

OFFICE OF THE PREMIER

No. 6
30 June 2000

It is hereby notified that the Premier has, in terms of section 121 (1) of the Constitution, 1996, assented to the Mpumalanga Determination of Types of Municipalities Act, 2000.

N. J. MAHLANGU
Premier of Mpumalanga

MPUMALANGA DETERMINATION OF TYPES OF MUNICIPALITIES ACT, 2000

To provide for the determination of the types of municipalities that may be established in the Province; and to provide for matters connected therewith.

Preamble.

WHEREAS section 155(1) of the Constitution defines the different categories of municipalities that may be established;

AND WHEREAS section 155(2) of the Constitution requires national legislation to define the different types of municipalities that may be established within each category of municipality;

AND WHEREAS Part 2 of Chapter 1 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), in compliance with section 155(2) of the Constitution, defines the different types of municipalities that may be established within each category of municipality;

AND WHEREAS section 155(5) of the Constitution requires provincial legislation to determine which of the defined types of municipalities must be established in the Province;

BE IT THEREFORE ENACTED by the Provincial Legislature of Mpumalanga as follows

1. Definitions.

In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has a similar meaning, and

"category" in relation to municipalities, means a category B or C municipality as defined in section 155(1) of the Constitution;

"collective executive system" means a system of municipal government which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested;

"Constitution" means the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

"mayoral executive system" means a system of municipal government which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee;

"Member of the Executive Council" means the Member of the Executive Council responsible for local government matters in the Province;

"Province" means the Province of Mpumalanga as referred to in section 103(1)(e) of the Constitution;

"ward participatory system" means a system of municipal government which allows for matters of local interest for the ward concerned, to be dealt with by a committee established for such ward.

2. Category B municipalities.

The following types of Category B municipalities may, subject to section 4 of this Act, be established in the Province:

- a. a municipality with a collective executive system;
- b. a municipality with a mayoral executive system; and
- c. a municipality with a mayoral executive system combined with a ward participatory system.

3. Category C municipalities.

The following types of Category C municipalities may, subject to section 4 of this Act, be established in the Province:

- a. a municipality with a collective executive system; and
- b. a municipality with a mayoral executive system.

4. Establishment of municipalities.

(1) The Member of the Executive Council must, in accordance with section 12 of the Local Government: Municipal Structures Act, 1998, establish a municipality in each municipal area.

(2) The Member of the Executive Council must, in exercising his or her function in terms of subsection (1), comply with the provisions of sections 2 and 3 of this Act.

5. Functions of Member of the Executive Council.

The Member of the Executive Council must, in the exercise and performance of his or her powers and functions, comply with the relevant provisions of this Act, and the relevant provisions of the Local Government: Municipal Structures Act, 1998.

6. Short title and commencement.

This Act is called the Mpumalanga Determination of Types of Municipalities Act, 2000, and is deemed to have come into operation on the date of commencement of the Local Government: Municipal Structures Act, 1998.