



KwAZULU-NATAL PROVINCE
KwAZULU-NATAL PROVINSIE
ISIFUNDAZWE sAKwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

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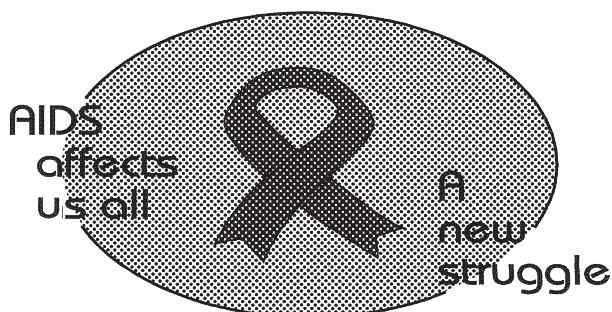
PIETERMARITZBURG

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No. 1468

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Information

from Government Printing Works

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10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 113 OF 2015

Umzimkhulu**Municipality**

Tel: (039) 259 5000/5300
Fax: (039) 259 0427

169 Main Street
Private Bag 53
Umzimkhulu 3297
Email: info@umzimkhululm.gov.za

MUNICIPAL NOTICE**NO.KZN435///BTO****PUBLIC NOTICE CALLING FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL NO 3****(UMZIMKHULU MUNICIPALITY)****AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government Municipal Property Rates Act, of 2004 (Act NO 6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the financial years 1 July 2013 to June 2018 is open for public inspection at the office of the Chief Financial Officer (Budget and Treasury Office), c/o 169 Main Street, UMzimkhulu, during office hours 07h45 to 16h30 Mondays to Thursdays and Fridays during office hours 07h45 to 15h30 from 29 May 2015 to 29 June 2015.

Notice is hereby given in terms of Section 49(1)(c) of the act that the Municipal Manager serve, by ordinary mail or, if appropriate, in accordance with Section 115 of the Municipal Systems Act, on every owner of property listed in the valuation roll a copy of the notice referred to above together with an extract of the valuation roll pertaining to that owner's property.

For enquires please telephone 039 259 5000 or 039 259 5050

Email: mavumazn@umzimkhululm.gov.za

MR Z.S SIKHOSANA
MUNICIPAL MANAGER
UMZIMKHULU MUNICIPALITY
PO BOX 53
UMZIMKHULU
3297

PROVINCIAL NOTICE 114 OF 2015

UMZIMKHULU LOCAL MUNICIPALITY



TARIFF BY-LAWS

**FINAL
2015-2016**

UMZIMKHULU MUNICIPALITY: TARIFF BY-LAW**TARIFF BY-LAW**

To provide for the adoption and implementation of a tariff policy; for the power to levy and recover fees, charges and tariffs and for matters incidental thereto.

PREAMBLE

WHEREAS section 229(1) of the Constitution authorises a municipality to impose

- (a) Rates on property and surcharges on fees for services provided by or on behalf of a municipality ; and
- (b) If authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls;

WHEREAS section 75A of the Local Government: Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount.

WHEREAS in terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.

WHEREAS in terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy

WHEREAS in terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of UMzikhulu Municipality has made the bylaws set out hereunder:

NOW THEREFORE be it enacted by the Municipality of UMzikhulu as follows:

1. DEFINITIONS

In this By-laws, unless the context otherwise indicates-

“Municipality” means the UMzikhulu Municipality;

“Tariff policy” means a tariff policy adopted by the Municipality in terms of the Systems Act and these By-laws;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

“Credit Control and Debt Collection By-laws and Policy” means the Municipality’s Credit Control and Debt Collection By-laws and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

“tariff” means fees, charges, or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government: property Rates Act, 2004 (Act 6 of 2004).

2. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- (a) The municipality must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with provisions of the Municipal System Act, the Municipal finance Management Act and any other applicable legislation.
- (b) The tariff policy adopted in terms of subsection (1) must be reviewed annually by the Municipality .
- (c) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. CONTENT OF TARIFF POLICY

3.1 The Municipality's tariff policy applies to all tariffs imposed by the a municipality.

3.2 The Tariff policy must reflect the principles referred to in the Municipal System Act, namely that

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

3.3 The municipality's tariffs policy must

- (a) Specify the manner in the referred to in subsection(2) are to be implemented;
- (b) Specify the basis of differentiation, if any, between different categories of users, debtors, service provider, services, services standard, geographical area and other matters as long as the differentiation does not amount to unfair discrimination; and

- (c) Include any further enforcement mechanisms the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By –Law and Policy.

4. GENERAL POWER TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS

4.1 The Municipality has the power to

- (a) Levy and recover fees ,charges or tariffs in respect of any function or service of the municipality; and
- (b) Recover collection charges and interest on any outstanding amount.

4.2 Fees charges and tariffs referred to subsection (1) are levied by resolution passed by the municipal council with a supporting vote of majority of its members.

4.3 After a resolution contemplated in terms of subsection (2) has been passed, the municipal manager must, without delay.

- (a) Conspicuously display a copy of the resolution for a period of at least 30 days at the as the city Hall and at such other places within the municipality to which the public has access as the municipal manager may determine;
- (b) Push in a newspaper of general circulation in the municipality a notice starting

4.4 Has been passed by the council;

- (i) that a resolution as contemplated in subsection
- (ii) that a copy of the resolution is available for public inspection during office hours at the City Hall and at the other places specified in the notice; and
- (iii)The date on which the determination will come into operation; and (c) seek to convey the information referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.

4.5 The Municipal manager must forthwith send a copy of the notice referred to in subsection 3(b) to the MEC for local government concerned

5. ENFORCEMENT OF TARIFF POLICY

5.1 The Municipality's tariffs policy shall be enforced through

- (a) Its Credit Control and Debt Collection By –Law and policy ;and
- (b) Any other enforcement mechanism stipulated in the Tariff policy.

6. DELEGATIONS

6.(1) Subject to the constitution and applicable nation and provincial law ,any-

- (a) Power, excluding a power referred to in section 160(2) of the Constitution;
- (b) Duty conferred, in terms of this By –Law, upon the Council or on any of the Municipality's other political structures, political office bearers' councillors or staff members, to an entity within, or a staff member employed by, the Municipality.

6.(2) The delegation in terms of sub- section (1) must be effected in accordance with the system with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act ,2000 (Act No. 32 of 2000),subject to the criteria set out in section 59(2) of said Act.”

6(3) Any delegation contemplated in this section must be recorded in the System of Delegations, which must contain information on the –

- (a) Entity or person issuing the delegation or sub-delegation;
- (b) Recipient of the delegation or sub- delegation; and
- (c) Conditions attached to the delegation or sub-delegation. Short title and Commencement.

7. SHORT TITLE AND COMMENCEMENT

This By –Law is called the uMzimkhulu Municipality: Tariff By –Law, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

PROVINSIALE KENNISGEWING 114 VAN 2015

UMASIPALA WASEMZIMKHULU



**IMITHETHO KAMASIPALA EQONDENE
NEZINKOKHELO EZIMISIWE**

OKUNGEYOKUGCINA YONYAKA WEZI- 2015/2016

IQALA UKUSEBENZA MHLA LULU-01 KUNTULIKAZI WEZI- 2015

UMTHETHO KAMASIPALA OQONDENE NEZINKOKHELO EZIMISIWE KAMASIPALA WASEMZIMKHULU

UMTHETHO KAMASIPALA OQONDENE NEZINKOKHELO EZIMISIWE

Ukuhlinzekela ukwamukelwa kanye nokuqalisa ukusebenza kwenqubomgomo eqondene nezinkokhelo ezimisiwe; amandla okunquma kanye nokubuyisa izimali, izinhlawulo kanye nezinkokhelo ezimisiwe okufanele zikhokhwe ngokunjalo nezimo ezihambisana nalokho.

ISENDLALELO

NJENGALOKHU isigaba 229 (1) soMthethosisekelo sigunyaza umasipalaukuba unqume

- (c) Intela yezakhiwo kanye nenhlawulo eyengeziweyezinsiza ezihlinzekwe ngumasipala kumbe egameni lawo; futhi
- (d) Uma kugunyazwe ngumthetho kazwelonke, ezinye izintela, ilevi kanye nemisebenzi efanele uhulumeni wasekhaya noma uhlaka lukahulumeni wasekhaya umasipala ongena ngaphansi kwalo;

NJENGALOKHU isigaba 75(1) soMthetho Wokuhulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi – 2000 (uMthetho uNo.32 wezi – 2000) ugunyaza umasipala ukuba unqume futhi ubuyise izimali, izinhlawulo noma izinkokhelo ezimisiwe maqondana nanoma yimuphi umsebenzi noma izinsiza zikamasipala, ngokunjalo nokubuyisa izinhlawulo zokuqoqwa kwemali nenzalo yanoma yiyiphi imali esilele ukukhokhwa.

NJENGALOKHU ngokwesigaba 74(1) soMthetho Wezinhlelo, kumele umkhandlu kamasipala wamukele futhi uqalise ukusebenza kwenqubomgomo eqondene nezinkokhelo ezimisiwe maqondana nokunquma izimali zezinsiza zikamasipala ezihlinzekwe ngumasipala noma ngokwenza izivumelwano zokuhlinzeka izinsiza okuhambelana nezihlinzeko zoMthetho Wezinhlelo Zikamasipala, uHulumeni Wasekhaya: uMthetho Wokulawulwa Kwezimali Zikamasipala, wezi-2003 (uMthetho uNo. 56 wezi-53) kanye nanoma yimuphi omunye umthetho osebenzayo.

NJENGALOKHU ngokwesigaba 75(1) soMthetho Wezinhlelo, kumele umkhandlu kamasipala wamukele imithetho kamasipala ezokwenza ukuba kuqaliswe

ukusebenza kanye nokuphoqelesa ukusebenza kwenqubomgomo yawo yezinkokhelo ezimisiwe.

NJENGALOKHU ngokwesigaba 75(1) soMthetho Wezinhlelo, imithetho kamasipala eyamukeliwe ngokwesigatshana 75(1) ingahlukanisa ngokwemikhakha yabasebenzisi, abakweletayo, abahlinzeki misebenzi, izinsiza, amaqophelo ezinsiza kanye nezindawo ingobo nje lokho kwehlukahlukana kungadali ukubandlululwa okungafanelekile.

Lapha kukhishwa isaziso ngokwesigaba 13 soHulumeni Basekhaya: uMthetho Wezinhlelo, wezi-2000 (uMthetho uNo. 32 wezi-2000) sokuthi uMkhandlu kaMasipala waseMzimkhulu sewenze imithetho kamasipala njengalokhu kubalulwe lapha ngezansi:

MANJE YINGAKHO-KE kumiswe nguMasipala waseMzimkhulu kanje:

1. IZINCAZELO ZAMAGAMA

Kule mithetho kamasipala, ngaphandle uma ingqikithi ikhomba okunye-

“UMasipala” kusho uMasipala waseMzimkhulu;

“Inqubomgomo eqondene nezinkokhelo ezimisiwe” kusho inqubomgomo yezinkokhelo ezimisiweeyamukelwe nguMasipala ngokoMthetho Wezinhlelo kanye nale Mithetho kamasipala;

“UMthethosisekelo” kusho uMthethosisekelo waseNingizimu Afrika, we-1996 (uMthetho uNo. 107 we-1996);

“IMithetho kamasipala neNqubomgomo Yezokulawulwa kanye Nokuqoqwa Kwezikweletu” kusho iMithetho kaMasipalaneNqubomgomo Yezokulawulwa kanye Nokuqoqwa KwezikweletukaMasipala njengalokhu kuyalelwe yizigaba 96(b), 97 kanye no 98 zoMthetho Wezinhlelo;

“UMthetho Wezinhlelo” kusho uMthetho Wezinhlelo Zikamasipalawezi-2000:uHulumeni Basekhaya, (uMthetho uNo. 32 wezi-2000).

“Inkokhelo emisiwe” kusho izimali, izinhlawulo, noma nanoma yiziphi ezinye izinkokhelo ezimisiwe ezinqunywe nguMasipala maqondana nanoma yimuphi umsebenzi noma izinsiza ezihlinzekwe nguMasipala, ngaphandle kwentela enqunywe nguMasipala ngokoMthetho oqondene Nentela Yezakhiwo, wezi- 2004: UHulumeni wasekhaya: (uMthetho uNo. 6 wezi-2004).

2. UKWAMUKELWA KANYE NOKUQALISWA KOKUSEBENZA KWENQUBOMGOMOYEZINKOKHELO EZIMISIWE

(a) Umasipala kumele wamukele futhi uqalise ukusebenza kwenqubomgomo yezinkokhelo ezimisiwe maqondana nokukhokhisa imali ngezinsiza zikamasipala ezihlinzekwe ngumasipala uqobo noma ngokwenza izivumelwano zokunikezelwa kwezinsiza, futhi ehambelana nezihlinzeko zoMthetho Wezinhlelo Zikamasipala, uMthetho Wokulawulwa Kwezimali Zikamasipala kanye nanoma yimuphi omunye umthetho osebenzayo.

(b) Inqubomgomo yezinkokhelo ezimisiwe eyamukelwe ngokwesigatshana (1) kumele uMasipala uyibuyekeze njalo ngonyaka.

(c) UMasipala awunalo angeke ube nelungelo lokunquma izinkokhelo ezimisiwe ezihlukile kulezo ezisemthethweni kunqubomgomo yezinkokhelo ezimisiwe.

3. OKUQUKETHWE YINQUBOMGOMO YEZINKOKHELO EZIMISIWE

3.1 Inqubomgomo yezinkokhelo ezimisiwe kamasipala isebenza maqondana nazo zonke izinkokhelo ezimisiwe ezinqunywe ngumasipala .

3.2. Inqubomgomo yezinkokhelo ezimisiwe kumele iveze imigomo ebalulwe eMthethweni Wezinhlelo Zikamasipala, okuyile ethi

(a) abasebenzisi bezinsiza zikamasipala kumele baphathwe ngokulinganayo ngokwezinkokhelo ezimisiwe;

(b) Isamba umuntu ngamunye osebenzisa izinsiza zikamasipala okufanele asikhokhe kumele silingane nalokho kutshenziswa kwalezo zinsiza;

(j) Iminden i elhwempu kumele ikwazi ukuthola okungenani izinsiza eziyisisekelo

- ngokwezinkokhelo ezimisiwe ezifaka kuphela izindleko zokuzisebenzisa kanye nezokunakekelwa;
- ngokwezinkokhelo ezimisiwe eziyisipesheli noma izinkokhelo ezimisiwe ezixhaswa nguhulumeni zokusetshenziswa ngokwezinga eliphansi kumbe ukusetshenziswa kwezinsiza noma izinga eliyisisekelo lezinsiza;
- ngokwanoma yiyiphi enye indlela esobala noma ecashile yoxhaso lukahulumeni lwezinkokhelo ezimisiwe zeminden i elhwempu;

(viii) Izinkokhelo ezimisiwe kumele ziveze izindleko ezihambelana ngokufanele nokunikezelwa kwezinsiza, kubandakanya izindleko zokwenziwa komsebenzi, ukusebenza, ukunakekelwa, ukwenganyelwa kanye nokufakwa kwezinye izinsiza ezintsha ngokunjalo nenhlawulo yenzalo;

- (ix) Izinkokhelo ezimisiwe kumele zihlelwe ngokwamazinga enza kube lula ukusimama kwezezimali zezinsiza ngokubheka ukuxhaswa okuvela kulabo abayimithombo ngale kophiko oluthintekayo;
- (x) Zingaba khona izihlinzeko ezimweni ezifanelekile zenhlawulo eyengeziwe maqondana nenkokhelo emisiwe yezinsiza;
- (xi) Zingenziwa izinhlinzeko zokukhuthaza ukuthuthukiswa komnotho wendawo ngokusebenzisa inkokhelo emisiwe eyisipesheli emikhakheni yabasebenzisi bamabhizinisi kanye nezimboni;
- (xii) Kumele kukhuthazwe ukusetshenziswa kwezinsiza ngokonga nangendlela efanelekile, ukusetshenziswa kwemfucuzwa ukuba yenze enye into ezosetshenziswa, kanye nangezinye izinhlosongqongi zezemvelo; futhi
- (xiii) Ubungako bokuxhaswa kwezinkokhelo ezimisiwe kwemindeneni ehlwempu kanye neminye imikhakha yabazisebenzisayo kumele kudalulwe ngokucacile.

3.4 Inqubomgomo kamasipala yezinkokhelo ezimisiwe kumele

- (d) Ibalule indlela okubhekiswe kuyo esigatshaneni (2) ezoqaliswa ukusebenza;
- (e) Ibalule izizathu zokuhlukanisa, uma kukhona, phakathi kwemikhakha yabasebenzisi, abakweletayo, abahlinzeki msebenzi, izinsiza, iqophelo lezinsiza, indawo kanye nokunye, inqobo nje uma ukwahlukaniswa kungeke kwadala ukubandlululwa okungafanelekile; futhi
- (f) Ibandakanye nanoma yiziphi ezinye izindlela zokuphoqelesa umthetho uMasipala ongafisa ukuzinquma ukwengeza kulezo eziqukethwe kwiNqubomgomo naseMthethweni kaMasipala oqondene Nokulawulwa kanye Nokuqoqwa Kwezikweletu.

4. AMANDLA JIKELELE OKUNQUMA NOKUKHOKHISA IZIMALI EZIKHOKHWAYO, IZINHLAWULO KANYE NEZINKOKHELO EZIMISIWE

4.1 UMasipala unegunya

- (c) Lokunquma kanye nokukhokhisa izimali ezikhokhwayo, izinhlawulo noma izinkokhelo ezimisiwe maqondana nanoma yimuphi umsebenzi noma izinsiza zikamasipala; kanye
- (d) Nelokukhokhisa izinhlawulo zokuqoqa imfucuzwa ngokunjalo nenzalo maqondana nanoma yiziphi imali okumele ikhokhwe.

4.2 izinhlawulo zezimali ezikhokhwayo kanye nezinkokhelo ezimisiwe okubhekiswe kuko esigatshaneni (1) kunqunywa ngokwezinqumo ezigunyazwa ngumkhandlu kamasipala ngokwesekwa yivoti leningi lamalungu awo.

4.3 Emva kwesinqumo esiningwe ngokwesigatshana (2) sesigunyaziwe, imenenja kamasipala kumele, ngale kokuthandabuza

(c) Yenze ukuba kukhonjiswe ngokusobala ikhophi yesinqumo okungenani isikhathi esiyizinsuku ezingama-30 ehholo ledolobha kanye nakwezinye izindawo ezingaphansi kukamasipala lapho umphakathi ukwazi ukufinyelela khona njengalokhu imenenja kamasipala inganquma;

(d) Ishicilele isaziso ephephandabenielitholakala kuwo wonke umasipala.

4.4 Uma sekugunyazwe ngumkhandlu;

(i) ukuthi isinqumo njengalokhu kuningwe esigatshaneni
(ii) ukuthi ikhophi yesinqumo ikhona ukuze ihlolwe ngumphakathi ngesikhathi zokusebenza eHholo ledolobha nakwezinye izindawo ezibalulwe esazisweni; kanye
(iii) nosuku lapho ukunqunywa lokho kuzoqala ukusebenza ngalo; kanye (c) nokudlulisela imininingwane okukhulunywa ngayo endimeni (b) emphakathini wendawo ngokuba kumenyezwe emsakazweni osakaza endaweni kamasipala.

4.5 Imenenja kamasipala kumele ngokushesha ithumele ikhophi yesaziso okubhekiswe kuso esigatshaneni 3(b) kuNgqongqoshe Wesifundazwe Wezohulumeni Basekhaya othintekayo

5. UKUPHOQELEWA KOMTHETHO NGOKUSEBENZA KWENQUBOMGOMO YEZINKOKHELO EZIMISIWE

5.1 Inqubomgomo kaMasipala yenkokhelo ezimisiwe kuzophoqelelwa ukusebenza kwayo ngokusebenzisa

- (a) Inqubomgomo kanye noMthetho kaMasipala eqondene Nokulawulwa kanye Nokuqoqwa Kwezikweletu; kanye
- (b) nanoma yiziphi ezinye izindlela zokuqinisa umthetho ezibalulwe kunqubomgomo yezinkokhelo ezimisiwe.

6. UKWEDLULISELWA KWAMANDLA

6.(1) Kuncike kuMthethosisekelo kanye nokomthetho osebenza kuzwelonke nasesifundazweni, nanoma -

- (a) yimaphi amandla, ngale kwamandla okukhulunwe ngawo esigabeni 160(2) soMthethosisekelo;
- (c) yimuphi umsebenzi onikeziwe, ngokwalo Mthetho kaMasipala, kuMkhandlu noma yinoma yiluphi olunye uhlaka lwezepolitiki lukaMasipala, amakhansela esezikhundleni ngokwezepolitiki kumbe abasebenzi abangaphakathi esikhungweni, noma kubasebenzi abaqashwe nguMasipala.

6.(2) Ukunikezelwa kwamandla ngokwesigatshana (1) kumele kuqale ukusebenza ngokuhambelana nohlelo lokunikezelwa kwamandla olwamukelwe nguMkhandlu

ngokuhambelana nesigaba 59(1) soMthetho Wezinhlelo Zikamasipala: Uhulumeni Wasekhaya, wezi- 2000 (uMthetho uNo. 32 wezi- 2000), ngokwenqubo elandelwayo ebekwe esigabeni 59(2) salo Mthetho oshiwo.”

6(3) Yinoma yikuphi ukunikezelwa kwamandla okuningwe kulesi sigaba kumele kurekhodwe oHlelweni Lokunikezelwa Kwamandla, okumele lube neminingwane emaqondana –

- (d) nohlaka noma umuntu odlulisela amandla kumbe odlulisela amandla abedluliselwe kuye;
- (e) nowamukela amandla adluliselwe kuye noma amandla adluliselwe kuye ngokade edluliselwe naye; kanye
- (f) nemibandela ehambisana nokudluliselwa kwamandla noma ukudluliselwa kwamandla abedlulisiwe.

7.ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA

Lo Mthetho kamasipala ubizwa ngokuthi uMthetho kaMasipala waseMzimkhulu oqondene Nezinkokhelo Ezimisiwe, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kuGazethi kaHulumeni noma njengalokhu kukhonjiswe ngenye indlela kulesi sazi.

PROVINCIAL NOTICE 115 OF 2015

UMZIMKHULU LOCAL MUNICIPALITY



PROPERTY RATES BY-LAWS

FINAL

2015-2016

Umzimkhulu Municipality, hereby, in terms of section 6 of the local government: Municipal Property Rates Act, 2004, has by way of resolution no: **SPCL400/28.05.2015-1** adopted the municipality's Property Rates By-law set out hereunder.

UMZIMKHULU MUNICIPALITY

PROPERTY RATES BY-LAWS

1. LEGISLATIVE CONTEXT

1.1 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.

1.2 And Whereas Section 6 of the Municipal Property Rates Act, 2004(No. 6 of 2004) requires a Municipality to adopt by-laws to give effect to the implementation of its Property Rates Policy.

1.3 Now therefore the Municipal Council of UMzimkhulu Local Municipality approves and adopts the following Property Rates by-laws.

2. 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 (name of the municipality);

'Property rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the UMzimkhulu Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

3. APPLICATION OF THESE BY-LAWS.

In imposing the rate in the rand for each annual operating budget component, the Municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in these by-laws.

4. DIFFERENT CATEGORIES OF PROPERTY

Section 8 of the Act provides for different categories of property that may be adopted by Municipalities for the purpose of levying different rates and/or exemptions and rebates. UM Council has adopted the following categories:

- i) Agricultural properties
- ii) Agricultural Smallholding properties
- iii) Business or Commercial properties
- iv) Communal land properties
- v) Industrial properties.
- vi) Municipal properties.
- vii) Public service infrastructure.
- viii) Residential properties.
- ix) State owned properties.
- x) Properties of public worship

5. CONTENTS OF A RATE POLICY

The Rates Policy shall, inter alia:

- 5.1. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 5.2. Comply with the requirements for:
 - 5.2.1. the adoption and contents of a rates policy specified in section 3 of the Act;
 - 5.2.2. the process of community participation specified in section 4 of the Act; and
 - 5.2.3. the annual review of a Rates Policy specified in section 5 of the Act.
- 5.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 5.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

6. PAYMENT OF RATES

- 10.1. The rates levied on the properties shall be levied and payable on a Monthly basis;
- 10.2 The municipality shall determine the due dates for payments and this Date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent;
- 10.3 Interest on arrears rates shall be calculated in accordance with the Provisions of the Credit Control and Debt Collection Policy of the Municipality;
- 10.4 If a property owner who is responsible for the payment of property rates in terms of these by-laws fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality;
- 10.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:-

If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the Municipality shall recover the amount in full or partially as follows:-

- I) From the agent who is lawfully responsible to collect commission or rental in
 - II) respect of the property concerned;
 - III) From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refers to in (I) but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.
- 10.6 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.
- 10.7 The notice referred to in 10.6 shall give the party concerned at least 14 calendar days to pay the outstanding rates.
- 10.8 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or

omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

10.9 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied in terms of the municipality's Credit Control and Debt Collection Policy.

10.10 When levying rates, a municipality must levy the rate for a financial year, and this rate lapses at the end of the financial year for which it was levied:

- (i) The levying of rates must form part of a municipality's annual budget process, and at the time of its budget, review the amount in the Rand of its current rates in line with its annual budget for the next financial year.
- (ii) A rate levied for a financial year may be increased during a financial year
- (iii) Only when required in terms of a financial recovery plan (Section 28(6) of the MFMA).
- (v) A rate becomes payable as from the start of a financial year.

10.11 The municipality shall as part of each annual operating budget determine a rate in the rand for every category. Rates are levied in accordance with the MPRA as an amount in the rand based on the market value of all rateable property as reflected in the valuation roll and any supplementary valuation roll.

7. ACCOUNT TO BE FURNISHED

11.1 The municipality will furnish each person liable for the payment of rates With a written account, which will specify:-

- (i) The amount due for rates payable;
- (ii) The date on or before which the amount is payable;
- (iii) How the amount was calculated;
- (iv) The market value of the property; and
- (v) Rebates, exemptions, reductions or phasing-in, if applicable.

- 11.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.
- 11.3 In the case of joint ownership, the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners provided the owners grant consent.

12.FREQUENCY OF VALUATION

- 12.1 The municipality shall prepare a new valuation roll every 4 (four) years, with the option to extend the validity of the valuation roll to 5 (five) years with the approval of the MEC for Local Government and Housing in the province.
- 12.2 In accordance with the Act the municipality, under exceptional circumstances, may decide to extend the validity of the valuation roll to 5 (five) years by applying for approval to the MEC for Local Government and Housing in the province.
- 12.3 Supplementary valuations may be done on a continual basis but at least on annual basis.

13. REGULATION REVIEW PROCESSES

The Property Rates by-laws shall be reviewed on an annual basis to ensure that they comply with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

14.OFFENCESANDPENALTIES

Anyone who provides false information in contravention of these by-laws shall be guilty of an offence and if found guilty shall be liable to a fine not exceeding a fine for such an offence as stated in the Adjustment of Fines Act or to imprisonment for a period not exceeding 6 (six) months.

15. SHORT TITLE AND COMMENCEMENT

- 15.1 These By-Laws may be cited as The Municipal Property Rates By-Laws and takes effect on the 01 July 2015
- 15.2 These by-laws shall come into operation on the date on which they are Published in the Government Gazette.

PROVINSIALE KENNISGEWING 115 VAN 2015

UMASIPALA WASEMZIMKHULU



IMITHETHO KAMASIPALA YENTELA YEZAKHIWO ZIKAMASIPALA

OKUNGEYOKUGCINA YONYAKA WEZI-2015/2016

Iqala ukusebenza kusuka mhla lulu-01 kuNtulikazi wezi- 2015

UMasipala waseMzimkhulu, ngokwesigaba 6 soHulumeni Basekhaya: soMthetho Wentela Yezakhiwo zikaMasipala, wezi-2004, ngokuthatha isinqumo uNo. **SPCL400/28.05.2015-1** wamukela uMthetho kaMasipala Wentela Yezakhiwo zikaMasipala njengalokhu kubalulwe lapha ngezansi.

UMASIPALA WASEMZIMKHULU

IMITHETHO KAMASIPALA EQONDENE NENTELA YEZAKHIWO

1. ISENDLALELO

1.1 NJENGALOKHU iSigaba 229 (1) soMthethosisekelo siyalela umasipala ukuba uphoqelegele ukukhokhwa kwentela eqondene nezakhiwo kanye nenhlawulo yezinsiza ezihlinzekwe ngumasipala noma egameni lawo.

1.2 NANJENGALOKHUISigaba 6soMthetho Wentela Yezakhiwo zikaMasipala, wezi- 2004(uNo. 6 wezi- 2004) uyalela uMasipala ukuba wamukele imithetho kamasipala ezokwenza ukuba kuqaliswe ukusebenza kweNqubomgomo yawo yeNtela kaMasipala.

1.3Manje yingakho-ke uMkhandlu kaMasipala weNdawo yaseMzimkhulu ugunyaza futhi wamukela le Mithetho kaMasipala Yentela Yezakhiwo zikamasipala.

2. IZINCAZELO ZAMAGAMA

Kulo mthetho kamasipala, nanoma yiliphi igama kumbe inkulumbo enikezwe incazelo eMthethweni Wentela Yezakhiwo Zikamasipala, wezi- 2004 (uMthethi uNo. 6 wezi- 2004), iyoba naleyo ncazelo, ngaphandle uma ingqikithi ikhomba okunye.

'uMasipala' kusho uMasipala waseMzimkhulu;

'UMthetho Wentela Yezakhiwo zikaMasipala' kusho: uMthetho Wentela Yezakhiwo zikaMasipala: uHulumeni Wasekhaya, wezi- 2004 (uMthetho uNo. 6 wezi-2004);

'Inqubomgomo Yezentela' kusho inqubomgomo yokunqunywa kwentela yezakhiwo ezikhokhelwa intela zikaMasipala waseMzimkhulu, okuningwe naayo esahlukweni 2 soMthetho Wentela Yezakhiwo zikaMasipala

3. UKUSETSHENZISWA KWALE MITHETHO KAMASIPALA.

Ekuphoqeleleni ukukhokhwa kwentela ngokwamarandikwengxenywe yesabelomali sokusebenza sonyaka ngayinye, uMasipala kuyomele anikezele ngokukhululwa, izaphulelo kanye nezimbuyiselo kulezo zakhiwo ezisemikhakheni ethile ngokunjalo nangokwezinhlobo zabanikazi abavumelekile kule mithetho kamasipala.

4. IMIKHAKHA EYAHLUKENE YEZAKHIWO

Isigaba 8 soMthetho sihlizekela imikhakha eyehlukene yezakhiwo ngokuthi zingemukelwa ngoMasipala ngenjongo yokukhokhisa intela eyahlukene kanye/ noma ukukhululwa nokwaphulelwa. UMkhandlu waseMzimkhulu ugunyaze le mikhakha elandelayo:

- i) Umhlaba ongamapulazi
- ii) Umhlaba ongamapulaziamancane
- iii) Izakhiwo zamabhizinisi noma zokuhweba
- iv) Umhlaba womphakathi
- v) Izimboni.
- vi) Izakhiwo zikamasipala
- vii) Ingqalasizinda yezeMisebenzi kaHulumeni.
- viii) Izakhiwo ezihlala abantu.
- ix) Izakhiwo okungezikahulumeni.
- x) Izakhiwo zokukhonza zomphakathi

5. OKUQUKETHWE YINQUBOMGOMO YENTELA

INqubomgomo yentela kamasipala kumele, phakathi kokunye:

5.1. Isebenze kuyo yonke intela kamasipala enqunywa nguMkhandlu kulandela ukwamukelwa kweSabelomali sawo soNyaka;

5.2. ihambisane nezidingo:

- 5.2.1. zokwamukelwa kanye nokuqukethwe yinqubomgomo yentela kamasipala okubalulwe esigabeni 3 soMthetho;
- 5.2.2. zohlelo lokubamba iqhaza komphakathi olubalulwe esigabeni 4 soMthetho; kanye
- 5.2.3. nezokubuyekwezwa kweNqubomgomo Yentela kaMasipala okwenziwa ngonyaka okubalulwe esigabeni 5 soMthetho.

(1) 5.3. Ihlinzekele imigomo, izindlela okumele zilandelwe kanye nezindlela zokuqalisa kokusebenza kwayo ezihambisana noMthetho Wentela Yezakhiwo Zikamasipala eziyokwamukelwa nguMkhandlu; futhi

5.4. Ihlinzekele izindlela zokuphoqelela umthetho ezihambisana noMthetho Wentela Yezakhiwo Zikamasipala kanye noMthetho Wezinhlalo ZikamasipalakuHulumeni Wasekhaya; wezi- 2000 (uMthetho uNo. 32 wezi- 2000).

6. UKUKHOKHWA KWENTELA

6.1. intela enqunywe ngokwezakhiwo kumele inqunywe futhi ikhokhwe njalo ngenyanga;

6.2 Umasipala kumele unqume izinsuku okumele kukhokhwe ngazo futhi lezi zinsuku kumele zikhonjiswe encwadini yesikweletu ethunyelelwa umnikazi/ oqashile/ abasebenzisa isakhiwo/ umphatheli womnikazi;

6.3 Inzalo yentela esilele emuva ukukhokhwa kumele ibalwe ngokuhambisana nezihlinzeko zeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala.

6.4 Uma umnikazi wesakhiwo onesibopho sokukhokha intela yesakhiwo ngokwale mithetho kamasipala ehluleka ukukhokha leyo ntela ngendlela enqunyiwe, iyofunwa kuyena ngokuhambelana nezihlinzeko zeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwentela kaMasipala.

6.5 intela esilele emuva ukukhokhwa iyofunwa kulabo abaqashile, abasebenzisa isakhiwo kanjalo nakubaphatheli bomnikazi, ngokwesigaba 28 no 29 soMthetho, kanje:-

Uma inaniokumele likhokhelwe intela enqunyiwe yesakhiwo, umnikazi engalikhokhile ngosuku okufanele likhokhwe ngalo njengoba kukhonjisiwe encwadini yesikweletu futhi singekho isinyathelo esiqhamuka kumnikazi masinyane emva kwezikhumbuzo ezimbili ezibhaliwe anikezwe zona, kumele uMasipala ufune lesa samba esiphelele noma ingxenye yaso, kanje:-

- I) Kumphatheli ogunyazwe ngokusemthethweni ukuba aqoae ikhomishini noma imali yerenti maqondana nesakhiwo esithintekayo;
- II) Kulowo oqashile noma osebenzisa isakhiwo, kuphela emva komzamo owenziwe wokusifuna kumphatheli okubhekiswe kuye ephuzwini (I) kodwa lowo mzamo wangaphumelela kumbe engekho umphatheli noma kuyingxenye kuphela yenani elisilele elingatholakala ngempumelelo.

6.6 Inani elifunekayolilingana ncamashi l wuMthetho futhi lingafunwakuphela emva kokuba uhlangothi oluthintekayo (lowo oqashile, osebenzisa isakhiwo noma umphatheli) selukhishelwe isaziso esibhaliwe sentela okumele ikhokhwe, kodwa umnikazi wesakhiwo engakayikhokhi.

6.7 Isaziso okubhekiswe kuso ephuzwini 6.6 kumele sinikeze uhlangothi oluthintekayo okungena izinsuku eziyi-14 zokukhokha intela esilele ukukhokhwa.

6.8 Lapho intela enqunyiwe maqondana nesakhiwo esithile inqunywe ngokungeyikho, okungaba yingenxa yephutha noma ukunganaki nje kukamasipala kumbe ulwazi olungelona iqiniso oluhlinzekwe ngumnikazi wesakhiwo esithintekayo noma ukwaphulwa kwendlela yokusetshenziswa okugunyaziwe kwesakhiwo esithintekayo, intela ekhokhwayo kumele ilungiswe ngendlela efanelekile esikhathini esinwetshiwe kusuka osukwini lapho iphutha noma ukunganaki okuhlonziwe kusuka osukwini lapho intela inqunywa okokuqala ngokomqulu oqukethe imininingwane yazo zonke izakhiwo wamanje.

6.9 Ngaphezu kwalokhu, lapho iphutha elenzeke ngenxa yokuthi umnikazi wesakhiwo uhlinzeke ulwazi olungelona iqiniso noma ngenxa yokuphulwa kwendlela yokusetshenziswa okugunyaziwe kwesakhiwo esithintekayo, kuyofanele kukhokhwe inzalo etholakala ngengxenywe engakhokhiwe yentela elungiswe kabusha ekhokhwayo kumele inqunywe ngokweNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala.

6.10 uma kunqunywa intela, kumele umasipala unqume intela yonyaka wezimali, futhi le ntela iphelelwa yisikhathi sokusebenza ekupheleni konyaka wezimali lowo ekade inqunyelwe wona:

- (i) Ukunqunywa kwentela kumele kube yingxenywe yenqubo yesabelomali sonyaka sikamasipala,
 - (ii) Kanti futhi esikhathini sesabelomali sawo, ukubuyekezwa kwesamba ngokwamaRandi entela yamanje yawo ngokuhambisana nesabelomali sawo sonyaka okungesonyaka wezimali olandelayo.
 - (iii) Intela enqunyiwe yonyaka wezimali ingakhushulwa ngawo lowo nyaka wezimali
 - (iv) Kuphela nje uma kudingeka ngokohlelo lokubuyiswa kwezimali (Isigaba 28(6) se-MFMA).
- (iii) Intela iqala ukukhokhwa nje uqala unyaka wezimali.

6.11 Umasipala kumele, njengalokhu kuyingxenywe yesabelomali sokwenziwa komsebenzi, unqume intela ngokwamarandi yayo yonke imikhakha. Intela inqunywa ngokuhambelana ne-MPRA ibe yisamba ngokwamarandi

esithathiselwa kwintengo yasemakethe yazo zonke izakhiwo ezikhokhelwa intela njengoba kukhonjiswe kumqulu oqukethe imininingwane yazo zonke izakhiwo kanye nanoma yimuphi umqulu oqukethe imininingwane yazo zonke izakhiwo owengeziwe.

7. IZINCWADI ZEZIKWELETU OKUMELE ZINIKEZELWE

7.1 UMasipala uyonikeza umuntu ngamunye ofaneleke ukuba akhokhe intela incwadi ebhalwe isikweletu, ezobalula:-

- (i) isamba sentela okumele ikhokhwe;
- (ii) usuku lolo noma okungaphambi kwalo okufanele isamba lesi khokhwe ngalo;
- (iii) ukuthi kubalwe kwafinyelelwa kanjani emalini okufanele ukuba ikhokhwe;
- (iv) intengo yasemakethe yesakhiwo; kanye
- (v) Izephulelo, ukukhululwaukukhokha, ukuncishiswa kwesamba noma ukuqaliswa ukusebenza kwentela, uma kukhona.

7.2 umuntu onesibopho sokukhokhwa kwentela uhlala ebophezelekile ukuba akhokhe, noma ngabe lowo muntu akayitholanga incwadi yesikweletu evela kumasipala. Uma umuntu othintekayo engazange wayithola incwadi yesikweletu kumele athathe izinyathelo ezifanelekile zokubuza kumasipala.

7.3 esimweni lapho, kunobunikazi obuhlanganyele, kumele umasipala njalo, ukuze anciphise izindleko kanye nokulawulwa okungenasidingo, afune intela kumnikazi oyedwa walabo abahlanganyele, inqobo nje uma abanikazi benikeze imvume.

8. ISIKHATHI SOKUHLOLWA KWEZAKHIWO

8.1 UMasipala kumele ulungise umqulu oqukethe imininingwane yazo zonke izakhiwoomusha njalo eminyakeni emine 4, okuvumelekile nokuthi unwebe ukusebenza ngokusemthethweni komqulu oqukethe imininingwane yazo zonke izakhiwokube yiminyaka emihlanu 5 ngemvume kaNgqongqoshe Wezohulumeni Basekhaya kanye Nezezindlu esifundazweni.

8.2 Ngokuhambisana noMthetho, uMasipala, ngaphansi kwezimo eziyisipesheli, unganquma ukunwetshwa kokusebenza ngokusemthethweni komqulu oqukethe imininingwane yazo zonke izakhiwokube yiminyaka emihlanu 5 ngokuba kufakwe isicelo sokuthola imvume kaNgqongqoshe Wezohulumeni Basekhaya kanye Nezezindlu esifundazweni.

8.3 Imiqulu equkethe imininingwane yazo zonke izakhiwoeyengeziwe ingenziwa njalo ngokuqhubekayo kodwa okungenani njalo ngonyaka.

9. IZINHLELO ZOKUBUYEKEZWA KOMTHETHONQUBO

IMithetho kamasipala eqondene nentela yezakhiwo kumele ibuyekwezwe njalo ngonyaka ukuze kuqinisekiswa ukuthi iyahambisana nezinhlosongqangi zokusebenza zikaMasipala njengalokhu kuqukethwe oHlelweni Lwentuthuko Edidiyele kanye nasemithethweni esebenzayo.

10. AMACALA KANYE NEZINHLAWULO

Yinoma ngubani ohlinzeka ulwazi olungelona iqiniso ngokwaphula le mithetho kamasipala uyobekwa icala lokwaphula umthetho futhi uma etholwa enecala uyoyalelwa ukuba akhokhe inhlawulo engeqile kunhlawulo yalokho kwaphulwa komthetho njengalokho kubalulwe eMithethweni Wokuhlelwa Kwezinhlawulo noma uyogqunywa ejele isikhathi esingeke seqa ezinyangeni eziyisithupha (6).

11. ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA

11.1 Le Mithetho kaMasipala ingabizwa ngokuthi iMithetho kaMasipala Yentela Yezakhiwo Zikamasipala futhi iyoqala ukusebenza mhla lu-01 kuNtulikazi wezi- 2015.

11.2 Le Mithetho kaMasipala iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kuGazethi kaHulumeni.

PROVINCIAL NOTICE 116 OF 2015

Umzimkhulu

Tel: (039) 259 5000/5300
Fax: (039) 259 0427

**Municipality**

169 Main Street
Private Bag 53
Umzimkhulu 3297
Email: info@umzimkhululm.gov.za

PROVINCE OF KWAZULU-NATAL**KZN 435**

RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 of 2004).

Notice No. KZN435/14/15/015/BTO**Date 28 May 2015****MUNICIPAL NOTICE NO: SPCL400/28.05.2015-1 of 2015****UMZIMKHULU MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2015 TO 30 JUNE 2016**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number SPCL400/28.05.2015-1, to levy the rates on property reflected in the schedule below with effect from 1 July 2015.

Category of property	Cent amount in the Rand determined for the relevant property category
Residential property	0.0088
Business and commercial property	0.0135
Industrial property	0.0135
Agricultural property	0.0135
Agricultural Smallholding property	0.0135
Communal land property	0.0021
Public service infrastructure	0.0021
State Owned property	0.0088
Place of worship	0.0088

Full details of the Council resolution and rebates, reductions and exclusions 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 on the municipality's offices, website (www.umzimkhululm.gov.za) and all public libraries.

NAME: ZWELIPHANTSI SIKHOSANA

DESIGNATION: MUNICIPAL MANAGER

PROVINCIAL NOTICE 117 OF 2015

Umzimkhulu**Municipality****Tel: (039) 259 5000/5300****Fax: (039) 259 0427****169 Main Street****Private Bag 53****Umzimkhulu 3297****Email: info@umzimkhululm.gov.za****PROVINCE OF KWAZULU-NATAL****KZN 435****RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 of 2004).****Notice No. KZN435/14/15/015/BTO****Date 28 May 2015****MUNICIPAL NOTICE NO: SPCL400/28.05.2015-1 of 2015****UMZIMKHULU MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2015 TO 30 JUNE 2016**

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NAME: ZWELIPHANTSI SIKHOSANA

DESIGNATION: MUNICIPAL MANAGER

PROVINCIAL NOTICE 118 OF 2015

UMZIMKHULU LOCAL MUNICIPALITY



CREDIT CONTROL AND DEBT COLLECTION

BY-LAWS

FINAL

2015-2016

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

PREAMBLE

Whereas Section 96(a) of the Local Government: Municipal System Act, No. 32 of 2000, obliges the UMzimkhulu Municipality to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

And whereas Section 96(b) of the System Act requires the UMLM to adopt, maintain and implement a credit control and debt collection policy, which is consistent with its rates and tariff policies and complies with the provisions of the Act;

And whereas Section 97(1) of the System Act stipulates what a credit control and debt collection policy must provide for;

Now therefore the following is adopted as the Credit Control and Debt Collection Policy of UMLM as set out hereunder.

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government Municipal Systems Act, No. 32 of 2000, Municipal Finance Management Act 2003 (Act No 56 of 2003) and Municipal Property Rates Act, 2004 (Act No 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

‘Municipality’ means (name of the municipality);

‘Municipal Systems Act’ means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

‘Credit Control and Debt Collection Policy’ means This policy shall apply only in respect of money due and payable to UMzimkhulu Municipality for; rates, fees, surcharges on fees, charges and tariffs in respect of the provision of refuse removal. Interest which has or will accrue in respect of any money due and payable or which will become due and payable to UMzimkhulu Local Municipality in regards to rates or services and collection charges.

2. OBJECTIVE

The objective of the by-law is to give effect to the implementation of the Credit Control and Debt Collection Policy as contemplated in the Local Government: Municipal System Act.

3. APPLICATION

This policy applies throughout the area of the Municipality.

The Council reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying the Policy.

The Council will on application of the credit control policy avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.

4. CONTENT OF CREDIT CONTROL AND DEBT COLLECTION POLICY

4.1 COMPLY WITH THE REQUIREMENTS FOR

- 4.1.1 The adoption and content of a credit control and debt collection policy;
- 4.1.2 The process of community participation specified in section 4 of the Municipal Systems Act; and
- 4.1.3 The annual review of the credit control and debt collection policy.

4.1 CREDIT CONTROL AND DEBT COLLECTION PROCEDURES FOR ASSESSMENT RATES, REFUSE AND SUNDRY DEBTORS

- Where debtors fail to pay their rates and refuse removal account on / or before the due date as indicated on the statement.
- A reminder notice, then a final demand may be delivered or posted after the due date. The final notice will contain a notice that the client may arrange to pay the outstanding balance off in the terms of the credit control policy.
- An acknowledgement of debt agreement (UMLM) must be completed with the Credit control section with valid arrangements for paying off the amount in arrears.
- If no response has been received in response to the final demand those accounts still outstanding will be handed over for collection and/or legal action to the attorneys and may be listed at a credit bureau.
- Only account holders with positive proof of identity or an authorised agent with a power of Attorney will be allowed to complete an Acknowledgement of debt.
- Debit orders/stop orders and cheques shall be completed for the monthly repayment of the agreed amount. If the arrangement is dishonoured, the full balance will immediately become payable

- No person will be allowed to enter into a second agreement if the first agreement was dishonoured, except in merit cases.
- Merit cases, where special circumstances prevail, must be treated individually and could amongst others include the following categories;
- Deceased estates
- Liquidated companies
- Private persons under administration
- Pensioners
- Any other case not mentioned which can be regarded as merit cases due to the circumstances approved by the CFO.
- Payment of arrears in respect of merit cases shall not exceed 24 months.

4.2 CREDIT CONTROL POLICY TO BE APPLIED FOR INDIGENT HOUSEHOLD

The Indigent (Special Cases) Policy adopted by the UMzimkhulu Municipality Local Municipality shall apply to such special cases.

4.3 TENDERS FOR BUSINESS & BUILDING PLANS

- ☐ No tender will be allocated to a person/contractor until a suitable arrangement for the repayment of arrears, has been made. No further debt may accrue during contract period.
- ☐ A condition allowing the municipality to deduct any moneys owing to the municipality from contract payments
- ☐ No building plans will be approved to consumer debtors that have arrears in his/her municipal account

5 SHORT TITLE AND COMMENCEMENT

This By –Law is called the uMzimkhulu Municipality: Credit Control and Debt Collection By –Law, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

PROVINCIAL NOTICE 118 OF 2015

UMASIPALA WASEMZIMKHULU



IMITHETHO KAMASIPALA YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU

OKUNGEYOKUGCINA YONYAKA WEZI-2015/2016

IQALA UKUSEBENZA MHLA LULU-01 KUNTULIKAZI WEZI- 2015

**IMITHETHO KAMASIPALA YOKULAWULWA KANYE NOKUQOQWA
KWEZIKWELETU**

ISENDLALELO

Njengalokhu iSigaba 96(a) soMthetho Wezinhlelo Zikamasipala, uHulumeni Wasekhaya: uMthetho, we-2000 (uMthetho uNo.32 wezi-2000), uphoqeleta uMasipala waseMzimkhulu ukuba uqoqe yonke imali okungeyawo futhi okufanele ukhokhelwe yona, ngokwezihlinzeko zalo Mthetho kanye nayo yonke eminye imithetho esebenzayo;

Nanjengalokhu iSigaba 96(b) soMthetho Wezinhlelo uyalela uMasipala wendawo yaseMzimkhulu (UMLM) ukuba wamukele, ugcine futhi uqalise ukusebenza inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu ehambisana nezinqubomgomo zawo eziqondene nentela kanye nezinkokhelo ezimisiwe futhi ehambisana nezihlinzeko zoMthetho;

Nanjengalokhu iSigaba 97(1) soMthetho Wezinhlelo silayezela ukuthi yini inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu okumele ikuhlinzekele;

Manje yingakho-ke lokhu okulandelayo kwamukelwa ngokuthi yiNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala wendawo yaseMzimkhulu (UMLM) njengalokhu kuchaziwe lapha ngezansi.

5. IZINCAZELO ZAMAGAMA

Kulo mthetho kamasipala, nanoma yiliphi igama kumbe inkulumo enikezwe incazelo eMthethweni Wezinhlelo zikaMasipala, we-2000 (uMthetho uNo.32 wezi-2000), uMthetho Wokulawulwa Kwezimali Zikamasipala, wezi- 2003 (uMthetho uNo. 56 wezi-2003) kanye noMthetho Wentela Yezakhiwo Zikamasipala, wezi- 2004 (uMthetho uNo. 6 wezi- 2004), iyoba naleyo ncazelo, ngaphandle uma ingqikithi ikhomba okunye.

‘uMasipala’ kusho uMasipala waseMzimkhulu;

uMthetho Wezinhlelo zikaMasipala, kusho uMthetho Wezinhlelo Zikamasipala, uHulumeni Wasekhaya: uMthetho, we-2000 (uMthetho uNo.32 wezi-2000);

'iNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu' kusho ukuthi le Nqubomgomo izosebenza kuphela ngokumaqondana nemali ekweletwa nokufanele ikhokhelwe uMasipala waseMzimkhulu; intela, imali ekhokhwayo, inhlawulo eyengeziwe, inhlawulo, inkokhelo emisiwe maqondana nokuhlinzekwa kokuthuthwa kwemfucuza. Inzalo etholakala noma ezotholakala maqondana nanoma yiyiphi imali ekweletwa futhi okufanele ikhokhelwe yona uMasipala wendawo yaseMzimkhulu ngokumayelana nentela noma izinsiza ngokunjalo nenhlawulo yokuqoqa.

6. INHLOSONGQANGI

Inhlosongqangi yalo mthetho kamasipala ukunikeza umhlahlandlela wokuqalisa ukusebenza kweNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu njengalokhu kuningwe eMthethweni Wezinhlelo Zikamasipala Kuhulumeni Wasekhaya.

7. UKUSETSHENZISWA KWALO MTHETHO KAMASIPALA

Le nqubomgomo isebenza kuyona yonke indawo kaMasipala.

Umkhandlu unelungelo lokwahlukanisa phakathi kwemikhakha yamakhasimende, abakweletayo, izinsiza noma amaqophelo ezinsiza uma esebenzisa inqubomgomo.

Umkhandlu uma usebenzisa inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu uzogwema ukubandlulula njengalokhu kungavunyelwe nguMthethosisekelo ngaphandle uma kubonakala ukuthi ukubandlulula akuchemile njengoba kuvunyelwe nguMthethosisekelo.

8. OKUQUKETHWE YINQUBOMGOMO YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU

8.1 IHAMBELANA NOKUDINGEKAYO

4.1.1 Ekwamukelweni kanye nakulokho okuqukethwe yinqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu;

4.1.2 ohlelweni lokubamba iqhaza komphakathi okubalulwe esigabeni 4 soMthetho Wezinhlelo Zikamasipala; kanye

4.1.3. nasekubuyekazweni konyaka kwenqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu.

**8.2 INQUBO YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU
MAQONDANA NABAKWELETA INTELA YOKUHLOLA,
YOKUTHUTHWA KWEMFUCUZA KANYE NABAKWELETA
IZINDLEKWANA EZINCANE EZEHLUKAHLUKENE,**

- Lapho abakweletayo behluleka ukukhokha izikweletu zabo zentela kanye nezokuthuthwa kwemfucuza ngosuku noma ngaphambi kwalo njengalokhu kukhonjiswe esitatimendeni.
- Isaziso sokukhunjuzwa, bese kuba ngesokubelesela okungesokugcina singathunyelwa noma siposwe emva kosuku olumiselwe ukuba kukhokhwe ngalo. Isaziso okungesokugcina sizobandakanya isaziso sokuthi ikhasimende lingahlela ukuba likhokhe imali esilele ukukhokhwa ngokwenqubomgomo yokulawulwa kwezikweletu.
- Isivumelwano sokuvuma ukukhokha isikweletu ku-UMLM kumele siphothulwe nabophiko lokulawulwa kwezikweletu sihambisane nezinhlelo ezizwakalayo zokukhokhwa kwemali esilele ukukhokhwa.
- Uma kungekho mpendulo etholakalayo emva kokuthunyelwa kwencwadi ebeleselayo yokugcina, lezo zikweletu ezisasilele ukukhokhwa ziyodluliselwa kubameli ukuba ziqoqwe kanye/ noma ukuze kuthathwe izinyathelo zomthetho futhi zingafakwa ohlwini lwabantu abasezikweletini (credit bureau).
- Abantu abanama-akhawunti kumasipala kuphela abanobufakazi obubambekayo bobubona noma umphatheli onelungelo lokusayina eligunyazwe nangummeli oyovunyelwa ukugcwalisa ifomu lesivumelwano sokuvuma ukukhokha isikweletu.
- Ama- debit/ Stop orders (izimali ezidonswa ebhange) okukhokhela isikweletu kanye namasheke kuyogcwaliswa ukukhokhela isamba okuvunyelwene ngaso nyanga zonke. Uma isivumelwano singagcinwanga, kuyobe sekufanele ngokushesha kukhokhwe yonke imali esele ngokugcwele
- Akekho umuntu oyovunyelwa ukwenza isivumelwano sesibili uma esokuqala singagcinwanga, ngaphandle uma kunezimo ezithile zokufaneleka.
- Izimo zokufaneleka, lapho izimo eziyisipesheli ziphoqa, kumele zibhekelelwe ngokomuntu ngamunye, kanti phakathi kokunye, zingabandakanya le mikhakha elandelayo;
- Impahla yalowo oshonile
- Izinkampani ezihlakaziwe ngenxa yokuhluleka ukukhokha izikweletu
- Abantu nje asebethathelwe izinyathelo zenkantolo maqondana nezikweletu zabo
- Abahola impesheni
- Nanoma yisiphi esinye isimo esingabaliwe esingathathwa ngokuthi isimo sokufaneleka ngenxa yezimo ezigunyazwe yiSikhulu Esiphezulu Sezezimali (CFO).
- Ukukhokhwa kwesikweletu esilele ukukhokhwa ngokumaqondana nezimo zokufaneleka akumele kweqe ezinyangeni ezingama-24.

8.3 INQUBOMGOMO YOKULAWULWA KWESIKWELETU KUMELE ISETSHENZISWE EMINDENINI YABAHLWEMPU

INqubomgomo ebhekele abahlwephu (izimo eziyisipesheli) eyamukelwe nguMasipala wendawo yaseMzimkhulu izosebenza kulezo zimo eziyisipesheli.

4.4 AMATHENDA AMAPULANI AMABHIZINSI KANYE NAWEZAKHIWO

- ☐ Ayikho ithenda eyonikezwa umuntu kumbe usonkontileka kuze kube wenza isivumelwano esifanelekile sokukhokha imali esilele. Angeke sakhula isikweletu ngesikhathi sokuqhubeka kwesivumelwano.
- ☐ Umbandela ovumela umasipala ukuba ubambe yinoma yiyiphi imali ekweletwa umasipala ngokwenkontilaki yokukhokha
- ☐ Awekho amapulani ezakhiwo azogunyazwa amakhasimende akweletayo ngokusilela emuva ukukhokha isikweletu sawo sikamasipala

9. ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA

Lo Mthetho kamasipala ubizwa ngokuthi uMthetho kaMasipala waseMzimkhulu Wokulawulwa kanye Nokuqoqwa Kwezikweletu, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kuGazethi kaHulumeni noma njengalokhu kukhonjiswe ngenye indlela kulesi saziso.


IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

- 
1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
 2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
 5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
 6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
 7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
 8. All re-submissions by customers will be subject to the above cut-off times.
 9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
 10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

