# CIRCULAR 1 OF 2023

**To:** **Minister of Cooperative Governance and Traditional Affairs**
**MECs of Provincial Departments responsible for Local Government**
**Chairpersons of National & Provincial Houses of Traditional Leaders**
**President of South African Local Government Association**
**Chairperson of Independent Electoral Commission**
**Mayors of affected Metropolitan, District and Local Municipalities**
**National House of Traditional Leaders**
**Provincial House of Traditional Leaders**
**Speakers of all Metropolitan, District and Local Municipalities**
**HOD's of Provincial Departments responsible for Local Government**
**PEO's of Independent Electoral Commission**
**Municipal Managers Metropolitan, District and Local Municipalities**
**Chief Surveyor General**
**Chief Electoral Officer**
**Chief Executive Officer of SALGA**
**Statistician – General**
**Members of extended Ward Delimitation and Boundary Determination Committee**
**Members of Local Elections Technical Committee**

Dear Sir/Madam,

**CIRCULAR 1/2023: INTENTION TO CONSIDER REDETERMINATION OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA): INVITATION TO SUBMIT VIEWS AND REPRESENTATIONS FOR CLASS 2 - 4 MUNICIPAL BOUNDARY PROPOSALS**

## PURPOSE

1. To provide information regarding the class 2 - 4 municipal boundary redetermination proposals which the Board intends to consider in terms of Section 26 of the MDA;
2. To provide an update on the progress regarding municipal boundary redetermination process for class 2-4 proposals;
3. To request MDB stakeholders to make inputs on the proposed municipal boundary re-determination proposals; and

4. To request municipalities to assist in not only sharing information provided in this circular with the affected local stakeholders but participate in the process as and when required.

**INTRODUCTION AND BACKGROUND**

5. The Municipal Demarcation Board (MDB) determines municipal boundaries in accordance with the MDA and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.
6. As communicated in Circular 2 of 2022, the MDB opened the municipal boundary redetermination process in November 2021 and invited members of the public to submit proposals for municipal boundary re-determination. The period for submission of proposals closed on 31 March 2022.
7. Following this, the MDB analysed all proposals received and grouped them into their respective classes of redetermination (Class 1 to 4).
8. The proposals were categorised in terms their spatial extent in terms of the following classes:
    a. Class 1 - Technical and minor boundary re-determinations - This re-determination entails a small-scale boundary adjustment and/or alignment with a minor impact on the geographic area, a negligible or no impact on the number of voters and no impact on the capacity of the affected municipalities.
    b. Class 2 - Consolidation and Annexations - This is a medium scale boundary re-determination that may impact on a sizable geographic area, and number of voters in one or all the municipalities affected. This type of determination may impact on ward arrangements but will not materially, impact on the capacities of the affected municipalities to deliver services.
    c. Class 3 – Amalgamations - This type of re-determination entails a major and large-scale municipal boundary re-determination which will have a significant impact on the geographic areas, the number of voters, and the capacities of the affected municipalities. The re-determination includes the merging of adjacent municipalities or the splitting of municipal areas to create other municipal areas. It will result in the MEC needing to disestablish an existing municipality or municipalities and establish a new municipality or municipalities.

d. Class 4 – Categorization - This is a type of re-determination that involves the categorisation of any new Category A Metropolitan, Category C District and Category B Local municipalities with or without boundary changes. Category A must satisfy Section 2 of the MSA and Section 24 and 25 of the MDA and after consultation with National Minister responsible for local government, the MEC for local government in the provinces concerned, and SALGA.

9. In 2022, the MDB considered all Class 1 municipal boundary re-determinations and final determinations were published in February 2022.
10. All received proposals for Class 2 - 4 redeterminations have undergone research studies and now the Board intends to consider these proposals in terms of Section 26 of the MDA.
11. **Annexure B** is the list of proposals which are not proceeding in terms of Section 26 of the MDA.

**INTENTION TO CONSIDER CLASS 2-4 REDETERMINATION PROPOSALS IN TERMS OF SECTION 26 OF THE MDA**

12. The MDB intends to publish a notice in terms of Section 26 of the MDA, to invite the public to submit views and representations to the MDB on the proposed redeterminations categorised as Class 2-4 and listed in **Annexure A**.
13. The section 26 notice will be published in the newspapers circulating in the affected areas anytime now. Everyone will be invited to submit their views and representations to the MDB on or before the date that will be specified in the newspaper notice (before the MDB considers them for boundary changes).
14. Everyone is invited to submit their views and representations to the MDB within 30 calendar days from the date of publication of notices in newspapers.
15. After publication in newspapers as indicated above, those notices and maps will be available on the MDB's website – www.demarcation.org.za.
16. The MDB has also introduced an online submission form which can also be found on the website (Note: As much as it is preferrable that the form is utilised for making submissions it is not compulsory).
17. Your views and representations must strictly be emailed to registry@demarcation.org.za, or faxed to 012 3422480, or posted to Private Bag X123, Centurion, 0046 or hand delivered to Eco Origins Office Park, Block C1,

349 Witch-Hazel Avenue, Highveld, 0157. The views and representations must be addressed for the attention of the Chairperson of the MDB.

18. All views and representations will be considered by the Board during April and May 2023.

## PUBLIC NOTIFICATION OF DETERMINATION OF MUNICIPAL BOUNDARIES

19. Section 26 of the MDA states that:

*"(1) Before the Board considers any determination of a municipal boundary in terms of section 21, it must publish a notice in a newspaper circulating in the area concerned-*
*(a) stating the Board's intention to consider the matter; and*
*(b) inviting written representations and views from the public within a specified period (which may not be shorter than 21 days).*

*(2) When the Board publishes a notice, it must convey by radio or other appropriate means of communication the contents of the notice in the area concerned.*

*(3) The Board must send by registered post, electronic means or by hand a copy of the notice to-*
*(a) the MEC for local government in the province concerned;*
*(b) each municipality that will be affected by the Board's consideration of the matter;*
*(c) the magistrate concerned if any magisterial district is affected; and*
*(d) the provincial House of Traditional Leaders concerned established by provincial legislation in terms of section 212 (2) (a) of the Constitution if the boundary of a traditional authority is affected and invite them to submit written representations or their views on the matter to the Board within the period determined in terms of subsection (1)".*

## PROGRAMME FOR CLASS 2- 4 RE-DETERMINATION PROPOSALS

20. The programme for Classes 2- 4 is outlined below:

**TABLE 2: PROGRAMME FOR CLASS 2 - 4 RE-DETERMINATION PROPOSALS**

| NO | TASKS | START DATE | END DATE |
|---|---|---|---|
| 1 | Intention to consider the redetermination of municipal boundaries in terms of Section 26 of the MDA (Publication of Notice in Newspaper allowing everyone to submit views and representations within 30 days from date of publication) | Mar-23 | Apr-23 |
| 2 | The Board must consider all views and representations and resolve to determine or re-determine municipal boundaries, decide to hold public meetings, conduct formal | Apr-23 | May-23 |

| NO | TASKS | START DATE | END DATE |
|---|---|---|---|
| | investigations/investigation committee hearings, or do both. | | |
| 3 | Hold Public Meetings | Jun-23 | Aug-23 |
| 4 | Conduct Formal Investigations / Investigation committee hearings in terms of Section 29 and 30 of MDA | Jun-23 | Aug-23 |
| 5 | The Board must consider all inputs from public meetings and formal investigations/investigation hearings and resolve to determine or re-determine municipal boundaries in terms of Section 21 of the MDA (Publication in Provincial Gazettes allowing everyone to submit objections within 30 days from date of publication) | Sep-23 | Oct-23 |
| 6 | The Board must consider all objections received and resolve to confirm, vary or withdraw the determination or re-determination. The final decision must be published in the provincial gazette in terms of Section 21(5) of the MDA. | Nov-23 | Jan-24 |
| 7 | The IEC, Minister of Finance and MECs for local government and all other stakeholders must be notified of the final decision | Nov-23 | Jan-24 |

21. Stakeholders are requested to make copies of the section 26 notices available to the public in their respective premises.
22. For any further queries please contact the MDB at info@demarcation.org.za or Mr Fazel Hoosen at 012 342 2481.

**Regards,**



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**MR TM MANYONI**

**CHAIRPERSON: MUNICIPAL DEMARCATION BOARD**

**DATE: 24-03-2023**

**IMPORTANT INFORMATION**

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