



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
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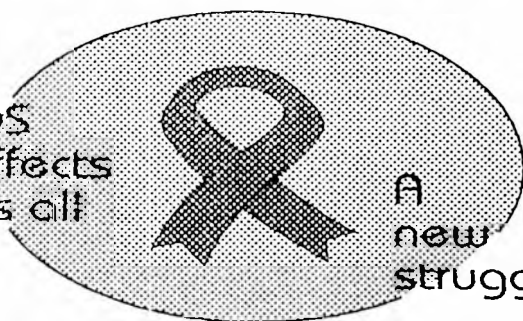
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**No. 1687**  
(Extraordinary)

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
HELPUNE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**



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**CONTENTS • INHOUD***No.**Page  
No.      Gazette  
            No.***LOCAL AUTHORITY NOTICES**

61	Local Government: Municipal Systems Act (32/2000): Municipality of Emalahleni: Tariff Policy By-law.....	3	1687
62	do.: do.: Credit Control By-law.....	6	1687
63	do.: do.: Indigent Support By-law .....	16	1687

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## LOCAL AUTHORITY NOTICES

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No. 61

### MUNICIPALITY OF EMALAHLENI

#### TARIFF POLICY BY-LAW

The Municipal Manager of Emalahleni Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Tariff Policy By-Law which shall come into operation on the date of publication hereof.

#### Preamble

**AND WHEREAS** Section 74 of the Local Government: Municipal Systems Act 32 of 2000 provides that a Municipal Council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation.

**AND WHEREAS** Sections 75 of the Local Government: Municipal Systems Act 2002 provides that a municipality must adopt by-laws to given effect to the implementation and enforcement of its tariff policy.

#### [1] Definitions

For the purpose of these by-laws, unless the context indicates otherwise-

**"Council"** means the Municipal Council of Emalahleni or any duly authorised Committee, political office bearer or official of the said Council.

**"Tariff"** means any rate, tax, duty and levy or fee which may be imposed by the municipality for services provided either by itself or in terms of a service delivery agreement.

**"Tariff Policy"** means a Tariff Policy adopted by the Council in terms of Section 74 of the Local Government: Municipal Systems Act 32 of 2000.

**"Municipality"** means the Local Municipality of Emalahleni.

**"Service Delivery Agreement"** means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

#### [2] Tariff Policy

The Council of the Municipality shall adopt a tariff policy which shall reflect at least the following principles:

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- [i] That users of municipal services should be treated equitably in the application of tariffs
- [ii] That the amount individual users pay for services should generally be in proportion to their use of that service;
- [iii] That poor households must have access to at least basic services through:
  - [a] tariffs that cover only operating and maintenance costs,
  - [b] special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
  - [c] any other direct or indirect method of subsidisation of tariffs for poor households;
- [iv] That tariffs must reflect the costs reasonably associated with rendering a service, including capital, operating, maintenance, administration and replacement costs and interest charges;
- [v] That tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- [vi] That provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
- [vii] That provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- [viii] That the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives are encouraged;
- [ix] That the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

**[3] Promotion and Encouragement of Integrated Development Plan**

Tariffs adopted by the Council in terms of the Tariff Policy referred in Section 2 shall encourage and promote the objects and programmes contained in the Integrated Development Plan of the Municipality.

**[4] Differentiation between Categories of Users**

A Tariff Policy adopted by the Council in terms of Section 2 may differentiate between different categories of users, debtors, service providers, services,

service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.

**[5] Review of Tariff Policy**

The Tariff Policy adopted by the Council in terms of Section 2 shall be reviewed by the Council of the Municipality by the latest January in each year.

**[6] Tariffs and Annual Budget**

The principles contained in the Tariff Policy adopted by the Council in terms of Section 2 shall be reflected in the annual budget of the Council.

**[7] Service Agreements**

Where a service is provided by a service provider, the Council shall ensure that any agreement for the provision of such a service shall contain a reference to the right of the Council to control the setting and adjustment of tariffs to be charged by such service provider for the rendering of the service in question in terms of the Tariff Policy of the Council.



No. 62

**MUNICIPALITY OF EMALAHLENI****CREDIT CONTROL BY-LAW**

The Municipal Manager of Emalahleni Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Emalahleni Municipality Credit Control By-Law which shall come into operation on the date of publication hereof.

**[1] DEFINITIONS**

In these by-laws words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

**"Arrangement"** means a written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

**"Council"** means the municipal council as referred to in Section 157 of the Constitution.

**"Credit Control"** means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

**"Customer"** means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

**"Defaulter"** means any person owing the Council arrear monies in respect of taxes and/or service charges.

**"Municipal Manager"** means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

**"Occupier"** means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies.

**"Owner"** means

**[a]** The person in whom from time to time is vested the legal title to premises;

**[b]** In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

- [c] In a case where the council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- [d] In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof
- [e] In relation to –
  - [i] A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
  - [ii] A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person
- [f] any legal person including but not limited to:
  - [i] A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.
  - [ii] Any Department of State.
  - [iii] Any Council of Board established in terms of any legislation applicable to the Republic of South Africa.
  - [iv] Any Embassy or other foreign entity.

**“Premises”** includes any piece of land, the external surface boundaries of which are delineated on:

- [a] A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or
- [b] A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

**“Financial Officer”** means a person appointed by the Council to manage, inter alia, the Council's financial administration and debt collection of the Council's debtors and includes any person acting in this position.

## **[2] CREDIT CONTROL POLICY**

**[2.1]** The Council shall have a written policy on credit control and debt collection which shall be termed the Credit Control Policy and which may provide for -

- [a] Credit control procedures and mechanisms;

- [b]** Debt collection procedures and mechanisms;
  - [c]** Provision for indigent debtors;
  - [d]** Interest on arrears;
  - [e]** Extensions of time for payment of accounts, including arrangements for payment;
  - [f]** Termination of services or the restriction of the provision of services when payments are in arrears;
  - [g]** The provision of new services;
  - [h]** An agreement between a debtor's employer and the Council to deduct amounts from the debtors salary or wage;
  - [i]** Any other matter which is incidental to credit control and debt collection;
  - [j]** The sale in execution of any property.
- [2.2]** In determining its policy, the Council may differentiate between categories of persons, clients, debtors and owners as it may deem appropriate provided such differentiation does not amount to unfair discrimination.

**[3] POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICES**

- [3.1]** The Council may restrict or disconnect the supply of water and electricity or discontinue any other service rendered to any premises whenever a user of any such service:
- [a]** Fails to make full payment on the due date or fails to make an acceptable arrangement for the repayment of any amount for services, rates or taxes;
  - [b]** Fails to comply with a condition of supply imposed by the Council;
  - [c]** Obstructs the efficient supply of water, electricity or any other municipal services to another customer;
  - [d]** Supplies such municipal service to a customer who is not entitled thereto or permits such a service to continue;
  - [e]** Tampers with any municipal supply meter or bypasses any metering equipment in order to obtain an un-metered service;
  - [f]** Causes a situation which in the opinion of the council is dangerous or a contravention of relevant legislation;



[g] Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 24 of 1936 or any other applicable law;

[h] If an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such a user,

[3.2] The right of Council to restrict water to any premises or consumer shall be subject to the provisions of section 4 of the Water Services Act, 108 of 1997.

[3.3] The right to restrict, disconnect or terminate a service shall be in respect of any service rendered by Council, and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and notwithstanding the fact that the person who entered into an agreement for the supply of services with the Council and the owner are different entities or persons, as the case may be.

#### [4] SALES IN EXECUTION

[4.1] The Council may only sell a property in execution in terms of a policy determined by it from time to time.

#### [5] POWER OF ENTRY AND INSPECTION

[5.1] A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of these by-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purposes of installing or repairing any meter or service connection reticulation, or to disconnect, stop or restrict the provision of any service.

[5.2] If the Council considers it necessary that work be performed to enable an employee to perform a function referred to in sub-section 5.1 properly and effectively, it may -

[a] By written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period; or

[b] If in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

[5.3] If the work referred to in sub-section 5.2 [b] above is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with the expense of restoring the premises to its former condition.

**[6] ARRANGEMENTS TO PAY OUTSTANDING AND DUE AMOUNTS IN CONSECUTIVE INSTALMENTS**

**[6.1]** A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions as determined by the Credit Control Policy of the Council:

- [a]** The outstanding balance, costs and any interest thereon in regular and consecutive monthly instalments;
- [b]** The written agreement being signed on behalf of the Council by a duly authorized officer.
- [c]** That in the event of any dispute arising as to the amount owing by an owner or occupier in respect of municipal services such owner or occupier shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account the time value of money to be determined by the Financial Officer as well as the annual amendments of tariffs of the Council.

**[7] RECONNECTION OF SERVICES**

The Financial Officer shall authorize the reconnection of services or the reinstatement of service delivery after satisfactory payment and/ or arrangements for payment has or have been made by the debtor in accordance with the Council's Credit Control Policy.

**[8] GENERAL PROVISIONS**

**[8.1] Notices and Documents**

- [a]** A notice or document issued by the Council in terms of these by-law shall be deemed to be duly issued if signed by an employee duly authorized by the Council.
- [b]** If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:
  - [i]** Delivering the notice to him personally or to his duly authorized agent or;
  - [ii]** By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
  - [iii]** If he has nominated an address for legal purposes, by delivering the notice to such an address; or
  - [iv]** By registered or certified post addressed to his last known address.

- [v] In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
- [vi] If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

#### **[8.2] Authentication of Documents**

- [a] Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;
- [b] Delivery of a copy of the document shall be deemed to be delivery of the original.

#### **[8.3] Full and final settlement of an amount**

- [a] The Financial Officer shall be at liberty to appropriate monies received in respect of any municipal services provided by the Municipality in a manner he deems fit in accordance with the Credit Control Policy of the Council .
- [b] Where the exact amount due and payable to the Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, shall not be deemed to be in final settlement of such an amount unless permitted by the Credit Control Policy of the Council.
- [c] The provisions in sub-section [a] above shall prevail notwithstanding the fact that such a lesser payment was tendered and/or accepted in full settlement.

#### **[8.4] Interest charges**

Subject to the provisions of the Local Government Transition Act 1993 (Act 209 of 1993) or any other law relating to interest, the Council may charge and recover interest in respect of any arrears amount due and payable to it.

#### **[8.5] Prima Facie Evidence**

A certificate under the hand of the Municipal Manager reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

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**[9] POWER OF COUNCIL TO RECOVER COSTS****[9.1] Dishonoured payments**

Where any payment made to the Council is later dishonoured by the bank, the Council may levy such costs and administration fees as may be reasonable and enforceable in terms of prevailing legislation.

**[9.2] Legal Fees**

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

**[9.3] Cost to remind debtor of arrears**

Any cost incurred in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, e-mail, letter or otherwise, that his payments are due, may be levied against the account of the debtor.

**[9.4] Disconnection fees**

Where any service is discontinued as a result of non-compliance with these by-laws by the debtor, the Council shall be entitled to levy and recover the standard disconnection fee as determined by it from time to time from such debtor.

**[9.5] Accounts**

The Council may –

- [a]** Consolidate any separate accounts of persons liable for payments to the municipality;
- [b]** Credit a payment by such a person against any account of that person; and
- [c]** Implement any of the debt collection and credit control measures provided for in these by-laws in relation to any arrears on any of the accounts of such a person.

**[10] SERVICE AGREEMENT**

No supply of services shall be given unless and until application has been made by a customer on the prescribed form and a service agreement has been entered into between such customer and the Municipality and a deposit as security equal to an amount as determined by the Council from time to time has been paid in full by such a customer.

**[11] ASSESSMENT RATES****[11.1] Amount due for assessment rates**

- [a]** All assessment rates due by property owners are payable by the fixed date as determined by Council.
- [b]** Joint owners of property shall be jointly and severally liable for payment of assessment rates
- [c]** Assessment rates may be paid as an annual single amount, or in equal payments or payments of varying amounts as determined by the Council.
- [d]** Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

**[11.2] Claim on rental for assessment rates in arrears**

The Council may apply to the appropriate Court for the attachment of any rental due in respect of rateable property in order to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

**[11.3] Liability of Company Directors for assessment rates**

Where a company, closed corporation or a body corporate in terms of the Sectional Tiles Act, 1986 is responsible for the payment of any arrear amount to the Council, the liability of such entity shall be extended to the directors or members thereof jointly and severally as the case may be.

**[11.4] Disposed of Council's property and payment of assessment rates**

- [a]** The purchaser of Council property is liable for the payment of assessment rates on the property from the date such property was sold to the purchaser.
- [b]** In the event of the Council repossessing the aforesaid property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

**[11.5] Assessment rates payable on municipal property**

- [a]** The lessee of municipal property shall be responsible for payment of any general assessment rates payable on such property for the duration of the lease.
- [b]** The Financial Officer may elect to include the assessment rates in respect of a property in the rental payable by the lessee.

**[12] RELAXATION, WAIVER AND DIFFERENTIATION**

- [12.1]** The Council may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters provided such differentiation does not amount to unfair discrimination.
- [12.2]** The Council may, in a specific instance and for a particular owner or customer and subject to such conditions as the Council may deem fit, relax or waive in writing the requirements of any provision of these by-laws.

**[13] REPORTING OF DEFAULTERS**

The Council may, in its discretion and through a duly delegated employee report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be available personal information on the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal persons.

**[14] REPEAL OF COUNCIL CREDIT CONTROL BY-LAWS**

The provisions of any by-law or by-laws relating to the control of credit by the Council of any Council now comprising an administrative unit of the Council are hereby repealed

**[15] OFFENCES**

Any person who-

- [a]** Fails to give the access required by an employee in terms of these by-laws;
- [b]** Obstructs or hinders an employee in the exercise of his or her powers or performance of functions or duties under these by-laws;
- [c]** Uses or interferes with Council equipment or consumption of services supplied;
- [d]** Tampers or breaks any seal on a meter or on any equipment belonging to the Council, or for any reason as determined by the Financial Officer causes a meter not to properly register the service used;
- [e]** Fails or refuses to give an employee such information as he or she may reasonably require for the purpose of exercising his or her power or functions under these by-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- [f]** Contravenes or fails to comply with a provision of these by-laws.

shall be guilty of an offence and be liable upon conviction to a fine not exceeding R2000 or to imprisonment for a period not exceeding six month's or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Financial Officer based on average usage during the previous 6 months or as may be determined by resolution of the Council from time to time;

**[16] CONFLICT OF BY LAWS**

If there is any conflict between these by-laws and any other by-law of the Council, these by-laws will prevail.

No. 63

**EMALAHLENI LOCAL MUNICIPALITY****LOCAL AUTHORITY NOTICE****INDIGENT SUPPORT BY-LAW**

The Municipal Manager of Emalahleni Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Indigent Support By-Law which shall come into operation on the date of publication hereof.

**PREAMBLE**

**AND WHEREAS** National Government has a constitutional duty to provide an equitable share of nationally raised revenue to municipalities.

**AND WHEREAS** the aforesaid equitable share enables municipalities to provide basic services to poorer communities in an affordable manner and administrative capacity to ensure democratic governance at the local level.

**AND WHEREAS** Section 74 of the Local Government: Municipal Systems Act 2000 requires a Municipal Council to adopt and implement a Tariff Policy which must, inter alia, take into consideration the extent of subsidisation of tariffs for poor households.

The Council hereby publishes the following by-laws:

**Indigent Support Policy**

- [1]** The Council shall adopt an Indigent Support Policy which shall embody an indigent support programme providing procedures and guidelines for the subsidisation of basic services and tariff charges to indigent households in its municipal area.
- [2]** The object of the Indigent Support Policy will be to ensure:
  - [a]** The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council; and
  - [b]** The provision of procedures and guidelines for the subsidisation of basic service charges to indigent households.

**Guiding Principles**

- [3]** The following guiding principles shall be contained in the Indigent Support Policy referred to in Section [1]:



- [a] Relief will be provided by the Council to registered residential consumers of services who are declared indigent by the Council but subject to the condition that such consumers make a financial contribution towards the cost of the services provided by the Council to them on the basis determined by the Council.
- [b] The Council shall, wherever possible, ensure that any relief provided to indigent consumers is constitutional, practical, fair, equitable and justifiable in order to avoid the alienation of any group of households.
- [c] Differentiation between residential consumers shall, in accordance with the Tariff Policy of the Council, be permitted.
- [d] Differentiation shall also be permitted in respect of the level of service provided to or to be provided to indigent households.
- [e] The application of the indigent support subsidy for minimum service levels should not result in the creation of a massive bureaucratic administration that would not be cost effective to implement.
- [f] A differentiation shall be made between those households who cannot afford to pay for basic services and those households who refuse to pay for such services.
- [g] The payment for services rendered should be affordable for the indigent.
- [h] The indigent support subsidy programme will apply during a predetermined period or financial year.
- [i] Financial support to the indigent will be dependant upon the availability of funds to enable the Council to provide such support.
- [j] The Council may, from time to time, review and amend the qualification criteria for indigent support provided by it.
- [k] The collective or joint gross income of members of indigent households will always be taken into account to determine the level of financial support to be granted to indigent households.
- [l] Indigent households must formally apply on the prescribed application form for indigent support and will qualify for such support according to prescribed criteria/principles to be laid down by the Council.
- [m] The household income must be correctly reflected on the application form requesting indigent support.
- [n] The debtor who signs the prescribed application form shall be regarded, for accounting purposes, as the indigent debtor and the representative of the indigent household.

- [o] After the application form for indigent support has been completed by an indigent debtor, an effective and efficient evaluation system should be used in order to obtain the result of such application within a reasonable time as determined by the Council.
- [p] All approved indigent debtors should be registered on a database linked to the main debtors system of the Municipality.
- [q] The onus will be on the approved indigent debtor to inform the Council of any change in his/her status or personal household circumstances.
- [r] All indigent households should be re-evaluated after a period of six months or such period as the Council may determine to assess the provision of continued basic services and indigent support to them.
- [s] Disciplinary measures decided by the Council, should be imposed on indigent debtors who misuse the indigent support programme of the Council and/or provide incorrect information to the Municipality.
- [t] An approved community communications programme, embodying the principles of transparency and fairness, must be implemented in respect of the indigent support programme.
- [u] Skills Training and other education related programmes must be introduced to develop the indigent to become self - sufficient and thereby reduce the rate of indigence.

#### **Qualification Criteria**

- [4] The qualification criteria for indigent support and the services qualifying for such support shall be determined by resolution of the Council from time to time provided that, until the Council determines otherwise, registered residential consumers of services delivered by the Council shall qualify for indigent support, subject to the following conditions:
  - [a] the combined or joint gross income of all occupants/residents/dependants over the age of 18 years in a single household receiving services from the Council not exceeding R1700 per month;
  - [b] the Council being satisfied that the single household referred to in sub-section [a] cannot, due to its indigent status, afford to pay for the services provided to it by the Council;
  - [c] the single household referred to in sub-section [a] being registered in the municipal data base of households receiving indigent support from the Council;

- [d] any occupant/resident/dependant of the household referred to in sub-section [a] not owning any property in addition to the property in respect of which indigent support is provided in terms of Council's indigent support programme;
  - [e] any occupant, resident or dependent in the household referred to in sub-section [a] not receiving any significant monetary benefit or regular monetary payment from any source whatsoever.
- [5] The extent of the monthly indigent support granted by the Council to indigent households in its municipal area will be determined by resolution of the Council regard being had to its budgetary provisions and/or the amount received by it from Central Government divided by the number of recipients and a maximum of an average monthly service account in respect of the following services, fees or charges:
- [a] Water;
  - [b] Refuse collection;
  - [c] Electricity;
  - [d] Sewerage; and
  - [e] Housing Rentals
  - [e] Assessment Rates on a residential property.
- [6] The Council will, on a six-monthly basis, assess the level of support to indigent households in its municipal area depending on the number of applicants qualifying for indigent support and its general financial position.
- [7] The level of indigent support granted by the Council shall not exceed the monthly billings to the accounts of indigent debtors.

#### **Distribution of Indigent Support Subsidies**

- [8] Indigent Support Subsidies will be distributed by the Council on the following basis:
- [a] Relief will only be distributed to those indigent households who apply and qualify thereof.
  - [b] The relief must be significant so as to relieve the recipient of an indigent subsidy from the financial hardship of paying fully for services received from the Municipality for a specific period.
  - [c] All registered indigent households will be charged the determined economical tariff or charge for a service.

- [d] The recipient's monthly account will be credited with the amount of the indigent subsidy as determined by the Council on a monthly basis.
- [e] Indigent relief will initially be applied for a period of 6 months as determined by the Council.
- [f] Indigent households may apply for continuation of the indigent relief granted by the Council depending on their circumstances.

#### **Applications for Indigent Support**

- [9] Applications for indigent support in terms of these by-laws must be made on the prescribed form which will, inter alia, contain the under-mentioned information which must be certified as being correct by the indigent debtor:
  - [a] Details of the indigent debtor's service account or accounts;
  - [b] Proof of income;
  - [c] Proof of residence;
  - [d] Identity number of indigent debtor; and
  - [e] Number, names and identity numbers, where applicable, of dependants in an indigent household.
- [10] The onus at all times to re-apply for continued relief or submit proof of change in circumstances rests on the indigent debtor.

#### **Indigent Support Committee**

- [11] The Council shall appoint a Committee to be known as the Indigent Support Committee for the purpose of administering its indigent support programme and such Committee shall:
  - [a] scrutinise with the aid of Ward Councillors, all applications received for indigent support in terms of the Council's indigent support programme;
  - [b] recommend to the Council that applications received in terms of sub-section [a] either be approved or disapproved;
  - [c] monitor, in conjunction with Ward Councillors, Ward Committees and other persons or organisations it may appoint, the implementation of indigent support programme, subject to the policy directions of the Council and in consultation with the Municipal Manager;
  - [d] take suitable action against debtors in terms of Section 15 of these by-laws;

- [e] recommend to the Council amendments, additions or altered procedures in respect of the application of the Council's indigent support programme;
- [f] undertake such inspections and issue such instructions as it may deem necessary in order to verify the information provided by any indigent debtor;
- [g] perform such other duties as the Council may direct-

provided that the Council may delegate any of its responsibilities in terms of these by-laws and its indigent support programme to the Committee either wholly or in part and subject to such conditions as it may determine.

#### **Balance on service charges, tariffs and fees**

- [12] Any balance owing by an indigent debtor, after deduction of the indigent support subsidy, shall be recovered from him/her in accordance with the Credit Control Policy of the Council.

#### **Advertising of Indigent Subsidies**

- [13] For the purposes of transparency, the following key information on the Council's indigent support programme should, where possible, and on a monthly basis, be displayed on the notice board at the cashier's offices of the Council:
  - [a] Names of indigent debtors receiving indigent relief for a prescribed period;
  - [b] Stand numbers where services are rendered to recipient indigent debtors;
  - [c] Total household income of recipient indigent debtors; and
  - [d] Number of dependants residing on the property of the recipient indigent debtor.

#### **Queries with regard to Indigent Subsidies**

- [14] Any resident of the municipality may, in writing, addressed to the Municipal Manager, query the qualification of a recipient indigent debtor within 14 days from the date of publication of the notice referred to in Section 13 of these by-laws.
- [15] The Municipal Manager may refer queries referred to in Section 14 to the Committee for Indigent Support which may take the following action:
  - [a] Request the indigent debtor against whom a query has been raised to provide full proof of his/her banking account and income details as well as pension registration;
  - [b] Undertake an inspection at the indigent debtor's place of residence to determine his/her social conditions;

- [c] Request a social welfare worker's report on the indigent debtor's household; and
  - [d] Recommend to the Council that the indigent status of the debtor be withdrawn.
  - [e] Such action as it may deem appropriate in the circumstances including a recommendation to the Council -
    - [i] that the indigent status of the debtor be suspended for a defined period and subject to such conditions as it may determine;
    - [ii] that irregular or excess payments of indigent subsidies be recovered from the indigent debtor by way of debiting such indigent debtor's services account or accounts with such payments;
    - [iii] that normal credit control measures be applied to the indigent debtor in accordance with the Council's Credit Control Policy; and
    - [iv] that criminal charges of theft or fraud be instituted against the indigent debtor.
- [16] The Municipal Manager must, in writing, advise a complainant who lodges a query against an indigent debtor in terms of Section 14 of these by-laws of the result of such query.

#### **Withdrawal of Indigent Status**

- [17] The indigent status of a debtor shall not be withdrawn, suspended or altered in terms of these by-laws until and unless such debtor has been given an opportunity to be heard and make representations on the contemplated against him or her.

#### **Special Tariff for services, amenities and properties**

- [18] The Council may determine special tariffs for the use by indigent residents, communities and organisations of the following services, amenities and properties, subject to the availability of funds and compliance with prescribed criteria which shall be determined by resolution of the Council:
- [a] Sports Grounds, Pools;
  - [b] Fire Protection;
  - [c] Transport;
  - [d] Museums;
  - [e] Markets;

- [f] Agricultural Properties;
- [g] Hiring of Halls;
- [h] Cemeteries and Crematoria.

#### **Mayor's Relief Fund**

- [19] The Council shall annually make provision on its budget for an allocation of funds to be administered by the Mayor for the grant of special ad-hoc amounts to indigent households or residents of the municipality for the purchase of essential foodstuffs and household items subject to such conditions as the Council may determine.

#### **Responsibilities of Municipal Manager**

- [20] It shall be the responsibility of the Municipal Manager
- [a] to create, maintain and update a register of all debtors receiving indigent support subsidies from the Council in terms of these by-laws;
  - [b] to reflect the indigent status of debtors in the accounting records of the Municipality;
  - [c] to advise and keep indigent debtors informed of the approval, amendment, suspension or withdrawal of an application for indigent support in terms of these by-laws and the conditions under which such support will be granted, including the renewal of indigent support applications;
  - [d] to report any instances of misuse of the Council's Indigent Support Programme to the Indigent Support Committee for attention in terms of these by-laws;
  - [e] To report at regular intervals as may be required by the Indigent Support Committee on the progress or otherwise of the implementation of the Council's Indigent Support Programme.

#### **Budgeting for Indigent Support**

- [21] The Council shall annually budget for the total indigent subsidy to be granted to indigent debtors in terms of these by-laws and such amount shall, upon approval of the budget of the Council, be deposited in a special banking account in the name of the Council and from which total monthly indigent subsidies will be withdrawn for crediting to the monthly services account or accounts of approved indigent debtors.

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### **Amendment of Indigent Support Policy**

- [22]** The Council has the discretionary power to amend any clause, stipulation or tariff embodied in its Indigent Support Policy in the interest of all the parties concerned.

### **Definitions**

- [23]** For purposes of these by-laws:

**"Council"** means the Council of the Municipality of Emalahleni or any duly authorised Committee or official of the said Council;

**"Indigent debtor"** means the head of an indigent household:

- [a]** who applies for the provision of services from the municipality; and
- [b]** who makes application for indigent support in terms of these by-laws;
- [c]** who shall be regarded as the representative of all members of his/her household.

**"Indigent Support Programme"** means a structured programme for the provision of indigent support subsidies to qualifying indigent debtors in terms of the Council's Indigent Support Policy.

**"Indigent Support Policy"** means the Indigent Support Policy adopted by the Council of the Municipality.

**"Municipality"** means the Municipality of Emalahleni.

**"Municipal Manager"** means the Municipal Manager of the Emalahleni Municipality or his/her nominee acting in terms of power delegated to him/her by the said Municipal Manager with the concurrence of the Council.

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