
MATATIELE LOCAL MUNICIPALITY

LEGAL REPRESENTATION POLICY



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1. OBJECTIVE

The objective of this policy is to describe the terms and conditions under which the municipality will provide an employee or Councillor with legal representation.

2. CONDITIONS

The conditions are described in Section 109A of the Municipal Systems Act, which states that the municipality will provide legal presentation when:

- 2.1 Legal proceedings have been instituted against an employee or Councillor as a result of any act or omission by such person in the exercise of his/her powers or performance of his/her duties; or
- 2.2 The employee or Councillor has been summoned to attend an inquest or inquiry arising from the exercise of his/her powers or the performance of his/her duties.

3. TERMS

The provision of legal representation as described above, will be subject to the following terms:

- 3.1 Legal representation will only be provided to an employee or Councillor if such person:
 - 3.1.1 Submits a request in writing to the municipality, with details of the legal proceedings, inquest or inquiry, and a motivation as to why the municipality should provide such representation,
 - 3.1.2 Provide details of the legal representative to be appointed in this instance, which must be befitting to the level of court adjudicating the matter; and
 - 3.1.3 Signs an agreement to the effect that all costs incurred by the municipality pertaining to the legal representation will be repayable

by such person if found guilty of any act or omission leading to the legal proceedings.

- 3.2 Legal representation will only be provided for the lowest court authorised to adjudicate the matter, and will therefore not be provided for any appeals to a court decision.
- 3.3 Approval by the Executive Committee of Council of the request for legal representation.
- 3.4 The Executive Committee will have the right to:
 - 3.4.1 Refuse the provision of such legal representation if the prima facie evidence in the case overwhelmingly suggests the guilt of the affected person;
 - 3.4.2 Approve the appointment of alternative representation where it is deemed by the Committee that the requested representation is not befitting the status of the court adjudicating the matter, or appointment of the legal representative might lead to a conflict of interest.