



**Department Local  
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Local Government Branch  
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TO: Municipal Managers  
In the Free State Province  
and SALGA Free State

## **LOCAL GOVERNMENT CIRCULAR: 3 OF 2006**

### **REGULATORY SERVICES AND SUPPORT: TERMINATION OF OFFICE OF COUNCILLORS AFTER THE LOCAL GOVERNMENT ELECTIONS HELD ON 1 MARCH 2006**

1. It came to the notice of this department that some of the previously elected mayors after the 1<sup>st</sup> March local government elections are under the impression that they still are in office until the day that the new mayor is elected within 14 days after the next council is declared elected.
2. With reference to Circular no. 4 of 2005 it is reiterated that in terms of section 26(1)(a) of the Local Government: Municipal Act, 1998, **“a person is elected as a member of a municipal council for a period ending when the next council is declared elected”**.
3. The new council is only declared elected at the moment the IEC has declared the election as free and fair. From this moment onwards, no council will have a mayor or speaker as these two office bearers will only be elected at the first meeting of the council held within 14 days after the next council has been declared elected. Should the election however be set aside by the High Court, the previous councillors will remain in their respective offices until the moment the new election was held and declared free and fair by the IEC.
4. During the 14 day period from the date of declaring the new council elected until the new mayor and speaker has been elected by council, the municipal manager takes responsibility for calling and presiding over the first meeting of the council.
5. Any person that was previously elected mayor or speaker of a council and that acts in such capacity after the next council has been declared elected and before the election of a mayor or speaker at the first meeting of the council, will act without authority and any actions taken in such capacity will be null and void.

6. It is trusted that this explanation will clarify this matter.

With kind regards

**KF Ralikontsane**  
**Head of Deapment**  
**Local Government**

**Date:** .....

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Circular 2 of 2006 dated 6 March 2006 dealt with the first meeting of councils after the election and was sent to Municipal Managers in the Free State and SALGA Free State.