

# ACT

To determine the types of municipality that may be established in the province; and to provide for matters in connection therewith.

## PREAMBLE

Whereas section 155(1) of the Constitution defines the different categories of municipality that may be established;

And whereas section 155(2) of the Constitution requires national legislation to define the different types of municipality that may be established within each category of municipality;

And whereas Part 2 of Chapter 1 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), in compliance with section 155(2) of the Constitution, has defined the different types of municipality that may be established within each category of municipality;

And whereas section 155(5) of the Constitution requires provincial legislation to determine which of the defined types of municipality may be established in the province within each category of municipality;

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Free State Province, as follows:-

*(Afrikaans text signed by the Premier.)*  
*(Assented to 14 March 2000)*

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## Definitions

1. In this Act, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and – 10

**“Act”** means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

**“category”**, in relation to municipalities, means a category B or C municipality as defined in section 155(1) of the Constitution; 15

**“collective executive system”** means a system of municipal government which allows for the exercise of executive authority through an executive committee in which the executive leadership of the municipality is collectively vested; 20

**“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

**“mayoral executive system”** means a system of municipal government which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee; 25

**“plenary executive system”** means a system of municipal government which limits the exercise of executive authority to the municipal council itself;

**“ward participatory system”** means a system of municipal government which allows for matters of local concern to wards to be dealt with by committees established for wards.

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### Category B municipalities

2. In category B the following types of municipality may be established in the province:

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(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a ward participatory system;

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(c) a municipality with a mayoral executive system;

(d) a municipality with a mayoral executive system combined with a ward participatory system;

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(e) a municipality with a plenary executive system; and

(f) a municipality with a plenary executive system combined with a ward participatory system.

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### Category C municipalities

3. In category C the following types of municipality may be established in the province:

(a) a municipality with a collective executive system;

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(b) a municipality with a mayoral executive system; and

(c) a municipality with a plenary executive system.

### Provincial government bound by Act

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4. This Act binds the MEC for local government when –

(a) determining the type of municipality to be established in terms of section 12 of the Act;

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(b) changing the municipality from one type to another in terms of section 16 of the Act; or

(c) amending or replacing an establishment notice in terms of section 17 of the Act.

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**Short title and commencement**

5. This Act is called the Determination of Types of Municipality Act, 2000, and takes effect on a date determined by the MEC for local government by notice in the *Provincial Gazette*.