REPUBLIC OF SOUTH AFRICA

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES AMENDMENT BILL

(As introduced in the National Assembly (proposed section 75); Explanatory summary of Bill published in Government Gazette No. 32425 of 20 July 2009)
(The English text is the official text of the Bill)

(MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS)

[B 12—2009]

I-RIPHABHULIKI YASENINGIZIMU AFRIKA

OHULUMENI BASEKHAYA: ISICHIBIYELOMTHETHO-SIVIVINYWA WOKUKHOKHWA KWENTELA YENDAWO YOMASIPALA

(Njengoba wethulwe kusiShayamthetho sikaZwelonke (isigaba-75 esiphakanyisiwe); Incazelo efingqiwe yoMthethosivivinywa ishicilelwe USomqulu kaHulumeni 32425 kaJulayi 20 2009)
(Umbhalo wesiNgisi iwona umbhalo osemthethweni walo Mthethosivivinywa)

(UNGQONGQOSHE WEZOKUPHATHA NGOKUBAMBISANA KANYE NEZINDABA ZENDABUKO)

[B 12—2009]

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GENERAL EXPLANATORY NOTE:

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

BILL

To amend the Local Government: Municipal Property Rates Act, 2004, so as to provide for the extension of the period of validity of a valuation roll and supplementary valuation roll that was in force before the commencement of the Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 89 of Act 6 of 2004

1. Section 89 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) **[This]** The operation of this section lapses **[four]** six years from the date of commencement of this Act, and from that date any valuation roll or supplementary valuation roll that was in force before the commencement of this Act may not be used.".

Transitional arrangement

2. Any action taken or performed and finalised in terms of section 89 of the Local Government: Municipal Property Rates Act (Act No. 6 of 2004), on or after 1 July 2009, shall be deemed to have been taken or performed and finalised in terms of this Act and is hereby validated and declared lawful.

Short title and commencement

3. This Act is called the Local Government: Municipal Property Rates Amendment Act, 2009, and is deemed to have come into operation on 1 July 2009.

IZINCAZELO EZIBALULEKILE:

[ ] Amagama acaciswe ngombala ogqamile akubakaki abayisikwele atshengisa okukhishwayo eMthethweni osebenzayo.

Amagama adwetshelwe ngomugqa ogqamile atshengisa okufakelwayo eMthethweni osebenzayo.

UMTHETHOSIVIVINYWA

Ukuchibiyela uMthetho woHulumeni baseKhaya: soMthetho woHulumeni baseKhaya: wokuKhokhwa kweNtela yeNdawo yeNdawo yoMasipala-2004, ukuze uhlinzekele ukwandiswa kwesikhathi sokuba negunya lohlu lwempahla ehloliwe kanye nohlu olwengezayo lwempahla ehloliwe olwaluphoqiwe ngaphambili kokuqala kwalo Mthetho kanye nokuhlinzekela izindaba eziqondene nawo.

NJENGOBA UMISWE iPhalamende laseRiphabhuliki yaseNingizimu Afrika njengalokhu okulandelayo:—

Ukuchibiyelwa kwesigaba sama-89 soMthetho wesi-6 wezi-2004

1. Ngakho-ke isigaba sama-89 soMthetho woHulumeni baseKhaya: wokuKhokhwa kweNtela yeNdawo yeNdawo yoMasipala, sichibiyelwe ngokufaka endaweni yaso isigatshana sesi-(3) salesi sigatshana esilandelayo:

"(3) **[Lesi]** Ukusebenza kwalesi sigaba kuzofika emaphethelweni eminyakeni **[emine]** eyisithupha kusukela ngosuku okuyoqala ngalo ukusebenza kwalo Mthetho, futhi kusukela ngalolo suku nanoma yiluphi uhlu lwempahla ehloliwe noma uhlu olwengezayo lwempahla ehloliwe olwaluphoqiwe ngaphambi kokuqala ukusebenza kwalo Mthetho akumele lusetshenziswe."

Uhlelo lwesikhashana

2. Nanoma iziphi izinyathelo ezithathiwe noma ezenziwe futhi kwathathwa izinqumo ngazo ngokwemigomo yesigaba sama-89 soMthetho woHulumeni baseKhaya: wokuKhokhwa kweNtela yeNdawo yeNdawo yoMasipala (uMthetho wesi-6 wezi-2004), mhla lu -1 kaJulayi 2009 noma ngemuva kwalolu suku, singakaqali ukusebenza isichibiyelo kumele zithathwe njengezenziwe ngokwemigomo yalo Mthetho futhi ngalokhu ziyaqinisisekiswa futhi zizothathwa njengezisemthethweni.

Isihloko esifingqiwe kanye nokuqala kwawo ukusebenza

3. Lo Mthetho ubizwa ngokuthi uMthetho woHulumeni baseKhaya: isichibiyelomthetho wokuKhokhwa kweNtela yeNdawo yoMasipala, wezi-2009, futhi bekulindeleke ukuba uqale ukusebenza lu-1 kaJulayi 2009.

MEMORANDUM ON THE OBJECTS OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES AMENDMENT BILL, 2009

1. BACKGROUND

1.1 The main object of the Bill is to amend the Local Government: Municipal Property Rates Act (the Act) so as to provide for the extension of the validity of valuation rolls for a further two years.

1.2 Clause 1 amends section 89(3) of the Act by extending the transitional period within which municipalities may make use of valuation rolls and/or supplementary valuation rolls that were in force before the commencement of the Act from four years to six years from the date of commencement of the Act. This amendment is effected retrospectively to 1 July 2009 due to the fact that the validity of the valuation rolls that were in force before the commencement of the Act lapsed on 2 July 2009. This amendment is effected so that municipalities are given a longer period within which to ready themselves to implement the Act.

1.3 Clause 2 provides for a transitional arrangement in order to validate any action taken or performed and finalised in terms of section 89 of the Act after 1 July 2009, but before this Bill is passed .

2. BODIES/ORGANISATIONS CONSULTED

- South African Local Government Association (Salga);
- National Treasury;
- The Department of Rural Development and Land Reform; and
- The nine Provincial Departments responsible for local government

3. FINANCIAL IMPLICATIONS FOR THE STATE

None.

4. FINANCIAL IMPLICATIONS FOR PROVINCES

None.

5. FINANCIAL IMPLICATIONS FOR MUNICIPALITIES

If approved, the Bill will allow for rates in terms of old order valuation rolls to form part of the 2009/10 and 2010/11 municipal budgets, subject to the necessary exemptions to various clauses in the Municipal Finance Management Act (MFMA) being secured.

6. PARLIAMENTARY PROCEDURE

6.1 The State Law Advisers and the Department of Cooperative Governance and Traditional Affairs are of the opinion that the Bill must be dealt with in accordance with the procedure prescribed by section 75 of the Constitution. The Bill does not fall within the functional areas listed in Schedule 4 of the Constitution, nor does it provide for legislation envisaged in the sections referred to in section 76(3) of the Constitution.

6.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1) of the Traditional Leadership and Governance Framework Act,2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional leaders.

IMEMORANDAMU YEZINJONGO ISICHIBIYELOMTHETHOSIVIVINYWA WOKUKHOKHWA KWENTELA YENDAWO YOMASIPALA, KA-2009

1. IMVELAPHI

1.1 Injongo esemqoka yoMthethosivivinywa ukuchibiyela uMthetho woHulumeni baseKhaya: wokuKhokhwa kweNtela yeNdawo yoMasipala (uMthetho) ukuze uhlinzekele ngokungeza isikhathi sokusebenzisa uhlu lwempahla ehloliwe eminye iminyaka emibili.

1.2 Isigatshana somthetho soku-1 sichibiyela isigaba sama-89(3) soMthetho ngokwandisa isikhathi sohlelo lwesikhashana lapho omasipala bengaqhubeka nokusebenzisa uhlu lwempahla ehloliwe kanye/noma uhlu olwengezayo lwempahla ehloliwe olwaluphoqiwe ngaphambi kokuqala kokusebenza koMthetho kusukela eminyakeni emine kuya eminyakeni eyisithupha kusukela ngosuku lokuqala koMthetho. Lesi sichibiyelo bekumele siqale ukusebenza ukususka mhla lu-1 kaJulayi 2009 ngesizathu sokuthi ukusebenza kohlu lwempahla ehloliwe olwaluphoqiwe ngaphambi kokuqala kokusebenza kuMthetho lwafika emaphethelweni mhla zizi-2 kaJulayi 2009. Lesi sichibiyelo senzelwe ukuze omasipala bezonikezwa isikhathi eside ukuzilungiselela ukusebenzisa uMthetho.

1.3 Isigatshana somthetho sesi-2 sihlinzekela uhlelo lwesikhashana ukuze kuqinisisekiswe nanoma eziphi izinyathelo ezenziwe noma ezithathiwe futhi kwathathwa izinqumo ngazo ngokwemigomo yesigaba sama-89 soMthetho ngemuva komhla lu-1 kaJulayi 2009, kodwa ngaphambi kokuba kugunyazwe lo Mthethosivivinywa.

2. AMABHODI/IZINHLANGANO EZITHINTIWE

- INhlangano yoHulumeni baseKhaya yaseNingizimu Afrika (Salga);
- UMngcinimafa kaZwelonke;
- UMnyango wezokuThuthukiswa kweziNdawo zaseMakhaya kanye neziNguquko zoMhlaba; kanye
- NeMinyango yoHulumeni beziFundazwe eyisishiyagalolunye ebhekele ukusebenza kohulumeni basekhaya

3. IMITHELELA YEZEZIMALI KUHULUMENI

Ayikho.

4. IMITHELELA YEZEZIMALI ZEZIFUNDAZWE

Ayikho.

5. IMITHELELA YEZEZIMALI ZOMASIPALA

Uma ugunyazwa, uMthethosivivinywa uzovumela intela ngokwemigomo yesinqumo esidala sohlu lwempahla ehloliwe ukuba lube ingxenye yesabelomali somasipala sonyaka wezi-2009/10 kanye nezi-2010/11, lokho kunqike ekutholeni ukugunyazwa okudingekayo kwezigatshana zomthetho ezahlukene eMthethweni Wokuphathwa kweziMali zikaMasipala (MFMA).

6. INQUBO YASEPHALAMENDE

6.1 Abeluleki bezoMthetho bakaHulumeni kanye noMnyango wezokuPhatha Ngokubambisana kanye neziNdaba zeNdabuko banomqondo wokuthi uMthethosivivinywa kumele ubhekwe ngokuhambisana nenqubo ebekwe yisigaba sama-75 soMthethosisekelo. UMthethosivivinywa awuzibandakanyi nezindawo zomsebenzi ezibhalwe kuSheduli ye-4 yoMthethosisekelo, futhi awuhlinzeki ngemithetho eveziwe ezigabeni ezishiwo isigaba sama-76(3) soMthethosisekelo.

6.2 Abeluleki bezoMthetho bakaHulumeni banomqondo wokuthi akubalulekanga ukuthi kuyiswe lo Mthethosivivinywa Endlini yabaHoli beNdabuko kaZwelonke ngokwesigaba se-18(1) soMthetho Wohlaka lokuPhatha lwabaHoli beNdabuko, wezi-2003 (uMthetho wama-41 wezi-2003), njengoba ungakhulumi ngezimiso zomthetho eziphathelene nomthetho wamasiko noma amasiko aqondene nabaholi bendabuko.

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