services council, such employee shall continue to exercise that power or perform that duty or function until such time as it may be decided to the contrary by the succeeding district council.

(4) Any right, power or duty which, on the date on which these Enactments come into operation, has vested in or been imposed upon any prior regional services council shall be deemed to vest in or to be imposed upon the succeeding district council, which has, in accordance with subsection (1) become the successor in law to such prior regional services council.

(5) Any—

- (a) resolution taken;
- (b) notice, certificate or other document issued;
- (c) direction, approval, consent or authority given;
- (d) exemption, licence or permit granted or issued;
- (e) appointment or by-law made;
- (f) employee nominated; or
- (g) other action taken or thing done,

by a prior regional services council shall be deemed to have been taken, issued, given, granted, made, elected, nominated or done by the succeeding district council and shall remain of force and effect until rescinded, varied or amended by the succeeding district council.

(6) The drawing up of financial statements as required by law after the date on which these Enactments come into operation is postponed until after the election to be held in terms of section 9 (1) of the Act, subject to any requirements and directives of the Auditor-General and the Administrator.

PART C: TRANSITIONAL REPRESENTATIVE COUNCILS

Areas of jurisdiction

14. The area of jurisdiction of a transitional representative council shall be the area of a magisterial district save and except in the case of—

- (a) the non-urban areas of the East London and Mdantsane magisterial districts which together shall comprise the area of a transitional representative council; and
- (b) the rural area of Zweiltsha and King William's Town, both of which areas shall respectively be the area of jurisdiction of a transitional representative council.

Establishment

15. The transitional representative councils, with the names and number of seats for each transitional representative council, reflected in section 5(2) under the names and with the number of elected and nominated seats there stated, are established.

Nominations

16. (a) Subject in the case of traditional leaders to the provisions of Chapter 11 of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993), farmers, farm labourers, women and traditional leaders may be nominated as members of a transitional representative council as contemplated in section 9C(1)(b) of the Act.

(b) The competent authority shall not less than fifteen days before the nomination day contemplated in the Election Regulations, publish a notice in the Provincial Gazette naming the interest groups recognised by him or her in terms of section 9C(1)(b) of the Act.

Electoral system

17. The system for the election of members of a transitional representative council shall be the system of proportional representation provided for in the Election Regulations and these Enactments.

Chairperson and vice-chairperson

18. (1) Not later than 30 days after the day contemplated in section 9(1) of the Act, each transitional representative council shall hold a meeting and elect one of their members to be chairperson and another member to be vice-chairperson.

(2) Whenever the chairperson is absent or unable to perform his or her duties, the vice-chairperson shall act as chairperson.

Meetings, decisions and related matters

19. The provisions of section 8 shall apply to a transitional representative council.

Provision of services

20. The district council shall provide local government services within the area of each transitional representative council.

Powers and duties

21. The powers and duties of a transitional representative council shall be those provided for in section 9(3) of the Act.

Administration

22. The district council shall be responsible for the administration of a transitional representative council.

PART D: ELECTION MATTERS**Application of Election Regulations**

23. The Election Regulations shall apply to the election of members of transitional representative councils according to the system of proportional representation contained therein.

Variation

24. Whenever the provisions of the Election Regulations are applied to the election of members of a transitional representative council, such Regulations shall be deemed also to contain the succeeding provisions—

Special Definitions

(1) For the purposes of this Part of these Enactments, unless the context otherwise indicates, the following terms have the meaning assigned to them—

“chief executive officer” means the chief executive officer of a transitional representative council;

“interest group” means an interest group defined in section 9A of the Act;

Electoral System

(2) Notwithstanding the provisions of these regulations, the members of a transitional representative council shall be elected and/or nominated as provided for in the Act and these Enactments and in respect of such election the system of proportional representation and the provisions relating thereto provided for in these Enactments, shall so apply.

Claims and Objections

(3) Notwithstanding the provision in regulation 4(1)(a) as to the time when the notice referred to therein shall be published, the voters' roll officer shall publish such notice by not later than a date and for such period being not less than 14 days, as the Premier may direct.

Inspection of Draft Voters' Roll

(4) Notwithstanding the provisions of regulation 4(1)(a), the voters' roll officer of a transitional representative council shall make copies of the voters' roll available for inspection—

(a) at the office or offices of the transitional representative council and at such other places as may be necessary for that purpose;

(b) during the hours of 07:00 to 17:00 daily, including a Saturday and any public holiday.

Criteria to Delimit Districts and TRC Areas

(5) In addition to the criteria referred to in regulation 17(1) excluding any reference to regulation 16(1), the Local Government Demarcation Board shall also take into account the provisions of section 9D(4) relating to preference being given to magisterial districts.

Voting Stations

(6) In an election for a transitional representative council—

(a) where the most suitable place to use as a voting station is outside the boundaries of such council, the returning officer may locate such voting station in such place; or

(b) the returning officer may in addition to any voting station located at a place, also provide for one or more mobile voting stations:

Provided—

(i) that in any case contemplated in paragraph (a) or paragraph (b) the returning officer shall ensure that the voters concerned are effectively advised of the place or places where they may cast their votes; and

(ii) in the case of a mobile voting station, whenever such a station is stationary, the presiding officer shall ensure that an inner perimeter contemplated in regulation 41(1)(b) is established.

Times

(7) Notwithstanding any provision in these regulations which stipulates or prescribes a time or times by which anything must be done or any act performed, the Premier shall in respect of a transitional representative council stipulate or prescribe such time or times as may be necessary in the circumstances.

Protection of Voters

(8) No persons shall—

- (a) hinder, obstruct or prevent any voter; or
- (b) cause any voter to be hindered, obstructed or prevented,

from making any claim or objection contemplated in these regulations or from attending upon a voting station for the purpose of casting his or her vote.

(2) Any contravention of subregulation (1) shall be an offence.

Duration

25. These Enactments shall remain in operation for a period of four years or until amended or replaced, whichever occurs first.

Operative date

26. These Enactments shall come into operation on a date announced by the competent authority by notice in the *Provincial Gazette*.

Short title

27. These Enactments shall be known as the **Rural Local Government Enactments, 1995**.

CONTENTS

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
PROCLAMATIONS			
16	Local Government Transition Act (209/1993): Exemptions for certain purchases for the purpose of Local Government Elections	1	86
17	do.: Determination of Remuneration and Service Benefits of Town Clerks Enactment, 1995	3	86
18	do.: Electoral arrangements for rural areas	4	86
19	do.: Determination of number of seats in transitional councils	5	86
20	do.: Establishment of rural government structures	7	86
