



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 629

24 November 2017
November

No. 41276

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ISSN 1682-5843



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1310

24 NOVEMBER 2017

**PUBLICATION OF PARTICULARS OF PROPOSED AMENDMENT TO THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996**

I, Michael Masutha, Minister of Justice and Correctional Services, in terms of section 74(5)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and in accordance with the rules and orders of the National Assembly, hereby publish the particulars of a proposed amendment to the Constitution as set out below, for public comment.

The intended Constitution Amendment Bill will provide for the redetermination of the geographical areas of the provinces of the Eastern Cape, KwaZulu-Natal, the North West and the Northern Cape, as depicted in the maps in the Schedule hereto.

Written representations on the particulars of the Constitutional amendment can be submitted to—

- (a) Ms T Skhosana
ThSkhosana@justice.gov.za; or
- (b) Ms E Steyn
Ensteyn@justice.gov.za; or
- (c) to any one of the above-mentioned officials at the following address:
Department of Justice and Constitutional Development
Chief Directorate: Legislative Development
Private Bag X 81
PRETORIA
0001; or
- (d) be clearly marked for the attention of any one of the above-mentioned officials and handed in at
SALU Building Room 2302/2303
Thabo Sehume Street
PRETORIA

The representations must reach the officials not later than **28 February 2018**.

The following background information is relevant:

1. Section 103(1) of the Constitution lists the nine provinces of the Republic of South Africa. Section 103(2) provides that the geographical areas

This Notice is also available on the website of the Department at: www.justice.gov.za

of the respective provinces comprise the sum of the indicated geographical areas reflected in the maps referred to in the Notice listed in Schedule 1A to the Constitution. Schedule 1A lists the various municipal maps in respect of each province as provided for in section 103(2) of the Constitution. In essence, these geographical areas are depicted by means of municipal boundaries.

2. Provincial boundaries can only be determined and changed by Parliament by means of a Constitution Amendment Bill which, in turn, requires the processes and procedures set out in section 74 of the Constitution to be followed. Special procedures are required to be complied with in the case of constitutional amendments which affect provincial boundaries. A supporting vote of at least two thirds of the members of the National Assembly and at least six provinces in the National Council of Provinces is necessary for the redetermination of provincial boundaries in Schedule 1A to the Constitution. A Bill amending the Constitution, which concerns a specific province or provinces, (in this instance, the redetermination of provincial boundaries), must also be approved by the provincial legislatures concerned, before it is passed by the National Council of Provinces. The implications of the judgment of the Constitutional Court in the *Matatiele Municipality*-case, in which the constitutionality of the Constitution Twelfth Amendment Act was challenged, are that proper and extensive consultation is of utmost importance where the redetermination of provincial boundaries is concerned.

3. The intended redetermination of the provincial boundaries in question emanates from the communities of the areas in question who wish to be relocated in neighbouring provinces. Service delivery, places of doing their business and transportation are the most significant reasons for the requested relocations. The areas to be relocated in neighbouring provinces are the Matatiele Local Municipality in the Eastern Cape Province, which is intended to be relocated in the KwaZulu-Natal Province and the area of Ba Ga Mothibi in the Greater Taung Local Municipality in the North West Province which is intended to be relocated in the Northern Cape Province.

4. In the Schedule to this Notice—

4.1 in respect of the Matatiele Local Municipality—

4.1.1 the map titled “Matatiele in District Context – Status Quo”, depicts the Matatiele Local Municipality as it is currently part of the Alfred Nzo District Municipality in the Eastern Cape Province;

4.1.2 the map titled “Matatiele in Provincial Context – Status Quo” depicts the Matatiele Local Municipality as it is currently part of the Eastern Cape Province;

4.1.3 map No. 32 depicts the Matatiele Local Municipality as it will form part of the Harry Gwala District Municipality in the KwaZulu-Natal Province; and

4.1.4 the map titled “Matatiele in Provincial Context – Proposed Redetermination”, depicts the Matatiele Local Municipality as it will form part of the KwaZulu-Natal Province; and

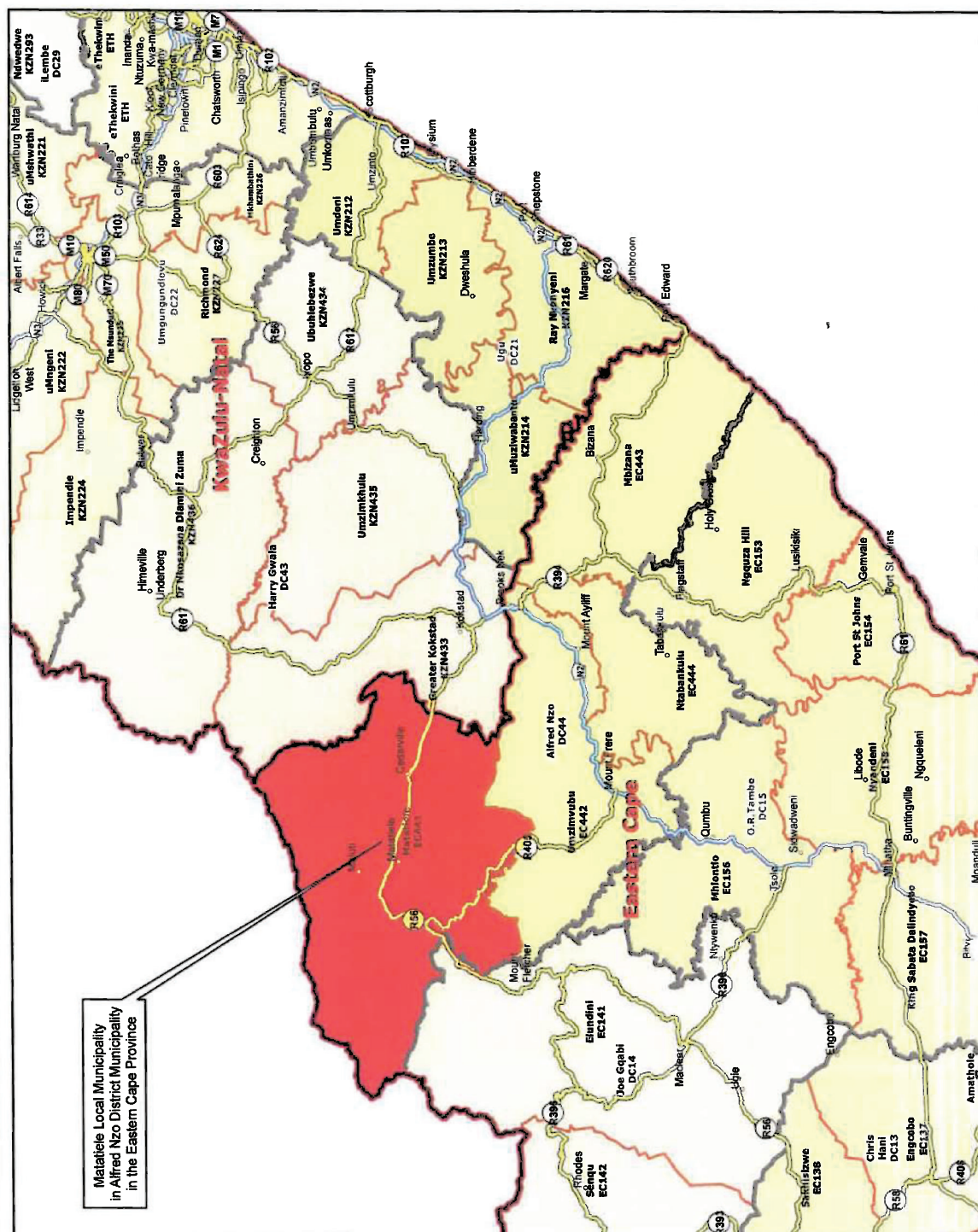
4.2 in respect of the area of Ba Ga Mothibi—

- 4.2.1 the map titled “Ba Ga Mothibi in Municipal Context – Status Quo”, depicts the area of Ba Ga Mothibi as it is currently part of the Greater Taung Local Municipality in the North West Province;
- 4.2.2 the map titled “Ba Ga Mothibi in District Context – Status Quo”, depicts the Greater Taung Local Municipality as it is currently part of the Dr Ruth Segomotsi Mompati District Municipality in the North West Province;
- 4.2.3 the map titled “Ba Ga Mothibi in Provincial Context – Status Quo”, depicts Ba Ga Mothibi in the Dr Ruth Segomotsi Mompati District Municipality in the North West Province;
- 4.2.4 the map titled “Ba Ga Mothibi in Municipal Context – Proposed Redetermination”, depicts Ba Ga Mothibi as it will form part of the Phokwane Local Municipality in the Northern Cape Province; and
- 4.2.5 Map No. 45 depicts Ba Ga Mothibi as it will form part of the Frances Baard District Municipality in the Northern Cape Province.

TM MASUTHA, MP
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

Matatiele in District Context - Status Quo



Amendments to Provincial Boundaries

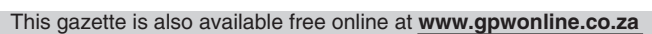
Legend

- Current Provincial Boundary
- District Municipality Boundary
- Local Municipality Boundary
- National Roads
- Main Roads

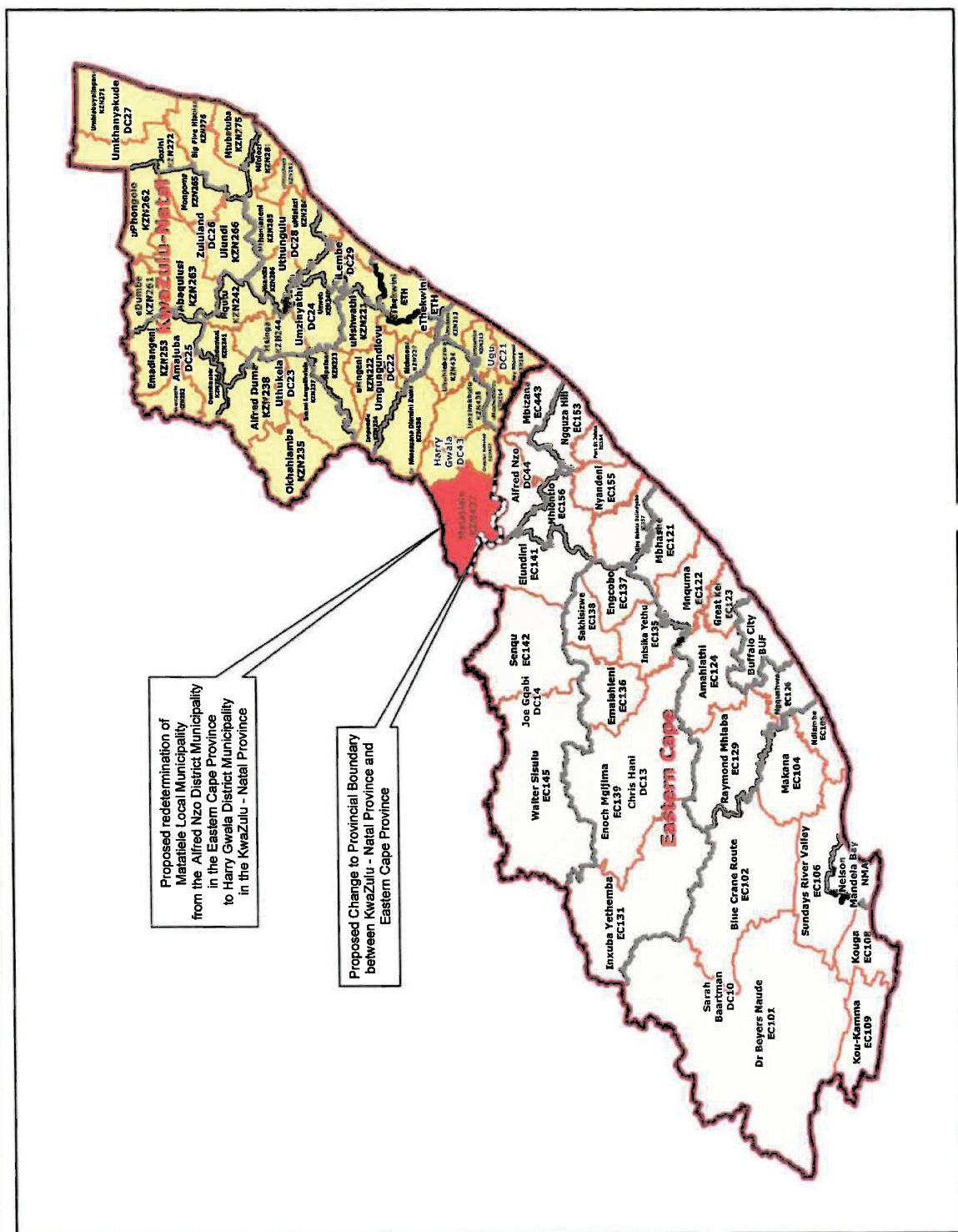


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Matatiele in Provincial Context - Proposed Redetermination



Amendments to Provincial Boundaries

Legend

- Proposed Provincial Boundary
- Proposed District Municipality Boundary
- Proposed Local Municipality Boundary
- Proposed Boundary Change

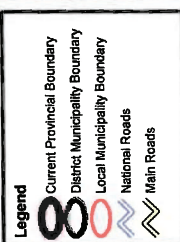
PROPOSED REDETERMINATION OF MATATIELE LOCAL MUNICIPALITY BY EXCLUDING IT FROM THE ALFRED NZO DISTRICT MUNICIPALITY IN THE EASTERN CAPE PROVINCE AND INCLUDING IT INTO THE HARRY GWALA DISTRICT MUNICIPALITY IN THE KWAZULU - NATAL PROVINCE



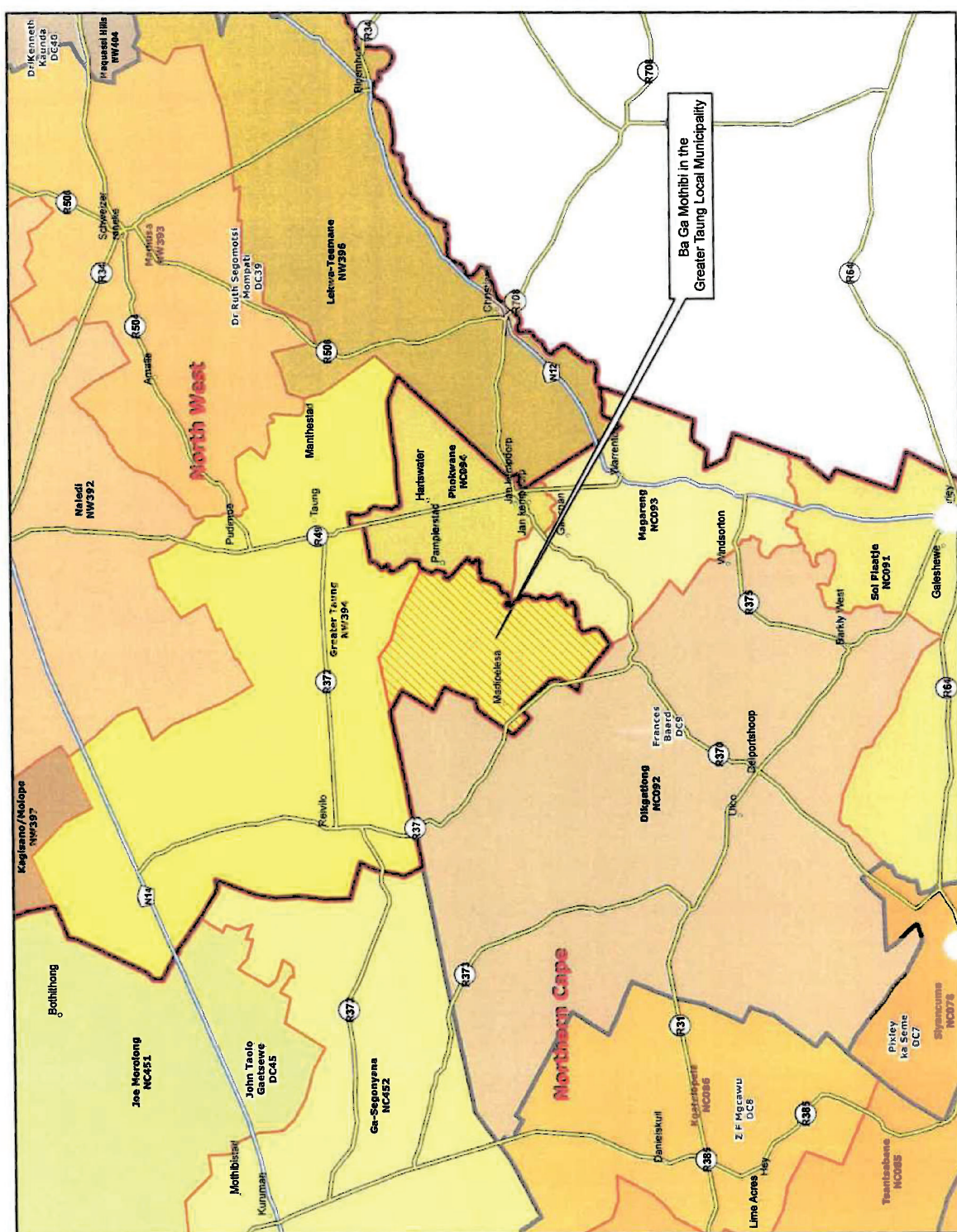
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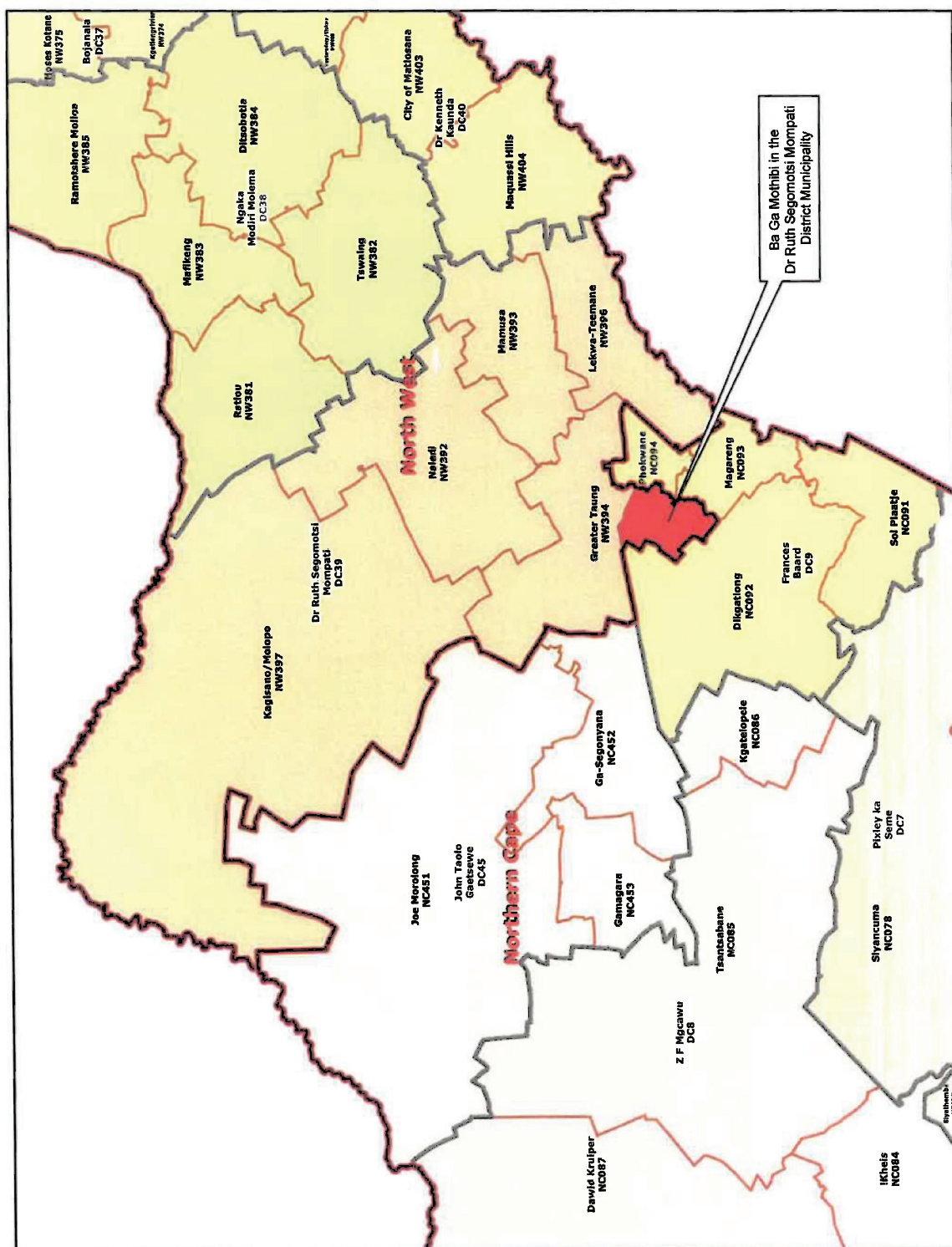
Amendments to Provincial Boundaries



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Ba Ga Mothibi in District Context - Status Quo



Amendments to Provincial Boundaries

Legend

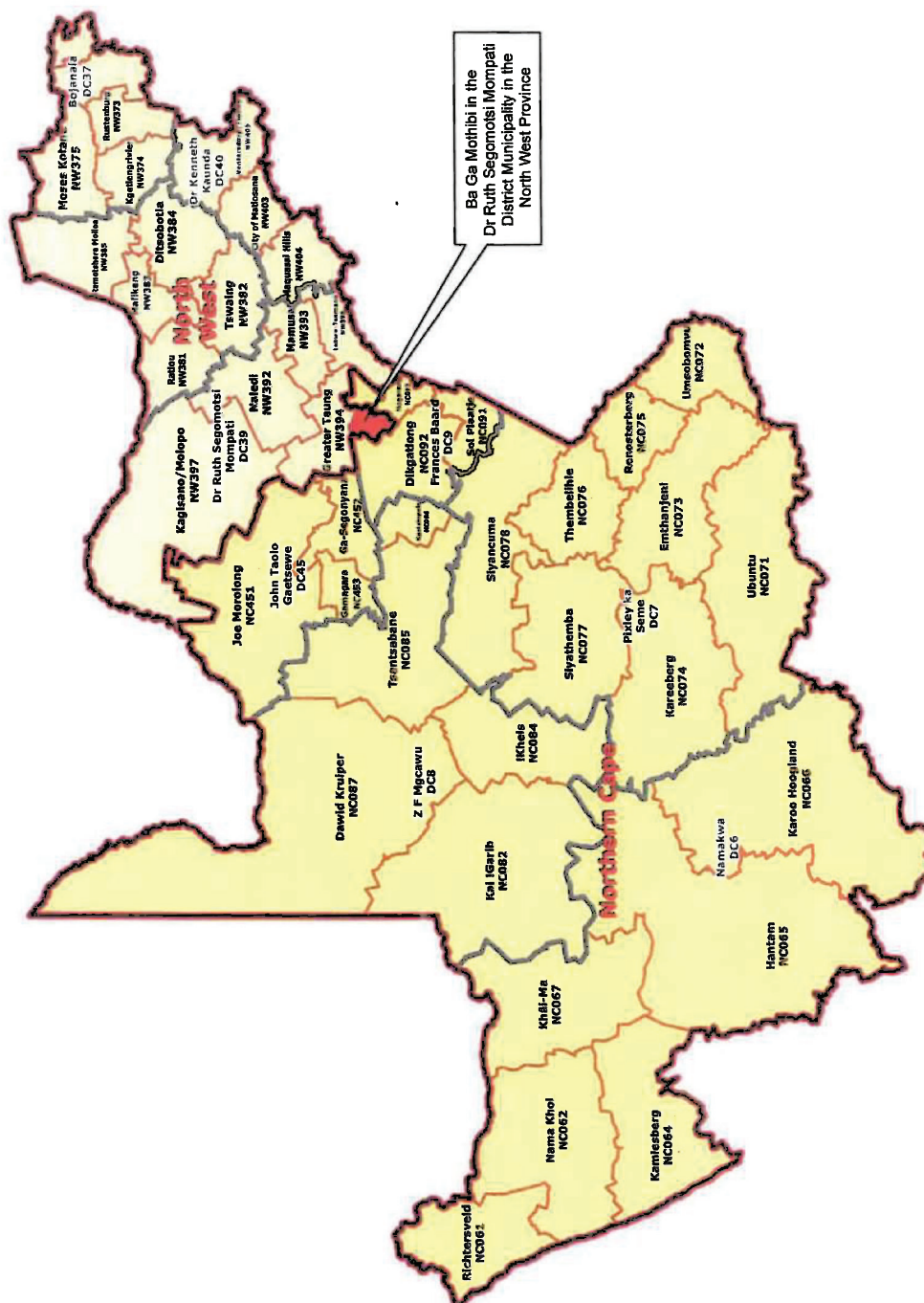
- Current Provincial Boundary
- District Municipality Boundary
- Local Municipality Boundary



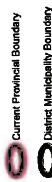
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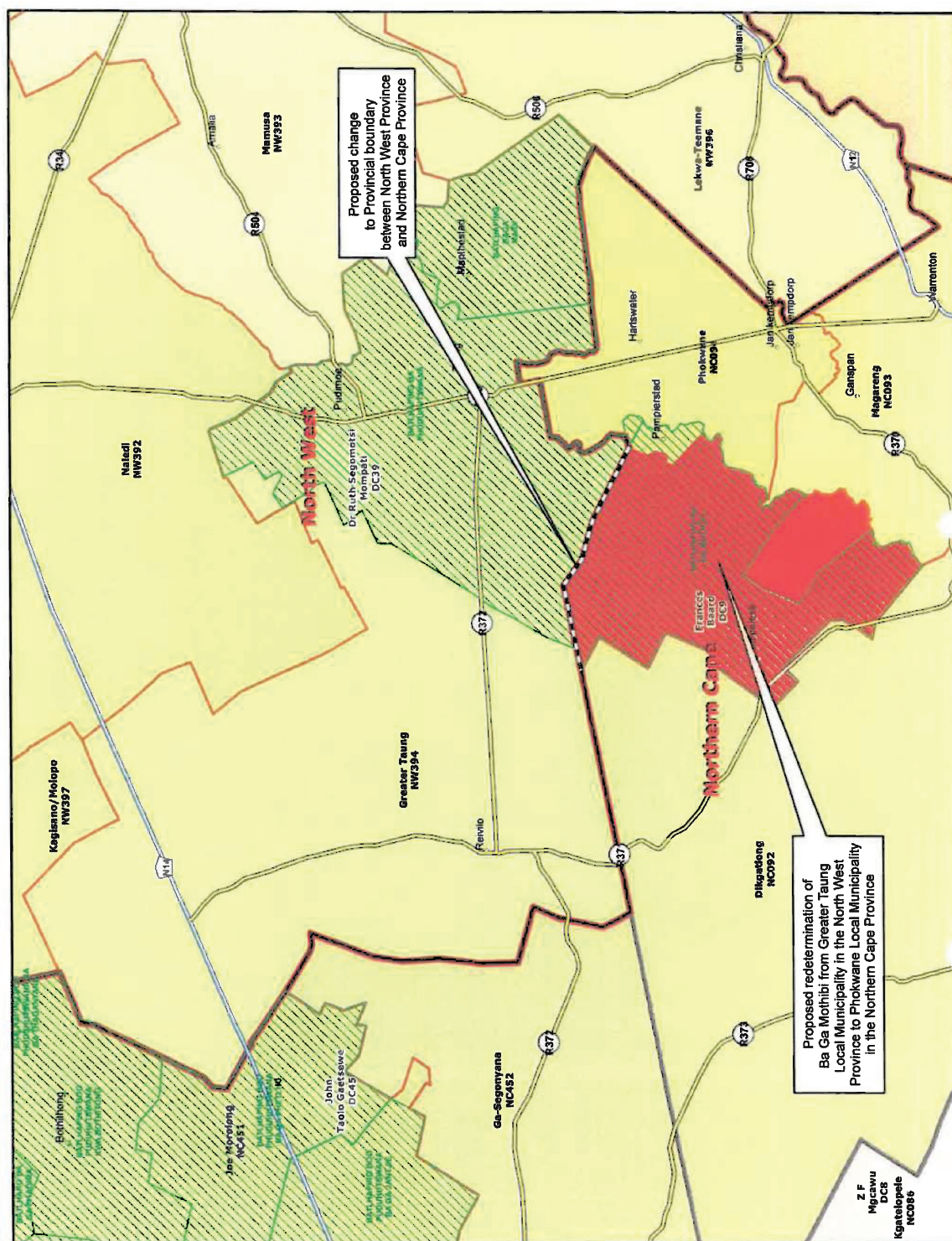
Ba Ga Mothibi in Provincial Context - Status Quo



Amendments to Provincial Boundaries



Ba Ga Mothibi in Municipal Context - Proposed Redetermination



Amendments to Provincial Boundaries

Legend

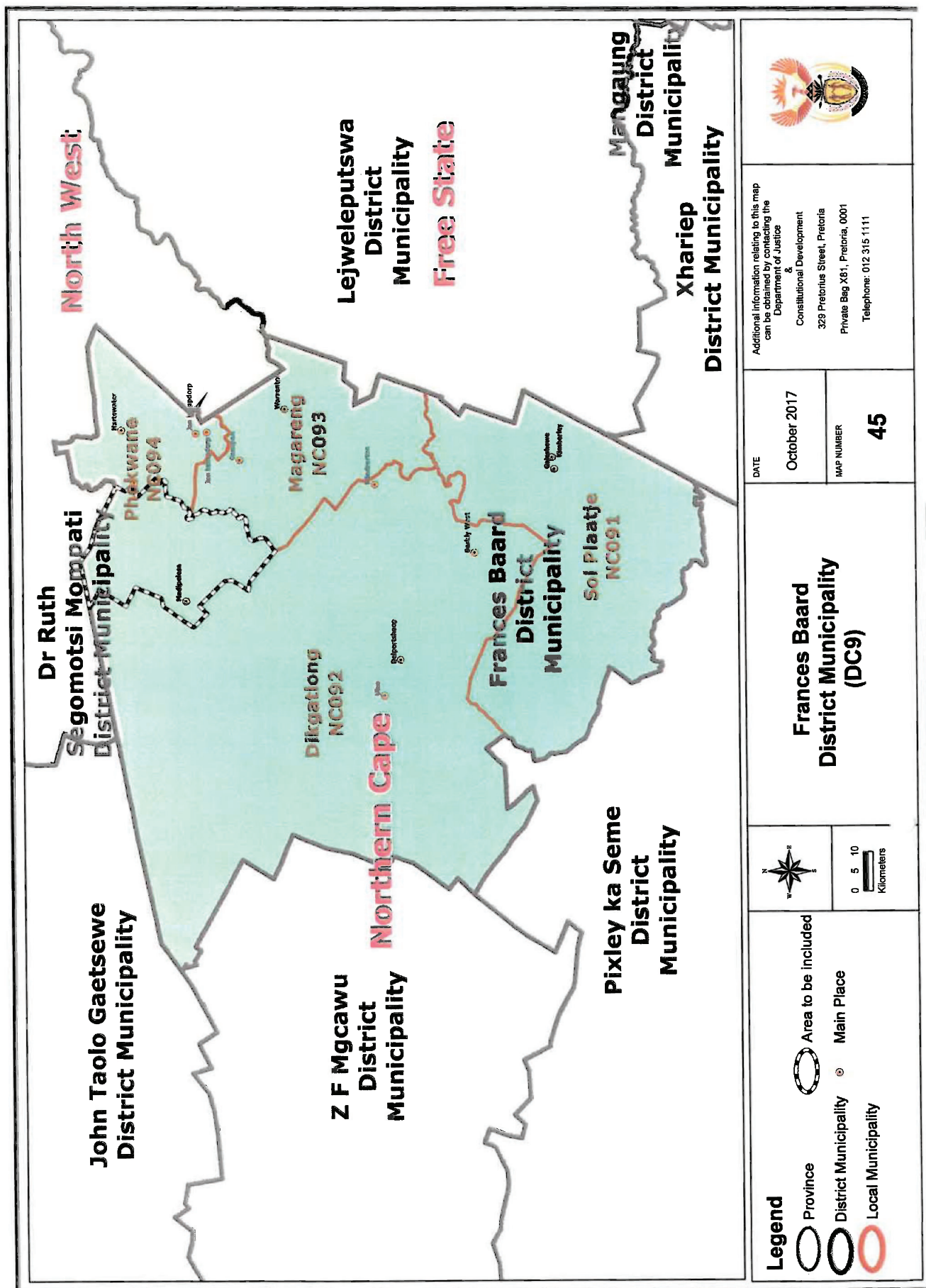
- Proposed Provincial Boundary
- Proposed District Municipality Boundary
- Proposed Local Municipality Boundary
- Tribal Council Areas
- National Roads
- Main Roads
- Proposed Boundary Change

PROPOSED REDETERMINATION OF BA GA MOTHIHI BY EXCLUDING FARMS ANTHON 1083, CHOSEN FARM 1049, CORNFORTH HILL 1058, DINGLEY DELL 1041, DRIEFONTEIN 1056, HOEKPLAATS 1040, MAJOGORO LOCATION 1042, MOMOTLA 1059, PLAAS 1043 HN, PLAAS 1044 HN, PLAAS 1045 HN, PLAAS 1047 HN, PLAAS 1049 HN, PLAAS 1051 HN, PLAAS 1054 HN, PLAAS 1055 HN, PLAAS 1057 HN, PLAAS 315 HN, SEODIN 1052, SHALEN 1050 AND VAALBOSCHHOEK 1046 FROM THE NORTH WEST PROVINCE AND INCLUDING THEM INTO THE NORTHERN CAPE PROVINCE



October 2017





Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065