

# **Theewaterskloof Municipality**



# **INDIGENT POLICY**



*Approved by Council: 28 May 2026*

*Resolution: SC06/2026*

*For implementation 1 July 2026*

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## 1. DEFINITIONS

- a) **“Basic services”** means the amount or level of any municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety of the environment and for the purposes of this Policy are restricted to the delivery of electricity, refuse, sewerage and water services.
- b) **“Child-headed household”** means a household where all the occupants of a residential property are younger than 18 years old and the household is headed by a child as defined in section 28(3) of the Constitution. Therefore –
- i. The parents of the household have died.
  - ii. A minor has assumed the role of care giver in respect of another minor in the household.
  - iii. Such minors reside permanently on the property; and
  - iv. The situation pertaining to the household has been verified by a social worker.
- c) **“Credit control and debt collection policy”** means the council approved policy dealing with these. This indigent policy is subject to that policy in all aspects and must be read in unison.
- d) **“Household income”** is the gross sum of all monthly income from all occupants/residents/dependants, including wages, salaries, profits, dividends, pensions, rentals, board & lodging and interest received.
- e) **“Indigent household”** means a family unit comprising of the head of the family, being a natural person, and may include blood related or adopted dependants who are jointly living on a stand or site on a permanent basis and who receive electricity and/or water from one meter, regardless of whether the person rents or owns the property.
- f) **“Indigent subsidy”** means a subsidy to indigent households to ensure the receiving of basic services of which the funding is restricted to the Equitable Share received from National Government.

- g) **“Occupier”** means any person who occupies any premises or part thereof, without any regard to the title under which he or she so occupies.
- h) **“Owner”** means –
- i. the person in whom the legal title to the premises is vested. In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
  - ii. in any case where the Council is unable to determine the identity of such person a person who is entitled to the benefit of such premises or a building thereon;
  - iii. in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof; in relation to –
    - 1. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above provisions, the developer or the body corporate in respect of the common property; or
    - 2. a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, including the lawfully appointed representative of such person.
  - iv. any legal person including but not limited to
    - 1. a company registered in terms of the Companies Act, 2008 (Act 71 of 2008), Trust inter vivos, Trust mortis causa, a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984), and a Voluntary Association;
    - 2. any government department.
    - 3. any council or board established in terms of any legislation applicable to the Republic of South Africa: or
    - 4. any Embassy or other foreign entity.
  - v. owned by a council and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
  - vi. owned by or under the control or management of a council while held under a lease or any express or tacit extension thereof or under any other contract or under a servitude or right analogous thereto, the person so holding the immovable property.
- i) **“Registered consumer”** means the owner, occupant or tenant of property used primarily for residential purposes who pays for utility service in or for such property.
- j) **“Seasonal worker”** means any person who is employed by an employer for an aggregate period of at least one to three months over a 12-month period with the

same employer and whose work is interrupted by reason of a seasonal variation in the availability of work.

- k) “Secondary household” means a separate dwelling on the property with its own municipal service connections.

## **2. AIM OF THE POLICY**

- 2.1 This policy aims to address the key issues and challenges of indigents. The strategic aim is to create an enabling environment in which the objectives of revenue generation can be realised, given that many of the residents can simply not afford the cost of full provision of services.

## **3. BACKGROUND AND CONCEPT**

- 3.1 Local government in South Africa has undergone an unprecedented change. This includes socio-economic issues in the wake of socio-political reform. The Municipal Systems Act, the Municipal Structures Act, the Municipal Finance Management Act (MFMA), and other legislation created a new dispensation for local government in South Africa.
- 3.2 Increased revenue forms the base for effective service delivery, infrastructure development, and economic growth. It also contributes to poverty alleviation, the eradication of unemployment, and the redistribution of resources including economic empowerment.
- 3.3 In line with the objective of creating a vibrant and growing Municipality, the indigent policy is also aligned to the principles of Batho-Pele.

Service delivery is one of Government’s eight priorities as set out in the White Paper on the Transformation of the Public Service. To this effect, government has launched an initiative in South Africa under the banner of Batho-Pele – meaning ‘People First’ in Sesotho – aimed at improving the delivery of public services. Batho-Pele further aims to ensure that attitudes, systems, and procedures can deliver enhanced public services. Batho-Pele is also about ensuring that the resources available are used to the best possible extent, eliminating wasteful and expensive procedures and reducing unnecessary expenditure on inefficient processes and systems.

## **4. STRUCTURE OF THE POLICY DOCUMENT**

- 3.1 This policy is divided into (2) chapters, excluding the aim, background and the structure of the document. The first chapter provides an overview of the indigent policy principles. The second chapter outlines the indigent policy.

## **CHAPTER 1: INDIGENT POLICY PRINCIPLES**

### **1. INTRODUCTION**

- 1.1 In terms of section 74 of the Local Government Municipal Systems Act 2000, a municipal council (hereinafter referred to as *the council*) must adopt and implement a tariff policy. In terms of section 74(i) of the Act in adopting a tariff policy, the council should at least take into consideration the extent of subsidisation of tariffs for poor households. Arising from the above, the council needs to approve an indigent support policy. The indigent support policy must provide procedures and guidelines for the subsidisation of basic services and tariff charges to its indigent households.

### **2. OBJECTIVE**

- 2.1 The objective of the indigent support policy is to ensure the following.
- 2.1.1 the provision of basic services to the community in a sustainable manner, within the financial and administrative capacity of the council; and
  - 2.1.2 to provide procedures and guidelines for the subsidisation of basic service(s) charges to its indigent households, using the council's budgetary provisions received from central government in accordance with prescribed policy guidelines.
- 2.2 The council also recognises that many of the residents can simply not afford the cost of full provision and for this reason; the council will endeavour to ensure affordability through.
- 2.2.1 setting tariffs in terms of the council's tariff policy, which will balance the economic viability of continued service delivery; and
  - 2.2.2 determining appropriate service levels.

### **3. PURPOSE OF THE INDIGENT POLICY**

- 3.1 The purpose of the policy is to consider the socio-economic and other conditions presently prevalent in South Africa, such as the level of unemployment and poverty. The policy aims to address this through the application of principles for services rendered to members of society who cannot afford to pay.
- 3.2 The council accepts that it is responsible for the rendering of services in terms of schedules 4 and 5 of the constitution as well as other services, which may be delegated by national and provincial government. The council endeavours to render a basic level of service necessary to ensure an acceptable and reasonable quality of life and which takes into consideration health and environmental concerns. None of the residents should fall below the minimum level of services.

## **4. RESPONSIBILITY/ACCOUNTABILITY**

- 4.1 Section 62 of the Municipal Finance Management Act, 2003 states that the accounting officer of a municipality is responsible for managing the financial administration of the municipality. This officer must, for this purpose, take all reasonable steps to ensure that the municipality has and implements an indigent policy.
- 4.2 Should an accounting officer and his/her designate experience undue interference or influence by a municipality or councillor that prohibits the execution of his/her responsibilities regarding this policy, he/she should report this to the relevant MEC.
- 4.3 In terms of section 173 of the MFMA, the accounting officer is guilty of an offence if that accounting officer contravenes or fails to comply with credit control and debt collection provisions in terms of the MFMA.
- 4.4 A person is liable on conviction of an offence in terms of section 173 to imprisonment for a period not exceeding five years, or to an appropriate fine determined in terms of applicable legislation.
- 4.5 The council has the overall responsibility for laying down the indigent support policy.

## **5. POLICY PRINCIPLES**

- 5.1 The following should be the guiding principles in implementing the indigent support policy.
  - 5.1.1 The indigent support policy is in accordance with the Local Government Municipal System Act, 2000 and other amending or related legislation.
  - 5.1.2 The policy is aligned to the National Municipal Indigent Policy Framework guiding principles.
  - 5.1.3 Relief will be provided by the council to registered residential consumers (households) of services.
  - 5.1.4 The council must, wherever possible, ensure that any relief is constitutional, practical, fair, equitable and justifiable to avoid alienating any group of households. There should be no differentiation whatsoever of any residential consumers. It should only differentiate in the level of service rendered.
  - 5.1.5 The subsidy for the minimum service level should not result in a massive bureaucratic administration that would not be cost effective to implement.
  - 5.1.6 Differentiation must be made between those households who cannot afford to pay for basic services and those who simply do not want to pay for these services.
  - 5.1.7 The payment of services should be affordable to the indigent.
  - 5.1.8 It should be based on a predetermined period or financial year.
  - 5.1.9 The indigent support policy will prevail as long as funds are available.
  - 5.1.10 The council may review and amend the qualification for indigent support and therefore the provision of continued basic services annually e.g., 6 kl to Indigent only.
  - 5.1.11 The collective or joint gross income of the household will be considered.
  - 5.1.12 The household income must be correctly reflected on the application form requesting indigent support.

- 5.1.13 The residents must formally apply on the prescribed application forms for the relief. The application forms will be evaluated and, if successful, the resident(s) will qualify for the indigent support according to the prescribed criteria/principles laid down by the council. An effective and efficient evaluation system is imperative to obtain the outcome within a reasonable time determined by the council subject to Ward Councillor / Ward Committee verification.
- 5.1.14 If a person is found to be indigent, he/she should be registered on a database linked to the debtor's system.
- 5.1.15 The onus is on the recipient to inform the council of any change in his/her status or personal household circumstances.
- 5.1.16 Disciplinary measures decided by the council, should be imposed on people who misuse the system and provide incorrect information.
- 5.1.17 An approved community communications programme, embodying the principles of transparency and fairness, is to be implemented in respect of the indigent support programme.
- 5.1.18 Facilitation of skills training and other education related programmes should be attempted to develop the indigent to become self-sufficient and thereby reduce the rate of indigence.
- 5.1.19 Temporary work-in lieu of account payment may be considered for indigent households.
- 5.1.20 Any other principle decided by the council.

## **6. STAKEHOLDERS**

Stakeholders to this Indigent Policy include the Municipal Council, Executive Mayor and Mayoral Committee, Accounting Officer, Chief Financial Officer, Revenue and Financial Operations Sections, Internal Audit, Ward Committees, registered indigent households, community organisations, Provincial and National Treasury, Western Cape Government Department of Local Government and other organs of state with an interest in indigent support and municipal revenue sustainability.

## **7. COMMUNICATIONS**

The Municipality shall ensure effective and timeous communication with indigent households and the broader community by utilising multiple communication platforms, including SMS and email notifications to registered beneficiaries, particularly to inform households well in advance of the expiry or revalidation of indigent subsidies. In addition, the Municipality shall use its official social media platforms to disseminate information through digital pamphlets, while printed informational material shall be distributed within communities and made available at municipal town offices and libraries. Public engagement initiatives such as Government Imbizos, Municipal Roadshows, and other community outreach programmes shall further be utilised to promote awareness, understanding, and compliance with the Indigent Policy.

## **CHAPTER 2: INDIGENT POLICY**

### **1. QUALIFYING AS AN INDIGENT**



## CATEGORY 1: HOUSEHOLD INCOME (MEANS APPROACH)

To qualify for 100% subsidy applicants should meet all the following criteria:

- 1.1 A household where the combined gross sum of all monthly income from all occupants/residents/dependants, including wages, salaries, profits, dividends, pensions, rentals, board & lodging, and interest received is less/equal to R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater before any deductions, and can no longer afford to pay for the services. Ward councilors will be provided the opportunity to peruse the list of applications received monthly to confirm that the applicant meets the requirements. If the applicant does not meet the requirement his / her subsidy will be cancelled automatically.

**All SASSA administered grants to be excluded when determining the household income threshold.**

- 1.2 Only registered residential consumers of services delivered by council.
- 1.3 Households who formally apply for relief on the prescribed documentation and satisfy the qualifying criteria/principles determined by the council.
- 1.4 Household/occupants/residents/dependants who do not own more than one property.
- 1.5 Households who are not receiving significant benefits or regular monetary payments.
- 1.6 Beneficiaries of an immovable property and where the property is not yet transferred into the beneficiaries' name and who lives on the property.
- 1.7 Owners or lessees of property who reside on the premises. (Lessees must submit a lease contract.)
- 1.8 In cases where the owner/s of the house (e.g. mother and father) have passed away and the occupant is children and grandchildren are indigent, they should qualify for the subsidy, provided that an affidavit is provided that they are the children/relatives and legitimate occupants of the house along with certified copies of the Death Certificate/s.
- 1.9 An account should be opened in the name of the tenant, provided that the owner gives written consent that the tenant is the occupant, the amount of monthly rental payable and a further undertaking that the owner must inform council in writing when the tenant vacates the house in order to terminate the subsidy. If not terminated, the owner will be held liable for any undue subsidies granted to him (owner) or a new tenant. A separate group code must be opened for "Tenant Indigents". The owner must supply council with a lease contract where the lessee is an indigent person. If prepaid meter is installed at low-cost housing schemes, no connection

fees for water and electricity are payable. Due to the indigent status that might change no deposit, refund is allowed. Should the indigent status change a deposit may become payable, which will be calculated on services provided.

- 1.10 Secondary households on a premises where water and refuse amounts are rendered may apply separately for Indigent Subsidy.
- 1.11 Seasonal workers will qualify for this subsidy while not employed.
- 1.12 An occupier of a child-headed household where the residential property is registered in the name of the deceased parent or deceased parents may qualify for Indigent Subsidy.

## **CATEGORY 2: DEEMED INDIGENTS (TARGETING APPROACH)**

- Deemed indigent support is limited to households residing in **government-subsidised low-cost housing units** that:
  - were developed through a National and/or Provincial Human Settlements programme in terms of the applicable National Housing Code; and
  - were allocated to beneficiaries who qualified in terms of the housing subsidy income threshold at the time of approval; and
  - are recorded in the municipal General Valuation Roll as **residential properties**.
  - This approach recognises that these housing programmes are means-tested and therefore constitute a credible proxy for identifying poor households.  
*(Combination targeting in line with the National Framework)*
- Staff members, government employees and councillors will not qualify as deemed indigents.
- The deemed indigent register shall be subject to ongoing and systematic review to ensure its accuracy, credibility and financial integrity.
- Where an investigation confirms that a household does not meet or no longer meets the qualifying criteria, the Municipality shall:
  - immediately deregister the household from the deemed indigent register.
  - terminate the indigent subsidy; and
  - reverse all benefits incorrectly granted and reinstate the full municipal charges to the account with effect from the date of disqualification.

## **CATEGORY 3: RELIEF FOR OLD AGE HOMES**

The qualification criteria for old age homes to receive indigent assistance on water, refuse and sewerage services are as follows:

- 3.1 A 50% indigent assistance when more than 50% of the residence within an old age home receives less than R5 000 or twice the monthly SASSA old age pension grant

whichever amount is greater: and

- 3.2 A 40% indigent assistance when between 40% and 50% of the residence within the old age home receives less than R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater:: and
- 3.3 A 30% indigent assistance when between 30% and 40% of the residence within the old age home receives less than R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater:: and
- 3.4 A 20% indigent assistance when between 20% and 30% of the residence within the old age home receives less than R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater:: and
- 3.5 A 10% indigent assistance when between 10% and 20% of the residence within the old age home receives less than R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater:: and
- 3.6 A 5% indigent assistance when between 0% and 10% of the residence within the old age home receives less than R5 000 or twice the monthly SASSA old age pension grant whichever amount is greater:: and
- 3.7 An application on the prescribed form, fully completed with the required information and signed, must be provided.

#### **CATEGORY 4: FURTHER RELIEF FOR OLD AGE HOME DURING DROUGHT PERIODS**

- 4.1 In addition to the above, the following relief measures will be implemented in times of drought and will be calculated before Category 3 relief is applied.
- 4.2 The further relief shall be based on the number of residents accommodated at the old age homes as defined on the required application.
- 4.3 A formula will be used to calculate the number of households the old age home qualifies for.
- 4.4 An allowance of 6 kl per household per month free basic water will be made available in total at zero cost.
- 4.5 The old age home will be billed on the existing sliding scale for the remainder of the usage after the allocated allowance is subtracted.
- 4.6 When the relief measures exceed the consumption, no water credits will apply.

#### **CATEGORY 5: RELIEF FOR REGISTERED SAFE HOUSES**

The following is required if a Safe House is to receive an indigent subsidy:

- 5.2 The organization must be registered as a non-profit organization.
- 5.3 The management of the non-profit organization must make an application for indigent subsidy annually.
- 5.4 It is the responsibility of the management of such organization to inform Council if circumstances had changed to such an extent that they no longer qualify; and
- 5.5 The amount of the subsidy will be based on 25% of the monthly service account of the institution.

## **2. BASIC SERVICES OFFERED TO THE INDIGENT**

2.1 Subject to funds being allocated and the relevant criteria being adhered to, indigent support is to be provided for the following services.

2.1.1	sewerage	100%
2.1.2	refuse	100%
2.1.3	water	6 kl usage and basic fee
2.1.4	electricity; and	70 kwh
2.1.5	property rates.	Refer to Rates Policy

### 3. PERIOD FOR QUALIFICATION

Category 1 Indigents (Household Income) will qualify for the subsidy for two (2) consecutive financial years after which the subsidy will automatically lapse, and a new application should be submitted. Qualifying consecutive financial years to be indicated by the municipality.

This process may be reviewed and amended by the accounting officer or his/her designate in the case of unforeseen circumstances or other constraints e.g., extension of indigent benefits due to the declaration of a national disaster.

Category 1 Indigents (Household Income) need to re-apply for the subsidy during the last qualifying financial year. Applications should be submitted from April of the last qualifying financial year. Applicants must ensure that to receive the subsidy for the next two (2) full consecutive financial years, they apply before 30 June of the last qualifying financial year, otherwise they will only receive the subsidy for the remainder of the two (2) year consecutive financial period.

New Category 1 Indigents (Household Income) may apply for indigent subsidy any time during the two (2) consecutive financial years. Subsidy will then only be granted for the remainder of the current two (2) year consecutive financial period within which applied.

This process may be reviewed and amended by the accounting officer or his her designate in the case of unforeseen circumstances or other constraints e.g., extension of indigent benefits due to the declaration of a national disaster.

An indigent customer must immediately request de-registration by the municipality if his/her circumstances have changed to the extent that he/she no longer meets the qualification set out in this policy. Should an indigent customer fail to declare the change in circumstances, the municipality reserves the right to immediately cancel the subsidy and to raise the charges forgone. The customer will then automatically be disqualified from receiving subsidy and will be liable for the immediate repayment of any subsidy received.

Once off application for pensioners with income less/equal than the SASSA pension grant.

Notification will be sent to every individual indigent consumer within the last qualifying

financial year before their subsidy expires.

#### **4. EXTENT OF SUPPORT**

- 4.1 The extent of the monthly support will be determined by the council's budgetary provisions and/or the amount received from central government. The relevant services include.
  - 4.1.1 water
  - 4.1.2 refuse collection
  - 4.1.3 electricity; and
  - 4.1.4 sewerage
  - 4.1.5 rates – refer to Rates Policy
- 4.2 The council will assess the level of support annually during the annual budget compilation and
- 4.3 The level of indigent support shall not exceed the monthly billings to the account.
- 4.4 Water leakages at indigent household's premises will be fixed by Council at no cost provided that leaks is reported (completing of a leaks register at the local town office)
- 4.5 Sewerage blockages may be treated free of charge at indigent households.
- 4.6 If a prepaid / Smart (inserted) meter is installed at low-cost housing schemes, no deposit or connection fees for water and electricity are payable (inserted) for the first installation.

#### **5. DISTRIBUTION OF INDIGENT SUPPORT**

- 5.1 Relief will only be distributed to those residents who qualify.
- 5.2 The relief must be significant so as to relieve the recipient of the financial hardship for a specific period.
- 5.3 All registered consumers will be charged the determined economical tariff or rate.
- 5.4 The recipient's monthly account will be credited, monthly, with the amount in accordance with the indigent level as was determined by the council.

#### **6. APPLICATION FOR SUPPORT**

- 6.1 Applications for relief must be made on the prescribed forms. The applicant must comply with all the necessary requirements.

- 6.2 The application form is to contain, inter alia, the following important information
- 6.2.1 details of the account holder
  - 6.2.2 proof of total household income
  - 6.2.3 identification documents.
  - 6.2.4 latest 3 months bank statements may be requested: and
  - 6.2.5 number and names of dependants (proof may be requested).
  - 6.2.6 uncompleted forms will not be accepted.
- 6.3 The onus to re-apply for continued relief or to submit proof of change in circumstances rests on the household at all times.
- 6.4 Council reserve its rights to send inspectors to visit indigent households to audit the accuracy of the data in the application form, and to record any changes in circumstances, and make recommendations on the continuation or discontinuation of the subsidy.

## **7. CONTROL SYSTEMS FOR INDIGENTS**

- 7.1 The Municipal Manager or his/her nominee should administer the indigent support programme.
- 7.2 Applications to be approved by the Head Financial Operations or designated and presented to the Ward Councillor for perusal.
- 7.3 The status and details of the applicants and respective beneficiaries are to be submitted to the council for noting periodically.
- 7.4 Prepaid / smart water meters or flow restrictors will be installed (depending on stock availability) at approved indigent household to ensure that the monthly free 6kl water consumption is not exceeded. The prescribed application form must be signed to indicate the preference on the amount of water flow per day to be restricted. Low cost / RDP / subsidised houses may be fitted with prepaid / smart water meters.
- 7.5 If a registered indigent refuses the installation of a prepaid electricity or water meter and or smart water meter the subsidy will be revoked.
- 7.6 Prepaid electricity meters may be installed to replace conventional credit meters at approved indigent households.
- 7.7 Any other measure decided by the council.
- 7.8 The council may establish a committee for special indigent applications where the applicant needs to meet the approved criteria requirements.

- 7.9 If a consumer's consumption or use of a municipal service is less than the subsidised service, the unused portion may not be accrued by the consumer and will not entitle the consumer to cash or a rebate in respect of the unused portion.
- 7.10 If a consumer's consumption or use of a municipal service is more than the subsidised service, the customer must pay for such excess consumption at the applicable rate.
- 7.11 Credit control action may be taken against defaulting Indigent Debtors.

## **8. ACTION AGAINST MALPRACTICES**

- 8.1 The council may refer queries to the Municipal Manager, who may take the following action.
  - 8.1.1 request the resident to provide full proof of his/her banking account and income details as well as proof of pension registration.
  - 8.1.2 direct inquiry at the recipient's residence
  - 8.1.3 request a social welfare worker's report on the household; and
  - 8.1.4 any other action decided by the council.
- 8.2 If it is established that incorrect information was furnished in obtaining relief the following action(s) are to be taken.
  - 8.2.1 suspend or stop the relief immediately.
  - 8.2.2 recover the amount of relief furnished from the recipient by debiting his/her account.
  - 8.2.3 apply normal credit control in accordance with the council's credit control policy; and
  - 8.2.4 institute a criminal charge of fraud against the recipient.

## **9. IRRECOVERABLE DEBT**

All debtors who are registered as indigent may have their arrears written off once a year as per Councils Write-Off Policy.

Once an amount has been written off as irrecoverable for the second time (with the first application and then thereafter), the water meter may be put on restricted flow control, allowing 6 kilolitres per month.

## **10. POLICY REVIEW**

The Indigent Policy is reviewed annually in accordance with the budget process. The monetary threshold for qualification set at R5000 or twice the monthly SASSA old age pension grant whichever amount is greater before any deductions.

## **11. CONTACT DETAILS**

6 Plein Street, Caledon, 7230, 028 214 3300



