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General Notice

OKAHAO TOWN

No. 386

2013

CREDIT CONTROL AND DEBT COLLECTION REGULATIONS: OKAHAO TOWN COUNCIL

In terms of section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992) the Town Council of Okahao has passed the Regulations as set out below.

P. IIYAMBO
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Okahao, 16 April 2013

REGULATIONS

Definitions

1. In these regulations, unless the context otherwise indicates

“arrangement” means a written agreement entered into between the Council and a debtor where specific terms and conditions for the payment of a debt are agreed to;

“arrears” means an amount due and payable to the Council and not paid on due date;

“Council” means the Okahao Town Council provided for in section 6 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

“debt” means any monies owing to the Council in respect of the rendering of council services, and includes money owing in regard to property rates, housing, terminated leases and any other outstanding amounts, including any interest, owing to Council;

“debtor” means any person who owes a debt to the Council;

“deposit” means an amount of money payable to Council as a security for the rendering of a service;

“due date” means the final date on which a payment, as shown on the debtors council account, is due and payable;

“interest” means a rate of interest, charged on overdue accounts, as per the agreement with Council;

“Minister” means the Minister of Regional, Local Government, Housing and Rural Development;

“notice” means the notification sent to the client by means of a written letter;

“policy” means the Council Credit Control and Financial Policy;

“third party debt collector” means any person or persons authorised to collect monies or institute legal proceedings against debtors on behalf of the Council;

“these regulations” refer to the Credit Control and Financial Policy of Okahao Town Council.

Adoption and implementation of the credit control and debt collection policy

2. (1) The Council adopts and implements credit control and debt collection policy to give effect to it.

(2) The credit control and debt collection policy is enforced through these regulations.

Provision of services

3. (1) New applications for services and the provisions of services must be dealt with as prescribed in these regulations and the policy.

(2) Debt owing to Council must be collected in accordance with these regulations and policy.

Service Agreement

4. Council may not supply service until an arrangement in terms of these regulations has been entered into between the Council and the user for the supply of the service.

Deposits

5. Council may require the payment of a deposit for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed by the Council.

Interest charges

6. (1) Council may charge and recover interest in respect of arrear debt which may have accrued to it as a result of the provision of services in terms of the Act.

(2) The charges and interest must be recovered in the manner prescribed in the arrangement.

Arrangements to pay arrears

7. (1) The Council may make arrangements with a debtor to pay any arrear debt under conditions as prescribed.

(2) Where a dispute has arisen as to the amount of the arrear debt, the debtor must continue to make regular payments, in terms of the arrangement, until when the dispute has been resolved.

Agreement with debtor's employer

8. (1) Council may-

(a) with the consent of a debtor and subject to the provisions of the law, enter into an agreement with the debtor's employer to deduct from his or her salary or wages -

(i) any outstanding amounts due by the debtor to Council; or

(ii) regular monthly amounts as may be agreed; and

(b) provide special incentives for -

(i) employers to enter into such agreements; or

(ii) debtors to consent to such agreements.

Power to restrict or disconnect supply of service

9. (1) Council may restrict or disconnect the supply of any service to the premises of any user when such user fails to -

(a) make payment on the due date;

(b) comply with an arrangement;

(c) comply with a condition of supply imposed by the Council; or

(d) tenders a negotiable instrument which is dishonoured by the financial institution, when presented for payment.

(2) Council may reconnect and restore full levels of supply of the restricted or discontinued services only -

(a) after the arrear debt, including the costs of disconnection or reconnection, if any, have been paid in full and any other conditions has been complied with: or

(b) after an arrangement with the debtor has been concluded.

(3) Council may restrict, disconnect or discontinue any service in respect of any arrear debt.

Recovery of debt

10. Subject to regulation 9, the Council, must, regarding rates or any other debt -

- (a) by legal action recover any debt from any person; and
- (b) may refer a debtor to a third party debt collection agency.

Recovery of costs

11. (1) Council may recover the following costs, in instances where such costs are incurred by or on behalf of the Council -

- (a) costs and administration fees where payments made to the Council by negotiable instruments are dishonoured by financial institutions when presented for payment;
- (b) legal, administration costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with these regulations;
- (d) any losses Council may suffer as a result of tampering with its equipment or meters; and
- (e) any collection commission incurred.

Attachment

12. Council may, in order to recover debt, and as a last resort, approach a competent court for an order 10 attach a debtor's movable or immovable property.

Consolidation of debtor's accounts

13. (1) Council may -

- (a) consolidate any separate accounts of a debtor;
- (b) credit a payment by a debtor against any account of that debtor; and
- (c) implement any of the measures provided for in these regulations and the policy, in relation to any arrears on any of the accounts of such debtor.

(2) Sub-regulation 1 may not apply where there is a dispute between the Council and a debtor.

Offences and Penalties

14. A person who -

- (a) obstructs or hinders an official of the Council in the execution of his or her duties under these regulations or the policy;

- (b) unlawfully uses or interferes with the Council's equipment or consumption of services, supplied or violates the provisions of the Council's Electricity By-laws as well as the Water Services By-law;
- (c) tampers with any Council's equipment or breaks any seal on a meter;
- (d) fails to comply with a notice served in terms of these regulations or policy; or
- (e) supplies false information regarding the supply of services or with regard to an application for assistance;

is upon conviction, is guilty of an offence and is liable to the payment of a fine as prescribed in the policy or the Act.

Short Title

- 15.** These regulations are called the Credit Control and Debt Collection Regulations.

Operative date

- 16.** These regulations take effect on the date of publication in the *Gazette*.
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