

C 3400/10/2024
MC A/6424/10/2024

9.A.19 [FS]: CREDIT CONTROL AND DEBT COLLECTION BY-LAW

5/13/2

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the Credit Control and Debt Collection By-law, attached to the report as Annexure "A" in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 12 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.
2. That the Promulgation of the Credit Control and Debt Collection By-law by publication in the Official Provincial Gazette in terms of section 163 of the Constitution of the Republic of South Africa, 1996, read with Section 13 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.

NOTE: The ANC requested that their vote against this item be recorded.

C 3400/10/2024
MC A/6424/10/2024

9.A.19 [FS]: CREDIT CONTROL AND DEBT COLLECTION BY-LAW

5/13/2

COMPETENCY: COUNCIL

PURPOSE

To submit the Credit Control and Debt Collection By-law for approval.

RECOMMENDATIONS

1. That the Credit Control and Debt Collection By-law, attached to the report as Annexure "A" in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 12 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.
2. That the Promulgation of the Credit Control and Debt Collection By-law by publication in the Official Provincial Gazette in terms of section 163 of the Constitution of the Republic of South Africa, 1996, read with Section 13 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000), be approved.

REPORT

On 29 February 2024, the Council noted the draft Credit Control and Debt Collection By-law. Council approved that the Municipality proceed with public participation in compliance with Section 12(3), read with Section 21 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended and Section 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998).

The public participation process commenced on 27 March 2024 and concluded on 30 April 2024. The public notice is attached hereto marked as Annexure "B". The opportunity to submit comments was communicated in two local newspapers, an online newspaper, the Midvaal Local website, the Civic Centre, and all satellite offices (Clinics and Libraries included). The draft By-law was also evenly circulated for comments to relevant stakeholders, including the National Treasury and Gauteng Provincial Treasury. The circulation letters are attached herewith marked as Annexure "C". Furthermore, a public notice was placed in the Provincial Gazette and the opportunity to submit comments commenced from 27 March 2024 until 30 April 2024. The public notice is attached herewith marked as Annexure "D".

Consequently, the public participation provisions were compiled, and the deadline for submitting comments has lapsed. Council is hereby apprised that no comments were received during the public participation process, thus submitting to Council to have the Credit Control and Debt Collection By-law promulgated.

ANNEXURE:

- Annexure A – Credit Control and Debt Collection By-law
- Annexure B – Public Participation Notice and Resolution
- Annexure C – Letters to Provincial stakeholders
- Annexure D – Government Gazette notice

COMMENTS:

FINANCIAL SERVICES

Supported.

CORPORATE SERVICES

None received.

COMMUNITY SERVICES

Supported.

PUBLIC SAFETY AND ROADS

Supported.

DEVELOPMENT AND PLANNING

Supported.

ENGINEERING SERVICES

None received.

**COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF
DEPARTMENT: 15 OCTOBER 2024**

Resolved To Recommend

That the Item be referred to the Section 80 Finance Services Portfolio Committee.

**COMMENTS: SECTION 80 FINANCE SERVICES PORTFOLIO COMMITTEE: 14
OCTOBER 2024**

That the recommendations are supported.

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS

MIDVAAL LOCAL MUNICIPALITY

MINUTES OF THE 2ND ORDINARY MEETING OF 2024 HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS

C 3272/02/2024
MC A/6276/02/2024

9.A.25 [FS]: CREDIT CONTROL AND DEBT COLLECTION BY-LAW

5/13/2

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the draft Credit Control and Debt Collection By-law, attached to the report as Annexure "A", be noted.
2. That the publication of the draft Credit Control and Debt Collection By-law for public participation in terms of section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (the Systems Act) as amended and section 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act No.10 of 1998), be approved.

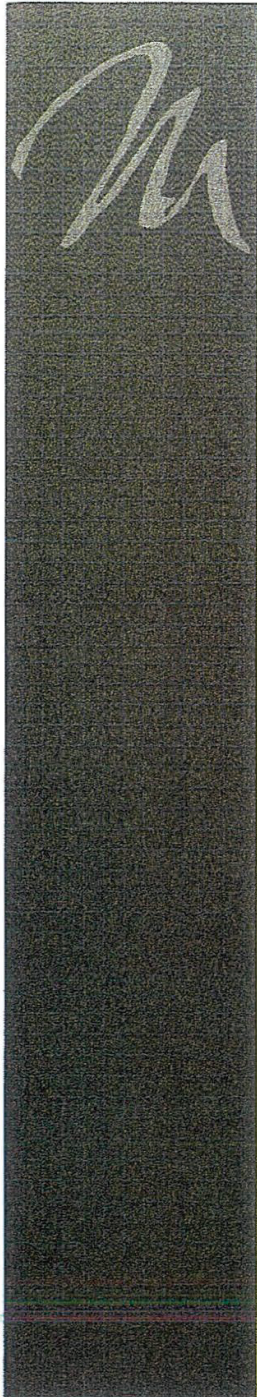
MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS

"A"

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS



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



MIDVAAL LOCAL MUNICIPALITY

**AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

MIDVAAL LOCAL MUNICIPALITY

**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

**MIDVAAL LOCAL MUNICIPALITY
CREDIT CONTROL AND DEBT COLLECTION
BY-LAW**

Bylaw

To provide for credit control and the collection of all monies due and payable to the Municipality; To give effect to the implementation of the Midvaal Local Municipality's Credit Control and Debt Collection Policy and to provide for all matters incidental thereto.

Preamble

WHEREAS the Municipality is entitled in terms of section 229 of the Constitution of the Republic of South Africa, 1996, to impose rates on property and surcharges on fees for services provided by or on its behalf within its area of jurisdiction;

WHEREAS the Municipality is entitled in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) 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 the Municipality is obliged in terms of section 96 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) 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 the Municipality is obliged in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to adopt By-laws to give effect to the Municipality's credit control and debt collection policy, its implementation and enforcement;

NOW THEREFORE the Municipal Council of Midvaal Local Municipality, acting in terms of section 156 of the Constitution, and read with section 98 and 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law::

1. Definitions

- i. This By-law must be read in conjunction with the Municipality's Credit Control and Debt Collection Policy.
- ii. In this By-Law any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), shall bear the same meaning in these bylaws, and unless the context indicates otherwise —

"account" means written notification of municipal services, rates, sundry and other related charges due to the Municipality, and address to the Customer liable for payment thereof;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"Council" means the Municipal Council of the Midvaal Local Municipality, a municipal council envisaged in section 157 of the Constitution;

MIDVAAL LOCAL MUNICIPALITY

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"Municipality" means the entity as described in section 2 of the Local Government: Systems Act 32 of 2000. Municipality shall also mean the Midvaal Local Municipality;

"municipal service" means a service provided by the Municipality in terms of its powers and functions to or for the benefit of the local community irrespective of whether or not –

- (a) such a service provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 of the Local Government: Systems Act or by engaging an external mechanism contemplated in section 76 of the Local Government: Systems Act; and
- (b) any fees, charges, or tariffs levied in respect of such a service;

"Policy" means the Municipality's Credit Control and Debt Collection Policy adopted by the Municipality and amended from time to time;

"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;
- (d) public service infrastructure;

"rate" or **"rates"** means a rate on property and or services as approved by Council; and

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended from time to time;

2. Object of the By-law

(1) The objects of this By-law are to —

- (a) give effect to the Municipality's Policy, and its implementation and enforcement in terms of section 156(2) of the Constitution read with sections 96 and 98 of the Systems Act, and all matters incidental thereto;
- (b) ensure that all monies due and payable to the Municipality are collected;
- (c) provide for customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- (d) provide for indigents in a way that is consistent with rates and tariff policies and any national policy on indigents;
- (e) provide for extension of time for payment of accounts;

MIDVAAL LOCAL MUNICIPALITY

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MIDVAAL LOCAL MUNICIPALITY

**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
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- (f) provide for charging of interest on arrears, where appropriate;
- (g) provide for termination of services or the restriction of the provision of services when payments are in the arrears; and
- (h) provide for matters relating to unauthorised consumption of services, theft and damages.

3. Application of By-law

- (2) This By-law applies throughout the Municipality's area of jurisdiction in respect of any money due and payable to the Municipality for –
 - (a) Property rates and taxes levied on the property;
 - (b) Fees, surcharges on fees, charges and tariffs billed and payable to the Municipality or any service provider appointed by the Municipality for the provision of municipal services, such as –
 - i. provision of water; refuse removal; sewerage, including the removal and purification of sewerage;
 - ii. electricity consumption;
 - iii. municipal services provided through prepaid meters;
 - iv. all other related costs for services rendered in terms of the property;
 - v. Interest which has accrued or will accrue in respect of money due and payable to the Municipality;
 - vi. collection charges in those cases where the Municipality is responsible for –
 - a. the rendering of municipal accounts in respect of any one or more of the municipal services rendered by the Municipality;
 - b. the recovery of amounts due and payable in respect thereof.

4. Adoption and implementation of Credit Control and Debt Collection Policy

- (1) The Council shall adopt and implement a Credit Control and Debt Collection policy that complies with the provisions of the Municipal Systems Act, the Local Government: Municipal Finance Management Act, 56 of 2003, and any other applicable legislation.

5. Enforcement of Credit Control and Debt Collection Policy

- (1) The Council's Credit Control and Debt Collection policy shall be enforced through the Credit Control and Debt Collection By-Law and policy, and any

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further enforcement mechanism stipulated in the Council's Credit Control and Debt Collection policy.

6. Repeal of previous by-laws

- (1) The provisions of any other by-laws relating to credit control and debt collection by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law and the Policy.

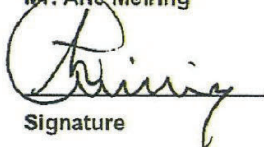
7. Short title and commencement

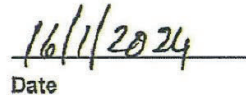
- (1) This By law is called the Midvaal Local Municipality: Credit Control and Debt Collection By-law and takes effect on the date on which it is published in the *Provincial Gazette*.

Approved and Signed by:

Director: Income

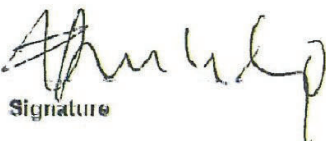
Mr. Arie Meiring

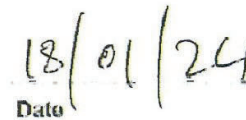

Signature


Date

Chief Financial Officer

Mr. Zakhele Ntando Mhlongo


Signature


Date

PUBLIC NOTICE

27 March 2024

THE DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW

Dear Midvaal residents,

Please be advised that in accordance with Section 12(3), read with Section 21 of the Municipal Systems Act (Act 32 of 2000) (the Systems Act) and Section 7 of the Rationalisation of Local Government Affairs Act (Act 10 of 1998), the Midvaal Local Municipality is inviting all interested parties to review and comment on the draft Credit Control and Debt Collection By-law, as required by the legislation above.

The draft Credit Control and Debt Collection By-law document will be available for review from 27 March 2024 until 30 April 2024. The document will be accessible at all clinics, libraries, and satellite offices across the Municipal area of jurisdiction and on the Midvaal website.

The By-law seeks to give effect to the municipality's credit control and debt collection policy by virtue of section 98 of the Systems Act making provision to adopt By-laws to give effect to a policy which provides for the implementation and enforcement of credit control and debt collection. In terms of section 75A of the Systems Act the municipality must levy and recover fees, charges or tariffs in respect of any function or service of the municipality and recover collection charges and interest on any outstanding amount.

If you wish to provide any feedback or representation on the draft Credit Control and Debt Collection By-law document, please submit it in writing no later than 30 April 2024 to Legal Services: Corporate Support Services at the Midvaal Municipal Offices, Civic Centre, located at 25 Mitchell Street, Meyerton, during regular office hours between 07:30 to 13:00 and 13:30 to 16:00, Monday to Friday. You can also provide your comments via email at sibulelemh@midvaal.gov.za.

For further information, please contact Sibulele Mhlawuli at 016 360 7605. Yours in service excellence,

Original Signed by Municipal Manager

MR. ANTON MARK GROENEWALD

MN: 3718/24

MUNICIPAL MANAGER

13 MARCH 2024

YOURS IN EXCELLENCE.



MY MIDVAAL APP

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MIDVAAL LOCAL MUNICIPALITY

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MIDVAAL
LOCAL MUNICIPALITY

Midvaal Local Municipality
PO Box 9, Meyerton, 1960
Tel: 016 360 7400
Fax: 016 360 7519
www.midvaal.gov.za

DATE:	03 JULY 2024		
FROM: (Name)	Mr. Sibulele Mhlawuli	Department:	Corporate Services
Contact number.	(016) 360 7605		
TO: (Name) Contact Number	Mr. Jacob Marnabolu Ms. Ncumisa Mnyani 011 227 9270 011 241 0854		
FULL PHYSICAL DELIVERY ADDRESS.	Gauteng Treasury 75 Fox Street Imbumba House Marshalltown Johannesburg 2107		

DESCRIPTION OF DOCUMENT/ITEM BEING DELIVERED:

**RE: INVITATION TO COMMENT ON MIDVAAL LOCAL MUNICIPALITY'S
FINANCE BY-LAWS**

NAME	RECEIPT	SIGNATURE	TIME	DATE
Indumia	Assistant P.A.	Indumia	11:18	04/07/24

Delivered by: Joseph

Date: 04/07/24

MIDVAAL LOCAL MUNICIPALITY

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"C"

 MIDVAAL LOCAL MUNICIPALITY	Midvaal Local Municipality PO Box 9, Meyerton, 1960 Tel: 016 360 7400 Fax: 016 360 7519 www.midvaal.gov.za		

DATE:	03 JULY 2024		
FROM: (Name)	Mr. Sibulele Mhlawuli	Department:	Corporate Services
Contact number.	(016) 360 7605		
TO: (Name) Contact Number	Dr. Duncan Pieterse Ms. Malijeng Ngqaleni 012 315 5904 012 315 6557		
FULL PHYSICAL DELIVERY ADDRESS.	National Treasury 40 Church Square Old Reserve Bank Building 2 nd Floor, Pretoria 0002		

DESCRIPTION OF DOCUMENT/ITEM BEING DELIVERED:

**RE: INVITATION TO COMMENT ON MIDVAAL LOCAL MUNICIPALITY'S
FINANCE BY-LAWS**

NAME	RECEIPT	SIGNATURE	TIME	DATE
	Patricia	P. Ntshane	13H45	04.07.24

Delivered by: Joseph

Date: 04/07/24

**AGENDA OF THE 9TH ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
31 OCTOBER 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

"D"

166 No. 106

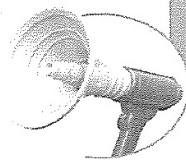
PROVINCIAL GAZETTE, 27 MARCH 2024

LOCAL AUTHORITY NOTICE 427 OF 2024

PUBLIC NOTICE

27 March 2024

THE DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW



GENERAL ENQUIRIES - 087 106 2471
EMERGENCY LINE - 016 360 7500
complaints@midvaal.gov.za

Dear Midvaal residents,

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For further information, please contact Sibulole Mhlawuli at 016 360 7605. Yours in service excellence,

Original signed by Municipal Manager

MR. ANTON MARK GROENEWALD

MN: 3718/24

MUNICIPAL MANAGER

13 MARCH 2024

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