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External financial control by the central government and provincial administrations over local government in South Africa

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5. THE DISPOSAL OF MOVABLE ASSETS (continued).

(i) making allowance for the trade-in or exchange value of such asset; and

(ii) without making such allowance;

(b) in any case in which subsection (1) of section 136 does not apply, under any contract including in its terms provision for a trade-in or exchange of such asset; provided that no such contract shall be entered into unless the other party to the proposed contract shall also have stated in writing his price without making allowance for the trade-in or exchange value of such asset.

(2). Any movable asset unsuccessfully offered for sale by public auction or tender at an upset price may be sold by private treaty at a price not less than 25% below upset price at such less price as may be approved.

(3) The council may in case of emergency or where the value does not exceed R200 authorise a sale by private treaty, in which case the reasons shall be recorded in the council resolution.

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5. THE DISPOSAL OF MOVABLE ASSETS (continued).

(4) Nothing shall prevent the council selling to another public body any movable property where the council considers it to be in the best interests of the council, giving reasons in the resolution authorising the sale or exchange.

6. ALIENATION OF IMMOVABLE PROPERTY.

17..The council may,with the prior consent of the Administrator and subject to conditions as he may approve or prescribe, sell or lease(by public auction or tender),exchange, grant, etc.,immovable property,subject to the conditions set out in the ordinance whenever land is granted or sold for less than its actual value, the agreement of sale shall include a condition that if the property ceases to be used for the purpose for which it was granted or sold, the owner shall pay the difference in value or retransfer the land to the council. (For full conditions see ordinance).

The council may, with the Administrator's consent, and

79(18)(a).The council may let, sell or in any other way alienate or dispose of any movable or immovable property of the council (including the granting of prospecting rights,option contracts, etc.)

(b) In the case of immovable property it shall cause a notice of the resolution to that effect to be published at least once a week during three successive weeks in at least one Arrikaans and one English newspaper circulating in the municipality, calling for objections.

In the case of alienation of freehold or leases more than twenty years, placards must be posted on or near the land in question.

77(1).A council may,with the approval of the Administrator and subject to the provisions of this section, sell, let or otherwise alienate immovable property or rights in respect of such property vested in the council; The approval of the Administrator shall not be required and the provisions of this section shall not apply in the case of a lease for a specified period not exceeding twelve months.

(2)(a).The council shall give notice of its intention to exercise any of its powers under (1) by notice published in the Gazette and the press.

145.A council may, with the approval of the Administrator alienate immovable property vested in the municipality, provided it is not prohibited by law.

146.A council may, with the approval of the Administrator, let property vested or under the control of the council. The approval of the Administrator is not necessary for leases less than six months for the purpose of meetings, entertainment and recreation, or where due to street closing land is let to abutting owners.(No subletting is permitted without the council's consent - section 148).

147.Every application for the

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6. ALIENATION OF IMMOVABLE PROPERTY (continued).			
conditions approved by him, lease by public auction or tender mineral rights on town lands. The Administrator may authorise the sale or lease of immovable property by private bargain if he is satisfied that the interests of the borough will be better served than by sale or lease by public auction or tender, or that other circumstances justify such a course. The council may, with the prior consent of the Administrator, sell land by private bargain at such prices and upon such terms and conditions as he may approve or prescribe: (a) for industrial purposes; (b) to ex-servicemen, or (c) to other persons to enable them to construct dwellings approved by the Administrator.(For full conditions see ordinance). 172.Notice of the intention to sell or otherwise alienate any immovable property must be published, and other preliminaries followed, as set out.	(c) No powers conferred above (except certain leases) shall be effective until the administrator's consent has been obtained, and subject to the terms and conditions he may determine. (d),(e),(f),(g).See Land Sales Account, above. (j) In selling or letting immovable property the council may with the Administrator's consent make provisions in the conditions of sale or lease as to the class of buildings to be erected thereon and for restricting the use of such property to certain uses or for restricting ownership or occupation by certain races.	(b) The notice shall contain full details of the sale, saying that particulars are open for inspection and inviting persons to lodge objections. (c) If after the expiry of the period of fourteen days the council has by resolution, in favour of which the majority of the full number of the members of the council voted, authorised the proposed sale, lease or alienation, the town clerk shall submit to the Administrator certified copies of the resolution and other details as set out in the Ordinance. (3)On receipt of the documents referres to in 77(2)(c) the Administrator may - (a) approve of the proposed sale, lease or alienation subject to such conditions as he may determine; (b) refuse to approve of it; or (c) require the council to submit the resolution taken	Administrator's approval shall be accompanied by - (1) a certificate that the council has posted for a period of fourteen days at the municipal office and published once a week in the press during the same period a notice describing the property and stating that the conditions of the proposed transaction are available for completion at the council's offices, and calling for objections; (2) all objections lodged, together with the council's comments thereon. 147 bis.A council may not admit or concede a claim that any person has acquired municipal property by prescription except under the conditions specified and with the consent of the Administrator and extraordinary resolution of council.

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6. ALIENATION OF IMMOVABLE PROPERTY (continued).

175. Every application for the Administrator's consent shall contain details, as set out.

174. Save as is provided in Section 21 (relating to the pecuniary interests of councillors) the council may, without the consent of the Administrator:

(a) sell, exchange or otherwise deal with immovable property for the purpose of boundary adjustment;

(b) sell to the owners of adjoining land pieces of land for road enlignment purposes;

(c) sell or lease by private treaty any immovable property which has been unsuccessfully submitted to public auction or tender (provided conditions in original consent remain the same);

(d) sell, lease or otherwise alienate immovable property to the Imperial Government, Union Government or Provincial Administration; or to any other local authority;

(e) let any immovable property upon a tenancy-at-will, or for a period not exceeding three months, at a rental inclusive of rates.

by it in connection with the sale, lease or alienation to a meeting of owners of rateable property within the municipality. (See Part 51 below for details of meeting).

(4) the provisions of this section shall apply to the lease of the right of prospecting for precious stones or precious metals or the right of prospecting, digging or mining for base metals or base minerals, including mineral waters, on land vesting in a council.

6. ALIENATION OF IMMOVABLE PROPERTY (continued).

(f) lease plots of land for periods not exceeding twelve months to native or other coloured persons at rentals inclusive of rates (subject to Natives (Urban Areas) Act).

177.The council may, with the Administrator's consent establish land settlement schemes for ex-servicemen on town lands.(For full conditions see ordinance).

7. INSURANCE OF ASSETS.

104(1).The council may, out of revenue, take out insurance policies or itself establish insurance schemes against any risk or loss in connection with (a) municipal buildings and property,(b) animals, (c) Workmen's Compensation Act claims or any claims by employees,(d) fidelity, (e)money in transit,(f) third party risks, (g) profits on trading undertakings,(h) any claims where protection may be deemed to be desirable.

(2) If the council has not taken out a policy for the full extent of its potential liability under the W.C.A. 1941, with the

62(5).The council shall require from every officer entrusted by it with the handling of money or stores on its behalf security to the satisfaction of the council which may, if it deems fit, defray from its funds any fidelity premium considered reasonable.

69.An employee of the council shall (a) if he is entrusted with the handling of money on behalf of the council, or (b) if he has been required by the council to do so, furnish surety to the satisfaction of the council.

If a fidelity policy is furnished by the employee the council may pay a part of the whole of any premium thereon.

73.Any employee entrusted with the handling of money or stores shall furnish and maintain surety to the satisfaction of the council, provided that if a fidelity policy is furnished the council may pay a part or whole of the premium thereon.

206.Charges and expenses payable to the council for fire services and all damage done by the fire brigade and police shall be deemed to be loss or damage by fire within the meaning of any policy of insurance against fire, notwithstanding anything to the contrary in such policy. This must not be

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	7. REMUNERATION OF ASSESSORS (continued).		
approval of the Commissioner, or is not exempt in terms of the Act, the amount of such assessments shall be defrayed from revenue. (3) The council may take out insurance for a councillor or of any officer of the council or of the dependents of such councillor or officer engaged on council business and the maximum benefits provided shall be approved by the Administrator and premiums shall be paid from revenue. (4) The council may (subject to the Insurance Act, 1943) establish an insurance scheme or fund and effect the insurance described in sub-section (3) out of such insurance scheme or fund (subject to conditions in clause (3) and to the Administrator's approval).			construed as compelling an insurer to pay a sum in excess of the total amount for which the property is insured.
65. It shall be lawful for the council to pay to the mayor such sum as it may consider sufficient as an allowance for his expenditure, which sum shall be payable in equal monthly instalments.	8. PAYMENT TO MEMBERS RETROSPECTIVE. 19(1)The council may out of its revenue make suitable provision for the payment to the mayor such annual or other allowance as the council may from time to time consider sufficient in the circumstances.	24. A council may, in addition to travelling and subsistence allowances, and with the approval of the Administrator, pay to each of the councillors who is not a member of the management committee an allowance which shall be	227(6)A council may pay annually to the mayor to be expended by him as mayor for entertainment of public hospitality an amount according to the scale set out in the Ordinance.

8. PAYMENTS TO ELECTED REPRESENTATIVES (continued).

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The amount shall be determined at the commencement of the Mayor's term of office and shall not be varied during such term. Whenever the duties of the mayor are performed for any continuous period not less than one month, the deputy mayor or other councillor acting shall receive the allowance for such period. 35(1)(g).(See above). The council may pay reasonable travelling and personal expenses of councillors and officers when absent on the business of the council. 22 bis.The Administrator may authorise the payment by a local authority of allowances to councillors to reimburse them for expenses and to compensate them for the time which they ordinarily spend in the performance of duties as councillors(applicable to Durban and Pietermaritzburg and to other local authorities, when applied).	(2).The amount of allowance shall be determined before the commencement of the Mayor's term of office and shall not be varied either by way of increase or decrease during the term of office. (3).The expenditure of the allowance shall be accounted for to the finance committee or the Management Committee as the case may be, but shall not be subject to audit. (4) The council may also grant as a personal allowance an amount not exceeding one third of the allowance fixed under (1). (5).The expenditure of the allowance referred to in (4) shall not be subject to audit, and the signature of the Mayor therefore shall be sufficient. (6).Whenever the duties of the Mayor are performed for a continuous period of not less than fourteen days by the deputy mayor the allowance payable to the Mayor in terms of (1) shall be paid to the deputy Mayor to the extent determined by the council.	calculated on the scale set out in the ordinance. 57.A council may, in addition to the travelling and subsistence allowances and the allowances covered in sections 54 and 66, pay to its Mayor an allowance according to the scale set out in the ordinance. Where the duties of Mayor are performed by a deputy or acting Mayor for not less than 14 days, the allowance shall be paid to the Deputy Mayor or acting Mayor. 66.A council may, in addition to travelling and subsistence allowances, pay allowances to the Chairman and members of the Management Committee on the scale set out in the ordinance.	(g) bis.Annually pay to the Deputy Mayor for the purpose of public hospitality, an amount not exceeding one-quarter of the amount payable to the Mayor in terms of para. (g). 56(3). A councillor acting in the place of a mayor for a continuous period of not less than one month shall be entitled to expend a pro rata share of the amount determined in 227(g). 67(1)A council may pay a councillor any necessary expenses incurred in the performance of his duties w thin the municipality. 67(1)bis.In lieu of paying expenses the council may by extraordinary resolution and with the Administrator's consent pay fixed monthly allowances not exceeding R50 per month. (2) A council may pay a councillor an allowance according to a tariff approved by it for specially deputed duties outside the municipality.

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8. PAYMENTS TO ELECTED REPRESENTATIVES (continued).

(7) The council of a City Council and of any other town council authorised by the Administrator may grant an allowance to the Deputy Mayor not exceeding half of the allowance referred to in (4).

(8) The council may with the Administrator's consent pay allowances to members of the council, as well as an additional allowance to the Chairman in terms of subsection (1) of Section 53 of the Local Government (Administration and Elections) Ordinance 1960.

9. THE APPOINTMENT OF COMMISSIONS OF ENQUIRY.

251(1). The Administrator may appoint a commission to enquire into and report on any matter connected with the exercise by a local authority of its powers, and the conduct of present or former members of a local authority if the Administrator has reason to suspect that such member has abused his position or been guilty of any malpractice as a member.

170 bis(1). The Administrator may whenever the finances of a local authority have in his opinion become unsound, instruct it to take steps for restoring the position to a satisfactory basis.

(2). In the event of the local authority failing to take the necessary steps within the prescribed time the Administrator may remove the members from office or disestablish the local authority

88(1). The Administrator may, if he is satisfied that a council is not in a position to pay its debts or if he has reason to believe that a creditor may take action with a view to the attachment of property belonging to the council, appoint a person to be known as a personal representative to investigate the financial position of the council to control its revenue and expenditure and in consultation with the council

253. The Administrator may appoint one or more persons as investigators to report to him for the purpose of obtaining information not otherwise obtainable, in regard to the administration of the ordinance. Investigators are given powers to call evidence, call for books, etc. Costs of investigations may be recovered from local authorities.

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	9. THE APPOINTMENT OF COMMISSIONS OF ENQUIRY (continued).		
(2) Upon receipt of a commissioner's report the Administrator may make such order on a local authority as he may deem fit and may remove a member of a council from office, and in the case of a former member preclude him from re-election. 251.A. The Administrator may appoint a committee of not more than three persons to be known as a Local Authorities Investigating Committee to investigate and report on any case of alleged maladministration by a local authority or malpractice by its members, officers or servants. The ordinance sets out details of the powers and duties of such committees and the action which the Administrator may take on receipt of a committee's report.	and incorporate it in the area of the Board for the advancement of Peri-Urban Areas. (3) The Administrator may order that a fresh election be held or appoint one or more persons to manage the affairs of the local authority. 170 ter. If the Administrator after an allegation has come to his notice that a local authority or a committee has acted unlawfully or it is responsible for an act or omission resulting in maladministration, is of opinion that further action is necessary, he shall appoint a commission of enquiry. After considering a report of the commission the Administrator may remove any members responsible from office. 38.A.If the town clerk is of the opinion that the council or a committee acted unlawfully or is responsible for any act or omission which may result in maladministration,he shall submit a written report to the council at a special meeting and shall within 7 days forward the report to the Administrator.	to revise its estimates. (2) The personal representative may impose a special rate with the Administrator's consent	

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