



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 454

Cape Town,  
Kaapstad,

9 April 2003

**No. 24730**

## THE PRESIDENCY

No. 514 . 9 April 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 1 of 2003: Local Government: Municipal Structures Amendment Act, 2003.**

## DIE PRESIDENSIE

No. 514 9 April 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 1 van 2003: Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2003.**



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Act No. 1, 2003 LOCAL GOVERNMENT: MUNICIPAL STRUCTURES  
AMENDMENT ACT, 2003

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)*  
*(Assented to 4 April 2003.)*

## ACT

To amend the Local Government: Municipal Structures Act, 1998, so as to regulate the effect of a change in the type of municipality on the terms of office of members of executive committees and executive mayors; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Substitution of section 45 of Act 117 of 1998**

1. The following section is hereby substituted for section 45 of the Local Government: Municipal Structures Act, 1998 (hereinafter referred to as the principal Act): 5

**“Election of members of executive committees**

**45.** A municipal council must elect the members of its executive committee from among its members at a meeting that must be held—

(a) within 14 days **[of]** after the council’s election; **[or]**

(b) if it is a district council, within 14 days after the last of the local 10  
councils has appointed its representatives to the district council; or

(c) within 14 days after the date with effect from which the type of the municipality has been changed from any of those mentioned in section 8(e), (f), (g) or (h), 9(c), (d), (e) or (f) or 10(b) or (c) to any of those mentioned in section 8(a), (b), (c) or (d), 9(a) or (b), or 10(a).” 15

**Substitution of section 46 of Act 117 of 1998**

2. The following section is hereby substituted for section 46 of the principal Act:

**“Term of office of members**

**46.** The members of an executive committee are elected for a term ending, subject to section 47, when— 20

(a) the type of the municipality has been changed from any of those mentioned in section 8(a), (b), (c) or (d), 9(a) or (b) or 10(a) to any of those mentioned in section 8(e), (f), (g) or (h), 9(c), (d), (e) or (f) or 10(b) or (c); or

(b) the next municipal council is declared elected.” 25



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**Amendment of section 48 of Act 117 of 1998**

3. Section 48 of the principal Act is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5) (a) No person may hold office as mayor or **[deputy mayor]** both mayor and executive mayor for more than two consecutive terms in the same council. 5

(b) No person may hold office as deputy mayor or both deputy mayor and deputy executive mayor for more than two consecutive terms in the same council.

(c) If a person is elected— 10

(i) to fill a vacancy in the office of mayor or deputy mayor, the period between that election and the next election of a mayor or deputy mayor is not regarded as a term; or

(ii) as mayor or deputy mayor where the type of the municipality has been changed from any of those mentioned in section 8(e), (f), (g) or (h), 9(c), (d), (e) or (f) or 10(b) or (c) to any of those mentioned in section 8(a), (b), (c) or (d), 9(a) or (b) or 10(a) during the term of the municipal council concerned, the period between that election and the next election of a mayor or deputy mayor is not regarded as a term.”; and 15 20

(b) by the substitution for subsection (6) of the following subsection:

“(6) A mayor whose two consecutive terms have expired as provided for in subsection (5)(a), may not immediately after the expiry be elected as deputy mayor.”.

**Amendment of section 55 of Act 117 of 1998** 25

4. Section 55 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an executive deputy mayor, from among its members at a meeting that must be held— 30

(a) within 14 days [of] after the council’s election; [or]

(b) if it is a district council, within 14 days after the last of the local councils has appointed its representatives to the district council; or

(c) within 14 days after the date with effect from which the type of the municipality has been changed from any of those mentioned in section 8(a), (b), (c) or (d), 9(a), (b), (e) or (f) or 10(a) or (c) to any of those mentioned in section 8(e), (f), (g) or (h), 9(c) or (d) or 10(b).”.

**Substitution of section 57 of Act 117 of 1998**

5. The following section is hereby substituted for section 57 of the principal Act: 40

**“Term of office of executive mayors**

57. (1) An executive mayor and a deputy executive mayor [— (a)] must be elected for a term ending, subject to [section] sections 58 and 59, when—

(a) the type of the municipality has been changed from any of those mentioned in section 8(e), (f), (g) or (h), 9(c) or (d) or 10(b) to any of those mentioned in section 8(a), (b), (c) or (d), 9(a), (b), (e) or (f) or 10(a) or (c); or 45

(b) the next council is declared elected. [and

(b) may not serve as executive mayor or deputy executive mayor for more than two consecutive terms. When a person is elected to fill a vacancy in the office of executive mayor or deputy executive mayor, the period between that election and the next election of an executive mayor or deputy executive mayor is regarded as a term.] 50

**Wysiging van artikel 48 van Wet 117 van 1998**

3. Artikel 48 van die Hoofwet word hierby gewysig—

(a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) (a) Geen persoon mag die amp van burgemeester of **[onderburgemeester]** beide burgemeester en uitvoerende burgemeester beklee vir meer as twee opeenvolgende termyne in dieselfde munisipaliteit nie.

(b) Geen persoon mag die amp van onderburgemeester of beide onderburgemeester en uitvoerende onderburgemeester beklee vir meer as twee opeenvolgende termyne in dieselfde munisipaliteit nie.

(c) Indien ’n persoon verkies word—

(i) om ’n vakature in die amp van burgemeester of onderburgemeester te vul, word die tydperk tussen **[die]** daardie verkiesing en die volgende verkiesing van ’n burgemeester **[en]** of onderburgemeester nie as ’n termyn beskou nie; of

(ii) as burgemeester of onderburgemeester waar die munisipaliteit se soort verander is van enige van dié genoem in artikel 8(e), (f), (g) of (h), 9(c), (d), (e) of (f), of 10(b) of (c) na enige van dié genoem in artikel 8(a), (b), (c) of (d), 9(a) of (b), of 10(a) gedurende die termyn van die betrokke munisipale raad, word die tydperk tussen daardie verkiesing en die volgende verkiesing van ’n burgemeester of onderburgemeester nie as ’n termyn beskou nie.”; en

(b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) ’n Burgemeester wie se twee opeenvolgende termyne verstryk het soos bepaal in subartikel (5)(a), mag nie dadelik na sodanige verstryking as onderburgemeester verkies word nie.”.

**Wysiging van artikel 55 van Wet 117 van 1998**

4. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien ’n **[munisipaliteit]** munisipale raad verkies om ’n uitvoerende burgemeester te hê, moet ’n uitvoerende burgemeester verkies word en, indien die LUR vir plaaslike regering in die provinsie dit goedkeur, ook ’n uitvoerende onderburgemeester, uit sy geledere op ’n vergadering wat gehou moet word—

(a) binne 14 dae **[vanaf]** na die raad se verkiesing; **[of]**

(b) indien dit ’n distriksraad is, binne 14 dae nadat die laaste van die plaaslike rade sy verteenwoordigers in die distriksraad aangestel het; of

(c) binne 14 dae na die datum met ingang waarvan die munisipaliteit se soort verander is van enige van dié genoem in artikel 8(a), (b), (c) of (d), 9(a), (b), (e) of (f) of 10(a) of (c) na enige van dié genoem in artikel 8(e), (f), (g) of (h), 9(c) of (d) of 10(b).”.

**40 Vervanging van artikel 57 van Wet 117 van 1998**

5. Artikel 57 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Ampstermyn van uitvoerende burgemeesters**

57. (1) ’n Uitvoerende burgemeester en uitvoerende onderburgemeester **[— (a)]** moet verkies word vir ’n termyn wat eindig, onderworpe aan **[artikel]** artikels 58 en 59, wanneer—

(a) die munisipaliteit se soort van enige van dié genoem in artikel 8(e), (f), (g) of (h), 9(c) of (d) of 10(b) na enige van dié genoem in artikel 8(a), (b), (c) of (d), 9(a), (b), (e) of (f) of 10(a) of (c) verander word; of

(b) die volgende raad as verkies verklaar word. **[en]**

(b) mag nie as uitvoerende burgemeester of uitvoerende onderburgemeester vir meer as twee opeenvolgende termyne dien nie. Indien ’n persoon verkies word om ’n vakature in die amp van uitvoerende burgemeester of uitvoerende onderburgemeester te vul, word die tydperk tussen daardie verkiesing en die volgende verkiesing van ’n uitvoerende burgemeester of uitvoerende onderburgemeester as ’n termyn beskou.]



## Act No. 1, 2003

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES  
AMENDMENT ACT, 2003

- (2) (a) No person may hold office as executive mayor or both executive mayor and mayor for more than two consecutive terms in the same council.
- (b) No person may hold office as deputy executive mayor or both deputy executive mayor and deputy mayor for more than two consecutive terms in the same council. 5
- (c) If a person is elected—
- (i) to fill a vacancy in the office of executive mayor or deputy executive mayor, the period between that election and the next election of an executive mayor or deputy executive mayor is not regarded as a term; or 10
- (ii) as executive mayor or deputy executive mayor where the type of the municipality has been changed from any of those mentioned in section 8(a), (b), (c) or (d), 9(a), (b), (e) or (f) or 10(a) or (c) to any of those mentioned in section 8(e), (f), (g) or (h), 9(c) or (d) or 10(b) during the term of the municipal council concerned, the period between that election and the next election of an executive mayor or deputy executive mayor is not regarded as a term. 15
- [(2)] (3) An executive mayor whose two consecutive terms have expired as provided for in subsection (2)(a), may not immediately after the expiry 20 be elected as deputy executive mayor.”.

**Short title**

6. This Act is called the Local Government: Municipal Structures Amendment Act, 2003.

WYSIGINGSWET OP PLAASLIKE REGERING:  
MUNISIPALE STRUKTURE, 2003

Wet No. 1, 2003

- (2) (a) Geen persoon mag die amp van uitvoerende burgemeester of beide uitvoerende burgemeester en burgemeester beklee vir meer as twee opeenvolgende termyne in dieselfde munisipaliteit nie.
- (b) Geen persoon mag die amp van uitvoerende onderburgemeester of beide uitvoerende onderburgemeester en onderburgemeester beklee vir meer as twee opeenvolgende termyne in dieselfde munisipaliteit nie.
- (c) Indien 'n persoon verkies word—
- (i) om 'n vakature in die amp van uitvoerende burgemeester of uitvoerende onderburgemeester te vul, word die tydperk tussen daardie verkiesing en die volgende verkiesing van 'n uitvoerende burgemeester of uitvoerende onderburgemeester nie as 'n termyn beskou nie; of
- (ii) as uitvoerende burgemeester of uitvoerende onderburgemeester waar die munisipaliteit se soort verander is van enige van dié genoem in artikel 8(a), (b), (c) of (d), 9(a), (b), (e) of (f) of 10(a) of (c) na enige van dié genoem in artikels 8(e), (f), (g) of (h), 9(c) of (d), of 10(b) gedurende die termyn van die betrokke munisipale raad, word die tydperk tussen daardie verkiesing en die volgende verkiesing van 'n uitvoerende burgemeester of uitvoerende onderburgemeester nie as 'n termyn beskou nie.
- [(2)] (3) 'n Uitvoerende burgemeester wie se twee opeenvolgende termyne verstryk het soos bepaal in subartikel (2)(a), mag nie dadelik na sodanige verstryking as uitvoerende onderburgemeester verkies word nie.”.

25 **Kort titel**

6. Hierdie Wet heet die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2003.

