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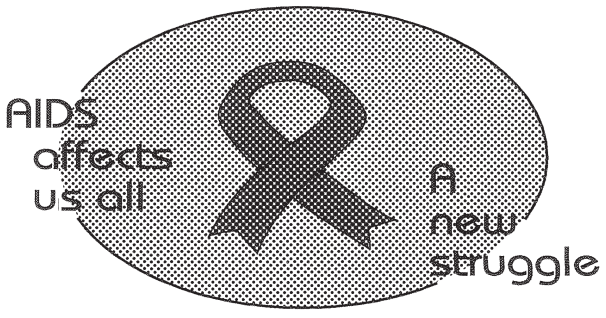

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 139 OF 2016

UMZINYATHI DISTRICT MUNICIPALITY
(DC 24)

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: REPEAL AND REPLACEMENT OF ESTABLISHMENT NOTICE FOR THE UMZINYATHI DISTRICT MUNICIPALITY (DC24) AND THE ENDUMENI (KZN241), NQUTHU (KZN242), MSINGA (KZN244) AND UMVOTI (KZN245)LOCAL MUNICIPALITIES

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and have made provision for transitional measures to facilitate and to regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the **21st** day of **July**, Two Thousand and Sixteen

_____[SIGNED]_____
NOMUSA DUBE-NCUBE, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE

PART 1

CHAPTER 1: GENERAL PROVISIONS

Definitions
1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning and–

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**constituent local municipalities**" means the eNdumeni, Nquthu, uMsinga and uMvoti municipalities;

"**demarcation notice**" means the relevant Notices specified in Annexure A hereto;

"**effective date**" means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

"**Executive Committee**" means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

"**KwaZulu-Natal Determination of Types of Municipality Act**" means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"**MEC**" means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;
"**Municipal Public Accounts Committee**" means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

"**proportionally elected councillors**" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province of KwaZulu-Natal;

"**this Notice**" means this Notice, including its Schedule and Annexures; and

"**ward councillor**" means a councillor elected to directly represent a ward.

Continued existence of district and related local municipalities
2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the uMzinyathi District Municipality and its constituent local municipalities as set out in Parts 2 to 6 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in–

(a) Demarcation numbers DEM 2349, DEM 4143, DEM 4301 and DEM 482 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
(b) Demarcation numbers DEM 2349, DEM 4143, DEM 4301 and DEM 482 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and
(c) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

Division of powers and functions
3. The division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and
(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6,

are set out in Annexure B.

Amendment of Notice
4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

Status
5. A municipality has the legal status accorded to such municipality in terms of national legislation.

Repeal
6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

CHAPTER 2: TRANSITIONAL MEASURES

Legal succession

7. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policiesand resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

Continued operation of municipality

8. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues–

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

Transitional arrangements

9.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which–

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

Savings

10.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

Validation

11. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed–

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with:

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

PART 2

Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMzinyathi continues to exist for the district municipal area DC24 as a whole.

Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as–

(a) determined in such repealed notices for the district municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the district municipality isuMzinyathi District Municipality.

Councillors

6.(1) The council of the district municipality consists of 27 councillors, of whom–

(a) 11 are proportionally elected councillors;

(b) two are appointed by the local municipality as contemplated in Part 3 of this Schedule;

(c) five are appointed by the local municipality as contemplated in Part 4 of this Schedule;

(d) five are appointed by the local municipality as contemplated in Part 5 of this Schedule; and

(e) four are appointed by the local municipality as contemplated in Part 6 of this Schedule.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Seat of municipality
7. The seat of the municipality is the uMzinyathi Municipal Offices in Dundee.

PART 3

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN241 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

Name
5. The name of the local municipality iseNdumeni Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 13 councillors, of whom–
(a) six are proportionally elected councillors; and
(b) seven are ward councillors.

(2) It is determined that no councillorsmay be designated as full-time councillorsin terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 98 dated 27 July 2015 (*Provincial Gazette* No. 1445).

Seat of municipality
8. The seat of the municipality is the eNdumeni Municipal Offices in Dundee.

PART 4

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN242 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

Name
5. The name of the local municipality is Nquthu Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 33 councillors, of whom–
(a) 16 are proportionally elected councillors; and
(b) 17 are ward councillors.

(2) It is determined that no councillors may be designated as full-time councillors d in terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 17 wards with boundaries as determined in Provincial Notice 64 dated 27 July 2015 (*Provincial Gazette* No. 1420).

Seat of municipality
8. The seat of the municipality is the Nquthu Municipal Offices in Nquthu.

PART 5

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN244 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is uMsinga Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 36 councillors, of whom–
(a) 18 are proportionally elected councillors; and
(b) 18 are ward councillors.

(2) It is determined that the Mayormay be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 18 wards with boundaries as determined in Provincial Notice 63 dated 27 July 2015 (*Provincial Gazette* No. 1419).

Seat of municipality
8. The seat of the municipality is the uMsinga Municipal Officesin Tugela Ferry.

PART 6

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN245 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
(a) determined in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is uMvoti Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 27 councillors, of whom–

(a) 13 are proportionally elected councillors; and

(b) 14 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 198 dated 11 November 2015 (*Provincial Gazette* No. 1544).

Seat of municipality

8. The seat of the municipality is the uMvoti Municipal Offices in Greytown.

ANNEXURE A

NOTICES REPEALED

(*Paragraph 6 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 350, 2000 (*PG* 5569 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC24, KZ241, KZ242, KZ244, KZ245)	The whole
PN 353, 2000 (*PG* 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (*PG* 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (*PG* 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (*PG* 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2001 (*PG* 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (*PG* 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole

Number and year of Notice	*Title*	*Extent of repeal*
PN 461, 2001 (*PG* 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 219, 2002 (*PG* 6110 of 20 June 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Act	The whole
PN 329, 2002 (*PG* 6125 of 5 September 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 468, 2002 (*PG* 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (*PG* 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1250, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Endumeni Municipality	The whole
PN 1252, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umvoti Municipality	The whole
PN 1253, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Msinga Municipality	The whole
PN 1638, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998.	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 184, 2010 (*PG* 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Umzinyathi District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 93, 2011 (*PG* 632 of 5 September 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors in the Abaqulusi and Umvoti Municipalities	The whole
MN 62, 2012 (*PG* 785 of 18 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Speaker - Umzinyathi District Municipality	The whole
PN 28, 2013 (*PG* 902 of 18 February 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Deputy Mayor- Msinga Local Municipality	The whole
MN 135, 2014 (*PG* 1246 of 8 October 2014)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor and Deputy Mayor of the Nquthu Local	The whole

Number and year of Notice	*Title*	*Extent of repeal*
	Municipality as Full-time	
MN 144, 2014 (*PG* 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

ANNEXURE B

DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	**Name of Municipality**	**The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:**
DC24	Umzinyathi District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN241	Endumeni Municipality	84(1)(h) – municipal airports
KZN242	Nquthu Municipality	No district functions allocated to the local municipality to perform in its local area
KZN244	Msinga Municipality	No district functions allocated to the local municipality to perform in its local area
KZN245	Umvoti Municipality	No district functions allocated to the local municipality to perform in its local area

PROVINCIAL NOTICE 140 OF 2016

UMKHANYAKUDE DISTRICT MUNICIPALITY
(DC 27)

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: REPEAL AND REPLACEMENT OF ESTABLISHMENT NOTICE FOR THE UMKHANYAKUDE DISTRICT MUNICIPALITY (DC27) AND THE UMHLABUYALINGANA (KZN271), JOZINI (KZN272) AND MTUBATUBA (KZN275) LOCAL MUNICIPALITIES; THE DISESTABLISHMENT OF THE BIG 5 FALSE BAY (KZN273) AND HLABISA (KZN274)LOCAL MUNICIPALITIES;AND THE ESTABLISHMENT OF THE NEW BIG FIVE HLABISA LOCAL MUNICIPALITY(KZN 276)

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and hereby make provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the **21st** day of **July**, Two Thousand and Sixteen

_____[SIGNED]_____
NOMUSA DUBE-NCUBE, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE

PART 1

CHAPTER 1: GENERAL PROVISIONS

Definitions
1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning and–

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**constituent local municipalities**" means the Big Five Hlabisa, uMhlabuyalingana, Jozini and Mtubatuba municipalities;

"**demarcation notice**" means the relevant Notices specified in Annexure A hereto;

"**disestablished municipality**" means an existing municipality disestablished in terms of this Schedule;

"**effective date**" means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

"**Executive Committee**" means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;
"**KwaZulu-Natal Determination of Types of Municipality Act**" means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"**MEC**" means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

"**new municipality**" means a local municipality established in terms of this Schedule;

"**proportionally elected councillors**" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province of KwaZulu-Natal;

"**this Notice**" means this Notice, including its Schedule and Annexures; and

"**ward councillor**" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities
2. The existing municipalities of Big 5 False Bay and Hlabisa are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Big Five Hlabisa local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

Establishment of municipality
3.(1) The Big Five Hlabisa local municipality is hereby established for the local municipal area as set out in Part 6 of this Schedule.

(2) The establishment of the municipality contemplated in sub-paragraph (1) takes effect on the effective date.

Continued existence and amendment of district and related local municipalities
4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the uMkhanyakude District Municipality and its constituent local municipalities as set out in Parts 3 to 6 of this Schedule remain as determined in the notices set out in Annexure A, subject to–

(a) amendments contemplated in–

(i) Demarcation numbers DEM 4055 and DEM 4067 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 4055 and DEM 4067 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice;

(b) the disestablishment of Big 5 False Bay local municipality (KZN 273) and Hlabisa local municipality (KZN 274) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Big Five Hlabisa (KZN276) local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date, unless indicated otherwise in this Notice.

Allocation and division of powers and functions
5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 6,

are set out in Annexure B.

Amendment of Notice

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

Status

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

Repeal

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

CHAPTER 2: TRANSITIONAL MEASURES

Legal succession

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the KZN276 local municipality, whose area of jurisdiction has been amended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), Big Five Hlabisa (KZN276) local municipality is the successor-in-law to the Big 5 False Bay local municipality (KZN 273) and Hlabisa local municipality (KZN 274), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Big Five Hlabisa local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Big Five Hlabisa local municipality is allocated the following matters as regards its jurisdictional area:

(a) any power, function or duty exercised, performed or carried out by the Big 5 False Bay local municipality and Hlabisa local municipality prior to their disestablishment;

(b) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the Big 5 False Bay local municipality and Hlabisa local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the Big Five Hlabisa local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(c) the staff, assets, rights, liabilities and obligations of the Big 5 False Bay local municipality and Hlabisa local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of Big 5 False Bay local municipality and Hlabisa local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the Big 5 False Bay local municipality and Hlabisa local municipality, including–

(i) the transfer of staff;

(ii) the transfer of assets, liabilities and administrative and other records; and

(iii) the continued application of any by-laws, regulations, notices, policies and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the Big Five Hlabisa local municipality.

(b) For the purposes of this sub-paragraph, the–

(i) provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and

(ii) continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

Continued operation of municipalities other than Big 5 False Bay local municipality and Hlabisa local municipality

10. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 17(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the Big Five Hlabisa local municipality, continues–

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

Transitional arrangements relating to municipalities

11.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which–

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

Transfer of assets, rights, liabilities and obligations of Big 5 False Bay local municipality and Hlabisa local municipality

12.(1) The assets, rights, liabilities and obligations of Big 5 False Bay local municipality and Hlabisa local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Big Five Hlabisa local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Big Five Hlabisa local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs (1) and (2) vest, as from the effective date, in the Big Five Hlabisa local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs (1) and (2) are hereby transferred as from the effective date to the Big Five Hlabisa local municipality.

Transfer of stafffrom Big 5 False Bay local municipality and Hlabisa local municipality

13.(1) The transfer of staff from the Big 5 False Bay local municipality and Hlabisa local municipality to the Big Five Hlabisa local municipality is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

(a) to give priority in the structuring and management of the Big Five Hlabisa local municipality's administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and

(b) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2) Unless inconsistent with any of the provisions or obligations contemplated in sub-paragraph (1), the said staff are transferred, as from the effective date.

Continued application of by-laws of Big 5 False Bay local municipality and Hlabisa local municipality

14.(1) All by-laws, regulations, notices, policies and resolutions that apply in the jurisdictional area of the Big 5 False Bay local municipality and Hlabisa local municipality, as the case may be, immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the Big Five Hlabisa local municipality, as contemplated in paragraph 9(3)(a)(iii) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, notice, policy or resolution to the–

(a) Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, must be construed as a reference to the Big Five Hlabisa local municipality; and

(b) structure or functionary in the administration of the Big 5 False Bay local municipality or Hlabisa local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Big Five Hlabisa local municipality.

Change management relating to Big 5 False Bay local municipality and Hlabisa local municipality

15. Any recommendation or decision taken by a Change Management Committee established in respect of the municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which were adopted by the disestablished council and which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the Big Five Hlabisa local municipality within a period not exceeding three months after the effective date.

Savings

16.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

Validation

17. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed–

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with:

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

PART 2

Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMkhanyakude continues to exist for the district municipal area DC27 as a whole.

Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as determined, and redetermined, as the case may be, in such repealed notices for the district municipal area.

Name

5. The name of the district municipality is uMkhanyakude District Municipality.

Councillors

6.(1) The council of the district municipality consists of 31 councillors, of whom–

(a) 13 are proportionally elected councillors;

(b) five are appointed by the local municipality mentioned in Part 3 of this Schedule;

(c) five are appointed by the local municipality mentioned in Part 4 of this Schedule;
(d) five are appointed by the local municipality mentioned in Part 5 of this Schedule; and
(e) three are appointed by the local municipality mentioned in Part 6 of this Schedule.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:
(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Seat of municipality
7. The seat of the municipality is the uMkhanyakude Municipal offices in Mkuze.

PART 3

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN 271 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–
(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is uMhlabuyalingana Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 35 councillors of whom–
(a) 17 are proportionally elected councillors; and
(b) 18 are ward councillors.

(2) It is determined that no councillors may be designated as a full-time councillorsin terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 18 wards with boundaries as determined in Provincial Notice 77 dated 27 July 2015 (*Provincial Gazette* No. 1433).
Seat of the municipality
8. The seat of the municipality is theuMhlabuyalingana Municipal Office in KwaNgwanase.

PART 4

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN272 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

Name
5. The name of the local municipality is Jozini Local Municipality**.**

Councillors
6.(1) The council of the local municipality consists of 40councillors of whom–
(a) 20 are proportionally elected councillors; and
(b) 20 are ward councillors.

(2) It is determined that the Speakermay be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 20 wards with boundaries as determined in Provincial Notice 97 dated 27 July 2015 (*Provincial Gazette* No. 1440)

Seat of municipality
8. The seat of the municipality istheJozini Municipal Offices in Jozini.

PART 5

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN275 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.

Name
5. The name of the local municipality is Mtubatuba Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 40councillors of whom–
(a) 20 are proportionally elected councillors; and
(b) 20 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:
(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 20 wards with boundaries as determined in Provincial Notice 87 dated 27 July 2015 (*Provincial Gazette* No. 1443).

Seat of municipality
8. The seat of the municipality istheMtubatuba Municipal Offices in Mtubatuba.

PART 6

Establishment of local municipality
1. For that part of the district municipal area determined in the demarcation notice as KZN276, a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is Big Five Hlabisa Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 25 councillors, of whom–

(a) 12 are proportionally elected councillors; and

(b) 13 are ward councillors.

(2) It is determined that the Mayor may be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 13 wards with boundaries as determined in Provincial Notice 101 dated 28 July 2015 (*Provincial Gazette* No. 1454).

Seat of municipality

8. The seat of the municipality is the Big Five Hlabisa Municipal Offices in Hlabisa.

ANNEXURE A

NOTICES REPEALED

(*Paragraph 8 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 347, 2000 (*PG* 5566 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 27, KZ 271, KZ 272, KZ 273, KZ 274, KZ 275, KZDMA 27)	The whole
PN 353, 2000 (*PG* 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (*PG* 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (*PG* 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (*PG* 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole

Number and year of Notice	*Title*	*Extent of repeal*
PN 135, 2001 (*PG* 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (*PG* 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (*PG* 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (*PG* 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (*PG* 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1439, 2005 (*PG* 6424 of 18 August 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Big 5 False Bay Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 187, 2010 (*PG* 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Umkhanyakude District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 49, 2011 (*PG* 582 of 16 May 2011)	Notice in terms of Section 17 read with Section 16(1)(g) of the Local Government: Municipal Structures Act, 1998: Re-determination of the Municipal Boundaries of the Hlabisa and Mtubatuba Municipalities and the Regulation of the Transfer of Staff, Assets, Rights, Liabilities and Obligations of the Hlabisa Municipality to the Mtubatuba Municipality	The whole
MN 144, 2011 (*PG* 1264 of 16 May 2011)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
MN 44, 2012 (*PG* 764 of 15 June 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Mayor, Deputy Mayor and Speaker - Mtubatuba Local Municipality	The whole
MN 83, 2012 (*PG* 764 of 14 September 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor - Jozini Municipality	The whole

ANNEXURE B

DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	**Name of Municipality**	**The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) in their respective local areas:**
DC27	Umkhanyakude District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN271	Umhlabuyalingana Municipality	No district functions allocated to the local municipality to perform in its local area
KZN272	Jozini Municipality	No district functions allocated to the local municipality to perform in its local area
KZN276	Hlabisa/Big Five Municipality	No district functions allocated to the local municipality to perform in its local area
KZN275	Mtubatuba Municipality	No district functions allocated to the local municipality to perform in its local area

PROVINCIAL NOTICE 141 OF 2016

UTHUKELA DISTRICT MUNICIPALITY
(DC23)

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: REPEAL AND REPLACEMENT OF ESTABLISHMENT NOTICE FOR THE UTHUKELA DISTRICT MUNICIPALITY (DC23) AND THE OKHAHLAMBA (KZN235) LOCAL MUNICIPALITY; THE DISESTABLISHMENT OF THEEMNAMBITHI/LADYSMITH (KZN232), INDAKA (KZN233), UMTSHEZI (KZN234) AND IMBABAZANE (KZN236) LOCAL MUNICIPALITIES, AND THE ESTABLISHMENT OF THE NEW *INKOSI* LANGALIBALELE (KZN237) AND ALFRED DUMA (KZN238)LOCAL MUNICIPALITIES

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) amend, disestablish and merge, as the case may be, the existing municipalities, and establish the new municipality, referred to in the Schedule hereto, and hereby make provision for transitional measures to facilitate the amendment, disestablishment and merger, as the case may be, of the existing municipalities and the establishment of the new municipality and for the regulation of matters that may facilitate the application of the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the **21st** day of **July**, Two Thousand and Sixteen

_____[SIGNED]_____
NOMUSA DUBE-NCUBE, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE

PART 1

CHAPTER 1: GENERAL PROVISIONS

Definitions
1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning and–

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**constituent local municipalities**" means the *iNkosi* Langalibalele, Alfred Duma and Okhahlamba municipalities;

"**demarcation notice**" means the relevant Notices specified in Annexure A hereto;

"**disestablished municipality**" means an existing municipality disestablished in terms of this Schedule;

"**effective date**" means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

"**Executive Committee**" means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

"**KwaZulu-Natal Determination of Types of Municipality Act**" means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"**MEC**" means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

"**new municipality**" means a local municipality established in terms of this Schedule;

"**proportionally elected councillors**" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province of KwaZulu-Natal;

"**this Notice**" means this Notice, including its Schedule and Annexures; and

"**ward councillor**" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. The existing municipalities of–

(a) iMbabazane and uMtshezi are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of *iNkosi* Langalibalele local municipality, established in accordance with paragraph 3(1)(a) of Part 1 of this Schedule; and

(b) INdaka and eMnambithi/Ladysmith are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Alfred Duma local municipality, established in accordance with paragraph 3(1)(b) of Part 1 of this Schedule.

Establishment of municipality

3.(1) The–

(a) *iNkosi* Langalibalele local municipality is hereby established for the local municipal area as set out in Part 4 of this Schedule; and

(b) Alfred Duma local municipality is hereby established for the local municipal area as set out in Part 5 of this Schedule.

(2) The establishment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

Continued existence and amendment of district and related local municipalities

4.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, number of full-time councillors, assets, liabilities and staff of the uThukela District Municipality and its constituent local municipalities as set out in Parts 3 to 5 of this Schedule remain as determined in the notices set out in Annexure A subject to–

(a) amendments contemplated in–

(i) Demarcation numbers DEM 4141, DEM 4142, DEM 422, DEM 4295, and DEM 4298 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 4141, DEM 4142, DEM 422, DEM 4295, and DEM 4298 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice;

(b) the disestablishment of iMbabazane local municipality (KZN 236), uMtshezi local municipality (KZN 234), iNdaka local municipality (KZN 233), and eMnambithi/Ladysmith local municipality (KZN232), as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the *iNkosi* Langalibalele local municipality and the Alfred Duma local municipality as contemplated in paragraph 3 of Part 1 of this Schedule.

(2) The amendment, disestablishment and establishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) take effect on the effective date, unless indicated otherwise in this Notice.

Allocation and division of powers and functions

5. Subject to the provisions of paragraph 9(3) of Part 1 of this Schedule, the allocation and division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 5,

are set out in Annexure B.

Amendment of Notice

6. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

Status

7. A municipality has the legal status accorded to such municipality in terms of national legislation.

Repeal

8. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

CHAPTER 2: TRANSITIONAL MEASURES

Legal succession

9.(1) Subject to the provisions of this Notice, a municipality as contemplated in this Notice, other than the *iNkosi* Langalibalele local municipality and the Alfred Duma local municipality, whose area of jurisdiction has been amended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

(2)(a) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), the*iNkosi* Langalibalele local municipality is the successor-in-law to the iMbabazane local municipality (KZN 236) and uMtshezi local municipality (KZN 234), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the *iNkosi* Langalibalele local municipality in accordance with paragraph 3(1)(a) of Part 1 of this Schedule: Provided that the *iNkosi* Langalibalele local municipality is allocated the following matters as regards its jurisdictional area:

(i) any power, function or duty exercised, performed or carried out by the iMbabazane local municipality and uMtshezi local municipality prior to their disestablishment;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the IMbabazane local municipality and uMtshezi local municipalityuntil such time as the by-laws, regulations, notices, policies and resolutions of the *iNkosi* Langalibalele local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the iMbabazane local municipality and uMtshezi local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of iMbabazane local municipality or uMtshezi local municipality, as the case may be.

(b) Subject to the provisions of this Notice, but notwithstanding the provisions of sub-paragraph (1), the Alfred Duma local municipality is the successor-in-law to the iNdaka local municipality (KZN 233) and eMnambithi/Ladysmith local municipality (KZN 232), which are disestablished in accordance with paragraph 2 of Part 1 of this Schedule, and whose areas of jurisdiction comprise, from the effective date, the jurisdictional area of the Alfred Duma local municipality in accordance with paragraph 3(1)(b) of Part 1 of this Schedule: Provided that Alfred Duma local municipality is allocated the following matters as regards its jurisdictional area:

(i) any power, function or duty exercised, performed or carried out by the iNdaka local municipality and eMnambithi/Ladysmith local municipality prior to their disestablishment;

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the iNdaka local municipality and eMnambithi/Ladysmith local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the Alfred Duma local municipality have been made applicable to its jurisdictional area in accordance with the laws providing for such application; and

(iii) the staff, assets, rights, liabilities and obligations of the iNdaka local municipality and eMnambithi/Ladysmith local municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in the jurisdictional areas of iNdaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be.

(3)(a) Subject to item (b) and unless clearly inappropriate or inapplicable, the provisions of this Schedule which regulate the legal, practical and other consequences of the disestablishment of the iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality and eMnambithi/Ladysmith local municipality, including the–

(i) transfer of staff;

(ii) transfer of assets, liabilities and administrative and other records; and

(iii) continued application of any by-laws, regulations, notices, policies and resolutions in the respective areas of jurisdiction of the municipalities concerned as contemplated in paragraph 14(1) of Part 1 of this Schedule, and the extent of such application,

continue to apply with the necessary changes required by the context, to the performance of a function or the exercise of a power where such function or power is allocated to the *iNkosi* Langalibalele local municipality or the Alfred Duma local municipality, as the case may be.

(b) For the purposes of this sub-paragraph–

(i) the provisions contemplated in item (a) must be construed as provisions which regulate any allocation in terms of paragraph 5 of Part 1 of this Schedule; and

(ii) the continued application of such provisions is subject to the legal, practical and other consequences of any allocation effected in terms of paragraph 5 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated.

Continued operation of municipalities other than iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality

10. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 18(2) of Part 1 of this Schedule, every municipality contemplated in this Notice, other than the *iNkosi* Langalibalele local municipality and the Alfred Duma local municipality, continues–

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

Transitional arrangements relating to municipalities

11.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which–

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

Transfer of assets, rights, liabilities and obligations of iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality

12.(1) The assets, rights, liabilities and obligations of–

(a) iMbabazane local municipality and uMtshezi local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to *iNkosi* Langalibalele local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area; and

(b) iNdaka local municipality and eMnambithi/Ladysmith local municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by those municipalities of a function or functions in their specific jurisdictional areas, are hereby, subject to sections 16(1) and 85 of the Act, transferred to Alfred Duma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by–

(a) iMbabazane local municipality and uMtshezi local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the *iNkosi* Langalibalele local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area; and

(b) iNdaka local municipality and eMnambithi/Ladysmith local municipality, as the case may be, of a function or functions in their specific jurisdictional areas, are hereby, subject to the provisions of sections 16(1) and 85 of the Act, transferred to the Alfred Duma local municipality, which, on such date, has sole responsibility for the performance of the said function or functions in its jurisdictional area.

(3) For the purpose of sub-paragraphs (1) and (2), a function includes a power and a duty.

(4) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraphs–

(a) (1)(a) and (2)(a) vest, as from the effective date, in the *iNkosi* Langalibalele local municipality; and

(b) (1)(b) and (2)(b) vest, as from the effective date, in the Alfred Duma local municipality.

(5) Assets, rights, liabilities and obligations other than those referred to in sub-paragraphs–

(a) (1)(a) and (2)(a) are hereby transferred as from the effective date to the *iNkosi* Langalibalele local municipality; and

(b) (1)(b) and (2)(b) are hereby transferred as from the effective date to the Alfred Duma local municipality.

Transfer of stafffrom iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality

13.(1) The transfer of staff from the–

(a) iMbabazane local municipality and uMtshezi local municipality to the *iNkosi* Langalibalele local municipality; and

(b) iNdaka local municipality and eMnambithi/Ladysmith local municipality to the Alfred Duma local municipality,

is subject to compliance with the provisions of the Act, section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) read with the necessary changes, any other applicable labour law, and the relevant obligations imposed by the Constitution, and in particular, but not limited to, the following obligations:

(i) to give priority in the structuring and management of the *iNkosi* Langalibalele or Alfred Duma local municipality's, as the case may be, administration and in its budgeting and planning processes to the basic needs of the community and to the promotion of the social and economic development of the community, as contemplated in section 153(a) of the Constitution; and

(ii) to ensure the provision of services to communities in a sustainable manner and making efficient, economic and effective use of its resources while addressing the need to redress the imbalances of the past as contemplated in sections 152 and 195 of the Constitution.

(2) Unless inconsistent with any of the provisions or obligations contemplated in sub-paragraph (1), the said staff are transferred, as from the effective date, to–

(i) the*iNkosi* Langalibalele local municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date; and

(ii) the Alfred Duma local municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date.

Continued application of by-laws of iMbabazane local municipality, uMtshezi local municipality, INdaka local municipality, and eMnambithi/Ladysmith local municipality

14.(1) All by-laws, regulations, notices, policies and resolutions that apply in the jurisdictional area of the–

(a) iMbabazane local municipality or uMtshezi local municipality, as the case may be, immediately before the effective date, continue to apply in such areas from the effective date subject to any amendment or repeal by the council of the *iNkosi* Langalibalele local municipality; and

(b) iNdaka local municipality, or eMnambithi/Ladysmith local municipality, as the case may be, immediately before the effective date, continue to apply in such areas from the effective date subject to any amendment or repeal by the council of the Alfred Duma local municipality,

as contemplated in paragraph 9(3)(a)(iii) of Part 1 of this Schedule.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, regulation, notice, policy or resolution to the–

(a) IMbabazane local municipality or uMtshezi local municipality, as the case may be, must be construed as a reference to the *iNkosi* Langalibalele local municipality;

(b) structure or functionary in the administration of the iMbabazane local municipality or uMtshezi local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the *iNkosi* Langalibalele local municipality;

(c) iNdaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be, must be construed as a reference to the Alfred Duma local municipality; and

(d) structure or functionary in the administrative unit of the iNdaka local municipality or eMnambithi/Ladysmith local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Alfred Duma local municipality.

Change management relating to iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality

15. Any recommendation or decision taken by a Change Management Committee established in respect of the municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which were adopted by the disestablished council and which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the *iNkosi* Langalibalele local municipality or the Alfred Duma local municipality within a period not exceeding three months after the effective date.

Consequences of disestablishment of iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality

16. The MEC must, within a period not exceeding three months after the effective date, by notice in the *Provincial* Gazette, publish, in accordance with section 14(5) of the Act, a determination regulating the legal, practical, financial and other consequences resulting from the disestablishment of the iMbabazane local municipality, uMtshezi local municipality, iNdaka local municipality, and eMnambithi/Ladysmith local municipality.

Savings

17.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

Validation

18. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed–

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with:

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

PART 2

Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uThukela continues to exist for the district municipal area DC23 as a whole.

Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the district municipality is uThukela District Municipality.

Councillors

6.(1) The council of the district municipality consists of 32 councillors, of whom–

(a) 13 are proportionally elected councillors;

(b) three are appointed by the local municipality mentioned in Part 3 of this Schedule;

(c) ten are appointed by the local municipality mentioned in Part 4 of this Schedule; and

(d) six are appointed by the local municipality mentioned in Part 5 of this Schedule.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Seat of municipality

7. The seat of the municipality is the uThukela Municipal Offices in Ladysmith.

PART 3

Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN 235 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as determined, and redetermined, as the case may be, in such repealed notices for the local municipal area.
Name
5. The name of the local municipality is Okhahlamba Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 29 councillors of whom–
(a) 14 are proportionally elected councillors; and
(b) 15 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:
(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 15 wards with boundaries as determined in Provincial Notice 67 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1423).

Seat of municipality
8. The seat of the municipality is the Okhahlamba Municipal Offices in Bergville**.**

PART 4

Establishment of local municipality
1. For that part of the district municipal area determined in the demarcation notice as KZN238 a local municipality is hereby established as contemplated in paragraph 3 of Part 1 of this Schedule.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is Alfred Duma Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 72 councillors, of whom–

(a) 36 are proportionally elected councillors; and

(b) 36 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 36 wards with boundaries as determined in Provincial Notice 103 dated July 2015 (*Extraordinary Provincial Gazette* No. 1457).

Seat of municipality

8. The seat of the municipality is the Alfred Duma Municipal Offices in Ladysmith.

PART 5

Establishment of local municipality

1. For that part of the district municipal area determined in the demarcation notice as KZN237 a local municipality is hereby established.

Category

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is *iNkosi* Langalibalele Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 46 councillors, of whom–

(a) 23 are proportionally elected councillors; and

(b) 23 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 23 wards with boundaries as determined in Provincial Notice 27 dated 28 July 2015 (*Extraordinary Provincial Gazette* No. 1455).

Seat of municipality

8. The seat of the municipality is the *iNkosi* LangalibaleleMunicipal Offices in Estcourt.

ANNEXURE A

NOTICES REPEALED

(*Paragraph 8 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 351, 2000 (*PG* 5570 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 23, KZ 232, KZ 233, KZ 234, KZ 235, KZ 236, KZDMA 23)	The whole
PN 353, 2000 (*PG* 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (*PG* 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (*PG* 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (*PG* 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole

Number and year of Notice	*Title*	*Extent of repeal*
PN 135, 2001 (*PG* 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (*PG* 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (*PG* 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (*PG* 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 468, 2002 (*PG* 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 422, 2003 (*PG* 6180 of 12 June 2003)	Notice in terms of Section 17 of the Local Government; Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000): Amendment to Notices Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (*PG* 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1244, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Okhahlamba Municipality	The whole
PN 1251, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Indaka Municipality	The whole
PN 1254, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umtshezi Municipality	The whole
PN 1637, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998.	The whole
PN 1811, 2005 (*PG* 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Emnambithi Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 29, 2006 (*PG* 6514 of 12 October 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Emnambithi Municipality	The whole
PN 2214, 2006 (*PG* 6528 of 21 December 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Indaka Municipality	The whole
PN 212, 2007 (*PG* 6540 of 15 February 2007)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Okhahlamba Municipality	The whole

Number and year of Notice	*Title*	*Extent of repeal*
PN 121, 2009 (*PG* 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Uthukela District Municipality	The whole
PN 183, 2010 (*PG* 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the Uthukela District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 30, 2012 (*PG* 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Whip - Emnambithi/Ladysmith Local Municipality	The whole
MN 46, 2012 (*PG* 764 of 15 June 2012)	Local Government: Indaka Local Municipality: Determination of Deputy Mayor	The whole
MN 2, 2014 (*PG* 1084 of 21 January 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Emnambithi/Ladysmith Municipality	The whole
MN 144, 2014 (*PG* 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole

ANNEXURE B

DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	**Name of Municipality**	**The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:**
DC23	Uthukela District Municipality	The following Schedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Firefighting (KZN233 and KZN236)
KZN232	Emnambithi /Ladysmith Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN233	Indaka Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions
KZN234	Umtshezi Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN235	Okhahlamba Municipality	84(1)(e) - solid waste disposal sites 84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions
KZN236	Imbabazane Municipality	84(1)(f) - municipal roads 84(1)(n) - municipal public works relating to the above functions

PROVINCIAL NOTICE 142 OF 2016

ETHEKWINI METROPOLITAN MUNICIPALITY
(ETH)

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: REPEAL AND REPLACEMENT OF ESTABLISHMENT NOTICE FOR THE ETHEKWINI METROPOLITAN MUNICIPALITY (ETH)

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and hereby make provision for transitional measures to facilitate and regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the **21st** day of **July**, Two Thousand and Sixteen

_____[SIGNED]_____
NOMUSA DUBE-NCUBE, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE

PART 1

CHAPTER 1: GENERAL PROVISIONS

Definitions
1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning and–

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**demarcation notice**" means the relevant Notices specified in Annexure A hereto;

"**effective date**" means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

"**Executive Committee**" means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

"**KwaZulu-Natal Determination of Types of Municipality Act**" means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"**MEC**" means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

"**Municipal Public Accounts Committee**" means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

"**proportionally elected councillors**" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province of KwaZulu-Natal;

"**this Notice**" means this Notice, including its Schedule and Annexure; and

"**ward councillor**" means a councillor elected to directly represent a ward.

Continued existence of metropolitan municipality

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the eThekwini metropolitan municipality set out in Part 3 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in–

(a) Demarcation numbers DEM 2444, DEM 4140, DEM 471, and DEM 493 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) Demarcation numbers DEM 2444, DEM 471, and DEM 493 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);

(c) Demarcation number DEM 4140 in General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and

(d) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

Amendment of Notice

3. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

Status

4. A municipality has the legal status accorded to such municipality in terms of national legislation.

Repeal

5. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

CHAPTER 2: TRANSITIONAL MEASURES

Legal succession

6. Subject to the provisions of this Notice, the eThekwini metropolitan municipality's area of jurisdiction has been extended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(c) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052),

and is the successor-in-law to the municipalities from which such areas have been excised to the extent that such areas fall within the boundaries of the eThekwini metropolitan municipality: Provided that the eThekwini metropolitan municipality is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised;
(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the eThekwini metropolitan municipality, have been made applicable to such area in accordance with the laws providing for such application; and
(iii) the staff, assets, rights, liabilities and obligations of the municipality from which such area has been excised that were, immediately before the effective date, predominantly deployed in respect of, or related to, the exercise of a power, the performance of a function or the carrying out of a duty in such area.

Continued operation of municipality

7. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 9(2) of Part 1 of this Schedule, the eThekwini metropolitan municipality continues–

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and
(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–
(i) law; and
(ii) administrative and financial procedure,
that applied to such municipality prior to the effective date.

Transitional arrangements

8. In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

Savings

9.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

Validation

10. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed–

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with:

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

PART 2

Continued existence of metropolitan municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, the metropolitan municipality of eThekwini continues to exist for the metropolitan municipal area of ETH as a whole.

Category
2. The municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of the metropolitan municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the metropolitan municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the metropolitan municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);
(iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and
(c) this Notice.

Name
5. The name of the metropolitan municipality is eThekwiniMetropolitan Municipality.

Councillors
6.(1) The council of the local municipality consists of 219 councillors, of whom–

(a) 109 are proportionally elected councillors; and
(b) 110 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the metropolitan municipality has 110 wards with boundaries as determined in Provincial Notice 96 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1439).

Seat of municipality
8. The seat of the municipality is the eThekwini Municipal Offices in Durban.

ANNEXURE A
NOTICES REPEALED
(*Paragraph 5 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 343, 2000 (*PG* 5562 of 19 September 2000)	Notice in terms of Sections 12, 14, 81(4) and 91 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	The whole
PN 461, 2000 (*PG* 5592 of 1 December 2000)	Notice in terms of Sections 12, 14 and 16(1)(h) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	The whole
PN 135, 2001 (*PG* 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 299, 2001 (*PG* 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 460, 2001 (*PG* 6072 of 13 December 2001)	Correction Notice: Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 461, 2001 (*PG* 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 649, 2005 (*PG* 649 of 28 April 2005)	Notice in terms of Section 16(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Ethekwini Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 191, 2010 (*PG* 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the eThekwini Municipality	The whole
MN 61, 2012 (*Extraordinary PG* 782 of 13 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Accounts Committee – eThekwini Municipality	The whole

PROVINCIAL NOTICE 143 OF 2016

UMGUNGUNDLOVU DISTRICT MUNICIPALITY
(DC 22)

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: REPEAL AND REPLACEMENT OF ESTABLISHMENT NOTICE FOR THE UMGUNGUNDLOVU DISTRICT MUNICIPALITY (DC22) AND THE UMSHWATHI(KZN221), UMGENI (KZN222), MPOFANA (KZN223), IMPENDLE (KZN224), RICHMOND (KZN225), MSUNDUZI (KZN226), AND MKHAMBATHINI (KZN227) LOCAL MUNICIPALITIES

I, Nomusa Dube-Ncube, Member of the KwaZulu-Natal Executive Council responsible for local government, hereby, under the powers vested in me by sections 16 and 17 read with section 93(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) repeal and replace the section 12 establishment notices referred to in the Schedule hereto and hereby make provision for transitional measures to facilitate and regulate the matters contemplated in the provisions of the said Act.

Given under my Hand at Pietermaritzburg on this the **21st** day of **July**, Two Thousand and Sixteen

_____[SIGNED]_____
NOMUSA DUBE-NCUBE, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

SCHEDULE

PART 1

CHAPTER 1: GENERAL PROVISIONS

Definitions
1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), has the same meaning and–

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**constituent local municipalities**" means the uMshwathi, uMngeni, Mpofana, iMpendle, Msunduzi, Mkhambathini and Richmond municipalities;

"**demarcation notice**" means the relevant Notices specified in Annexure A hereto;

"**effective date**" means the date of the declaration of results by the Electoral Commission established in terms of section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996) in respect of the local government election in 2016;

"**Executive Committee**" means the Executive Committee of the municipality concerned, established in terms of section 43 of the Act;

"**KwaZulu-Natal Determination of Types of Municipality Act**" means the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"**MEC**" means the Member of the Executive Council responsible for local government in the Province of KwaZulu-Natal;

"**Municipal Public Accounts Committee**" means the Municipal Public Accounts Committee of the municipality concerned, established in terms of section 79 of the Act;

"**proportionally elected councillors**" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"***Provincial Gazette***" means the *Provincial Gazette* of the Province of KwaZulu-Natal;

"**this Notice**" means this Notice, including its Schedule and Annexures; and

"**ward councillor**" means a councillor elected to directly represent a ward.

Continued existence of district and related local municipalities

2.(1) Notwithstanding the repeal of the notices set out in Annexure A, the category, type, boundaries, name, number of councillors, number of wards, numbers of full-time councillors, assets, liabilities and staff of the uMgungundlovu District Municipality and its constituent local municipalities as set out in Parts 3 to 9 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in–

(a) Demarcation numbers DEM 2330, DEM 2411, DEM 2444, DEM 4036, DEM 4054, DEM 4128, DEM 4132, DEM 4140, DEM 4164, DEM 4182, DEM 4301, DEM 4308, DM 445, DEM 453, DEM 482, and DEM 493 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) Demarcation numbers DEM 2330, DEM 2411, DEM 2444, DEM 4036, DEM 4054, DEM 4128, DEM 4132, DEM 4164, DEM 4182, DEM 4301, DEM 4308, DM 445, DEM 453, DEM 482, and DEM 493 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042);

(c) Demarcation number DEM 4140 in General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052); and

(d) this Notice.

(2) The amendment of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

Division of powers and functions

3. The division of powers and functions–

(a) as provided for in sections 84 and 85 of the Act; and

(b) between the district municipality and the local municipalities contemplated in Parts 2 to 9,

are set out in Annexure B.

Amendment of Notice

4. The MEC may, from time to time, amend this Notice in respect of any of the matters as set out in sections 12 and 13 of the Act by notice in the *Provincial Gazette*.

Status

5. A municipality has the legal status accorded to such municipality in terms of national legislation.

Repeal

6. The notices mentioned in Annexure A of this Notice are hereby repealed to the extent set out in the second column of the said Annexure.

CHAPTER 2: TRANSITIONAL MEASURES

Legal succession

7. Subject to the provisions of this Notice, a municipality as contemplated in this Notice whose area of jurisdiction has been extended by–

(a) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(c) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052),

is the successor-in-law to the municipality from which such area has been excised to the extent that such area falls within the boundaries of the municipality whose area of jurisdiction has been extended: Provided that the municipality whose area of jurisdiction has been extended is allocated the following matters as regards the extended area:

(i) any power, function or duty exercised, performed or carried out by the municipality from which such area has been excised; and

(ii) the exercise of a power, the performance of a function or the carrying out of a duty in relation to the continued application of any by-law, regulation, notice, policy or resolution of the municipality from which such area has been excised until such time as the by-laws, regulations, notices, policies and resolutions of the municipality whose area of jurisdiction has been extended, have been made applicable to such area in accordance with the laws providing for such application.

Continued operation of municipality

8. Subject to the provisions of this Notice and the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 10(2) of Part 1 of this Schedule, every municipality contemplated in this Notice continues–

(a) for all purposes, to operate, without interruption, as a municipality with all the powers, functions, duties and roles that, prior to the effective date, vested in such municipality; and

(b) to be governed and managed, with the necessary changes, in compliance with the provisions of every–

(i) law; and

(ii) administrative and financial procedure,

that applied to such municipality prior to the effective date.

Transitional arrangements

9.(1) Notwithstanding the repeal of the notices as set out in Annexure A, any function or duty which–

(a) was determined in such notices to be performed or carried out, as the case may be; and

(b) on the effective date, has not in all respects been performed or carried out,

must be performed or carried out by the municipality in whose jurisdictional area the performance of such function or carrying out of such duty is still to be effected, as if such notices have not been repealed by this Notice: Provided that, from the date of commencement of this Notice, the performance of such function or carrying out of such duty, as the case may be, must comply with the provisions of this Notice.

(2) In this respect it is noted, that in terms of the KwaZulu Natal uMsekeli Municipal Support Services Ordinance Repeal Act, 2011(Act 3 of 2011), the Department of Cooperative Governance and Traditional Affairs is the successor-in-law to the uMsekeli Municipal Support Services.

Savings

10.(1) Anything done or deemed to have been done under any provision of any notice repealed by this Notice and which may or must be done as contemplated in this Notice, must be regarded as having been done as contemplated in the corresponding provision of this Notice.

(2) Any rights accrued or obligations incurred as contemplated in a notice repealed by this Notice, remain in force, as if that notice has not been repealed: Provided that any renewal must be in accordance with the provisions of this Notice.

Validation

11. All executive and administrative actions performed by a municipality in good faith, before the effective date, are hereby deemed to have been validly performed–

(a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or

(b) in the event that the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, agency agreements, service level agreements or service delivery agreements, was not fully complied with:

Provided that all executive and administrative actions, municipal services, support, delegations, assignments, powers of attorney, agency agreements, service level agreements, service delivery agreements and any local government related services, whether they commenced prior to or after the effective date, must, from the date of commencement of this Notice, comply with the provisions of this Notice.

PART 2

Continued existence of district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of uMgungundlovu continues to exist for the district municipal area DC22 as a whole.

Category

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of the district municipality is that of a collective executive system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the district municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the district municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052).

Name

5. The name of the district municipality is uMgungundlovu District Municipality.

Councillors

6.(1) The council of the district municipality consists of 45 councillors, of whom–

(a) 18 are proportionally elected councillors;
(b) three are appointed by the local municipality as contemplated in Part 3 of this Schedule;
(c) two are appointed by the local municipality as contemplated in Part 4 of this Schedule;
(d) one is appointed by the local municipality as contemplated in Part 5 of this Schedule;
(e) one is appointed by the local municipality as contemplated in Part 6 of this Schedule;
(f) 17 are appointed by the local municipality as contemplated in Part 7 of this Schedule;
(g) one is appointed by the local municipality as contemplated in Part 8 of this Schedule; and
(h) two are appointed by the local municipality as contemplated in Part 9 of this Schedule.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Seat of municipality

7. The seat of the municipality is the uMgungundlovu Municipal Offices in Pietermaritzburg.

PART 3

Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN221 continues to exist as a local municipality.

Category

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is uMshwathiLocal Municipality.

Councillors

6.(1) The council of the local municipality consists of 27 councillors, of whom–

(a) 13 are proportionally elected councillors; and
(b) 14 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 14 wards with boundaries as determined in Provincial Notice 65 dated 27 July 2015 (*Provincial Gazette* No. 1421).

Seat of municipality

8. The seat of the municipality is the uMshwathi Municipal Offices in New Hanover.

PART 4

Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN222 continues to exist as a local municipality.

Category

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The local municipality is that of a collective executive combined with a ward participatorysystem type as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is uMngeni Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 23 councillors of whom–

(a) 11 are proportionally elected councillors; and
(b) 12 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker; and
(b) twoExecutive Committee members.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 12 wards with boundaries as determined in Provincial Notice 43 dated 29 September 2015 (*Provincial Gazette* No. 1502).

Seat of municipality
8. The seat of the municipality is the uMngeni Municipal Offices in Howick.

PART 5

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN223 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a plenary executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is Mpofana Local Municipality.

Councillors
6.(1) The council of the local municipality consists of nine councillors, of whom–

(a) four are proportionally elected councillors; and
(b) five are ward councillors.

(2) It is determined that the Speaker/Mayor may be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has five wards with boundaries as determined in Provincial Notice 199 dated 11 November 2015 (*Provincial Gazette* No. 1545).

Seat of municipality
8. The seat of the municipality is the Mpofana Municipal Offices in Mooi River.

PART 6

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN224 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.
Type
3. The type of local municipality is that of a plenary executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is iMpendle Local Municipality.

Councillors
6.(1) The council of the local municipality consists of seven councillors, of whom–

(a) three are proportionally elected councillors; and
(b) four are ward councillors.

(2) It is determined that theSpeaker/Mayor may be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has four wards with boundaries as determined in Provincial Notice 44 dated 29 September 2015 (*Provincial Gazette* No. 1505).

Seat of municipality
8. The seat of the municipality is the iMpendle Municipal Offices in iMpendle.

PART 7

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN225 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries
4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and
(b) redetermined in accordance with–
(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and
(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name
5. The name of the local municipality is Msunduzi Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 78 councillors, of whom–

(a) 39 are proportionally elected councillors; and
(b) 39 are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;
(b) Mayor; and
(c) Deputy Mayor.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 39 wards with boundaries as determined in Provincial Notice 100 dated 28 July 2015 (*Provincial Gazette* No. 1452).

Seat of municipality
8. The seat of the municipality is the Msunduzi Municipal Offices in Pietermaritzburg.

PART 8

Continued existence of local municipality
1. Notwithstanding the repeal of the notices set out in Annexure A, that part of the district municipal area determined in the demarcation notice as KZN226 continues to exist as a local municipality.

Category
2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type
3. The type of local municipality is that of a collective executive combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act.

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) General Notice No. 60 dated 18 November 2013 (*Provincial Gazette* No. 1052).

Name

5. The name of the local municipality is Mkhambathini Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 14 councillors, of whom–

(a) seven are proportionally elected councillors; and

(b) seven are ward councillors.

(2) It is determined that the following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker;

(b) Mayor; and

(c) Deputy Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 102 dated 28 July 2015 (*Provincial Gazette* No. 1456).

Seat of municipality

8. The seat of the municipality is the Mkhambathini Municipal Offices in Camperdown.

PART 9

Continued existence of local municipality

1. Notwithstanding the repeal of the notices set out in Annexure A that part of the district municipal area determined in the demarcation notice as KZN227 continues to exist as a local municipality.

Category

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

Type

3. The type of local municipality is that of a collective executive combined with a ward participatory system type as described in the KwaZulu-Natal Determination of Types of Municipality Act

Boundaries

4. Notwithstanding the repeal of the notices set out in Annexure A, the boundaries of the local municipality are as–

(a) determined, and redetermined, as the case may be, in such repealed notices for the local municipal area; and

(b) redetermined in accordance with–

(i) General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003); and

(ii) General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042).

Name

5. The name of the local municipality is Richmond Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 14 councillors, of whom–

(a) seven are proportionally elected councillors; and

(b) seven are ward councillors.

(2) It is determined that the Mayormay be designated as a full-time councillor in terms of section 18(4) of the Act.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has seven wards with boundaries as determined in Provincial Notice 61 dated 27 July 2015 (*Provincial Gazette* No. 1417).

Seat of municipality

8. The seat of the municipality is the Richmond Municipal Offices in Richmond.

ANNEXURE A

NOTICES REPEALED

(*Paragraph 6 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 352, 2000 (*PG* 5571 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 22, KZ 221, KZ 222, KZ 223, KZ 224, KZ 225, KZ 226, KZ 227, KZDMA 22)	The whole
PN 353, 2000 (*PG* 5572 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act: Establishment of Municipalities (DC 21, KZ 211, KZ 212, KZ 213, KZ 214, KZ 215, KZ 216)	The whole
PN 462, 2000 (*PG* 5592 of 1 December 2000)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 501, 2000 (*PG* 5599 of 29 December 2000)	Notice in terms of Section 16 Read with Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998: Read Further with Section 15 of the Local Government Municipal Structures Amendment Act, 2000: Establishment of Municipalities: Amendments	The whole
PN 97, 2001 (*PG* 6013 of 15 March 2001)	Correction Notice: Establishment of Change Management Committee	The whole
PN 135, 2000 (*PG* 6018 of 12 April 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of	The whole

Number and year of Notice	*Title*	*Extent of repeal*
	Municipalities: Amendments	
PN 299, 2000 (*PG* 6047 of 13 August 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 388, 2001 (*PG* 6060 of 11 October 2001)	Provincial Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendments to Notices Issued in terms of Section 12 of the Act	The whole
PN 461, 2001 (*PG* 6072 of 13 December 2001)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities: Amendments	The whole
PN 257, 2002 (*PG* 6114 of 11 July 2002)	Notice in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Act	The whole
PN 350, 2002 (*PG* 6127 of 19 September 2002)	Notice in terms of Section 17 of the Local Government: Municipal Structures Amendment Act, 2000 (Act No. 33 of 2000): Amendment to Notice Issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 468, 2002 (*PG* 6144 of 4 December 2002)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 494, 2003 (*PG* 6186 of 30 June 2003)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)	The whole
PN 1261, 2004 (*PG* 6293 of 7 October 2004)	Notice in terms of Section 16 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Amendment to Notice Issued in terms of Section 12 of the Local Government: Municipal Structures Act, 1998	The whole
PN 1441, 2005 (*PG* 6424 of 18 August 2005)	Notice in terms of Section 18(4) read with Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Determination of Full Time Councillor: uMgungundlovu District Municipality	The whole
PN 1981, 2005 (*PG* 6438 of 20 October 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Msunduzi Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 53, 2008 (*PG* 78 of 28 February 2008)	Notice in terms of Sections 18(4) of the Local Government: Municipal Structures Act, 1998: Designation as Full-time Councillor: Impendle Municipality	The whole
PN 22, 2009 (*PG* 229 of 12 February 2009)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Mpofana Municipality.	The whole

Number and year of Notice	*Title*	*Extent of repeal*
PN 182, 2010 (*PG* 514 of 21 October 2010)	Notice in terms of Section 16(1)(c) of the Local Government: Municipal Structures Act, 1998: Amendment of the Number of Councillors for the uMgungundlovu District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 32, 2012 (*PG* 717 of 9 March 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Speaker, Deputy Mayor and Three Executive Committee Members - uMshwathi Municipality	The whole
MN 56, 2012 (*PG* 1408 of 4 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Msunduzi Municipality	The whole
MN 58, 2012 (*PG* 1408 of 4 July 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Whip – Msunduzi Municipality	The whole
MN 87, 2012 (*PG* 820 of 18 September 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Accounts Committee – Msunduzi Municipality	The whole
MN 13, 2013 (*PG* 905 of 26 February 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Chairperson of the Municipal Public Account Committee – uMgungundlovu District Municipality	The whole
MN 144, 2014 (*PG* 1264 of 31 October 2014)	Notice in terms of Section 18(3) of the Local Government: Municipal Structures Act, 1998: Determination of the Number of Councillors	The whole
PN 36, 2015 (*PG* 1408 of 15 July 2015)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors – uMngeni Local Municipality	The whole

ANNEXURE B

DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	**Name of Municipality**	**The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:**
DC22	uMgungundlovu District Municipality	The followingSchedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: - Local tourism (KZ227) - Firefighting (KZ221, KZ222, KZ223, KZ224, KZ227)
KZN221	uMshwathi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN222	uMngeni Municipality	No district functions allocated to the local municipality to

Municipality No.	**Name of Municipality**	**The district municipality performs the following local functions defined in the Constitution in the local areas indicated in brackets, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) in their respective local areas:**
		perform in its local area
KZN223	Mpofana Municipality	No district functions allocated to the local municipality to perform in its local area
KZN224	Impendle Municipality	No district functions allocated to the local municipality to perform in its local area
KZN225	Richmond Municipality	No district functions allocated to the local municipality to perform in its local area
KZN226	Msunduzi Municipality	84(1)(h) – municipal airports 84(1)(k) – fresh produce markets and abattoirs (Markets only) 84(1)(n) – municipal public works relating to the above functions
KZN227	Mkhambathini Municipality	No district functions allocated to the local municipality to perform in its local area

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