

[NO. 128 OF 2008]

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

I, **Malefetsane Joel Mafereka**, Member of the Executive Council responsible for Local Government in the Free State Province, acting in terms of section 18 of the Local Government: Municipal Structures Amendment Act (Act 33 of 2000), and on recommendation of the Local Government Municipal Demarcation Board hereby publish authorizations of district municipalities and local municipalities to perform the functions or exercise the powers as set out in the Schedule hereto.

Definitions

SCHEDULE

1. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Local Government: Structures Act and section 12 Notice has the same meaning and -
 - "**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.
 - "**section 12 Notice**" means:-
 - (a) Provincial Notice No. 181 of 2000 dated 28 September 2000 published in Provincial Gazette No. 109 of 28 September 2000;
 - (b) Provincial Notice No. 182 of 2000 dated 28 September 2000 published in Provincial Gazette No. 110 of 28 September 2000;
 - (c) Provincial Notice No. 183 of 2000 dated 28 September 2000 published in Provincial Gazette No. 111 of 28 September 2000;
 - (d) Provincial Notice No. 184 of 2000 dated 28 September 2000 published in Provincial Gazette No. 112 of 28 September 2000, and
 - (e) Provincial Notice No. 185 of 2000 dated 28 September 2000 published in Provincial Gazette No. 113 of 28 September 2000, which established the district municipality or local municipality specified therein in terms of the Structures Act;
 - "**Schedule 4**" means Schedule 4 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
 - "**Section 84**" refers to section 84 of the Structures Act
 - "**Structures Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Repeal of Notice

2. Provincial Notice No. 146 of 30 June 2006 is hereby repealed with effect from 30 June 2008.

Authorisation

3. 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 area 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)(f) 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)(i) Section 84(1)(j) 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)(k) - Abattoirs only. Section 84(1)(n) - relating to the above functions.
DC 17	Motheo District Municipality	No adjustments to perform local municipal functions.
FS171	Naledi 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.
FS172	Mangaung Local Municipality	As listed in: 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)(l) Section 84(1)(n) - relating to the above functions.
FS173	Mantsopa Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(j) Section 84(1)(l) Section (1)(n) - relating to the above functions.
DC18	Lejweleputswa District Municipality	No adjustments to perform local municipal functions.
FS181	Masilonyana Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.

Municipal No.	Name of Municipality	The district municipality performs the following local functions in the local area indicated in brackets and the local municipality performs the following district functions in their respective local areas.
FS182	Tokologo Local Municipality	As listed in: Section 84(1)(e) Section 94(1)(f) Section 84(1)(o) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.
FS183	Tswelopele Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(k) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.
FS184	Matjhabeng Local Municipality	As listed in: 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)(l) Section 84(1)(n) - relating to the above functions.
FS185	Nala 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.
DC19	Thabo Mofutsanyane 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 (FS191, FS193)
FS191	Setsoto 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.
FS192	Dihlabeng 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.
FS193	Nketoana 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.

Municipal No.	Name of Municipality	The district municipality performs the following local functions in the local area indicated in brackets and the local municipality performs the following district functions in their respective local areas.
FS194	Maluti a Phofung 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.
FS195	Phumelela Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) Section 84(1)(l) Section 84(1)(n) - relating to the above functions.
DC20	Fezile Dabi District Municipality	No adjustments to perform local municipal functions.
FS201	Moghaka Local Municipality	As listed in: Section 84(1)(e) Section 84(1)(f) 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)(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)(n) - relating to the above functions.

Responsibility and accountability

4. 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.

Legal, practical and other consequences of the authorisation

5. The provisions regarding -
 - (a) the transfer of assets, rights, liabilities and obligations;
 - the transfer of staff;
 - administrative units; and
 - 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 authorized to perform such function or exercise such power in accordance with this Notice.

Commencement

6. This authorisation takes effect on 1 July 2008.