



**NORTH WEST
NOORDWES**

EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

Vol. 259

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Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect from **01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS



GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

IMPORTANT NOTICE:

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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

Gazette *Page*
No. *No.*

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

98	Local Government Municipal Structures Act (117/1998): Notice in terms of section 12 of the Local Government 7660.....4
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 98 OF 2016**NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL
STRUCTURES ACT, NO 117 OF 1998**

I Fenny Gaolaolwe, Member of the Executive Council responsible for Local Government in the North West Province, hereby publish in terms of section 12 of the Local Government Municipal Structures Act, No 117 of 1998, the establishment of the new municipality (NW405) in line with the Provincial Notice No. 62 of 2015 as published by the Municipal Demarcation Board in the extra ordinary provincial gazette No.7525 dated 25 August 2015 and disestablish the local municipalities of Ventersdorp and Tlokwe respectively, as detailed in Schedule A.

Given under my hand at Mahikeng, day of 9/06/2016.



FENNY GAOLAOLWE

**MEMBER OF THE EXECUTIVE COUNCIL OF THE NORTH WEST PROVINCE
RESPONSIBLE FOR LOCAL GOVERNMENT AND HUMAN SETTLEMENT.**

Schedule A

Definitions

1. In this notice any word or expression to which a meaning has been assigned in the Local Government : Municipal Structures Act, 1998, herein after referred to as the Act , shall, unless clearly inappropriate ,bear that meaning , and , unless the context otherwise indicates-

“Constitution” means the Constitution of the Republic of South Africa;

“Demarcation board” means the Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998(Act 27 of 1998)

“disestablished municipalities” means existing municipalities disestablished in terms of section 2 of this schedule;

“existing municipalities” means Ventersdorp andTlokwe Local Municipalities

“district municipalities” means the Category C municipality named Dr Kenneth Kaunda District Municipality;

“Effective date” means

- (a) The day on which the results of the elections of the councils of the district and local municipalities in the district are declared elected in terms of section 190(1)(c) of the Constitution;
- (b) If the results of any one or more of these councils cannot be declared , and a re-election must be held , the day on which the results of the re-elections are declared

“local municipality” means Category B municipality referred to in section 2 of this schedule;

“Municipal Structures Act” means the Local Government: Municipal Structures Act , 1998(Act 117 of 1998);

“North West Municipal Structures Act” means the North West Municipal Structures Act, 2000(Act 3 of 2000);

“proportionally elected councillors” means councillors elected to proportionally represent parties in a municipal council;

“MEC” means the Member of the Executive Council of the Province of North West responsible for local government and Human Settlement;

“ward councillor” means a councillor elected to represent a ward in a municipal council.

“NW405” Means the code given to the Ventersdorp /Tlokwe as redetermined by the municipal demarcation board

**ESTABLISHMENT, DISESTABLISHMENT AND CATEGORISATION OF MUNICIPALITY
IN TERMS OF SECTION 12 NOTICE OF THE MUNICIPAL STRUCTURES ACT NO 117
OF 1998 HEREAFTER REFFERED TO AS THE ACT**

2. The local municipality designated as NW405(Ventersdorp/Tlokwe Local Municipality) by Demarcation Board for which elections shall be held as contemplated in the Act, which –

- (a) Shall be a juristic person;
- (b) Category B Municipality as determined by the Demarcation Board in terms of section 4 of the Act falling within the district municipal area of the category C municipality known as Dr Kenneth Kaunda District Municipality.
- (c) Shall be a type as described in Section 9 (d) of the Municipal Structures Act
- (d) Shall be known as Ventersdorp/Tlokwe Local Municipality(NW405)

Regulation of effects of establishment of municipality on existing municipalities

3. A municipality in paragraph 2, supra, supersedes the existing municipalities to the extent that existing municipalities fall with the area as demarcated by the municipal demarcation board. The superseding municipality becomes the successor in law of the existing municipalities.

4. To the extent that the municipality contemplated in paragraph 2 supersedes the existing municipalities falling with the same area as determined by the municipal demarcation board, these existing municipalities or any part thereof falling within the area of jurisdiction of the new municipality shall

- (a) be disestablished and,
- (b) The establishment of the municipality contemplated in this notice, takes effect at the commencement of the next election of the municipal council.
- (c) The municipality as contemplated, in this notice shall be the Category B municipality with mayoral executive system combined with a ward participatory system.
- (d) The municipality shall have the boundaries as determined by the Municipal Demarcation board.

Composition of the local municipality.

5. The local municipality as contemplated in this notice shall have the council consisting of 67 councillors, 8 councillors shall be appointed by the local municipality to represent the local to the district.

- (a) councillors being proportionally elected, and
- (b) ward councillors
- (c) The council of the local municipality may designate any or all of the following offices in the council to which councillors may be elected as full-time;
 - (i) The speaker
 - (ii) The mayor
 - (iii) Members of the executive committee or mayoral committee as the case maybe.

- (d) The municipality shall consist of the number of wards as determined by the municipal demarcation board Notice No. 129 of 2015 per gazette No. 7572 dated 20 November 2015 for which the number of wards shall be 34.
- (e) The participation of the traditional leaders in the proceedings of the municipal council shall take place in accordance with the provision of section 81 of the Act

Exemption from the provision of the Act

6. The local municipality as contemplated in this notice is not exempted from any of the provisions of the Act

The regulation of the legal, practical and other consequences of the total disestablishment of the existing municipalities,

7. (1) A municipality established in terms of section 12 of the Act provides the following regulations;

- (a) The councillors of the existing municipalities shall vacate their office when the council of the local municipality referred to in this notice has been declared duly elected.
- (b) Transfer of staff from the existing municipalities to the superseding municipality- any person in the employ of the existing municipality referred to in this notice shall, in accordance with the determination of the MEC with effect from a date mentioned in such determination, be transferred to and placed in a service of local municipality, the relevant district municipality or any other local municipality within the district municipality on such terms and conditions of service which are not less favourable under which such person previously served: Provided that-
 - (i) The salary or salary scale of such person shall not be reduced on his or her transfer and appointment,
 - (ii) Vacation leave standing to the credit of such person with the existing municipality shall stand to his or her with the local municipality contemplated in this notice, the relevant district municipality or any other local municipality within the district municipal area,
 - (iii) Pensionable service performed by such persons in the service of the existing municipality shall be deemed to be pensionable service performed by him or her in the service of the local municipality referred to in section 2(1), the relevant district municipality or any other local municipality within the district municipal area.
 - (iv) Such person shall not as a consequence of such transfer and appointment, acquire a right to retire or to be offered a severance or retrenchment package.
 - (v) Such person shall not as a consequence of such transfer and appointment, acquire a retirement age which is less or more favourable than that which applied to him or her in the service of the existing municipality.

- (vi) Such person shall within six months after his or her transfer to and appointment by the local municipality referred to in section 2(1) , the relevant district municipality or any other local municipality within the district municipal area, be afforded a non-recurrent choice either to remain a member of the pension or provident fund of which he or she was a member while in the service of the existing municipality or to become a member of pension or provident fund applicable to officers or employees, as the case may be, of the local municipality referred to in section 2(1) , the relevant district municipality or any other local municipality within the district municipal area, subject to the and rules applicable to the pension or provident fund of such municipality.
 - (vii) Any disciplinary action, considered or instituted, against such a person in terms of the provisions of any law arising from alleged misconduct or improper conduct committed before the date of transfer and appointment shall be dealt with in terms of the laws applicable to the officers or employees, as the case may be of the existing municipality at the time when the alleged misconduct was committed; and
 - (viii) Any person who refuses or withholds his or her consent to be transferred as contemplated by this section , shall not be entitled to any severance benefit or benefits
 - (ix) The provisions as set out above, shall not prevent the municipality concerned to from implementing a scheme to reorganise its personnel subject to the Labour Relations Act , (Act 66 of 1995)
 - (x) The employment of personnel referred in subsection (1) above must (a) be regularised in accordance with any collective agreement reached between the municipality concerned and the trade unions representing those employees; and (b) is subject to section 197 of the Labour Relations Act.
 - (xi) A determination contemplated in subsection(1) shall be published in provincial gazette for information
 - (xii) The effective date of the determination referred to in paragraph (a) may be a date prior to the publication of a notice for information contemplated in this subsection.
 - (xiii) The MEC may amend a determination in subsection (1)
 - (xiv) The local municipality referred to in section 2(1) may , by agreement with the relevant district municipality or any other local municipality within the district municipal area and with effect from the date determined by the agreement, after due consultation with the relevant trade unions and with the consent of employee concerned, transfer or second any of its employees to or place the services of that employee at the disposal of the district or local municipality concerned: provided that in the event of transfer such employee shall be employed on such terms and conditions and enjoy such rights and privileges as are not less favourable than those applicable to him or her at the time of such transfer.
- (c) Additional duties of municipal managers of existing municipalities- municipal managers of the existing municipalities shall within seven days after the date on which the new council has been declared elected –

- (i) Compile a list containing the names, identity numbers and other relevant particulars of (including , but not limited to ; Job title and post description , salary scale, qualifications, experience and the date of commencement of service) of all persons who , on the date on which newly elected council has been declared elected, were in the employ of the existing municipality concerned.
- (ii) Compile a list of all assets(as defined in section 7(5) and liabilities(including contractual obligation) of the existing municipality as on the above mentioned date, and submit such list of inventory forthwith to the MEC and the acting municipal manager as may be designated.
- (d) Appointment of the acting municipal manager- the council of the local municipality referred to section 2(1) shall at its first meeting, designate a suitably qualified experienced person to act as a municipal manager of the local municipality until the substantive municipal manager is appointed by the council and such appointment shall be consistent with the Municipal Systems Act as amended.
- (e) A person designated by the MEC shall call the first meeting of the council of the local municipality referred to in section 2(1) within 14 days after the council has been declared elected.
- (f) The transfer assets, liabilities, rights, duties and obligations, administrative and other records of the existing municipalities,
 - (i) The assets, liabilities, rights, duties and obligations, administrative and other records of the existing municipalities referred to in section 2(1) of the Act shall in accordance with a determination by the MEC vest in the local municipality established by this notice, the relevant district municipality or any other local municipality within the district municipal area , with effect from the date as mentioned in the determination;
 - (ii) The local municipality established in terms of section 2(1) , the relevant district municipality or any other local municipality within the district municipal area ,shall in accordance with the determination of the MEC in respect of the powers , functions , assets , liabilities, rights, duties and obligations and records so vested in it , for all purposes be deemed be successor –in-law of existing municipality.
 - (iii) A determination contemplated in this section shall be published in the provincial gazette for information.
 - (iv) The effective date of the determination referred to above may be the date prior to the date of publication of notice for information as contemplated in this section.
 - (v) The MEC may amend a determination contemplated herein.
 - (vi) The local municipality contemplated in this notice as determined by the municipal demarcation board may by agreement with the relevant district municipality or any other local municipality within the district municipal area and with effect from the a date determined by such agreement, transfer or cede any assets, liabilities, rights, duties and obligations, administrative and other records referred in this notice to the district or local municipalities concerned.

- (g) The continued application of any bylaws, regulations, statutory notices, delegations, resolutions of the existing municipalities and town planning schemes shall be;
- (i) In force in any such area until amended or repealed in accordance with the law.
 - (ii) Unless inconsistent with the context or clearly inappropriate, a reference in any such bylaws regulations, statutory notices, delegations, resolutions of the existing municipalities and town planning schemes shall be construed as a reference to the local municipality contemplated in this notice.
 - (iii) A structure or functionary of the existing local municipalities shall be construed as a reference to the corresponding structure or functionary of the local municipality contemplated in this notice.
 - (iv) In the case of the conflict between any bylaws, regulations, statutory notices, delegations, resolutions of the existing municipalities , the bylaws, regulations, statutory notices, delegations, resolutions of the local municipality shall prevail

The powers, duties and functions of the local municipality

8. The new local municipality (NW405) as contemplated in the municipal demarcation board notice or in this notice shall

- (a) Within its area of jurisdiction, have the powers, duties and functions of a local municipality as listed in schedule 4 Part B to the Constitution.
- (b) Have any other powers, duties or functions as may be assigned, allocated or reallocated in terms of the national and provincial legislations.
- (c) Perform all other functions as contemplated in the constitution, national and provincial legislations.

The powers, duties and functions of the district

9. The district shall within the area of its jurisdiction within which the local municipality falls perform its district functions as contemplated in section 84(1) of the Local Government Municipal Structures Act or any other powers that may be adjusted

Effective date of the section 12 notice

This notice takes effect at the commencement of date of next elections of the municipal council of the new municipality.

Repeal

This notice repeals the whole section 12 notice of 2000 and subsequent previous amendment notices.

Short title

This notice shall be called the notice in respect of the establishment of Ventersdorp/Tlokwe Local municipality.

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