

LOCAL GOVERNMENT TRANSITION ACT NO. 209 OF 1993

Assented to: 20 January 1994

Date of commencement: 2 February 1994

ACT

To provide for revised interim measures with a view to promoting the restructuring of local government, and for that purpose to provide for the establishment of Provincial Committees for Local Government in respect of the various provinces; to provide for the recognition and establishment of forums for negotiating such restructuring of local government; for the exemption of certain local government bodies from certain provisions of the Act; for the establishment of appointed transitional councils in the pre-interim phase; for the delimitation of areas of jurisdiction and the election of transitional councils in the interim phase; for the establishment of transitional rural local government structures; for the issuing of proclamations by the MECs of the various provinces; for the establishment of Local Government Demarcation Boards in respect of the various provinces; and for the repeal of certain laws; and to provide for matters connected therewith.

[Long title substituted by Proclamation No. R.65 of 1995 and by s. 18 (1) of Act No. 99 of 1995.]

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1. Definitions

(1) In this Act, unless the context indicates otherwise-

Administrator

[Definition of "Administrator" substituted by Proclamation No. R. 129 of 1994 and by s. 1 (1) (a) of Act No. 89 of 1995 and deleted by s. 1 (a) of Act No. 97 of 1996.]

Board

[Definition of "Board" deleted by s. 1 (a) of Act No. 97 of 1996.]

Committee means the Provincial Committee for Local Government established for a province in terms of section 3 (1) (a);

interim phase means the period commencing on the day after elections held for transitional councils as contemplated in section 9, and ending with the implementation of final arrangements to be enacted by a competent legislative authority;

local government body means any institution or body contemplated in section 84 (1) (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and includes-

(a)

[Para (a) deleted by Proclamation No. R.129 of 1994 and by s. 1 (1) (b) of Act No. 89 of 1995.]

- (b) any local authority as defined in section 1 (1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (c) any local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act 1927 (Act No. 38 of 1927), or any body performing local government functions under the laws referred to in section IS (1) of this Act;
- (d) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (e) any committee referred to in section 17 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);
- (f) any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987);
- (g) the Local Government Affairs Council established by section 2 of the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989);
- (h) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- (i) any joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990);
- (j) any joint decision-making body, joint local authority or single local authority referred to in paragraphs (c), (e) and (1) of section 8 of the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991), and established by proclamation issued under that Act;
- (jA) any other local government body established by or under any law in force in an area which forms part of the national territory referred to in section 1 of the Constitution;
[Para. (jA) inserted by Proclamation No. R. 129 of 1994 and amended by s. 1 (1) (c) of Act No. 89 of 1995.]
- (k) any person, institution or body declared under subsection (2) to be a local government body for the purposes of this Act;

local government co-ordinating committee means a joint committee established to exercise and perform during the pre-interim phase specific powers and duties of local government bodies, as contemplated in section 7 (1) (c);

MEC means the member of the executive council responsible for local government in the province concerned;

[Definition of "MEC" inserted by s. 1 (b) of Act No. 97 of 1996.]

metropolitan area means any area-

- (a) comprising the areas of jurisdiction of multiple local governments;
- (b) which is densely populated and has an intense movement of people, goods and services within the area;

- (c) which is extensively developed or urbanized and has more than one central business district industrial area and concentration of employment; and
- (d) which, economically, forms a functional unit comprising various smaller units which are interdependent economically and in respect of services;

Minister means the Minister for Provincial Affairs and Constitutional Development;
[Definition of "Minister" substituted by Proclamation No. R. 129 of 1994 and amended by s. 1 (1) (d) of Act No. 89 of 1995.]

negotiating forum means any negotiating forum referred to in section 6;

Official Gazette
[Definition of "Official Gazette" deleted by s. 1 (c) of Act No. 97 of 1996.]

pre-interim phase means the period commencing on the date of commencement of this Act and ending with the commencement of the interim phase;

province means a province mentioned in section 124 (1) of the Constitution;
[Definition of "province" substituted by Proclamation No. R. 129 of 1994 and amended by s. 1 (1) (e) of Act No. 89 of 1995.]

provincial administration means the provincial Administration established for a province by the Public Service Act, 1994 (Proclamation No. 103 of 1994);
[Definition of "provincial administration" inserted by Proclamation No. R. 129 of 1994 and by s. 1 (1) of Act No. 89 of 1995.]

Provincial Gazette means the Provincial Gazette of die province concerned;
[Definition of "Provincial Gazette" inserted by s. 1 (a) of Act No. 97 of 1996.]

Self-governing Territory
[Definition of "Self-governing Territory" deleted by Proclamation No. R. 129 of 1994 and by s. 1 (1) (g) of Act No. 89 of 1995.]

town clerk, in relation to a local government body, transitional council or transitional metropolitan substructure, means the chief executive officer of such local government body, transitional council or transitional metropolitan substructure regardless of the designation of the post occupied by that officer;

transitional council includes a local government co-ordinating committee, a transitional local council and a transitional metropolitan council for the pre-interim phase, and a transitional local council and a transitional metropolitan council for the interim phase;

Transitional Executive Council means the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993);

transitional local council means a single council as contemplated in section 7 (1) (b) (i) for the pre-interim phase, and as contemplated in section 8 (1) (a) for the interim phase;

transitional metropolitan council means the council as contemplated in section 7 (1) (b) (ii) for the pre-interim phase, and as contemplated in section 8 (1) (b) for the interim phase;

transitional metropolitan substructure means a primary local authority for a metropolitan area of local government as contemplated in section 7 (1) (b) (ii) for the pre-interim phase, and as contemplated in section 8 (1) (b) for the interim phase.

- (2) The MEC may, in respect of the province for which he or she is appointed, by notice in the Provincial Gazette-

- (a) declare any person who or institution or body which in his or her opinion performs local government functions in respect of a particular area;
- (b) if he or she deems it in the interest of the persons residing within the area of jurisdiction of a traditional authority as contemplated in section 181 of the Constitution of the Republic of South Africa, 1993, declare such traditional authority,

to be a local government body for the purposes of this Act.

7. **Negotiating matters**

- (1) Notwithstanding anything to the contrary contained in any other law, a negotiating forum shall-
 - (a) negotiate with regard to the area of a forum as contemplated in paragraph 1 of Schedule 1;
 - (b) subject to the principles and procedures embodied in Schedule 1, negotiate on the establishment of-
 - (i) any transitional local council for a non-metropolitan area of local government;
 - (ii) any transitional metropolitan council with transitional metropolitan substructures for a metropolitan area of local government,

within the area of a forum by a proclamation contemplated in section 10 (1), as a possible option for the pre-interim period: Provided that where any such option is agreed upon, the following matters shall, where applicable, also be negotiated:

- (aa) The powers and duties of any transitional metropolitan council and transitional metropolitan substructure: Provided that-
- (aaa) the powers and duties of any transitional metropolitan council shall, subject to section 126 of the Constitution of the Republic of South Africa, 1993, and, in the case of the functions water and electricity, unless otherwise determined by national legislation, be at least the powers and duties listed in Schedule 2; and
- (bbb) any transitional metropolitan council may, in its discretion, decide not to exercise any such power or perform any such duty;
- (bb) the total number of seats in a transitional local council or transitional metropolitan council and a transitional metropolitan substructure, taking the number of existing seats of all local government bodies within the area of the forum as a point of departure;
- (cc) the nomination of persons for appointment as members of a transitional local council or transitional metropolitan council and transitional metropolitan substructure;
- (c) subject to the principles and procedures contained in Schedule 1, negotiate on the establishment of a local government co-ordinating committee for the local government bodies within the area of the forum for a non-metropolitan area of local government by a proclamation contemplated in section 10 (1), as a possible option for the pre-interim period, having certain specified powers and duties with the individual councils of the local government bodies retaining all other powers and duties within their areas of jurisdiction: Provided that where such option is agreed upon, the following matters shall also be negotiated:
 - (i) The powers and duties of the local government co-ordinating committee: Provided that the powers and duties of any local government co-ordinating committee shall be at least the following powers and duties:

- (aa) To ensure access by all persons residing within the areas of jurisdiction of the individual local government bodies to the following services: Water supply, sewerage purification, electricity if so agreed by all the individual local government bodies, refuse removal, roads and stormwater drainage, health services, emergency services, financial administration, and any other service agreed upon: Provided that if the individual local government bodies do not have the ability, jointly or severally, to ensure access to electricity themselves, the local government co-ordinating committee shall negotiate for such access thereto to be provided on its behalf by any other competent body: Provided further that any such arrangement shall not relieve the local government co-ordinating committee of its responsibilities as contemplated in this item;
- (bb) the approval of the budget for the local government co-ordinating committee in respect of the powers and duties of the local government co-ordinating committee: Provided that-
 - (aaa) such budget shall be prepared in accordance with the applicable law;
 - (bbb) all available and applicable resources shall be utilized on an efficient and equitable basis;
 - (ccc) such budget shall at least include an amount of not less than ten per cent of the total assessment rates of the individual local government bodies for the 1993/94 budget, which shall be employed for the improvement and restoration of such services as identified and arranged in order of priority by the local government co-ordinating committee; and
 - (ddd) the local government co-ordinating committee shall receive intergovernmental grants as well as funds from the local government bodies referred to in paragraphs (h) and (t) of the definition of local government body to allocate and distribute such grants and funds to any individual local government body to address service and developmental backlogs as identified and arranged in order of priority by the local government co-ordinating committee;
- (cc) to investigate the rationalization of the administration and personnel of the individual local government bodies in the area of the forum and, subject to applicable labour law, implement a programme of rationalization to be completed at the commencement of the interim phase;
- (dd) to be responsible for the preparation for and the conducting of the election contemplated in section 9 (1) within its area of competence and for this purpose using the financial and other resources of its component local government bodies in addition to the financial resources referred to in paragraph (ccc) of the proviso to paragraph (bb) of the proviso to paragraph (i) of the proviso to subsection (1) (c);
[Sub-para. (dd) added by Proclamation No. R. 174 of 1994 and by s. 5 (1) (a) of Act No. 89 of 1995.]
- (ii) the total number of seats in such local government co-ordinating committee and the representation on such committee of the local government bodies within the area of the forum and such other persons nominated by the forum;
- (iii) the nomination of persons for appointment as members of such local government co-ordinating committee,

and shall submit any agreement reached to the MEC before or on 30 November 1994 whereupon the MEC shall, within a period of 45 days, exercise the powers conferred upon him or her by section 10 (1) incorporating the provisions of such agreement in the proclamation contemplated in the said section.

[Sub-s. (1) amended by Proclamation No. R. 174 of 1994 and by s. 5 (1) (b) of Act No. 89 of 1995.]

- (2)(a) Where an agreement as contemplated in subsection (1) is not submitted to the MEC before or on 30 November 1994, the MEC shall before or on 21 December 1994 refer the matter to an arbitration committee referred to in subsection (2A).
- (b) The arbitration committee concerned shall consider the matter and before or on 12 January 1995 in writing notify the MEC of the decision of the committee, whereupon the MEC shall, within a period of 30 days, exercise the powers conferred upon him or her by section 10 (1), incorporating the decision of the arbitration committee in the proclamation contemplated in the said section: Provided that where a decision of the arbitration committee is not submitted

to the MEC within the period referred to in this paragraph or where the arbitration committee notifies the MEC within such period in writing that it cannot, for any reason, come to a decision, the MEC shall-

- (i) after due consideration of the negotiation process which took place in the forum; and
- (ii) in order to obtain a result which would, in the circumstances of that particular case, best give effects to the objectives of this Act,

forthwith determine that the option referred to in paragraph (b) or (c) of subsection (1) shall be applied to the local government bodies in the area of the forum, and shall, within a period of 30 days, exercise the powers conferred upon him or her by section 10 (1), incorporating the provisions of such determination in the proclamation contemplated in the said section.

[S. 2 substituted by Proclamation No. R. 174 of 1994 and by s. 5 (1) (c) of Act No. 99 of 1995.]

(2A)(a) There is hereby established for each province one or more committees as determined by the MEC to be known as an arbitration committee or arbitration committees.

(b) An arbitration committee shall consist of four members appointed by the MEC of whom two shall be broadly representative of the statutory component of forums in the province concerned and the other two shall be broadly representative of the non-statutory component of forums in the province concerned.

(c)(i) An arbitration committee shall appoint a chairperson who shall determine the times and places for meetings of the committee.

(ii) The majority of the members of a committee shall form a quorum for a meeting.

(iii) The decision of the majority of the members of a committee present at any meeting thereof, shall be a decision of the committee,

(iv) A committee may make rules in relation to the holding of and procedures at meetings of the committee,

(d) The administrative work incidental to the performance of the functions of an arbitration committee shall be performed by officers of the respective provincial administrations designated for that purpose by the Director-General concerned.

[Sub-s. (2A) inserted by Proclamation No. R. 174 of 1994 and amended by s. 5 (1) (d) of Act No. 89 of 1995.]

(3) Any agreement contemplated in subsection (1) shall be approved by a concurrent majority of two-thirds of both the statutory and non-statutory components of the forum: Provided that any such agreement relating to the application of the option referred to in paragraph (b) of subsection (1) to any local government body within the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration and Service Benefits of Town Clerks, as published in Government Gazette No. 15250 of 12 November 1993, is classified as a grade 8 local authority or lower, shall only be approved by a concurrent majority of four-fifths of both the statutory and non-statutory components of the forum.

[Sub-s. (3) substituted by Proclamation No. R. 174 of 1994 and by s. 5 (1) (e) of Act No. 89 of 1995.]

(4) For the purposes of this section, the expressions "statutory" and "non-statutory" shall, in relation to a forum, bear the meaning assigned to them in Schedule 1.

7A. Powers of MEC if forum is not established or recognized

If a forum for any area has for any reason whatsoever not been established or recognized as contemplated in section 6 on 30 November 1994, the MEC may, notwithstanding anything to the contrary contained in this Act, forthwith determine that the option referred to in

paragraph (b) or (c) of section 7 (1) shall be applied to the local government bodies in any such area and shall, within a period of 30 days of such determination, exercise the powers conferred upon him or her by section 10 (1), incorporating the provisions of such determination in the proclamation contemplated in the said section.

[S. 7A inserted by Proclamation No. R. 174 of 1994 and by s. 6 (1) of Act No. 89 of 1995.]

10C. **Powers and duties of metropolitan councils and metropolitan local councils**

- (1) A metropolitan council shall, having regard to the principles of co-operative government, promote-
 - (a) integrated economic development;
 - (b) the equitable redistribution of municipal resources; and
 - (c) the equitable delivery of services,so as to ensure that imbalances that may exist, are addressed.
- (2) Notwithstanding the provisions of sections 7 (1) (b), 8 (2) and 10 (3) (h), a metropolitan council-
 - (a) shall have the powers and duties listed in Schedule 2;
 - (b) shall have the powers and duties conferred or imposed upon or delegated or assigned to metropolitan councils generally or to a specific metropolitan council by or under any law: Provided that-
 - (i) no power or duty shall be delegated or assigned to a metropolitan council without providing the sufficient resources for the exercise of such power or the performance of such duty: Provided that such delegation or assignment shall be by agreement; and
 - (ii) such delegation or assignment shall be made on a basis which will ensure the sustainability and practicability of the exercise of such power or performance of such duty;
 - (c) may exercise any power or perform any duty concerning a matter which is reasonably necessary for or incidental to the effective exercise of its powers or performance of its duties.
- (3) A metropolitan local council-
 - (a) shall have the powers and duties listed in Schedule 2A;
 - (b) shall in addition have all such other powers and duties as are normally conferred or imposed upon primary municipalities;
 - (c) shall have such other powers and duties conferred or imposed upon or delegated or assigned to metropolitan local councils by or under any law: Provided that-
 - (i) no power or duty shall be delegated or assigned to a metropolitan local council without providing the sufficient resources for the exercise of such power or the performance of such duty: Provided that such delegation or assignment shall be by agreement; and
 - (ii) such delegation or assignment shall be made on a basis which will ensure the sustainability and practicability of the exercise of such power or performance of such duty;

- (d) may exercise any power or perform any duty concerning a matter which is reasonably necessary for or incidental to the effective exercise of its powers or the performance of its duties.
- (4) Notwithstanding anything to the contrary in this Act contained, but subject to section 10N (4) (b), metropolitan councils and metropolitan local councils may agree on the reallocation of the powers and duties listed in Schedules 2 and 2A: Provided that in the reallocation of powers and duties practicability, technological advisability and economical and financial efficiency shall be taken into consideration.
- (5)(a) Before the contributions contemplated in item 1 (c) of Schedule 2 are determined or claimed, the metropolitan council shall consult with all its metropolitan local councils generally or the particular metropolitan local council concerned.
- (b) A metropolitan local council which feels aggrieved by the determination of a contribution contemplated in item 1 (c) of Schedule 2 may, within 30 days after receiving notice of such determination, appeal to the Minister in writing against the determination, setting out the grounds of appeal.
- (c) The Minister shall consider an appeal referred to in paragraph (b) and may confirm, set aside or alter the determination of the metropolitan council concerned.
- (6) If a metropolitan local council cannot or does not exercise a power or perform a duty conferred or imposed upon such council, the metropolitan council may at the request of the MEC, intervene by assuming the responsibility for the relevant power or duty for such period and under such conditions as the MEC may determine: Provided that a metropolitan council shall not incur any financial liability as a result of such intervention and shall in accordance with item 1 (b) of Schedule 2 be refunded for any expenditure incurred in respect of the exercise of the power or the performance of the duty.
- (7)(a) Any metropolitan council or metropolitan local council may enter into agreements with each other or with any other person, body or institution in terms of which one party undertakes on behalf of the other to exercise a power or perform a duty which the other party may exercise or perform, subject to such conditions as may be agreed upon.
- (b) A metropolitan council or metropolitan local council may not enter into an agreement contemplated in paragraph (a) in respect of any of its legislative or expropriation powers or duties, its power to determine levies, taxes and rates or any power or duty requiring a resolution by a majority of all the members of such council.
- (c) Notwithstanding anything to the contrary in any law contained, any agreement contemplated in paragraph (a) which was entered into prior to the commencement of the Local Government Transition Act Second Amendment Act, 1996, shall be deemed to have been entered into in terms of that paragraph.
- (8)(a) If a dispute arises between a metropolitan council and a metropolitan local council regarding the allocation or exercise of a power or the performance of a duty, such dispute shall be resolved as determined in Schedule 8: Provided that in the resolution of a dispute the practicability, technological advisability and economical and financial efficiency be taken into consideration in the allocation or the exercise of powers and performance of duties to or by a metropolitan council or a metropolitan local council.

- (b) Until such time as a dispute contemplated in paragraph (a) has been resolved, the council exercising the power or performing the duty at the time when the dispute arises, will remain responsible for the exercise of that power or performance of that duty.

[S. 10C inserted by s. 5 of Act No. 97 of 1996.]

12. Regulations

- (1) The Minister may, after consultation with the MEC, make regulations concerning-

- (a) anything which shall or may be prescribed under this Act;
- (b) any matter referred to in this Act which in his or her opinion are necessary or expedient for the effective carrying out or Furtherance of the provisions and objects of this Act.

- (2) A regulation made under subsection (1) may provide that any person who contravenes a provision thereof or fails to comply therewith shall be guilty of an offense and on conviction be liable to a fine, or to imprisonment for a period not exceeding five years.

[S. 12 substituted by s. 7 of Act No. 97 of 1996.]

SCHEDULE 2

Powers and duties of Metropolitan Councils referred to in Section 10C(1)

[Schedule 2 substituted by s. 8 of Act No. 97 of 1996.]

1. Levies, Payments and Contributions

A metropolitan council may-

- (a) at rates determined by the council with the concurrence of the MEC responsible for Finance with the concurrence of the Minister of Finance, levy and claim the levies referred to in section 12 (1) (a) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), or section 16 (1) (a) of the KwaZulu and Natal Joint Services Act 1990 (Act No. 84 of 1990), as the case may be;
- (b) claim payments from any metropolitan local council to cover the actual costs of any service performed or rendered on behalf of or to such metropolitan local council;
- (c) determine and claim an equitable contribution from all metropolitan local councils: Provided that such contribution shall be determined, and the utilisation of the sum total thereof shall be, as prescribed.

2. Grants and Transfers

The receipt, allocation and distribution of grants in accordance with an objective formula, or in the case of a specific transfer as determined by the Minister.

3. Integrated Development Plan

A metropolitan council shall, taking into account the development needs and priorities as determined by metropolitan local councils-

- (a) formulate and implement a metropolitan integrated development plan incorporating metropolitan land use planning, transport planning, infrastructure planning and the promotion of integrated economic development; and

- (b) co-ordinate and monitor local integrated development plans.

4. **Water**

The bulk supply of water, including-

- (a) the conservation of water;
- (b) the purification of water;
- (c) the distribution of water other than local supply reticulation;
- (d) the primary bulk supply to local supply points;
- (e) the installation, positioning and maintenance of bulk meters;
- (f) the determination of bulk tariffs;
- (g) the development and operation of a bulk water supply and distribution strategy for its area of jurisdiction after consultation with the metropolitan local council concerned;
- (h) the establishment and operation of a water co-ordinating system in association with external bulk suppliers;
- (i) the implementation of a bulk water supply and distribution plan for its area of jurisdiction;
- (j) the establishment and maintenance of an integrated bulk supply control and monitoring system for its area of jurisdiction;
- (k) the determination of a uniform base for the structuring of user tariffs.

5. **Sewerage**

Bulk sewage purification works and main sewage disposal including-

- (a) the formulation and implementation of policy relating to sewerage functions;
- (b) the design, construction, operation and maintenance of trunk mains and bulk sewage pump stations;
- (c) bulk sewage collection and disposal;
- (d) the planning of bulk conveyance of sewage and industrial effluent and the treatment thereof at treatment plants;
- (e) the determination and maintenance of a local development guide plan or master plan for bulk conveyance and treatment of sewage and industrial effluent;
- (f) the implementation of a master plan of bulk conveyance and treatment of sewage and industrial effluent;
- (g) the establishment and management of a co-ordinating system for the bulk sewerage system with the concurrence of the other role-players;

- (h) the establishment of a system to monitor the flows in the bulk conveyance system;
- (i) the provision, operation and maintenance of bulk sewage and effluent infrastructure, including sludge disposal;
- (j) the determination of a uniformly structured bulk tariff for the purification and bulk conveyance of sewage;
- (k) the development of a uniform basis for the structuring of user tariffs.

6. **Electricity**

Subject to the provisions of any other law, the bulk supply of electricity, including the transmission and distribution and where applicable, the generation of electricity to reticulators in terms of any law.

7. **Roads**

The construction and maintenance of arterial roads that transcend more than one metropolitan local council boundary, including-

- (a) roads with significant traffic volumes;
- (b) roads forming major public transport corridors;
- (c) roads used extensively by traffic from outside the metropolitan local council within which such roads are situated;
- (d) roads in respect of which access and egress have been limited in accordance with a law;
- (e) roads of a major nature linking significant urban growth points or potential growth points;
- (f) the construction and maintenance of stormwater drainage systems and infrastructure that transcend more than one metropolitan local council boundary,

but excluding national roads, toll roads, provincial freeways and provincial arterial roads.

8. **Passenger Transport Services**

- (a) The provision and regulation of passenger transport services,
- (b) The co-ordination of passenger transport services after consultation with the metropolitan local councils concerned.
- (c) The provision and control of public transport facilities.

9. **Traffic Matters**

- (a) The co-ordination and determination of policy for traffic matters which affect more than one metropolitan council.

- (b) The provision and control of road traffic engineering which affects more than one metropolitan local council.
- (c) Traffic law enforcement, if so requested by the metropolitan local council concerned.

10. **Fresh Product Markets**

The establishment, conduct and control of fresh produce markets which affect more than one metropolitan local council.

11. **Waste Disposal Facilities**

- (a) The determination of a waste disposal strategy.
- (b) The identification of sites for the placing of waste disposal facilities.
- (c) The establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one metropolitan local council.

12. **Cemeteries and Crematoria**

The establishment conduct and control of cemeteries and crematoria utilised by more than one metropolitan local council.

13. **Airports**

The establishment and operation of airports, excluding national and international airports and landing strips.

14. **Sport Facilities**

The establishment, conduct and control of sport facilities of international standards.

15. **Promotion of Tourism**

The promotion of tourism.

16. **Municipal Health Services**

Subject to any other law, the planning, evaluation, monitoring and co-ordination of municipal health services.

17. **Abattoirs**

The establishment, management and control of metropolitan abattoirs.

18. **Fire-fighting Services and Disasters**

The provision and control of fire-fighting services and the planning for and management of disasters.

19. **Libraries**

The establishment management and control of libraries serving the metropolitan area.

20. **Museums**

The establishment management and control of museums.

21. **Environmental Management**

The co-ordination of environmental affairs.

22. **Municipal Law Enforcement Agency**

The establishment and control of municipal law enforcement agencies subject to the South African Police Service Act, 1995 (Act No, 68 of 1995).

SCHEDULE 2A

Powers and duties of metropolitan Local Councils referred to in Section 10C(2)

[Schedule 2A inserted by s. 9 of Act No. 97 of 1996.]

1. **Recovery of Costs**

The claiming of payments from a metropolitan council to cover the actual costs of any service performed or rendered on behalf of or to such council.

2. **Integrated Development Plan**

A metropolitan local council shall formulate and implement a local integrated development plan, incorporating local land use planning, transport planning, infrastructure planning and the promotion of integrated local economic development in accordance with the metropolitan integrated development plan.

3. **Water**

Water reticulation.

4. **Sewerage**

Sewage disposal and the provision of a sewerage system.

5. **Electricity**

The retail reticulation of electricity.

6. **Roads**

The construction and maintenance of roads and local stormwater drainage systems.

7. **Traffic Matters**

(a) Traffic law enforcement.

(b) The testing of vehicles and drivers.

- (c) Matters pertaining to road safety.
- 8. **Waste Disposal**
The disposal of waste.
- 9. **Cemeteries and Funeral Parlours**
The establishment and control of cemeteries and funeral parlours.
- 10. **Airports**
The establishment and operation of airports, excluding national or international airports and landing strips.
- 11. **Libraries**
The establishment and operation of libraries.
- 12. **Amusement Facilities and Beaches**
The establishment, conduct and control of amusement facilities and the control of beaches.
- 13. **Public nuisances**
The control of public nuisances.
- 14. **Environmental Affairs**
The management and control of environmental affairs.
- 15. **Tourism**
The promotion of tourism.
- 16. **Municipal Health Services**
The provision of municipal health services.
- 17. **Billboards and Advertisements**
The control of billboards and the display of advertisements in public places.
- 18. **Building Control**
The control of building activities.
- 19. **Cleansing**
The provision of cleansing services in streets and public places.
- 20. **Business Licensing**

The licensing and control of places selling food.

21. **Animals**

The licensing and control of animals as well as the provision and control of facilities for the accommodation, impounding, care and burial of animals.

22. **Markets**

The establishment and control of markets, excluding fresh produce markets.

23. **Pontoons, Ferries, Jetties, Piers and Harbours**

The provision and control of pontoons, ferries, jetties, piers and harbours other than major ports.

24. **Street Trading**

The control of street trading.

25. **Lighting**

The lighting of streets and public places.

26. **Public Places**

The management and control of public places and gatherings in public places.

27. **Fireworks**

The control of fireworks.

28. **Child Care Facilities**

Management of child care facilities.

29. **Municipal Law Enforcement Agency**

The establishment and control of municipal law enforcement agencies, subject to the South African Police Service Act, 1995 (Act No. 68 of 1995).

AMENDMENTS

Constitution of the Republic of South Africa, No. 200 of 1993

Local Government Transition Act Amendment Act, No. 34 of 1994

Proclamations Nos. R.35, R.54, R.58, R.59, and R.65 of 1995

Local Government Transition Act Amendment Act, No. 61 of 1995

Local Government Transition Act Second Amendment Act, No. 89 of 1995

Local Government Transition Act Amendment Act, No. 12 of 1996

Local Government Transition Act Second Amendment Act, No. 97 of 1996