

**EXPLANATORY MEMORANDUM
CIVIC SYMBOLS, HONOURS AND RELATED MATTERS BY-
LAWS**

1. Background

Throughout the history of the system whereby municipalities were established, a municipality has had the right and the power to choose for itself civic symbols, and also to bestow honour on those people whom it felt deserve it. These By-laws make provision for these rights and powers.

Section 5. Heraldic symbols

This provision allows the Council to determine the items mentioned in the section. For these purposes the Council can register such items under the relevant intellectual property laws. It is advisable for the Council to request its legal advisor to look into the matter.

Section 6. Regalia

The Council can decide on the ceremonial dress to be worn by its Speaker, Mayor, Deputy Mayor and Councillors. Only these people may wear the ceremonial dress, and only at such times as the Council has determined.

Section 7. Clothing, uniforms and livery

The Council can decide on certain distinctive colours or marks which would serve as "Council's colours". These colours can be used on dress, uniforms and other property of the Council, such as vehicles. The Council can also decide to have some or all of its employees to wear a specific uniform at work. Once the livery is registered, other people may not use it.

Section 8. Freedom of Town

The Council may award the freedom of the Town to outstanding people. It is a great honour for a person to be granted freedom of the Town. The Speaker must keep a roll in which the names of the people who received the award are entered.

Section 9. Funerals

The Council may decide to hold a civic funeral or memorial service, similar to the "state funeral" held for Prime Ministers or Presidents, for a person mentioned in the section. Section 14 deals with the expenses for such a funeral.

Section 10. Medals

The Council may award medals to outstanding people, and the Speaker must enter their names in a roll. The Council may also award medals posthumously.

Section 11. Presentations to dignitaries

The Council may also present a dignitary with a memento, commemorative token, badge, emblem, address or salutatory to a dignitary or a person. For example: Should the President of China visit Phumelela, the Council may present to him or her one of the stipulated items.

Section 12. Awards

The Council may reward an employee for long an continuous service. However, the Council must ensure that such award is allowed under the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Section 13. Wreaths and donations

This section is clear.

Section 14. Expenditure

At this stage, all I could establish is that any expenditures relating to the implementation of the above provisions, need to be dealt with under section 29 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Section 15. Penalty

This is the normal penalty provision.

Section 16. Saving provision

If Phumelela has not yet decided on an heraldic crest, motto, common seal, coat-of-arms, flag, logo, trade mark, symbols of authority, clothing, uniform or livery shall be the heraldic crest, motto, common seal, coat-of-arms, flag, logo, trade mark, symbols of authority, clothing, uniform or livery of the symbols, etc used before, will serve as the symbols until Phumelela municipality alters or changes them.

17. Short title and commencement

The Council must decide on a title, and also the date of commencement.