



mdb
municipal demarcation board

FAQ

**FREQUENTLY
ASKED QUESTIONS**

www.demarcation.org.za

What is the Municipal Demarcation Board?

The Municipal Demarcation Board (MDB) is an independent authority that is responsible for the determination and re-determination of municipal boundaries. The MDB was established on 01 February 1999 in terms of Section 155 (2)(b) of the Constitution of South Africa, 1996 and the Local Government: Municipal Demarcation Act, 1998 (MDA).

The Board comprises of 9 board members who are appointed by the President of the Republic for a five year term. Except for the Chairperson who is a full time member, the rest of the board members serve on a part time basis.

The Board has a national office which is situated in Centurion, Pretoria.

What does the MDB do?

The MDB is responsible for the determination and re-determination (demarcation) of municipal boundaries as well as the delimitation (demarcation) of ward boundaries within municipalities for the purposes of local government elections.

The MDB is also responsible for the determination of the categories of municipal areas as Category A (Metropolitan), Category B (local) and Category C (districts).

The Board further conducts municipal capacity assessments to determine if local and district municipalities have the capacity to perform and exercise local government powers and functions.

The MDB also provides an advisory service to the authorities in respect of any matters related to the Municipal Demarcation Act.

Who does the MDB report to?

The MDB is an independent statutory body that reports directly to Parliament.

What does the process for the re-determination of municipal boundaries entail?

The re-determination of municipal boundaries is carried out in the following steps:

Step 1: Section 26

Upon receipt of a municipal boundary re-determination request or on its own initiative, the MDB may embark on Section 26 process in terms of the Local Government: Municipal Demarcation Act, 1998 that requires the MDB to publish a notice in newspapers that circulate in or cater the affected area.

Does it mean that the Board has taken a decision when a Section 26 notice is published?

No it doesn't. The publishing of a Section 26 notice does not mean that the Board has taken a decision. This is because no decisions on the re-determinations have not yet been taken when Section 26 notices are published.

What is the purpose of a Section 26 notice?

Section 26 notices merely indicate the MDB's intention to consider the proposed boundary changes. Members of the public are requested to submit written submissions within a period of no less than 21 days.

How should members of the public motivate their submissions?

Comments on the proposed re-determinations should be motivated by taking into account Sections 24 and 25 of the Demarcation Act, 1998, and in the case of metropolitan areas Section 2 of the Structures Act, 1998.

Step 2:

Upon the closing date for the submission of written submissions in terms of Section 26, the MDB must:

- Consider all submitted representations and views and may decide on the determination. However, before making such a decision, the Board may
 - Hold a public meeting
 - Conduct a formal investigation or do both (It should be noted that the MDB is not obliged to hold public meetings and/or conduct formal investigations)
- Should the Board decide to hold a public meeting and/or conduct a formal investigation, Sections 28, 29 and 30 of the MDA will apply

Step 3: Section 21

After the Board's resolution to re-determine municipal boundaries, such decision to determination or re-determination the municipal boundaries in question will be published in the relevant Provincial Gazette.

What is the purpose of a Section 21 (MDA) notice?

Section 21 notices serve to:

- Inform members of the public about the Board's decision.
- Invite any person aggrieved by the Board's decision to submit written objections.

How many days are allowed for aggrieved persons to submit objections?

Aggrieved persons may submit their objections within a period of 30 days from the date in which the decision was published.

Does the MDB allow for any extensions of the objection period?

The extension of dates within which aggrieved persons may submit their written objections is not legally permissible.

Does the Board consider objections received after the closing date?

Only valid written objections received before the closing date get considered. Objections received after the closing date, valid or not, are rejected.

After considering all objections what does the MDB do?

Upon consideration of all valid objections received before the closing date, the Board may either confirm, vary or withdraw its decision to determine or re-determine a municipal boundary.

How will the public know about the Board's final decision?

The Municipal Demarcation Act, 1998 requires the MDB to publish its decision to determine or not re-determine a municipal boundary in the relevant Provincial Gazette. The publishing of the decision concludes that role of the MDB in the matter.

Step 4:

After the MDB has published its final decisions, the MDB then provide particulars of its re-determinations to the Independent Electoral Commission of South Africa (IEC).

What is the role of the IEC?

Section 23 of the MDA requires the IEC to consider the re-determination and publish its view about the re-determination in the relevant provincial gazette. The IEC must then indicate if the re-determination affects the representation of voters in any of the affected municipal councils.

When does a municipal boundary re-determination take effect?

A determination or re-determination of a municipal boundary takes effect on the date of the next local government election or at the beginning of the next municipal financial year.

Who determines the date of effect?

The Member of Executive Council (MEC) responsible for local government in the relevant province determines the date of effect.

What are the considerations for determining the date of effect?

If the re-determination does not affect the representation of voters in any of the affected municipal councils, the re-determination takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such re-determination.

If the re-determination affects the representation of voters in any of the affected municipal councils, the re-determination takes effect on the date of the next local government elections.

How will the public be informed about the date of effect?

The MEC must publish the date of effect in the relevant Provincial Gazette.

When does the MDB determine/re-determine municipal and ward boundaries?

The MDB demarcates municipal boundaries in a period between local government elections. This is due to the fact that municipal boundaries have to be in place for each local government election.

Ward boundaries are delimited before each local government election after the completion of municipal boundary re-determinations. This is because local elections have wards as basis (ward councilors are elected for each of the delimited wards).

Who can request a boundary change?

Apart from the MDB's own initiative, a request can be made by the Minister or MEC, or on request by a municipality with the concurrence of any other municipality affected by the proposed determination or re-determination (Section 22).

In terms of the Municipal Demarcation Act, any member of the public may propose a municipal boundary re-determination. However, the MDB would prefer that there should be proof that there has been prior consultation with the affected communities.

What does the Board consider when determining municipal boundaries?

The criteria for municipal boundary demarcation is found in the MDA Sections 24 and 25.

Section 24 provides the main objectives for municipal boundary demarcation which states that the demarcation of an area would:

- Enable the municipality for that area to fulfil its constitutional obligations, including:
 - The provision of democratic and accountable government for the local communities,
 - The provision of services to the communities in an equitable and sustainable manner,
 - The promotion of social and economic development; and
- The promotion of a safe and healthy environment,
 - Enable effective local governance,
 - Enable integrated development and
 - Have a tax base as inclusive as possible of users of municipal services in the municipality.

Section 25 provides factors to be considered:

- The interdependence of people, communities and economies as indicated by:
 - Existing and expected patterns of human settlement and migration,
 - Employment,
 - Commuting and dominant transport movements,
 - Spending,
 - The use of amenities, recreational facilities and infrastructure and
 - Commercial and industrial linkages.
- The need for cohesive, integrated and unfragmented areas, including metropolitan areas,
- The financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively,
- The need to share and redistribute financial and administrative resources,
- Provincial and municipal boundaries,
- Areas of traditional communities,
- Existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries,
- Existing and expected land use, social, economic and transport planning,
- The need for coordinated municipal, provincial and national programs and services, including the needs for the administration of justice and health care,

- Topographical, environmental and physical characteristics of the area,
- The administrative consequences of its boundary determination on:
 - Municipal creditworthiness,
 - Existing municipalities, their council members and staff and,
 - Any other relevant matter, and
- The need to rationalize the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.

Is the MDB responsible for provincial boundary changes?

- The MDB has no mandate for demarcating provincial boundaries.
- Provincial boundary demarcations are a competence of Parliament through a constitutional amendment.
- Representations regarding changes to municipal boundaries affecting provincial boundaries need to be submitted to the national Minister responsible for Cooperative Governance and Traditional Affairs.

What is the total number of municipalities in South Africa?

number of municipalities in South Africa

Province	Category A (Metropolitan)	Category B (Local)	Category C (District)	Total
EC	2	31	6	39
FS	1	18	4	23
GT	3	6	2	11
KZN	1	43	10	54
LIM	0	22	5	27
MP	0	17	3	20
NC	0	26	5	31
NW	0	18	4	22
WC	1	24	5	30
TOTAL	8	205	44	257

What is the total number of wards in South Africa? (2016 local government elections)

Province	Local and metropolitan municipalities 2016	Wards 2016
Eastern Cape	33	705
Free State	19	309
Gauteng	9	529
KwaZulu-Natal	44	870
Limpopo	22	566
Mpumalanga	17	400
North West	26	407
Northern Cape	18	204
Western Cape	25	402
TOTAL	213	4392

What is technical municipal boundary alignment?

This is a municipal re-determination process where the MDB makes minor municipal boundary adjustments to correct technical misalignment of municipal boundaries to either address split settlements or align municipal boundaries to either cadastral boundaries, natural or man-made features (e.g. farm boundaries, rivers, roads). This is mainly aimed at improving the quality of boundaries by providing clearly defined boundaries. This normally do not affect a large size of the population.

What are the categories of technical municipal boundary misalignment cases?

Category	Description
1. Cadastre Misalignment	Municipal boundary not aligning to cadastre, such as farm boundaries (minor shifts)
2. Split Farms	Municipal boundary splitting parent farms into separate portions (i.e. one portion in one municipality, another portion in another municipality)
3. Split Settlements	Municipal boundary splitting communities in villages or settlements
4. Split Traditional Communities/Areas	Municipal boundary splitting traditional council or traditional community areas into different municipalities

Is there a different legal process followed by the MDB in the technical municipal boundary re-determination process?

The MDB still follows the same legal municipal boundary re-determination process.

What is a major municipal boundary re-determination?

This is a municipal re-determination where the MDB demarcates municipal boundaries by either amalgamating two or more whole municipalities or annexations wherein huge portion(s) of one municipality is excised from one municipality to the other or categorisation of a municipal area from one category to the other e.g. a category B local municipality is re-categorised into a Category A metropolitan municipality.

Is research relevant for municipal demarcation processes?

Yes it is. This is because proper research helps generate credible knowledge that will enable the Board to make sound and informed decisions on demarcation processes, such as, ward delimitation, categorisation of ordinary municipalities into metropolitan municipalities amongst other demarcation processes. Furthermore, research also affords the Board an opportunity to create spatial knowledge hub which is needed for driving spatial transformation.



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