

**CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA
NO. 108 OF 1996**

Comparison between Section 139.1(b) and 139.1(c); 139.4 and 139.5

Aspect	139(1)(b) – Assume Responsibility	139(1)(c) – Dissolve Council	139(4) – Budget / Revenue Failure	139(5) – Financial Crisis	Commonalities
Trigger	Municipality fails to fulfil an executive obligation	Municipality fails to fulfil an executive obligation + exceptional circumstances	Municipality fails to approve budget or revenue measures	Municipality in serious/persistent financial crisis (cannot provide basic services or meet obligations)	All arise when a municipality cannot or does not fulfil its constitutional/legislative obligations
Nature of Intervention	Corrective but limited – Province takes over the specific obligation to the extent necessary	Drastic/exceptional – Province dissolves council	Mandatory intervention – Province must step in to ensure budget/revenue approval	Mandatory intervention – Province must impose recovery plan and/or dissolve council if needed	All allow provincial executive to step in directly
Action Taken	Province assumes responsibility for the obligation until municipality can resume; limited to: • Maintain national/minimum standards • Prevent	Province dissolves Municipal Council; appoints administrator until new elections	Province dissolves council (if needed), appoints administrator, and approves temporary budget/revenue measures	Province imposes recovery plan (binding); may dissolve council and approve temporary budget/revenue measures, or assume	All empower province to appoint an administrator in case of dissolution

	unreasonable/prejudicial action • Maintain economic unity			responsibility for implementing plan	
Impact on Local Democracy	Council stays in place but with reduced authority (province temporarily acts in its place)	Council removed from office; local representation suspended until elections	Council may be dissolved; replaced by administrator until elections	Council may be dissolved; replaced by administrator until elections	All interventions reduce municipal autonomy; (c), (4), and (5) suspend democracy more severely
Duration	Temporary – ends when obligations are fulfilled and approvals lapse if not confirmed	Until new council is elected; dissolution takes effect 14 days after notice unless stopped	Until budget/revenue measures are approved or elections held	Until recovery plan is implemented or new council elected	None are intended to be permanent arrangements
Notice Requirement	Within 14 days of intervention	Immediate notice required	Within 7 days of intervention	Within 7 days of intervention	All require written notice to Cabinet member, provincial legislature, NCOP
Approvals & Oversight	Cabinet must approve within 28 days ; NCOP within 180 days ; NCOP reviews regularly	Cabinet/NCOP can set aside within 14 days	Cabinet + NCOP notified; NCOP oversees	Cabinet + NCOP notified; NCOP oversees	Cabinet + NCOP always informed; NCOP has oversight
Default Outcome if No Approval	Intervention ends automatically if approvals not obtained	Dissolution takes effect automatically after 14 days unless stopped	Intervention continues until financial governance normalised	Intervention continues until recovery plan/elections finalised	All rely on NCOP/Cabinet oversight to check provincial power