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IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 617 OF 2023****EASTERN CAPE PROVINCE****NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)****ERF 222 AND ERF 223, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instruction by the Local Authority, notice is hereby given that Conditions C. 1, 2, 3 & 4 and D. 1, 2, 3, 4, 6 & 7 of Title Deed T8212/1956 applicable to Erf 222, Newton Park and Conditions B. 1, 2, 3, 5, 6, 7 & C. 1, 2, 3 & 4 of Title Deed T10261/2022 applicable to Erf 223, Newton Park are hereby removed.

**PROVINCIAL NOTICE 618 OF 2023****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 471, MOUNT CROIX, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s Clause C.(a), (b), (c), (d) and (e) and D.(b), (c) and (d) in Deed of Transfer No. T 7744/1975 applicable to Erf 471, is/are hereby removed.

**PROVINCIAL NOTICE 619 OF 2023****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 878, CHARLO, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s Clause B2(a), C.1(v) in Deed of Transfer No. T 20273/85 applicable to Erf 878, is/are hereby removed.

**PROVINCIAL NOTICE 620 OF 2023****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 1079, WESTERING (12 UNITED ROAD), PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s 5.(d), (e)(i), (ii) and (iii) as contained in Deed of Transfer No. T47457/2006 applicable to Erf 1079 Westering, **BE REMOVED.**

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PROVINCIAL NOTICE 621 OF 2023

Revenue By-Law

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Walter Sisulu Local Municipality



# REVENUE BY-LAWS 2023/24

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**PART I: GENERAL****SECTION 1: OBJECTIVE OF BY-LAWS**

- (a) These by-laws are formulated and gazetted to give proper effect to the local municipality's policies on:
- (i) Tariffs;
  - (ii) Credit Control and Debt Collection; and (iii) Indigency Management.
- (b) These by-laws must be read in conjunction with the policies referred to, and within the applicable provisions of the following legislation:
- (i) Local Government: Municipal Systems Act No. 32 of 2000; and
  - (ii) Local Government: Municipal Finance Management Act No. 56 of 2003
- (c) The relevant sections of the legislation referred to above are appended to:
- (i) Tariffs policy;
  - (ii) Credit Control and Debt Collection policy; and
  - (iii) Indigent Policy
- (d) Copies of these policies, with the relevant annexures setting out the legal requirements and legal framework within which the by-laws must operate, appear on the municipality's website (address provided) and are available free of charge on application to the Office of the Municipal Manager (address provided).

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## SECTION 2: DEFINITIONS

**“Annual budget”** shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

**“Basic municipal services”** shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

**“By-law”** shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

**“Consumer price index”** shall mean the CPIX as determined and gazetted from time to time by the South Africa Bureau of Statistics.

**“Councillor”** shall mean a member of the council of the municipality.

**“Domestic consumer or user”** of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

**“day”** means when any number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day, unless the last day falls on a Saturday, Sunday or any public holiday, in which case the number of days must be reckoned by excluding the first day and also any such Saturday, Sunday or public holiday;

**“effective date”-**

- (a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32(1) of the Act; or
- (b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78(2)(b) of the Act;

**“Financial year”** shall mean the period starting from 1 July in any year and ending on 30 June on the following year.

**“land tenure right”**, means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991);

**“Local community”** or “community”, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic organisations and non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality. **“Month”** means one of twelve months of a calendar year.

**“Municipality”** or **“municipal area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality.

**“Municipal council”** or **“council”** shall mean the municipal council as referred to in Section 157(1) of the Constitution.



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**"Municipal entity"** shall mean (a) a company, co-operative, trust, fund or any other corporate entity established in terms of any applicable national or provincial legislation, and which operates under the ownership control of one or more municipalities; or (b) a service utility. **"Municipal manager"** shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

**"Municipal service"** has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

**"Municipal tariff"** shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

**"Occupier"** in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

**"Owner"**

(a) in relation to a property referred to in paragraph (a) of the definition of "property", shall mean a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of "property", shall mean a person in whose name the right is registered;

(bB) in relating to a share in a share block company, the share block company as defined in the Share Block Control Act, 1980 (Act No. 59 of 1980);

(bC) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f), means the holder of the mining right or the mining permit.

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", shall mean a person in whose name the right is registered or to whom it was granted in terms of legislation; and

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of

"property", shall mean the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled", provided that a person mentioned below may for the purposes of the Property Rates Act 2004 be regarded by the municipality as the owner of a property in the following cases:

- (i) a trustee, in the case of a property in a trust, but excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; and
- (viii) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right; or
- (ix) a buyer, in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer.

**"Person"** shall include an organ of state, and an "organ of state" shall mean an organ of state as defined in Section 239 of the Constitution. **"Property"** shall mean (a) immovable property registered in the name of a person, including in the case of a sectional title scheme a sectional title unit registered in the name of a person; (b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property; (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; and (d) public service infrastructure.

**"Public service infrastructure"** shall mean publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) power stations, power sub-stations or power lines forming part of an electricity scheme serving the public;
- (c) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuel forming part of the scheme for transporting such fuels;
- (d) railway lines forming part of a national railway system;
- (e) communication towers, masts, exchanges and lines forming part of a communication system serving the public;
- (f) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;
- (g) any other publicly controlled infrastructure as may be prescribed; and
- (h) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

**"Publicly controlled"** shall mean owned by or otherwise under the control of an organ of state, including a public entity listed in the Public Finance Management Act No. 1 of 1999, a municipality, or a municipal entity.

**"Rate"** shall mean a municipal rate on property as envisaged in Section 229(1)(a) of the Constitution.

**"Ratepayer"** shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

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**"Rebate"** in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Property Rates Act 2004 on the amount of the rate payable on the property.

**"Residential property"** shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Property Rates Act 2004 as residential.

**"State trust land"** shall mean land owned by the state and held in trust for persons communally inhabiting the land in terms of a traditional system of land tenure; over which land tenure rights have been registered or granted; or which is earmarked for disposal in terms of the Restitution of Land Rights Act No. 22 of 1994.

**PART II: TARIFFS****SECTION 3: OBJECTIVE**

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

**SECTION 4: GENERAL PRINCIPLES**

- (a) Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which

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such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigence relief measures approved by the municipality from time to time).

- (b) The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.
- (c) Tariffs for the two major services rendered by the municipality, namely:
  - (i) electricity
  - (ii) refuse removal (solids waste), shall as far as possible recover the expenses associated with the rendering of each service concerned, and – where feasible – generate a modest surplus as determined in each annual budget. Such surplus shall be applied for the future capital expansion of the service concerned, or both.
- (d) The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- (e) The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- (f) In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- (g) The municipality's tariff policy shall be transparent, and the extent to which there is crosssubsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- (h) The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- (i) The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.
- (j) In the case of directly measurable services, namely electricity, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- (k) In addition, the municipality shall levy monthly availability charges for the services concerned, and these charges shall be fixed for each type of property as determined in accordance with its appropriate policies. Generally, consumers of electricity shall therefore pay two charges: one, relatively minor, which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and another directly related to the consumption of the service in question.
- (l) In considering the costing of its electricity and services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.

- (i) In adopting what is fundamentally a two-part tariff structure, namely a fixed availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.
- (m) The municipality's tariffs for electricity services will be determined to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall therefore install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

#### SECTION 5: CALCULATION OF TARIFFS FOR MAJOR SERVICES

In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:

- (a) Cost of bulk purchases in the case of electricity.
- (b) Distribution costs.
- (c) Electricity distribution losses.
- (d) Depreciation expenses.
- (e) Maintenance of infrastructure and other fixed assets.
- (f) Administration and service costs, including:
  - (i) service charges levied by other departments such as finance, human resources and legal services;
  - (ii) reasonable general overheads, such as the costs associated with the office of the municipal manager;
  - (iii) adequate contributions to the provisions for bad debts and obsolescence of stock;
  - (iv) all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from general revenues, and shall not be included in the costing of the major services of the municipality).
- (g) The intended surplus to be generated for the financial year, such surplus to be applied: (i) as an appropriation to capital reserves; and/or (ii) generally in relief of rates and general services.
- (h) The cost of approved indigency relief measures.

#### SECTION 6: STRUCTURE OF TARIFFS

- (a) The municipality shall provide the first 50kWh of electricity per month free of charge to consumers who have registered as indigents in terms of the municipality's indigency relief programme. The municipality shall further consider relief in respect of the tariffs for refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget,

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but on the understanding that such relief shall not be less than a discount of 50% on the monthly amount billed for the service concerned.

**SECTION 7: ELECTRICITY**

- (a) The various categories of electricity consumers, as set out in sub-section (c) below, shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- (b) Tariff adjustments shall be effective from 1 July each year or as soon as possible thereafter.
- (c) Categories of consumption and charges shall be as follows:
  - (i) With the single exception of registered indigents, all electricity consumers shall be billed for their electricity consumption at the tariff applicable to the category in which the particular consumer falls.
  - (ii) All domestic electricity consumers of the municipality who are registered as indigents with the municipality shall receive free the first 50kWh (fifty) of electricity consumed per month.
  - (iii) All commercial, industrial and other non-domestic properties shall additionally be billed a monthly basic charge per meter installed and, where applicable, a demand charge appropriate to their respective levels of consumption.
  - (iv) A basic (availability) charge per month shall be charged for undeveloped erven, irrespective of their permitted or intended use.

**SECTION 8: REFUSE REMOVAL**

- (a) The categories of refuse removal users as set out in sub-section (c) below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- (b) Tariff adjustments shall be effective from 1 July each year.
- (c) A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned: (i) Domestic and other users (once weekly removal) (ii) Business and other users (twice weekly removal) (iii) Business and other (bulk consumers).
  - (iv) Domestic and other users (fortnight removal)
- (d) Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget, but on the understanding that such discount shall not be less than 40% of the monthly amount billed as a refuse removal charge.

**SECTION 9: MINOR TARIFFS**

- (a) All minor tariffs shall be standardised within the municipal region.

- (b) All minor tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- (c) All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.
- (d) The following services shall be considered as community services, and no tariffs shall be levied for their use:
  - (i) municipal museum and art gallery
  - (ii) disposal of garden refuse at the municipal tip site
  - (iii) municipal lending library (except for fines set out below)
  - (iv) municipal botanical garden, and all other parks (excluding caravan parks) and open spaces.
- (e) The following services shall be considered as economic services, and the tariffs levied shall cover 100% of the budgeted annual operating expenses of the service concerned:
  - (i) maintenance of graves and garden of remembrance (cremations)
  - (ii) housing rentals
  - (iii) rentals for the use of municipal halls and other premises (subject to the proviso set out below)
  - (iv) building plan fees
  - (v) cleaning of stands
  - (vi) electricity new connection fees
  - (vii) Photostat copies and fees
  - (viii) clearance certificates.
- (f) The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:
  - (i) fines for loss or overdue library books
  - (ii) advertising sign fees
  - (iii) electricity disconnection and reconnection fees
  - (iv) penalty and other charges imposed in terms of the approved policy on credit control and debt collection.
- (g) Market-related rentals shall be levied for the lease of municipal properties.
- (h) In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the municipal manager may waive 50% of the applicable rental.
- (i) The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.

**PART III: CREDIT CONTROL AND DEBT COLLECTION****SECTION 10: OBJECTIVE CONSTITUTIONAL OBLIGATIONS**

The council of the municipality, in adopting this policy on credit control and debt collection, recognises its constitutional obligations to develop the local economy and to provide acceptable services to its residents. It simultaneously acknowledges that it cannot fulfill these constitutional obligations unless it exacts payment for the services which it provides and for the taxes which it legitimately levies – in full from those residents who can afford to pay, and in accordance with its indigency relief measures for those who have registered as indigents in terms of the council's approved indigency management policy.

**SECTION 11: NOTICE OF DEFAULT AND INTENDED TERMINATION OR RESTRICTION OF SERVICES**

Within 2 (two) calendar days after each monthly due date for payment of municipal accounts for service charges, the municipal manager shall dispatch to every defaulting accountholder, that is, every accountholder who as at the date of the notice has not paid the monthly account in full or has not made an acceptable arrangement with the municipal manager for partial or late payment, a notice stating that unless full payment is received or an acceptable arrangement made with the municipal manager for partial or late payment, the municipal electricity supply such supplies to the property to which the account in arrears relates shall be terminated or restricted 5 (five) working days after the date of the notice concerned.

**SECTION 12: RECONNECTION OR REINSTATEMENT OF TERMINATED OR RESTRICTED SERVICES**

- (a) Services to defaulting accountholders terminated or restricted in terms of Section 10 above shall be reconnected or reinstated by the municipal manager only when all the following conditions have been met:
  - (i) the arrear account has been paid in full, including the interest raised on such account; or an acceptable arrangement has been made with the municipal manager for the payment of the arrear account, including the interest raised on such account;

- (ii) the charge(s) for the notice sent in terms of Section 10 above and for the reconnection or reinstatement of the terminated or restricted service(s), as determined by the council from time to time, have been paid in full;
- (iii) a service contract has been entered into with the municipality, as contemplated in Section 17 below; and
- (iv) a cash deposit has been lodged with the municipal manager in compliance with Section 18 (b) In the case of consumers using prepaid meters, but who have fallen into arrears with the remainder of their obligations to the municipality, no prepaid purchases shall be accepted until the outstanding arrears have been settled or an acceptable arrangement made for the payment of the arrear account, as contemplated above: such arrangement may entail the limitation of the amount of prepaid services which may be purchased until the arrears or a stated percentage of the arrears has been settled.

#### SECTION 13: PERIODS FOR RECONNECTIONS OR REINSTATEMENTS

- (a) The municipal manager shall reconnect or reinstate terminated or restricted services within 3 (three) working days after the date on which the conditions set out in Section 18 above have been met, unless the municipal manager is unable to do so because of circumstances beyond the control of the municipality.

#### SECTION 14: ILLEGAL RECONNECTIONS

- (a) The municipal manager shall, as soon as it comes to the notice of the municipal manager that any terminated or restricted service has been irregularly reconnected or reinstated, report such action to the South African Police Service, disconnect or restrict such service(s), and not reconnect or reinstate such service(s) until the arrear account, including the interest raised on such account, the charges for the notice sent in terms of Section 10 above and the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit have been paid in full, together with such penalty as may be determined by the council from time to time.
- (b) In addition, all metered consumption since the date of the illegal reconnection, or the estimated consumption if a reliable meter reading is not possible, shall also be paid full before any reconnection or reinstatement is considered.

#### SECTION 15: RESTRICTION OF SERVICES



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- (a) If the municipal manager is of the opinion that the termination of services, in the case of a particular property in respect of which the account is in arrear, is not in the best interests of the community – specifically because of the potential endangerment of the life of any person, whether resident in or outside the property concerned – the municipal manager may appropriately restrict rather than terminate the services in question.

**SECTION 16: SERVICES NOT RECONNECTED OR REINSTATED AFTER FOUR WEEKS**

- (a) If services have been terminated or restricted in the case of a property in respect of which the account is in arrear, and the accountholder has not paid such arrears, including the interest raised on such account, or made an acceptable arrangement with the municipal manager for the payment of the arrear account, including the interest raised on such account, within a period of 28 (twenty eight) calendar days after the date of termination or restriction of the service(s) concerned, the municipal manager shall forthwith hand such account over for collection and such further action as is deemed necessary to the municipality's attorneys or any debt collecting agency appointed by the council.
- (b) Such further action shall include if necessary the sale in execution of such property to recover arrear service charges (if the accountholder is also the owner of the property).
- (c) All legal expenses incurred by the municipality shall be for the account of the defaulting accountholder.

**SECTION 17: ARRANGEMENTS FOR PAYMENT OF ARREAR ACCOUNTS**

- (a) Allowing defaulting account holders to make arrangements for the payment of arrear accounts shall be at the discretion of the municipal manager.
- (b) Each defaulting accountholder must pay an arrear account, according to the council resolution taken from time to time together with the interest raised on such account, and it shall be a condition for the conclusion of any arrangement that the accountholder is bound to pay every current municipal account in full and on time during the period over which such arrangement extends.

**Arrangement regarding arrears accounts.**

The following are considered reasonable and is the minimum that will be accepted:

- (i) The customer intending to enter into payment arrangement must pay 50% of the consolidated account and amount owing, interest and costs.

- (ii) A once-off arrangement can be entered into by the customer to settle the 120 day and older debt in equal instalments up to twelve (12months) plus the monthly current account
- (c) If an accountholder breaches any material term of an arrangement, the balance of the arrear account, together with the balance of interest raised on such account, shall immediately become due and payable to the municipality, and if the accountholder defaults on such payment, the municipal manager shall terminate or restrict services to the property in question and shall forthwith hand such account over for collection as envisaged in Section 15 above.
- (d) An accountholder who has breached an arrangement as set out above shall not be allowed to make any further arrangements for the payment of arrear accounts, but shall be proceeded against, after the dispatch of the initial notice of default as envisaged in Section 10 above and failure by the accountholder to pay the arrear account, together with interest raised on such arrears as required in terms of such notice, as though such accountholder had breached a material term of an arrangement.

#### SECTION 18: SERVICE CONTRACT

- (a) A service contract shall henceforth be entered into with the municipality for each property to which the municipality is expected to provide all or any of the following services: (i) Electricity.
  - (ii) Refuse collection.
- (b) Such contract shall set out the conditions on which services are provided and shall require the signatory to note the contents of the municipality's credit control and debt collection policy, a copy of which shall be provided to such signatory, as well as the provision of the Municipal Systems Act in regard to the municipality's right of access to property.
- (c) Where the signatory is not the owner of the property to which the services are to be provided, a properly executed letter from such owner indicating that the signatory is the lawful occupant of the property shall be attached to the service contract.
- (d) Current consumers and users of the municipality's services who have not entered in a service contract as envisaged above, must do so within 2 (two) years from the date on which the bylaws to implement the present policy are published, and failure to do so shall be considered as a default equivalent to non-payment in terms of Section 10 above.

#### SECTION 19: PAYMENT OF DEPOSITS

- (a) Whenever a service contract is entered into in terms of Section 17 above, the signatory shall lodge a cash deposit with the municipality, such deposit will be determined in the annual budget of each financial year.

#### SECTION 20: ALLOCATION OF PART-PAYMENTS AND APPROPRIATION OF DEPOSITS

## Revenue By-Law

Walter Sisulu Local Municipality

- (a) If an accountholder pays only part of any municipal account due, the municipal manager shall allocate such payment as follows:
  - (i) to all unpaid charges levied by the municipality in respect of unacceptable cheques, notices, legal expenses and reconnections or reinstatements of services in respect of the account or property concerned;
- (b) This sequence of allocation shall be followed notwithstanding any instructions to the contrary given by the accountholder.
- (c) In the event of an accountholder's defaulting on the payment of an arrear account, as contemplated in Section 13, 15 and 16 above, the municipal manager shall forthwith appropriate as much of such deposit as is necessary to defray any costs incurred by the municipality and the arrear amount owing to the municipality in the same sequence that is applicable to the allocation of part payments, as contemplated above.

## SECTION 21: QUERIES BY ACCOUNTHOLDERS

- (a) In the event of an accountholder in the view of the municipal manager reasonably querying any item or items on the monthly municipal account, no action shall be taken against the accountholder as contemplated in Section 10 above, provided
  - (i) the accountholder has paid by due date an amount equal to the monthly average monetary value of the three most recent unqueried accounts in respect of the service under query,
  - (ii) all unqueried balances on such account, and
  - (iii) such query is made in writing by the accountholder or is recorded in writing by the municipal manager on behalf of the accountholder on or before the due date for the payment of the relevant account
- (b) Any query raised by an accountholder in the circumstances contemplated in Section 22 below shall not constitute a reasonable query for the purposes of the sub-section (a) above.

## SECTION 22: INABILITY TO READ METERS

- (a) If the municipality is unable to read any meter on any property because the meter has been rendered inaccessible through any act or omission of the accountholder or owner of the property concerned, the municipal manager do not estimate the consumption.

- (b) The accountholder shall be liable for the initial payment of such surcharge(s) as though the surcharge were part of the service charge concerned, but the municipal manager shall reverse such surcharge(s) against the first account for which a meter reading is again obtained.

#### SECTION 23: INTEREST ON ARREARS AND OTHER PENALTY CHARGES

- (a) Interest shall be charged for a full month on all arrear amounts at the percentage determined by Council irrespective of when payment is made.
- (b) If the municipality uses more than one banking institution it shall for purposes of determining the interest on arrear accounts apply the overdraft rate offered by the institution with which its primary bank account is placed.
- (c) Interest shall be calculated on a daily basis. For purposes of determining arrear amounts, all amounts unpaid including interest previously raised and penalty charges, but excluding value added tax, shall be taken into account.
- (d) In considering each annual budget the council shall review the adequacy of its interest charges, and shall determine the following for the financial year concerned:
- (i) charges for disconnection or restriction of services (Section 10)
  - (ii) charges for reconnection or reinstatement of services (Section 11)
  - (iii) charges for notices of default (Section 10)
  - (iv) penalty charges for illegal reconnections (Section 13) (v) (Section 22).

#### SECTION 24: INDIGENCY MANAGEMENT

In regard to the payments expected from registered indigents, and the credit control and debt collection actions contemplated in respect of such residents, this part of the by-laws must be read in conjunction with the policies on indigency management.

#### **SECTION 25: ARREARS WHICH HAVE ARISEN PRIOR TO THE ADOPTION OF THE PRESENT POLICY**

- (a) The council shall separately consider arrears which arose prior to the adoption of the present by-laws, and shall advise accountholders of their respective obligations in regard to such arrears.
- (b) In determining such obligations, the council shall have regard to the quantum of such arrears, to the period over which the default occurred, and to whether the accountholder concerned has registered as an indigent in terms of the municipality's by-laws on indigency management.
- (c) The council shall further consider an incentive scheme to encourage accountholders to settle all or a stated percentage of these arrears.

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**PART IV: INDIGENCY MANAGEMENT****SECTION 26: OBJECTIVE**

- (a) Because of the level of unemployment and subsequent poverty in the municipal area, there are households which are unable to pay for normal municipal services. The municipality therefore adopts its indigency management policy and attendant by-laws to ensure that these households have access to at least basic municipal services, and is guided in the formulation of this policy and by-laws by the national government's policy in this regard.

**SECTION 27: WHO QUALIFIES FOR INDIGENT SUPPORT**

- (a) Households where verified total gross monthly income of all occupants over 18 years of age does not exceed the total of two government old age pensions or such other amount as the council may from time to time determine, qualify for a subsidy on service charges for refuse removal and 50 kWh of electricity per month free of charge.

- (b) Only households where the accountholder or property owner has registered as indigent in terms of the municipality's annual registration programme, and whose registration has been accepted and entered into the register of indigents shall qualify for the above relief.
- (c) For a household to qualify for a rebate on rates, the registered indigent must be both the owner and fulltime occupant of the property concerned, and may not own any other property, whether in or out of the municipal area.
- (d) Indigency relief shall apply for a period not extending beyond the financial year in which the particular household is registered as indigent, registration must be renewed in each registration programme if relief is to continue.
- (e) To register as an indigent, the relevant property owner or accountholder must personally complete and sign the registration form provided by the municipality for this purpose, and furnish such further documentation as the municipality specifies.
- (f) The municipal manager will provide assistance to persons who cannot read or write, at such times and places as are specified in the notices published to indicate that the registration programme is to take place.
- (g) Registration will take place on dates and at times and places determined by the council, but shall generally be undertaken during January and/or February each year.

#### SECTION 28: APPLICATION OF THE POLICY

- (a) The subsidies on rates and the specified service charges will be determined as part of each annual budget and in terms of the municipality's policies on property rates and tariffs.
- (b) In respect of electricity, a 100% subsidy up to 50 kWh per household per month will apply; however, if consumption exceeds 50 kWh per metering period (month), the consumer will be charged at normal tariffs for actual consumption on the quantity exceeding 50 kWh.

#### SECTION 29: NON-COMPLIANCE OF HOUSEHOLDS REGISTERED AS INDIGENT

- (a) When a property owner or accountholder who has registered as an indigent fails to comply with any arrangements or conditions which are in the view of the municipal manager materially relevant to the receipt of indigency relief, such person will forfeit his or her status as a registered indigent with immediate effect, and will thereafter be treated as an ordinary residential property owner or accountholder for the financial year concerned.
- (b) The onus is on each registered indigent to advise the municipal manager of such failure to comply.
  - (i) if any household in receipt of indigency relief falls into arrears in respect of any amounts due by it to the municipality, the property owner or accountholder concerned must make immediate arrangements with the municipal manager to pay off these arrears owing

## Revenue By-Law

Walter Sisulu Local Municipality

- within a reasonable time determined by the municipal manager in terms of the municipality's credit control and debt collection by-laws.
- (ii) If these arrangements are not made, no subsidies will be paid or free services provided, and services may be terminated in terms of the municipality's credit control and debt collection by-laws.
- (c) The relief to indigents may be withdrawn at the discretion of the municipal manager if:
- (i) a registered indigent who qualifies for such relief fails to keep to the terms of the policy agreement; or
  - (ii) any tampering with the installations of the municipality is detected.
  - (iii) If a registered indigent is found to have provided fraudulent information to the municipality in regard to any material condition for registration as an indigent, such person shall immediately be removed from the register of indigents, and shall be liable to repay to the municipality with immediate effect all indigency relief received from the date of such fraudulent registration.
  - (iv) Moreover, such person may not again be considered for indigency relief for a period extending for 5 (five) years beyond the financial year in which the misdemeanour is detected
- (d) Indigency relief will not apply in respect of property owners owning more than one property, whether in or outside the municipal area.

**SECTION 30: TAMPERING OF METERS****(a) Objective**

- (i) Section 97(1) (h) of the Act stipulates that a municipality's Credit Control and Debt Collection Policy must provide for matters relating to unauthorized consumption of services, theft and damages.

- (ii) The objective of this Policy is to provide in this policy an extension of Credit Control and Debt Collection Policy for the matters referred to in that section.

(b) Unauthorized use of property of the Council

- (i) No one may tamper with any municipal equipment or property.
- (ii) An authorized officer must inspect the equipment and property of the municipality when he or she suspects:
  - (1) that any illegal connections were attached to such equipment or property, or
  - (2) that any unauthorized consumption or use of services is taking place, or
  - (3) any theft of such equipment on property, or
  - (4) any damage to such equipment on property.

(c) Municipality's right of access to premises

- (i) In terms of section 101 of the Act the occupier of premises in a municipality must give an authorized officer access at all reasonable hours to the premises in order to read, inspect, repair, any meter or service connection for reticulation, or to stop or restrict the provision of any service.

(d) Power to restrict or terminate supply of services

- (i) Where the municipality has suffered any loss or damage as a result of any act contemplated in paragraph 4, a penalty approved by Council for damages or loss must be imposed on the owner /occupier of the premises concerned.
- (ii) The owner/occupier must be notified of the amount of damage or loss by means of a notice which is hand delivered to the latest recorded address of the owner/occupier, and such notice must also stipulate the date on or before such amount must be paid to the municipality.
- (iii) The Council shall reconnect or restore full levels of supply of any of the restricted or discontinued municipal services only after the reconnection fee and the full amount of the penalty, including the costs of such disconnection and reconnection, if any, have been paid in full. An agreement must be made to the owner/occupier for a monthly payment on the outstanding debt.

(e) Illegal reconnections and/or tampering

- (i) The Accounting Officer shall, as soon as it comes to the notice of the Accounting Officer that any terminated or restricted service has been irregularly reconnected or reinstated, institute one, some or all the following enforcement actions:
  - (1) Disconnect or restrict such service(s),
  - (2) Permanently remove such service(s),



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- (3) Require pre payment technology to be installed,
- (4) Not reinstate such service(s) until the arrear account, including the interest raised on such amount, the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit and penalty have been paid in full,
- (5) Laying criminal charges with the police, (6) Cancel the contract.

**(f) Visiting Indigent Households**

- (i) All indigent households shall be visited by a person or firm delegated by council on a regular basis to investigate tampering and illegal connection cases and or to inspect the status of meter connections and restrictions and/or flow limiters.

**PART V: APPLICATION, IMPLEMENTATION AND REVIEW OF THE BY-LAW**

- (a) The Municipal Council reserves the right to differentiate between different categories of Customers, debtors, services or service standards when applying this by-law. The Municipal Council will on application of the revenue by-law avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.
- (b) The Chief Financial Officer is the custodian of the Revenue By-law and responsible for implementation and review of the by-law.
- (c) In terms of section 17(1)(e) of the Municipal Finance Management Act no. 56 of 2003, this bylaw must be reviewed on an annual basis and the reviewed by-law must be tabled to the Municipal Council for approval.

**PART VI: COMPETENCE AND CAPABILITY TO IMPLEMENT THE BY-LAW**

- (a) The by-law should be available and communicated to all staff and residence.
- (b) All staff must be aware of the prescriptions of the by-law.
- (c) All staff must be aware of the procedures contained in this bay-law.
- (d) Supervisors/Managers must ensure compliance with this policy

**ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF WALTER SISULU LOCAL;**

Version 1 – May 2023



**LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO.6 OF 2004**  
**MUNICIPAL PROPERTY RATES BY-LAW**

Notice No. 156/2022/2023

Date: 30 May 2023

Walter Sisulu Local Municipality has, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, by way of (No of the resolution) adopted the Municipality's Property Rates By-law set out hereunder.

**WALTER SISULU LOCAL MUNICIPALITY**

**MUNICIPAL PROPERTY RATES BY-LAW**

**PREAMBLE**

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Walter Sisulu Local Municipality, as follows:

## 1. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

**‘Municipality’** means Walter Sisulu Local Municipality);

**‘Municipal Property Rates Act’** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**‘Rates Policy’** means the Walter Sisulu Local Municipality’s property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

## 2. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality’s Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

## 3. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality’s rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of ratable property.

The Rates Policy is available at the Walter Sisulu Local Municipality's head office, satellite offices and libraries and electronically e.g. website where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

#### **4. CATEGORIES OF RATEABLE PROPERTIES**

The Rates Policy provides for categories of ratable properties determined in terms of section 8 of the Act.

#### **5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES**

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

#### **6. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

#### **7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Walter Sisulu Local Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.

**PROVINCIAL NOTICE 622 OF 2023****RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES, ACT 2004 (ACT NO.6 OF 2004)**

Notice no. \_156/2022/2023\_\_\_\_

**WALTER SISULU LOCAL MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024**

Notice is hereby given in terms of section 14(1) and (2) of Local Government: Municipal Property Rates Act, 2004; that at its meeting of 30 May 2023 the Council resolved by way of council resolution number 248/05/3023/SCM/EXCO26/05/23 to levy the rates on the property reflected in schedule below with the effect 1 July 2023.

<b>CATEGORY OF PROPERTY</b>	<b>RATE RATIO</b>	<b>CENT AMOUNT IN RAND RATE DETERMINED FOR RELEVANT PROPERTY CATEGORY</b>
Residential properties	1:1	0.010836475
Commercial/Business properties	1:2	0.021672949
Industrial properties	1:2.5	0.027091186
Public Service Infrastructure properties	1:0.25	0.002709121
Public Benefits Organisation properties	1:0.25	0.002709118
Agricultural properties used for agricultural purposes	1:0.25	0.002709118
Properties owned by an organ of state and used for public service purposes	1:2	0.021672949
Vacant Land	1:2.5	0.027091186
Mining properties	1:2.5	0.027091186
National Monuments/Heritage Sites (PSP)	1:2	0.021672949

**EXEMPTIONS, REDUCTIONS AND REBATES**

Residential Properties: For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value as per statutory impermissible rate of section 17(1)(h) of the Municipal Property Rates Act.

Residential owners whose property values does not exceed R 31 000 after the first R 15 000 exclusion in terms of Section 17 of the Act, are exempted from paying rates. Approved indigents will be fully subsidised on property rates.

**Rebates in respect of a category of owners of property are as follows:**

Indigent owners, Child headed households and Owners who are dependent on Social Grants for their livelihood.

Full details of the Council resolution and rebates, reductions and exemptions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the Municipality's rates policy are available for inspection at the municipal offices, website ([www.wslm.gov.za](http://www.wslm.gov.za)) and administrative units s within the municipality's jurisdiction.

**Khaya Gashi**  
**MUNICIPAL MANAGER**  
**1 Jan Greyling street**  
**Burgersdorp**  
**9744**  
**Tel. no: 051 653 0101**

**PROVINCIAL NOTICE 623 OF 2023****LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO.6 OF 2004  
MUNICIPAL PROPERTY RATES BY-LAW**

Notice No. 156/2022/2023

Date: 30 May 2023

Walter Sisulu Local Municipality has, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, by way of (No of the resolution) adopted the Municipality's Property Rates By-law set out hereunder.

**WALTER SISULU LOCAL MUNICIPALITY****MUNICIPAL PROPERTY RATES BY-LAW****PREAMBLE**

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Walter Sisulu Local Municipality, as follows:

## 1. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

**‘Municipality’** means Walter Sisulu Local Municipality);

**‘Municipal Property Rates Act’** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**‘Rates Policy’** means the Walter Sisulu Local Municipality’s property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

## 2. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality’s Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

## 3. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality’s rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.



The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of ratable property.

The Rates Policy is available at the Walter Sisulu Local Municipality's head office, satellite offices and libraries and electronically e.g. website where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

#### **4. CATEGORIES OF RATEABLE PROPERTIES**

The Rates Policy provides for categories of ratable properties determined in terms of section 8 of the Act.

#### **5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES**

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

#### **6. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

#### **7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Walter Sisulu Local Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.

**PROVINCIAL NOTICE 624 OF 2023**

Revenue By-Law

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Walter Sisulu Local Municipality



**REVENUE BY-LAWS  
2023/24**

## Revenue By-Law

Walter Sisulu Local Municipality

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**PART I: GENERAL****SECTION 1: OBJECTIVE OF BY-LAWS**

- (a) These by-laws are formulated and gazetted to give proper effect to the local municipality's policies on:
- (i) Tariffs;
  - (ii) Credit Control and Debt Collection; and (iii) Indigency Management.
- (b) These by-laws must be read in conjunction with the policies referred to, and within the applicable provisions of the following legislation:
- (i) Local Government: Municipal Systems Act No. 32 of 2000; and
  - (ii) Local Government: Municipal Finance Management Act No. 56 of 2003
- (c) The relevant sections of the legislation referred to above are appended to:
- (i) Tariffs policy;
  - (ii) Credit Control and Debt Collection policy; and
  - (iii) Indigent Policy
- (d) Copies of these policies, with the relevant annexures setting out the legal requirements and legal framework within which the by-laws must operate, appear on the municipality's website (address provided) and are available free of charge on application to the Office of the Municipal Manager (address provided).

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## SECTION 2: DEFINITIONS

**“Annual budget”** shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

**“Basic municipal services”** shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

**“By-law”** shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

**“Consumer price index”** shall mean the CPIX as determined and gazetted from time to time by the South Africa Bureau of Statistics.

**“Councillor”** shall mean a member of the council of the municipality.

**“Domestic consumer or user”** of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

**“day”** means when any number of days are prescribed for the performance of any act, those days must be reckoned by excluding the first and including the last day, unless the last day falls on a Saturday, Sunday or any public holiday, in which case the number of days must be reckoned by excluding the first day and also any such Saturday, Sunday or public holiday;

**“effective date”-**

- (a) in relation to a valuation roll, means the date on which the valuation roll takes effect in terms of section 32(1) of the Act; or
- (b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect in terms of section 78(2)(b) of the Act;

**“Financial year”** shall mean the period starting from 1 July in any year and ending on 30 June on the following year.

**“land tenure right”**, means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991);

**“Local community”** or “community”, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic organisations and non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality. **“Month”** means one of twelve months of a calendar year.

**“Municipality”** or **“municipal area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality.

**“Municipal council”** or **“council”** shall mean the municipal council as referred to in Section 157(1) of the Constitution.

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**"Municipal entity"** shall mean (a) a company, co-operative, trust, fund or any other corporate entity established in terms of any applicable national or provincial legislation, and which operates under the ownership control of one or more municipalities; or (b) a service utility. **"Municipal manager"** shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

**"Municipal service"** has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

**"Municipal tariff"** shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

**"Occupier"** in relation to a property, shall mean a person in actual occupation of the property, whether or not that person has a right to occupy the property.

**"Owner"**

(a) in relation to a property referred to in paragraph (a) of the definition of "property", shall mean a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of "property", shall mean a person in whose name the right is registered;

(bB) in relating to a share in a share block company, the share block company as defined in the Share Block Control Act, 1980 (Act No. 59 of 1980);

(bC) in relation to buildings, other immovable structures and infrastructure referred to in section 17(1)(f), means the holder of the mining right or the mining permit.

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", shall mean a person in whose name the right is registered or to whom it was granted in terms of legislation; and

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", shall mean the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled", provided that a person mentioned below may for the purposes of the Property Rates Act 2004 be regarded by the municipality as the owner of a property in the following cases:

- (i) a trustee, in the case of a property in a trust, but excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; and
- (viii) a lessee, in the case of property to which a land tenure right applies and which is leased by the holder of such right; or
- (ix) a buyer, in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer.

**"Person"** shall include an organ of state, and an "organ of state" shall mean an organ of state as defined in Section 239 of the Constitution. **"Property"** shall mean (a) immovable property registered in the name of a person, including in the case of a sectional title scheme a sectional title unit registered in the name of a person; (b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property; (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; and (d) public service infrastructure.

**"Public service infrastructure"** shall mean publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) power stations, power sub-stations or power lines forming part of an electricity scheme serving the public;
- (c) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuel forming part of the scheme for transporting such fuels;
- (d) railway lines forming part of a national railway system;
- (e) communication towers, masts, exchanges and lines forming part of a communication system serving the public;
- (f) runways, aprons and the air traffic control unit at national or provincial airports, including the vacant land known as the obstacle free zone surrounding these, which must be vacant for air navigation purposes;
- (g) any other publicly controlled infrastructure as may be prescribed; and
- (h) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

**"Publicly controlled"** shall mean owned by or otherwise under the control of an organ of state, including a public entity listed in the Public Finance Management Act No. 1 of 1999, a municipality, or a municipal entity.

**"Rate"** shall mean a municipal rate on property as envisaged in Section 229(1)(a) of the Constitution.

**"Ratepayer"** shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

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**"Rebate"** in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Property Rates Act 2004 on the amount of the rate payable on the property.

**"Residential property"** shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Property Rates Act 2004 as residential.

**"State trust land"** shall mean land owned by the state and held in trust for persons communally inhabiting the land in terms of a traditional system of land tenure; over which land tenure rights have been registered or granted; or which is earmarked for disposal in terms of the Restitution of Land Rights Act No. 22 of 1994.

**PART II: TARIFFS****SECTION 3: OBJECTIVE**

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

**SECTION 4: GENERAL PRINCIPLES**

- (a) Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which

such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigence relief measures approved by the municipality from time to time).

- (b) The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.
- (c) Tariffs for the two major services rendered by the municipality, namely:
  - (i) electricity
  - (ii) refuse removal (solids waste), shall as far as possible recover the expenses associated with the rendering of each service concerned, and – where feasible – generate a modest surplus as determined in each annual budget. Such surplus shall be applied for the future capital expansion of the service concerned, or both.
- (d) The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- (e) The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- (f) In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.
- (g) The municipality's tariff policy shall be transparent, and the extent to which there is crosssubsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- (h) The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.
- (i) The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.
- (j) In the case of directly measurable services, namely electricity, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.
- (k) In addition, the municipality shall levy monthly availability charges for the services concerned, and these charges shall be fixed for each type of property as determined in accordance with its appropriate policies. Generally, consumers of electricity shall therefore pay two charges: one, relatively minor, which is unrelated to the volume of consumption and is levied because of the availability of the service concerned; and another directly related to the consumption of the service in question.
- (l) In considering the costing of its electricity and services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.



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- (i) In adopting what is fundamentally a two-part tariff structure, namely a fixed availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.
- (m) The municipality's tariffs for electricity services will be determined to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall therefore install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

**SECTION 5: CALCULATION OF TARIFFS FOR MAJOR SERVICES**

In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:

- (a) Cost of bulk purchases in the case of electricity.
- (b) Distribution costs.
- (c) Electricity distribution losses.
- (d) Depreciation expenses.
- (e) Maintenance of infrastructure and other fixed assets.
- (f) Administration and service costs, including:
  - (i) service charges levied by other departments such as finance, human resources and legal services;
  - (ii) reasonable general overheads, such as the costs associated with the office of the municipal manager;
  - (iii) adequate contributions to the provisions for bad debts and obsolescence of stock;
  - (iv) all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from general revenues, and shall not be included in the costing of the major services of the municipality).
- (g) The intended surplus to be generated for the financial year, such surplus to be applied: (i) as an appropriation to capital reserves; and/or (ii) generally in relief of rates and general services.
- (h) The cost of approved indigency relief measures.

**SECTION 6: STRUCTURE OF TARIFFS**

- (a) The municipality shall provide the first 50kWh of electricity per month free of charge to consumers who have registered as indigents in terms of the municipality's indigency relief programme. The municipality shall further consider relief in respect of the tariffs for refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget,

but on the understanding that such relief shall not be less than a discount of 50% on the monthly amount billed for the service concerned.

#### SECTION 7: ELECTRICITY

- (a) The various categories of electricity consumers, as set out in sub-section (c) below, shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- (b) Tariff adjustments shall be effective from 1 July each year or as soon as possible thereafter.
- (c) Categories of consumption and charges shall be as follows:
  - (i) With the single exception of registered indigents, all electricity consumers shall be billed for their electricity consumption at the tariff applicable to the category in which the particular consumer falls.
  - (ii) All domestic electricity consumers of the municipality who are registered as indigents with the municipality shall receive free the first 50kWh (fifty) of electricity consumed per month.
  - (iii) All commercial, industrial and other non-domestic properties shall additionally be billed a monthly basic charge per meter installed and, where applicable, a demand charge appropriate to their respective levels of consumption.
  - (iv) A basic (availability) charge per month shall be charged for undeveloped erven, irrespective of their permitted or intended use.

#### SECTION 8: REFUSE REMOVAL

- (a) The categories of refuse removal users as set out in sub-section (c) below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- (b) Tariff adjustments shall be effective from 1 July each year.
- (c) A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned: (i) Domestic and other users (once weekly removal) (ii) Business and other users (twice weekly removal) (iii) Business and other (bulk consumers).
- (iv) Domestic and other users (fortnight removal)
- (d) Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget, but on the understanding that such discount shall not be less than 40% of the monthly amount billed as a refuse removal charge.

#### SECTION 9: MINOR TARIFFS

- (a) All minor tariffs shall be standardised within the municipal region.

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- (b) All minor tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- (c) All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.
- (d) The following services shall be considered as community services, and no tariffs shall be levied for their use:
  - (i) municipal museum and art gallery
  - (ii) disposal of garden refuse at the municipal tip site
  - (iii) municipal lending library (except for fines set out below)
  - (iv) municipal botanical garden, and all other parks (excluding caravan parks) and open spaces.
- (e) The following services shall be considered as economic services, and the tariffs levied shall cover 100% of the budgeted annual operating expenses of the service concerned:
  - (i) maintenance of graves and garden of remembrance (cremations)
  - (ii) housing rentals
  - (iii) rentals for the use of municipal halls and other premises (subject to the proviso set out below)
  - (iv) building plan fees
  - (v) cleaning of stands
  - (vi) electricity new connection fees
  - (vii) Photostat copies and fees
  - (viii) clearance certificates.
- (f) The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:
  - (i) fines for loss or overdue library books
  - (ii) advertising sign fees
  - (iii) electricity disconnection and reconnection fees
  - (iv) penalty and other charges imposed in terms of the approved policy on credit control and debt collection.
- (g) Market-related rentals shall be levied for the lease of municipal properties.
- (h) In the case of rentals for the use of municipal halls and premises, if the municipal manager is satisfied that the halls or premises are required for non-profit making purposes and for the provision of a service to the community, the municipal manager may waive 50% of the applicable rental.
- (i) The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.

**PART III: CREDIT CONTROL AND DEBT COLLECTION****SECTION 10: OBJECTIVE CONSTITUTIONAL OBLIGATIONS**

The council of the municipality, in adopting this policy on credit control and debt collection, recognises its constitutional obligations to develop the local economy and to provide acceptable services to its residents. It simultaneously acknowledges that it cannot fulfill these constitutional obligations unless it exacts payment for the services which it provides and for the taxes which it legitimately levies – in full from those residents who can afford to pay, and in accordance with its indigency relief measures for those who have registered as indigents in terms of the council's approved indigency management policy.

**SECTION 11: NOTICE OF DEFAULT AND INTENDED TERMINATION OR RESTRICTION OF SERVICES**

Within 2 (two) calendar days after each monthly due date for payment of municipal accounts for service charges, the municipal manager shall dispatch to every defaulting accountholder, that is, every accountholder who as at the date of the notice has not paid the monthly account in full or has not made an acceptable arrangement with the municipal manager for partial or late payment, a notice stating that unless full payment is received or an acceptable arrangement made with the municipal manager for partial or late payment, the municipal electricity supply such supplies to the property to which the account in arrears relates shall be terminated or restricted 5 (five) working days after the date of the notice concerned.

**SECTION 12: RECONNECTION OR REINSTATEMENT OF TERMINATED OR RESTRICTED SERVICES**

- (a) Services to defaulting accountholders terminated or restricted in terms of Section 10 above shall be reconnected or reinstated by the municipal manager only when all the following conditions have been met:
  - (i) the arrear account has been paid in full, including the interest raised on such account; or an acceptable arrangement has been made with the municipal manager for the payment of the arrear account, including the interest raised on such account;

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- (ii) the charge(s) for the notice sent in terms of Section 10 above and for the reconnection or reinstatement of the terminated or restricted service(s), as determined by the council from time to time, have been paid in full;
- (iii) a service contract has been entered into with the municipality, as contemplated in Section 17 below; and
- (iv) a cash deposit has been lodged with the municipal manager in compliance with Section 18
  - (b) In the case of consumers using prepaid meters, but who have fallen into arrears with the remainder of their obligations to the municipality, no prepaid purchases shall be accepted until the outstanding arrears have been settled or an acceptable arrangement made for the payment of the arrear account, as contemplated above: such arrangement may entail the limitation of the amount of prepaid services which may be purchased until the arrears or a stated percentage of the arrears has been settled.

**SECTION 13: PERIODS FOR RECONNECTIONS OR REINSTATEMENTS**

- (a) The municipal manager shall reconnect or reinstate terminated or restricted services within 3 (three) working days after the date on which the conditions set out in Section 18 above have been met, unless the municipal manager is unable to do so because of circumstances beyond the control of the municipality.

**SECTION 14: ILLEGAL RECONNECTIONS**

- (a) The municipal manager shall, as soon as it comes to the notice of the municipal manager that any terminated or restricted service has been irregularly reconnected or reinstated, report such action to the South African Police Service, disconnect or restrict such service(s), and not reconnect or reinstate such service(s) until the arrear account, including the interest raised on such account, the charges for the notice sent in terms of Section 10 above and the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit have been paid in full, together with such penalty as may be determined by the council from time to time.
- (b) In addition, all metered consumption since the date of the illegal reconnection, or the estimated consumption if a reliable meter reading is not possible, shall also be paid full before any reconnection or reinstatement is considered.

**SECTION 15: RESTRICTION OF SERVICES**

- (a) If the municipal manager is of the opinion that the termination of services, in the case of a particular property in respect of which the account is in arrear, is not in the best interests of the community – specifically because of the potential endangerment of the life of any person, whether resident in or outside the property concerned – the municipal manager may appropriately restrict rather than terminate the services in question.

#### SECTION 16: SERVICES NOT RECONNECTED OR REINSTATED AFTER FOUR WEEKS

- (a) If services have been terminated or restricted in the case of a property in respect of which the account is in arrear, and the accountholder has not paid such arrears, including the interest raised on such account, or made an acceptable arrangement with the municipal manager for the payment of the arrear account, including the interest raised on such account, within a period of 28 (twenty eight) calendar days after the date of termination or restriction of the service(s) concerned, the municipal manager shall forthwith hand such account over for collection and such further action as is deemed necessary to the municipality's attorneys or any debt collecting agency appointed by the council.
- (b) Such further action shall include if necessary the sale in execution of such property to recover arrear service charges (if the accountholder is also the owner of the property).
- (c) All legal expenses incurred by the municipality shall be for the account of the defaulting accountholder.

#### SECTION 17: ARRANGEMENTS FOR PAYMENT OF ARREAR ACCOUNTS

- (a) Allowing defaulting account holders to make arrangements for the payment of arrear accounts shall be at the discretion of the municipal manager.
- (b) Each defaulting accountholder must pay an arrear account, according to the council resolution taken from time to time together with the interest raised on such account, and it shall be a condition for the conclusion of any arrangement that the accountholder is bound to pay every current municipal account in full and on time during the period over which such arrangement extends.

##### **Arrangement regarding arrears accounts.**

The following are considered reasonable and is the minimum that will be accepted:

- (i) The customer intending to enter into payment arrangement must pay 50% of the consolidated account and amount owing, interest and costs.

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- (ii) A once-off arrangement can be entered into by the customer to settle the 120 day and older debt in equal instalments up to twelve (12months) plus the monthly current account
- (c) If an accountholder breaches any material term of an arrangement, the balance of the arrear account, together with the balance of interest raised on such account, shall immediately become due and payable to the municipality, and if the accountholder defaults on such payment, the municipal manager shall terminate or restrict services to the property in question and shall forthwith hand such account over for collection as envisaged in Section 15 above.
- (d) An accountholder who has breached an arrangement as set out above shall not be allowed to make any further arrangements for the payment of arrear accounts, but shall be proceeded against, after the dispatch of the initial notice of default as envisaged in Section 10 above and failure by the accountholder to pay the arrear account, together with interest raised on such arrears as required in terms of such notice, as though such accountholder had breached a material term of an arrangement.

**SECTION 18: SERVICE CONTRACT**

- (a) A service contract shall henceforth be entered into with the municipality for each property to which the municipality is expected to provide all or any of the following services: (i) Electricity.  
(ii) Refuse collection.
- (b) Such contract shall set out the conditions on which services are provided and shall require the signatory to note the contents of the municipality's credit control and debt collection policy, a copy of which shall be provided to such signatory, as well as the provision of the Municipal Systems Act in regard to the municipality's right of access to property.
- (c) Where the signatory is not the owner of the property to which the services are to be provided, a properly executed letter from such owner indicating that the signatory is the lawful occupant of the property shall be attached to the service contract.
- (d) Current consumers and users of the municipality's services who have not entered in a service contract as envisaged above, must do so within 2 (two) years from the date on which the bylaws to implement the present policy are published, and failure to do so shall be considered as a default equivalent to non-payment in terms of Section 10 above.

**SECTION 19: PAYMENT OF DEPOSITS**

- (a) Whenever a service contract is entered into in terms of Section 17 above, the signatory shall lodge a cash deposit with the municipality, such deposit will be determined in the annual budget of each financial year.

**SECTION 20: ALLOCATION OF PART-PAYMENTS AND APPROPRIATION OF DEPOSITS**

- (a) If an accountholder pays only part of any municipal account due, the municipal manager shall allocate such payment as follows:
  - (i) to all unpaid charges levied by the municipality in respect of unacceptable cheques, notices, legal expenses and reconnections or reinstatements of services in respect of the account or property concerned;
- (b) This sequence of allocation shall be followed notwithstanding any instructions to the contrary given by the accountholder.
- (c) In the event of an accountholder's defaulting on the payment of an arrear account, as contemplated in Section 13, 15 and 16 above, the municipal manager shall forthwith appropriate as much of such deposit as is necessary to defray any costs incurred by the municipality and the arrear amount owing to the municipality in the same sequence that is applicable to the allocation of part payments, as contemplated above.

#### SECTION 21: QUERIES BY ACCOUNTHOLDERS

- (a) In the event of an accountholder in the view of the municipal manager reasonably querying any item or items on the monthly municipal account, no action shall be taken against the accountholder as contemplated in Section 10 above, provided
  - (i) the accountholder has paid by due date an amount equal to the monthly average monetary value of the three most recent unqueried accounts in respect of the service under query,
  - (ii) all unqueried balances on such account, and
  - (iii) such query is made in writing by the accountholder or is recorded in writing by the municipal manager on behalf of the accountholder on or before the due date for the payment of the relevant account
- (b) Any query raised by an accountholder in the circumstances contemplated in Section 22 below shall not constitute a reasonable query for the purposes of the sub-section (a) above.

#### SECTION 22: INABILITY TO READ METERS

- (a) If the municipality is unable to read any meter on any property because the meter has been rendered inaccessible through any act or omission of the accountholder or owner of the property concerned, the municipal manager do not estimate the consumption.



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- (b) The accountholder shall be liable for the initial payment of such surcharge(s) as though the surcharge were part of the service charge concerned, but the municipal manager shall reverse such surcharge(s) against the first account for which a meter reading is again obtained.

**SECTION 23: INTEREST ON ARREARS AND OTHER PENALTY CHARGES**

- (a) Interest shall be charged for a full month on all arrear amounts at the percentage determined by Council irrespective of when payment is made.
- (b) If the municipality uses more than one banking institution it shall for purposes of determining the interest on arrear accounts apply the overdraft rate offered by the institution with which its primary bank account is placed.
- (c) Interest shall be calculated on a daily basis. For purposes of determining arrear amounts, all amounts unpaid including interest previously raised and penalty charges, but excluding value added tax, shall be taken into account.
- (d) In considering each annual budget the council shall review the adequacy of its interest charges, and shall determine the following for the financial year concerned:
- (i) charges for disconnection or restriction of services (Section 10)
  - (ii) charges for reconnection or reinstatement of services (Section 11)
  - (iii) charges for notices of default (Section 10)
  - (iv) penalty charges for illegal reconnections (Section 13) (v) (Section 22).

**SECTION 24: INDIGENCY MANAGEMENT**

In regard to the payments expected from registered indigents, and the credit control and debt collection actions contemplated in respect of such residents, this part of the by-laws must be read in conjunction with the policies on indigency management.

**SECTION 25: ARREARS WHICH HAVE ARISEN PRIOR TO THE ADOPTION OF THE PRESENT POLICY**

- (a) The council shall separately consider arrears which arose prior to the adoption of the present by-laws, and shall advise accountholders of their respective obligations in regard to such arrears.
- (b) In determining such obligations, the council shall have regard to the quantum of such arrears, to the period over which the default occurred, and to whether the accountholder concerned has registered as an indigent in terms of the municipality's by-laws on indigency management.
- (c) The council shall further consider an incentive scheme to encourage accountholders to settle all or a stated percentage of these arrears.

**PART IV: INDIGENCY MANAGEMENT****SECTION 26: OBJECTIVE**

- (a) Because of the level of unemployment and subsequent poverty in the municipal area, there are households which are unable to pay for normal municipal services. The municipality therefore adopts its indigency management policy and attendant by-laws to ensure that these households have access to at least basic municipal services, and is guided in the formulation of this policy and by-laws by the national government's policy in this regard.

**SECTION 27: WHO QUALIFIES FOR INDIGENT SUPPORT**

- (a) Households where verified total gross monthly income of all occupants over 18 years of age does not exceed the total of two government old age pensions or such other amount as the council may from time to time determine, qualify for a subsidy on service charges for refuse removal and 50 kWh of electricity per month free of charge.

## Revenue By-Law

Walter Sisulu Local Municipality

- (b) Only households where the accountholder or property owner has registered as indigent in terms of the municipality's annual registration programme, and whose registration has been accepted and entered into the register of indigents shall qualify for the above relief.
- (c) For a household to qualify for a rebate on rates, the registered indigent must be both the owner and fulltime occupant of the property concerned, and may not own any other property, whether in or out of the municipal area.
- (d) Indigency relief shall apply for a period not extending beyond the financial year in which the particular household is registered as indigent, registration must be renewed in each registration programme if relief is to continue.
- (e) To register as an indigent, the relevant property owner or accountholder must personally complete and sign the registration form provided by the municipality for this purpose, and furnish such further documentation as the municipality specifies.
- (f) The municipal manager will provide assistance to persons who cannot read or write, at such times and places as are specified in the notices published to indicate that the registration programme is to take place.
- (g) Registration will take place on dates and at times and places determined by the council, but shall generally be undertaken during January and/or February each year.

## SECTION 28: APPLICATION OF THE POLICY

- (a) The subsidies on rates and the specified service charges will be determined as part of each annual budget and in terms of the municipality's policies on property rates and tariffs.
- (b) In respect of electricity, a 100% subsidy up to 50 kWh per household per month will apply; however, if consumption exceeds 50 kWh per metering period (month), the consumer will be charged at normal tariffs for actual consumption on the quantity exceeding 50 kWh.

## SECTION 29: NON-COMPLIANCE OF HOUSEHOLDS REGISTERED AS INDIGENT

- (a) When a property owner or accountholder who has registered as an indigent fails to comply with any arrangements or conditions which are in the view of the municipal manager materially relevant to the receipt of indigency relief, such person will forfeit his or her status as a registered indigent with immediate effect, and will thereafter be treated as an ordinary residential property owner or accountholder for the financial year concerned.
- (b) The onus is on each registered indigent to advise the municipal manager of such failure to comply.
  - (i) if any household in receipt of indigency relief falls into arrears in respect of any amounts due by it to the municipality, the property owner or accountholder concerned must make immediate arrangements with the municipal manager to pay off these arrears owing

- within a reasonable time determined by the municipal manager in terms of the municipality's credit control and debt collection by-laws.
- (ii) If these arrangements are not made, no subsidies will be paid or free services provided, and services may be terminated in terms of the municipality's credit control and debt collection by-laws.
- (c) The relief to indigents may be withdrawn at the discretion of the municipal manager if:
- (i) a registered indigent who qualifies for such relief fails to keep to the terms of the policy agreement; or
  - (ii) any tampering with the installations of the municipality is detected.
  - (iii) If a registered indigent is found to have provided fraudulent information to the municipality in regard to any material condition for registration as an indigent, such person shall immediately be removed from the register of indigents, and shall be liable to repay to the municipality with immediate effect all indigency relief received from the date of such fraudulent registration.
  - (iv) Moreover, such person may not again be considered for indigency relief for a period extending for 5 (five) years beyond the financial year in which the misdemeanour is detected
- (d) Indigency relief will not apply in respect of property owners owning more than one property, whether in or outside the municipal area.

### **SECTION 30: TAMPERING OF METERS**

(a) Objective

- (i) Section 97(1) (h) of the Act stipulates that a municipality's Credit Control and Debt Collection Policy must provide for matters relating to unauthorized consumption of services, theft and damages.

## Revenue By-Law

Walter Sisulu Local Municipality

- (ii) The objective of this Policy is to provide in this policy an extension of Credit Control and Debt Collection Policy for the matters referred to in that section.

(b) Unauthorized use of property of the Council

- (i) No one may tamper with any municipal equipment or property.
- (ii) An authorized officer must inspect the equipment and property of the municipality when he or she suspects:
  - (1) that any illegal connections were attached to such equipment or property, or
  - (2) that any unauthorized consumption or use of services is taking place, or
  - (3) any theft of such equipment on property, or
  - (4) any damage to such equipment on property.

(c) Municipality's right of access to premises

- (i) In terms of section 101 of the Act the occupier of premises in a municipality must give an authorized officer access at all reasonable hours to the premises in order to read, inspect, repair, any meter or service connection for reticulation, or to stop or restrict the provision of any service.

(d) Power to restrict or terminate supply of services

- (i) Where the municipality has suffered any loss or damage as a result of any act contemplated in paragraph 4, a penalty approved by Council for damages or loss must be imposed on the owner /occupier of the premises concerned.
- (ii) The owner/occupier must be notified of the amount of damage or loss by means of a notice which is hand delivered to the latest recorded address of the owner/occupier, and such notice must also stipulate the date on or before such amount must be paid to the municipality.
- (iii) The Council shall reconnect or restore full levels of supply of any of the restricted or discontinued municipal services only after the reconnection fee and the full amount of the penalty, including the costs of such disconnection and reconnection, if any, have been paid in full. An agreement must be made to the owner/occupier for a monthly payment on the outstanding debt.

(e) Illegal reconnections and/or tampering

- (i) The Accounting Officer shall, as soon as it comes to the notice of the Accounting Officer that any terminated or restricted service has been irregularly reconnected or reinstated, institute one, some or all the following enforcement actions:
  - (1) Disconnect or restrict such service(s),
  - (2) Permanently remove such service(s),

## Revenue By-Law

Walter Sisulu Local Municipality

- (3) Require pre payment technology to be installed,
- (4) Not reinstate such service(s) until the arrear account, including the interest raised on such amount, the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit and penalty have been paid in full,
- (5) Laying criminal charges with the police, (6) Cancel the contract.

**(f) Visiting Indigent Households**

- (i) All indigent households shall be visited by a person or firm delegated by council on a regular basis to investigate tampering and illegal connection cases and or to inspect the status of meter connections and restrictions and/or flow limiters.

**PART V: APPLICATION, IMPLEMENTATION AND REVIEW OF THE BY-LAW**

- (a) The Municipal Council reserves the right to differentiate between different categories of Customers, debtors, services or service standards when applying this by-law. The Municipal Council will on application of the revenue by-law avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.
- (b) The Chief Financial Officer is the custodian of the Revenue By-law and responsible for implementation and review of the by-law.
- (c) In terms of section 17(1)(e) of the Municipal Finance Management Act no. 56 of 2003, this bylaw must be reviewed on an annual basis and the reviewed by-law must be tabled to the Municipal Council for approval.

**PART VI: COMPETENCE AND CAPABILITY TO IMPLEMENT THE BY-LAW**

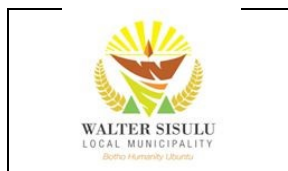
- (a) The by-law should be available and communicated to all staff and residence.
- (b) All staff must be aware of the prescriptions of the by-law.
- (c) All staff must be aware of the procedures contained in this bay-law.
- (d) Supervisors/Managers must ensure compliance with this policy

**ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF WALTER SISULU LOCAL;**

Version 1 – May 2023

**PROVINCIAL NOTICE 625 OF 2023****RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES, ACT 2004 (ACT NO.6 OF 2004)**

Notice no. \_156/2022/2023\_\_\_\_\_

**WALTER SISULU LOCAL MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024**

Notice is hereby given in terms of section 14(1) and (2) of Local Government: Municipal Property Rates Act, 2004; that at its meeting of 30 May 2023 the Council resolved by way of council resolution number 248/05/3023/SCM/EXCO26/05/23 to levy the rates on the property reflected in schedule below with the effect 1 July 2023.

<b>CATEGORY OF PROPERTY</b>	<b>RATE RATIO</b>	<b>CENT AMOUNT IN RAND RATE DETERMINED FOR RELEVANT PROPERTY CATEGORY</b>
Residential properties	1:1	0.010836475
Commercial/Business properties	1:2	0.021672949
Industrial properties	1:2.5	0.027091186
Public Service Infrastructure properties	1:0.25	0.002709121
Public Benefits Organisation properties	1:0.25	0.002709118
Agricultural properties used for agricultural purposes	1:0.25	0.002709118
Properties owned by an organ of state and used for public service purposes	1:2	0.021672949
Vacant Land	1:2.5	0.027091186
Mining properties	1:2.5	0.027091186
National Monuments/Heritage Sites (PSP)	1:2	0.021672949

**EXEMPTIONS, REDUCTIONS AND REBATES**

Residential Properties: For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value as per statutory impermissible rate of section 17(1)(h) of the Municipal Property Rates Act.

Residential owners whose property values does not exceed R 31 000 after the first R 15 000 exclusion in terms of Section 17 of the Act, are exempted from paying rates. Approved indigents will be fully subsidised on property rates.

**Rebates in respect of a category of owners of property are as follows:**

Indigent owners, Child headed households and Owners who are dependent on Social Grants for their livelihood.

Full details of the Council resolution and rebates, reductions and exemptions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the Municipality's rates policy are available for inspection at the municipal offices, website ([www.wslm.gov.za](http://www.wslm.gov.za)) and administrative units within the municipality's jurisdiction.

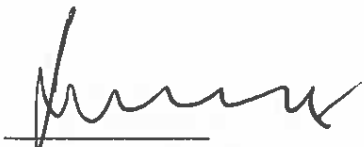
**Khaya Gashi**  
**MUNICIPAL MANAGER**  
**1 Jan Greyling street**  
**Burgersdorp**  
**9744**  
**Tel. no: 051 653 0101**



## PROVINCIAL NOTICE 626 OF 2023

**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE CHRIS HANI DISTRICT MUNICIPALITY, INTSIKA YETHU LOCAL MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **XOLILE NQATHA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 1, situated at Intsika Yethu Traffic Department, R61, Cofimvaba, 5380 as a designated depot for impounded vehicles.

**X. NQATHA****MEC FOR TRANSPORT, SAFETY AND LIAISON**

## PROVINCIAL NOTICE 627 OF 2023

**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF TRANSPORT****DESIGNATION OF LAND IN THE AMATHOLE DISTRICT MUNICIPALITY, MNQUMA LOCAL MUNICIPALITY, EASTERN CAPE AS A DEPOT FOR IMPOUNDED VEHICLES IN TERMS OF THE NATIONAL LAND TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)**

I, **XOLILE NQATHA**, Member of the Executive Council responsible for Transport, Safety and Liaison in the Province of the Eastern Cape, acting in terms of section 87(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby declare portion of Erf 4804, situated next to Idutywa driving licence testing centre, Idutywa, 5000 as a designated depot for impounded vehicles.

**X. NQATHA****MEC FOR TRANSPORT, SAFETY AND LIAISON**

## PROVINCIAL NOTICE 628 OF 2023



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TRANSPORT

32 Cowan Close | Stellenbosch Park | Schornville | King William's Town | Eastern Cape  
Private Bag X0023 | Bhisho | 5605 | REPUBLIC OF SOUTH AFRICA  
Tel: 0800 644 644 | Fax: 086 532 4933 | Website: [www.ectransport.gov.za](http://www.ectransport.gov.za)

## DEPARTMENT OF TRANSPORT EASTERN CAPE PROVINCE

**WHITE PAPER ON PROMULGATION OF A REGULATORY FRAMEWORK FOR  
MAYIBUYE TRANSPORT CORPORATION**

THE MEMBER OF THE EXECUTIVE COUNCIL, DEPARTMENT OF TRANSPORT EASTERN CAPE PROVINCE, INTENDS IN TERMS OF SECTION 133(1) READ WITH SCHEDULE 4 PART A OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996, TO PUBLISH A WHITE PAPER ON THE PROMULGATION OF A REGULATORY FRAMEWORK FOR MAYIBUYE TRANSPORT CORPORATION

INTERESTED PERSONS AND ORGANISATIONS ARE INVITED TO SUBMIT ANY COMMENTS OR ANY REPRESENTATIONS WITHIN 30 DAYS FROM DATE OF PUBLICATION HERETO. WRITTEN SUBMISSIONS CAN BE FORWARDED/EMAILED TO THE FOLLOWING ADDRESS:

ATT: Mr. M.C Mafani

Enquiries: Mr. T.T Rataza

The head of department

Cell no: 082738 1180

Eastern Cape Department of Transport  
Themba.Rataza@ectransport.gov.za

Email:

No 32 Cowan Close

Private Bag X0023

Bhisho

5605



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## **ANNEXURE A**

### **DRAFT WHITE PAPER FOR MAYIBUYE TRANSPORT CORPORATION**



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## FOREWORD

When the responsibility to be the Member of the Executive Council ("MEC") for the Eastern Cape Department of Transport was bestowed upon me, one of the first priorities was to seek possible ways of optimising the use of state assets that are entrusted to this portfolio in order to improve public transport in the province.

Eastern Cape is one of the rural and underdeveloped provinces in our country. The intended legislation is about improving the lives of our people, who are the ultimate beneficiaries of an efficient public transport. It is them who are the real stakeholders in our public transport, and it is their interests that Mayibuye Transport Corporation must serve.

This document establishes a method of intervening meaningfully in the scheduled passenger sector within the context of a developmental state in order to meet the needs of our people. Whereas Mayibuye Transport Corporation ("MTC") exists as an operating entity, the absence of an enabling legislative framework is a limitation to its corporate governance, strategic direction and potential growth.

Passenger mobility is a key catalyst for economic growth. MTC is already doing a great job in passenger mobility within its current geographic areas of operation. Strengthening its governance framework lays the basis for profitability, sustainability, growth and expansion of the solutions it provides. It is important to create an opportunity for the entity to serve the entire Eastern Cape province wherever there is a need in the marketplace. This includes areas that are currently not serviced at all or under serviced.



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The legislative framework will enable our province to improve access to economic opportunities and mobility and will contribute to the organizational performance of MTC.

The National Development Plan 2030 vision alludes to the investment in the transport sector which will ensure that transport serves as a key driver in empowering South Africa and its people by enabling improved access to economic opportunities and transport services. Transport performs an indispensable role in the economy of South Africa in general. Accessibility and affordability are fundamental to the ongoing development of our province.

The development of the Policy involved, as far as possible, all role players. The department established a project steering committee, which was inclusive. It included representatives from the Department of Transport, the Department of Economic Development, Environmental Affairs and Tourism, The Office of the Premier, and the Mayibuye Transport Corporation.

Hon. X. E. Ngatha

Member of the Executive Council for the Department of Transport, and Community Safety



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### LIST OF ABBREVIATIONS / ACRONYMS

CEO	Chief Executive Officer
DOT	Department of Transport
ECDC	Eastern Cape Development Corporation
MEC	Member of the Executive Council
MTC	Mayibuye Transport Corporation
NLTA	National Land Transport Act 5 of 2005
PFMA	Public Finance Management ACT 1 OF 1999



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## DEFINITIONS

"Board"	means Board of Directors of MTC appointed by the MEC responsible for Department of Transport, Eastern Cape Province
"Chairperson"	means the chairperson of the Board
"Constitution"	means the Constitution of the Republic of South Africa Act 108 of 1996
"Department"	means the Department of Transport, province of the Eastern Cape
"Deputy Chairperson"	means the Deputy Chairperson of the Board
"Entity"	means MTC public entity established in terms of the legislation contemplated herein
"Executive Authority"	means the member of the Executive Council of the Department who is accountable to the provincial legislature for the Department
"MEC"	means the Member of the Executive Council responsible for Department of Transport, Eastern Cape Province



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"MEC for Finance"	Means the Member of the Executive Council of the Eastern Cape province responsible for finance in the province
"Province"	Means Province of the Eastern Cape established by section 103 of the Constitution
"Transport operator"	means any person who conducts a business of passenger transport in the Province



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## 1. INTRODUCTION

The Eastern Cape Department of Transport has been mandated to initiate a process to develop a legislative framework for Mayibuye Transport Corporation ("MTC").

MTC is a public transport operator that was established in terms of a Proclamation in 1990 by the former Ciskei government. Its object was to provide scheduled passenger services in Ciskei rural areas, its towns and businesses in the border regions where industries were located. This was to be provided at reasonable rates to reduce the cost of living in general and the cost of labour to the industries located in the border regions of the then Ciskei government.

There have been significant changes and developments since the dawn of democracy in 1994. One of those being that Ciskei and industries located at the border zones that MTC was intended to serve no longer exist. However, the purpose (which is to provide reliable and reasonable passenger mobility) for which MTC was established still exists.

There is no legislation that establishes or regulates MTC as public entity under the provincial government. It is however, listed as a provincial government business enterprise under Schedule 3D of the Public Finance Management Act 1 of 1999, as amended.

The South African democracy is built on the foundation of openness, accountability and the rule of law. An enabling legislative framework provides a guiding value system and strengthens accountability. Legislation will also give the entity an opportunity to expand its operations, subject to its management capacity and the law (e.g. permits and any other requirement that may be applicable in public transport).



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Transport continues to play a significant role in the social and economic development of any country, and the Government has recognised transport as one of priority areas for socio-economic development. The effectiveness of the role played by transport is to a large extent, dictated by the soundness of transport policy and the strategies utilised in implementing the policy. The integration of underserved communities to opportunities cannot happen without an efficient, safe and cost-effective scheduled passenger service such as MTC.

### 2. POLICY OBJECTIVES

The objective of this document is to provide the policy basis for the establishment of an enabling legislation for MTC. The legislative framework will provide a degree of independence for MTC to operate as a commercial entity within parameters of a legislative framework.

The removal of MTC from the ambit of the Corporations Act of 1981 will open a way to its possible repeal since it is in truth, obsolete. Most of its objectives are fulfilled by the Eastern Cape Development Corporation Act 2 of 1997 ("**ECDC Act**"). This is dealt with later in the document.

### 3. PROBLEM STATEMENT

The existing MTC was established in terms of a ministerial proclamation of 17 October 1990, published under government notice number 89 of 1990 in a gazette of the then Ciskei Government. The then minister was empowered by section 5 of Ciskeian Corporations Act No. 16 of 1981 (the '**Corporations Act of 1981**') to establish business entities by virtue of powers vested by that Act. Such businesses



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included, among others, MTC and Ciskei Agricultural Corporation (known as Ulimocor) et cetera. The proclamation was a sole prerogative of the minister without a controlling legislative framework for the entities. Put differently, there was no legislation which sets out independently, powers, functions, and broad objectives of the entities.

The powers (as per the then requirements) and provision of share capital for the operations of MTC were set out in the Proclamation. Its services were targeting the designated routes that existed before 1994. Even to date MTC has not expanded its services throughout the Eastern Cape.

After the advent of democracy in 1994, to the extent it concerns the control of MTC, the Corporations Act of 1981 was amended by section 8 of Corporations Transitional Provisions Act No. 12 of 1995 (Eastern Cape so as to adapt MTC under the Eastern provincial structures.

The inserted provision (i.e section 15A of Corporations Act) gave the Premier authority to assign any business that might have been established by the then Ciskei government under the Corporations Act of 1981, to a Member of Executive Council (MEC). The reason for such assignment was so that the MEC designated by the Premier can perform supervisory functions upon a business such as MTC as contemplated in sections 3, 7, 8(2), 8(4), 9 and 11 of the Corporations Act of 1981.

The Corporations Transitional Provisions Act No. 12 of 1995 was an interim measure as it had become necessary to restructure the corporations that were established by the homelands. It does not regulate the affairs of MTC.

There is therefore no specific legislation that controls MTC as a public entity under the provincial government. In essence, the intended legislation shall provide for, among other things:



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- the establishment of MTC as a passenger operator;
- management and or control of the entity;
- powers, functions or duties of the entity;
- capitalization of the entity, which is currently funded from the Provincial Equity Fund in the form of an operational and capital grant-in-aid;
- scaling up of the Geographic areas in which MTC operates. The target will be unserved and underserved areas;
- a framework for minimum operating and control systems in order to achieve excellent customer service and competitiveness within the scheduled passenger segment;
- enable the Department to assign other related or ancillary functions where necessary to MTC in order to achieve the objectives of the government.

The idea of allowing for possible expansion of MTC within the legal parameters governing public transport is to ensure that the government is able to intervene in cases of none availability of transport services throughout the province. None availability of services may include short term and or long term in the case of none serviced and none viable routes. Citizens cannot be abandoned. Such intervention will be subject to compliance with the permit regulatory framework set out in Chapter 6 of the National Land Transport Act 5 of 2009 ("**NLTA**").

Enacting legislation for MTC has an additional benefit of making it possible to repeal obsolete Ciskei Corporations Act of 1981. The only useful purpose of this Act is that it provides for the control of businesses established under it through the Corporations Transitional Provisions Act No. 12 of 1995. Besides this purpose, the Corporations Act of 1981 is obsolete. This is so because Ciskei Development Corporations which was established in terms of section 2 of the Corporations Act of 1981 has since been



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replaced by Eastern Cape Development Corporation ("ECDC"), established in terms of section 2 of the Eastern Cape Development Corporation Act 2 of 1997.

The objects of the ECDC cover the entire Eastern Cape and are identical to those of Xhosa Development Corporation<sup>1</sup> (later called Transkei Development Corporation) and Ciskei Development Corporation which was established in terms of Ciskei Corporations Act of 1981. Section 3 of ECDC Act of 1997 states:

*"The objects of the corporation shall be to plan finance co-ordinate, market, promote and implement the development of the Province and all its people in the fields of industry, commerce, agriculture, transport and finance."*

The ECDC Act fulfills the mandate identical to that of the Corporations Act of 1981 in the former Ciskei area and that of the Transkei Development Corporation in the former Transkei area, *albeit* in a manner that covers the entire Eastern Cape. Providing legislation for the businesses established under the Corporations Act of 1981 will enhance their performance and make it possible to repeal the obsolete legislation.

<sup>1</sup> Established under the authority of Section 2 of the **Bantu Homelands Development Corporations Act, 86 of 1965** (later repealed), read with s 5(5) of the **Promotion of the Economic Development of Bantu Homelands Act of 1968** and **Government Notice R1190/65 Gov Gazette 1201 13/8/65**. Whereas all the other development corporations were established by proclamation by the State President, the Xhosa Development Corporation was established by notice to this effect given by the Minister of Bantu Administration and Development. With the establishment of Transkei and Ciskei as separate states, the development corporations for Ciskei and Transkei took over the future role of the Xhosa Development Corporation, which later became Transkei Development Corporation. Ciskei Development Corporation was established in terms of Corporations Act of 1981. The Promotion of Economic Development of the Homelands Act "provided for the controlled introduction of White capital into the homelands. Under this act it was possible for Whites to act as agents or contractors for the South African Bantu Trust, or the various homeland development corporations, providing the industrial or mining development became the property of the Trust or development corporation after a stipulated period of time (usually twenty-five years)" (Christopher 1994: 90).



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#### 4. POLICY MANDATE AND REGULATORY FRAMEWORK

South Africa's transport sector is informed by a number of legislative and policy documents, some post democratic dispensation and others inherited from previous dispensations.

This section summaries relevant instruments that will guide the establishment and functioning of MTC.

##### 4.1 The Constitution of the Republic of South Africa Act 108 of 1996 ('the Constitution')

Schedule 4 Part A of the Constitution lists the functional areas where National and Provincial governments enjoy concurrent jurisdiction. These include public transport.

The Constitution does not define Public Transport. However, there can be no doubt that MTC renders a public passenger transport service. A developmental state has the mandate to intervene through catalytic activities in the economy. In view thereof, the Department has the inherent competency or mandate to develop policy and regulate passenger operating entity such as MTC.

##### 4.2 Public Finance Management Act

The purpose of the PFMA is:



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*"to regulate financial management in the national government and provincial governments; to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those governments; and to provide for matters connected therewith"*

Section 38(1)(m) of the PMFA requires accounting officers of a Department to:

*"promptly consult and seek the prior written consent of the National Treasury on any new entity which the department or constitutional institution intends to establish or in the establishment of which it took the initiative;"*

MTC is already listed as a provincial government business enterprise in Schedule 3D of the PFMA.

#### 4.3 National Land Transport Act

The National Land Transport Act ("NLTA") is a codification of certain principles articulated in the White Paper on National Transport Policy.

In the context of MTC, the NLTA provides that the provincial sphere of government is responsible for, amongst other things, the formulation of provincial transport policy and strategy, within the framework of national policy and strategy; planning, coordination and facilitation of land transport functions in the province.

Chapter 5 of the NLTA deals with Contracting for Public Transport Services. In terms thereof, the province and planning authorities are mandated to take steps to integrate



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public transport services as well as appropriate uncontracted services, into the larger public transport system in terms of relevant integrated transport plans.

### 4.4 Other implicated legislations

The following legislations are also applicable as normative standards, the list is not exhaustive.

- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Protocol on corporate governance
- King iv on Corporate governance
- Any other relevant legislation

## 5. ESTABLISHMENT, MANDATE, OBJECTIVES AND FUNDS OF MTC

### 5.1 MTC establishment and its mandate

MTC will be established as a public entity that will assist the provincial government in providing safe, reliable and affordable public passenger transport to predominantly rural areas of the Eastern Cape.

### 5.2 Objectives of MTC

MTC objectives shall be to:



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- (a) provide scheduled bus services to the people of the Eastern Cape at an affordable rate;
- (b) plan and manage its finances;
- (c) develop strategies which will assist the entity in expanding its mobility in the province, its revenue base and improve return of investment;
- (d) partner with other transport operators within the province where necessary in order to achieve its objectives;
- (e) enter into agreements with any person or body of persons or organs of state as may be necessary to achieve its objectives;
- (f) accept donations and receive any monies offered or due to it;
- (g) exercise any other power which is necessary for or incidental to the exercise of any of the aforementioned powers.

### 5.3 Funds of MTC

The funds of MTC shall consist of:

- (a) a share capital from the DoT and or Provincial Revenue Fund which shall be determined by the MEC from time to time in consultation with the MEC for Finance;
- (b) fees, levies and other moneys received or raised by the entity in the cause of its functions, exercise of its powers or performance of its duties;
- (c) Interest on investments;
- (d) Donations or other financial assistances received from any source;
- (e) loans negotiated with the approval of the MEC;
- (f) Such other moneys as may vest in or accrue to the entity.



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## 6. PRINCIPLES AND VALUES

### 6.1 Principles

The policy and the resultant legislation will be underpinned by the following principles:

- (a) Safety
- (b) Reliability
- (c) Affordability
- (d) Efficiency/sustainability
- (e) Inclusiveness
- (f) Professionalism
- (g) promote compliance and best practice
- (h) Partnerships

### 6.2 Values

- (a) Integrity
- (b) Accountability
- (c) Transparency
- (d) Excellence
- (e) Fairness



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## 7. BOARD OF DIRECTORS

MTC shall be under the management and control of a Board of directors as its accounting authority. The Board will be accountable to the executive authority on performance in relation to its mandate and targets agreed upon with the executive authority. MTC shall comply with the PFMA and Treasury Regulations at all material times. Good corporate governance is critical to the success of the business of the entity.

### 7.1 Appointment and term of office of the Board

The Board comprises of no less than eleven (11) and no more than fourteen (14) board members who are appointed by the MEC as follows:

- (a) The CEO who is an executive director from MTC as an *ex officio* member without voting powers;
- (b) an official employed by the DoT to serve as an *ex officio* member;
- (c) an official employed by the Provincial Treasury to serve as an *ex officio* member;
- (d) No less (8) non-executive directors appointed from the public, who must individually and collectively possess the knowledge, have experience and possess the appropriate qualifications in the following areas:
  - (i) Business management;
  - (ii) Law,
  - (iii) Accounting
  - (iv) Financial management,
  - (v) Planning and Development, and



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(vi) Transport and logistics

The Board must be broadly representative of the population of the province. The executive authority shall appoint the Chairperson and deputy chairperson of the Board from the selected non-executive members.

The executive directors and nominated departmental representatives will not receive additional remuneration for participating in the Board. The non executive directors will be compensated in accordance with prescribed rates of National Treasury.

The members of the Board shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment on expiry of the first term for one additional term of office.

## 7.2 Powers and Duties of the Board

The Board shall-

- (a) give strategic direction to the entity;
- (b) be responsible for the performance of the entity;
- (c) accountable to the executive authority for the performance of the entity;
- (d) be supported by a CEO and other employees;
- (e) determine the staff establishment of the entity;
- (f) determine and charge fees for any work performed or services rendered by MTC;
- (g) obtain, by agreement, the services of any person, including any organ of state, for the performance of any specific act, task or assignment;



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- (h) acquire or dispose of any right in or to immovable property subject to the approval of the MEC, or acquire or dispose of any right in or to movable property and hire or let any property;
- (i) Develop policies for the entity which shall include human resource, remuneration and condition of service policies in line with good practice;
- (j) borrow money, subject to the approval of the MEC and in accordance with the PFMA;
- (k) Invest any funds of the entity;
- (l) advise the MEC on policy and legislation impacting on MTC;
- (m) provide effective, transparent and accountable corporate governance and conduct effective oversight over the affairs of MTC by, among others, adopting governance rules; and
- (n) Comply with all the applicable legislation and agreements.

MTC shall communicate with the MEC through the chairperson of the Board.

### 7.3 Disqualification from membership of the Board

A person is disqualified from being appointed or remaining a member of the Board if that person-

- (a) is or becomes a Member of the National Assembly or National Council of Provinces, any provincial legislature, municipality council or is in the full-time employ of an organ of state with the exception of the representative of the Department;
- (b) is not a South African citizen or a permanent resident who is ordinarily resident in the Republic;
- (c) becomes subject to a final order of court whereby his or her estate is sequestrated under the Insolvency 24 of 1936 or if his or her estate is



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sequestered in terms of the laws of any other country or territory by a competent court or agency of such country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;

- (d) is declared by the High Court to be of unsound mind or suffers a mental illness or has a severe or profound intellectual disability as contemplated in the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (e) has been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, or any offence involving dishonesty or of any offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, or the Companies Act 1973 (Act No. 61 of 1973) and sentenced to imprisonment irrespective of whether such imprisonment was wholly or partly suspended or not;
- (f) has been convicted of an offence, other than an offence contemplated in paragraph (e) and sentenced to imprisonment without the option of a fine for a period of not less than one;
- (g) without authorisation discloses or improperly acts on information gained as a result of his or her membership of the Board; or
- (h) is an unrehabilitated insolvent.

#### 7.4 Meetings of the Board

The MEC must, as soon as is practicable after the appointment of the Board for the first term of office, determine the time and place of its first meeting.



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The Board must determine the time and place of any future meetings for the first and subsequent terms of office of the Board. The Board meets as often as circumstances require, but at least four times in every financial year. A majority of Board members (50% + 1) constitutes a quorum at a meeting.

Every Board member, including the chairperson, has one vote and in the event of an equality of votes, the chairperson of the meeting has a casting vote in addition to his or her deliberative vote. Subject to the approval of the Board, any person who is not a Board member may attend or take part, but may not vote, in a meeting of the Board. The Board must adopt governance rules which provide for the conduct of proceedings at meetings and recording of the proceedings and including the governance rules for special meetings.

### 7.5 Decisions of the Board

A decision of the majority of Board members present at any duly constituted meeting constitutes a decision of the Board.

No decision taken by or act performed under the authority of the Board is invalid only by reason of-

- (a) a vacancy on the Board at the time the decision was taken or the act was authorised; or
- (b) the fact that any person who was not entitled to sit as a Board member, participated in the meeting at the time the decision was taken or the act was authorised, if the members who were present at the time followed the required procedure for decisions.



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## 7.6 Committees of the Board

The Board may establish any committee to assist it in the performance of its functions and appoint members to that committee, and it may at any time dissolve or reconstitute any such committee.

The Board may co-opt any person outside the Board to assist on any of its committees if the person concerned has specific expertise provided that he or she does not have voting rights.

The Board must determine, subject to any applicable legislation, the number of members and the terms of reference of each committee.

The Board may appoint to any of its committees' people who are not members of the Board provided that they will serve in an advisory capacity and have no voting rights.

The Board may terminate the membership of a member of a committee after due inquiry if –

- (a) the performance by the member of the powers and functions of that committee is unsatisfactory;
- (b) the member, either through illness or for any other reason, is unable to perform the functions of the committee effectively; or
- (c) the member has failed to comply with or breached any legislation regulating the conduct of members.



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### **7.7 Removal of member of the Board, dissolution of Board and appointment of interim Board**

The MEC may, after due inquiry, or on recommendation of the Board after due enquiry, remove, with immediate effect, a member of the Board from office on account of any or all of the following:

- (a) Misconduct;
- (b) inability to perform the duties of his or her office efficiently;
- (c) absence from three consecutive meetings of the Board without the permission of the Board, except on good cause shown; or
- (d) failure to disclose an interest or voting or attendance at, or participation in, proceedings of the Board while having a personal interest.

The MEC may, after due inquiry, dissolve the Board with immediate effect, if it fails in any or all of the following:

- (a) Discharging its fiduciary duties;
- (b) achieving its objectives in terms of the founding legislation; or
- (c) carrying out its duties.



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Upon the dissolution of the Board, the MEC must appoint an interim Board consisting of not less than seven and not more than nine members and he or she does not have to follow the nomination and appointment procedure.

The MEC must appoint the interim Board within 30 days after the dissolution of the Board and the term of office of the interim Board is a period not exceeding six months.

## **8. CHIEF EXECUTIVE OFFICER**

The Board, with the concurrence of the executive authority, must appoint the CEO. The CEO holds office for a period of five years which may be renewable taking into consideration the performance of the CEO. The Board determines the conditions of appointment of the CEO which include the determination of remuneration and allowances in accordance with a system approved by the MEC.

The CEO must enter into a performance agreement with the Board on acceptance of his or her appointment and he or she is accountable to the Board. The CEO is the head of MTC's administration and, subject to directives from the Board, the functions of the CEO are, amongst others, to –

- (a) manage the affairs of MTC;
- (b) implement the policies and decisions of the Board;
- (c) manage and recruit employees to perform the work necessary to achieve the objects of MTC;
- (d) Compile business and financial plan and reports in terms of the PFMA; and
- (e) develop efficient, transparent and cost-effective administrative systems.



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The CEO may delegate any original or delegated duty or power to any employee of MTC.

## 9. STAFF OF MTC

The entity must employ employees as determined in the staff establishment to do the professional, administrative, secretarial and other work incidental to the performance of its functions.

The Board must, in consultation with the CEO, determine a code of conduct applicable to all employees of MTC and justiciable for purposes of disciplinary proceedings, to ensure-

- (a) Compliance with applicable law;
- (b) The effective, efficient and economical use of MTC's funds and resources;
- (c) The promotion and maintenance of a high standard of ethics, and
- (d) Professional, honest, impartial, fair, ethical and equitable service.

## 10. POWERS AND FUNCTIONS OF THE EXECUTIVE AUTHORITY

The MEC is the executing authority for MTC as contemplated in the PFMA and he or she-

- (a) appoints the members of the Board and determines their remuneration in consultation with the MEC responsible for Finance in the Province;



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- (b) establishes and maintains clear channels of communication between him or her and MTC;
- (c) Monitors and reviews performance of MTC;
- (d) Issues directives, where necessary, to ensure that the entity operates effectively and economically in achieving its strategic objectives; and
- (e) may direct MTC to perform any function if in his or her opinion will improve the economic growth and sustainable development of the Province.

## 11. ACCOUNTABILITY

### 11.1 Advice and reports by MTC

All advice and reports of MTC on any matter, whether requested or provided on own initiative must be in writing, approved by the Board and submitted to the MEC.

### 11.2 Accountability and reporting

MTC will report to the Legislature in accordance with the standards set out in the PFMA and in terms of the Rules of the Legislature.

MTC will report on their work to the relevant government Cluster and Cabinet Committee, through the MEC.

## 12. PLANNING, MONITORING, REPORTING AND EVALUATION



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- 12.1 Planning, monitoring, reporting, and evaluation will happen in accordance with the policy and regulatory framework of government.
- 12.2 In addition to the above, for every financial year, MTC must prepare and submit an annual business plan to the executive authority on or before 31 January prior to the next financial year.
- 12.3 The business plan must be prepared in a business-like manner, considering the prevailing operating environment, exploitation emerging opportunities and mitigating threats. It must further strike a balance between the need for sustainability of MTC and priority socio economic goals of the state as outlined by a government of the day.
- 12.4 The business plan must be preceded by and incorporate a full and proper assessment of the operating environment and an internal assessment of the organisation using a model decided by the board in order to inform a rational business model as outlined in the business plan.
- 12.5 Where the executive authority has made comments and or recommendations to the Board's business plan, the Board must reconsider the business plan taking into account the inputs of the executive authority within 15 calendar days; whereafter it must adopt a final business plan within the said period and prior the commencement of the next financial.
- 12.6 The final business plan as adopted by the Board after reconsideration of inputs must be submitted to the executive authority within 5 working days after adoption by the Board to the executive authority for noting.



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### 13. TRANSITIONAL PROVISIONS

#### 13.1 Dissolution of the existing MTC

From the date of commencement of the intended legislation, Mayibuye Transport Corporation established in terms of the Proclamation issued under Ciskei Government Notice No. 89 of 1990 will be dissolved and the Board appointed in terms of the said Proclamation will also be dissolved.

#### 13.2 Interim Board

The existing board must be the Interim Board of MTC until the executive authority appoints a new board in accordance with the legislation.

The term of office of members of the interim Board shall be for a period not exceeding six months after the commencement of the intended legislation or until the MEC appoints the members for the first term of office of the Board. The interim Board may exercise and perform the same powers and duties granted to the Board in terms of the Act.

#### 13.3 Legal Successor

From the date of commencement of MTC legislation, the new public entity established in terms of the legislation will be, for all intents and purposes, the legal successor to MTC established in terms of the Proclamation in 1990 and:



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- (a) becomes the owner of all or any movable and immovable property of the dissolved Mayibuye Transport Corporation.
- (b) is substituted as contracting party for the old MTC, in all contracts as if the entity had been the contracting party at the time of contracting and the contractual rights, obligations and liabilities of the old MTC in terms thereof are transferred to the new entity;
- (c) All financial, administrative and other records of MTC must be transferred to MTC entity established in terms of the legislation;
- (d) all assets, rights, obligations and liabilities of MTC vest in the entity;
- (e) Anything done or any decision made or steps taken by MTC prior to the commencement of the Act is deemed to have been done, made or taken, by the entity and remain valid until repealed or amended; and
- (f) the entity is deemed to have issued all financial instruments of the old Mayibuye Transport Corporation.

Any money standing to the credit of the old MTC in their bank accounts immediately before the commencement of the Act vests in MTC established in terms of the legislation and must be transferred to the bank account of the entity when it is established.

Any reference in any law or document to MTC before the commencement of the legislation shall be construed as a reference to the public entity established by the legislation unless such construction is clearly inappropriate.





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#### 13.4 Acting Chief Executive Officer

The MEC shall, within seven days from the date of commencement of the Act, appoint such person as he or she deems fit, as acting CEO of the entity. The MEC must appoint the acting CEO for a period of six months or until such time as the CEO is appointed by the Board.

The acting CEO must exercise and perform the same powers and duties granted or delegated to the CEO in terms of the Act.

The MEC must determine the acting allowance payable to the chief executive officer which shall not be in excess of the range applicable to the CEO of the dissolved MTC.

#### 13.5 Legal proceedings, internal proceedings and investigations

The enactment of the legislation shall not affect any civil matter pending at the commencement of the Act, and any pending matter will be continued and concluded in every respect as if the Act had not been passed.

Any internal hearing, investigation or disciplinary proceedings or process instituted by MTC which is Pending at the date of commencement of the Act, may be continued or instituted as if the Act had not been passed.

#### 13.6 Employees of the old MTC

A person who, immediately before the commencement of the Act, was in the employ of MTC will be transferred to the employ of MTC public entity established in terms of the legislation with the retention of the salary, allowances and other conditions of



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service which applied in respect of that person before the commencement of the Act and shall be deemed to be appointed under the Act.

The salary, allowances and other conditions of service of such person is regarded as having been determined under the Act, and any leave, pension or other benefits which have accrued in the person's favour by virtue of the person's service with MTC.

#### **14. REPEAL OF LAWS**

Subject to confirmation that there are no entities that are still operating under the Corporations Act of 1981 which are affected by the Corporations Transitional Provisions Act 12 of 1995, both the aforementioned legislations shall be repealed.

#### **15. APPROVAL**

The Executing Council of the Province shall approve the adoption and implementation of the White Paper.



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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 775 OF 2023****PROPERTY RATES AND SERVICES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024**

The following tariffs have been adopted by resolution of Council on 25 May 2023 to be implemented with effect from 01 July 2023. All tariffs include VAT where applicable

Code	Description	2023/2024 Incl VAT
	<b>REFUSE</b>	
201	Domestic	168,76
202	Business per bin	285,27
203	Business per bin	285,27
204	Business per trolley (6 Trolley Bins) 5 Days a week	12 038,68
205	Business per trolley	1 203,87
205	Business skip bin (6 * Trolley Bins) 3 Days a week	7 223,20
206	Municipal	1 203,86
	Garden Refuse M3	113,69
	Sale of Refuse Bags - Actual cost of the bag	34,10
	Sale of Refuse Bins	240,21
	<b>ELECTRICITY</b>	
	Prepaid Domestic 20A & 60A - Inclining Block Tariff	
	Block 1 (0-50 kWh)	178,99
	Block 2 (51 - 350 kWh)	229,91
	Block 3 (351 - 600 kWh)	323,25
	Block > 600 kWh	381,45
	Commercial pre-payment	
	Sportsfields <60 Amps	398,49
	Business Single Phase < 60Amps	398,49
	Business 3 Phase <70Amps	398,49
400	Basic Charge S/phase 60 amps	519,44
402	Basic Charge S/phase 00-20amps	1 279,75
403	Basic Charge S/phase 21-30amps	1 279,75
404	Basic Charge S/phase 31-40amps	1 279,75
406	Basic Charge S/phase 51-60amps	1 279,75
407	Basic Charge S/phase 61-70amps	1 279,75

408 Basic Charge 3/phase 00-15amps	2 328,94
410 Basic Charge 3/phase 21-30amps	2 328,94
411 Basic Charge 3/phase 31-40amps	2 328,94
412 Basic Charge 3/phase 41-60amps	2 328,94
413 Basic Charge 3/phase 61-70amps	2 328,94
414 Basic Charge 3/phase >70amps	1 622,46
415 Basic Charge S/phase 21-30amps	1 279,75
417 Basic Charge Street Lights	1 279,74
418 Basic Charge 3/phase 41-60amps	2 359,51
419 Basic Charge 3/phase >70amps	1 612,01
426 Basic Charge 3/phase 0-15amps	2 328,94
428 Basic Charge 3/phase 31-40amps	2 328,94
429 Basic Charge S/phase 31-40amps	1 279,76
430 Basic Charge 3/phase 21-30amps	2 603,72
444 Basic Charge S/phase 51-60amps	1 279,76
420 Conventional Domestic 20A - 30A	
Block 1 (0-50 kWh)	178,99
Block 2 (51 - 350 kWh)	230,13
Block 3 (351 - 600 kWh)	323,89
Block > 600 kWh	381,43
421 Consumption (0-500 @	330,18
421 *****Thereafter	290,75
422 Demand Meter Tariff (Phase Out)	229,47
423 Bulk kWh - Tariff	305,51
Time of Use - Buld Supply	
500 Basic Charge 3/phase >70amps	2 630,38
422 Demand Meter Tariff (High Season) - kVa	262,61
Demand Meter Tariff (Low Season) - kVa	261,26
Energy charge: Winter	
500 Peak	587,61
501 Standard	248,29
502 Off peak	153,62
Energy charge: Summer	-
503 Peak	401,29
504 Standard	113,06
505 Off peak	102,49
	-
424 Street Lights kWh	2,60
425 Consumption (0-500 @	314,61
*****Thereafter	278,30
427 Bulk kWh - Tariff	262,61
	261,26
432 Consumption (0-500 @	330,17
*****Thereafter	290,73
432 Sign Site Rental	266,99

433	Sign Consumption	-
434	Land Rate Consumption (500 kwh)	349,25
	Land Rate Consumption (>500 kwh)	310,33
INDUSTRIAL TARIFFS		
Large Power Users		
	Basic Charge / month	1 611,94
	Energy Charge	298,90
	Demand Charge	224,53
TIME OF USE		
	Scale 40T Urban 40R Peri - Urban > 200KVA	-
	Demand Charge KVA	224,53
Electricity Test Meter		
	Electricity Test Meter	537,59
Connection Fees		
	Connection Fees	286,21
Reconnection Fees		
	Reconnection Fees	918,99
Special Readings		
	Special Readings	286,21
Temporary Connections		
	Temporary Connections	1 072,10
Wiring Inspection		
	Wiring Inspection	1 072,10
Electricity Availability		
	Electricity Availability	3 388,34
Connection Fees (New)		
	Connection Fees (New)	16 846,31
Connection Fees (New) Business		
	Connection Fees (New) Business	16 846,31
Transfer to Pre-paid Meter		
	Transfer to Pre-paid Meter	5 339,53
Conversion from Prepaid to Conventional Meter		
	Conversion from Prepaid to Conventional Meter	26 711,45
Call Out Fees : Office Hours		
	Call Out Fees : Office Hours	878,52
Call Out Fees : After Hours		
	Call Out Fees : After Hours	1 168,32
Call Out Fees : Sundays & Public Holidays		
	Call Out Fees : Sundays & Public Holidays	1 756,93
Charge for all ALM Internal Services. Call out fee		
	Charge for all ALM Internal Services. Call out fee	-
include first hr, then rate/hour apply		
	include first hr, then rate/hour apply	-
(material is not included in tariff)		
	(material is not included in tariff)	536,90
Tampering/ Theft of electricity (Interference/use with intent to perciev		
	Tampering/ Theft of electricity (Interference/use with intent to perciev	-
T1	Breaking a municipal lock	3 101,24
T2	Breaking of an seal	3 101,24
T3	Interference/Bypassing of Hot Water Load/ Load control Switches	31 012,42
T4	Interference with energy meters 1 phase meters	
	First offence	12 112,95
	Second offence	24 225,90
	Third offence	36 338,87
T5	Interference with energy meters 3 phase meters	
	First offence	23 137,96
	Second offence	46 275,93
	Third offence	69 413,92
T6	Interference with energy Bulk meters <200kva	
	First offence	69 414,57
	Second offence	138 829,14
	Third offence	208 243,72

T7	Interference with energy Bulk meters >200kva	
	First offence	208 244,37
	Second offence	416 488,75
	Third offence	624 733,14
T8	Interference with electricity Current transformers/ wiring	68 058,69
T9	Illegal Connection	1 837,99

T1-T9 ALM losses are recoverable. No reinstatement of supply without updated Certificate of Compliance and receipt.

Tampering = Percieved action that effect a loss, that have financial implication to ALM

#### NEW CONNECTIONS

	1 KVA Range 15-40 Dom/Com (Primary)	17 722,32
1A	KVA Range 15-40 Dom/Com (Primary) Kologha	37 482,96
	2 KVA Range 40-100 Com/LP Users (Primary)	71 598,57
	Com LP Users (Secondary)	2 038,07
	Com LP Users (Secondary)>30m	620,41
	3 KVA Range 100 + LP users	-
	4 KVA Range 15 + Rural (A) Primary	17 722,32
	KVA Range 15 + Rural (A) Secondary	-
	KVA Range 15 + Rural (B) Primary	37 482,96
	KVA Range 15 + Rural (B) Secondary	-
5A	KVA Range 0-15 Dom/Com/Kol (Primary)	17 722,32
	KVA Range 0-15 Dom/Com/Kol (Secondary)	17 722,32
5B	KVA Range 0-15 Dom/Com/Kol (Primary)	37 482,96
	KVA Range 0-15 Dom/Com/Kol (Secondary)	17 722,32
	6 KVA Range 0-40 Dom/Flats (Primary)	17 722,32
6A	KVA Range 40-100 as for 6 (Primary)	71 598,57
	KVA Range 40-100 as for 6 (Secondary)	2 038,07
	KVA Range 40-100 as for 6 (Secondary)>30	620,41

#### DEPOSITS

	Domestic Electricity	4 531,45
	Supply of 15KVA S/Phase (Business)	8 119,95
	Supply of 25KVA 3/Phase (40amps)	15 716,03
	Supply of 35KVA 3/Phase (50amps)	17 287,64
	Supply of 50KVA 3/Phase (70amps)	18 859,25
	Supply of 75KVA 3/Phase Industrial	23 023,99
	Supply of 100 KVA 3/Phase Industrial	27 241,14
	Domestic Elect (Salary< R6 6000 Pa)	1 571,61

#### COUNCIL GENERAL EXPENSES

VARES	Residential	0,00951
VARESS	Residential	0,00951
VARESM	Sole Property Owner < R3000 p/m	0,00951
VAMUN	Municipal	-
VAPUBE	Public Benefit Organisation	0,00171



VAPUBS Public Service	0,00238
VABUS Business	0,00951
VAGOV Government	0,00951
VAGRIF Agriculture	0,00171
VAGHW Farms with Labourers Houses, Water and Elect	0,00171
VAGRH Farms with Labourers Houses	0,00171
VAGRIS Agriculture Small Holdings	0,00171
VABUSF Farms used for Business or Commercial	0,00171
VAMON Monument	0,00171
VAINDS Small Holding used for Industrial	0,00171
VAIND Industrial Purpose	0,00951
VACMN Communal Land	0,00171
VARUST State Trust Land	0,00171

Property Clearance Application	177,71
Property Clearance Certificate	306,77
Valuation Certificate	306,77

## CEMETERY

Mlungisi (Excavation at own cost) Poorer section of community :	279,81
Town Cem (Excavation at own cost)	516,58
Excavation	667,25
Town per single plot	2 367,65
Town Double Depth	4 735,29
Niche	774,87
Monumental Fees	559,63
Kati-Kati	279,81
Town - Cathcart	516,58
Wall of Remembrance	28,41

## FOREST AND COMMONAGE

## Sale of Bark and Trees - per Tender

Pine Tree	
Permit Fee to Harvest Pine (3 Months)	805,00
At Stump/Standing Pine Tree (Per Cubic Meter)	320,85

Gum Tree	
Permit Fee to Harvest Droppers (3 Months)	345,00
At Stump/Standing Droppers (1 Ton)	230,00
Permit Fee for Gum Poles (3 Months)	575,00
At Stump/Standing Gum Poles (1 Ton)	460,00
Permit Fee to Harvest Hard Gum (Kineri) (3 Months)	230,00
At Stump/Standing Hard Gum (1 Ton)	172,50

Wattle Tree	
Permit Fee to Harvest Wattle (3 Months)	460,00
At Stump/Standing Wattle Trees (1 Ton)	230,00

Permit Fee to Harvest Wattle Building Dropper (3 Days)	5,75
At Stump/Standing Wattle Building Droppers (1 Ton)	230,00
<b>Cycling</b>	
Permit Fee (Annually) Bicycle (per Year)	115,00
Permit Fee (per Person Per day)	11,50
Permit Fee for Motor cycle (Per Year)	230,00
Entrance Fee Per Motor Cycle	23,00
<b>Fire Wood</b>	
Permit Fee for Fire Wood (3 Months)	115,00
Fire Wood (1Ton)	115,00
<b>Commonage Fees (Per Month per Head)</b>	
Cattle (50 % of the economic rate)	73,31
Sheep (50 % of the economic rate)	20,36
Goat (50 % of the economic rate)	20,36
Donkey/Horse (50 % of the economic rate)	230,00
Pigs (50 % of the economic rate)	29,56
Vegetation (50 % of the economic rate)	
Mining (100 % of the economic rate)	
NB: Penalty fee for non-compliance in the forest and commonage is R500,00 each time	

#### PUBLIC WORKS

<b>Building Plan Fees</b>	
New Dwellings (multiplied by 0.5% per m <sup>2</sup> )	1 500,00
Outbuilding	1 350,00
Flats, Townhouse and Hotels, Entertainment centres, B&Bs	1 750,00
Shops, Offices and Banks	1 750,00
Factories, Warehouses and Workshops	1 900,00
Hostel, Old age Home and Churches, and Sports recreation	1 750,00
Hospitals, Schools, Creches and Libraries	1 900,00
Carports and basement parking (Per Plan)	400,00
Pools (Per Plan)	400,00
Patios/Pergolas/Lapa and Sun decks (Per Plan)	400,00
Drainage only plans (Per Plan)	400,00
Minor work (Alterations and additions)	350,00
Low Cost Housing	250,00
Illegal structures demolition and dangerous building	2 000,00
Failing to provide toilet facility on site	500,00
Deviation from an approved plan	500,00
Excessive rubble on or around pavement	1 000,00
Illegal Occupying a building without an occupational Certificate	1 500,00
Usage of building for other purpose other than the one approved	2 000,00
Not allowing Building Control unit onto your property	500,00
Using unregistered plumber, electrician and installation without authorised inspection	1 000,00

## FIRE SERVICE

Large Vehicles - per hour incl. staff and equipment	2 330,71
Medium Vehicles - per hour incl. staff and equipment	1 174,57
Additional Personnel	
Officer - per hour	386,92
Firemen - per hour	225,70
Consumable Materials - cost plus	0,62
Veld Fires - per hour	587,28
Fire Levy	
Domestic (All Areas)	34,52
Business (All Areas)	46,04

## ADMINISTRATION

Photocopies A4	1,97
Photocopies A3	2,28
Photocopies A4 Colour	7,57
Photocopies A3 Colour	15,12
Search Fees	158,23
Fax Charges per page	9,04
Encroachments	29,16

## LIBRARY

Sale of Postcards	1,08
Internet per 15 min	12,25
Internet per 15 min	24,51
Internet per 15 min	36,76
Internet per 15 min	49,02
Laminating - A4	9,98
Laminating - A5	5,29
Laminating - A3	11,35
Laminating - Credit Card	4,08
Photocopies - A4	4,08
Photocopies - A3	2,28
Photocopies A4 Colour	7,57
Photocopies A3 Colour	15,12
Printing - Black	1,97
Printing - Colour	7,56
Membership - Adult	45,99
Membership - Children	22,99
Membership - Pensioner	22,99
Membership Deposits	131,24
Fax	
Receiving	4,54
Local	8,77
King Williams Town	9,38
East London	11,35

Queenstown	12,86
Umtata	13,62
Port Elizabeth	13,62
Butterworth	12,86
Port Alfred	13,62
Durban	15,13
Johannesburg	15,13
Cape Town	15,13
Bloemfontein	15,13
Scanner A4	7,57
Hire Activity Room - Per Session	96,67
Hire Activity Room - Kitchen	69,14
LOCAL ECONOMIC DEVELOPMENT	
Tractor Hire - Hectar	2 264,98
Tractor Hire - Half Hectar	1 132,49
Tractor Hire - Acre	566,24
Big Garden	485,35
Small Garden	388,28
Business License	
· Cellphone shops	368,55
· Clothing shops	526,50
· Funeral parlor	526,50
· Abattoir/ Butchery	2 316,60
· Cosmetic shops	526,50
· Pharmacy	526,50
· Fabrics	526,50
· Gymnasium	368,55
· Provision of entertainment/ Night clubs and taverns	4 106,70
· Accommodation Establishments	526,50
· Supermarkets	4 106,70
· Salons	526,50
· Liquor stores	947,70
· Furniture stores	947,70
· Filling Station	4 106,70
· Hardware store	4 106,70
· Car and Tractor dealership	4 106,70
· Internet Café	526,50
· TV repairs	368,55
· Fruit & Vegetables shops	368,55
· Panel beaters and Motor Spares	600,21
· Driving schools	263,25
· Banks	947,70
· Herbal Shops	368,55
· Agricultural Supplies	473,85
· Warehouse	5 265,00
· Brick Making/ Industrial	4 212,00
· Business Services Offices	147,42
· Tshisanyama	631,80

Laundry and Dry Cleaners	368,55
· Sales/ supply of meals or perishable foodstuff	179,01
Hawker Trading Permits	
· Hawker Stand	52,65
· Clothing Stand	421,20
Hawker Shelter	157,95
Permit for businesses operating in Shipping Container	368,55
Renewal of Permit on business operating in Container	210,60
Penalties	
· Formal business trading without licence	
· Informal business trading without permits	
· Business found selling expired food : First offender	
Second offender	
Third offender	

#### PARKS AND GARDENS

Cutting of Grass (On quote by Community Dept.)  
 Clean Plots - Bushcutting  
 Cutting of Grass - small mowers  
 Cutting of Grass - Tractor

Hire of Sportsfields	296,18
Hire of Netball Field	148,09
Hire of Sportsfields - Practicing per month	296,18

#### COMMUNITY HALLS

Film shows, Beauty Contests Discos, Weddings and  
 Social Functions:

Morning & Afternoon	590,51
Evening	590,51
Meetings incl. Religious meetings but excl. Political	
Morning & Afternoon	631,85
Evening	631,85
Meetings of a Political Nature	
Morning & Afternoon	631,85
Evening	631,85
Mlungisi Commercial Park	
Small Hall	808,92
Big Hall	1 132,49

#### PLANNING AND DEVELOPMENT

Land Development Application (Category 1)

Rezoning	
Erven 0 – 2500m2	4 040,44
Erven 2501 – 5000m2	7 959,59
Erven 5001 0 – 1 Ha	11 822,07
Erven 1, 0001Ha – 5Ha	13 035,89
Erven over 5Ha	14 953,82
Phasing/cancellation of approved layout plan	2 422,20
Amendment,suspension of a restrictive or condition, servitude of reser	942,73
Amendment or cancellation of a general plan of a township	2 668,53
Subdivision of land	
Subdivision Fee	2 324,89
Charge per subdivision (remainder considered a subdivision)	211,35
Subdivision into more than 80 erven (Township Establishment)	1 899,14
Permanent closure of a public place eg road, parthway ect. Per closure	807,40
Illegal permanent closure	15 205,29
Land Use Applications (Category 2)	
Subdivision of land	792,20
All applications for land use Consent	1 725,48
Departures	
Erven smaller than 500m2	800,74
Erven 500 – 750m2	1 356,31
Erven larger than 750m2	2 432,85
Departure other than building lines, spaza shop etc.	1 778,08
Miscellaneous Fees	
Zoning and other Certificate	218,96
Advertising signage basic application fee (including 2D, illuminated, mo	206,95
Advertising sign tariff per square metre	162,70
Cellular and Radio Communication Masts	4 447,80
Removal of Restrictions (Advertising fee)	8 056,77
Illegal Land Use Fine (New)	7 602,64
Way leave application (New)	3 815,01
Copies	
Spatial Development Documents (See Library tariffs) (New) (A4)	4,08
Electronic copies (New)	124,68
Search Fees per Erf (New)	22,81
Diagramme (New)	45,62
Land Survey Tariffs	
Basic Callout	258,69
Survey of sites from 0 – 10 000m2	2,15
Rent Property	151,29
	145,47

This include a R50 fee (telephone, copying and faxing) as well as R70 for an hours work therefore totalling R120.



# Closing times for **ORDINARY WEEKLY** **2023** **EASTERN CAPE PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **23 December**, Friday for the issue of Monday **02 January 2023**
- **30 December**, Friday for the issue of Monday **09 January 2023**
- **09 January**, Monday for the issue of Monday **16 January 2023**
- **16 January**, Monday for the issue of Monday **23 January 2023**
- **23 January**, Monday for the issue of Monday **30 January 2023**
- **30 January**, Monday for the issue of Monday **06 February 2023**
- **06 February**, Monday for the issue of Monday **13 February 2023**
- **13 February**, Monday for the issue of Monday **20 February 2023**
- **20 February**, Monday for the issue of Monday **27 February 2023**
- **27 February**, Monday for the issue of Monday **06 March 2023**
- **06 March**, Monday for the issue of Monday **13 March 2023**
- **13 March**, Monday for the issue of Monday **20 March 2023**
- **17 March**, Friday for the issue of Monday **27 March 2023**
- **27 March**, Monday for the issue of Monday **03 April 2023**
- **31 March**, Friday for the issue of Monday **10 April 2023**
- **06 April**, Thursday for the issue of Monday **17 April 2023**
- **17 April**, Monday for the issue of Monday **24 April 2023**
- **21 April**, Friday for the issue of Monday **01 May 2023**
- **28 April**, Friday for the issue of Monday **08 May 2023**
- **08 May**, Monday for the issue of Monday **15 May 2023**
- **15 May**, Monday for the issue of Monday **22 May 2023**
- **22 May**, Monday for the issue of Monday **29 May 2023**
- **29 May**, Monday for the issue of Monday **05 June 2023**
- **05 June**, Monday for the issue of Monday **12 June 2023**
- **09 June**, Friday for the issue of Monday **19 June 2023**
- **19 June**, Monday for the issue of Monday **26 June 2023**
- **26 June**, Monday for the issue of Monday **03 July 2023**
- **03 July**, Monday for the issue of Monday **10 July 2023**
- **10 July**, Monday for the issue of Monday **17 July 2023**
- **17 July**, Monday, for the issue of Monday **24 July 2023**
- **24 July**, Monday for the issue of Monday **31 July 2023**
- **31 July**, Monday for the issue of Monday **07 August 2023**
- **04 August**, Friday for the issue of Monday **14 August 2023**
- **14 August**, Monday for the issue of Monday **21 August 2023**
- **21 August**, Monday for the issue of Monday **28 August 2023**
- **28 August**, Monday for the issue of Monday **04 September 2023**
- **04 September**, Monday for the issue of Monday **11 September 2023**
- **11 September**, Monday for the issue of Monday **18 September 2023**
- **18 September**, Monday for the issue of Monday **25 September 2023**
- **22 September**, Friday for the issue of Monday **02 October 2023**
- **02 October**, Monday for the issue of Monday **09 October 2023**
- **09 October**, Monday for the issue of Monday **16 October 2023**
- **16 October**, Monday for the issue of Monday **23 October 2023**
- **23 October**, Monday for the issue of Monday **30 October 2023**
- **30 October**, Monday for the issue of Monday **06 November 2023**
- **06 November**, Monday for the issue of Monday **13 November 2023**
- **13 November**, Monday for the issue of Monday **20 November 2023**
- **20 November**, Monday for the issue of Monday **27 November 2023**
- **27 November**, Monday for the issue of Monday **04 December 2022**
- **04 December**, Monday for the issue of Monday **11 December 2023**
- **11 December**, Monday for the issue of Monday **18 December 2023**
- **18 December**, Monday for the issue of Monday **25 December 2023**

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