

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

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PROVINCIAL NOTICE

P.N. 148/1997

25 April 1997

The following draft Bill is hereby published for general information and comment:—

Western Cape Draft Bill on the Amendment of the Municipal Ordinance, 1974

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 16 May 1997:

(a) by posting it to:

The Director: Legislation and Administration
Chief Directorate Local Government
Private Bag X9083
Cape Town
8000

(b) by faxing it:

Fax no. (021) 483-4058

G. A. Oliver
Director

INHOUD

PROVINSIALE KENNISGEWING

P.K. 148/1997

25 April 1997

Die volgende Konsepwetsontwerp word hierby vir algemene inligting en kommentaar gepubliseer:—

Wes-Kaapse Konsepwetsontwerp op die Wysiging van die Munisipale Ordonnansie, 1974

Enige persoon of organisasie wat kommentaar oor die genoemde Konsepwetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 16 Mei 1997:

(a) deur dit te pos aan:

Die Direkteur: Wetgewing en Administrasie
Hoofdirektoraat Plaaslike Bestuur
Privaatsak X9083
Kaapstad
8000

(b) deur dit te faks:

Faks no. (021) 483-4058

G. A. Oliver
Direkteur

DRAFT BILL

To amend the Municipal Ordinance, 1974 (Ordinance 20 of 1974) so as to provide anew for an extraordinary vacancy in the office of a councillor; to provide that section 26 shall apply to all councillors elected in an election conducted under the provisions of the Local Government Transition Act, 1993 (Act 209 of 1993); to provide for an exception to the prohibition on the registration of transfer of immovable property without the written authority of the treasurer of the municipality concerned and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the province of the Western Cape, as follows:—

Amendment of section 26 of Ordinance 20 of 1974

1. The following section is hereby substituted for section 26 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), hereinafter referred to as the Ordinance:

"Extraordinary vacancy

26. In addition to a vacancy in the office of a councillor occurring in the circumstances set out in Chapter 14 of the Local Government Transition Election Regulation, 1994, a vacancy in the office of a councillor shall also occur when such councillor becomes indebted to the council concerned in respect of any assessment rates, rent, service charges or any other monies for a period longer than three months, and such vacancy shall be filled as if it had occurred in the circumstances set out in that Chapter: Provided that the town clerk concerned shall when any such councillor becomes so indebted for a period of two months, give such councillor at least two weeks written notice that his or her office as councillor shall be vacated if he or she does not make payment to the council in the full amount of his or her indebtedness before the expiry of the third month thereof."

Amendment of section 96 of Ordinance 20 of 1974

2. Section 96 of the Ordinance is hereby amended by addition of the following provisions to subsection (1):

" : Provided that such a written authority shall not be required in respect of registration of transfer if—

- (a) the purchase giving rise to the registration is a purchase from the Housing Board referred to in the Cape Provincial Housing Laws, 1994 (Law of 1994) or from a municipality in accordance with the provisions of the Housing Act, 1966 (Act 4 of 1966), the Development and Housing Act, 1985 (Act 103 of 1985), the Housing Act (House of Representatives), 1987 (Act 2 of 1987), the Development Act (House of Representatives), 1987 (Act 3 of 1987) or the Housing Development Act (House of Delegates), 1987 (Act 4 of 1987); and
- (b) the purchaser is a person who is eligible for a discount in terms of the Discount Benefit Scheme."

KONSEPWETSONTWERP

Om die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) te wysig om opnuut voorsiening te maak vir 'n buitengewone vakature in amp van 'n raadslid; om voorsiening te maak dat artikel 26 van toepassing sal wees op alle raadslede verkies in 'n verkiesing gehou onder die bepalings van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993); om voorsiening te maak vir 'n uitsondering op die verbod op die registrasie van oordrag van onroerende goed sonder skriftelike magtiging van die tesourier van die betrokke munisipaliteit en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die provinsie Wes-Kaap, soos volg:—

Vervanging van artikel 26 van Ordonnansie 20 van 1974

1. Artikel 26 van die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974),
5 hieronder die Ordonnansie genoem, word hierby deur die volgende artikel vervang:

“Buitengewone vakature

26. Bykomend daartoe dat 'n vakature in die amp van 'n raadslid ontstaan in die omstandighede uiteengesit in Hoofstuk 14 van die Verkiesingsregulasies vir Plaaslike Regering, 1994, ontstaan 'n vakature
10 ook in die amp van 'n raadslid sodra sodanige raadslid langer as drie maande aan die betrokke raad verskuldig is ten opsigte van enige eiendomsbelasting, huur, dienstegeld of enige ander gelde, en sodanige vakature word gevul asof dit ontstaan het in die omstandighede uiteengesit in daardie Hoofstuk: Met dien verstande dat die betrokke stadsklerk, sodra
15 enige sodanige raadslid aldus verskuldig is vir 'n tydperk van twee maande, daardie raadslid ten minste twee weke skriftelike kennis moet gee dat sy of haar amp as raadslid vakant sal raak as hy of sy nie die volle bedrag van sy of haar skuld aan die raad betaal voor die verstryking van die derde maand daarvan nie.”

20 Wysiging van artikel 96 van Ordonnansie 20 van 1974

2. Artikel 96 van die Ordonnansie word hierby gewysig deur die byvoeging van die volgende voorbehoudsbepaling by subartikel (1):

- “: Met dien verstande dat sodanige skriftelike magtiging nie vereis word ten opsigte van 'n registrasie van oordrag nie, indien—
25 (a) die kooptransaksie wat aanleiding gee tot die registrasie 'n kooptransaksie is vanaf die Behuisingsraad bedoel in die Kaapse Provinsiale Behuisingswette, 1994 (Wet van 1994) of vanaf 'n munisipaliteit ooreenkomstig die bepalings van die Behuisingswet, 1966 (Wet 4 van 1966), die Wet op Ontwikkeling en Behuising, 1985 (Wet 103 van 1985), die Behuisingswet (Raad van Verteenwoordigers), 1987 (Wet 2 van 1987), die Ontwikkelingswet (Raad van Verteenwoordigers), 1987 (Wet 3 van 1987) of die Wet op Behuisingsontwikkeling (Raad van Afgevaardigers), 1987 (Wet 4 van 1987); en
30 (b) die koper 'n persoon is wat in aanmerking kom vir 'n afslag ingevolge die 'Discount Benefit Scheme'.”
35

Extension of application of section 26 of Ordinance 20 of 1974

3. Notwithstanding anything to the contrary in any Law contained, section 26 of the Ordinance shall *mutatis mutandis* apply to all councillors elected in an election conducted under the provisions of the Local Government Transition Act, 1993 (Act 209 of 1993).

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Short title

4. This Law shall be called the Municipal Ordinance, 1974 Amendment Law, 1997.

Uitbreiding van toepassing van artikel 26 van Ordonnansie 20 van 1974

3. Nieteenstaande enige ander wetsbepaling, is artikel 26 van die Ordonnansie *mutatis mutandis* van toepassing op elke raadslid wat verkies is in 'n verkiesing gehou onder die bepalings van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 5 1993).

Kort titel

4. Hierdie Wet heet die 1997 Wysigingswet op die Munisipale Ordonnansie, 1974.

