

Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

**Provincial Gazette**

**Provinsiale Koerant**

7326

7326

Friday, 7 November 2014

Vrydag, 7 November 2014

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

**CONTENTS**

**INHOUD**

(\*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(\*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

| No.  | Page |
|--|------|
| <b>Provincial Notices</b>  |      |
| 298 Western Cape Nature Conservation Board: Notice .....   | 1842 |
| 299 City of Cape Town: Removal of Restrictions.....  | 1845 |
| 300 City of Cape Town (Tygerberg District): Removal of Restrictions .....                        | 1845 |
| 301 City of Cape Town (Table Bay District): Removal of Restrictions .....                        | 1845 |
| 302 Western Cape Nature Conservation Board: Notice .....   | 1846 |
| <b>Tenders:</b>  |      |
| Notices.....   | 1852 |
| <b>Local Authorities</b>   |      |
| Cederberg Municipality: Removal of Restrictions .....  | 1875 |
| City of Cape Town (Blaauwberg District): Rezoning .....  | 1852 |
| City of Cape Town (Helderberg District): Removal of Restrictions, Consent and Departure .....    | 1853 |
| City of Cape Town (Northern District): Removal of Restrictions and Departure .....               | 1871 |
| City of Cape Town (Northern District): Removal of Restrictions and Subdivision .....             | 1868 |
| City of Cape Town (Northern District): Removal of Restrictions, Consent use and Relaxation ..... | 1872 |
| City of Cape Town (Northern District): Removal of Restrictions .....                             | 1865 |
| City of Cape Town (Northern District): Removal of Restrictions .....                             | 1866 |
| City of Cape Town (Northern District): Rezoning, Subdivision and Approval .....                  | 1864 |
| City of Cape Town (Northern District): Rezoning, Subdivision, Departure and Approval .....       | 1863 |
| City of Cape Town (Tygerberg District): Rezoning, Regulation Departure and Approval .....        | 1862 |
| City of Cape Town (Table Bay District): Closure .....  | 1855 |
| City of Cape Town (Table Bay District): Removal of Restrictions and Subdivision .....            | 1860 |
| City of Cape Town (Table Bay District): Removal of Restrictions, Consent and Departures .....    | 1857 |
| City of Cape Town (Table Bay District): Rezoning, Departure and Approval of Council .....        | 1856 |

| Nr.   | Bladsy |
|---|--------|
| <b>Provinsiale Kennisgewings</b>  |        |
| 298 Wes-Kaapse Natuurbewaringsraad: Kennisgewing .....  | 1843   |
| 299 Stad Kaapstad: Opheffing van Beperkings .....   | 1845   |
| 300 Stad Kaapstad (Tygerberg-Distrik): Opheffing van Beperkings .....                                 | 1845   |
| 301 Stad Kaapstad (Tafelbaai-Distrik): Opheffing van Beperkings .....                                 | 1845   |
| 302 Wes-Kaapse Natuurbewaringsraad: Kennisgewing .....  | 1848   |
| <b>Tenders:</b>   |        |
| Kennisgewings .....   | 1852   |
| <b>Plaaslike Owerhede</b>   |        |
| Cederberg Munisipaliteit: Opheffing van Beperkings.....   | 1875   |
| Stad Kaapstad (Blaauwberg-Distrik): Hersonerig .....  | 1852   |
| Stad Kaapstad (Helderberg-Distrik): Opheffing van Beperkings, Vergunning en Afwyking .....            | 1853   |
| Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings en Afwyking .....                        | 1871   |
| Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings en Onderverdeling .....                  | 1869   |
| Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings, Vergunningsgebruik en Verslapping ..... | 1873   |
| Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings .....                                    | 1865   |
| Stad Kaapstad (Noordelike Distrik): Opheffing van Beperkings .....                                    | 1867   |
| Stad Kaapstad (Noordelike Distrik): Hersonerig, Onderverdeling en Goedkeuring .....                   | 1864   |
| Stad Kaapstad (Noordelike Distrik): Hersonerig, Onderverderling, Afwyking en Goedkeuring .....        | 1863   |
| Stad Kaapstad (Tygerberg-Distrik): Hersonerig, Regulasie Afwyking en Goedkeuring .....                | 1862   |
| Stad Kaapstad (Tafelbaai-Distrik): Sluiting .....   | 1855   |
| Stad Kaapstad (Tafelbaai-Distrik): Opheffing van Beperkings en Onderverdeling .....                   | 1860   |
| Stad Kaapstad (Tafelbaai-Distrik): Opheffing van Beperkings, Raadsvergunning en Afwykings .....       | 1858   |
| Stad Kaapstad (Tafelbaai-Distrik): Hersonerig, Afwyking en Raadsgoedkeuring .....                     | 1856   |

(Continued on page 1936)

(Vervolg op bladsy 1936)

THEEWATERSKLOOF MUNICIPALITY

**CREDIT CONTROL AND DEBT COLLECTION BY-LAW**

**Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:**

**PREAMBLE**

To give effect to the Credit Control and Debt Collection Policy of the Theewaterskloof Municipality; the implementation and enforcement of the Policy in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and sections 96 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No 32 Of 2000), as amended; to provide for the collection of all monies due and payable to the Theewaterskloof Municipality; and to provide for matters incidental thereto.

The objective of this by-law is to –

- i) focus on all outstanding debt owed to the Theewaterskloof Municipality, as raised on the accounts of account holders;
- ii) provide for a uniform credit control, debt collection and indigent policy for the Theewaterskloof Municipality;
- iii) facilitate the implementation of credit control and debt collection throughout the area of jurisdiction of the Theewaterskloof Municipality;
- iv) promote a culture of prompt payment amongst the users of the municipal services rendered by the Theewaterskloof Municipality;
- v) establish a sense of community responsibility towards the payment of municipal accounts and the corresponding reduction in municipal debt;
- vi) ensure that the Theewaterskloof Municipality uses innovative, effective, efficient and appropriate methods to collect as much of the debt owing, in the shortest possible time, without any undue interference in processes; and
- vii) ensure that the Theewaterskloof Municipality effectively and efficiently deal with defaulters in accordance with the terms and conditions as set out in this by-law and the Credit Control and Debt Collection Policy.

## TABLE OF CONTENTS

1. Interpretation
2. Duty to collect debts
3. Provision of services
4. Service agreements
5. Deposits
6. Interest charges
7. Arrangements to pay arrears, other amounts due and / or debts.
8. Agreements with a debtor's employer
9. Power to refuse, restrict or disconnect the supply of services
10. Recovery of debt
11. Recovery of costs
12. Attachment
13. Claims against rental payments to recover outstanding debt
14. Full and final settlement payments
15. Consolidation of a debtors accounts
16. Indigents
17. Delegations
18. Appeals
19. Offences and penalties
20. Repeal of by-laws
21. Short title
22. Operative date

## 1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context otherwise indicates –

**“arrangement”** means a written agreement entered into between the Theewaterskloof Municipality and a debtor wherein specific terms and conditions for the payment of a debt and / or debts are agreed to;

**“arrears”** means any amount due and payable to the Theewaterskloof Municipality which was not paid by the due date for payment;

**“debt”** means any monies, goods or services owing to the Theewaterskloof Municipality in respect of municipal or other services rendered or to be rendered or received, and includes, but are not limited to, monies owing with regard to property rates, availability fees, charges or tariffs in respect of electricity, water, sewage and refuse removal services, housing transactions and rent, motor vehicle registration and licensing, property leases, fines and penalties levied in respect of any by-law, and any other outstanding amounts in respect of any other fees, charges or tariff levied by the Theewaterskloof Municipality, inclusive of any interest thereon, owing to the Theewaterskloof Municipality;

**“debtor”** means any person who owes a debt to the Theewaterskloof Municipality;

**“due date”** means the date on which a debt is due and payable to the Theewaterskloof Municipality, as indicated on the debtors municipal account or as determined by a contract, common law, statute, by-law or in the case of a fine or penalty, as specified by said document imposing the fine or penalty;

**“deposit”** means an amount of money paid over to the Theewaterskloof Municipality by a user or person or occupant of a premise, for safe keeping as security for the future payment of municipal services to be rendered;

**“indigent user”** means a debtor who meets certain criteria for indigent support, as determined by the Theewaterskloof Municipality from time to time;

**“interest”** means the standard rate of interest, charged on accounts which are not paid by their specified due dates, calculated as one percent higher than the prime rate, as levied by the appointed Banker of the Theewaterskloof Municipality;

**“measuring equipment”** means any meter, method, procedure, process, device, apparatus or installation that enables the quantity of supply of a service provided to be quantified and includes any method, procedure or process whereby quantity is calculated, estimated or assumed;

**“municipal account”** means an account rendered to an account holder for levies, surcharges, service charges and availability charges in respect of the following services – electricity supply, water supply, refuse removal, sewerage services, rates, rental, loan instalments, interest on arrears, and any other levies and monies due and payable to the Theewaterskloof Municipality;

**“Municipality”** means the Theewaterskloof Municipality and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

**“occupant of a property”** means and includes “occupier” and is any person who occupies or has control over any premises;

**“official”** means –

- (a) an employee of the Theewaterskloof Municipality;
- (b) a person seconded to the Theewaterskloof Municipality to work as a member of the staff of the municipality; or
- (c) a person contracted by the Theewaterskloof Municipality to work as a member of the staff, otherwise than as an employee;

**“person”** means and includes for purpose of this by-law, a natural person, a juristic person, any industrial or commercial undertaking, and an organ of State;

**“policy”** means the Theewaterskloof Municipality's Credit Control and Debt Collection Policy;

**“premises”** means any portion of land situated within the area of jurisdiction of the Theewaterskloof Municipality, of which the outer boundaries are demarcated on a general plan or diagram or sectional title plan registered in accordance with applicable legislation;

**“property”** means –

- (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 a person, 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.

**“rates”** means property rates, and may include any other tax, duty, levy and fees for services rendered;

**“service”** means and includes “municipal service” as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as Amended, and includes any function or combination of functions and services listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the municipality;

**“service agreement”** means a documented agreement between the Theewaterskloof Municipality as service provider and a user and / or person and / or occupant of a property, for the recieval of services;

**“third party debt collection agency”** means any person or persons employed by a third party debt collection agency, duly appointed and authorized by the Theewaterskloof Municipality to collect monies or institute legal proceedings against debtors on behalf of the Theewaterskloof Municipality, which includes, but are not limited to, an attorney or firm of attorneys as foreseen in the Attorneys Act, 1979 (Act No 53 of 1979), as amended, or where an entity or person other than an attorney or firm of attorneys are used, such entity or person shall be properly registered under statute or rule regulating such entity or person; and

**“user”** means a person who has applied for and entered into a service agreement with the Theewaterskloof Municipality for the supply of a service rendered by the Theewaterskloof Municipality.

## **2. DUTY TO COLLECT DEBT**

All debts owing to the Municipality must be collected in accordance with this by-law and the policy.

## **3. PROVISION OF SERVICES**

All applications for services and the provision of new services must be dealt with as prescribed in this by-law and the policy.

## **4. SERVICE AGREEMENTS**

Except as otherwise determined in terms of this by-law and the policy, no services may be supplied to a user and / or person and / or property until a service agreement has been entered into between the Municipality and the user and / or person and / or occupant of a property for the supply of a service.

## **5. DEPOSITS**

The Municipality may require the payment of a deposit for the provision of new or existing services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed in this by-law and the policy.

## **6. INTEREST CHARGES**

- (1) The Municipality may charge and recover interest in respect of any debt in arrears, as prescribed in this by-law and the policy.
- (2) When an amount payable is overdue for part of a month, interest on the outstanding amount will be deemed to be for a full month, and will be calculated as such.

## **7. ARRANGEMENTS TO PAY ARREARS, OTHER AMOUNTS DUE AND / OR DEBTS**

- (1) The Municipality may make arrangements with a debtor to pay any debt in arrears or any other amounts or other debts due, in terms of specific conditions, as prescribed in terms of this by-law and the policy.
- (2) In the event of a dispute arising with regard to the amount payable or the arrangements or the debt, the debtor must continue to make payments or deliver on debt, as per the arrangement referred to in subsection (1), until such time as the dispute has been resolved.

## **8. AGREEMENT WITH A DEBTOR'S EMPLOYER**

- (1) The Municipality may-
  - (a) with the consent of a debtor, enter into an agreement with that debtor's employer to deduct from the salary or wages of that debtor -
    - (i) any outstanding amounts due by the debtor to the Municipality; or
    - (ii) regular monthly amounts as may be agreed upon; and
  - (b) provide special incentives for -
    - (i) employers of debtor's to enter into such agreement; and
    - (ii) debtor's to consent to such agreements.
- (2) The debt of officials of the Municipality may by agreement be deducted from their salaries in accordance with the stipulations allowed for in the Code of Conduct for Municipal Staff Members, Schedule 2 of the Municipal Systems Act, if such official is more than 3 (three) months in arrears.

## **9. POWER TO REFUSE, RESTRICT OR DISCONNECT THE SUPPLY OF SERVICES**

- (1) The Municipality may restrict or refuse or disconnect the supply of any service or a service to the premises of any user or any person, whenever such user of a service or person –
  - (a) fails to make payments on a due date;
  - (b) fails to comply with an arrangement for payment;
  - (c) fails to comply with a condition of supply or service imposed by the Municipality;
  - (d) tenders a negotiable financial instrument which is dishonoured by financial institutions, when presented for payment: or
  - (e) damage the infrastructure of the Municipality for the supply of a service or tampers with measuring equipment used to measure the supply of any service.

- (2) The Municipality may render a service and / or reconnect and restore full levels of service supply of any restricted or discontinued services only –
- (a) after the debt in arrear or amounts due, including the costs of disconnection and/or reconnection, if any, have been paid in full and any other predetermined condition or conditions have been complied with; or
  - (b) after an arrangement for payment with a debtor has been concluded.
- (3) The Municipality may restrict, disconnect, refuse or discontinue any services or service delivery in respect of outstanding debt or amounts due.
- (4) The provisions as set out in subsection 9(3) shall be exercised having regard for the relevant legislation on the provision of basic services and the rules of natural justice and the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), as amended, provided that the Municipality shall be entitled to refuse, disconnect or restrict the supply of a service or any services to a user or person or premises, after giving the user or person or occupant of a premises or any other affected party, 14 (fourteen) days written notice, which notice must contain at least the following information -
- (a) advising the debtor of the intention of the Municipality to refuse, restrict and / or disconnect a service and the nature of the service to be refused, restricted and / or disconnected;
  - (b) the reason for the actions to be taken and in the instance of arrear debts, the amount of such debts owing; and
  - (c) advising the debtor that representations can be made to the Municipality or that an agreement for the payment of debts in arrear or other amounts, can be entered into with the Municipality, in order for the services not to be refused, restricted and / or disconnected.
- (5) The Municipality shall be entitled to refuse, restrict or disconnect any service to enforce payment of any debt in arrears or non-compliance of the debtor to arrangements for payment, as entered into with the Municipality, notwithstanding the fact that such debt or non-compliance may not be in connection with the service to be refused, restricted or disconnected.

## 10. RECOVERY OF DEBT

Subject to subsections (7) and (8) a Municipality, must, with regards to rates, and may, with regards to any other debt -

- (a) by legal action recover any debt from any person;
- (b) recover any debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996; and
- (c) refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating List.

## **11. RECOVERY OF COSTS**

The Municipality may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality with the collection of debts -

- (a) costs and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by commercial banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs, sheriff's costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this by-law or agreements;
- (d) any financial losses the Municipality may suffer as a result of tampering with municipal infrastructure or measuring equipment; and
- (e) any collection commission from third party debt collection agencies incurred.

## **12. ATTACHMENT**

The Municipality may, in order to recover any debt, approach a competent court for an order to attach movable or immovable property of a judgement debtor.

## **13. CLAIMS AGAINST RENTAL PAYMENTS TO RECOVER OUTSTANDING DEBT**

The Municipality may, in terms of the stipulations of section 28 and 29, of the Local Government: Municipal Property Rates Act, 2004 (No 6 of 2004), as amended, attach any rent, due in respect of any rateable property, to cover in part or in full, any amount in respect of outstanding rates after the due date.

## **14. FULL AND FINAL SETTLEMENT PAYMENTS**

- (1) Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Municipality.
- (2) No offer of payment which is less than the outstanding amount will be accepted as full and final settlement of a debt, unless confirmed beforehand as such and in writing by the Municipality.
- (3) Notwithstanding afore stated subsection 14(2), when a payment in full and final settlement has been accepted in error, such payment will be credited against the debtor's account, without prejudice to the Municipality's rights.

## **15. CONSOLIDATION OF A DEBTOR'S ACCOUNTS**

- (1) The Municipality may in term of section 102 of the Municipal Systems Act –
- (a) consolidate any or all separate accounts of a debtor;
  - (b) credit a payment by a debtor against any account of that debtor; and
  - (c) implement any of the measures provided for in the by-law and the policy. in relation to any arrears on any of the accounts of such debtor.
- (2) Subsection 15(1) does not apply where there is a dispute in terms of section 102(2) of the Municipal Systems Act between the Municipality and a debtor concerning any specific amount claimed by the Municipality from that debtor.

## **16. INDIGENTS**

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

## **17. DELEGATIONS**

The Municipality may delegate in writing any of its powers in terms of this by-law or the policy to any official or service provider of the Municipality.

## **18. APPEALS**

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers with regard to credit control and debt collection, may appeal against such a decision in terms of Section 62 of the Municipal Systems Act, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within 21 days of the date of the notification to the person of the decision.

## **19. OFFENCES AND PENALTIES**

Any person who –

- (a) obstructs or hinders any official of the Municipality in the execution of his or her duties under this by-law or the policy;
- (b) unlawfully uses or interferes with municipal equipment or the consumption of services supplied;
- (c) tampers with any municipal equipment or breaks any seal on measuring ; equipment;
- (d) contravenes or fails to comply with the provisions of this by-law or the policy;

- (e) refuses an official or service provider of the Municipality access to any premises;
- (f) fails to comply with a notice served in terms of this by-law or the policy: or
- (g) give or supplies false information with regard to an application for assistance as an indigent user or regarding the supply of services;

is guilty of an offence and liable on conviction for a penalty.

## **20. REPEAL OF BY-LAWS**

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality are hereby repealed as far as the relate to matters provided for in this by-law.

## **21. SHORT TITLE**

This by-law is called the Credit Control and Debt Collection By-Law of the Theewaterskloof Municipality.

## **22. OPERATIVE DATE**

This by-law shall take effect on the date of publication.

## THEEWATERSKLOOF MUNISIPALITEIT

**Verordening insake Kredietbeheer en Skuldinvordering**

**Kragtens Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996  
verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof  
as volg:**

**AANHEF**

Om uitvoering te gee aan die Munisipaliteit se Beleid oor Kredietbeheer en Skuldinvordering; die inwerkingstelling en toepassing van die Beleid ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika; 1996 en artikels 96 en 98 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig; om voorsiening te maak vir maatreëls vir die invordering aan alle skuld aan die Munisipaliteit; en om voorsiening te maak vir sake verbandhoudend daartoe.

Die doel van die verordening is om –

- i). te fokus op alle uitstaande bedrae wat op gebruikers se rekening gehef was en nog verskuldig is aan die Munisipaliteit van Theewaterskloof;
- ii. voorsiening te maak vir 'n eenvormige kredietbeheer, skuldinvordering en deernisbeleid vir die Munisipaliteit van Theewaterskloof;
- iii) die implementering van kredietbeheer en skuldinvordering in die hele regsgebied van die Munisipaliteit van Theewaterskloof te fasiliteer;
- iv) 'n kultuur van stiptelike betaling te bevorder by alle gebruikers van munisipale dienste gelewer deur die Munisipaliteit van Theewaterskloof;
- v) 'n gesindheid van gemeenskapsverantwoordelikheid ten opsigte van die betaling van munisipale rekeninge en die ooreenstemmende vermindering van munisipale skuld te vestig;
- vi) te verseker dat die Munisipaliteit van Theewaterskloof innoverende, effektiewe, doeltreffende en toepaslike metodes gebruik om soveel moontlike gelde verskuldig, in die kortste moontlike periode in te vorder, sonder dat daar enige inmenging in die proses is; en
- vii) te verseker dat daar effektief en doeltreffend teen wanbetalers, deur die Munisipaliteit van Theewaterskloof opgetree word, in terme van die voorwaardes soos vervat in hierdie verordening en die Beleid oor Kredietbeheer en Skuldinvordering.

## **INHOUDSOPGAWE**

1. Interpretasie
2. Verpligting om skuld in te vorder
3. Verskaffing van dienste
4. Diensooreenkomste
5. Deposito's
6. Renteheffings
7. Reëlings om agterstallige gelde, ander bedrae en skulde te betaal
8. Ooreenkomste met debiteure se werkgewers
9. Bevoedheid om die verskaffing van dienste te te weier of te beperk of om dienste af te sluit
10. Verhaling van skuld
11. Verhaling van kostes
12. Beslaglegging
13. Eise teen huurbetalings vir die verhaling van verskuldigde belastings
14. Volle en finale vereffening
15. Konsolidasie van debiteure rekeninge
16. Hulpbehoewendes
17. Delegasies
18. Appéle
19. Misdrywe en strawwe
20. Herroeping van verordeninge
21. Kort titel
22. Datum van inwerkingtreding

## INTERPRETASIE

In hierdie verordening geld die Engelse teks en in die geval van enige teenstrydigheid met die Afrikaanse teks, en, tensy die konteks anders aandui, beteken -

**“agterstallige gelde”** enige bedrag betaalbaar deur ‘n debiteur aan die Munisipaliteit van Theewaterskloof, wat nie op die ooreengekome datum van betaling betaal is nie;

**“beampte”** –

- (a) ‘n werknemer van die Munisipaliteit van Theewaterskloof;
- (b) ‘n persoon gesekondeer aan die Munisipaliteit van Theewaterskloof om as ‘n personeellid van daardie munisipaliteit te werk; of
- (c) ‘n persoon wat deur die Munisipaliteit van Theewaterskloof gekontrakteer is om as personeellid te werk, maar wat nie ‘n voltydse werknemer is nie;

**“belasting”** eiendomsbelasting, wat kan insluit enige ander belasting, betalingsverpligting, heffing en fooi vir dienste gelewer;

**“beleid”** die Munisipaliteit van Theewaterskloof se Beleid oor Kedietbeheer en Skuldinvordering;

**“betaaldatum”** die datum soos aangetoon op ‘n debiteur se munisipale rekening of soos deur ‘n kontrak, publieke reg, statute, of verordeninge bepaal, of in die geval van ‘n boete of strafbepaling die dokument wat die boete of strafbepaling opleë, en waarop enige en alle gelde verskuldig aan die Munisipaliteit van Theewaterskloof, betaalbaar sal wees;

**“debiteur”** enige persoon wat geld aan die Munisipaliteit van Theewaterskloof verskuldig is;

**“deposito”** ‘n bedrag wat aan die Munisipaliteit van Theewaterskloof oorbetaal word deur ‘n gebruiker of persoon of okkupeerder van ‘n perseel, vir bewaring as sekuriteit vir toekomstige betaling vir munisipale dienste, wat nog gelewer moet word;

**“derdeparty skuldinvorderingagentskap”** enige persoon of persone in diens van ‘n derde party skuldinvorderingagentskap, wat deur die Munisipaliteit van Theewaterskloof in diens geneem is en gemagtig is om namens die Munisipaliteit van Theewaterskloof gelde in te vorder of regstappe te neem teen debiteure, wat sal insluit, maar nie beperk is tot, ‘n prokureur of firma van prokureurs soos bepaal deur die Wet op Prokureurs, 1979 (Wet No 53 van 1979), soos gewysig, of indien daar van entiteite of persone anders as ‘n prokureur of firma van prokureurs gebruik gemaak word, dat sodanige entiteite of persoon behoorlik geregistreer sal wees ingevolge die toepaslike wetgewing en reëls wat registrasie reguleer;

**“diensleweringooreenkoms”** ‘n gedokumenteerde ooreenkoms tussen die Munisipaliteit van Theewaterskloof as diensverskaffer en ‘n gebruiker en / of persoon en / of okkupeerder van ‘n eiendom, vir die ontvangs van dienste;

**“dienste”** enige “munisipale diens” soos in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, omskryf word, en sluit in daardie funksies en dienste gelys in Skedule 4B en 5B van die Grondwet van die Republiek van Suid-Afrika, 1996, en enige ander diens wat deur die Munisipaliteit van Theewaterskloof verskaf mag word;

**“eiendom”** is –

- (a) onroerende eiendom geregistreer in die naam van ‘n persoon, insluitend in die geval van ‘n deeltitelskema, ‘n deeltiteleenheid wat in die naam van ‘n persoon geregistreer is;
- (b) ‘n reg geregistreer teen onroerende eiendom in die naam van ‘n persoon, met uitsluiting van ‘n verbandlening wat teen die eiendom geregistreer is;
- (c) ‘n grondbesitreg geregistreer in die naam van ‘n persoon ingevolge wetgewing; of
- (d) Openbare dienste infrastruktuur.

**“gebruiker”** ‘n persoon wat aansoek gedoen het en ‘n dienslewering ooreenkoms aangegaan het met die Munisipaliteit van Theewaterskloof, om ‘n diens wat deur die Munisipaliteit van Theewaterskloof gelewer word, te ontvang;

**“hulpbehoewende gebruiker”** ‘n debiteur wat aan bepaalde kriteria vir hulpbehoewende bystand voldoen, soos wat van tyd tot tyd deur die Munisipaliteit van Theewaterskloof bepaal word;

**“Munisipale Stelselswet”** die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

**“munisipale rekening”** ‘n rekening wat deur die Munisipaliteit van Theewaterskloof aan ‘n rekeninghouer gelewer word vir heffings, ekstra betalings, diensteheffings en beskikbaarheidsfooie vir die volgende dienste – elektrisiteitvoorsiening, watervoorsiening, vullisverwydering, riooldienste, eiendomsbelasting, huurgelde, leningspaaielemente, rente op agterstallige bedrae, en enige ander heffings en gelde wat aan die Munisipaliteit van Theewaterskloof verskuldig en betaalbaar is;

**“Munisipaliteit”** die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringsooreenkomste van die Munisipaliteit van Theewaterskloof;

**“meettoerusting”** beteken enige meter, metode, prosedure, proses, toestel, apparaat of installasie wat gebruik word om die hoeveelhede van ‘n diens wat verbruik word te kwantifiseer, en sluit in enige metode, prosedure of proses in, waardeur kwantiteit bereken, beraam of veronderstel kan word;

**“ooreengekome datum van betaling”** die finale datum waarop betaling moet geskied, soos op ‘n debiteur se munisipale rekening of ‘n kontrak getoon;

**“okkupeerder van ‘n perseel”** enige persoon wat ‘n perseel okkupeer en beheer daarvoor het, wat insluit ‘n bewoner;

”**perseel**” enige gedeelte grond, geleë binne die regsgebied van die Munisipaliteit van Theewaterskloof, waarvan die buitengrense afgebaken is op ‘n algemene plan of diagram of deeltitelplan, wat ingevolge die toepaslike wetgewing geregistreer is.

“**persoon**” vir doeleindes van hierdie verordening, ‘n natuurlike persoon, ‘n regspersoon, enige industriële of handelonderneming, of ‘n staatsinstelling;

“**reëling**” ‘n geskrewe ooreenkoms aangegaan tussen die Munisipaliteit van Theewaterskloof en ‘n debiteur, waarin daar oor spesifieke terme en voorwaardes vir die betaling van skuld en / of skulde ooreengekom is;

“**rente**” ‘n vasgestelde rentekoers, wat op alle agterstallige betalings op rekeninge gehef word, wat nie teen ‘n gespesifiseerde betaaldatum betaal is nie, en wat bereken word teen een persent hoër as die prima rentekoers, soos deur die aangestelde Bankier van die Munisipaliteit van Theewaterskloof gehef word;

“**skuld**” enige gelde, goedere of dienste wat aan die Munisipaliteit van Theewaterskloof verskuldig is, vir munisipale of ander dienste reeds gelewer, of wat gelewer of ontvang moet word, wat insluit, maar nie beperk is tot, gelde verskuldig ten opsigte van eiendomsbelasting, beskikbaarheidsfooie, heffings en tariewe vir elektrisiteit, water, riool en vullisverwydering dienste, behuisingstransaksies en -huur, motorvoertuigregistrasie en -lisensies, huurkontrakte vir eiendomme, boetes en strafbepalings gehef in terme van enige verordening, en enige ander uitstaande bedrae met betrekking tot enige ander fooie, heffings of tariewe aan die Munisipaliteit van Theewaterskloof verskuldig, insluitend enige rente betaalbaar daarop;

“**skuldenaar**” enige persoon wat gelde aan die Munisipaliteit van Theewaterskloof verskuldig is;

## 2. VERPLIGTING OM SKULD IN TE VORDER

Alle skuld verskuldig aan die Munisipaliteit sal ooreenkomstig hierdie verordening en die beleid ingevorder word.

## 3. VERSKAFFING VAN DIENSTE

Alle aansoeke vir dienste en die verskaffing van nuwe dienste sal ooreenkomstig die voorskrifte vervat in hierdie verordening en die beleid hanteer word.

## 4. DIENSOOREENKOMSTE

Tensy hierdie verordening en die beleid anders bepaal, sal geen dienste verskaf word aan ‘n gebruiker en / of ‘n persoon en / of ‘n perseel, sonder dat daar ‘n ooreenkoms tussen die Munisipaliteit en die gebruiker en / of persoon en / of okkuperder van ‘n perseel vir die verskaffing van ‘n diens, aangegaan word nie.

## **5. DEPOSITO'S**

Die munisipaliteit mag vereis dat deposito's betaal word vir die verskaffing van nuwe of bestaande dienste en vir die heraansluiting van dienste, of mag die bedrag van enige bestaande deposito ooreenkomstig die voorskrifte vervat in hierdie verordening en die beleid aanpas.

## **6. RENTEHEFFINGS**

- (1) Die munisipaliteit mag ten opsigte van enige agterstallige skuld rente hef en verhaal, ooreenkomstig die voorskrifte soos in hierdie verordening en die beleid uiteengesit.
- (2) Die rente op 'n bedrag betaalbaar wat agterstallig is vir 'n gedeelte van 'n maand, word bereken en gehef, asof die bedrag vir 'n volle maand uitstaande was.

## **7. REËLINGS OM AGTERSTALLIGE GELDE, BEDRAE VERSKULDIG EN SKULD TE BETAAL**

- (1) Die Munisipaliteit mag reëlings met 'n debiteur tref om enige agterstallige skuld of enige ander bedrae verskuldig of enige skuld te betaal, ooreenkomstig die voorwaardes soos in hierdie verordening en die beleid uiteengesit.
- (2) Indien 'n dispuut ontstaan oor die bedrae betaalbaar of die reëlings vir betaling of die skuld, moet die debiteur voortgaan om ingevolge die ooreenkoms soos verwys na in subartikel (1) betalings te doen of skuld te vereffen, tot tyd en wyl die geskil besleg is.

## **8. OOREENKOMSTE MET DEBITEURE SE WERKGEWERS**

- (1) Die Munisipaliteit mag -
    - (a) met die toestemming van 'n debiteur, 'n ooreenkoms met sodanige persoon se werkgewer aangaan, om van die salaris of loon van daardie debiteur -
      - (i) enige uitstaande bedrae deur die debiteur aan die munisipaliteit verskuldig; of
      - (ii) gereelde maandelikse bedrae soos ooreengekom;af te trek.
  - (b) spesiale aansporings aanbied vir -
    - (i) werkgewers wat sodanige ooreenkomste aangaan, en
    - (ii) debiteure wat instem tot sodanige ooreenkomste.
- (2) Die skuld van beamptes van die Munisipaliteit mag per ooreenkoms van hulle salarisse afgetrek word, in ooreenstemming met die voorwaardes soos vervat in die Gedragskode vir Munisipale Personelede, Skedule 2 van die Munisipale Stelselwet, indien dit meer as 3 (drie) maande agterstallig is.

## **9. BEVOEGDHEID OM DIE VERSKAFFING VAN DIENSTE TE WEIER OF TE BEPERK OF OM DIENSTE AF TE SLUIT**

- (1) Die Munisipaliteit mag die verskaffing van enige diens na 'n perseel van enige gebruiker of enige persoon beperk of weier of afsluit, wanneer sodanige gebruiker van 'n diens of 'n persoon –
- (a) versuim om op die aangeduide betaaldatum die verskuldige bedrae te betaal;
  - (b) versuim om 'n ooreenkoms vir betaling na te kom;
  - (c) versuim om aan 'n voorwaarde vir verskaffing of diens soos deur die Munisipaliteit bepaal, te voldoen;
  - (d) 'n verhandelbare finansiële ruilmiddel aanbied, wat by indiening vir betaling, deur 'n finansiële instelling geweier word; en
  - (e) die infrastruktuur van die Munisipaliteit vir die lewering van 'n diens beskadig of met meetinstrumente peuter, wat gebruik word vir die meting van 'n diens wat verskaf word.
- (2) Die Munisipaliteit mag slegs 'n diens lewer en / of 'n beperkte of gestaakte diens heraansluit en / of herstel –
- (a) nadat die agterstallige skuld of bedrae verskuldig, insluitend die koste van afsluiting en / of heraansluiting, indien van toepassing, ten volle betaal is en alle ander voorafbepaalde voorwaarde of voorwaardes nagekom is, of
  - (b) nadat 'n ooreenkoms vir betaling met 'n debiteur aangegaan is.
- (3) Die Munisipaliteit mag enige dienste of dienslewering weens enige agterstallige skuld of uitstaande bedrae, beperk, afsluit, weier of staak.
- (4) Die bepalings soos uiteengesit in subartikel 9(3) sal uitgeoefen word met inagneming van die relevante wetgewing oor die lewering van basiese dienste, die reëls van natuurlike geregtigheid en die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No 3 van 2000), soos gewysig, met dien verstande dat die Munisipaliteit geregtig sal wees om die verskaffing van dienste aan 'n gebruiker of persoon of perseel te weier, te beperk of om dienste af te sluit, nadat daar 14 (veertien) dae gekennis gegee was aan die gebruiker of persoon of okkupant van die perseel of enige ander affekteerde party, welke kennisgewing minstens die volgende inligting moet bevat –
- (a) kennisgewing aan die skuldenaar dat die Munisipaliteit van voorneme is om die verskaffing van dienste te weier, te beperk of af te sluit en watter dienste aldus geweier, beperk of afgesluit gaan word;
  - (b) die redes te verskaf vir die optrede wat beplan word, en in die geval van agterstallige skuld die bedrae wat verskuldig is, te verskaf; en

- (c) kennisgewing aan die skuldenaar te gee dat versoë tot die Munisipaliteit gerig kan word en dat reëlins vir die betaling van die agterstallige bedrae of enige ander bedrae, met die Munisipaliteit getref kan word, ten einde te voorkom dat dienste geweier of beperk of afgesluit word.
- (5) Die Munisipaliteit sal geregtig wees om enige diens te weier, te beperk of af te sluit, om die betaling van agterstallige skuld af te dwing of die nie-voldoening deur 'n skuldenaar aan reëlins vir betaling getref met die Munisipaliteit aan te spreek, met dien verstande dat sodanige skuld of nie-voldoening aan reëlins geen verband hoef te hê met die diens wat aldus geweier, beperk of af gesluit word nie.

## 10. VERHALING VAN SKULD

'n Munisipaliteit moet onderhewig aan subartikels 7 en 8 van die verordening, ten opsigte van belastings, en mag met betrekking tot enige ander skulde -

- (a) enige skuld van enige persoon deur regsoptrede verhaal,
- (b) enige skuld van enige staatsorgaan verhaal, met inagneming van die bepalings van Hoofstuk 3 van die Grondwet van die Republiek van Suid-Afrika, 1996; en
- (b) die agterstallige skuld van 'n debiteur na 'n derdeparty skuldinvordering-agentskappe verwys en sodanige debiteur op die Nasionale Krediet-gradering laat plaas.

## 11. VERHALING VAN KOSTES

'n Munisipaliteit mag die volgende kostes verhaal, in gevalle waar sodanige koste deur of namens die munisipaliteit aangegaan word vir die verhaling van skuld -

- (a) kostes en administrasiegelde, waar betalings wat deur middel van verhandelbare finansiële ruilmiddels aan die Munisipaliteit gemaak word, deur finansiële instellings geweier word, wanneer dit vir betaling aangebied word;
- (b) regs- en administratiewe kostes, insluitend prokureurs- en kliëntkoste, baljukoste en opsporingskoste aangegaan om skuld te verhaal;
- (c) foie vir die beperking, afsluiting en heraansluiting van dienste, waar enige sodanige dienste beperk, afgesluit of heraangesluit word, as gevolg van nie-voldoening aan die bepalinge van hierdie verordening of ooreenkomste;
- (d) enige finansiële verliese wat die Munisipaliteit as gevolg van peustering aan munisipale infrastruktuur of meetinstrumente, mag ly; en
- (e) enige kommissie betaalbaar aan derdeparty invorderingagentskappe vir skuldinvordering.

**12. BESLAGLEGGING**

'n Munisipaliteit mag ten einde enige skuld te verhaal 'n bevoegde hof nader vir 'n bevel om op 'n gevonnisdde debiteur se roerende of vaste bates beslag te lê.

**13. EISE TEEN HUURBETALINGS VIR DIE VERHALING VAN VERSKULDIGDE BELASTINGS**

Die Munisipaliteit mag ingevolge artikel 28 en 29 van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004 (Wet No. 6 van 2004), soos gewysig, beslag lê op enige huurgelde verskuldig ten opsigte van enige belasbare eiendom, as gedeeltelike of volle betaling van enige bedrae vir eiendomsbelasting na 'n betaaldatum verskuldig,

**14. VOLLE EN FINALE VEREFFENING**

- (1) Enige bedrag aangebied ter betaling van skuld, sal by enige kontantontvangskantoor van die Munisipaliteit in ontvangs geneem word.
- (2) Geen aanbod vir betaling sal as volle en finale vereffening van enige skuld aanvaar word, indien sodanige bedrag minder is as die betrokke bedrag verskuldig nie, tensy dit as sulks skriftelik vooraf deur die Munisipaliteit vir aanvaarding bevestig is.
- (3) Nieteenstaande voormelde subartikel (2), sal betalings aldus foutiewelik in ontvangs geneem, teen 'n debiteur se rekening gekrediteer word, met die behoud van alle regte van die Munisipaliteit.

**15. KONSOLIDASIE VAN DEBITEURE REKENINGE**

- (1) Die Munisipaliteit mag -
  - (a) enige of alle aparte rekeninge van 'n debiteur konsolideer;
  - (b) 'n betaling van 'n debiteur teen enige rekening van daardie debiteur krediteer; en
  - (c) enige van die maatreëls in werking stel waarvoor daar in hierdie verordening en die beleid voorsiening gemaak word, met betrekking tot enige agterstallige betalings op enige van die rekeninge van sodanige debiteur.
- (3) Subartikel 14(1) sal nie van toepassing wees nie, indien daar 'n dispuut bestaan, soos omskryf in Artikel 102(2) van die Munisipale Stelselwet, tussen die Munisipaliteit en 'n debiteur, met betrekking tot enige spesifieke bedrag wat deur die Munisipaliteit van sodanige debiteur geëis word.

**16. HULPBEHOEWENDES**

'n Debiteur wat kan bewys kan lewer dat hy of sy hulpbehoewend is, sal aldus ingevolge die voorskrifte van die beleid hanteer word.

**17. DELEGASIES**

Die Munisipaliteit mag, enige bevoegdhede ingevolge hierdie verordening of die beleid, aan enige werknemer of enige diensverskaffer van die Munisipaliteit delegeer.

**18. APPÉLLE**

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit ingevolge enige gedelegeerde magte met betrekking tot kredietbeheer en skuldinvordering, mag in terme van artikel 62 van die Munisipale Stelselwet, teen sodanige besluit appéleer, deur binne 21 dae vanaf die datum van kennisgewing van die besluit aan die persoon, skriftelik kennis aan die Munisipale Bestuurder van die appél teen die besluit te gee en redes vir die appél te verstrek.

**19. MISDRYWE EN STRAWWE**

Enige persoon wat –

- (a) enige beampte van die Munisipaliteit in die uitvoering van sy of haar pligte, ingevolge hierdie verordening of die beleid, dwarsboom of hinder;
- (b) onregmatig gebruik maak van of inmeng met munisipale toerusting of onregmatig gebruik maak van dienste wat verskaf word;
- (c) met enige munisipale toerusting peuter of enige seël op meettoerusting breek;
- (d) die bepalings van hierdie verordening of die beleid oortree of versuim om daaraan te voldoen;
- (e) 'n beampte of diensverskaffer van die Munisipaliteit toegang tot 'n perseel weier;
- (f) versuim om aan 'n kennisgewing beteken ingevolge hierdie verordening of die beleid te voldoen; en
- (g) vals inligting verstrek of gee met betrekking tot 'n aansoek vir deernisondersteuning of die verskaffing van dienste;

pleeg 'n misdryf en is by skuldigbevinding strafbaar met 'n boete.

## **20. HERROEPING VAN VERORDENINGE**

Die bepalings van enige verordeninge voorheen uitgevaardig deur die Munisipalitet of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hiermee herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

## **21. KORT TITEL**

Hierdie verordening sal bekend staan as die Verordening insake Kredietbeheer en Skuldinvordering van die Munisipaliteit van Theewaterskloof.

## **22. DATUM VAN INWERKINGTREDING**

Hierdie Verordening tree op datum van publikasie daarvan in werking.

**CONTENTS—(Continued)**

Page

|   |      |
|---|------|
| Drakenstein Municipality: Electricity Supply By-Law .....                     | 1883 |
| Drakenstein Municipality: Subdivision, Rezoning and Departure .....           | 1876 |
| Hessequa Municipality: Subdivision .....                                      | 1862 |
| Knysna Municipality: Temporary Land Use Departure .....                       | 1878 |
| Laingsburg Municipality: Supplementary Valuation Roll .....                   | 1854 |
| Mossel Bay Municipality: Removal of Restrictions and Consent Use .....        | 1877 |
| Oudtshoorn Municipality: Consolidation, Rezoning and Subdivision .....        | 1882 |
| Overstrand Municipality: Rezoning and Consent Use .....                       | 1879 |
| Overstrand Municipality: Rezoning and Consent Use .....                       | 1880 |
| Overstrand Municipality: Rezoning, Consolidation and Amendment .....          | 1881 |
| Stellenbosch Municipality: Departure .....                                    | 1855 |
| Swartland Municipality: Consent Use .....                                     | 1852 |
| Swartland Municipality: Rezoning and Departure .....                          | 1856 |
| Theewaterskloof Municipality: Credit Control and Debt Collection By-Law ..... | 1913 |
| Western Cape Gambling and Racing Board: Official Notice .....                 | 1934 |
| Western Cape Gambling and Racing Board: Official Notice .....                 | 1874 |
| Western Cape: Liquor Act, 2008 .....  | 1861 |

**INHOUD—(Vervolg)**

Bladsy

|  |      |
|--|------|
| Drakenstein Munisipaliteit: Verordening insake Elektrisiteitsvoorsiening .....             | 1898 |
| Drakenstein Munisipaliteit: Onderverdeling, Hersonerling en Afwyking .....                 | 1876 |
| Hessequa Munisipaliteit: Onderverdeling .....  | 1862 |
| Knysna Munisipaliteit: Tydelike Afwyking van Grondgebruik .....                            | 1878 |
| Laingsburg Munisipaliteit: Aanvullende Waardasierol .....                                  | 1854 |
| Mosselbaai Munisipaliteit: Opheffing van Beperkings en Vergunningsgebruik .....            | 1877 |
| Oudtshoorn Munisipaliteit: Konsolidasie, Hersonerling en Onderverdeling .....              | 1882 |
| Overstrand Munisipaliteit: Hersonerling en Vergunningsgebruik .....                        | 1879 |
| Overstrand Munisipaliteit: Hersonerling en Vergunningsgebruik .....                        | 1880 |
| Overstrand Munisipaliteit: Hersonerling, Konsolidasie en Wysiging .....                    | 1881 |
| Stellenbosch Munisipaliteit: Afwyking .....  | 1855 |
| Swartland Munisipaliteit: Vergunningsgebruik .....   | 1852 |
| Swartland Munisipaliteit: Hersonerling en Afwyking .....                                   | 1856 |
| Theewaterskloof Munisipaliteit: Verordening insake Kredietbeheer en Skuldinvordering ..... | 1923 |
| Wes-Kaapse Raad op Dobbelary en Wedrenne: Amptelike Kennisgewing .....                     | 1934 |
| Wes-Kaapse Raad op Dobbelary en Wedrenne: Amptelike Kennisgewing .....                     | 1874 |
| Western Cape: Liquor Act, 2008 (English Only) .....  | 1861 |