[English text signed by the Premier]

KwaZulu-Natal Determination of Types of Municipality Act, 2000

No. 7 of 2000
Assented to on 2000

ACT

To determine the types of municipality that may be established in KwaZulu-Natal; and to provide for matters in connection therewith.

PREAMBLE

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

And whereas section 155(2) of the Constitution requires national legislation to define the different types of municipality 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 117 of 1998), in compliance with section 155(2) of the Constitution, has defined the different types of municipality 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 may be established in the province;

BE IT THEREFORE ENACTED by the Provincial Parliament of the Province of KwaZulu-Natal as follows:

Definitions

1. 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 (Act 117 of 1998), has a similar meaning, and -

"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, 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;

"Minister" means the member of the Executive Committee of the Government of KwaZulu-Natal responsible for local government;

"Parliament" means Provincial Legislature of KwaZulu-Natal;

"plenary executive system" means a system of municipal government which limits the exercise of executive authority to the municipal council itself;

"subcouncil participatory system" means a system of municipal government which allows for delegated powers to be exercised by subcouncils established for parts of the municipality; and

"ward participatory system" means a system of municipal government which allows for matters of local concern to wards to be dealt with by committees established for wards.

Establishment of Municipalities

2. The Minister hereby determines that the types of municipality that may be established in the Province of Kwazulu-Natal must be as set out in sections 3.4 and 5.

Category A municipalities

3. In category A the following types of municipality may be established in the province:

(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a subcouncil participatory system;

(c) a municipality with a collective executive system combined with a ward participatory system;

(d) a municipality with a collective executive system combined with both a subcouncil and a ward participatory system;

(e) a municipality with a mayoral executive system;

(f) a municipality with a mayoral executive system combined with a subcouncil participatory system;

(g) a municipality with a mayoral executive system combined with a ward participatory system; and

(h) a municipality with a mayoral executive system combined with both a subcouncil and a ward participatory system.

Category B municipalities

4. In category B the following types of municipality may be established in the province:

(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a ward participatory system;

(c) a municipality with a mayoral executive system;

(d) a municipality with a mayoral executive system combined with a ward participatory system;

(e) a municipality with a plenary executive system; and

(f) a municipality with a plenary executive system combined with a ward participatory system.

Category C municipalities

5. In category C the following types of municipality may 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 plenary executive system.

Provincial government bound by this Act

6. The provisions of sections 12, 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1968), shall apply with the necessary changes.

Short title and commencement

7. This Act is called the KwaZulu-Natal Determination of Types of Municipality Act, 2000, and is deemed to have taken effect on the date of commencement of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).