PROVINCE OF WESTERN CAPE

Provincial Gazette Extraordinary

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OFFICE OF THE PREMIER OF THE PROVINCE OF WESTERN CAPE

P.N. 213/1997 13 June 1997

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Law which is hereby published for general information:—

No. 9 of 1997: Western Cape Municipal Ordinance, 1974 Amendment Act, 1997.

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

5148

Vrydag, 13 Junie 1997

As 'n Nuusblad by die Poskantoor Geregistreer

KANTOOR VAN DIE PREMIER VAN DIE PROVINSIE WES-KAAP

P.K. 213/1997 13 Junie 1997

Hierby word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 9 van 1997: Wes-Kaapse Wysigingswet op die Munisipale Ordonnansie, 1974, 1997.

ACT

To amend the Municipal Ordinance, 1974 (Ordinance 20 of 1974) so as to provide for an extraordinary vacancy in the office of a councillor; to provide that section 26A shall apply to all councillors elected in an election conducted under the provisions of the Local Government Transition Act, 1993 (Act 209 of 1993) and to provide for matters incidental thereto.

(English text signed by the Premier)
(Assented to 12 June 1997)

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. Section 26 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), hereinafter referred to as the Ordinance, is hereby amended by the deletion of paragraph *(e)* of subsection (1).

Insertion of section 26A in Ordinance 20 of 1974

2. The following section is hereby inserted after section 26 of the Ordinance:

"Extraordinary vacancy

26A. 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 Regulations, 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."

Extension of application of section 26A of Ordinance 20 of 1974

3. Notwithstanding anything to the contrary in any law contained, section 26A 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).

Short title and commencement

4. This Act shall be called the Western Cape Municipal Ordinance, 1974 Amendment Act, 1997 and shall come into operation on a date determined by the Premier by Proclamation in the *Provincial Gazette*.

WET

Om die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) te wysig om voorsiening te maak vir 'n buitegewone vakature in amp van 'n raadslid; om voorsiening te maak dat artikel 26A 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) en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Premier geteken)
(Bekragtig op 12 Junie 1997)

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

Wysiging van artikel 26 van Ordonnansie 20 van 1974

1. Artikel 26 van die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974), hieronder die Ordonnansie genoem word hierby gewysig deur paragraaf *(e)* van subartikel (1) te skrap.

Invoeging van artikel 26A in Ordonnansie 20 van 1974

2. Die volgende artikel word hierby ingevoeg na artikel 26 van die Ordonnansie:

"Buitengewone vakature

26A. Bykomend daartoe dat 'n vakature in die amp van 'n raadslid ontstaan in die omstandighede uiteengesit in Hoofstuk 14 van die Verkiesingsregulasies vir Plaaslike Oorgangsregering, 1994, ontstaan 'n vakature 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 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."

Uitbreiding van toepassing van artikel 26A van Ordonnansie 20 van 1974

3. Nieteenstaande enige ander wetsbepaling, is artikel 26A 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 1993).

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Wes-Kaapse Wysigingswet op die Munisipale Ordonnansie, 1974, 1997 en tree in werking op 'n datum deur die Premier bepaal by Proklamasie in die *Provinsiale Koerant*.

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