

NOTICE OF AUTHORISATION IN TERMS OF SECTION 85 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

Published under

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I, Solomon Lechesa Tsenoli, Member of the Executive Council responsible for Local Government in the Free State Province, acting in terms of section 85(1) and (6) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and on recommendations of the Municipal Demarcation Board, hereby authorise district municipalities and local municipalities to perform the functions or exercise the powers as set out in the Schedule hereto.

SCHEDULE

1 Definitions

In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Structures Act, Chapter 2 of the Amendment Act and the section 12 notice has the same meaning and-

"Amendment Act" means the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000);

"district municipality" means the Category C municipality established in terms of the section 12 Notice;

"local municipality" means the Category B municipality established in terms of the section 12 notice;

"Schedule 4" means Schedule 4 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"section 12 notice" means;

- (a) Provincial Notice 181 of 2000 dated 28 September 2000 published in *Provincial Gazette* 109 of 28 September 2000;
- (b) Provincial Notice 182 of 2000 dated 28 September 2000 published in *Provincial Gazette* 110 of 28 September 2000;
- (c) Provincial Notice 183 of 2000 dated 28 September 2000 published in *Provincial Gazette* 111 of 28 September 2000;
- (d) Provincial Notice 184 of 2000 dated 28 September 2000 published in *Provincial Gazette* 112 of 28 September 2000; and
- (e) Provincial Notice 185 of 2000 dated 28 September 2000 published in *Provincial Gazette* 113 of 28 September 2000,

which established the district municipality and local municipalities specified therein in terms of the Structures Act;

"Section 84" refers to section 84 of the Structures Act including its subparagraphs; and

"Structures Act" means the Local Government. Municipal Structures Act, 1998 (Act 117 of 1998).

2 Repeal of Notice

Provincial Notices 53 of 10 April 2002 and 12 of 14 January 2003 are hereby repealed with effect from 30 June 2003.

3 Authorisation

In terms of section 85 of the Structures Act, the municipalities indicated in the first and second columns hereunder are authorised to perform the functions and exercise the powers indicated in the third column in their areas or those aspects of such powers and functions as are being performed by them on the date of commencement of this notice

Municipal No.	Name of Municipality	The district municipality performs the following local functions in the local areas indicated in brackets and the local municipality performs the following district functions in their respective local areas.
DC16	Xhariep District Municipality	No adjustments to perform local municipal functions
FS161	Letsemeng Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(j) Section 84(1)(n) - relating to the above functions.
FS162	Kopanong Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.
FS163	Mohokare Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(l) Section 84(1)(k) Abattoirs only. Section 84(1)(n) - relating to the above functions.
DC17	Motheo District Municipality	The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets: Schedule 4 Part B - Local Tourism (FS171) - Municipal Planning (FS171)
FS171	Naledi Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(j)

Section 84(1)(n) - relating to the above functions

FS172	Mangaung Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(h) Section 84(1)(j) Section 84(1)(k) - Markets only Section 84(1)(1) Section 84(1)(n) - relating to the above functions</p>
FS173	Mantsopa Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(l) Section 84(1)(n) - relating to the above functions</p>
DC18	Lejweleputswa District Municipality	No adjustments to perform local municipal functions
FS181	Masilonyana Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(1) Section 84(1)(m) Section 84(1)(n) - relating to the above functions.</p>
FS182	Tokologo Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(l)(j) Section 84(1)(1) Section 84(1)(n) - relating to the above functions.</p>
FS183	Tswelopele Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(l)(k) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.</p>
FS184	Matjhabeng Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(h) Section 84(1)(j) Section 84(1)(k) Markets only Section 84(1)(1)</p>

Section 84(1)(n) - relating to the above functions.

FS185	Nala Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.</p>
DC19	Thabo Mofutsanyane District Municipality	<p>The following powers and functions or aspects thereof in the area of the local municipalities indicated in brackets:</p> <p>Schedule 4 Part B</p> <p>Local tourism (FS191, FS193, FS195)</p>
FS191	Setsoto Local Municipality	<p>As listed in:</p> <p>Section 84(1)(f) Section 84(1)(j) Section 84(l)(l) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.</p>
FS192	Dihlabeng Local Municipality	<p>As listed in:</p> <p>Section 84(1)(f) Section 84(1)(h) Section 84(l)(j) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.</p>
FS193	Nketoana Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(1) Section 84(1)(n) - relating to the above functions.</p>
FS194	Maluti a Phofung Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(l)(j) Section 84(1)(n) - relating to the above functions.</p>
FS195	Phumelela Local Municipality	<p>As listed in:</p> <p>Section 84(1)(e) Section 84(1)(f) Section 84(1)(1) Section 84(1)(n) - relating to the above functions.</p>
DC20	Northern Free State District Municipality	<p>No adjustments to perform local municipal functions</p>

FS201	Moghaka Local Municipality	As listed in: Section 84(1) (e) Section 84(1) (f) Section 84(1) (j) Section 84(1) (l) Section 84(1) (n) - relating to the above functions.
FS203	Ngwathe Local Municipality	As listed in: Section 84(1) (e) Section 84(1) (f) Section 84(1) (h) Section 84(1) (j) Section 84(1) (l) Section 84(1) (n) - relating to the above functions
FS204	Metsimaholo Local Municipality	As listed in: Section 84(1) (f) Section 84(1) (l) Section 84(1) (n) - relating to the above functions
FS205	Mafube Local Municipality	As listed in: Section 84(1) (e) Section 84(1) (f) Section 84(1) (l) Section 84(1) (m) Section 84(1) (n) - relating to the above functions

4 Responsibility and accountability

A municipality which is authorised in terms of paragraph 3 to perform a function or exercise a power, must assume full responsibility and accountability for those functions or powers and their effective and efficient performance or exercise, as the case may be, or any aspect thereof as being performed by that municipality on the date of commencement of this notice.

5 Legal, practical and other consequences of the authorisation

The provisions regarding-

- (a) the transfer of assets, rights, liabilities and obligations;
- (b) the transfer of staff;
- (c) administrative units; and
- (d) the continued application of by-laws and resolutions,

as set out in the section 12 notice, apply with the necessary changes required by the context, to the performance of a function or exercise of a power by a municipality that is authorised to perform such function or exercise such power in accordance with this Notice.

6 Commencement

This authorisation shall be effective from 1 July 2003.