



**Department Local
Government and Housing**
Local Government Branch
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TO: All Speakers
in the Free State Province
and SALGA Free State

LOCAL GOVERNMENT CIRCULAR: 5 OF 2006

REGULATORY SERVICES AND SUPPORT: ADOPTION AND PUBLICATION OF STANDARD RULES AND ORDERS

1. As far as could be ascertained all municipal councils in the province adopted and apply the Standard Rules and Orders as published by the MEC for Local Government and Housing on 1 December 2000.
2. Most councils in the province however did not published these Standard Rules and Orders in the Provincial Gazette to become effective.
3. As soon as these Standard Rules and Orders have been published by the council in the Provincial Gazette, it becomes a by-law of that council.
4. In terms of section 13 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000) a by-law of a council cannot become operative unless it has been published in the Provincial Gazette. This section reads as follows:
“Publication of by-laws
A by-law passed by a municipal council-
(a) must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and
(b) takes effect when published or on a future date determined in or in terms of the by-law.”
5. It is requested that the position of the Standard Rules and Orders currently applied in your council be determined as a matter of urgency and that the council ensure that the full text of the Standard Rules and Orders, as adopted by council on a date the past, promptly be published in the Provincial Gazette to take effect, if this was not done.

6. Kindly note that the Act does not allow for adopting a by-law by reference. The full text must therefore be published. In this regard you are also referred to the contents of my Circular Number 2 of 2005 of 14 November 2005.
7. Should you encounter any problems in this regard, you may contact my office at the aforementioned numbers for assistance.

With kind regards

KF Ralikontsane
Head of Department
Local Government

Date:

Circular 4 of 2006 dated 27 March 2006 dealt with the Declaration of Financial Interests and Gifts Received by Councillors and was sent to Municipal Managers in the Free State and SALGA Free State.