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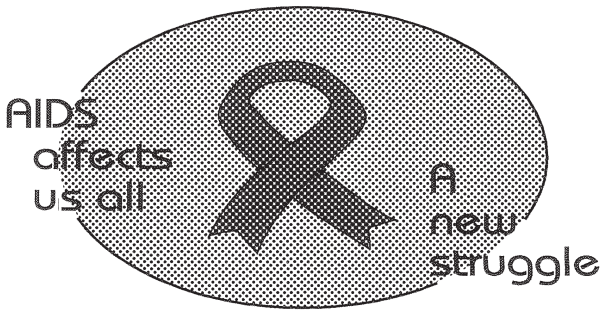

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 133 OF 2016

ILEMBE DISTRICT MUNICIPALITY
(DC 29)

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 ILEMBE DISTRICT MUNICIPALITY (DC29) AND THE MANDENI (KZN291), KWADUKUZA (KZN292), NDWEDWE (KZN293) AND MAPHUMULO (KZN294)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 Mandeni, KwaDukuza, Ndwedwe, and Maphumulo 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 iLembe 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 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

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, 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

8.(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

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 district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of iLembe continues to exist for the district municipal area DC29 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 iLembe District Municipality.

Councillors
6.(1) The council of the district municipality consists of 32 councillors, of whom–
(a) 13 are proportionally elected councillors;
(b) four are appointed by the local municipality as contemplated in Part 3 of this Schedule;
(c) eight are appointed by the local municipality as contemplated in Part 4 of this Schedule;
(d) four are appointed by the local municipality as contemplated in Part 5 of this Schedule; and
(e) three 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 iLembe District Municipal Offices in KwaDukuza.

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 KZN291 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 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 Mandeni 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 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 18 wards with boundaries as determined in Provincial Notice 76 dated 27 July 2015 (*Provincial Gazette* No. 1432).

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

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 KZN292 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 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 KwaDukuza Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 57 councillors, of whom–
(a) 28 are proportionally elected councillors; and
(b) 29 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 29 wards with boundaries as determined in Provincial Notice 74 dated 27 July 2015 (*Provincial Gazette* No. 1430).

Seat of municipality

8. The seat of the municipality is the KwaDukuza Municipal Offices in Stanger.

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 KZN293 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 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 Ndwedwe Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 37 councillors, of whom–

(a) 18 are proportionally elected councillors; and
(b) 19 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) Mayor.

Wards
7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has 19 wards with boundaries as determined in Provincial Notice 69 dated 27 July 2015 (*Provincial Gazette* No. 1425).

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

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 KZN294 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 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 Maphumulo Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 22 councillors, of whom–
(a) 11 are proportionally elected councillors; and
(b) 11 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 11 wards with boundaries as determined in Provincial Notice 70 dated 27 July 2015 (*Provincial Gazette* No. 1426).

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

ANNEXURE A

NOTICES REPEALED

(*Paragraph 6 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 345, 2000 (*PG* 5564 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 29, KZ 291, KZ 292, KZ 293, KZ 294)	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
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 269, 2002 (*PG* 6116 of 19 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): Amendments to Notice Issued in terms of Section 12 of the Act	The whole
PN 369, 2002 (*PG* 6128 of 26 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): Amendment to Notice 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 1137, 2005 (*PG* 6415 of 7 July 2005)	Notice in terms of Section 16(1)(a) 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: Ndwedwe Local Municipality	The whole
PN 1636, 2005 (*PG* 6429 of 8 September 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: Ndwedwe Municipality (KZ293)	The whole
PN 1641, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole
PN 1809, 2005 (*PG* 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Maphumulo Municipality	The whole
PN 3461, 2005 (*PG* 6454 of 29 December 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 – Kwadukuza Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 1737, 2006 (*PG* 6512 of 5 October 2006)	Notice in terms of Section 16(3)(b) of the Local Government: Municipal Structures Act, 1998: Endondakusuka Municipality	The whole
PN 377, 2007 (*PG* 46 of 1 November 2007)	Notice in terms of Sections 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors: Kwadukuza Municipality	The whole
PN 120, 2009 (*PG* 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Ilembe District Municipality	The whole
PN 189, 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 Ilembe District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 48, 2011 (*PG* 583 of 16 May 2011)	Proposed Amendment Notice in terms of Section 17 read with Section 16(1)(g) of the Local Government: Municipal Structures Act, 1998: To Give Effect to the Redetermination of the Municipal Boundaries of Ndwedwe and Kwadukuza Municipalities and to Regulate the Transfer of Assets, Rights, Liabilities and Obligations, and Staff of Nwedwe Municipality to the Kwadukuza Municipality	The whole
PN 94, 2011 (*PG* 634 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 Three Additional Full-time Members of the Executive Committee - Kwadukuza Municipality	The whole
PN 27, 2012 (*PG* 749 of 21 May 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Mayor - Mandeni Municipality	The whole

MN 84, 2012 (*PG* 818 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 Chairperson of the Municipal Public Accounts Committee - Kwadukuza Municipality	The whole
MN 111, 2013 (*PG* 1029 of 2 October 2013)	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 Deputy Mayor - Mandeni 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:**
DC29	Ilembe District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN291	Mandeni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN292	KwaDukuza Municipality	84(1)(f) - municipal roads 84(1)(j) - firefighting services 84(1)(l) - cemeteries 84(1)(n) - municipal public works relating to the above functions
KZN293	Ndwedwe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN294	Maphumulo Municipality	No district functions allocated to the local municipality to perform in its local area

PROVINCIAL NOTICE 134 OF 2016

UGU DISTRICT MUNICIPALITY
(DC 21)

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 UGU DISTRICT MUNICIPALITY (DC21) AND THE UMDONI (KZN212), UMZUMBE (KZN213), AND UMUZIWABANTU (KZN214) LOCAL MUNICIPALITIES; THE DISESTABLISHMENT OF THE VULAMEHLO (KZN211), EZINQOLENI (KZN 215) AND HIBISCUS COAST (KZN 216) LOCAL MUNICIPALITIES; AND THE ESTABLISHMENT OF THE MERGED RAY NKONYENI (KZN216) LOCAL MUNICIPALITY

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 Ray Nkonyeni, uMdoni, uMzumbe and uMuziwabantu 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–

(a) municipality of Vulamehlo is disestablished on the effective date; and

(b) municipalities of eZinqoleni and Hibiscus Coast are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Ray Nkonyeni local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

Establishment of municipality

3.(a) The Ray Nkonyeni local municipality is hereby established for the local municipal area as set out in Part 6 of this Schedule.

(b) 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 Ugu 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 4060, DEM 4097, DEM 449, and DEM 471 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 4060, DEM 4097, DEM 449, and DEM 471 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice;

(b) the disestablishment of Vulamehlo local municipality (KZN 211), eZinqoleni local municipality (KZN 215) and Hibiscus Coast local municipality (KZN 261) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Ray Nkonyeni 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 Ray Nkonyeni 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), the Ray Nkonyeni local municipality is the successor-in-law to the eZinqoleni local municipality (KZN215) and Hibiscus Coast local municipality (KZN 216), 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 Ray Nkonyeni local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Ray Nkonyeni 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 eZinqoleni local municipality and Hibiscus Coast 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 eZinqoleni local municipality and Hibiscus Coast local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the Ray Nkonyeni 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 eZinqoleni local municipality and Hibiscus Coast 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 eZinqoleni local municipality and Hibiscus Coast 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–

(i) Vulamehlo local municipality, including the–

(aa) transfer of staff;

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

(cc) continued application of any by-laws, regulations, notices, policies and resolutions in the area of jurisdiction of the municipalities concerned 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 uMdoni local municipality or the eThekwini metropolitan municipality, as the case may be; and

(ii) eZinqoleni local municipality and Hibiscus Coast local municipality, including the–

(aa) transfer of staff;

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

(cc) 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 Ray Nkonyeni 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 Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality

10. Subject to the disestablishment of Vulamehlo local municipality as contemplated in paragraph 2 of Part 1 of this Schedule, other 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 Ray Nkonyeni 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 eZinqoleni local municipality and Hibiscus Coast local municipality

12.(1) The assets, rights, liabilities and obligations of eZinqoleni local municipality and Hibiscus Coast 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 Ray Nkonyeni 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 eZinqoleni local municipality or Hibiscus Coast 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 Ray Nkonyeni 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 Ray Nkonyeni 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 Ray Nkonyeni local municipality.

Transfer of stafffrom Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality

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

(a) Vulamehlo local municipality to the uMdoni local municipality and the eThekwini metropolitan municipality, as the case may be; and

(b) eZinqoleni local municipality and Hibiscus Coast local municipality to the Ray Nkonyeni 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 uMdoni local municipality, eThekwini metropolitan municipality and Ray Nkonyeni local municipality's administration, as the case may be, 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)(a) For the purposes of this paragraph, a function includes a power and a duty.

(b) An employee referred to in–

(i) sub-paragraph (1)(a) is transferred to the uMdoni local municipality or the eThekwini metropolitan municipality, as the case may be; and

(ii) sub-paragraph (1)(b) is transferred to the Ray Nkonyeni 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 Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality

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

(a) Vulamehlo local municipality; immediately before the effective date, continue to apply in such areas that have, as contemplated in paragraph 4(1) of Part 1 of this Schedule, been included in the jurisdictional areas of the uMdoni local municipality and the eThekwini metropolitan municipality, as the case may be, from the effective date subject to any amendment or repeal by the councils of such municipalities, as contemplated in paragraph 9(3)(a)(i)(cc) of Part 1 of this Schedule; and

(b) eZinqoleni local municipality or Hibiscus Coast 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 Ray Nkonyeni local municipality, as contemplated in paragraph 9(3)(a)(ii)(cc) 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) Vulamehlo local municipality must be construed as a reference to the uMdoni local municipality or the eThekwini metropolitan municipality, as the case may be;

(b) eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, must be construed as a reference to the Ray Nkonyeni local municipality; and

(c) structure or functionary in the administrative unit of the–

(i) Vulamehlo local municipality must be construed as a reference to the corresponding structure or functionary in the administration of the uMdoni local municipality or the eThekwini metropolitan municipality, as the case may be; and

(ii) eZinqoleni local municipality or Hibiscus Coast local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Ray Nkonyeni local municipality.

Change management relating to Vulamehlo local municipality, eZinqoleni local municipality and Hibiscus Coast local municipality

15.(a) Any recommendation or decision taken by a Change Management Committee established in respect of the Vulamehlo local municipality by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the uMdoni local municipality, eThekwini Metropolitan municipality, as the case may be, within a period not exceeding three months after the effective date.

(b) municipalities contemplated in paragraphs 2 and 3 of Part 1 of this Schedule by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be implemented by the municipal council of the Ray Nkonyeni local municipality, within a period not exceeding three months after the effective date

Consequences of disestablishment of Vulamehlo 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 Vulamehlolocal municipality.

Savings

17.(a) 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.

(b) 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 Ugu continues to exist for the district municipal area DC21 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 Ugu District Municipality.

Councillors

6.(1) The council of the district municipality consists of 35 councillors, of whom–

(a) 14 are proportionally elected councillors;

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

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

(d) three are appointed by the local municipality mentioned in Part 5 of this Schedule; and

(e) ten 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 Ugu Municipal Offices in Port Shepstone.

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 KZN212 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 uMdoni Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 37 councillors of whom–

(a) 18 are proportionally elected councillors; and

(b) 19 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 19 wards with boundaries as determined in Provincial Notice 71 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1427).

Seat of the municipality

8. The seat of the municipality is the uMdoni Municipal Offices in Scottburgh.

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 KZN213 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 uMzumbe Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 39councillors of whom–

(a) 19 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 66 dated 27 July 20`15 (*Extraordinary Provincial Gazette* No. 1422).

Seat of municipality

8. The seat of the municipality istheuMzumbe Municipal Offices in uMthwalume.

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 KZN214 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 uMuziwabantu Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 20 councillors of whom–

(a) 10 are proportionally elected councillors; and

(b) 10 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 10 wards with boundaries as determined in Provincial Notice 99 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1447).

Seat of municipality

8. The seat of the municipality is the uMuziwabantu Municipal Offices in Harding.

PART 6

Establishment of local municipality

1. For that part of the district municipal area determined in the demarcation notice as KZN216*,* 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 Ray NkonyeniLocal Municipality.

Councillors

6.(1) The council of the local municipality consists of 71 councillors, of whom–

(a) 35 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 62 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1418).

Seat of municipality

8. The seat of the municipality is the Ray Nkonyeni Municipal Offices in Port Shepstone.

ANNEXURE A

NOTICES REPEALED

(*Paragraph 8 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
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

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 1245, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Umzumbe Municipality	The whole
PN 1246, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Ezinqoleni Municipality	The whole
PN 1247, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: UMuziwabantu Municipality	The whole
PN 1248, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Vulamehlo Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 1129, 2006 (*PG* 6493 of 13 July 2006)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillors: Vulamehlo Municipality	The whole
PN 1275, 2006 (*PG* 6497 of 3 August 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Umdoni Municipality	The whole
PN 1276, 2006 (*PG* 6497 of 3 August 2006)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Umdoni Municipality	The whole
PN 379, 2007 (*PG* 46 of 1 November 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillors: Umzumbe Municipality	The whole
PN 181, 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 Ugu District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 156, 2011 (*PG* 685 of 29 December 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of One Additional Full-time Member of the Executive Committee Vulamehlo Municipality	The whole
PN 31, 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 Two Additional Executive Committee Members - Umzumbe 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:**
DC21	Ugu District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZ212	Umdoni Municipality	No district functions allocated to the local municipality to perform in its local area
KZ213	Umzumbe Municipality	No district functions allocated to the local municipality to perform in its local area
KZ214	uMuziwabantu Municipality	84(1)(f) – municipal roads 84(1)(j) – firefighting services 84(1)(n) – municipal public works relating to the above functions

PROVINCIAL NOTICE 135 OF 2016

HARRY GWALA DISTRICT MUNICIPALITY
(DC 43)

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 HARRY GWALA DISTRICT MUNICIPALITY (DC43) AND THE GREATER KOKSTAD (KZN433), UBUHLEBEZWE (KZN434) AND UMZIMKHULU (KZN435) LOCAL MUNICIPALITIES; THE DISESTABLISHMENT THE INGWE (KZN431) AND KWASANI (KZN432) LOCAL MUNICIPALITIES;AND THE ESTABLISHMENT OF THE NEW DR NKOSAZANA DLAMINI ZUMA LOCAL MUNICIPALITY (KZN436)

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 Dr. Nkosazana Dlamini Zuma, Greater Kokstad, uBuhlebezwe and uMzimkhulu 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 Ingwe and KwaSani are disestablished on the effective date to the extent that those municipalities fall within the jurisdictional area of Dr. Nkosazana Dlamini Zuma local municipality, established in accordance with paragraph 3 of Part 1 of this Schedule.

Establishment of municipality

3.(1) The Dr. Nkosazana Dlamini Zuma 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 Harry Gwala 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 2405, DEM 2411, DEM 395, DEM 4132, DEM 4150, DEM 4182, DEM 449, and DEM 453 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 2405, DEM 2411, DEM 395, DEM 4132, DEM 4150, DEM 4182, DEM 449, and DEM 453 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice; and

(b) the disestablishment of KwaSani local municipality (KZN 432) and Ingwe local municipality (KZN 431) as contemplated in paragraph 2 of Part 1 of this Schedule; and

(c) the establishment of the Dr. Nkosazana Dlamini Zuma 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,

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 Dr. Nkosazana Dlamini Zuma 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), the Dr. Nkosazana Dlamini Zuma local municipality is the successor-in-law to the KwaSani local municipality (KZN 432) and the Ingwe local municipality (KZN 431), 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 Dr. Nkosazana Dlamini Zuma local municipality in accordance with paragraph 3 of Part 1 of this Schedule: Provided that the Dr. Nkosazana Dlamini Zuma 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 KwaSani local municipality and Ingwe 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 KwaSani local municipality and Ingwe local municipality until such time as the by-laws, regulations, notices, policies and resolutions of the Dr. Nkosazana Dlamini Zuma 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 KwaSani local municipality and Ingwe 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 KwaSani local municipality or Ingwe 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 KwaSani local municipality and Ingwe 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, notices, policies, regulations, 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 Dr. Nkosazana Dlamini Zuma local municipality.
(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 KwaSani local municipality and Ingwe 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 Dr. Nkosazana Dlamini Zuma 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 KwaSani local municipality and Ingwe local municipality

12.(1) The assets, rights, liabilities and obligations of Kwa Sani local municipality and Ingwe 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 Dr. Nkosazana Dlamini Zuma 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 KwaSani local municipality or Ingwe 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 Dr. Nkosazana Dlamini Zuma 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 Dr. Nkosazana Dlamini Zuma 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 Dr. Nkosazana Dlamini Zuma local municipality.

Transfer of stafffrom KwaSani local municipality and Ingwe local municipality

13.(1) The transfer of staff from the KwaSani local municipality and Ingwe local municipality to the Dr. Nkosazana Dlamini Zuma 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 Dr. Nkosazana Dlamini Zuma 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, to the xxx 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 KwaSani local municipality and Ingwe local municipality

14.(1) All by-laws, regulations, notices, policies and resolutions that apply in the jurisdictional area of the KwaSani local municipality or Ingwe 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 Dr. Nkosazana Dlamini Zuma 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) KwaSani local municipality or Ingwe local municipality, as the case may be, must be construed as a reference to the Dr. Nkosazana Dlamini Zuma local municipality; and

(b) structure or functionary in the administration of the KwaSani local municipality or Ingwe local municipality, as the case may be, must be construed as a reference to the corresponding structure or functionary in the administration of the Dr. Nkosazana Dlamini Zuma local municipality.

Change management relating to KwaSani local municipality and Ingwe 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 Dr. Nkosazana Dlamini Zuma 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 Harry Gwala continues to exist for the district municipal area DC43 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 Harry Gwala District Municipality.

Councillors

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

(a) 11 are proportionally elected councillors;

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

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

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

(e) four 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 Harry Gwala Municipal Offices in Ixopo.

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 433 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 Greater Kokstad Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 19 councillors of whom–

(a) nine are proportionally elected councillors; and

(b) ten 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 ten wards with boundaries as determined in Provincial Notice 82 dated 27 July 2015 (*Provincial Gazette* No. 1438).

Seat of municipality

8. The seat of the municipality is the Greater Kokstad Municipal Offices in Kokstad.

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 KZN434 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 uBuhlebezwe Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 27councillors 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 86 dated 27 July 2016 (*Provincial Gazette* No. 1442).

Seat of municipality
8. The seat of the municipality istheuBuhlebezwe Municipal Offices in Ixopo.

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 KZN435 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 uMzimkhuluLocal Municipality.

Councillors

6.(1) The council of the local municipality consists of 43 councillors of whom–

(a) 21 are proportionally elected councillors; and

(b) 22 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 22 wards with boundaries as determined in Provincial Notice 93 dated 27 July 2015 (*Provincial Gazette* No. 1449).

Seat of municipality

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

PART 6

Establishment of local municipality

1. For that part of the district municipal area determined in the demarcation notice as KZN436, 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 Dr. Nkosazana Dlamini Zuma 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 26 dated 28 July 2015 (*Provincial Gazette* No. 1453).

Seat of municipality

8. The seat of the municipality is the Dr. Nkosazana Dlamini Zuma Municipal Offices in Ingwe.

ANNEXURE A

NOTICES REPEALED
(*Paragraph 8 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 344, 2000 (*PG* 5563 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC43, KZ5a1, KZ5a2, KZ5a3, KZ5a4, KZ5a5, KZDMA43)	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
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 6, 2002 (*PG* 6079 of 17 January 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 47, 2002 (*PG* 6084 of 12 February 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: Withdrawal of Notice	The whole
PN 149, 2002 (*PG* 6103 of 9 May 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 161, 2002 (*PG* 6105 of 16 May 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 1133, 2005 (*PG* 6415 of 7 July 2005)	Notice in terms of Section 18(4) read with 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Greater Kokstad Municipality	The whole
PN 1193, 2005 (*PG* 6416 of 14 July 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: Ingwe Municipality (KZSAL)	The whole
PN 1249, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Ubuhlebezwe Municipality	The whole
PN 1255, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Greater Kokstad Municipality	The whole
PN 1, 2006 (*PG* 6456 of 5 January 2006)	Amendment Notice in terms of Section 16 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 378, 2007 (*PG* 46 of 1 November 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Full-time Councillor: Greater Kokstad Municipality	The whole
PN 122, 2009 (*PG* 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Sisonke District Municipality	The whole

PN 190, 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 Sisonke District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 29, 2013 (*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 One Additional Member of the Executive Committee - Ubuhlebezwe Municipality	The whole
PN 39, 2012 (*PG* 758 of 8 June 2012)	Proposed Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Kwa Sani Municipality	The whole
MN 97, 2013 (*PG* 1017 of 30 August 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Chairperson of the Municipal Public Accounts Committee – Umzimkhulu Local Municipality	The whole
MN106, 2013 (*PG* 1023 of19 September 2013)	Notice in terms of Section 16(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Sisonke 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, 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:**
DC43	Harry Gwala District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN436	Dr Nkosazana Dlamini Zuma Municipality	No district functions allocated to the local municipality to perform in its local area
KZN433	Greater Kokstad Municipality	No district functions allocated to the local municipality to perform in its local area
KZN434	Ubuhlebezwe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN435	Umzimkhulu Municipality	84(1)(l) - cemeteries 84(1)(e) - solid waste disposal 84(1)(n) - municipal public works relating to the above functions

PROVINCIAL NOTICE 136 OF 2016

AMAJUBA DISTRICT MUNICIPALITY
(DC 25)

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 AMAJUBA DISTRICT MUNICIPALITY (DC25) AND THE NEWCASTLE (KZN252), EMADLANGENI (KZN253) AND DANNHAUSER (KZN254)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 Newcastle, eMadlangeni and Dannhauser 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 Amajuba District Municipality and its constituent local municipalities as set out in Parts 2 to 5 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in–

(a) Demarcation numbers DEM 2408 and DEM 422 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) Demarcation numbers DEM 2408 and DEM 422 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 5,

are set out in Annexure B.

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, 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, 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

7. 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

8.(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

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 district municipality

1. Notwithstanding the repeal of the notices set out in Annexure A, the district municipality of Amajuba continues to exist for the district municipal area DC25 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 Amajuba District Municipality.

Councillors

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

(a) 11 are proportionally elected councillors;
(b) 12 are appointed by the local municipality as contemplated in Part 3 of this Schedule;
(c) oneis appointed by the local municipality as contemplated in Part 4 of this Schedule; and
(d) three are appointed by the local municipality as contemplated 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 Amajuba Municipal Offices in Newcastle.

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 KZN252 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 Newcastle Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 67 councillors, as determined in Notice No 144 dated 31 October 2014, of whom–

(a) 33 are proportionally elected councillors; and

(b) 34 are ward councillors.

(2) It is determined that the following councillorsmay 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 34 wards with boundaries as determined in Provincial Notice 92 dated 27 July 2015 (*Provincial Gazette* No. 1448).

Seat of municipality

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

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 KZN253 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 re-determined, as the case may be, in such repealed notices for the local municipal area.

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

Councillors
6.(1) The council of the local municipality consists of 11 councillors of whom–
(a) five are proportionally elected councillors; and
(b) six are ward councillors.

(2) It is determined that no councillors may be designated as full-time councillors 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 six wards with boundaries as determined in Provincial Notice 72 dated 27 July 2015 (*Provincial Gazette* No. 1428).

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

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 KZN254 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 Dannhauser 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 following councillors may be designated as full-time councillors in terms of section 18(4) of the Act:

(a) Speaker; and

(b) Mayor.

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 68 dated 27 July 2015 (*Provincial Gazette* No. 1424).

Seat of municipality

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

ANNEXURE A

NOTICES REPEALED

(*Paragraph 6 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
MN 24 (*PG* 5415 of 10 May 2000)	Notice in terms of Section 21 of the Local Government: Municipal Demarcation Act, 1998 and the Board's Proposals for Municipal Boundaries Extending Across Provincial Boundaries Envisaged in Section (6A) of the Constitution, 1996 Boundaries of Category A, B and C Municipalities	The whole
MN 117 (*PG* 5506 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ252	The whole

MN 118 (*PG* 5507 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ253	The whole
MN 119 (*PG* 5508 of 13 June 2000)	Municipal Demarcation Board Delimitation of Municipal Wards in terms of the Local Government: Municipal Structures Act, 1998 - Municipality: KZ254	The whole
PN 349, 2000 (*PG* 5568 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 25, KZ 252, KZ 253, KZ 254)	The whole
PN 353, 2000 (*PG* 5573 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
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 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 203, 2005 (*PG* 6322 of 10 February 2005)	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 1243, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Utrecht Municipality	The whole
PN 1256, 2005 (*PG* 6417 of 21 July 2005)	Notice in terms of section 16(1)(a) of the Local Government: Municipal Structures Act, 1998: Dannhauser Municipality	The whole
PN 1639, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board – Notice for general information	The whole
PN 1480, 2006 (*PG* 6504 of 31 August 2006)	Notice in terms of section 16(3)(B) of the Local Government: Municipal Structures Act, 1998 – Utrecht Municipality	The whole
PN 388, 2007 (*PG* 51 of 22 November 2007)	Notice in terms of section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of full-time councillor: Newcastle Municipality	The whole
PN 185, 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 Amajuba District Municipality and the local municipalities in its area of jurisdiction	The whole
MN 144 (*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 211, 2015 (*PG* 1576 of 24 December 2015)	Notice in terms of section 16(1)(d) of the Local Government: Municipal Structures Ac, 1998: Determination of full-time councillor – Newcastle 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, 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:**
DC25	Amajuba District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN252	Newcastle Municipality	84(1)(h) – municipal airports
KZN253	Emadlangeni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN254	Dannhauser Municipality	No district functions allocated to the local municipality to perform in its local area

PROVINCIAL NOTICE 137 OF 2016

ZULULAND DISTRICT MUNICIPALITY
(DC 26)

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 ZULULAND DISTRICT MUNICIPALITY (DC26) AND THE EDUMBE (KZN261), UPHONGOLO (KZN262), ABAQULUSI (KZN263), NONGOMA (KZN265) AND ULUNDI (KZN266)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 eDumbe, uPhongolo, AbaQulusi, Nongoma and Ulundi 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 Zululand District Municipality and its constituent local municipalities as set out in Parts 2 to 7 of this Schedule remain as determined in the notices set out in Annexure A, subject to amendments contemplated in–

(a) Demarcation number DEM 458 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(b) Demarcation number DEM 458 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 7,

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, 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 Zululand continues to exist for the district municipal area DC26 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 isZululand District Municipality.

Councillors

6.(1) The council of the district municipality consists of 36 councillors, of whom–

(a) 15 are proportionally elected councillors;
(b) two are appointed by the local municipality as contemplated in Part 3 of this Schedule;
(c) three are appointed by the local municipality as contemplated in Part 4 of this Schedule;
(d) six are appointed by the local municipality as contemplated in Part 5 of this Schedule;
(e) five are appointed by the local municipality as contemplated in Part 6 of this Schedule; and
(f) five are appointed by the local municipality as contemplated in Part 7 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 Zululand Municipal Offices in Ulundi.

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 KZN261 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 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 eDumbe Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 16 councillors, of whom–

(a) eight are proportionally elected councillors; and
(b) eight 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) Mayor.

Wards

7. Notwithstanding the repeal of the notices set out in Annexure A, the local municipality has eight wards with boundaries as determined in Provincial Notice 75 dated 27 July 2015 (*Provincial Gazette* No. 1431).

Seat of municipality

8. The seat of the municipality is the eDumbe Municipal Offices in Paulpietersburg.

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 KZN262 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 uPhongolo 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 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 15 wards with boundaries as determined in Provincial Notice 79 dated 27 July 2015 (*Provincial Gazette* No. 1435).

Seat of municipality

8. The seat of the municipality is the uPhongolo Municipal Offices in Pongola.

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 KZN263 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 AbaQulusi Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 44 councillors, of whom–

(a) 22 are proportionally elected councillors; and

(b) 22 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 22 wards with boundaries as determined in Provincial Notice 73 dated 27 July 2015 (*Provincial Gazette* No. 1429).

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

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 KZN265 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 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 isNongoma Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 42 councillors, of whom–
(a) 21 are proportionally elected councillors; and
(b) 21 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 21 wards with boundaries as determined in Provincial Notice 95 dated 27 July 2015 (*Provincial Gazette* No. 1436).

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

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 KZN266 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 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 Ulundi Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 47 councillors, of whom–

(a) 23 are proportionally elected councillors; and

(b) 24 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 24 wards with boundaries as determined in Provincial Notice 83 dated 27 July 2015 (*Provincial Gazette* No. 1434).

Seat of municipality

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

ANNEXURE A

NOTICES REPEALED

(*Paragraph 6 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 348, 2000 (*PG* 5567 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 26, KZ 261, KZ 262, KZ 263, KZ 265, KZ 266)	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 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
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 472, 2002 (*PG* 6145 of 5 December 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 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 1642, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Edumbe Municipality	The whole
PN 1643, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Nongoma Municipality	The whole

PN 1644, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Uphongolo Municipality	The whole
PN 1810, 2005 (*PG* 6435 of 29 September 2005)	Notice in terms of Section 16(1)(a) of the Local Government: Municipal Structures Act, 1998 - Abaqulusi Municipality	The whole
GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 396, 2007 (*PG* 56 of 6 December 2007)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 - Edumbe Municipality	The whole
PN 186, 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 Zululand District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 69, 2011 (*PG* 604 of 13 July 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Designation of Full-time Whip-Ulundi Municipality	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
PN 23, 2012 (*PG* 707 of 15 February 2012)	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 Speaker - Uphongolo Municipality	The whole
MN 45, 2013 (*PG* 764 of 15 June 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Chief Whip - Abaqulusi Local Municipality	The whole
MN 60, 2012 (*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 Mayor and Deputy Mayor – Nongoma Municipality	The whole
MN 99, 2012 (*PG* 845 of 7 November 2012)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998: Determination of Mayor and Speaker – eDumbe Municipality	The whole
MN 38, 2013 (*PG* 947 of 10 May 2013)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Chairperson of the Municipal Public Accounts Committee - Ulundi Local Municipality	The whole
MN 1, 2014 (*PG* 1083 of 21 January 2014)	Notice in terms of Section 16(1)(d) of the Local Government: municipal Structures Act, 1998: Abaqulusi Local 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:**
DC26	Zululand District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZN261	eDumbe Municipality	No district functions allocated to the local municipality to perform in its local area
KZN262	uPhongolo Municipality	No district functions allocated to the local municipality to perform in its local area
KZN263	Abaqulusi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN265	Nongoma Municipality	No district functions allocated to the local municipality to perform in its local area
KZN266	Ulundi Municipality	No district functions allocated to the local municipality to perform in its local area

PROVINCIAL NOTICE 138 OF 2016

KING CETSHWAYO DISTRICT MUNICIPALITY
(DC 28)

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 KING CETSHWAYO DISTRICT MUNICIPALITY (DC28) AND THE UMFOLOZI (KZN281), UMHLATHUZE (KZN282), UMLALAZI (KZN284), MTHONJANENI (KZN285) AND NKANDLA (KZN286) LOCAL MUNICIPALITIES;AND THE DISESTABLISHMENT OF NTAMBANANA LOCAL MUNICIPALITY (KZN283)

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 uMfolozi, uMhlathuze, uMlalazi, Mthonjaneni and Nkandla 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;

"**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.

Disestablishment of existing municipalities

2. The existing municipality of Ntambanana is disestablished with effect from the effective date.

Continued existence and amendment of district and related local municipalities

3.(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 King CetshwayoDistrict Municipality and its constituent local municipalities as set out in Parts 3 to 7 of this Schedule remain as determined in the notices set out in Annexure A, subject to–

(a) amendments contemplated in–

(i) Demarcation numbers DEM 2436, DEM 4154, and DEM 4176 in General Notice No. 51 dated 8 August 2013 (*Provincial Gazette* No. 1003);

(ii) Demarcation numbers DEM 2436, DEM 4154, and DEM 4176 in General Notice No. 57 dated 23 October 2013 (*Provincial Gazette* No. 1042); and

(iii) this Notice; and

(b) the disestablishment of Ntambanana local municipality (KZN 283) as contemplated in paragraph 2 of Part 1 of this Schedule

(2) The amendment and disestablishment, as the case may be, of the municipalities contemplated in sub-paragraph (1) takes effect on the effective date.

Allocation and division of powers and functions

4. Subject to the provisions of paragraph 8(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 7,

are set out in Annexure B.

Amendment of Notice

5. 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

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

Repeal

7. The notes 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

8.(1) 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, 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.

(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 Ntambanana 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 area of jurisdiction of the municipalities concerned 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 Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi 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 4 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 4 of Part 1 of this Schedule, including the consequences of the matters referred to in item (a) being further or otherwise regulated before.

Continued operation of municipalities other than Ntambanana local municipality

9. Subject to the disestablishment of Ntambanana local municipality as contemplated in paragraph 2 of Part 1 of this Schedule, other provisions of this Notice, the protection of existing rights and the continuation of existing obligations as contemplated in paragraph 15(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 relating to municipalities

10.(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.

Consequences of disestablishment of Ntambanana local municipality

11. 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 Ntambananalocal municipality.

Transfer of stafffrom Ntambanana local municipality

12.(1) The transfer of staff from the Ntambanana local municipality to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, 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 Mthonjaneni local municipality, uMhlathuze local municipality and the uMfolozi 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:

Provided that–

(i) for the purposes of item (a), a function includes a power; and

(ii) an employee referred to in item (a) or (b), as the case may be, is transferred to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, 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 Ntambanana local municipality

13.(1) All by-laws, regulations, notice, policy and resolutions that apply in the area of the Ntambanana local municipality immediately before the effective date, continue to apply in such areas that have, as contemplated in paragraph 3(1) of Part 1 of this Schedule, been included in the jurisdictional areas of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, from the effective date subject to any amendment or repeal by the councils of such local municipalities.

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

(a) Ntambanana local municipality must be construed as a reference to the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be; and

(b) structure or functionary of the Ntambanana local municipality must be construed as a reference to the corresponding structure or functionary in the administration of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be.

Change management relating to Ntambanana local municipality

14. Any recommendation or decision taken by a Change Management Committee established in respect of the Ntambanana local municipality by Notice in the *Provincial Gazette* by the MEC, which has not yet been implemented or fully implemented by the effective date, must be considered by the municipal council of the Mthonjaneni local municipality, uMhlathuze local municipality or the uMfolozi local municipality, as the case may be, within a period not exceeding three months after the effective date.

Savings

15.(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

16. 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 King Cetshwayo continues to exist for the district municipal area DC28 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 King Cetshwayo District Municipality.

Councillors

6.(1) The council of the district municipality consists of 41 councillors, of whom–

(a) 17 are proportionally elected councillors;
(b) four 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;
(d) five are appointed by the local municipality mentioned in Part 5 of this Schedule;
(e) two are appointed by the local municipality mentioned in Part 6 of this Schedule; and
(f) three are appointed by the local municipality mentioned in Part 7 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 King Cetshwayo Municipal Offices in Richards Bay.

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 281 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 uMfolozi 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 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 88 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1444).

Seat of municipality

8. The seat of the municipality is the uMfolozi Municipal Offices in KwaMbonambi.

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 KZN282 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 uMhlathuze Local Municipality.

Councillors

6.(1) The council of the local municipality consists of 67councillors of whom–

(a) 33 are proportionally elected councillors; and

(b) 34 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 34 wards with boundaries as determined in Provincial Notice 90 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1446).

Seat of municipality
8. The seat of the municipality istheuMhlathuze Municipal Offices in Richards Bay.

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 KZN284 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 uMlalazi Local Municipality.

Councillors
6.(1) The council of the local municipality consists of 54 councillors of whom–
(a) 27 are proportionally elected councillors; and
(b) 27 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 27 wards with boundaries as determined in Provincial Notice 94 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1450).

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

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 KZN285 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 Mthonjaneni 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 no councillors may be designated as full-time councillors 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 85 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1441).

Seat of municipality

8. The seat of the municipality is the Mthonjaneni Municipal Offices in Melmoth.

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 KZN286 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 Nkandla 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 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 14 wards with boundaries as determined in Provincial Notice 81 dated 27 July 2015 (*Extraordinary Provincial Gazette* No. 1437).

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

ANNEXURE A

NOTICES REPEALED
(*Paragraph 7 of Part 1*)

Number and year of Notice	***Title***	***Extent of repeal***
PN 346, 2000 (*PG* 5565 of 19 September 2000)	Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities (DC 28, KZ281, KZ 282, KZ 283, KZ 284, KZ 285, KZ 286)	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
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 131, 2002 (*PG* 6099 of 25 April 2002)	Correction Notice: Notice Published in terms of Section 16 Read with Section 12 of the Local Government: Municipal Structures Act, 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 1640, 2005 (*PG* 6429 of 8 September 2005)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998)	The whole

GN 656, 2006 (*GG* 28852 of 18 May 2006)	Municipal Demarcation Board - Notice for General Information	The whole
PN 397, 2007 (*PG* 56 of 6 December 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umlalazi Municipality	The whole
PN 398, 2007 (*PG* 56 of 6 December 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umlalazi Municipality	The whole
PN 399, 2007 (*PG* 56 of 6 December 2007)	Notice in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998: Determination of Full-time Councillor: Umhlathuze Municipality	The whole
PN 94, 2009 (*PG* 275 of 21 May 2009)	Notice in terms of Section 16(1)(b) of the Local Government: Municipal Structures Act, 1998 - Mbonami Municipality	The whole
PN 123, 2009 (*PG* 299 of 30 June 2009)	Notice in terms of Section 85 of the Local Government: Municipal Structures Act, 1998: Uthungulu District Municipality	The whole
PN 188, 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 Uthungulu District Municipality and the Local Municipalities in its Area of Jurisdiction	The whole
PN 154, 2011 (*PG* 683 of 22 December 2011)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 177 of 1998): Determination of Whip - Uthungulu District Municipality	The whole
PN 167, 2013 (*PG* 1040 of 21 October 2013)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of the Mayor - Nkandla Local Municipality	The whole
MN 6, 2014 (*Extraordinary PG* 1096 of 17 February 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Umhlathuze Municipality	The whole
MN 7, 2014 (*Extraordinary PG* 1097 of 17 February 2014)	Notice in terms of Section 16(1)(d) of the Local Government: Municipal Structures Act, 1998: Umlalazi 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

MN 23, 2015 (*Extraordinary PG* 1309 of 12 February 2015)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 – Proposed Name Change of the Mfolozi Municipality	The whole
MN 42, 2015 (*Extraordinary PG* 1347 of 27 March 2015)	Notice in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998): Determination of Four Additional Members of the Executive Committee of the Umlalazi Local Municipality As Full-time	The whole
MN 41, 2015 (*Extraordinary PG* 1346 of 27 March 2015)	Determination in terms of Section 16(3)(c) of the Local Government: Municipal Structures Act, 1998; Full-time Chairperson of the Uthungulu District Municipality Municipal Public Accounts Committee	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:**
DC28	Uthungulu District Municipality	The following Schedule 4 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Building regulations (KZN281**)** The following Schedule 5 Part B powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Licensing and control of undertakings that sell food to the public (KZN281**,** KZN286)
KZN281	Mbonambi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN282	uMhlathuze Municipality	84(1)(h) - municipal airports 84(1)(n) - municipal public works relating to the above functions
KZN284	uMlalazi Municipality	No district functions allocated to the local municipality to perform in its local area
KZN285	Mthonjaneni Municipality	No district functions allocated to the local municipality to perform in its local area
KZN286	Nkandla Municipality	No district functions allocated to the local municipality to perform in its local area

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