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PROCLAMATION

No 12/1997

30 June 1997

RE-ALLOCATION OF POWERS AND DUTIES OF THE METROPOLITAN COUNCIL AND METROPOLITAN LOCAL COUNCILS

Under section 10N(4) of the Local Government Transition Act, 1993 (Act 209 of 1993), and with the concurrence of the Minister of Provincial Affairs and Constitutional Development, I hereby make a re-allocation of the powers and duties listed in Schedules 2 and 2A of the Act, as set out in Schedules A and B hereto, in accordance with an agreement entered into between the metropolitan council and the metropolitan local councils in the Cape metropolitan Area in terms of section 10C(4) of the Act.

Dated this 26th day of June 1997.

P.J. MARAIS
MINISTER OF LOCAL GOVERNMENT

SCHEDULE A**POWERS AND DUTIES OF THE CAPE METROPOLITAN COUNCIL****1. BULK SUPPLY OF WATER**

The Cape Metropolitan Council shall ensure the delivery of an adequate bulk supply of potable water to all Metropolitan Local Councils.

2. STORMWATER DRAINAGE

The Cape Metropolitan Council shall ensure metropolitan integrated urban drainage management and provide a strategic framework for the planning, construction, operation and maintenance of major stormwater drainage infrastructure.

3. BULK WASTE WATER MANAGEMENT

The Cape Metropolitan Council shall ensure the provision of adequate bulk waste water conveyance, treatment, disposal and reuse.

4. SOLID WASTE MANAGEMENT

The Cape Metropolitan Council shall ensure the adequate disposal of solid and toxic waste.

5. ELECTRICITY SUPPLY AND DISTRIBUTION

The Cape Metropolitan Council does not have any role in municipal electricity generation, transmission and distribution, pending the establishment of a new regional electricity dispensation for the Cape Metropolitan Area.

6. ROADS

The Cape Metropolitan Council shall ensure adequate planning, policy co-ordination and financial provision for the implementation of roads of metropolitan significance as defined in its Metropolitan Transport Plan.

7. TRANSPORTATION PLANNING

The Cape Metropolitan Council shall perform the Core City function as defined in the Urban Transport Act, 1977 (Act 78 of 1977), as amended.

8. PASSENGER TRANSPORT SERVICES

8.1 The Cape Metropolitan Council shall plan, regulate and co-ordinate Passenger Transport Services.

8.2 The Cape Metropolitan Council may provide inter-modal transport facilities and infrastructure.

PROKLAMASIE

No 12/1997

30 Junie 1997

HERTOEWYSING VAN DIE BEVOEGDHEDE EN PLIGTE VAN DIE METROPOLITAANSE RAAD EN METROPOLITAANSE PLAASLIKE RADE

Kragtens artikel 10N(4) van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), en met die instemming van die Minister van Provinsiale Sake en Staatkundige Ontwikkeling, word die bevoegdhede en pligte gelys in Bylaes 2 en 2A van die Wet, hiermee deur my hertoegewys soos uiteengesit in Bylaes A en B hiertoe in ooreenstemming met 'n ooreenkoms aangegaan in terme van artikel 10C(4) van die Wet tussen die metropolitaanse raad en die metropolitaanse plaaslike rade in die Kaapse Metropolitaanse Gebied.

Gedateer hierdie 26ste dag van Junie 1997.

P.J. MARAIS
MINISTER VAN PLAASLIKE BESTUUR

BYLAE A**BEVOEGDHEDE EN PLIGTE VAN DIE KAAPSE METROPOLITAANSE RAAD****1. GROOTMAAT-WATEROORSIENING**

Die Kaapse Metropolitaanse Raad moet die lewering van 'n toereikende grootmaat-drinkwatertoevoer aan alle Metropolitaanse Plaaslike Rade verseker.

2. STORMWATERDREINERING

Die Kaapse Metropolitaanse Raad moet metropolitaanse geïntegreerde stedelike dreineringsbestuur verseker en 'n strategiese raamwerk vir die beplanning, konstruksie, bedryf en onderhoud van groot stormwaterdreineringsinfrastruktuur voorsien.

3. GROOTMAAT-AFVALWATERBESTUUR

Die Kaapse Metropolitaanse Raad moet die voorsiening van toereikende afvoer, behandeling, wegdoening en hergebruik van grootmaat-afvalwater verseker.

4. BESTUUR VAN VASTE AFVAL

Die Kaapse Metropolitaanse Raad moet toereikende wegdoening van vaste- en toksiese afval verseker.

5. ELEKTRISITEITSVOORSIENING EN -VERSPREIDING

Die Kaapse Metropolitaanse Raad het geen rol in die munisipale opwekking, transmissie en verspreiding van elektrisiteit tot tyd en wyl 'n nuwe streek-elektrisiteitsbedeling vir die Kaapse Metropolitaanse Gebied daargestel is nie.

6. PAAIE

Die Kaapse Metropolitaanse Raad moet voldoende beplanning, beleidskoördinering en finansiële voorsiening verseker vir die daargestelling van paaie van metropolitaanse belang, soos omskryf in sy Metropolitaanse Vervoerplan.

7. VERVOERBEPLANNING

Die Kaapse Metropolitaanse Raad moet die Kernstadfunksie soos omskryf in die Wet op Stedelike Vervoer, 1977 (Wet 78 van 1977), soos gewysig, verrig.

8. PASSASIERSVERVOERDIENSTE

8.1 Die Kaapse Metropolitaanse Raad moet Passasiersvervoerdienste beplan, reguleer en koördineer.

8.2 Die Kaapse Metropolitaanse Raad kan intermodale vervoerfasiliteite en infrastruktuur voorsien.

9. OTHER TRANSPORT FACILITIES

The Cape Metropolitan Council may provide airports (other than provincial, national and international airports).

10. TRAFFIC MATTERS

10.1 The Cape Metropolitan Council may provide a training facility for traffic officers.

10.2 The Cape Metropolitan Council shall ensure a uniform and co-ordinated approach to traffic officer training.

10.3 The Cape Metropolitan Council may facilitate the formulation of policies and co-ordination of metropolitan wide law enforcement matters.

11. SPATIAL PLANNING AND ENVIRONMENTAL MANAGEMENT

11.1 The Cape Metropolitan Council shall ensure the preparation and review of an integrated metropolitan development framework.

11.2 The Cape Metropolitan Council shall ensure the preparation of and compliance with an integrated metropolitan environmental management strategy.

11.3 The Cape Metropolitan Council may provide, establish and manage natural recreation areas.

11.4 All current nature reserves shall be allocated to Metropolitan Local Councils in whose area of jurisdiction such nature reserves are located, with the exception of the Cape Point Nature Reserve that should remain with the Cape Metropolitan Council until future management structures for the Cape Peninsula Protected Natural Environment are finalised.

11.5 The Cape Metropolitan Council may prepare and conduct integrated environmental programmes.

11.6 The Cape Metropolitan Council may conduct environmental education, promotion and awareness programmes and campaigns.

11.7 The Cape Metropolitan Council may provide analytical/laboratory services and expert environmental science support.

12. MUNICIPAL HEALTH SERVICES

12.1 The Cape Metropolitan Council shall facilitate the co-ordination of municipal health services.

12.2 The Cape Metropolitan Council shall ensure the provision of metropolitan wide pollution monitoring and control measures.

12.3 The Cape Metropolitan Council may provide metropolitan specialised health services relating to municipal health services.

13. LIBRARIES

The Cape Metropolitan Council may provide support towards library services.

14. MUSEUMS

The Cape Metropolitan Council may provide and support museums.

9. ANDER VERVOERFASILITEITE

Die Kaapse Metropolitaanse Raad kan lughawens (buiten provinsiale, nasionale en internasionale lughawens) voorsien.

10. VERKEERSAANGELEENTHEDE

10.1 Die Kaapse Metropolitaanse Raad kan 'n opleidingsfasiliteit vir verkeersbeamptes voorsien.

10.2 Die Kaapse Metropolitaanse Raad moet 'n eenvormige, gekoördineerde benadering tot opleiding van verkeersbeamptes verseker.

10.3 Die Kaapse Metropolitaanse Raad kan beleidsformulering vir en koördinering van metropolitaanse wetstoepassingsaangeleenthede fasiliteer.

11. RUIMTELIKE BEPLANNING EN OMGEWINGSBESTUUR

11.1 Die Kaapse Metropolitaanse Raad moet die opstel en hersiening van 'n geïntegreerde metropolitaanse ontwikkelingsraamwerk verseker.

11.2 Die Kaapse Metropolitaanse Raad moet die opstel van en voldoening aan 'n geïntegreerde metropolitaanse omgewingsbestuurstrategie verseker.

11.3 Die Kaapse Metropolitaanse Raad kan natuurlike ontspanningsgebiede voorsien, vestig en bestuur.

11.4 Alle bestaande natuurreserveate moet toegewys word aan Metropolitaanse Plaaslike Rade in wie se regsgebied sulke natuurreserveate geleë is met die uitsondering van die Kaappunt Natuurreserveaat, wat by die Kaapse Metropolitaanse Raad moet bly totdat toekomstige bestuurstrukture vir die Kaapse Skiereilandse Beskernde Natuurgebied gefinaliseer is.

11.5 Die Kaapse Metropolitaanse Raad kan geïntegreerde omgewingsprogramme opstel en uitvoer.

11.6 Die Kaapse Metropolitaanse Raad kan programme en veldtogte vir omgewingsvoorligting, -bevordering en -bewustheid bedryf.

11.7 Die Kaapse Metropolitaanse Raad kan ontleding-/laboratoriumdienste en deskundige omgewingskundesteun voorsien.

12. MUNISIPALE GESONDHEIDSDIENSTE

12.1 Die Kaapse Metropolitaanse Raad moet die koördinering van munisipale gesondheidsdienste fasiliteer.

12.2 Die Kaapse Metropolitaanse Raad moet die voorsiening van metropoolwye besoedelingsmonitering en -beheermaatreëls verseker.

12.3 Die Kaapse Metropolitaanse Raad kan metropolitaanse gespesialiseerde gesondheidsdienste, met betrekking tot munisipale gesondheidsdienste, voorsien.

13. BIBLIOTEKE

Die Kaapse Metropolitaanse Raad kan steun vir biblioteekdienste verleen.

14. MUSEUMS

Die Kaapse Metropolitaanse Raad kan museums voorsien en ondersteun.

15. CEMETERIES AND CREMATORIA

15.1 The Cape Metropolitan Council shall ensure that provision is made in the integrated metropolitan development framework for inhabitants of the Cape Metropolitan Area to have reasonable access to burial and crematorium facilities.

15.2 The Cape Metropolitan Council shall continue to operate and maintain all the cemeteries previously allocated to the Western Cape Regional Services Council. All other cemeteries shall remain the responsibility of Metropolitan Local Councils in which area of jurisdiction such cemeteries are located, unless the Cape Metropolitan Council agrees at the request of an Metropolitan Local Council to take over responsibility of any particular cemetery.

15.3 The Cape Metropolitan Council may provide public cemeteries.

15.4 The Cape Metropolitan Council may provide public crematoria.

15.5 The Cape Metropolitan Council shall be responsible for the Maitland Crematorium.

16. ABATTOIR

16.1 The Cape Metropolitan Council may provide, establish, regulate and manage abattoirs.

16.2 The Cape Metropolitan Council shall be responsible for the Maitland Abattoir.

17. MARKETS

17.1 The Cape Metropolitan Council may provide, establish, regulate and manage fresh produce wholesale markets.

17.2 The Cape Metropolitan Council shall be responsible for the Epping wholesale fresh produce market.

18. RECREATION FACILITIES, AMENITIES AND SPORT PROMOTION

18.1 The Cape Metropolitan Council may prepare a metropolitan wide sport and recreation planning, policy and information framework.

18.2 The Cape Metropolitan Council may provide and manage sporting, recreation and other amenities.

18.3 The Cape Metropolitan Council may facilitate the promotion of major/international events.

19. CIVIL PROTECTION

19.1 The Cape Metropolitan Council shall ensure planning and co-ordination of metropolitan wide civil protection services.

19.2 The Cape Metropolitan Council may provide metropolitan civil protection communication facilities.

19.3 The Cape Metropolitan Council may provide training for civil protection.

20. FIRE BRIGADE SERVICES

The Cape Metropolitan Council shall facilitate a co-ordinated approach to the provision of fire and rescue services in the Cape Metropolitan Area.

21. PROMOTION OF ECONOMIC DEVELOPMENT

The Cape Metropolitan Council may promote its area and facilitate the development of strategies for economic development and tourism therein.

15. BEGRAAFPLASE EN KREMATORIUMS

15.1 Die Kaapse Metropolitaanse Raad moet verseker dat voorsiening in die geïntegreerde metropolitaanse ontwikkelingsraamwerk gemaak word om aan inwoners van die Kaapse Metropolitaanse Gebied redelike toegang tot begrawings- en krematoriumfasiliteite te gee.

15.2 Die Kaapse Metropolitaanse Raad moet voortgaan om al die begraafplase wat voorheen aan die Wes-Kaapse Streeksdiensteraad toegewys was, te bestuur en te onderhou. Alle ander begraafplase sal die verantwoordelikheid bly van die Metropolitaanse Plaaslike Rade in wie se regsgebiede sulke begraafplase geleë is, tensy die Kaapse Metropolitaanse Raad instem om op versoek van 'n Metropolitaanse Plaaslike Raad verantwoordelikheid vir enige spesifieke begraafplaas oor te neem.

15.3 Die Kaapse Metropolitaanse Raad kan openbare begraafplase voorsien.

15.4 Die Kaapse Metropolitaanse Raad kan openbare krematoriums voorsien.

15.5 Die Kaapse Metropolitaanse Raad moet vir die Maitland Krematorium verantwoordelik wees.

16. ABATTOIR

16.1 Die Kaapse Metropolitaanse Raad kan abattoirs voorsien, vestig, reguleer en bestuur.

16.2 Die Kaapse Metropolitaanse Raad is vir die Maitland Abattoir verantwoordelik.

17. MARKTE

17.1 Die Kaapse Metropolitaanse Raad kan groothandel- varsproduktemarkte voorsien, vestig, reguleer en bestuur.

17.2 Die Kaapse Metropolitaanse Raad is vir die Epping Groothandelvarsproduktemark verantwoordelik.

18. ONTSPANNINGSFASILITEITE, GERIEWE EN SPORT-BEVORDERING

18.1 Die Kaapse Metropolitaanse Raad kan 'n metropoolwye raamwerk vir beplanning, beleid en inligting ten opsigte van sport en ontspanning opstel.

18.2 Die Kaapse Metropolitaanse Raad kan sport-, ontspannings- en ander geriewe voorsien en bestuur.

18.3 Die Kaapse Metropolitaanse Raad kan die bevordering van groot/ internasionale byeenkomste fasiliteer.

19. BURGERLIKE BESKERMING

19.1 Die Kaapse Metropolitaanse Raad moet beplanning en koördinerende van metropoolwye burgerlike beskermingsdienste verseker.

19.2 Die Kaapse Metropolitaanse Raad kan kommunikasiefasiliteite vir metropolitaanse burgerlike beskerming voorsien.

19.3 Die Kaapse Metropolitaanse Raad kan opleiding vir burgerlike beskerming voorsien.

20. BRANDWEERDIENSTE

Die Kaapse Metropolitaanse Raad moet 'n gekoördineerde benadering tot die voorsiening van brand- en reddingsdienste in die Kaapse Metropolitaanse Gebied fasiliteer.

21. BEVORDERING VAN EKONOMIESE ONTWIKKELING

Die Kaapse Metropolitaanse Raad kan sy gebied bevorder en die ontwikkeling van strategieë vir ekonomiese ontwikkeling en toerisme daarin fasiliteer.

SCHEDULE B**POWERS AND DUTIES OF METROPOLITAN
LOCAL COUNCILS****1. WATER RETICULATION**

Metropolitan Local Councils shall ensure the distribution of an adequate supply of potable water to all users within their areas of jurisdiction.

2. STORMWATER DRAINAGE

Metropolitan Local Councils shall provide, operate and maintain adequate stormwater systems and manage individual catchments in compliance with a metropolitan wide integrated catchment management strategic framework.

3. WASTE WATER MANAGEMENT

Metropolitan Local Councils shall provide, manage and maintain waste water conveyance systems.

4. SOLID WASTE MANAGEMENT

Metropolitan Local Councils shall ensure the collection and conveyance of solid waste.

5. ELECTRICITY SUPPLY AND DISTRIBUTION

Metropolitan Local Councils are responsible for all municipal electricity generation, transmission and distribution, pending the establishment of a new regional electricity dispensation for the Cape Metropolitan Area.

6. ROADS

Metropolitan Local Councils shall ensure planning, provision and maintenance of local roads and streets and shall construct, operate and maintain roads of metropolitan significance as defined in the Metropolitan Transport Plan.

7. TRANSPORTATION PLANNING

Metropolitan Local Councils may conduct local transportation planning, outside the terms of the Core City function, as defined in the Urban Transport Act, 1977 (Act 78 of 1977), as amended.

8. PASSENGER TRANSPORT SERVICES

Metropolitan Local Councils may design, provide, operate, manage, administer and maintain transport facilities, including inter-modal transport facilities.

9. OTHER TRANSPORT FACILITIES

9.1 Metropolitan Local Councils may ensure the provision, planning and control of pontoons, ferries, jetties, piers and harbours, other than national harbours.

9.2 Metropolitan Local Councils may ensure the provision, control and maintenance of parking facilities.

10. TRAFFIC MATTERS

Metropolitan Local Councils shall provide for traffic law enforcement, vehicle and driver testing and matters pertaining to road safety.

11. SPATIAL PLANNING AND ENVIRONMENTAL MANAGEMENT

11.1 Metropolitan Local Councils shall ensure the preparation and review of local spatial plans and development guidelines.

11.2 Metropolitan Local Councils shall ensure the provision of land use planning, development control and environmental management.

11.3 Metropolitan Local Councils may facilitate appropriate public and private development.

BYLAE B**BEVOEGDHEDE EN PLIGTE VAN METROPOLITAANSE
PLAASLIKE RADE****1. RETIKULERING VAN WATER**

Metropolitaanse Plaaslike Rade moet die verspreiding van 'n toereikende drinkwatertoevoer aan alle verbruikers binne hulle regsgebiede verseker.

2. STORMWATERDREINERING

Metropolitaanse Plaaslike Rade moet toereikende stormwaterstelsels voorsien, bestuur en onderhou en elke opvanggebied bestuur ooreenkomstig 'n metropoolwye geïntegreerde strategiese raamwerk vir opvanggebiedsbestuur.

3. AFVALWATERBESTUUR

Metropolitaanse Plaaslike Rade moet afvalwaterafvoerstelsels voorsien, bestuur en onderhou.

4. BESTUUR VAN VASTE AFVAL

Metropolitaanse Plaaslike Rade moet die afhaal en vervoer van vaste afval verseker.

5. ELEKTRISITEITSVOORSIENING EN -VERSPREIDING

Metropolitaanse Plaaslike Rade is verantwoordelik vir alle munisipale ontwikkeling, transmissie en verspreiding van elektrisiteit tot tyd en wyl 'n nuwe streekselektisiteitsbedeling vir die Kaapse Metropolitaanse Gebied daargestel is.

6. PAAIE

Metropolitaanse Plaaslike Rade moet die beplanning, voorsiening en onderhoud van plaaslike paaie en strate verseker en moet paaie van metropolitaanse belang, soos omskryf in die Metropolitaanse Vervoerplan, bou en bestuur en onderhou.

7. VERVOERBEPLANNING

Metropolitaanse Plaaslike Rade kan plaaslike vervoerbeplanning, buite die bepalings van die Kernstadfunksie, soos omskryf in die Wet op Stedelike Vervoer, 1977 (Wet 78 van 1977), soos gewysig, uitvoer.

8. PASSASIEVERVOERDIENSTE

Metropolitaanse Plaaslike Rade kan vervoerfasiliteite met inbegrip van intermodale vervoerfasiliteite ontwerp, voorsien, bestuur, beheer, administreer en onderhou.

9. ANDER VERVOERFASILITEITE

9.1 Metropolitaanse Plaaslike Rade kan die voorsiening, beplanning en beheer van ponte, veerbote, hawe hoofde, piere en hawens (buiten nasionale hawens) verseker.

9.2 Metropolitaanse Plaaslike Rade kan die voorsiening, beheer en onderhoud van parkeergeriewe verseker.

10. VERKEERSAANGELEENTHEDE

Metropolitaanse Plaaslike Rade moet voorsiening maak vir verkeerswetstoepassing, die toets van voertuie en bestuurders en sake rakende padveiligheid.

11. RUIMTELIKE BEPLANNING EN OMGEWINGSBESTUUR

11.1 Metropolitaanse Plaaslike Rade moet die opstel en hersiening van plaaslike ruimtelike planne en ontwikkelingsriglyne verseker.

11.2 Metropolitaanse Plaaslike Rade moet die voorsiening van grondgebruikbeplanning, ontwikkelingsbeheer en omgewingsbestuur verseker.

11.3 Metropolitaanse Plaaslike Rade kan toepaslike openbare en private ontwikkeling fasiliteer.

11.4 Metropolitan Local Councils may provide, establish and manage natural recreation areas, including coastal, mountain and inland water areas.

11.5 Metropolitan Local Councils shall be responsible for all nature reserves and beach resorts within their area of jurisdiction, with the exception of the Cape Point Nature Reserve that shall remain with the Cape Metropolitan Council until future management structures for the Cape Peninsula Protected Natural Environment are finalised.

11.6 Metropolitan Local Councils may prepare, manage and implement integrated environmental programmes.

11.7 Metropolitan Local Councils may conduct environmental promotion and education, awareness programmes and campaigns.

12. MUNICIPAL HEALTH SERVICES

Metropolitan Local Councils shall ensure the provision of an integrated municipal health service.

13. LIBRARIES

Metropolitan Local Councils shall ensure the provision of library facilities and services.

14. MUSEUMS

Metropolitan Local Councils may provide and support museums.

15. CEMETERIES AND CREMATORIA

Metropolitan Local Councils may maintain and operate public cemeteries and may provide, maintain and operate public crematoria.

16. ABATTOIR

No Metropolitan Local Council function.

17. MARKETS

Metropolitan Local Councils may establish, conduct and regulate local/retail fresh produce markets, other markets and fleamarkets.

18. RECREATION FACILITIES, AMENITIES AND SPORT PROMOTION

18.1 Metropolitan Local Councils may provide and manage local recreation, sport and other social amenities, as well as the scheduling and execution of sport and recreation activity programmes.

18.2 Metropolitan Local Councils may promote and facilitate major events.

18.3 Metropolitan Local Councils shall ensure the effective management and control of beaches and beach amenities.

19. CIVIL PROTECTION

19.1 Metropolitan Local Councils shall plan, co-ordinate and operate local civil protection services.

19.2 Metropolitan Local Councils shall establish and operate local communication systems.

19.3 Metropolitan Local Councils shall liaise with communities towards facilitating community preparedness through the recruitment and training of volunteers and emergency planning at local facilities and institutions.

19.4 Metropolitan Local Councils may provide external training and awareness campaigns.

11.4 Metropolitaanse Plaaslike Rade kan natuurlike ontspanningsterreine met inbegrip van kus-, berg- en binnelandse waterterreine voorsien, vestig en bestuur.

11.5 Metropolitaanse Plaaslike Rade is verantwoordelik vir alle natuurreservate en strandoorde binne hulle regsgebiede met die uitsondering van die Kaappunt Natuurreservaat wat by die Kaapse Metropolitaanse Raad moet bly totdat toekomstige bestuurstrukture vir die Kaapse Skiereilandse Beskernde Natuurgebied gefinaliseer is.

11.6 Metropolitaanse Plaaslike Rade kan geïntegreerde omgewingsprogramme opstel, bestuur en in werking stel.

11.7 Metropolitaanse Plaaslike Rade kan programme en veldtogte vir omgewingsvoorligting, -bevordering en -bewustheid bedryf.

12. MUNISIPALE GESONDHEIDSDIENSTE

Metropolitaanse Plaaslike Rade moet die voorsiening van 'n geïntegreerde munisipale gesondheidsdiens verseker.

13. BIBLIOTEKE

Metropolitaanse Plaaslike Rade moet die voorsiening van biblioteekfasiliteite en -dienste verseker.

14. MUSEUMS

Metropolitaanse Plaaslike Rade kan museums voorsien en ondersteun.

15. BEGRAAFPLASE EN KREMATORIUMS

Metropolitaanse Plaaslike Rade kan openbare begraafplase onderhou en bestuur en kan openbare krematoriums onderhou en bestuur.

16. ABATTOIR

Nie 'n funksie van 'n Metropolitaanse Plaaslike Raad nie.

17. MARKTE

Metropolitaanse Plaaslike Rade kan plaaslike/kleinhandel- varsproduktemarkte en ander markte en vlooiemarkte vestig, bestuur en reguleer.

18. ONTSPANNINGSFASILITEITE, GERIEWE EN SPORTBEVORDERING

18.1 Metropolitaanse Plaaslike Rade kan plaaslike ontspannings-, sport- en ander maatskaplike geriewe voorsien en bestuur en ook programme vir sport- en ontspanningsaktiwiteite reël en uitvoer.

18.2 Metropolitaanse Plaaslike Rade kan groot byeenkomste bevorder en fasiliteer.

18.3 Metropolitaanse Plaaslike Rade moet die doeltreffende bestuur en beheer van strande en strandgeriewe verseker.

19. BURGERLIKE BESKERMING

19.1 Metropolitaanse Plaaslike Rade moet plaaslike burgerlike beskermingsdienste beplan, koördineer en bestuur.

19.2 Metropolitaanse Plaaslike Rade moet plaaslike kommunikasiesistelsels daarstel en bestuur.

19.3 Metropolitaanse Plaaslike Rade moet skakel met gemeenskappe ter bevordering van gemeenskapsparaatheid deur die werwing en opleiding van vrywilligers en noodbeplanning by plaaslike fasiliteite en inrigtings.

19.4 Metropolitaanse Plaaslike Rade kan eksterne opleiding en bewustheidsveldtogte verskaf.

20. FIRE BRIGADE SERVICES

Metropolitan Local Councils shall ensure the provision of equitable and adequate fire prevention, fire fighting and rescue services in their areas of jurisdiction in accordance with a metropolitan co-ordinated approach to the planning of new fire stations, standardisation of by-laws, infrastructure, vehicles, equipment and procedures.

21. PROMOTION OF ECONOMIC DEVELOPMENT

Metropolitan Local Councils may promote their areas and facilitate the development of strategies for economic development and tourism therein.

No 13/1997

30 June 1997

**AMENDMENT OF CAPE METROPOLITAN FURTHER ENACTMENT, 1996:
RE-ALLOCATION OF ASSETS,
LIABILITIES, RIGHTS, OBLIGATIONS AND STAFF TO THE
CAPE METROPOLITAN COUNCIL AND METROPOLITAN
LOCAL COUNCILS**

Under section 10N(4) of the Local Government Transition Act, 1993 (Act 209 of 1993), and with the concurrence of the Minister of Provincial Affairs and Constitutional Development, I hereby with effect from midnight on 30 June 1997 amend the Cape Metropolitan Further Enactment, 1996 (Proclamation 27 of 28 May 1996), as set out in the Schedule hereto.

Dated this 26th day of June 1997.

PJ MARAIS
MINISTER OF LOCAL GOVERNMENT

SCHEDULE**1. The amendment of section 1: —**

- (a) by the substitution for paragraph (g) of subsection (1) of the following paragraph: —

"competent authority" means the "MEC" as defined in the Act;

- (b) by the addition of the following subsections after paragraph (1) of subsection (1): —

"(1A) "Assets and Liabilities Agreement" means the agreement in respect of the allocation of assets and liabilities entered into by the Cape Metropolitan Council and the metropolitan local councils of Cape Town, Eastern, Helderberg, Northern, Southern and Tygerberg (as they then were) on 9 December 1996, and which is set out in the Annexure hereto;

(1B) "Cape Metropolitan Council" means the Cape Metropolitan Council established by Proclamation no 18 of 1995;

(1C) "Cape Metropolitan Labour Forum" means the labour forum on which the municipalities and the trade unions representing the employees of municipalities are represented;

(1D) "effective date" means midnight on 30 June 1997;

(1E) "metropolitan local council" means a transitional metropolitan substructure established in terms of section 5;

(1F) "municipality" means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act 209 of 1993), as amended, and refers to the Cape Metropolitan Council and to the metropolitan local councils of Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg."

20. BRANDWEERDIENSTE

Metropolitaanse Plaaslike Rade moet billike en toereikende brandvoorkomings-, brandbestrydings- en reddingsdienste in hulle regsgebiede voorsien in ooreenstemming met 'n metropolitaansgekoördineerde benadering tot die beplanning van nuwe brandweerstasies, asook die standaardisering van verordeninge, infrastrukture, voertuie, toerusting en prosedures verseker.

21. BEVORDERING VAN EKONOMIESE ONTWIKKELING

Metropolitaanse Plaaslike Rade kan hulle gebiede bevorder en die ontwikkeling van strategieë vir ekonomiese ontwikkeling en toerisme daarin fasiliteer.

No 13/1997

30 Junie 1997

**WYSIGING VAN DIE VERDERE
KAAPSE METROPOLITAANSE MAATREËL, 1996:
HERTOEWYSING VAN BATES,
LASTE, REGTE, VERPLIGTINGE EN PERSONEEL NA DIE
KAAPSE METROPOLITAANSE RAAD EN PLAASLIKE
METROPOLITAANSE RADE**

Kragtens artikel 10N(4) van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), en met die instemming van die Minister van Provinsiale Sake en Staatkundige Ontwikkeling, wysig ek hiermee met ingang van middernag op 30 Junie 1997 die Verdere Kaapse Metropolitaanse Maatregel, 1996 (Proklamasie 27 van 28 Mei 1996), soos in die Bylae hierby vervat.

Gedateer op hede die 26ste dag van Junie 1997.

PJ MARAIS
MINISTER VAN PLAASLIKE BESTUUR

BYLAE**1. Artikel 1 word hierby gewysig: —**

- (a) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang: —

"bevoegde gesag" die "LUR" soos omskryf in die Wet;

- (b) deur na paragraaf (1) van subartikel (1) die volgende subartikels in te voeg: —

"(1A) "datum van inwerkingtreding" middernag op 30 Junie 1997;

(1B) "Kaapse Metropolitaanse Arbeidsforum" die arbeidsforum waarop die vakunies en die werknemers van munisipaliteite verteenwoordig word;

(1C) "Kaapse Metropolitaanse Raad" die Kaapse Metropolitaanse Raad ingestel by Proklamasie 18 van 1995;

(1D) "munisipaliteit" 'n munisipaliteit soos omskryf in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), soos gewysig, en verwys dit na die Kaapse Metropolitaanse Raad en die metropolitaanse plaaslike rade van Blaauwberg, Kaapstad, Helderberg, Oostenberg, Suid-Skiereiland en Tygerberg;

(1E) "Ooreenkoms oor Bates en Laste" die ooreenkoms ten opsigte van die toewysing van bates en laste op 9 Desember 1996 aangegaan deur die Kaapse Metropolitaanse Raad en die Kaapstad, Oostelike, Helderberg, Noordelike, Suidelike en Tygerberg Plaaslike Metropolitaanse Rade (soos hulle toe bekend was) en wat in die Aanhangsel hierby uiteengesit is;

(1F) "metropolitaanse plaaslike raad" 'n metropolitaanse oorgangsubstruktuur wat ingevolge artikel 5 ingestel is."

2. The amendment of section 6 by the addition of the following subsections: —

- “(5) The assets and liabilities identified in accordance with the processes, principles and criteria set out in the Assets and Liabilities Agreement are transferred to and vest in the municipalities in accordance with the said Agreement.
- (6) In respect of the transfer of immovable property in terms of subsection (5), the following provisions shall apply: —
- (a) a registrar defined in section 102 of the Deeds Registry Act, 1937 (Act 47 of 1937) as amended, shall, on submission to him/her of a copy of this proclamation and of a certificate signed by the Chief Executive Officers of the relevant municipalities that the immovable property described therein has been transferred in terms of subsection (5), make such entries or endorsements as he or she may deem necessary in or on any relevant title deed, register, certificate or other document in his/her office or laid before him/her, in order to register such property in the name of the municipality to which the property has been transferred;
- (b) the Chief Executive Officer of each municipality may delegate, either generally or specifically, to any employee under his or her control the power to issue a certificate in terms of paragraph (a);
- (c) no stamp duty or office or other fees shall be payable in respect of a registration contemplated in paragraph (a).
- (7) In respect of the transfer of any motor vehicle in terms of subsection (5), it shall not be necessary to lodge any certificate as may be required in terms of the provisions of the Road Traffic Act, 1989 (Act 29 of 1989) as amended.
- (8) Save as may otherwise be agreed by the municipalities concerned, any license or permit pertaining to an asset transferred in terms of subsection (5) shall be transferred into the name of the municipality receiving such asset, and no fee or other charge shall be payable in respect of such transfer.”

3. The amendment of section 7 by the addition of the following subsection: —

- “(6) (a) In this subsection —
- (i) “interim co-operative service” means any service identified by the municipalities concerned either before or after the effective date as an interim co-operative service and which is provided by one municipality for or on behalf of one or more other municipalities;
- (ii) “service provider” means the municipality responsible for the provision of an interim co-operative service;
- (iii) “service receiver” means the municipality for, or on behalf of which, an interim co-operative service is provided.
- (b) With effect from the effective date each municipality responsible for the provision of interim co-operative services shall provide such services in accordance with the following provisions: —
- (i) the service provider shall provide such services and, subject to subparagraph (iii), the administration associated with such services, at the same

2. Artikel 6 word gewysig deur die volgende subartikels in te voeg: —

- “(5) Die bates en laste wat geïdentifiseer is ooreenkomstig die prosesse, grondslae en kriteria uiteengesit in die Ooreenkoms oor Bates en Laste, gaan oor op en berus by die munisipaliteite ooreenkomstig die genoemde Ooreenkoms.
- (6) Ten opsigte van die oorgang van vaste eiendom ingevolge subartikel (5), is die volgende bepalings van toepassing: —
- (a) ’n registrateur, soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), soos gewysig, met voorlegging aan hom of haar van ’n afskrif van hierdie proklamasie en van ’n sertifikaat wat deur die hoof uitvoerende beamptes van die betrokke munisipaliteite dat die vaste eiendom wat daarin beskryf is ingevolge subartikel (5) oorgedra is, bring die inskrywings of aantekeninge aan wat hy of sy nodig ag in of op enige tersaaklike transportakte, register, sertifikaat of ander dokument in sy of haar kantoor of wat aan hom/haar voorgelê word, ten einde sodanige eiendom op die naam van die munisipaliteit waaraan die eiendom oorgedra is, te registreer;
- (b) die hoof uitvoerende beampte van elke munisipaliteit mag die bevoegdheid om ’n sertifikaat ingevolge paragraaf (a) uit te reik, óf in die algemeen óf spesifiek, aan enige werknemer onder sy of haar beheer deleger;
- (c) geen seëlreg of kantoor- of ander gelde is betaalbaar ten opsigte van ’n registrasie soos in paragraaf (a) bedoel nie.
- (7) ten opsigte van die oordrag van enige motorvoertuig ingevolge subartikel (5), is dit nie nodig om enige sertifikaat wat ingevolge die bepalings van die Padverkeerswet, 1989 (Wet 29 van 1989), soos gewysig, in te lewer nie.
- (8) Tensy andersins deur die betrokke munisipaliteite ooreengekom, word enige lisensie of permit met betrekking op ’n bate wat ingevolge subartikel (5) oorgedra word op die naam van die munisipaliteit wat sodanige bate ontvang, oorgedra, en is geen gelde of ander heffing ten opsigte van sodanige oorgang betaalbaar nie.”

3. Artikel 7 word gewysig deur die volgende subartikel in te voeg: —

- “(6) (a) In hierdie subartikel beteken —
- (i) “interim-samewerkingsdiens” enige diens wat deur die betrokke munisipaliteite óf voor óf na die datum van inwerkingtreding as ’n interim-samewerkingsdiens geïdentifiseer is en wat een munisipaliteit vir of namens een of meer ander munisipaliteite lewer;
- (ii) “diensverskaffer” die munisipaliteit wat verantwoordelik is vir die lewering van ’n interim-samewerkingsdiens;
- (iii) “diensontvanger” die munisipaliteit waaraan of namens wie ’n interim-samewerkingsdiens gelewer word.
- (b) Met ingang van die datum van inwerkingtreding lewer elke munisipaliteit wat verantwoordelik is vir die verskaffing van interim-samewerkingsdienste sodanige dienste ooreenkomstig die volgende bepalings: —
- (i) die diensverskaffer lewer sodanige dienste en, onderworpe aan subparagraaf (iii), die administrasie wat gepaardgaan met sodanige

level as such services and administration were provided prior to the effective date;

- (ii) the municipalities concerned may agree upon alterations to the nature, frequency, intensity or standard of services and administration;
- (iii) where staff who immediately prior to the effective date were employed in the provision of a service identified as an interim co-operative service, are transferred to a municipality other than a service provider, such staff shall immediately be seconded to the service provider;
- (iv) staff seconded in terms of subparagraph (iii) shall come under the direct supervision and control of the person authorised by the service provider to be in charge of such service and the persons engaged in the provision of such service, and must obey any lawful command of such person: Provided that the employer of such seconded staff shall take all reasonable steps to ensure that such staff are not disadvantaged either directly or indirectly as a result of such secondment;
- (v) the service receiver shall reimburse the service provider for all costs of providing an interim co-operative service and all costs arising out of such provision;
- (vi) the provisions of paragraphs (c) to (f) of subsection (3) shall *mutatis mutandis* apply to the provision of services in terms of this subsection;
- (vii) the service receiver shall take all reasonable steps to enable it to take over the provision of such services and the administration thereof at the earliest possible opportunity;
- (viii) by 31 December 1997 —
 - (aa) save as provided in (bb), the service provider and the service receiver shall review the situation in respect of such services with a view to the service receiver taking over responsibility for the provision of such services as soon as possible thereafter;
 - (bb) the parties represented on the Cape Metropolitan Labour Forum shall review the arrangements relating to the secondment of staff;
- (ix) all interim co-operative service delivery arrangements shall in any event terminate on the conclusion of a written agreement between the relevant service provider and the relevant service receiver, or on 30 June 1998, whichever is the sooner;
- (x) subject to subparagraph (xi), where a dispute arises as to the implementation of this subsection, such dispute shall be resolved in accordance with the mechanisms and procedures set out in Schedule 8 to the Act;

dienste, op dieselfde vlak as wat sodanige dienste en administrasie voor die datum van inwerkingtreding gelewer is;

- (ii) die betrokke munisipaliteite mag op veranderinge aan die aard, frekwensie, intensiteit of standaard van dienste en administrasie ooreenkom;
- (iii) waar personeel wat onmiddellik voor die datum van inwerkingtreding betrokke was in die lewering van 'n diens wat as 'n interim-samewerkingdiens geïdentifiseer is, oorgeplaas word na 'n munisipaliteit wat nie 'n diensverskaffer is nie, word sodanige personeel onmiddellik na die diensverskaffer gesekondeer;
- (iv) personeel wat ingevolge subparagraaf (iii) gesekondeer is, val onder die direkte toesig en beheer van die persoon wat deur die diensverskaffer gemagtig is om in beheer van sodanige diens en die persone betrokke in die lewering van sodanige diens te wees, en sodanige personeel moet enige regmatige opdrag van sodanige persoon gehoorsaam: Met dien verstande dat die werkgewer van sodanige gesekondeerde personeel alle redelike stappe sal doen om te verseker dat sodanige personeel nie direk of indirek as gevolg van sodanige sekondering benadeel word nie;
- (v) die diensontvanger moet die diensverskaffer vergoed vir alle koste wat die lewering van 'n interim-samewerkingdiens beloop en alle koste wat uit sodanige lewering voortspruit;
- (vi) die bepalings van paragrawe (c) tot (f) van subartikel (3) is *mutatis mutandis* van toepassing op die lewering van dienste ingevolge hierdie subartikel;
- (vii) die diensontvanger moet enige redelike stappe doen om homself in staat te stel om die lewering van sodanige dienste en die administrasie daarvan op die vroegste moontlike tydstop oor te neem;
- (viii) teen 31 Desember 1997 —
 - (aa) behoudens die bepalings van (bb) moet die diensverskaffer en die diensontvanger die situasie ten opsigte van sodanige dienste hersien met die oog op die oorneem deur die diensontvanger van die verantwoordelijkheid vir die lewering van sodanige dienste so gou moontlik daarna;
 - (bb) die partye verteenwoordig op die Kaapse Metropolitaanse Arbeidsforum moet die reëlins wat op die sekondering van personeel betrekking het hersien;
- (ix) alle interim-diensleweringreëlins verval in elk geval na die sluiting van 'n skriftelike ooreenkoms tussen die betrokke diensverskaffer en die betrokke diensontvanger, of op 30 Junie 1998 watter datum ook al die vroegste is;
- (x) indien enige geskil ontstaan oor die toepassing van hierdie subartikel, moet sodanige geskil ooreenkomstig die meganismes en prosedures soos in Bylae 8 tot die Wet uiteengesit opgelos word;

- (xi) any dispute regarding the secondment of staff shall be referred to the Cape Metropolitan Labour Forum for resolution in accordance with the provisions of the Metropolitan Chamber Agreement being the agreement referred to in section 9(8)."

4. The amendment of section 8 by the substitution of subsection (2) of the following subsection: —

- "(2) Subject to the provisions of sections 10(3)(f) and (j) of the Act and to the provisions of section 9(8), by 30 June 1997, or such alternative date as may be determined by the competent authority by notice in the Provincial Gazette, the employees of the municipalities shall be retained by the employers referred to in section 9(1) or by the Cape Metropolitan Council, as the case may be, or shall be transferred to the Cape Metropolitan Council or a different metropolitan local council, as the case may be, in accordance with the principles and procedures contained in section 18 of the Cape Metropolitan Enactment as read with clause 18 of the Agreement and subject to the powers of the competent authority in terms of the Act."

5. The amendment of section 9 by the addition of the following subsections —

- "(6) Those employees to be transferred in accordance with the provisions of section 8(2) and who have not disputed such transfer, or whose dispute has been resolved by or on the effective date, shall be transferred on the effective date.
- (7) A list of all employees transferred in terms of subsection (6) and the municipalities to which such employees are transferred shall be prepared by each municipality and be signed by, and lodged in the office of the Chief Executive Officer of each municipality within 14 days of the effective date.
- (8) An employee disputing his or her transfer shall, if the dispute has not been resolved by the effective date, be transferred or retained, as the case may be, in accordance with the decision of an arbitrator as provided for in the Metropolitan Chamber Agreement, being the agreement entered into in December 1995 between the predecessors of the municipalities on the one hand, and the trade unions representing the employees of the municipalities on the other hand. Any employee transferred pursuant to such an arbitration award shall be transferred with effect from the date specified by the arbitrator.
- (9) In respect of any employee transferred pursuant to the provisions of subsection (8), the municipality from which such employee is transferred may recover from the municipality to which such employee is transferred all costs associated with such employee, inclusive of remuneration and benefits incurred by the first-mentioned municipality from the effective date to the date of transfer.
- (10) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply to any transfers in terms of subsections (6) and (8)."

6. The amendment of section 14 —

- (a) by the deletion of paragraph (c) of subsection (1);
- (b) by the addition of the following subsections: —

"(3) With effect from the effective date, where a function

- (xi) enige geskil met betrekking tot die sekondering van personeel, moet na die Kaapse Metropolitaanse Arbeidsforum verwys word vir oplossing ooreenkomstig die bepalings van die Metropolitaanse Kamerooreenkoms synde die ooreenkoms na verwys in artikel 9(8)."

4. Wysig artikel 8 deur subartikel (2) deur die volgende subartikel te vervang: —

- "(2) Teen 30 Junie 1997, of 'n alternatiewe datum wat deur die bevoegde gesag by kennisgewing in die Provinsiale Koerant bepaal mag word, onderworpe aan die bepalings van artikels 10(3)(f) en (j) van die Wet en van artikel 9(8), word die werknemers van die munisipaliteite behou deur die werkgewers waarna in artikel 9(1) verwys word of deur die Kaapse Metropolitaanse Raad, na gelang van die geval, of oorgeplaas na die Kaapse Metropolitaanse Raad of 'n ander metropolitaanse plaaslike raad, na gelang van die geval, ooreenkomstig grondslae en prosedures vervat in artikel 18 van die Kaapse Metropolitaanse Maatreeë saamgelees met klousule 18 van die Ooreenkoms en behoudens die bevoegdhede van die bevoegde gesag ingevolge die Wet."

5. Artikel 9 word gewysig deur die volgende subartikels by te voeg —

- "(6) Daardie werknemers wat ingevolge die bepalings van artikel 8(2) oorgeplaas staan te word en wat nie sodanige oorplasing betwis het nie, of wie se geskil opgelos is teen of op die datum van inwerkingtreding, word op die datum van inwerkingtreding oorgeplaas.
- (7) 'n Lys van alle werknemers wat ingevolge subartikel (6) oorgeplaas is en die munisipaliteite waarna sodanige werknemers oorgeplaas is, moet deur elke munisipaliteit opgestel word en onderteken en ingedien word by die kantoor van die hoof uitvoerende beamppte van elke munisipaliteit binne 14 dae vanaf die datum van inwerkingtreding.
- (8) 'n Werknemer wat sy of haar oorplasing betwis, word oorgeplaas of behou, na gelang van die geval, as die geskil nie teen die datum van inwerkingtreding opgelos is nie, ooreenkomstig die besluit van 'n arbiter soos bepaal in die Metropolitaanse Kamerooreenkoms, welke ooreenkoms in Desember 1995 gesluit is tussen die voorgangers van die munisipaliteite aan die een kant, en die vakbonde wat die werknemers van munisipaliteite verteenwoordig aan die ander kant. Enige werknemer wat oorgeplaas is na aanleiding van sodanige arbitrasiebeslissing word met ingang van die datum wat deur die arbiter bepaal word, oorgeplaas.
- (9) Ten opsigte van enige werknemer wat oorgeplaas is na aanleiding van die bepalings van subartikel (8), mag die munisipaliteit waarvandaan sodanige werknemer oorgeplaas word alle koste wat met sodanige werknemer verband hou insluitende vergoeding en voordele en wat deur eersgenoemde munisipaliteit aangegaan is, vanaf die datum van inwerkingtreding tot die datum van oorplasing na die munisipaliteit waartoe sodanige werknemer oorgeplaas is, verhaal.
- (10) Die bepalings van subartikels (2) en (3) is, *mutatis mutandis* van toepassing op enige oorplasing ingevolge subartikels (6) en (8)."

6. Artikel 14 word gewysig —

- (a) deur paragraaf (c) van subartikel (1) te skrap;
- (b) deur die volgende subartikels in te voeg: —

"(3) Met ingang van die datum van inwerkingtreding, waar

has been transferred from a metropolitan local council to the Cape Metropolitan Council, or vice versa —

- (a) any by-law relating to such function and which was of force and effect immediately prior to the effective date shall *mutatis mutandis* remain in force and effect within the area to which it previously applied until amended or repealed by an authority having the competence to do so;
 - (b) the administration of a by-law referred to in paragraph (a) and of any other law relating to a function referred to in this subsection shall pass to the municipality responsible for such function, to the extent that it may be necessary to enable it to exercise its powers;
 - (c) anything duly done and any right, privilege, obligation or liability acquired, accrued or incurred under a by-law or other law shall not be affected by the transfer of the function in question to the relevant municipality;
 - (d) any reference in a by-law or other law to the municipality in which a function vested prior to the effective date shall be deemed to be a reference to the municipality to which such function has been transferred.
- (4) With effect from the effective date, the provisions of subsection (1) shall *mutatis mutandis* apply to those situations where rights, obligations and duties previously vesting in municipalities specified in column 2 of the first schedule or the Cape Metropolitan Council have been transferred to other municipalities in accordance with the provisions of section 8.
 - (5) Any reference in the City of Cape Town (Muizenberg Beach) Improvement Act, 1925 (Act 17 of 1925) as amended, to the Council of the City of Cape Town, shall be deemed to be a reference to the municipality of the South Peninsula, and the short title of such Act shall be "The Muizenberg Beach Improvement Act". Anything duly done and any right, privilege, obligation or liability acquired, accrued or incurred under the aforementioned Act shall not be affected by anything herein contained.
 - (6) Where a traffic officer or a law enforcement officer who is to be transferred to another municipality in terms of this Enactment was appointed by a pre-interim substructure or by a metropolitan local council prior to the effective date and is still employed as a traffic officer or a law enforcement officer immediately before the effective date, the municipality employing such officer after the effective date may issue to such officer a certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977) without first obtaining a certificate issued by an officer of the South African Police as specified in the Regulations promulgated in terms of section 334 of the said Act relating to the Declaration of Peace Officers."

'n werksaamheid vanaf 'n metropolitaanse plaaslike raad na die Kaapse Metropolitaanse Raad oorgeplaas is, of andersom —

- (a) bly enige verordening met betrekking tot sodanige werksaamheid en wat van krag en geldig was voor die datum van inwerkingtreding, *mutatis mutandis* van krag en geldig in die gebied waarop dit voorheen van toepassing was, totdat dit deur 'n gesag met die bevoegdheid daartoe, gewysig of herroep word;
 - (b) gaan die administrasie van 'n verordening waarna in paragraaf (a) verwys word en van enige ander wet wat betrekking het op 'n werksaamheid waarna in hierdie subartikel verwys word, oor op die munisipaliteit verantwoordelik vir sodanige werksaamheid, insoverre dit nodig mag wees om hom in staat te stel om sy bevoegdhede uit te oefen;
 - (c) word enige-iets wat behoorlik gedoen is en enige reg, voorreg, verpligting of las wat bekom, toegeval of aangegaan is kragtens 'n verordening of ander wet nie deur die oorgang van die betrokke werksaamheid na die betrokke munisipaliteit geraak nie;
 - (d) word enige verwysing in 'n verordening of ander wet na die munisipaliteit waarby 'n werksaamheid voor die datum van inwerkingtreding berus het, geag 'n verwysing na die munisipaliteit waarna sodanige werksaamheid oorgedra is, te wees.
- (4) Met ingang van die datum van inwerkingtreding is die bepalings van subartikel (1), *mutatis mutandis* van toepassing op daardie situasies waar regte, verpligtinge en pligte wat voorheen by munisipaliteite wat in kolom 2 van die eerste bylae gespesifiseer is of die Kaapse Metropolitaanse Raad berus het, ooreenkomstig die bepalings van artikel 8 aan ander munisipaliteite oorgedra is.
 - (5) Enige verwysing in die Stad Kaapstad (Muizenberg Zeestrand) Verbetering Wet, 1925 (Wet 17 van 1925), soos gewysig, na die Raad van Stad Kaapstad, word geag 'n verwysing na die munisipaliteit van Suid-Skiereiland te wees, en die kort titel van sodanige Wet is "Die Muizenberg Strandverbeteringswet". Enige-iets wat behoorlik gedoen is en enige reg, voorreg, verpligting of las wat bekom, toegeval of aangegaan is kragtens die genoemde Wet word nie deur enige-iets hierin geraak nie.
 - (6) Waar 'n verkeersbeampte of 'n wetstoepassingsbeampte wat na 'n ander munisipaliteit oorgeplaas staan te word kragtens hierdie Maatregel, deur 'n pre-interim substruktuur of deur 'n metropolitaanse plaaslike raad aangestel was voor die datum van inwerkingtreding en steeds in diens is as 'n verkeersbeampte of wetstoepassingsbeampte onmiddellik voor die datum van inwerkingtreding, kan die munisipaliteit in wie se diens so 'n beampte is na die datum van inwerkingtreding, aan sodanige beampte 'n sertifikaat van aanstelling na verwys in artikel 334(2)(a) van die Strafsproeswet, 1977 (Wet 51 van 1977) uitreik sonder om eers 'n sertifikaat uitgereik deur 'n beampte van die Suid-Afrikaanse Polisie te bekom soos voorgeskryf in die Regulasies afgekondig kragtens artikel 334 van die genoemde Wet wat verbandhou met die Verklaring van Vredesbeamptes."

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ANNEXURE/AANHANGSEL

AGREEMENT IN RESPECT OF THE ALLOCATION OF ASSETS AND LIABILITIES

entered into between

CAPE METROPOLITAN COUNCIL

and

THE METROPOLITAN LOCAL COUNCILS OF:

**CAPE TOWN
EASTERN
HELDERBERG
NORTHERN
SOUTHERN
TYGERBERG**

1. RECORDAL

1.1 In terms of the provisions of the Cape Metropolitan Further Enactment:—

1.1.1 the assets and liabilities of certain pre-interim Transitional Metropolitan Substructures vested in specified Metropolitan Local Councils on a temporary basis pending reallocation in terms of section 8 thereof, and subject to:—

1.1.1.1 the said Metropolitan Local Councils not acquiring any priority claim in respect of such assets and liabilities; and

1.1.1.2 the said Metropolitan Local Councils being obliged to deal with such assets and liabilities in the utmost good faith, having due regard to the interests of the other Metropolitan Local Councils (section 6(2));

1.1.2 the Cape Metropolitan Council was obliged to deal with any of its assets and liabilities which may be reallocated in the utmost good faith, having due regard to the interests of the Metropolitan Local Councils (section 6(3));

1.1.3 the Cape Metropolitan Council and the Metropolitan Local Councils were obliged before 30 June 1997, or such alternative date as may be determined by the MEC, to negotiate on the equitable division of their assets and liabilities (section 8(1));

1.1.4 when allocating the assets and liabilities in terms of section 8(1) thereof, the Cape Metropolitan Council and Metropolitan Local Councils were obliged to act in accordance with the following principles, inter alia:—

1.1.4.1 the financial capacity of the Cape Metropolitan Council and the Metropolitan Local Councils and in particular their capacity to absorb additional costs without there being any disruption in the provision of services; and

1.1.4.2 the equitable distribution of assets and liabilities, rights and obligations,

with the object of neither advantaging nor disadvantaging the Cape Metropolitan Council or any particular Metropolitan Local Council in their primary task of providing and improving services (section 8(3)).

1.2 To enable the parties to meet the deadline referred to in clause 1.1.3 above, they have agreed on a process to be followed in allocating assets and liabilities and on the principles and criteria which will govern the process of allocation. They wish to record the terms of their agreement as they hereby do.

2. INTERPRETATION

In the interpretation of this agreement, the English version shall prevail and, unless the context clearly indicates a contrary intention, the singular includes the plural and vice versa, clause headings are for convenience only and may not be used in its interpretation, and the following words and expressions shall have the meanings assigned to them below and cognate expressions shall have corresponding meanings:—

2.1 "the Act" shall mean the Local Government Transition Act, No. 209 of 1993, as amended;

2.2 "agreement" shall mean the agreement between the parties as contained herein, and the terms "the agreement" and "this agreement" shall have a corresponding meaning;

2.3 "allocation" and "allocate", without limiting the general meaning of the terms, shall, when referring to the allocation of assets and liabilities, also include the following:—

2.3.1 the reallocation or transfer of an asset or a liability from one party to another party or parties;

2.3.2 the division of an asset or a liability amongst two or more parties (which may include the party currently holding such asset or responsible for such liability);

2.3.3 the retention of an asset or a liability by a party;

- 2.4 "allocating party" shall mean the party currently holding an asset or responsible for a liability;
- 2.5 "assets" shall mean all assets, including all rights and obligations associated with such assets, held by the parties as on the relevant date set out in clause 5 below. The parties' assets shall include, but not be limited to, all those assets listed under the categories annexed hereto marked "A". It is recorded that the term "assets" refers to both individual assets and grouped assets;
- 2.6 "Cape Metropolitan Council" shall mean the Cape Metropolitan Council, established in terms of the provisions of the Cape Metropolitan Enactment (Proclamation 18 of 1995);
- 2.7 "Cape Metropolitan Further Enactment" shall mean Proclamation 27 of 1996 published in Provincial Gazette Extraordinary No. 5051 of 28 May 1996;
- 2.8 "equitable" shall mean characterised by equity and fairness. When the term "equitable" is used in relation to the allocation of an asset or a liability it shall mean that the interests of all parties affected by such allocation are fairly taken into consideration;
- 2.9 "Functions Agreement" shall mean the agreement in respect of the allocation of powers, duties and functions to be entered into by the parties;
- 2.10 "liabilities" shall mean all liabilities, including all rights and obligations associated with such liabilities, for which the parties are responsible as on the relevant date set out in clause 5 below. The parties' liabilities shall include, but not be limited to, all those liabilities listed under the categories annexed hereto marked "B";
- 2.11 "MEC" shall mean the member of the executive council responsible for local government in the Province of Western Cape;
- 2.12 "Metropolitan Local Councils" shall mean the Transitional Metropolitan Substructures of Cape Town, Eastern, Helderberg, Northern, Southern and Tygerberg, established in terms of the provisions of the Cape Metropolitan Further Enactment;
- 2.13 "Metropolitan Restructuring Forum" shall mean the forum on which all the parties are represented;
- 2.14 "parties" shall mean the Cape Metropolitan Council and the Metropolitan Local Councils;
- 2.15 "recipient party" shall mean a party or parties to which an asset or a liability is allocated;
- 2.16 "Transitional Metropolitan Substructure" shall have the meaning assigned to such term in section 1 of the Act.

3. NEGOTIATION PROCESS

- 3.1 The parties shall prepare schedules of all their assets and liabilities to be allocated in terms of this agreement (including, for sake of clarity, those assets and liabilities to be retained by the parties) on the following basis:—
- 3.1.1 As soon as possible after signature of this agreement, an independent facilitator shall be appointed to advise the parties on the format of the schedules, to co-ordinate and facilitate the allocation process, to act as mediator and, if agreed to by the parties, as arbitrator in terms of clause 4 below, and generally to advise and assist the parties in the implementation of this agreement.
- 3.1.2 The proposed format of the schedules shall be submitted to the Auditor-General and the Metropolitan Commission for their comment.
- 3.1.3 The schedules shall be compiled in accordance with the principles and criteria set out in clauses 1.1.1 above and 6, 7 and 8 below, and with due regard to the recommendations and input received from the Auditor-General and the Metropolitan Commission.
- 3.2 Together with the schedules, the parties shall:—
- 3.2.1 prepare estimates of their operating costs on the basis of the anticipated allocation of the assets and liabilities, and of any interest and redemption charges associated with loans to be allocated. It is recorded that this needs to be attended to so that the 1997/98 budgeting process can proceed;
- 3.2.2 formulate proposals regarding the process in terms of which the assets and liabilities will actually be transferred or delivered.
- 3.3 The process referred to in clauses 3.1 and 3.2.1 above shall, subject to clause 3.4 below, be completed by no later than 28 February 1997 and the schedules shall immediately thereafter be distributed to all parties for debate and negotiation in accordance with the provisions of clause 3.5 below, it being the intention of the parties that the allocation process will be completed by 30 June 1997.
- 3.4 The date referred to for delivery of the schedules may be extended by agreement of all the parties on good cause shown by any party applying for such extension. Any application for an extension shall be lodged with the Metropolitan Restructuring Forum and shall be considered by the parties as soon as possible thereafter. In the event that the application for an extension is granted, the party applying for such extension shall in any event distribute to the other parties, by 28 February 1997, such information and documentation to be included in the schedules and proposals which it has available on that date.
- 3.5 As soon as possible after distribution of the schedules, the parties shall reach agreement on the allocation of the assets and liabilities set out in the schedules, provided that any dispute in regard to such allocation shall be resolved in accordance with the provisions of clause 4 below.
- 3.6 The parties, with the assistance of the Metropolitan Restructuring Forum and the independent facilitator, shall furthermore seek to reach agreement in regard to the process referred to in clause 3.2.2 above, provided that, if they are unable to reach agreement by 31 January 1997, or such later date as may be agreed by the parties, the matter shall be referred to arbitration in terms of the provisions of clause 4.3 below.

4. RESOLUTION OF DISPUTES

Where two or more parties ("the affected parties") are unable to reach agreement in regard to the allocation of a particular asset or liability, or a category of assets or liabilities, then the affected parties shall take the following steps in order to resolve their dispute:—

- 4.1 they shall firstly attempt to settle their dispute by agreement;
- 4.2 if they fail to resolve their dispute by agreement within a period of 7 (seven) days, or such extended period as may be agreed by them, then any affected party may refer the matter in dispute to either or both of:—
 - 4.2.1 the independent facilitator, who shall in such event act as mediator;
 - 4.2.2 the Metropolitan Restructuring Forum, which shall in such event endeavour to mediate the dispute;
- 4.3 failing resolution of the issue in dispute in accordance with the provisions of clauses 4.2.1 or 4.2.2 within 7 (seven) days of the referral of the dispute, or such extended period as may be agreed by the affected parties, then the issue in dispute shall be referred to arbitration in accordance with the following provisions:—
 - 4.3.1 the reference to arbitration in terms of this clause shall be deemed to be a submission to the arbitration of a single arbitrator in terms of the Arbitration Act, No. 42 of 1965 as amended, or any legislation passed in substitution thereof;
 - 4.3.2 the arbitrator shall be a person agreed upon between the affected parties or, failing such agreement within 7 (seven) days, an arbitrator nominated by the independent facilitator, provided that:—
 - 4.3.2.1 if the issue in dispute is an accounting matter, the arbitrator shall be a chartered accountant of not less than 10 (ten) years standing;
 - 4.3.2.2 if the issue in dispute is a legal matter, the arbitrator shall be an attorney or advocate of not less than 10 (ten) years standing;
 - 4.3.2.3 if the parties are unable to agree on whether the issue in dispute is a legal or an accounting matter, then the arbitrator shall be an attorney or advocate of not less than 10 (ten) years standing;
 - 4.3.3 the decision of the arbitrator shall be final and binding on the parties;
 - 4.3.4 in the absence of any other agreed procedure and notwithstanding the provisions of clause 4.3.1 above, the arbitration shall be held in accordance with such formalities and/or procedures as may be determined by the arbitrator and shall be held in an informal and summary manner, on the basis that it shall not be necessary to observe or carry out the usual formalities of procedure, pleadings and/or discovery, or respect the rules of evidence, it being the intention of the parties that the arbitration should be finalised as quickly as possible;
 - 4.3.5 notwithstanding anything to the contrary herein contained, the arbitration proceedings shall be open to the public;
 - 4.3.6 the arbitrator shall take into account the effect or impact of his/her decision not only on the affected parties, but also on all other parties, with specific reference to the principles set out in clause 1.1 above;
 - 4.3.7 the affected parties shall share all costs of the arbitration process equally.

5. EFFECTIVE DATE IN RESPECT OF THE ALLOCATION OF ASSETS AND LIABILITIES

- 5.1 Save as set out in paragraph 5.2 below, and notwithstanding the actual date of delivery, transfer or retention of the assets and liabilities, all assets and liabilities allocated in terms of this agreement shall be deemed to have been allocated with effect from 1 July 1996—
 - 5.1.1 as from which date the recipient councils shall be entitled to all benefits attaching to the assets and shall be responsible for all the liabilities;
 - 5.1.2 on which date all risk in such assets and liabilities shall be deemed to have passed from the allocating councils to the recipient councils.
- 5.2 In respect of those assets and liabilities allocated from the Cape Metropolitan Council to one or more of the Metropolitan Local Councils or vice versa, pursuant to the allocation of functions in terms of the Functions Agreement, such assets and liabilities shall be allocated with effect from 1 July 1997, and the provisions of clauses 5.1.1 and 5.1.2 shall mutatis mutandis apply.
- 5.3 The provisions of section 6(2)(a)(iii) and 6(3) of the Cape Metropolitan Further Enactment (referred to in clauses 1.1.1.2 and 1.1.2 above) shall apply to the allocating party pending the actual transfer or delivery of the assets and liabilities.

6. SPECIAL PROVISIONS REGARDING THE INTERPRETATION AND IMPLEMENTATION OF CLAUSES 7 AND 8

- 6.1 In the implementation of this agreement, account shall at all times be taken of the principles set out in the Cape Metropolitan Further Enactment and recorded in clause 1.1.4 above.
- 6.2 The principle of "liabilities follow assets" shall be applied wherever a liability is attached to a particular asset. Any reference to assets in clauses 7 and 8 below shall include all liabilities directly associated with such assets.
- 6.3 Any reference in clauses 7 and 8 of this agreement to assets and liabilities associated with a function of a particular party shall refer only to those functions allocated in terms of the Functions Agreement.

- 6.4 In the event of any dispute between the parties in regard to the interpretation or implementation of this agreement, including but not limited to disputes as to whether or not a particular asset or liability is associated with a specific function and disputes in regard to the relevant criteria to be applied in allocating any asset or liability, the issue in dispute shall be resolved in accordance with the provisions of clause 4 above.

7. PRINCIPLES AND CRITERIA REGARDING THE ALLOCATION OF ASSETS AND LIABILITIES ASSOCIATED WITH PARTICULAR FUNCTIONS

- 7.1 All assets and liabilities associated exclusively with functions carried out by and within the area of jurisdiction of a single Metropolitan Local Council, shall be allocated to such Metropolitan Local Council.
- 7.2 All assets and liabilities associated exclusively with specific functions carried out by the Cape Metropolitan Council, shall be allocated to the Cape Metropolitan Council.
- 7.3 All movable assets that are associated with a function or functions for which more than one party is responsible, and which can be divided between the relevant parties, shall be divided amongst the said parties in accordance with the percentage of actual time the particular assets are utilised in each area and/or for the benefit of each party, and/or in accordance with the other relevant use patterns, and/or on any other basis which the affected parties may agree, whichever is most practicable in the circumstances. By way of example, a vehicle pool could be divided according to the time used, whereas provisions in a store could be divided according to the volume of items previously issued to the respective areas.
- 7.4 All immovable assets associated with a function or functions for which more than one party is responsible shall, if the Cape Metropolitan Council is the major user of such immovable asset (in terms of the functions allocated in accordance with the Functions Agreement or in terms of any relevant legislation), be allocated to the Cape Metropolitan Council, and in all other cases be allocated to the party within whose area of jurisdiction such immovable asset is located, provided that any other party having an interest in any such immovable asset, and its successor-in-title, shall be entitled to continue to use such asset:—

7.4.1 against payment of a proportional share of the costs; and

7.4.2 until its right of use is terminated by agreement.

Notwithstanding the provisions of this clause 7.4, the parties may agree to sub-divide any immovable asset capable of sub-division, and to allocate each portion thereof in accordance with such agreement.

- 7.5 Subject to the provisions of clauses 7.6, 7.7 and 7.8, all movable assets associated with a function or functions for which more than one party is responsible and which cannot be divided between the said parties, shall be allocated to the party which currently utilises the major share of such asset or, if the parties are unable to determine which party currently utilises the major share of such asset, then jointly to the relevant parties with one of the parties having custody of such asset; provided that any other party having an interest in such movable asset, and its successor-in-title, shall be entitled to continue to use such asset:—

7.5.1 against payment of a proportional share of the costs; and

7.5.2 until its right to use is terminated by agreement.

- 7.6 All financial assets associated with a function or functions for which more than one party is responsible and which cannot be divided between the said parties shall be allocated jointly to the said parties, each party's share of such asset being determined on an equitable basis, having regard to the nature and purpose served by each particular asset.

- 7.7 All incorporeal assets associated with a function or functions for which more than one party is responsible shall:—

7.7.1 where it is possible to allocate such asset to one party, be allocated to such party by agreement, provided that any other party having an interest in such incorporeal asset, and its successor-in-title, shall be entitled to continue to use such asset against payment of a proportional share of the costs and until its right to use is terminated by agreement;

7.7.2 where it is not possible to allocate such incorporeal asset to one of the parties, be allocated jointly to the said parties, each party's share of such asset being determined on an equitable basis, having regard to the nature and purpose served by such asset.

- 7.8 All files, records, data and the like (hereinafter "records") associated with a function or functions for which more than one party is responsible and which cannot be divided between the said parties, shall be allocated to one of the parties by agreement, provided that the other affected parties shall have the right of access to such records and the right to obtain copies thereof.

- 7.9 All liabilities (save for those liabilities referred to in clause 6.3 above) associated with a function or functions for which more than one party is responsible and which cannot be divided between the said parties shall be shared by the said parties, each party's share being determined on an equitable basis taking account of the nature and purpose served by each such liability.

8. PRINCIPLES AND CRITERIA REGARDING THE ALLOCATION OF ASSETS AND LIABILITIES NOT ASSOCIATED WITH PARTICULAR FUNCTIONS

Assets and liabilities not associated with a particular function shall be allocated on the following basis:—

- 8.1 In respect of financial assets and liabilities:—

8.1.1 provisions accumulated for the purpose of providing for the parties' employees (for example, accumulated leave funds) shall be allocated to the parties on the basis of an equitable employee-related formula and in proportion to the cost to the parties of each particular provision;

- 8.1.2 reserves and provisions accumulated for a specific purpose other than providing for the parties' employees shall be allocated on an equitable basis having regard to the nature and purpose served by each particular reserve or provision;
- 8.1.3 reserves and accumulated surpluses of a general nature shall be allocated by agreement between the affected parties on one of the following bases, whichever is applicable to the relevant fund:—
- 8.1.3.1 in proportion to the percentage of the population resident in the relevant areas; and/or
 - 8.1.3.2 in proportion to the percentage of registered voters in the relevant areas; and/or
 - 8.1.3.3 in proportion to the percentage of rates income accrued from the relevant areas in the 1995/6 financial year; and/or
 - 8.1.3.4 in proportion to the percentage of income accrued from the relevant areas from the utilisation of services in the 1995/6 financial year; and/or
 - 8.1.3.5 any other basis agreed upon by the parties,

provided that, wherever possible, the same basis should be utilised by all the parties in respect of each such reserve or accumulated surplus, and provided further that the parties shall take account of the views of the independent facilitator in determining the applicable bases.

- 8.2 In respect of immovable assets not associated with a specific function, including any movable assets associated with such immovable assets:—

- 8.2.1 such immovable assets previously owned by the pre-interim Transitional Metropolitan Substructure within whose former area of jurisdiction such immovable asset is situated, or by the Cape Metropolitan Council, shall be allocated to the Metropolitan Local Council in whose area of jurisdiction such immovable asset is situated;
- 8.2.2 such immovable assets previously owned by a pre-interim Transitional Metropolitan Substructure but situated outside the former area of jurisdiction of such pre-interim Transitional Metropolitan Substructure, shall be allocated jointly to the Metropolitan Local Councils whose areas of jurisdiction fall partly or wholly within the former area of jurisdiction of the aforementioned Transitional Metropolitan Substructure. In such event each of the Metropolitan Local Councils shall have a share of such immovable asset, each party's share being determined on an equitable basis, having regard to the criteria set out in clause 8.1.3 above.

- 8.3 Any immovable asset which is partially utilised functionally and which is capable of sub-division shall be sub-divided and:—

- 8.3.1 that portion which is or may be used functionally shall be allocated in accordance with the provisions of clause 7.4 above; and

- 8.3.2 the remainder shall be allocated to the Metropolitan Local Council in whose area of jurisdiction such immovable asset is situated,

provided that, if any such portion of an immovable asset is allocated to a party in terms of clause 8.3.1 above, and such party at any stage decides not to utilise such portion in respect of a function allocated in terms of the Functions Agreement, such portion shall be re-allocated in terms of the provisions of clause 8.3.2 above.

- 8.4 All files, records, data and the like (hereinafter "records") not associated with a specific function or functions but which relate to more than one party shall be allocated to one of the parties by agreement, provided that the other affected parties shall have the right of access to such records and the right to obtain copies thereof.

- 8.5 All other assets and liabilities not associated with a specific function, including incorporeal assets and liabilities, shall be allocated on the following basis:—

- 8.5.1 where such assets are divisible, they shall be divided and allocated on an equitable basis, having regard to the criteria set out in clause 8.1.3 above;

- 8.5.2 where such assets and liabilities are not divisible, they shall be allocated jointly to the relevant parties with each party's share being determined on an equitable basis, having regard to the criteria set out in clause 8.1.3 above.

9. OPERATIVE DATE OF THIS AGREEMENT

This agreement shall come into effect on the date of signature of the last-signing party.

10. NO AMENDMENT

The parties record that this agreement constitutes the full contractual relationship between them and no variation hereof, addition hereto or consensual cancellation hereof shall be binding on any of the parties unless recorded in writing under their respective signatures.

fridges,

THUS DONE AND SIGNED AT CAPE TOWN ON THE 9TH DAY OF DECEMBER 1996

for and on behalf of the undersigned parties,
each signatory warranting that
he/she is duly authorised to sign

AS WITNESSES:

1.

2.

CAPE METROPOLITAN COUNCIL

AS WITNESSES:

1.

2.

CAPE TOWN METROPOLITAN LOCAL COUNCIL

AS WITNESSES:

1.

2.

EASTERN METROPOLITAN LOCAL COUNCIL

AS WITNESSES:

1.

2.

HELDERBERG METROPOLITAN LOCAL COUNCIL

AS WITNESSES:

1.

2.

NORTHERN METROPOLITAN LOCAL COUNCIL

AS WITNESSES:

1.

2.

SOUTHERN METROPOLITAN LOCAL COUNCIL

AS WITNESSES:

1.

2.

TYGERBERG METROPOLITAN LOCAL COUNCIL

ANNEXURE A

CATEGORIES OF ASSETS

ASSETS

- | | |
|---|---|
| 1. Land | Public open spaces, parks, sportsgrounds, cemeteries, nature reserves, etc. |
| 2. Buildings | Municipal structures, buildings, housing, etc. |
| 3. Plant and Machinery | Plant, machinery, equipment, etc. |
| 4. Vehicles | Trucks, bakkies, cars, special purpose vehicles, motor cycles, fire engines, etc. |
| 5. Office equipment, conditioners, faxes | Computers, PC's, software printers, air conditioners, photocopiers, heaters, cell phones, fridges, TV & videos, typewriters, stoves, etc. |
| 6. Furniture | Desks, chairs, tables, bookcases, workstations, cupboards, etc. |
| 7. Investments | Stocks, investments, savings accounts, etc. |
| 8. Specials | Works of art, artifacts, harbours, airports, memorabilia, collections, etc. |
| 9. Stores | All stock items founds in the Stores, as well as stockpiles of sand, stone, compost, etc. |
| 10. Debtors | Self-explanatory |
| 11. Cash | Self-explanatory |
| 12. Reservoirs and Dams | |
| 13. Power Stations | |
| 14. Infrastructure | Roads, sewers, distribution networks, etc. |
| 15. Data, records and systems | |
| 16. Rights such as copyright, licences, reversionary clauses, other rights in unowned property, interests in Section 21 Companies | |

ANNEXURE B

CATEGORIES OF LIABILITIES

LIABILITIES

- | | |
|---------------------------|--|
| 1. Funds | CCDLF, Dogs, Parking Areas, Insurance, Housing, etc. |
| 2. Trust Funds | Nature Reserves, Housing, Rent Loss, Mayors Charity, Night Shelter, etc. |
| 3. Reserves | Accumulated Leave, Tariff Stabilisation, etc. |
| | <i>(Reserves are created for liabilities where the amount cannot be accurately determined)</i> |
| 4. Provisions | Maintenance, Unforeseen breakages, etc. |
| | <i>(Provisions are created for liabilities where the amount can be accurately determined)</i> |
| 5. Loans | Stock, Annuities, Bonds, Loans, etc. |
| 6. Advances | Taken up internally |
| 7. Overdrafts | Self-explanatory |
| 8. Contingent Liabilities | Pending law suits, pending insurance claims, etc. |
| 9. Creditors | Self-explanatory. |

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS

SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE