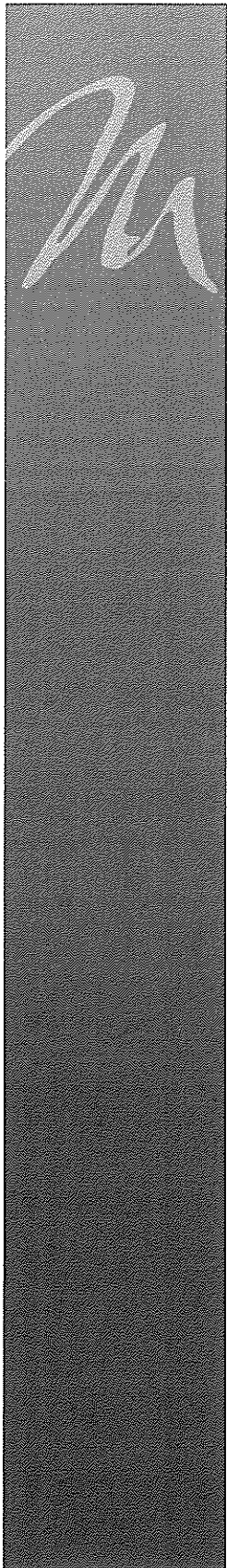


Annexure E
Tariff By-Law
2025/2026



TARIFF BY-LAW
FINANCIAL YEAR



MIDVAAL LOCAL MUNICIPALITY TARIFF BY-LAW

To provide for the adoption of a by-law to give effect to the implementation and enforcement of its tariff policy and the general power to levy and recover fees, charges and tariffs, and for matters incidental thereto.

Preamble

WHEREAS, subject to the provisions of subsections (2), (3) and (4) thereof, section 229(1) of the Constitution of the Republic of South Africa empowers a municipality to impose -

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

WHEREAS in terms of section 74(1) of the Local Government: Municipal Systems Act, 32 of 2000 ("**Municipal Systems Act**"), a municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Municipal Systems Act, the Local Government: Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

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

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

WHEREAS in terms of section 75A of the Municipal Systems Act, a municipality may-

- (a) levy and recover fees, charges or tariffs in respect of any function or services of the municipality, and

- (b) recover collection charges and interest on any outstanding amount.

BE IT THEREFORE ENACTED by the Municipal Council of the Midvaal Local Municipality, acting in terms of section 156 read with 229 of the Constitution of the Republic of South Africa, and section 11 of the Municipal Systems Act as follows:

1. Definitions

In this By-Law, unless the context indicates otherwise—

"Constitution" means the Constitution of the Republic of South Africa, 1996 as amended from time to time;

"Council" means the Municipal Council of the Midvaal Local Municipality, a municipal council envisaged in terms of section 157 (1) of the Constitution;

"Credit Control and Debt Collection By-law and policy" means the Credit Control and Debt Collection Policy as required in terms of section 96(b) and 97 and 98 of Municipal Systems Act;

"Municipality" means the Midvaal Local Municipality a local municipality contemplated in terms of section 155 of the Constitution, and established in terms of the Municipal Structures Act read with section 2 of the Municipal Systems Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 117 of 1998 as amended from time to time;

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

"Tariff" means fees, charges or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality which includes a surcharge on such tariff, excluding rates levied by the Municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004 as amended from time to time;

"Tariff policy" means the tariff policy adopted by Council in terms of this By-law.

2. Adoption and implementation of Tariff Policy

- (1) The Council shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the Municipality or by way of service delivery agreements, which complies with the provisions of the Municipal Systems Act, the Local Government: Municipal

Finance Management Act, 56 of 2003 and any other applicable legislation.

- (2) The tariff policy adopted in terms of subsection (1) must be reviewed on an annual basis by Municipality;
- (3) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Guiding principles in the determination of tariffs

- (1) The Tariff Policy must reflect and be informed by the following principles as prescribed by section 74 of the Municipal Systems Act —
 - (a) users of municipal services should be treated equitably in the application of tariffs;
 - (b) the amount individual users pay for services should generally be in proportion to their use of that service;
 - (c) poor households must have access to at least basic services through—
 - i. tariffs that cover only operating and maintenance costs;
 - ii. special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - iii. any other direct or indirect method of subsidisation of tariffs for poor households;
 - (d) tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
 - (e) tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
 - (f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
 - (g) provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;

- (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- (i) the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

4. The Tariff Policy

- (1) The Municipality's tariff policy shall, *inter alia* -
 - (a) apply to all tariffs imposed by the Municipality;
 - (b) reflect the principles prescribed by section 74 of the Municipal Systems Act;
 - (c) specify the manner in which the principles prescribed by section 74 of the Municipal Systems Act are to be implemented;
 - (d) specify the basis for differentiation, if any, between different categories of users, debtors, service providers, services, service standards, geographical areas long as such differentiation does not amount to unfair discrimination; and
 - (e) include any further enforcement mechanisms the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-law and Policy.

5. Application of By-law

- (1) This by-law shall only apply to tariffs applicable to the Council and municipal entities in respect of which the municipality is the parent municipality for –
 - (a) Fees, surcharges on fees, charges and tariffs in respect of municipal services, such as –
 - i. provision of water;
 - ii. refuse removal;
 - iii. sewerage;
 - iv. removal and purification of sewerage;
 - v. electricity consumption;
 - vi. municipal services provided through prepaid meters;
 - vii. all other related costs for services rendered in terms of the service;
 - viii. interest which has accrued or will accrue in respect of money due and payable to the Council;
 - ix. collection charges in those cases where the Council is responsible for

- (aa) the rendering of municipal accounts in respect of any one or more of the municipal services;
- (bb) the recovery of amounts due and payable in respect thereof, irrespective whether the municipal services, or any of them, are provided by the Council itself or by a service utility with which it has concluded a service provider agreement to provide a service on the Municipality's behalf.

4. Enforcement of Tariff Policy

The Council's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and policy, and any further enforcement mechanism stipulated in the Council's tariff policy.

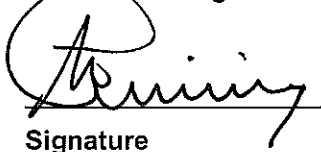
5. Short title and commencement

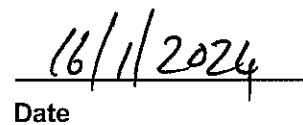
This By-law is referred to as the Tariff By-law, and takes effect on the date on which it is published in the *Provincial Gazette*

Approved and Signed by:

Director: Income

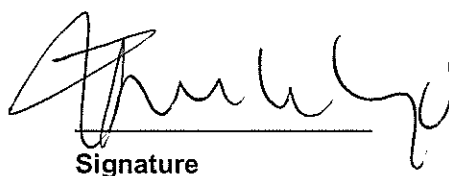
Mr. Arie Meiring

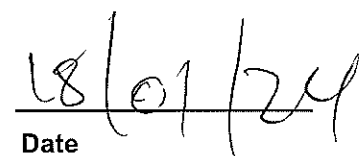

Signature


Date

Chief Financial Officer

Mr. Zakhele Ntando Mhlongo


Signature


Date

Annexure F

Tariff Policy

2025/2026



TARIFF POLICY

2025/2026 FINANCIAL YEAR



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ABBREVIATIONS

MLM	Midvaal Local Municipality
AO	Accounting Officer
CFO	Chief Financial Officer
MFMA	Local Government: Municipal Finance Management Act, 56 of 2003
MPRA	Municipal Property Rates Act
MSA	Municipal Systems Act, 32 of 2000
PPE	Property, Plant and Equipment
SCM	Supply Chain Management
VAT	Value Added Tax
IBT	Inclining Block Tariff
kWh	Kilowatt per Hour (Kilowatt Hour)
KVA	Kilo-volt—Ampere
KL	Kilolitre
c/kWh	Cent per Kilowatt Hour
R/kWh	Rand per Kilowatt Hour
NERSA	National Energy Regulator Of South Africa

1. PURPOSE OF THIS DOCUMENT

1.1. The purpose of this Tariff Policy is to:

- 1.1.1. ensure that Tariffs imposed by Midvaal comply with all applicable legislation;
- 1.1.2. prescribe the accounting and administrative policies and procedures relating to the determining and levying of tariffs by the Midvaal Local Municipality;
- 1.1.3. ensure that all Tariffs are determined in accordance with the principles prescribed by section 74 of the Municipal Systems Act;
- 1.1.4. ensure that all municipal services are provided in an equitable and financially sustainable manner;
- 1.1.5. ensure that poor households have access to basic municipal services through tariffs determined in accordance with the Municipal Systems Act; and
- 1.1.6. prescribe the procedures required to ensure the effective planning and management of tariffs.

1.2. In setting its annual tariffs, the Council shall:

- 1.2.1. at all times take due cognisance of the tariffs applicable elsewhere in the economic region;
- 1.2.2. consider the impact that the tariffs may have on local economic development;
- 1.2.3. move towards implementing cost reflective tariffs, having due regard of the impact that this may have on Midvaal residents and businesses.

2. DEFINITIONS

For the purpose of this Policy, any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in this Policy, and unless the context indicates otherwise –

“Accommodation” means a premises or building in an accommodation establishment, a room, dwelling / house or second dwelling unit, self-catering room, self-catering apartment or free standing building let to transient guests consisting of three or more lettable units;

“Accommodation Establishments” – consists of one or more of the following lettable types of accommodation, consisting of three or more lettable units –

- (a) “Camping” is defined by a property used for erection of tents or other temporary structures for temporary accommodation for visitors or holiday-makers, which includes ablution, cooking and other facilities that are reasonably and ordinarily related to camping, for use of such visitors, and includes a caravan park, whether publicly or privately owned, but which excludes the alienation of land on the basis of time sharing, sectional title share blocks or individual subdivision; and excludes resort accommodation or mobile homes;
- (b) “Bed and Breakfast” is defined by a dwelling-house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residences elsewhere; provided that the primary use of the dwelling-house concerned shall remain for the living accommodation of a single family and where not more than 3 guest rooms are provided;
- (c) “Guest House” is defined by a dwelling-house with a maximum of 10 rooms or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may

include business meetings, training sessions and conference facilities for resident guests;

- (d) “Self-catering Accommodation” is defined by a house, cottage, chalet, bungalow, flat, studio, apartment, villa, or similar accommodation where facilities and equipment are provided for guests to cater for themselves. The facilities should be adequate to cater for the maximum advertised number of residents that the facility can accommodate; the accommodation is for non-permanent residents and transient guests;
- (e) “Self-catering Apartments” is defined by a building or group of buildings consisting of separate accommodation units, each incorporating a kitchen/kitchenette facility, and which may include other communal facilities for the use of non-permanent transient guests, together with outbuildings as are normally used therewith; which are rented for residential purposes and may include holiday flats; but does not include a hotel, dwelling-house, second dwelling or group house;
- (f) “Backpackers Accommodation” (accommodation and communal facilities in a building or free standing buildings for transient guests) is defined by a building where lodging is provided, and may incorporate cooking dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith and includes a building in which dormitories / rooms / beds are rented for residential purposes, youth hostel, and backpackers’ lodge; but does not include a hotel, dwelling house, second dwelling or group house;
- (g) “Boarding House” a dwelling–house or second dwelling which is used for the purpose of supplying lodging with or without meals or self-catering to non-permanent / permanent residents for compensation; provided that the primary use of the dwelling-house shall remain for the living accommodation of a single family;

"Account" means an account rendered to a Customer specifying charges for municipal services provided by the **Municipality** or any authorised and contracted

service provider in terms of a duly concluded service delivery agreement, and which account may include assessment rates and levies;

“Accounting Officer” means the municipal manager of the Municipality as envisaged in terms of Section 60 of the Municipal Finance Management Act;

“Annual Budget” shall mean the budget approved by the Council for any particular financial year, and shall include any adjustments to such budget;

“Annually” means once every Financial Year;

"Arrangement" means a written agreement entered into between the Municipality and the customer whereby specific repayment parameters are agreed to in relation to the settlement of such customer's payable tariffs. Such arrangement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act but is deemed to be Incidental Credit as envisaged in terms of section 4(6)(b) read with section 5(2) and (3) of the National Credit Act;

"Arrears" means those rates and service charges that have not been paid by the due date and for which no arrangement has been made;

"Authorised Representative" means a person or representative legally appointed by the Municipality to act or to fulfill a duty on its behalf;

“Basic charge” also referred to as minimum charge, is the recovery of the distribution and billing-related costs, which include having a distribution system in place, plus the cost of the meter, servicing and reading the meter, mailing the bills and maintaining customer records;

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

"Billing Date" means the date upon which the monthly statement is generated and

debited to the customer's account;

"Borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"Business and Commercial Property" means –

- (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- (b) property on which the administration of the business of private or public entities take place.

"By-law" shall mean the Tariff By-Law adopted and implemented by the Council in terms of section 75 of the Municipal Systems Act, and which shall be binding on the Municipality and on the persons and institutions to which it applies;

"Calendar year" shall mean 12 consecutive months of a financial year; Commencing 1 July

"Category" –

- (a) in relation to a property, means a category of properties determined in terms of section 8(2) of the Municipal Property Rates Act;
- (b) in relation to the owners of property, means a category of owners determined in terms of section 15(2) of the Municipal Property Rates Act.

"Chief Financial Officer" means the person appointed as the Chief Financial Officer of the Municipality, or his or her nominee;

"CPI" shall mean the Consumer Price Index (CPI) as determined and gazetted from time to time by Statistics South Africa;

"Consolidated Account" means an account which is a consolidation of any separate accounts of a person who is liable for payment to the Municipality;

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

"Councillor" shall mean a member of the Council;

"Credit Control" means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services;

"Customer" means the occupier of any premises or their authorised agent to which the Municipality has agreed to supply or is actually supplying municipal services to or, if no occupier can be identified or located, the registered owner of the premises. Reference to "Customer" for the purposes of this Tariff Policy shall include natural and juristic persons;

"Day / Days" means calendar days, inclusive of Saturdays, Sundays and public holidays;

"Debt Collectors" means an external person or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained herein;

"Deeds Registries Act" means the Deeds Registries Act 47 of 1937

"Defaulter" means any person who owes arrears to the Municipality;

"Delivery Date" shall mean the date on which the periodic account is delivered to the customer or 3 days after **the** date the account was posted, whichever is the first;

"Domestic Customer or User" of municipal services shall mean the person or household which municipal services are rendered in respect of "Residential Property" as defined below;

"Due Date" in relation to –

- (a) rates due in respect of any immovable property, means:
 - the date for payment indicated on the account or the 7th of each month in the case where rates are levied on a monthly basis; or
- (b) should such day fall on a Saturday, Sunday or public holiday the due date will remain the 7th of the month.

"Dwelling" means a building, structure or place of shelter to live in or conduct business from;

"Electricity Charges" means service charges in respect of the provision of electricity;

"Financial Year" shall mean a year ending on 30 June;

"Immovable Property" also includes –

- (a) an undivided share in immovable property, and
- (b) any right in immovable property.

"Implementing Authority" means the Municipal Manager or his or her nominee, acting in terms of section 100 of the Local Government: Municipal Systems Act 32 of 2000;

"Indigent Customer" means the head of an indigent household:-

- (a) who applied for and has been declared indigent in terms of Council's Indigent Support Policy for the provision of services by the Municipality; and
- (b) who makes application for indigent support in terms of Municipality's Indigent Support Policy on behalf of all members of his or her household;

"Indigent Support Policy" means the Indigent Support Policy adopted by the Council;

"Indigent Support Programme" means a structured program for the provision of indigent support subsidies to qualifying indigent customers in terms of the Council's Indigent Support Policy;

"Integrated Development Plan" shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act;

"Industrial Property" – means property used for construction, repair, trade or manufacturing, production, assembly or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;

"Interest" means the charge levied on Arrears, calculated as the prime rate, charged by the bank which holds the Municipality's primary bank account, plus two percent or such other percentage as may be determined by Council from time to time;

"Local Community" – in relation to the Municipality –

(a) means that body of persons comprising –

- the residents of the Municipality;
- the ratepayers of the Municipality as defined by the Municipal Systems Act;
- any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
- visitors and other people residing outside the Municipality, who,

because of their presence in the Municipality, make use of services or facilities provided by the Municipality; and

(b) includes, more specifically, the poor and other deprived sections of such body of persons;

“Market Value” – in relation to a property, means the value of the property determined in accordance with section 46 of the Municipal Property Rates Act;

“Month” means one of twelve months of a calendar year;

“Monthly Average Consumption” means the monthly average consumption in respect of a property calculated on the basis of the average consumption over the preceding twelve months on the respective property or should it be a newly developed property a projected average consumption per month for a property in the Municipality having a similar sized development thereon;

“Municipality” or **“Municipal Area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998 as the municipal area pertaining to the Municipality;

“the Municipality” means Midvaal Local Municipality;

“Municipal Council” shall mean the Municipal Council of Midvaal Local Municipality as referred to in section 157 of the Constitution;

“Municipal Finance Management Act” or **“MFMA”** means the Local Government: Municipal Finance Management Act, 56 of 2003;

“Municipal Pay Point” means any municipal office in the area of jurisdiction of the Municipality designated by Council for such purposes, or any such other places as the Chief Financial Officer may from time to time designate;

“Municipal Property Rates Act” means the Local Government: Municipal

Property Rates Act, 6 of 2004;

"Municipal Manager" means the Municipal Manager of the Midvaal Local Municipality or his or her nominee acting in terms of power delegated to him or her by the said Municipal Manager with the concurrence of the Council;

"Municipal Service" means a service that a Municipality in terms of its powers and functions provides or may provide for the benefit of the local community irrespective of whether –

such a service is provided or to be provided, by the Municipality through an internal mechanism contemplated in section 76 of the Municipal Systems Act; or by engaging an external mechanism contemplated in section 76 of the Municipal Systems Act; and

fees, charges or tariffs are levied in respect of such a service or not;

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

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

"Occupier" means any person who occupies, controls or resides on any premises, or any part of any premises without regard to the title under which he or she so occupies it;

“Open Space” - means land that is used as a park, garden, for passive leisure or maintained in its natural state and that is zoned as open space;

"Owner" in relation to immovable property means –

- (a) the person in whom is vested the legal title thereto provided that:-
 - (i) the lessee of immovable property which is leased for a period of not less than thirty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
 - (ii) the occupier of immovable property occupied under a service servitude or right analogous thereto, shall be deemed to be the owner thereof;
- (b) if the owner is deceased or insolvent or has assigned his or her estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, shall be deemed to be the owner thereof;
- (c) if the owner is absent from the Republic or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, or if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property;

"Person" means, as the context indicates, a natural and juristic person, including any department of state, statutory bodies or foreign embassies;

"Premises" includes any piece of land, the external surface boundaries of which are delineated on:

- (a) A general plan or diagram registered in terms of the Land Survey Act, (9 of

1927) or in terms of the Deed Registry Act, 47 of 1937; or

- (b) A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, and which is situated within the area of jurisdiction of the Municipality.

"Prescribed" means prescribed by this policy and where applicable by Council or the Municipal Manager;

"Prescribed debt" means debt that becomes extinguished by prescription in terms of the Prescription Act 68 of 1969;

"Private Open Space" means land that is privately owned and used for practicing of sport, play or leisure facilities or used as a botanical garden, cemetery or nature area and which is joined as Private Open Space;

"Privately Owned Townships Serviced by the Owner" – means single properties (group housing or single residential erven), situated in an area not ordinarily being serviced by the Municipality, divided through subdivision or township establishment in (ten or more) full-title stands and / or sectional title units and where all rates-related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreation facilities, are installed at the full cost of the developer and are rendered and maintained by the residents, Home owners association or management companies / bodies of such estate;

"Property" – means immovable property registered under separate title in terms of the provisions of the Deeds Registries Act, 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 and includes unregistered land if the right of ownership can be determined;

"Rateable Property" shall mean property on which the Municipality may in terms of Section 2 of the Municipal Property Rates Act levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act;

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

"Rates" means a municipal rate on property envisaged in section 229 (1) of the Constitution read with the Municipal Property Rates Act and the Local Government: Municipal Finance Management Act 56 of 2003;

“Rebate” in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Municipal Property Rates Act on the amount of the rate payable on the property;

“Reduction” - in respect of a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of that property at that lower amount;

"Refuse Charges" means service charges in respect of the collection and disposal of refuse;

"Registered Owner" means that person, natural or juristic, in whose name the property is registered in terms of the Deeds Registry Act;

"Responsible Person" means any person other than the registered owner of an immovable property who is legally responsible for the payment of municipal service charges;

“Residential Property” shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Municipal Property Rates Act, 2004 as residential and/or improved property that: -

- (a) is used predominantly (60% or more) for residential purposes, including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such

grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes, if still used dominantly for residential purposes;

- (b) is a unit registered in terms of the Sectional Title Act, 95 of 1986, and is used predominantly for residential purposes;
- (c) is owned by a share-block company and is used predominantly for residential purposes;
- (d) is a residence used for residential purposes situated on a property used for educational purposes;
- (e) is property which is included as residential in a valuation list in terms of section 48(2)(b) of the Municipal Property Rates Act;
- (f) are retirement schemes and life right schemes used predominantly (60% or more) for residential purposes;
- (g) vacant properties (empty stands), hotels, hostels, old-age homes and accommodation establishments, irrespective of their zoning or intended use, have been specifically excluded from this property category;

"Service Charges" means the fees levied by the Municipality in terms of its tariff policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this policy;

"Service Delivery Agreement" means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Municipal Systems Act;

"Sewerage Charges" means service charges in respect of the provision of sewerage collection and treatment of infrastructure;

"Sundry Customer Accounts" means accounts raised for miscellaneous charges

for services provided by the Municipality or charges that were raised against a person as a result of an action by a person, and were raised in terms of Council's policies, bylaws and decisions;

"Supervisory Authority" means the Executive Mayor of the Municipality or his or her nominee, acting in terms of Section 99 of the Municipal Systems Act;

"Surcharge" means a charge raised on and above a normal Tariff based either on a percentage or a fixed amount which is imposed in accordance with the provisions of the Municipal Systems Act and any other applicable legislation;

"Tariff Policy" means a Tariff Policy adopted by the Council in terms of Section 74 of the Municipal Systems Act;

"User" means the owner or occupier of a property in respect of which municipal services are being provided by the Municipality or a service provider whether in terms of service delivery agreement.

"Vacant Property" – means any land without any improvements thereon;

"Water Charges" means service charges in respect of the provision of water whether by the Municipality or a service provider in terms of a service delivery agreement.

3. Abbreviations

Kl – Kilolitre, 1000 litres

kVa – KiloVolt Ampere

kWh – Kilowatt Hour

4. CONSTITUTIONAL AND LEGAL BACKGROUND

- 4.1. In terms of section 62 (1)(f) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003, the Accounting Officer (AO) of a Municipality is responsible for managing the financial administration of the Municipality and must for this purpose take all reasonable steps to ensure that, *inter alia*, the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act.
- 4.2. In terms of section 74 of the Municipal Systems Act, the Council hereby adopts this tariff policy on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements.

5. APPROVAL AND EFFECTIVE DATE

The Policy will be effective as from 1 July 2025

6. POLICY AMENDMENT

In terms of section 16 read with 17(1)(e) of the MFMA, this Tariff Policy shall be reviewed on an annual basis and the reviewed policy tabled to Council for approval together with the adoption of the Medium-Term Revenue and Expenditure Framework (“**MTREF**”) for the following year.

7. RELATIONSHIP WITH OTHER POLICIES

This Tariff Policy needs to be read in conjunction with other relevant adopted policies of the Municipality, including the following:

- Delegation of Powers;
- Enterprise Risk Management Policy;
- Credit Control and Debt Collection Policy;

- Property Rates Policy;
- Funding, Borrowing and Reserves Policy;
- Cash Management and Investment Policy
- Long Term Financial Plan Policy;
- Indigent Support Policy;
- Budget Implementation and Monitoring Policy;
- Free Basic Electricity Policy
- Free Basic Water Policy.

8. REFERENCES

The following references were observed in compiling this document:

- Municipal Finance Management Act, 2003;
- Municipal Systems Act;
- Municipal Property Rates Act 6, 2004 as amended;
- Municipal Property Rates Policy, as reviewed annually;
- Constitution of the Republic of South Africa, 1996 as amended; and
- Municipal Budget and Reporting Regulations, 2008.

9. BASIC PRINCIPLES TO BE CONSIDERED IN DETERMINATION OF A TARIFF STRUCTURE

- 9.1. All Tariffs imposed by the Municipality in terms of this Tariff Policy must comply with the principles prescribed by section 74(2) of the Municipal Systems Act.
- 9.2. Tariffs imposed by the Municipality shall be viewed as user charges which in terms of section 5(2) of the Municipal Systems Act must be paid promptly by members of the local community and not as taxes, and therefore the ability to pay of the relevant customer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigent relief measures approved by the Municipality from time to time).
- 9.3. The Municipality shall ensure that its Tariffs are uniformly and equitably applied throughout the municipal region.
- 9.4. Tariffs for the four major services rendered by the Municipality, namely Electricity, Water, Sewerage and Refuse Removal, shall as far as possible recover the expenses associated with the rendering of each service concerned, and where feasible, generate a reasonable surplus as determined in each annual budget. Such surplus shall be applied in relief of property rates or both for the future capital expansion of the service concerned, or any other non-economical services as may be determined by the Municipality.
- 9.5. The Tariff which a particular Customer or User pays in terms of this Tariff Policy shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.

- 9.6. The Municipality shall develop, approve and at least annually review an indigent support programme for the municipal area. This programme shall set out clearly the Municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other Users and Customers in the municipal region.
- 9.7. In line with the principles embodied in the Constitution, read with section 74(3) of the Municipal Systems Act and other legislation pertaining to local government, and in the case of electricity approval by NERSA, the Municipality may differentiate between different categories of users and Customers in regard to the tariffs which it levies. Such differentiation shall at all times be fair and shall be fully disclosed in each annual budget.
- 9.8. The Municipality's Tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of Customers or users shall be evident to all Customers or users of the service in question.
- 9.9. The Municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all Customers and users affected by the Tariff Policy concerned.
- 9.10. The Municipality also undertakes to render its Municipal Services cost effectively in order to ensure the best possible cost of service delivery.
- 9.11. In the case of conventional metering systems for electricity and water, the consumption of such services shall be properly metered by the Municipality and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on Customers shall be proportionate to the quantity of the service which they consume. In addition, the Municipality shall levy a monthly fixed charge for electricity and water services.

- 9.12. In adopting what is fundamentally a two-part tariff structure, namely a fixed basic charge coupled with a charge based on consumption, the Municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.
- 9.13. In case of vacant stands, where the services are available but not connected, the Municipality shall levy a monthly availability charge which is levied because of fixed costs such as the capital and maintenance costs and insurance of infrastructure available for immediate connection. This principle also applies to vacant stands in areas serviced through conservancy or septic tanks.
- 9.14. The Municipality's Tariffs for electricity services will be determined to ensure that those customers who are mainly responsible for peak demand, and therefore for the incurring by the Municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the Municipality shall therefore install demand meters to measure the maximum demand of such customers during certain periods. These bulk customers shall therefore pay the relevant demand charge as well as an energy charge directly related to their actual consumption of electricity during the relevant metering period.

10. FACTORS TO BE CONSIDERED IN THE DETERMINATION OF A TARIFF STRUCTURE

10.1. Financial factors

- 10.1.1. The primary purpose of a tariff structure is to recover the actual costs of the rendering of a particular service, during each of the Municipality's specific financial years.
- 10.1.2. In order to determine the tariffs which must be charged for the supply of the four major services as specified in clause 9.4 , the

Municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:-

10.1.2.1 Cost of bulk purchases in the case of water and electricity.

10.1.2.2 Distribution costs.

10.1.2.3 Distribution losses in the case of electricity and water.

10.1.2.4 Depreciation expenses.

10.1.2.5 Maintenance of infrastructure and other fixed assets.

10.1.2.6 Cost of approved indigent relief measures and cross subsidising of low consumption.

10.1.2.7 Administration and service costs, including:-

- service charges levied by other departments such as finance, human resources and legal services;
- reasonable general overheads, such as the costs associated with the Office of the Municipal Manager;
- adequate contributions to the provisions for bad debts and obsolescence of stock; and
- all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the

municipal area.

(Note: the costs of the democratic process in the Municipality – that is, all expenses associated with the political structures of the Municipality – shall form part of the expenses to be financed from property rates and general revenue, and shall not be included in the costing of the major services of the Municipality).

10.1.3. The intended surplus to be generated for the financial year. Surplus to be applied:-

10.1.3.1. as an appropriation to capital reserves; and/or

10.1.3.2. generally, in relief of rates.

10.2. **Socio-economic factors**

10.2.1. In addition to the principles recorded in section 74(2) of the Municipal Systems Act, Tariffs should also support business initiatives aimed at creating jobs or contribute to the economy of the municipal area.

10.2.2. Section 74(3) of the Municipal Systems Act provides for differentiation between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters for tariff purposes as long as the differentiation does not amount to unfair discrimination.

10.2.3. Accordingly, this Tariff Policy differentiates in the manner set out below.

10.2.4. Users can be divided into the following categories: -

10.2.4.1 Users who are unable to make any contribution towards the consumption of services and who are fully

subsidised;

10.2.4.2 Users who are able to afford a partial contribution and who are partially subsidised only; and

10.2.4.3 Users who can afford to pay for the cost of the services.

10.2.5. It is important to identify these categories and to plan the tariff structures accordingly.

10.2.6. Subsidies are currently derived from two sources namely:-

10.2.6.1. Contributions from National Government: National Government makes an annual contribution according to a formula, which is primarily based on information obtained from Statistics South Africa by means of census surveys. If this contribution is judiciously utilised it will subsidise all indigent households who qualify in terms of the Council policy.

10.2.6.2. Contributions from own funds: The Council can, if the contribution of National Government is insufficient, provide in its own operational budget for such support. Such action will in all probability result in increased tariffs for the larger users. Any subsidy must be made known publicly.

10.2.6.3. To make provision for subsidisation, the tariff structure is formulated as follow:-

10.2.6.3.1 Free services (within prescribed limits and guidelines);

10.2.6.3.2 Lower tariffs for users who qualify in

terms of particular guidelines, for example to recover the operational costs of the service only; and

10.2.6.3.3 Full tariff payable with a subsidy that is transferable from sources as mentioned above.

10.2.6.3.4 .

10.2.6.4. For the avoidance of doubt, the categories of users eligible for subsidisation in terms of the above paragraph does not include users that fall under the category of customers that can afford the full tariff. Such customers or users shall be charged for services in relation to their consumption of the service.

10.3. Minimum service levels

It is important that minimum service levels be determined in order to calculate and develop an affordable tariff package available to all potential users.

10.4. Credit control

10.4.1 It is not possible to successfully formulate a tariff structure without consideration of the stipulations of an effective credit control system. Income is provided for in the budget and the payment level must be realistic taking into account current payment levels and past trends. It is therefore important to continuously ensure that users indeed pay punctually. Non-payment has a direct effect in that the provision for debt impairment, in accordance with current payment levels, must be provided for as expenditure in the budget.

10.4.2 However, it is also a fact that there are consumers who are

unable to pay. Tariffs must therefore provide access to a minimum level of basic services for all users. It should furthermore be supplemented with a practical policy for indigents. This will ensure the sustainable delivery of services. In addition, adequate provision should be made on an annual basis for debt impairment and working capital in accordance with current payment levels.

10.5. Package of services

The accounts for rates and services must not be viewed in isolation. Such accounts must be considered jointly to determine the most affordable amount that the different users can pay as a total account. The basic costs of a service must first of all be recovered and then only can surpluses be manipulated to determine the most economic package for the user with due allowance for future events in regard to a particular service.

10.6. Historical and future user patterns

It is important to keep accurate consumption statistics for the purpose of determining tariffs. Consumption determines tendencies, which ultimately have an influence on tariffs within a structure. Provision should be made in the process for growth and seasonal use, as well as for unforeseen events that may have an impact on tariffs.

10.7. User groups

10.7.1. Users are traditionally divided into user groups as set out below:-

10.7.1.1. Domestic (Residential);

10.7.1.2. Businesses / Commercial;

10.7.1.3. Industries / Bulk customers;

- 10.7.1.4. Farm properties (agricultural);
 - 10.7.1.5. Accommodation establishments (including guest houses);
 - 10.7.1.6. Municipal consumption (departmental charges);
 - 10.7.1.7. Institutions that may be directly subsidised for example retirement homes, schools and hostels, sport organisations, etcetera; and
 - 10.7.1.8. Special arrangements for specific developments as may be determined by Council from time to time.
- 10.7.2. continuous effort should be made to group together those users who have more or less the same access to a specific service.

11. FREE BASIC SERVICES

11.1. Underlying principle

- 11.1.1. Free basic municipal services refers to those municipal services necessary to ensure an acceptable and reasonable quality of life and which service, if not provided, could endanger public health or safety or the environment.
- 11.1.2. In terms of the Constitution all customers should have access to basic services. Typically, the following parameters will be applied: -
 - 11.1.2.1. The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

- 11.1.2.2. The general threshold for indigent support is restricted to qualifying households with a combined income amount, and or or certain property value determined by Council at the beginning of every financial year and will be applied for the duration of that particular financial year.

12. TARIFF STRUCTURES FOR VARIOUS SERVICES

- 12.1. It is essential that a compromise be reached between the following needs with regard to the determination of a tariff structure:

- 12.1.1. The need to reflect costs as accurately as possible in order to achieve cost effectiveness;
- 12.1.2. The need to ensure equality and fairness between user groups;
- 12.1.3. The need for a practically implementable tariff;
- 12.1.4. The need to use appropriate metering and provisioning technology;
- 12.1.5. The need for an understandable tariff; and
- 12.1.6. The user's ability to pay.

- 12.2. Taking into consideration the abovementioned points the tariff structure of the following services is set out below:-

Electricity

Water

Refuse Removal

Sewerage

Property Rates.

12.3. Electricity

- 12.3.1. To calculate the tariff for electricity, the actual cost incurred in the supply of electricity to the local community has to be taken into consideration. The principle of basic levies as well as per unit tariff for electricity is determined by the cost structure. This cost structure consists of the following components:-
- 12.3.2. Fixed costs: It represents that portion of expenses that must be incurred irrespective of the fact whether or not any electricity has been sold, for example the salary of staff who have been appointed permanently with specific tasks relating to the provision of electricity, costs of capital, maintenance cost and insurance that is payable in respect of the infrastructure. These costs must be recovered whether any electricity is used or not. The costs are therefore recovered by means of a fixed levy per period (normally levied as a monthly basic charge) in order to ensure that these costs are covered.
- 12.3.3. Variable costs: It relates to the physical provision of electricity according to consumption / demand and must be financed by means of a unit tariff which is payable per kWh/KVA electricity consumed.
- 12.3.4. Surplus: The tariffs for these services are determined in such a way that a net trading surplus is realised. Any trading surplus is used to subsidise the tariffs of rate funded services.
- 12.3.5. The following tariff structures were used for the determination of tariffs in relation to this Service:-

Inclining block tariff (IBT) tariff structure where customer's consumption is divided into blocks and each subsequent block has a higher energy rate (c/kWh). The tariff structure is in

accordance with NERSA in order to protect / cross-subsidise low income domestic customers and to promote energy efficiency.

Single rate energy tariff (all costs expressed in a single cent/kWh charge).

- 12.3.6. Two part tariff for Industrial and Bulk Customers. Demand charge and a variable charge related to metered kWh consumption):-

Energy rate (c/kWh);

Demand charge (R/KVA month – recovers capital costs elements.

- 12.3.7. Special tariff arrangements determined and approved by Council from time to time for specific developments and/or informal settlements.

12.4. Water

- 12.4.1. Water is a scarce commodity with little alternatives available (contrary to electricity). Tariff structures should therefore be aimed at the reduction of consumption. In order to restrict consumption, an inclining block rate tariff structure with a basic fee is applied.
- 12.4.2. In accordance with section 74(2) of the Municipal Systems Act, the amount that users pay for water services should generally be in proportion to their use of water services. Tariffs must be set at levels that facilitate the sustainability of the service. Thus, this Tariff Policy shall include a sliding scale tariff structure.
- 12.4.3. To calculate the tariff for water, the actual cost incurred in the supply of water to the community, has to be taken into consideration. The principle of basic levies as well as a kilolitre

tariff for water is determined by the cost structure.

12.4.4. Similar to Electricity, this cost structure consists of the following components:-

12.4.4.1 Fixed costs: It represents that portion of expenses that must be incurred irrespective of the fact whether or not any water has been sold, for example the salary of staff who have been appointed permanently with specific tasks relating to the provision of water, costs of capital and insurance that is payable in respect of the infrastructure. These costs must be recovered whether any water is used or not. The costs are therefore recovered by means of a fixed levy per period (normally on a monthly basis) in order to ensure that these costs are covered.

12.4.4.2 Variable costs: It relates to the physical provision of water according to demand and must be financed by means of a unit tariff which is payable per kilolitre water consumed.

12.4.4.3 Surplus: The tariffs for these services are determined in such a way that a net trading surplus is realised. Any trading surplus is used to subsidise the tariffs of rate funded services.

12.4.5 The following tariff structures were used for the determination of tariffs:-

12.4.5.2 Special tariff arrangements determined and approved by Council from time to time for specific developments and/or informal settlements.

- 12.4.6 Should the levy imposed by the Municipality pursuant to the availability charge for the supply of water fall into arrears due to non- payment by the fractional owner, credit control procedures as stipulated in the credit control policy will follow.

12.4.7 Payment for Water Connection

The fees prescribed in the tariff to all consumers that receive or want to receive water services will be for each individual stand payable by the owner in full before such a connection will be made to the water system.

12.4.8 Relocation of water service

- 12.4.8.2 The cost for the relocation of the water meter will be at the customer's account and at the prescribed water tariff
- 12.4.8.3 The cost for the termination/removal of the water services will be for the Customer's account and shall be charged at the prescribed water tariff.

12.4.9 Notification of boreholes

- 12.4.9.2 The municipality or its authorised agent may, by public notice, require –
- 12.4.9.2.1 A Customer or User who has an existing borehole or who wants to drill a new borehole to pay a prescribed borehole registration fee

12.5. Refuse Removal

- 12.5.1. Refuse removal is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service.
- 12.5.2. A Customer who chooses to do their own refuse removal will still be liable for paying the applicable refuse tariff.
- 12.5.3. The tariff levied by Midvaal Local Municipality is based on the category of property as determined in the municipal valuation roll.
 - 12.5.3.1 If Refuse removal fees were erroneously levied or not levied on a property, it shall be adjusted in accordance with the effective date of the General Valuation Roll or subsequent Supplementary Roll if applicable.
- 12.5.4. The following tariff structures were used for the determination of tariffs in relation to this service:-
 - 12.5.4.1. Residential (domestic customers) – maximum of one removal per week (black bag system).
 - 12.5.4.2. Business / Commercial / Industrial (Non – Bulk) – maximum of two removals per week.
 - 12.5.4.3. Business / Commercial / Industrial (Bulk) - maximum of three removals per week.
 - 12.5.4.4. Business / Commercial / Industrial (Bulk) - four or more, with a maximum of seven removals per week.
 - 12.5.4.5. Additional removals per unit– More than the maximum removals as per 12.5.4.1 to 12.5.4.4.
- 12.5.5 A service charge is payable on all properties (as per category as detailed in the schedule of tariffs), where the rendering of the

service is available, whether or not the service is utilised by the customer.

- 12.5.6 Special tariff arrangements may be determined and approved by Council from time to time for specific developments and/or informal settlements.
- 12.5.7 Where fractional ownership of a property occurs, the owner will be levied refuse based on their fractional share in that property.
- 12.5.8 Should the levy for refuse fall into arrears due to non-payment by the fractional owner, credit control procedures as stipulated in the Credit Control Policy will follow.

12.6 Sewerage

- 12.6.1 Sewer service is an economic service and tariff calculations should be based on the actual cost incurred in delivering the service.
- 12.6.2 The following tariff structures were basically used for the determination of tariffs:-
 - 12.6.2.1 Tariff arrangements determined and approved by Council from time to time for specific developments.
 - 12.6.2.2 A sewer charge is payable on all properties (as per category as detailed in the schedule of tariffs), where a connection to the sewer network is possible, whether or not the service is utilised by the customer. This fee aims to recoup capital and maintenance costs of networks as well as certain fixed administrative costs in respect of such properties.
 - 12.6.2.3 The sewer charge will be payable as from date of registration of property and or,

12.6.3.1 If a Sewer charge was erroneously levied or not levied on a property, it shall be adjusted in accordance with the effective date of the General Valuation Roll or subsequent Supplementary Roll if applicable.

12.6.2.4 If the owner connects and improve the property the sewer charge will be adjusted from the date of the connection.

12.6.2.5 Owners of vacant stands in an area serviced through conservancy tanks, septic tanks or French drains only will not pay the availability tariff.

12.6.2.6 Where the fractional ownership of a property occurs, the owner will be levied a sewer charge for sewerage based on their fractional share in that property.

12.6.2.7 Should the levy of the availability charge for sewerage fall into arrears due to non-payment by the fractional owner, credit control procedures as stipulated in the credit control policy will follow.

12.7 Property Rates

12.7.1 The rate levied by the Municipality will be a cent amount in the Rand based on the market value of the property.

12.7.2 In terms of the Municipal Property Rates Act , the Municipality may levy different rates for different categories of rateable property. Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category and by way of reductions and rebates as provided for in the Municipality's property rates policy.

12.7.3 In terms of section 17 (1) (e) of the MFMA the Municipality's

property rates policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.

13. ELECTRICITY TARIFF POLICY

Electricity is supplied under a distribution license, granted by NERSA for a specific area of jurisdiction, which regulates *inter alia* the following aspects:-

- Classification of customer categories.
- Permissible tariff structure options are determined at a national level and distributors are obliged to apply these structures to attain uniformity.
- All tariff structures and tariffs must be approved by NERSA prior to application thereof by a distributor.

13.1 Domestic Customers and Accommodation Establishments

- This tariff covers the supply of electricity for domestic use in private dwellings, flats and chalets with separate meters and includes churches, schools, welfare buildings, hospitals, halls or similar premises.
- This tariff is applied for circuit breaker sizes not in excess of 63A single phase or 63A three phase. Should customers require supplies in excess hereof, the Commercial Customer or Bulk Supply tariff will be applicable. A phased approach will be implemented to convert existing customers who have traditionally been charged at different tariffs towards these criteria.

Customers with conventional meters

13.1.1 One part tariff:

- Energy rate (c/kWh). The energy rate is charged on an inclining block tariff per unit based on the number of kWh consumed which is determined as follows:-

Block 1: 0 to 50 kWh
Block 2: 51 to 350 kWh
Block 3: 351 to 600 kWh
Block 4: >600 kWh

Pre-paid customers

Prepaid users are charged based on a one part tariff:-

13.1.2 One part tariff:

Energy rate (c/kWh). The energy rate is charged on an inclining block tariff per unit based on the number of kWh consumed which is determined as follows:-

Block 1: 0 to 50 kWh
Block 2: 51 to 350 kWh
Block 3: 351 to 600 kWh
Block 4: >600 kWh

13.1.3 Energy rate (c/kWh). The energy rate is charged on an inclining block tariff per unit based on the number of kWh purchased, which is determined as follows:-

Block 1: 0 to 50 kWh
Block 2: 51 to 350 kWh
Block 3: 351 to 600 kWh
Block 4: >600 kWh

13.1.4 Should the customer have any municipal arrears, the auxiliary payment system may be activated for the gradual payment of the arrears as a percentage of purchases.

13.1.5 Registered Indigents receive a number of kWh units fully subsidised every month, as determined by Council on an annual basis. Where possible, Council may limit the supply to indigent customers to a 20A single phase capacity.

13.2 **Commercial / Business Customers**

13.2.1 This tariff covers the supply of electricity to shops, office buildings, hotels, clubs, industrial undertakings, builder's supplies or similar premises.

13.2.2 The tariff is normally for circuit breaker sizes not in excess of 63A single phase or 100A three phase. Should customers require supplies in excess hereof, the Bulk Supply tariff will be applicable. A phased approach will be implemented to convert existing customers who have traditionally been charged at different tariffs towards these criteria.

13.3 **Customers with conventional meters**

13.3.1 Customers with conventional meters are billed as follows:-

One part tariff:

13.3.2 Energy rate (c/kWh). The energy rate is charged at a single rate tariff per unit based on the number of kWh consumed.

13.4 Pre-paid customers

13.4.1 Prepaid users, if applicable, are charged on a one part tariff:

13.4.2 Energy rate (c/kWh). The energy rate is charged on a single rate per unit based on the number of kWh purchased.

13.4.3 Should the customer have any municipal arrears, the auxiliary payment system may be activated for the gradual payment of the arrears as a percentage of purchases.

13.5 **Industrial / Bulk Customers**

13.5.1 The Bulk Supply tariff is for Customers with a notified maximum demand of 71kVA or more or who require a supply greater than a 100Amp three phase circuit breaker size.

13.5.2 These customers are billed as follows:-

Two part tariff.

Demand charge (R/kVA month – recovers capital costs elements).

13.5.3 Energy rate (c/kWh). The energy rate is charged at a single rate tariff per unit based on the number of kWh consumed.

13.6 Farm properties (Agriculture)

These customers are billed as per the tariffs applicable which have been determined by the Council by special agreement with a specific group of farmers in the past.

13.7 Streetlights

An energy rate (c/kWh) will be applied per streetlight metering point.

13.8 Special Arrangements

Other tariffs may be applicable which has been determined by the Town Electrical Engineer or Council by special agreement with specific Clients. This will only be considered when special circumstances prevail.

13.9 Departmental

The respective Commercial and Bulk Supply tariffs, for consumption only, will be determined by Council on an annual basis. Tariff to be determined by the specific department applicable, only on the energy.

13.10 Electricity sundry tariffs

All other electricity related services offered by the Council are charged at a tariff as determined by the Council annually during the budget process.

14. WATER TARIFF POLICY

14.1 Domestic / Commercial / Business / Accommodation Establishments

14.1.1 Customers are billed as follows:-

Registered Indigents receive their basic levy for water fully subsidised every month, as determined by Council on an annual basis.

14.1.2 Domestic customers are billed for consumption based on the amount of water used by way of a step tariff per kilolitre usage in the following blocks:-

0 to 6 kl – Indigent households

7 to 12 kl – Non Indigents

0 to 12 kl – Non Indigents

to 20 kl – Non Indigents

21 to 30 kl – Non Indigents

31 to 45 kl – Non Indigents

>45 kl – Non Indigents

14.2 Old Age Homes / Schools / Sports Clubs / Charitable institutions

14.2.1 Customers are billed as follows:-

Customers are billed for consumption based on the amount of water used by way of fixed tariff per kilolitre usage.

14.3 All other Customers

All other customers are billed as follows:-

14.3.1 Customers are billed for consumption at a fixed tariff per kilolitre

based on the number of kilolitres consumed.

14.4 **Special Arrangements**

14.4.1 Where two or more dwellings / flats / offices / accommodation establishment units are feeding from one main water connection to a property, the customers are billed as follows:-

14.4.2 Customers in 14.4.1 are billed for consumption based on the amount of water used by way of a fix tariff per kilolitre usage.

14.5 **Water Restrictions**

14.5.1 The availability of bulk water resources will be monitored throughout the year by Council.

14.5.2 When so required, Council will take a resolution to implement water restrictions.

14.5.3 Any penalties payable on water consumption as a result of water restrictions will be implemented in the month following the Council resolution; regardless of the meter reading dates (water consumed prior to the resolution date may therefore also be subject to penalties).

14.6 **Pre-Paid Water**

Domestic Pre-paid Water meters will also be charged on the same Sliding scale as normal conventional Meters. Customers can apply for the installation of a Pre-paid water meter at the applicable tariff as per Council promulgated tariffs, subject to the availability of Pre-paid water meters. This will only apply to Residential customers.

14.7 Departmental

The respective Commercial and Bulk Supply tariffs, for consumption only, will be determined by Council on an annual basis. Tariff to be determined by the specific department applicable only to the water consumption.

14.8 Water Sundry Tariffs

All other water related services offered by the Council are charged at a tariff as determined by the Council annually during the budget process.

15. REFUSE TARIFF POLICY

15.1 Refuse Removal Tariffs

15.1.1 The Council has determined the following categories for refuse removal:-

15.1.1.1 Residential (domestic customers) – maximum of one removal per week;

15.1.1.2 Flats / Townhouses – levy for each unit – removal once a week (domestic)

15.1.1.3 Business / Commercial / Industrial (Non – Bulk) – maximum of two removals per week. Businesses situated in residential areas will only be serviced once a week.

15.1.1.4 Business / Commercial / Industrial (Bulk) - maximum of three removals per week.

15.1.1.5 Business / Commercial / Industrial (Bulk) - four or more, with a maximum of seven removals per week.

15.1.1.6 Additional removals per unit– More than the maximum removals as per 15.1.1.1 to 15.1.1.5 above.

15.1.2 Registered Indigents receive their refuse removal service fully subsidised every month, as determined by Council on an annual basis.

15.1.3 Refuse removal charges will apply to developed properties.

15.2 Special Arrangements

15.2.1 Where two or more customers on a premises make use of the compulsory solid waste disposal service the customers are billed as per the category in clause 15.1.1.1 above.

15.2.2 Special tariff arrangements determined and approved by Council from time to time for specific developments. In terms of the current arrangements, all developments with ten or more units that have created a central collection point for refuse as agreed with the Municipality may qualify for a reduced tariff as determined by the Municipality on an annual basis. The Body Corporate or individual owners may apply in writing for a rebate. If approved, a rebate of 20% will be applied. If no application is received the full charges will be levied.

15.3 Departmental

Tariffs will be determined by Council on an annual basis. Tariff to be determined by the specific department applicable.

15.4 Refuse Removal Sundry Tariffs

All other refuse removal related services offered by the Council are charged at a tariff as determined by the Council annually during the budget process.

16. SEWERAGE TARIFF POLICY

16.1. Sewerage Systems

- 16.1.1. A sewerage charge is payable on all properties (as per category as detailed in the schedule of tariffs), where a connection to the sewer network is possible, whether or not the service is utilised by the customer.
- 16.1.2. The charge will be payable as from date of registration of property and the charge will differ between developed and undeveloped properties.
- 16.1.3. Registered Indigents receive their levy for sewerage service fully subsidised every month, as determined by Council on an annual basis.

16.2. Special Arrangements

- 16.2.1. Where two or more dwellings / flats / offices / accommodation establishment units are feeding from one main sewerage connection to a property, the customers are billed as follows:-

A charge is payable on all dwellings that are connected to the sewerage network based on the size of the smallest water connection (20 mm).

- 16.2.2. In the case of accommodation establishments, a charge is payable on all units / dwellings that are connected to the sewerage network based on the size of the smallest water connection (20 mm), based on the following formula:-

Flats / Townhouses – each unit pays a sewer charge

16.3. Departmental

Tariffs will be determined by Council on an annual basis. Tariffs to be determined by the specific department applicable.

16.4. Sewerage sundry tariffs

All other sewerage related services offered by the Council are charged at a tariff as determined by the Council annually during the budget process.

17. PROPERTY RATES POLICY

17.1. Property Rates tariffs

Property rates are levied as determined by Council from time to time and is covered in the Property Rates Policy and By-law of the Municipality.

17.2. Property Rates sundry tariffs

All other property tax related services offered by the Council are charged at a tariff as determined by the Council annually during the budget process.

18. SUNDRY TARIFFS

18.1. Various sundry tariffs are applied to recoup the costs of sundry services to the public. All such tariffs are based on cost of supply, but individual tariffs may be set at:

18.1.1. Subsidised levels;

18.1.2. Levels reflecting actual cost; or

18.1.3. Levels producing surpluses.

18.1.4. The level at which the Council sets a sundry service tariff, takes into account factors such as:

18.1.4.1. Affordability;

18.1.4.2. Socio-economic circumstances;

18.1.4.3. Utilisation of amenities and resources;

18.1.4.4. National and regional agreements and provisions;
and

18.1.4.5. any other factors influencing such decisions.

18.2. Sundry tariffs and structures will be revised at least once a year, during the annual budgeting process.

19. WATER LEAK ADJUSTMENT

19.1. Definition of a water leak

19.1.1. Water leak – is crack or flaw that permits water to escape or pass through the pipes. The water will be wasted with or without detection .

19.1.2. Responsibility for repairs of water leaks

19.2. Customer

19.2.1. The Customer remains responsible for any water leak that occurred from the meter to their property.

- 19.2.2. **T**he Customer is responsible for effecting the repair of the pipes in his/her/its property.
- 19.2.3. Should the Customer discover any water leak, he/she/it must take immediate steps to stop the loss of water by turning off the water supply.
- 19.2.4. The plumber is the best person to call to mend domestic leaks and repair pipes and connections.

19.3. **Midvaal Local Municipality**

- 19.3.1. The water leaks on the streets or on council property remains the responsibility of the Municipality.
- 19.3.2. Midvaal Local Municipality will not charge its customers to repair pipes on the streets.
- 19.3.3. The consumers should not allow anyone trying to claim money from them for repairing council water pipes.
- 19.3.4. Even though the water leak is on council or municipality's side, consumers are requested to report the water leak.

19.4. **Water leak adjustment tariff**

- 19.4.1. If a Customer determines that its water bill has gradually been getting larger and does not decrease throughout several meter reading cycle, you may have a water leak.
- 19.4.2. Midvaal Local Municipality has a water leak tariff, as promulgated in the water tariffs of the municipality that may give you a discount on your bill, depending upon the nature of the water leak.

- 19.4.3. If the water leak is determined to be the customer's responsibility, the customer should repair the water leak and submit the documentation of repair (receipts for labour, supplies and equipment and an affidavit if the leak was fixed by the owner) to the municipality billing office.
- 19.4.4. Once the documentation has been reviewed and approved, the documentation will be processed immediately and adjustment made if merited.
- 19.4.5. The amount and time period to which the adjustment can be applied varies depending on the nature of water leak
- 19.4.6. Any request for water leak adjustment must be made within 30 days of the water leak repair.

19.5. **The adjustment support criteria**

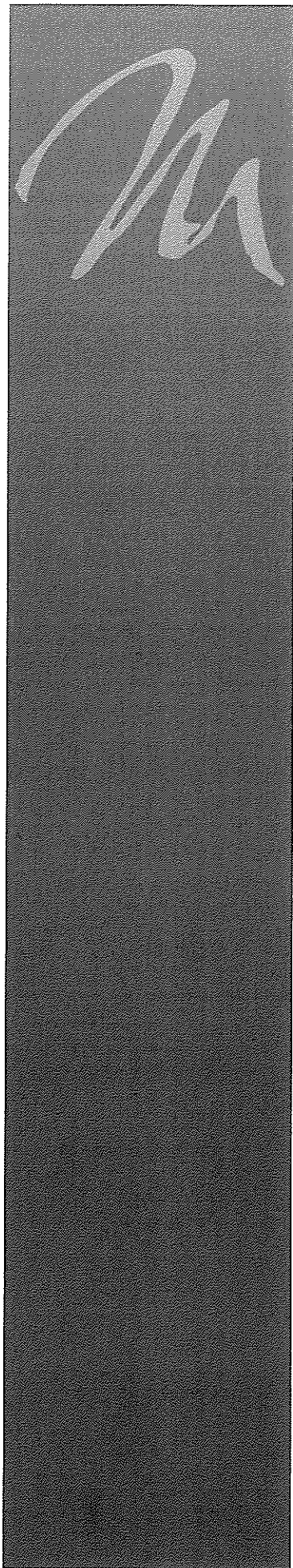
- 19.5.1. Water leak adjustment is only applicable to residential properties, churches and non governmental organisations (NGOs)
- 19.5.2. The need to adjust a water bill may be evident by a customer complaint of excessive billing or evidence of water leakage on the consumer side of the meter.
- 19.5.3. To qualify for water leak adjustment, the usage must be at least 100% above the average monthly usage.
- 19.5.4. Customers are only allowed one water leak adjustment in a twelve (12) months period, unless otherwise waived by action of the Municipal Council.
- 19.5.5. The water department of the Municipality will first determine that the meter has been read properly.

- 19.5.6. Adjustment will only be made if the leak was detected within three (3) months.
 - 19.5.7. Customer will still pay for the average consumption at the normal tariff.
 - 19.5.8. The Municipality will only adjust the portion that exceeds the average usage per month, and will adjust retrospectively up to a maximum of six (6) months.
- 19.6. Adjustment on water bills will not be made on the following:
- 19.6.1. Any type of faulty customer plumbing;
 - 19.6.2. More than one occurrence per any twelve (12) month period;
 - 19.6.3. Customer did not take immediate steps after detection of the water leak to prevent further loss of water;
 - 19.6.4. The customer did not provide proof of the repair of the water leak;
and
 - 19.6.5. Meter was tampered with in any way.

20. POLICY IMPLEMENTATION

- 20.1. The policy will be effective 1 July 2025
- 20.2. This policy is to be reviewed annually and approved by Council together with the adoption of the MTREF for the following year.

Annexure G
Property Rates By-Law
2025/2026



PROPERTY RATES BY-LAWS

MIDVAAL LOCAL MUNICIPALITY



RATES BY-LAW

PROPERTY RATES BY-LAWS

By-law

To give effect to the implementation of the Midvaal Local Municipality's Rates Policy and to provide for matters incidental thereto.

Preamble

WHEREAS section 6(1) of the Local Government: Municipal Property Rates Act, 2004 (6 of 2004) as amended, requires a municipality to adopt By-laws to give effect to the implementation of its Rates Policy;

AND WHEREAS section 6(2) of the Local Government: Municipal Property Rates Act, 2004 (6 of 2004) as amended, provides that By-laws adopted in terms of section 6(1) may differentiate between distinct categories of properties; and distinct categories of owners of properties liable for the payment of rates.

BE IT THEREFORE ENACTED by the Council of the Midvaal Local Municipality, as follows: -

1. Definitions

In this By-law any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) shall bear the same meaning and unless the context indicates otherwise –

“Act” means the Local Government: Municipal Property Rates Act, 2004 (6 of 2004) as amended;

“Council” means the Council of the Midvaal Local Municipality; and

“rate” or “rates” means a municipal rate on property as envisaged in section 229 of the Constitution of the Republic of South Africa.

2. Adoption and implementation of Property Rates Policy

(1) The Council shall adopt and implement a property rates policy consistent with the Act on the levying of rates on rateable properties within the jurisdiction of the municipality; and

(2) The Council shall not be entitled to levy rates other than in terms of its property rates policy.

3. Contents of Property Rates Policy

The Council's Property Rates policy shall, *inter alia*:

(1) Apply to all rates levied by the Council pursuant to the adoption of its Annual Budget;

(2) Comply with the requirements for:

(a) the adoption and contents of a property rates policy specified in section 3 of the Act;

(b) the process of community participation specified in section 4 of the Act;

and

(c) the annual review of a Property Rates Policy specified in section 5 of the Act.

(3) Specify any further principles, criteria and implementation measures consistent with the Act for the levying of rates which the Council may adopt; and

(4) Include such further enforcement mechanisms, if any, as the Council may wish to impose.

4. Enforcement of Property Rates Policy

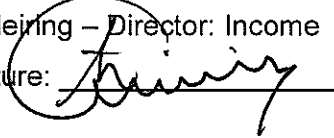
The Council's Property Rates Policy shall be enforced through the Credit Control and Debt Collection By-law and Policy and any further enforcement mechanisms stipulated in the Act.

5. Short title and commencement

This By-law is the Property Rates By-law and takes effect on its date of promulgation in the *provincial gazette*.

Approved and Signed by:

1. Arie Meiring – Director: Income

Signature: 

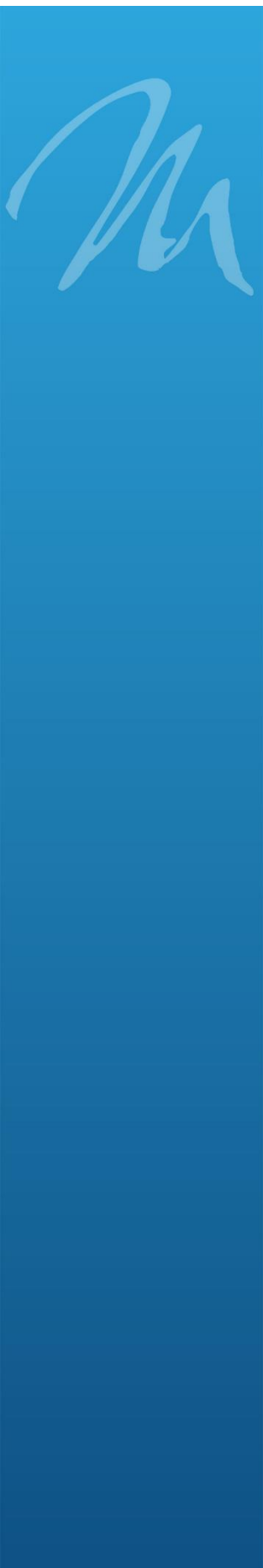
Date: 19/1/2024

2. Zakhele Mhlongo – Executive Director: Financial Services

Signature: 

Date: 22/01/24

Annexure H
Property Rates Policy
2025/2026



PROPERTY RATES POLICY

EFFECTIVE 1 JULY 2025

As per Section 3 of Local Government: Municipal Property Rates Act, 6 of 2004,
as amended



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PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, 1996 empowers the Council to impose rates on property in their Municipal area;

AND WHEREAS section 3 of the Local Government: Municipal Property Rates Act, 2004 (6 of 2004) as amended determines that the council of a municipality must adopt a rates policy in accordance to the determination of the Act;

AND WHEREAS the Council must, in terms of section 5(1) of the Act, annually review, and may, if necessary, amend the rates policy;

AND WHEREAS this policy does not contain all provisions of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) as amended, but lists the key provisions that the municipality deems necessary for ratepayers to be aware of so that they fully understand rating issues that will affect them and must therefore be read in conjunction with, and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) and any regulation promulgated in terms thereof from time to time;

NOW THEREFORE the following policy on the levying of property tax is adopted.

SECTION A

1. INTRODUCTION

The Local Government: Municipal Property Rates Act (2004) as amended requires Municipalities to develop and adopt rates policies consistent with the Act on the levying of rates on rateable property in the municipality. All inputs or representations received on the draft policy of Midvaal Local Municipality were considered in drafting the final policy.

The municipality needs a reliable source of revenue to provide basic services and perform its functions. Property rates are the most important source of general revenue for the municipality. Revenue from property rates is used to fund services that benefit the community as a whole as opposed to individual households. These include for example installing and maintaining streets, roads, sidewalks, lighting, and storm drainage facilities; and building and operating, parks, recreational facilities and cemeteries. Property rates revenue is also used to fund municipal administration, such as computer equipment and stationery, and costs of governance, such as council and community meetings, which facilitate community participation on issues of Integrated Development Plans (IDPs) and municipal budgets.

Municipal property rates are set, collected, and used locally. Revenue from property rates is spent within a municipality, where the citizens and voters have a voice in decisions on how the revenue is spent as part of the Integrated Development Plans (IDPs) and budget processes, which a municipality invites communities to input prior municipal council adoption of the budget.

2. OBJECTIVE

In developing and adopting this rates policy, the Council has sought to give effect to the sentiments expressed in the preamble of the Property Rates Act, namely that:

- 2.1 The Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;
- 2.2 There is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfill its developmental responsibilities;
- 2.3 Revenues derived from property rates represent a critical source of income for municipalities to achieve their constitutional objectives, especially in areas neglected in the past because of racially discriminatory legislation and practices; and

- 2.4 It is essential that municipalities exercise their power to impose rates within a statutory framework which enhances certainty, uniformity and simplicity across the nation and which takes account of historical imbalances and the burden of rates on the poor.
- 2.5 In applying its rates policy, the Council shall adhere to all the requirements of the Act including any regulations promulgated in terms of the Act.

The objective of this policy is also to ensure that:

- 2.6 All persons liable for property rates are treated fairly, equitably and reasonably;
- 2.7 Rates are levied in accordance with the market value of the property;
- 2.8 That rate will be based on the value of all rateable property and the amount required by the municipality to fulfill its developmental responsibility as well as to balance the operational budget, taking into account the surplus obtained from the trading and economical services and the amounts required to cover the costs of exemptions, reductions and rebates which the Council approves from time to time;

3. DEFINITIONS

"Act" means the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) as amended and includes the regulations made in terms of Section 83 of the Act;

"Agricultural Property" means property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for the purpose of eco-tourism or for the trading in or hunting of game;

Means the use of a property for bona fide farming activities, conducted exclusively by the owner or occupier, with the primary intention of agricultural production and income generation

Bona Fide Farmer; is a registered owner of an agricultural property, predominantly used for agricultural purposes, who is also officially registered as such with the South African Revenue Service (SARS).

"Business and commercial property" means:

- (a) Property used for the activity of buying, selling or trade in commodities, goods or services and includes any office or other accommodation on the same erf, the use of which is incidental to such activity, or

- (b) Property on which administration of business of private or public entities take place: and “business and commercial properties” has a corresponding meaning;

“Category”-

- (a) in relation to property, means a category of properties determined in terms of section 8; and
- (b) in relation to owners of properties, means a category of owners determined in terms of section 15 (2);

“Certificate of occupancy” means the certificate issued by the Council in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“Chief financial officer” means a person designated in terms of section 80(2)(a) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003);

“Constitution” means the Constitution of the Republic of South Africa, Act 108 of 1996;

“Core family” means a couple, irrespective of gender (whether married or not), with or without children and / or the parents of either;

“Council” means:

- (a) The Midvaal Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998), as amended, exercising its legislative and executive authority through its Municipal Council; or
- (b) Its successor in title; or
- (c) A structure or person exercising a delegated power or carrying out an instruction, where any power in this policy has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act;
- (d) In respect of ownership of property, rateability and liability for rates, a service provider fulfilling a responsibility assigned to it;
- (e) Through a service delivery agreement in terms of section 81(2) of the Municipal Systems Act or any other law, as the case may be;

“Due date” means the date specified as such on a municipal account for any rates payable and which is the last day allowed for the payment of such rates;

“Dwelling” means a house designed to accommodate a single core family, including the normal outbuildings associated therewith;

“Exclusion” in relation to a municipality’s rating power means a restriction of the power as provided for in Section 17 of the Act;

“Exemption” in relation to the payment of a rate, means an exemption granted by the Municipality in terms of Section 15 of the Act;

“Financial year” means any period commencing on 1 July of a calendar year and ending on 30 June of the succeeding calendar year;

"Industrial property" means property used for a branch of trade or manufacturing, production assembling or processing of finished or partially finished products from raw materials or fabricated part, on so large scale that capital and labour are significantly involved, and includes any office or other accommodation on the same property, the use of which is incidental to such activity;

“Land tenure right” means a land tenure right as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991);

“Market value” in relation to a property, means the value of the property determined in accordance with Section 46 of the Act;

"Mining" means any operation or activity for the purpose of extracting any mineral on, in or under the earth, water or any residue deposit, whether by underground or open working or otherwise and includes any operation or activity incidental thereto;

"Multiple use properties" in relation to a property, means the use of a property for more than one purpose, subject to section 9 of the Municipal Property Rates Act, 6 of 2004, as amended;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 32 of 2000, as amended;

“Municipality” means the Midvaal Local Municipality;

"Municipal properties" means all properties of which the municipality is the owner or which property vest in the municipality but excludes such property owned by or vested in the municipality which is used for residential, business and commercial and / or industrial purposes.

"Newly rateable property" means any rateable property on which property rates were not levied by 30 June 2005, excluding a property that was incorrectly omitted from a valuation roll and for that reason was not rated before that date.

"Owner" means:

- (a) In relation to a property referred to in paragraph (a) of the definition of "property", a person in whose name ownership of the property is registered;
- (b) In relation to a right referred to in paragraph (b) of the definition of "property", a person in whose name the right is registered;
- (c) In relation to a land tenure right referred to in paragraph (c) of the definition of "property", a person in whose name the right is registered or to whom it was granted in terms of legislation; and
- (d) In relation to public service infrastructure referred to in paragraph (d) of the definition of "property", the organ of state that owns or controls that public service infrastructure; provided that a person mentioned below may for the purpose of the Act be regarded by a municipality as the owner of a property in the following circumstances:
 - (i) a trustee, in the case of a property registered in the name of the trustee of a trust, excluding state trust land;
 - (ii) an executor or administrator, in the case of a property in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (iv) a judicial manager, in the case of a property in the estate of a person under judicial management;
 - (v) a curator, in the case of a property in the estate of a person under curatorship;
 - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it;
 - (viii) a buyer, in the case of a property that has been sold by the Municipality and of which possession has been given to the buyer pending registration of ownership in the name of the buyer; or an occupier of a property that is registered in the name of the Municipality.

“Pensioner” mean retired property owners who reached the age of 60 years.

“Place of Public worship” means property used primarily for the purposes of congregation, excluding a structure that is primarily used for educational instruction in which secular or religious education is the primary instructive medium: Provided that the property is-

- (a) registered in the name of the religious community;
- (b) registered in the name of a trust established for the sole benefit of a religious community; or
- (c) subject to a land tenure right.

“Poor household” means a household that complies with the conditions of Indigent households as per Council’s approved Indigent policy and have been approved as an Indigent household.

“Properties owned by an organ of state and used for public service purposes” means properties owned by the State and are used for public services, which are not included in the definition of public service infrastructure in the Act. Examples include hospitals, schools, police stations, etc.

"Protected area" means an area that is or has to be listed in the register referred to in section 10 of the National Environmental Management: Protected Areas Act, 2003.

"Public Benefits Organisation" means an organisation conducting specified public benefit activities as defined in Section 30 of the Income Tax Act 1962 (Act 58 of 1962) and registered in terms of the Income Tax Act for tax reductions because of those activities.

“Public benefit property” means property owned by a public benefit organisation and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care), and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act.

"Public Service Infrastructure" means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;

- (b) water or sewer pipes, ducts or other conduits, dams and water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwater, sea walls, channels, basin, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising light houses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i);

“Rate” means a municipal rate on property envisaged in Section 229(1)(a) of the Constitution;

“Ratepayer” means any owner of rateable property as well as any owner of a rateable property held under sectional title, situated within the area of jurisdiction of the Council;

“Rateable property” means property on which a municipality may, in terms of Section 2 of the Act, levy a rate, excluding property fully excluded from the levying of rates in terms of Section 17 of the Act;

“Ratio” means the relationship between two similar magnitudes in respect of quantity, determined by the number of times one contains the other;

“Rebate” in relation to a rate payable on a property, means a discount granted in terms of Section 15 of the Act on the amount of the rate payable on the property;

“Reduction” in relation to a rate payable on a property, means the lowering in terms of Section 15 of the Act of the amount for which the property was valued and the rating of the property at that lower amount;

“Residential property” means improved property that:

- (a) Is used for residential purposes, including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes;
- (b) Is a unit registered in terms of the Sectional Title Act and is used for residential purposes;
- (c) Is owned by a share-block company and is used for residential purposes;
- (d) Is a residence used for residential purposes situated on a property used for educational purposes;
- (e) Is property which is included as residential in a valuation roll in terms of section 48(2)(b) of the Act;
- (f) Is part of a retirement scheme and / or life right scheme used for residential purposes;
- (g) But excluding vacant (empty) stands or is used as a guesthouse, utilized for income generating purposes, hotel, and accommodation establishment, irrespective of their zoning or intended use.

“Sectional Titles Act” means the Sectional Titles Act, 1986 (Act 95 of 1986);

“Sectional title scheme” means a scheme defined in section 1 of the Sectional Titles Act;

“Sectional title unit” means a unit defined in section 1 of the Sectional Titles Act;

“Service provider” means a service provider contemplated in paragraph (d) of the definition of “Council”;

“State” means the National Government and the Gauteng Provincial Government;

“State trust land / Communal Land” means land owned by the state:

- (a) In trust for persons communally inhabiting the land in terms of a traditional system of land tenure;

- (b) Over which land tenure rights were registered or granted; or
- (c) Which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act 22 of 1994);

“Town planning scheme” means

- (a) A Land use scheme, which is in operation as contemplated in the Spatial Planning and Land Use Management Act , Act 160 of 2013.
- (b) Any scheme or document which in terms of any applicable legislation is legally in operation and records or sets out, by means of maps, schedules or any other document, the development rights specifying the purpose for which land may lawfully be used or any buildings may be erected, or both;

“Unauthorised Uses” means the illegal or unauthorised use of a property or building for a purpose not authorised by the municipality’s land use scheme or any other relevant legislation.

“Vacant” shall mean land which is devoid of habitable structures, is unoccupied and has no predominant use and shall the words Vacant: Residential properties, Vacant Industrial, Business and Comercial properties, and Vacant Agricultural properties, as it may appear on the valuation roll, shall have a corresponding meaning.”

“Zoning” means the purpose for which land may lawfully be used or on which buildings may be erected or used, or both, as contained in the applicable town planning scheme and “zoned” has a corresponding meaning. Where a property carries multiple zoning rights, the categorization of such property will be determined by apportioning the market value of the property, in a manner as may be prescribed, to the different purposes for which the property is used, and applying the rates applicable to the categories determined by the Municipality for properties used for those purposes to the different market value apportionments.

4. PURPOSE OF THE POLICY

The purpose of the policy is:

- 4.1 To comply with the provisions as set out in section 3 of the Act.
- 4.2 To determine criteria to be applied for:
 - 4.2.1 Levying differential rates for different categories of properties;
 - 4.2.2 Exemptions relating to a specific category of owners of properties, or the owners of a specific category of properties;
 - 4.2.3 Rebates and reductions and
 - 4.2.4 Rate increases.
- 4.3 To determine or provide criteria for the determination of:
 - 4.3.1 Categories of properties for the purpose of levying different rates; and
 - 4.3.2 Categories of owners of properties or categories of properties for the purpose of granting of exemptions, rebates and reductions.
- 4.4 Determine how the municipality's powers must be exercised in relation to properties which are to be categorized for multiple purposes.
- 4.5 Identify and provide reasons for:
 - 4.5.1 Exemptions, rebates and reductions;
 - 4.5.2 Exclusions; and
 - 4.5.3 Where provided for by the Minister for Local Government, rates on properties that must be phased in.
- 4.6 Take into account the effect of rates on the poor and to provide for appropriate measures to alleviate the rates burden on them;
- 4.7 Take into account the effect of rates on organisations conducting public benefit activities;
- 4.8 Take into account the effect of rates on public service infrastructure;

- 4.9 Determine measures to promote local economic and social development; and
- 4.10 Identify all rateable properties that are not rated.

5. PRINCIPLES

- 5.1 The Council shall as part of each annual operating budget impose a rate in the rand on the market value of all rateable property as recorded in the municipality's valuation roll and supplementary valuation roll. Rateable property shall include any rights registered against such property, excluding a mortgage bond;
- 5.2 The Council pledges itself to limit each annual rates increase as far as practicable so that the Council does not overburden its ratepayers.
- 5.3 The Council shall, in imposing the rate in respect of each financial year, take proper cognizance of the aggregate burden of rates and service charges on property owners, in the various categories of property ownership.
- 5.4 Other policy principles:
 - 5.4.1 All persons liable for property rates will be treated equitably and reasonably;
 - 5.4.2 Rates will be levied in proportion to the market value of the property and based on the use of the property in line with Section 8(1)(a) of the Local Government: Municipal Property Rates Act, Act 6 of 2004, as amended (2014);

SECTION B

CATEGORIES OF PROPERTY

6. CRITERIA FOR CATEGORIES OF PROPERTY FOR THE PURPOSE OF LEVYING DIFFERENT RATES

- 6.1 The Council may levy different rates to different categories of rateable property. All rateable property will be classified in a category and will be rated based on the category of the property. For purposes of levying rates, categorisation will be based on the use of the property as allowed for in section 8(1) read with sections 3(3)(b)

and 3(3)(c) of the Act, the following categories (including clarification of category) of properties are determined in line with Section 8(1)(a) of the Local Government: Municipal Property Rates Act, Act. 6 of 2004 as amended (2014):

Ref no	Category	Clarification (Must be read together with definitions)
1	Residential properties	As per definition of “residential properties”.
2	Industrial properties	As per definition of “industrial properties”.
3	Business and Commercial properties	As per definition of “business and commercial property”.
4	Agricultural properties	Properties primarily used for agricultural purposes.
5	Mining Properties	Properties used for mining operations as defined in the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002).
6	Properties owned by an organ of state and used for public service purposes	As per definition of “Properties owned by an organ of state and used for public service purposes”.
7	Public Service Infrastructure properties	As per definition of “public service infrastructure”.
8	Properties owned by Public Benefit Organisations and used for specified public benefit activities	As per definition of “Public Benefit Properties”.
9	Properties used for multiple purposes	Properties used for multiple purposes and not assigned to any other category where the property cannot readily be categorised by referring to the permitted or dominant use of the property will be apportioned to the different purposes for which the property is used. Whilst this is not a property category, it is listed here to show how these properties will be dealt with as per section 9 of the Municipal Property Rates Act.
10	Protected areas	As per definition of “protected area”.

Ref no	Category	Clarification (Must be read together with definitions)
11	Municipal properties	All properties of which the municipality is the owner or which property vests in the municipality but excludes such properties owned by or vested in the Municipality which is used for residential and / or commercial purposes.
12	Public monuments and memorials	Monument and memorials (i) erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organization funded by or established in term of the legislation of such a branch of government; or (ii) which were paid for by public subscription, government funds, or a public-spirited or military organization, and are on land belonging to any private individual.
13	Unregistered Properties	To be used for admin purposes for properties not yet registered in the Deeds office. Whilst this is not a property category, it is listed here to show how these properties will be dealt with as per section 9 of the Municipal Property Rates Act.
154	Communal land	Property belonging to a land reform beneficiary or his or her heirs provided that this exclusion lapses 10 years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds.
15	Place of Worship and Vicarage	As per definition of "Place of Public Worship".
16	Vacant land	"Vacant" shall mean land which is devoid of habitable structures, is unoccupied and has no predominant use and shall the words Vacant: Residential properties, Vacant Industrial, Business and Comercial properties, and Vacant Agricultural properties, as it may appear on the valuation roll, shall have a corresponding meaning."

6.2 Owners of properties who are of the view that their property has been categorised incorrectly may apply to the Council in writing for the category to be reviewed. The Council has the right to request documentary evidence and / or to request the

municipal valuer to conduct a physical inspection of the property in order for the municipal valuer to review the category and to amend the valuation roll accordingly, if the review is successful.

- 6.3 Properties used for multiple purposes which do not fall within the definition of a single category and accordingly do not qualify entirely for a rate in that single category maybe included into a combination of categories of multiple use properties for which an apportionment according to use of that value for each distinct category of property will be calculated by the municipal valuer and used for billing at the appropriate and applicable rate, in cases where the municipal valuer considers to apply this category.”
- 6.4 If no “Certificate of occupancy” is available or cannot be produced the property will be categorized in line with Section 8(1)(a) and Section 78 of the Local Government Municipal Property Rates Act, Act 6 of 2004, as amended (2014).
- 6.5 For categorization of all properties the properties must be categorized in line with Sections 8(1)(a) and 46 of the Local Government: Municipal Property Rates Act, Act 6 of 2004, as amended (2014).

SECTION C

DIFFERENTIAL RATING

7. CRITERIA FOR DIFFERENTIAL RATING ON DIFFERENT CATEGORIES OF PROPERTIES

The following has been taken into consideration for the purpose of differential rating:

- 7.1 The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- 7.2 Undeveloped or vacant land will be rated higher (in terms of a rate in the Rand) as the municipality is encouraging owners of vacant land to develop it and that the vacant land should not be used for speculation purposes by owners.
- 7.3 Promotion of social and economic development of a municipality.
- 7.4 Differential rating among the various property categories will be done by way of setting different Cent amount in the Rand for each property category (through the use of ratio's) rather than by way of reductions and rebates.

SECTION D

RELIEF MEASURES RELATED TO CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

8. FACTORS TO BE CONSIDERED FOR EXEMPTIONS, REBATES AND REDUCTIONS

- 8.1 In granting exemptions, rebates and reductions to the categories of properties and categories of owners, the Council recognises the following factors:
- 8.1.1 The inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services which they provide;
 - 8.1.2 The need to accommodate indigents and less affluent pensioners and persons dependent on a nominal income due to medical incapacitation or other factors as may be determined by Council from time to time;
 - 8.1.3 The services provided to the community by public service organisations;
 - 8.1.4 The value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities;
 - 8.1.5 The need to preserve the cultural heritage of the local community;
 - 8.1.6 The need to encourage the expansion of public service infrastructure;
 - 8.1.7 The indispensable contribution which property developers (especially in regard to commercial and industrial property development) make towards local economic development, and the continuing need to encourage such development; and
 - 8.1.8 The requirements of the Act.

9. GRANTING OF EXEMPTIONS, REBATES AND REDUCTIONS

Compulsory and mandatory exemptions will be in line with Sections 15 and 17 of the Local Government: Municipal Property Rates Act, 2004.

9.1 Exemptions

Sections 15 and 17 of the Act allows the granting of exemptions, reductions and rebates. These exemptions, reductions and rebates can be granted to either a specific category of properties, or a specific category of property owners.

9.1.1 Public Benefit Organisations will be exempted from paying property rates, subject to the property being in fully operation as the registered institution and registered in the name of that institution. The municipality has the right to request the PUBLIC BENEFIT ORGANIZATION certificate which is issued by SARS. This is to ensure that the organization is registered with SARS in terms of the Ninth Schedule. **Vacant land which is registered in the name of the Public Benefit Organisation does not qualify for Property Rates Exemption.**

9.1.2 Municipal properties will be exempted from property rates;

9.1.3 Properties on which Public Monuments and Memorials are located will be exempted from property rates;

9.1.4 Properties located on special nature reserves, national parks or nature reserves within the meaning of the National Environmental Management: Protected Areas Act, 2003 (57 of 2003) or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act 2004, (10 of 2004), which are not developed or used for commercial, business, agricultural or residential purposes will be exempt from paying property rates;

9.1.5 Properties belonging to a land reform beneficiary or his or her heirs, dependents or spouse will be exempt from paying property rates for the first ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds provided that upon alienation of the property by the land reform beneficiary or his or her heirs, dependents or spouse, property rates shall become payable;

- 9.1.6 Properties registered in the name of and used primarily as a place of public worship by a religious community, including the official residence registered in the name of that community which is occupied by the office bearer of that community who officiates at services at that place of worship will be exempt from paying property rates; and
- 9.1.7 Public Service Infrastructure will be exempted from paying property rates.
- 9.1.8 In order to alleviate the tax burden on residential property owners, all properties categorised as residential properties will, in addition to the impermissible rate of R15 000 prescribed in section 17(1)(h) of the Act, receive a further R285 000 exemption on the market value of a property.

9.2 Reductions

The Council may determine reductions to be applied to the market value of properties from time to time.

9.3 Rebates

Pensioners

Persons dependent on a nominal income due to medical incapacitation – medical certificate must be attached as proof thereof.

- 9.3.1 Owners dependent on pensions or social grants: Residential property owners who are over 60 years of age, who are both permanent occupiers and the owner/s of the property concerned whose aggregate household income does not exceed the maximum of 4 times old age pension per month will receive a rebate of 100% of their property rates for the first R1 300 000 of their property value. Residential property owners who are over 60 years of age, who are both permanent occupiers and the owner/s of the property concerned whose aggregate household income does not exceed the maximum of 5 times old age pension per month will receive a rebate of 50% of their property rates for the first R1 300 000 of their property value (i.e. maximum of R1 000 000 after the first R300 000 residential reduction has been applied). Property Owners with more than 1 property will not qualify for Pensioner Rebates.
- Pensioner rebates will be valid for a period of 12 months from date of approval.

- 9.3.2 Sports grounds used for amateur sports will receive a rebate of 75% of their property rates (application based, annually).
- 9.3.3 Old age institutions registered at the Department of Welfare will receive a rebate of 85% of their property rates (application based, annually).
- 9.3.4 Owners of small holdings (with property type as contained in the valuation roll, agricultural holdings / farms) where the usage is indicated as a residential dwelling, will receive a rebate of 50% of their property rates for the first R750 000 of their property value (i.e. maximum of R450 000 after the first R300 000 residential reduction has been applied).
- 9.3.5 Owners of Private Schools will not receive rebates of their property rates..
- 9.3.6 First time owners of Government Flisp Housing who qualified for government subsidy will receive a 75% rebate of their property rates for the first R500 000 of their property value (i.e. maximum of R200 000 after the first R300 000 residential reduction has been applied). Once the Flisp subsidy beneficiary sells the property, the new property owner will not qualify for the rebate unless he / she is also a Flisp subsidy beneficiary.
- 9.3.7 Indigent Customers will be exempted from Property Rates.
- 9.3.8 In the event of owners of properties situated within an area affected by a disaster within a meaning of Disaster Management Act, (Act No. 57 of 2002), and the Property Rates Act, as amended, Section 15(2) (c) and (d), and any other serious adverse social or economic conditions, an additional exemption on municipal valuation may be provided to residential customer . Council will determine the amount and the period for which the rebate will apply.
- 9.3.9 The closing date for Rebate applications in terms of the sections above will be the end of July of every financial year for approval by Council.

9.4 Development incentives and special rebates

9.4.1 Development Incentives

The objectives of the incentives are to attract investors who will bring the expertise, funds and the capacity to develop property categories such as residential, business

and commercial, industrial, agricultural, educational institutions and others but also to fast track other normal developments within the Midvaal Local Municipality area;

Property Developers must submit a proper motivation (in writing) to the municipality which should include but not limited to:

- Timeframes;
- Cost of development;
- How will municipality and community benefit, etc;

The particulars of the incentive such as the percentage, cent in the rand, etc. will only be granted once formally approved by the Council or if such an incentive forms part of the Council's approved Land Development Incentive Policy;

The Municipality reserves the right to refuse or reverse any rebate if the details submitted in the application are incomplete, incorrect, or false.

9.4.2 Special rebate on Residential

In order to be granted a special rebate, the development must consist of at least 10 residential units and more.

For the purpose of special rebates on residential development which is defined as any construction in a designated (Residential zoned area), the property rates will be phased in as follows after completion of the development, which is subjected to the occupancy certificate being issued:

- In the first year a rebate of 100%
- In the second year a rebate of 75%
- In the third year a rebate of 50%

The rebate will fall away on receipt of an Occupancy Certificate, and the full property rates will be payable.

9.4.3 Special rebate on Industrial

For the purpose of special rebates on industry development which is defined as any construction in a designated (Industrial Site Zone), the property rates will be phased in as follows after completion of the development:

- In the first year a rebate of 100%
- In the second year a rebate of 75%
- In the third year a rebate of 50%

In the fourth year the full property rates will be payable.

9 COST TO MUNICIPALITIES DUE TO EXEMPTION, REBATES, REDUCTIONS, EXCLUSIONS, PHASING IN AND THE BENEFIT THEREOF TO MUNICIPALITIES

The cost to the municipality of having granted the relief measures (exemptions, rebates and reductions) short of qualifying such costs in Rand and Cent are reflected in the annual budget report as income foregone. These relief measures are detailed in paragraphs 9.1 – 9.4 of this policy.

PROPERTY RATES ANNUAL BUDGET

PROPERTY CATEGORY	ANNUAL BUDGET	REBATES
KINDLY REFER TO THE BUDGET DOCUMENT FOR THE FINAL FIGURES		

SECTION E

RATES INCREASES/DECREASE

10 CRITERIA FOR INCREASING OF RATES

The municipality will consider increasing property rates levies annually during the budget process:

10.1 The Municipality will in determining the rate levy increase take the following into consideration:

10.1.1 To treat persons liable for rates equitably;

10.1.2 Take into account the effect of rates on the poor and include appropriate measures to alleviate the rates burden on them.

10.1.3 Priorities of a municipality reflected in its Integrated Development Plan.

10.1.4 The revenue needs of the municipality.

10.1.5 A need for management of rates shocks.

10.1.6 Affordability of rates to ratepayers.

All increases in the property rates levied will be communicated to the local community in terms of the council's IDP and Budget community participation process.

SECTION F

11 LIABILITY FOR RATES BY PROPERTY OWNERS

11.1 Method and time of payment

Midvaal Local Municipality will recover the rate levied in twelve equal monthly installments over the relevant financial year. The installment is payable on or before the 7th day of every month, following the month in which it has been levied or the due date as per the municipal statement, whichever is the earlier. Interest will be charged on the arrear amount due for rates payable at the interest rate determined by the Council.

11.2 Annual Payment Arrangements

Owners of rateable properties may choose to pay the annual rates in one installment on or before the 7th of October of the particular financial year. The property owner must notify the municipal manager or his / her nominee by no later than 30 June in any financial year, or such later date in the financial year as determined by the municipality, that he / she wishes to pay all rates in respect of such property for a particular financial year in one installment, after which such an owner shall be entitled to pay all rates in the subsequent financial year and all subsequent financial years annually until he / she withdraws this notice in similar manner.

11.3 Recovery of arrear rates from tenants, occupiers and agents

Must be read together with Section 28 and 29 of the Local Government: Municipal Property Rates Act, 6 of 2004, as amended (2014).

If an amount due for rates levied in respect of a property is unpaid after the due date, the municipality may recover the amount in whole or in part from a tenant or occupier of the property. The amount that the municipality may recover from the tenant or occupier of the property is limited to the amount of the rent or other money due and payable by the tenant or occupier to the owner of the property. Any amount which the municipality recovers from the tenant or occupier of the property must be set off, by the tenant or occupier, against any money owed by the tenant or occupier to the owner. The Municipality may only recover such rates from the tenant or occupier after it has served a written notice to this effect on the tenant / occupier.

The municipality may recover the amount due for rates from any agent of the owner after it has given written notice to that agent or person. The amount the municipality may recover from the agent or other person is limited to the amount of that rent received by the agent or person, less the commission due to that agent or person subject to the Estate Agents Affairs Act, 1976 (Act 112 of 1976). The agent or other person must, on request by the municipality, furnish the municipality with a written statement specifying all payments for rent on the property received by that agent or person during a period determined by the municipality.

11.4 Unauthorised Uses

Notwithstanding the category of a property the illegal or unauthorised use of a property for a purpose not authorised by the municipality's land use scheme or contrary to any law including the National Building Regulations and **Building Standards Act, 103 of 1977**, may attract a penalty charge in addition to rates levied on the property.

The tariff for such illegal or unauthorised use will be determined by the Council on an annual basis.

5 Clearance Certificate

All monies collected, including any estimated amount for the duration of the validity period of the clearance certificate, are for the purposes of section 118 (1A) of the Municipal Systems Act, or section 89 of the Insolvency Act, 1936 (Act 24 of 1936), deemed to be due and must be paid in order to facilitate the transfer of immovable property. (See *Steve Tshwete Local Municipality v Fedbond* [2013] ZASCA 15 (20 March 2013) where the SCA ruled that clearance must be given, in case of insolvency, for 2 years preceding the date of application for clearance, not 2 years preceding date of sequestration).

11.6 Property rates payable by joint owners / fractional property ownership

Owners will be held liable for rates jointly and severally for any properties with joint and/or fractional ownership.

12 RATE RATIOS

The Council may not levy different rates on residential properties except as provided for in the Act. The concept of differential rating means that the rate (cent in the rand amount) is not constant across all category of property. The residential rate will be use as the base rate and the other rates determined in relation to the residential rate, calculated on the ratios between the categories. The Council shall determine ratio's from time to time bearing in mind the prescribed ratios and statutory prescripts. The proposed rate ratios as per category of property for the 2025/2026 financial year are:

Ref no	Category	Ratio
1	Residential properties	1:1
2	Industrial properties	1:2
3	Business and Commercial properties	1:2
4	Agricultural properties	1:0.25
5	Mining Properties	1:2
6	Properties owned by an organ of state and used for public service purposes	1:2
7	Public Service Infrastructure properties	Exempted
8	Properties owned by Public Benefit Organisations and used for specified public benefit activities	Exempted
9	Properties used for multiple purposes (as per Section 9 of the Municipal Property Rates Act)	Apportionment according to use and the applicable ratio as per the use will then apply to the various apportioned values
10	Municipal properties	Exempted
11	Public monuments and memorials	Exempted
12	Unregistered Properties (Administrative Purposes)	1:0
13	Communal land and Land Reform Beneficiaries	Exempted
14	Place of Worship and Vicarage	Exempted
15	Vacant	1:3

13 AMOUNT DUE FOR RATES

A rate levied by the municipality on property will be an amount (cent in the Rand) on the market value of the property as determined by Council during the annual budget preparations and is dealt with in a separate report in line with Section 14 of the Local Government: Municipal Property Rates Act, Act 6 of 2004, as amended.

14 PHASING IN OF RATES

14.1 The rates to be levied on newly rateable property shall be phased in as provided for in Section 21 of the Act.

14.2 The phasing-in discount on the properties referred to in Section 21 of the Act shall be as follows:

14.2.1 First year : 75% of the relevant rate;

14.2.2 Second year : 50% of the relevant rate; and

14.2.3 Third year : 25% of the relevant rate

15 FREQUENCY OF VALUATIONS

The municipality will make a general valuation of all properties and prepare a valuation roll every 5 (Five) years or for any other period as determined by the Council from time to time but in total not for more than 5 financial years.

16 DATE OF VALUATIONS

For the purposes of property valuation the Municipality must in terms of Section 31 of the Local Government: Municipal Property Rates Act, Act 6 of 2004, as amended. The Valuation date for the 2025/2030 Valuation Roll will be 1 July 2024. and the valuation roll will be prepared by the person designated as Municipal Valuer and be implemented 1 July 2025.

17 INSPECTION OF AND OBJECTIONS TO AN ENTRY IN THE VALUATION ROLL

- 17.1 Once the Council has given notice that the valuation roll is open for public inspection, any person may within the inspection period, inspect the roll during office hours and may on payment of a reasonable fee as prescribed by the Council, request the municipality during office hours to make extracts from the roll and may further lodge an objection with the Municipal Manager against any matter reflected in, or omitted from, the roll.
- 17.2 The Municipal Manager or an official designated by him/her must assist an objector to lodge an objection if that objector is unable to read or write.
- 17.3 Objections must be in relation to a specific individual property and not against the valuation roll as such;
- 17.4 The lodging of an objection shall not defer liability for the payment of rates beyond the date determined for payment; and
- 17.5 All objections received shall be dealt with in accordance with the Act.
- 17.6 Electronic, e-mail, facsimile will be accepted.
- 17.7 No Late Objections will be received.

18 SPECIAL RATING AREAS

The municipality may by resolution of its council:

- 18.1 Determine an area within that municipality as a special rating area;
- 18.2 Levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area; and
- 18.3 Differentiate between categories of properties when levying an additional rate referred to in paragraph (b).

19 ANNUAL REVIEW OF RATES POLICY

The municipality will annually review, and if necessary amend its rates policy taking into accounts public comments and inputs.

20 THE EFFECTIVE DATES OF THE RATES POLICY

The rates policy takes effect from the start of the municipal financial year, 1 July 2025

ADDENDUM

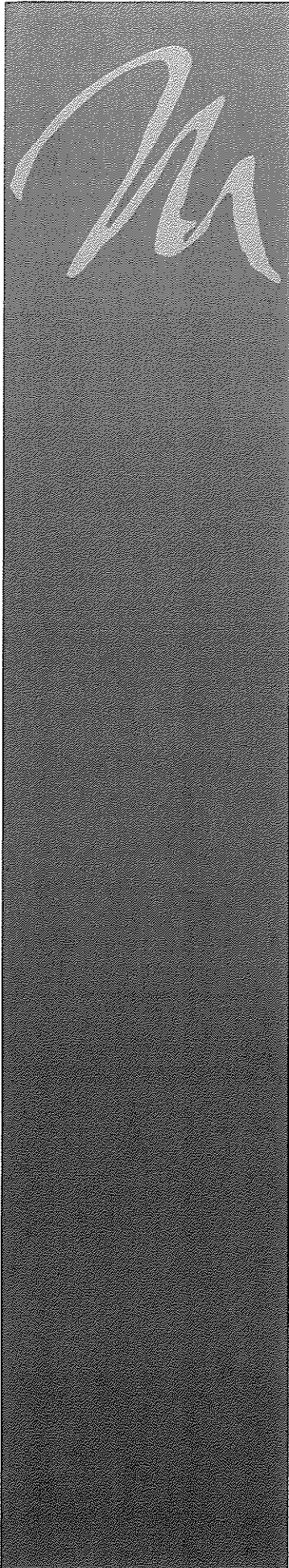
LEGAL REQUIREMENTS THAT ALL MUNICIPALITIES MUST COMPLY WITH IN TERMS OF THE MUNICIPAL PROPERTY RATES ACT, 2004 (ACT 6 OF 2004) WITH REGARD TO RATES POLICY DEVELOPMENT

This addendum does not contain all provisions of the Act that must be complied with in the development of rates policy, but list just a few provisions key provisions that the municipality deems it necessary for residents/ratepayers to be aware so that they get a full picture of rating issues that will affect them.

IMPERMISSIBLE RATE

- A municipality may not levy a rate on the following in terms of section 17(1) of the Act:
 - On the first 30% of the market value of public service infrastructure.
 - Any part of the sea-shore in terms of section (17(1)(b) of the Act.
- Any part of the territorial waters of the Republic in terms of section 17(1)(c) of the Act.
 - Any island of which the state is the owner in terms of section 17(1)(d) of the Act.
 - Protected areas in terms of section 17(1)(e) of the Act.
 - Mineral rights in terms of section 17(1)(f) of the Act.
- Properties belonging to land reform beneficiaries in terms of section 17(1)(g) of the Act.
 - On the first R15 000.00 of the market value of residential in terms of section 17(1)(h) of the Act. .
 - Religious institutions in terms of section 17(1)(i) of the Act.

Annexure I
Credit Control and Debt
Collection By-Law
2025/2026



CREDIT CONTROL AND DEBT COLLECTION BY-LAW



**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;

"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;

- (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

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.

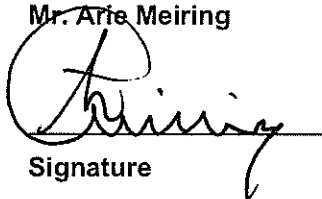
7. Short title and commencement

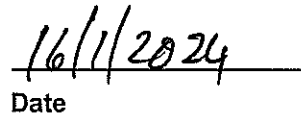
- (1) This By-law is called the Midvaal Local Municipality: Credit Control and Debt Collection By-law and takes effect on the date on which it is published in the *Provincial Gazette*.

Approved and Signed by:

Director: Income

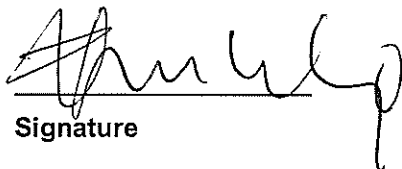
Mr. Aris Meiring

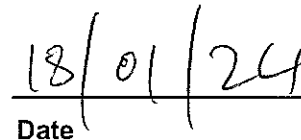

Signature


Date

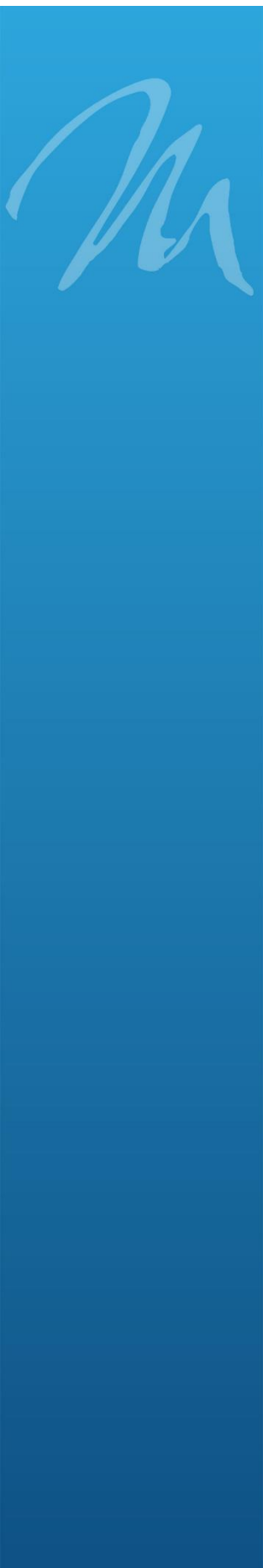
Chief Financial Officer

Mr. Zakhele Ntando Mhlongo


Signature


Date

Annexure J
Credit Control and Debt
Collection Policy
2025/2026



CREDIT CONTROL AND DEBT COLLECTION POLICY

2025/2026 FINANCIAL YEAR



PREAMBLE

WHEREAS section 95 of the Local Government: Municipal Systems Act, No. 32 of 2000, (hereinafter referred to as "**the Systems Act**") provides ,*inter alia*, that in relation to the levying of rates and other taxes by a Municipality and the charging of fees for Municipal Services, a Municipality must, within its financial and administrative capacity, establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the Municipality and where applicable a service provider;

AND WHEREAS section 96 of the Systems Act provides that a Municipality must collect all money that is due and payable to the Municipality and for this purpose must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of that Act;

AND WHEREAS section 97 of the Systems Act provides that the credit control and debt collection policy must provide for, *inter alia*, credit control and debt collection procedures and mechanisms as well as provision for indigent debtors that is consistent with its rates and tariff policies and any national policies on indigents;

AND WHEREAS municipalities are required in certain circumstances to comply with the National Credit Act, 34 of 2005;

NOW THEREFORE the Council of the Midvaal Local Municipality has adopted the **Credit Control and Debt Collection Policy** as set out hereunder: -

1.DEFINITIONS

For the purpose of this Policy, any word or expression to which a meaning has been assigned in the Systems Act, shall bear the same meaning in this Policy, and unless the 40021996context indicates otherwise –

- "Account"** : means an account in name of the Customer held with the Midvaal Local Municipality relating to Municipal Services provided by the Municipality which relates to the payment of amounts levied for fees, charges, surcharges on fees, property rates and other municipal taxes and Services, levies, penalties and duties, indicating the net accumulated balance of the account;
- "Accounting Officer"** : means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Systems Act who is responsible and accountable in terms of section 55(2) of the Systems Act and includes any person acting in such position and to whom the Municipal Manager has lawfully delegated a power, function or duty. Accounting Officer also means "Municipal Manager" and *vice versa*;
- "Administration of Estates Act"** : means the Administration of Estates Act, 66 of 1965;
- "Arrears"** : means any amount due, owing and payable to the Municipality in respect of fees, charges, surcharges on fees, property rates and other municipal taxes and service charges, levies, penalties and duties which has not been paid by the Due Date;
- "Authorised Officer"** : means any official of the Municipality who has been authorised by it to administer, implement and enforce the provisions of this Policy;
- "By-law"** : means a by-law adopted by the Municipality;

“Chief Financial Officer” or “CFO”	: means the person appointed by the Municipality as Chief Financial Officer of the Municipality in terms of section 56 of the Systems Act
“Collection charges”	: means collection charges which may be recovered by the Municipality in terms of section 75A of the Act, and includes the cost – (a) to remind debtors of arrears; (b) for the termination and reconnection of Services; and (c) all legal costs, including attorney and own client costs incurred in the recovery of arrear amounts;
“Council”	: the Municipal Council of Midvaal Local Municipality, a municipal council envisaged in terms of section 157 of the Constitution;
“Customer”	: means any occupier or the Owner of any premises to which the Municipality has agreed to supply or is actually supplying Services, or if there is no occupier, the Owner of the premises and or recipient and or consumer of various Services rendered by the Municipality. A consumer of Services will therefore be deemed a customer by virtue of receiving, consuming and or utilising any facility, equipment, Service rendered by the Municipality and or a municipal entity or an agent as appointed by the Municipality;
"Defaulter"	: any Customer whose Account is in arrears.
“Due Date”	means the date on which an amount payable in respect of an account becomes due, owing and payable by a Customer as stipulated on an account, which date shall be determined by the Municipality from time to time. The default Due Date shall be the 7 th (seventh) of every month;

"Illegal connection"	: a connection to any system through which Municipal Services are provided, which is not authorised or approved by the Municipality or its authorised agent;
"Illegal Usage"	The tariff for such illegal or unauthorised usage will be determined by Council on an annual basis as a result of illegal or unauthorised land use.
"Indigent"	: means a person referred to in the Indigent Policy of the Municipality
"Municipal Manager"	: Refer to "Accounting Officer"
"Municipal Service" or "Services"	means a service that a Municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether – (a) such a service is provided, or to be provided, by the Municipality through an internal mechanism contemplated in section 76(a) of the Systems Act or by engaging an external mechanism contemplated in section 76(b); or (b) fees, charges or tariffs are levied in respect of such a service or not.
"Municipality"	: means Midvaal Local Municipality;
"Non-Profit Organisation"	means a trust, a company, or any other association of persons – (a) established for a public purpose; and (b) the income and property of which are not distributable to its members or office-bearers except as reasonable compensation for Services rendered.

“Occupier” : means any person who occupies any premises or part thereof, without any regard to the title under which he or she so occupies;

“Owner”

- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered from time to time;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled” :provided that a person mentioned below may for the purpose of this policy be regarded by the Council as the owner of a property in the following cases:
 - (i) A trustee, in the case of a property in a trust excluding state trust land;
 - (ii) An executor or administrator, in the case of a property in a deceased estate;
 - (iii) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
 - (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;

- (v) A curator, in the case of a property in the estate of a person under curatorship;
- (vi) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) A lessee, in the case of a property that is registered in the name of the Council and is leased by it; or
- (viii) A buyer, in the case of a property that was sold by the Council and of which possession was given to the buyer pending registration of ownership in the name of the buyer;
- (e) any legal person, including but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973, as amended by the Companies Act, 2008; a trust, a close corporation registered in terms of the Close Corporations Act, 1984;
 - (ii) any department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
 - (iv) the Body Corporate registered in terms of the Sectional Titles Act 95 of 1986 and/or under the Sectional Title Schemes Management Act 8 of 2011 or in the absence of such a body corporate, the owners of the units in the scheme
 - (v) any Embassy or other foreign entity.

“Policy”

: means this **Credit Control and Debt Collection Policy** as adopted by the Municipality;

“Property”	: (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; or (d) public service infrastructure;
“Registered Property”	: Property registered in Deeds Office
“Stakeholder”	: means all natural and non-natural Customers of the Municipality and or prospective Customers and or single or groups of people who consume or receive Services from the Municipality;
“Third (3rd)party debt collection agencies”	: means any person or juristic person that collects debt on behalf of the Municipality.

2. OBJECTS OF POLICY

The objects of this Policy are to –

- (a) give effect to the provisions of Chapter 9 of the Systems Act;
- (b) provide for Customer management, credit control procedures and mechanisms and debt collection procedures and mechanisms;
- (c) provide for indigent debtors in a way that is consistent with property rates and tariff policies and any national and / or local policy on indigents;
- (d) set realistic targets consistent with –
 - (i) generally recognised accounting practices and collection ratios; and
 - (ii) the estimates of income set in the budget less an acceptable impairment provision for non-collectible revenue that is billed.;
- (e) (Provide for charging of interest on arrears, where appropriate;
- (f) provide for extensions of time for payment of accounts;
- (g) provide for termination of Services or the restriction of the provision of Services when payments are in arrears;
- (h) provide for actions that may be taken relating to unauthorised consumption of Services, theft, and damages; and
- (i) provide for actions that may be taken by the Municipality to secure payment of accounts that are in arrears including but not limited to –
 - (i) the termination of Municipal Services or the restriction of the provision of Services;
 - (ii) the attachment of property;
 - (iii) the attachment of rent payable on a property; and
 - (iv) the extension of liability, in terms of any legislation or court order, to a director, trustee or a member if the debtor is a company, a trust or a close corporation.
- (j) provide for alternative debt repayment arrangements in accordance with the terms and conditions of this Policy;
- (k) create an environment which enables a customer to repay the outstanding debt and establish a culture of payment for Services rendered by the Municipality;
- (l) effectively and efficiently deal with defaulters in accordance with the terms and conditions of this Policy; and

- (m) provide for procedures and mechanisms to ensure that all monies due and payable to the Municipality are collected.

3.APPLICATION OF POLICY

APPLICABLE ITEMS

3.1 This Policy shall apply to, but not be limited to, monies due and payable to the Municipality for –

- (a) Property rates;
- (b) Municipal tax (where applicable);
- (c) Fees, surcharges on fees, charges, availability charges and tariffs in respect of Municipal Services, such as –
 - (i) provision of water;
 - (ii) refuse removal;
 - (iii) sewerage;
 - (iv) the removal and purification of sewerage;
 - (v) electricity consumption;
 - (vi) rental and or leasing of equipment, land, buildings and facilities of all types;
 - (vii) interest which has accrued or will accrue in respect of money due and payable to the Municipality;
 - (viii) burial fees;
 - (ix) dumping of refuse;
 - (x) collection charges in those cases where the Municipality is responsible for –
 - (aa) the rendering of municipal accounts in respect of any one or more of the Municipal Services;
 - (bb) the recovery of amounts due and payable in respect thereof, irrespective whether the Municipal Services, or any of them, are provided by the Municipality itself or by a service utility with which it has concluded an agreement to provide a service on the Municipality's behalf;
 - (xi) any other charges levied from time to time.

- 3.2 This Policy shall also apply to Municipal Services provided through pre-paid meters.
- 3.3 This Policy shall apply to Customers within the official demarcated boundaries of the Municipality, including newly demarcated areas as determined by the demarcation board from time to time.
- 3.4 This Policy shall apply to, but not be limited to, the following categories of Customers –
- (a) residential Customers of the Municipality;
 - (b) business Customers of the Municipality;
 - (c) non-governmental organisations for profit and non profit;
 - (d) educational institutions for profit and non profit;
 - (e) religious institutions;
 - (f) national, provincial and local government;
 - (g) state owned entities;
 - (h) farmers; and
 - (i) any other category of Customer as determined by the Municipality from time to time

4.CREDIT CONTROL AND DEBT COLLECTION PRINCIPLES

The Policy is based on the following principles -

4.1. GENERAL

- (i) that its application provides for the specific circumstances of the community to which it relates;
- (ii) that the credit control and debt collection procedures must be understandable, uniform, fair, and consistently applied;
- (iii) that credit control must be effective, efficient, and economical;
- (iv) the measures taken must be sustainable in the long term; and

- (v) anything related to credit control not covered in this Policy will be dealt with in terms of applicable legislation.

4.2. COUNCIL

- (i) To enable the Municipality to differentiate between those Customers that cannot afford to pay from those that can afford to but simply do not want to pay. The “Indigent Policy” will be applied to those who meet the criteria and qualify for certain relief.
- (ii) The Policy will be supported by procedure manual(s) as drafted by the Director Income or his/her nominee.
- (iii) The Policy shall supersede all other policies aimed at achieving the same purpose to which the current credit control policy seeks to achieve.

4.3. CUSTOMERS

- (i) Customers found to have misrepresented themselves in order to benefit from any of the Municipality's relief and / or benefit in terms of this Policy, will be deemed to have committed an offence and remedial measures will be taken in a manner as determined by the Municipality from time to time, and all relief and / or benefits that have been received, will be reversed by the Municipal Manager from the Account of the Customer from the date of offence. The Municipal Manager reserves the right to report any of such misrepresentations in terms of this Policy to the South African Police Services.
- (ii) Notwithstanding anything contained in this Policy, the Municipality or Municipal Manager may recover any debt relevant to registered property in terms of the provisions of section 118 of the Systems Act.
- (iii) In the case of company, close corporation, trust in terms of the Trust Property Control Act 57 of 1988, Home Owners Association or a Body Corporate in terms of the Sectional Titles Act, 95 of 1986 and/or Sectional Titles Schemes Management Act, 8 of 2011, the liability may in terms of legislation or court order be extended to the directors, members, or trustees thereof jointly and severally, and –

the directors, members or trustees thereof shall be considered to have provided the Council with a guarantee that any debt shall be recoverable from themselves in their personal capacity with each being jointly and severally liable for such debt, the one paying the other to be absolved.

- (iv) Subject to the operation of the law or a court order, where any subsidiary company of a holding company is indebted to the Municipality, the liability for such arrears may be extended to the holding company; and where any holding company is indebted to the Municipality, the liability for such arrears may be extended to any subsidiary company;
- (vi) The Municipality shall not refund any credit to any Customer or Customer's nominee who is in arrears with the Council.
- (vii) In the case of a property owned by more than one person, each Owner shall be held liable for all Services linked to the property, jointly and severally for any of such properties with joint and / or fractional ownership, the one paying the other to be absolved.

4.4. COUNCILLOR SERVICES ACCOUNTS

In accordance with the provisions of clause 14 of Schedule 7, of the Local Government Municipal Structures Act, 117 of 1998, an elected councillor residing within demarcated area of the Municipality and is individually or jointly responsible for account, may not be in arrears for municipal service fees, surcharges on fees rates or any other municipal taxes, levies and duties levied by the Municipality for more than 3 (three) months. r

Any breaches of the Code of Conduct for Councillors shall be dealt with in accordance with the provisions of clauses 15 and 16 thereof.

4.5. STAFF SERVICES ACCOUNTS

In accordance with the provisions of clause 10 of Schedule 2 of the Systems Act, an official or staff member of the Municipality, residing within the demarcated area of the Municipality and is individually or jointly responsible for an account, may not be in arrears for municipal service fees, surcharges on fees rates or any other municipal taxes, levies and duties levied by the Municipality for more than 3 (three) months.

Notwithstanding any relevant procedure, method or action that may be taken in terms of this policy, the Municipal Manager may deduct amounts due for more than 90 (ninety) days from such official's remuneration. This includes seizure of bonuses or any other additional allowances and/or take appropriate disciplinary action against such official.

5.1. REGISTRATION FOR PROVISION OF MUNICIPAL SERVICES

- (1) An application for a Municipal Service must comply with the registration process determined by the Municipality in this Policy for the provision of such Service.
- (2) A new Customer seeking to register an account with the Municipality for the provision of a Municipal Service shall provide the following:
 - (a) a written application for the provision of such Service on a form determined by the Municipality for that purpose;
 - (b) supporting information or documentation required by the Municipality for the purpose of registering for that purpose;
 - (c) a signed service agreement with the Municipality; and
 - (d) the payment of a deposit in an amount determined by the CFO to be held by the Municipality as consolidated security in respect of all Municipal Services provided by the Municipality to the application.
- (3) If an applicant is an existing Customer of the Municipality in respect of any other municipal service on property in respect of which any amount is arrears, such applicant must –
 - (a) pay the arrears in full; or
 - (b) at the discretion of the Municipality, make suitable arrangements with the Municipality for the payment of such arrears, before an application for a new service in terms of this Policy may be considered.
- (4) The Municipality may not approve an application for the provision of any Municipal Service, unless the applicant has signed an agreement on a form determined by the Municipality for that purpose accepting the terms and conditions for the provision of such Service, all of which are deemed to be incorporated into this Policy.
- (5) Where the purpose for or extent to which any Municipal Service has changed, the onus and obligation rests on the Customer to advise the Municipality of such change.

5.2. DEPOSITS AND GUARANTEES

- (a) At the time of registration as a Customer, a deposit will be required based on the criteria set by the Chief Financial Officer from time to time.
- (b) The Chief Financial Officer may accept an irrevocable bank guarantee in lieu of a deposit on application for the provision of Services at his / her own discretion and in exceptional cases in furtherance of local economic development.
- (c) Existing Customers moving to a new address are required to pay the prescribed Customer deposit on application for the provision of Services at the new address. Deposits levied not paid within a three (3) month period after being levied will result in disconnection or restriction of the Services until such time the deposit has been paid.
- (d) No arrangement shall be entered into for the payment of the Deposit. In exceptional cases such as a revised demarcation, an arrangement may be allowed by prior approval of the Chief Financial Officer or any duly Authorized Official.
- (e) On termination of the supply of Services the amount of the Deposit less any payment due to the Municipality will be refunded to an account holder, provided that payments due are less than the deposit paid, and that the account holder has provided a forwarding address.
- (f) All deposits paid shall not be regarded as being in payment of an Account due and payable to the Municipality, as such amounts will be held by the Municipality as its security until the Account is closed (service terminated) and fully settled.
- (g) No interest will be paid on any deposit held by the Municipality.
- (h) Review of the Deposits:
 - The deposits shall be reviewed and increased annually with the review of the tariffs.

- If the Customer poses a credit risk, the value of the original Deposit paid or a guarantee held may be reviewed from time to time by the Chief Financial Officer or duly Authorised Official.

5.3. ACCOUNTS

- (a) Accounts must be rendered and administered in accordance with the requirements of this Policy.
- (b) Failure by the Municipality to render an Account or non-receipt of an account by a Customer does not relieve a Customer of the obligation to pay any amount that is due and payable. Thus, the onus shall be on the Customer to obtain a copy of the Account on or before the Due Date.
- (c) The Municipality together with the Municipal Manager may, in accordance with the provisions of section 102 of the Act and provisions of this Policy –
 - (i) consolidate any separate accounts of Customers liable for payments to the Municipality;
 - (ii) set-off any payment by such Customer against any account held by that Customer; and / or
 - (iii) implement any of the debt collection and credit control measures provided for in the Municipality's policies and By-Laws, in relation to any arrears on any of the accounts of such a Customer.
- (e) The amount due and payable by a Customer constitutes a consolidated debt, and any payment made by a Customer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Council Municipality.
- (f) Should a member of a NPO be a property owner in Midvaal and his / her account is not paid up to date, this will not influence the payment of the donation by the Municipality to the NPO
- (g) Accounts will only be opened in the name of the registered Owner of the Property and no tenant accounts will be opened. Any exceptions must be approved prior thereto by the Accounting Officer or any official of the Municipality acting in terms of a duly concluded delegation of authority in terms of the Systems Act

(h) Accounts will be rendered using any one or more of the following channels of communication;

- Conventional postal Services;
- Hand delivery at the premises;
- By means of an e-mail if so requested by the Customer; or
- By means of Multimedia Messaging system (MMS) if registered for such a service

5.4. FINAL ACCOUNTS

(a) Upon receipt of a Customer's application for the termination of Municipal Services, the Municipality shall:-

- take final readings in respect of metered Municipal Services;
- prepare and render a final statement of account;
- appropriate the Customer deposit for the reduction or settlement of any outstanding amount owed to the Municipality by the Customer; and
- refund the Customer deposit to the Customer in the event that no amount is owed to the Municipality.

(b) The new Owner must visit the Municipality to sign the consumer service agreement and pay the required Deposit once the property has been transferred to his / her name. Failure to apply for the consumer agreement will result in Services being disconnected or restricted.

(c) Should the Consumer not comply with paragraph (b) above, the Municipality shall transfer the meter to the registered Owner and the Owner shall be responsible for the consumption if any.

5.5. ACCOUNT QUERIES

- (a) Account query refers to the instance when a Customer queries any specific amount or any content contained in any account as rendered by the Municipality;
- (b) Queries can be raised verbally or in writing at Municipality's Head Office;
- (c) Queries can also be made through the Call Centre and the My Midvaal App;
- (d) Customers are required to furnish in writing full personal particulars including acceptable means of identification, contact details and account number in respect of which any amount is being queried;
- (e) Customers may be represented by a duly appointed nominee or agent, and such nominee or agent shall upon request produce sufficient proof of such appointment;
- (f) Pending the outcome of the query, a Customer may apply for temporary payment extension, on the affected service only, in terms of provisions of this Policy;
- (g) The Customer shall, pending the resolution and outcome of the query, continue to make regular payments as per statement of account (part payment based on average monthly consumption of the previous twelve months)
- (g) Should a Customer not be satisfied with the outcome of the query, a Customer may lodge an appeal in terms of section 62, as read with section 95 (f), of the Systems Act. (Refer 5.5 below)

5.6. DISPUTE AS TO AMOUNT OWING

- (a) A Customer may lodge an appeal in terms of section 62, as read with section 95 (f), of the Systems Act.
- (b) Customers are required to furnish in writing full personal particulars including acceptable means of identification, contact details and account number in respect of which any amount owing is being disputed;
- (c) The dispute must be recorded in a dispute register;
- (d) Only disputes properly lodged in accordance with the procedure set out above by the registered Account holder will be considered.

- (e) Customers may be represented by a duly appointed nominee or agent, and such nominee or agent shall upon request produce sufficient proof of such appointment.
- (f) Should any dispute arise as to the amount owing on the account in respect of all Services rendered by the Municipality to the Customer, the Customer shall, pending the resolution and outcome of that dispute, continue to make regular minimum payments based on the average charges for the preceding three months prior to the dispute arising, plus interest, until the resolution of that dispute.
- (g) Should any dispute arise as to the amount owing on part of the account or municipal service rendered to a Customer, the Customer shall, pending the resolution and outcome of that dispute, continue to make regular payments on Services that are not in dispute plus the average charges for the preceding twelve months prior to the dispute arising in respect of remaining part of account or disputed service until the resolution of that dispute.
- (h) The dispute must be resolved within a period of three months of lodging of dispute.
- (i) All disputes must be concluded by the Municipal Manager or delegated official;
- (j) The Municipal Manager or the delegated official's decision shall be final and will result in the immediate implementation of any debt collection and credit control measures provided for in this Policy, after the Customer has provided with the outcome of the appeal;
- (k) The same debt will not again be defined as a dispute in terms of this paragraph and will not be reconsidered as the subject of a dispute;
- (l) Should the Customer not be satisfied with the outcome of the dispute, the Customer may lodge an appeal in terms of section 62 of the Systems Act and the appeal will be dealt with by the Municipality in terms of said legislation.

5.7. INTEREST CHARGES

- (a) Accounts are due and payable on account Due Date (7th of each month).
- (b) Interest will be levied on all arrears longer than 30 days at a rate prescribed by the Municipality from time to time.

- (c) Specific categories of Customers, Services and debtor groups as determined by the Municipality from time to time, may be excluded from interest on arrears;
- (d) If a Customer enters into an arrangement to settle arrear debt, all interest will be waived as a payment incentive. All interest will be written off on entering into a debt repayment arrangement, however, should the arrangement not be honoured, all interest written off will be re-instated on the Customer's account;
- (e) Interest will be reversed where the debt giving rise to the interest was levied in error by the Municipality.
- (f) Interest waiver shall not be provided to a Customer who is selling the property (for clearance purposes). Interest waiver shall only apply when the property is being transferred from a deceased estate to the surviving spouse or heirs;
- (g) Interest may be waived on a clearance application if it is in the best interest of the Municipality and by approval of the Chief Financial Officer or Municipal Manager.

5.8. ACCOUNT DUE DATE

- (a) Monthly account due date represents the date on which the Customer Account becomes due and payable, the Due Date shall be as determined by the Municipality from time to time, which is the 7th of each month.
- (b) Where the Owner or Customer has entered into an agreement with the Municipality to pay property rates annually, the Due Date shall be as determined by the Municipality from time to time.
- (c) Account due date will be reflected on Customer statement of account.
- (d) Only payments receipted through the Municipality's financial system on or before account due date will be deemed to have been duly received.
- (e) Payments by Customers through 3rd party vendors, will only be deemed to have been received when receipted through the Councils financial system.
- (f) The Warning Notice/Disconnection Notice fee may be reversed by CFO at his/her own discretion.

- (g) The municipal account number must be used as reference number at all times.

5.9. PAYMENT EXTENSION

5.9.1. Temporary Payment Extension

- (a) On verbal request of a Customer, payment extension in respect of outstanding debt will be considered in the following circumstances:
 - (i) the Customer's statement of account is under inquiry;
 - (ii) the Customer's statement of account is under dispute;
 - (iii) pending the outcome or conclusion of court cases; and/or
 - (iv) merit cases as approved by CFO or Municipal Manager.
- (b) Customers may be represented by a duly appointed nominee or agent, and such nominee or agent shall upon request produce sufficient proof of such appointment.
- (c) Payment extension will be granted for initial period of 60 (sixty) days from date of application and may be extended on a month-to-month basis. The extension period(s) may however not cumulatively exceed 12 (twelve) months.
- (d) Payment extension will not result in the suspension of legal actions and or court actions unless authorised by Accounting Officer.
- (e) Approved payment extension will result in the temporary suspension of credit control actions.
- (f) Approved payment extension will not result in the termination, or suspension of interest on arrears.
- (g) No payment extension will be granted on the account which is already on payment arrangement; unless a formal dispute was lodged

5.10. ARREAR ACCOUNTS

- (a) If a Customer fails to pay the full amount due and payable on or before the Account Due Date, the unpaid amount is in arrears and a warning notice shall

be sent and may be hand delivered or delivered, per mail or any electronic means available, to the most recent recorded address or electronic contact address and / or cellular phone number on record of the Customer.

- (b) Failure to deliver or send a final demand notice does not relieve a Customer from paying such arrears.
- (c) The warning notice must contain the following:
 - (i) the minimum amount payable, and the date by which such amount must be paid;
 - (ii) that the Customer may conclude a debt repayment agreement after setting the minimum payment required with the Municipality for payment of the arrears amount in instalments; and
 - (iii) that if full minimum amount payable is not paid that the electricity and / or water Services will be discontinued or restricted and that legal action will be instituted against the Customer for the recovery of any amounts in arrears, without further notice or reference to the Customer.
- (d) The Customer together with the account(s) that is / are in default may be handed over to a duly appointed collection agent or attorney for collection.
- (e) The Customer's name may be made public, subject to the provisions of the Protection of Personal Information Act, 4 of 2013 (POPI), and may be listed with a credit bureau or any other equivalent body as a defaulter.
- (f) A minimum amount must be paid after receipt of the Warning Notice. (Refer also to 9.2 (f)below).
- (g) If a Customer's were disconnected, the full amount must be paid before the Services can be reconnected. No arrangement will be made on the date of disconnection.
- (h) In the case of an Illegal By-pass, Services can only be restored once the payment(s) made reflect in the Municipality's bank account.

5.11. TREATMENT OF DEBTS IN TERMS OF SECTION 118 OF THE MUNICIPAL SYSTEMS ACT

If the seller of a Property insists on paying outstanding debt only for the last 2 years for the purposes of obtaining a clearance certificate in terms of section 118 (1) of the Systems Act the following shall apply:

- (a) after receipt of the payment the clearance certificate will be issued to the seller of the Property; and
- (b) the historical debt will be immediately handed over for legal collection (legal action against the seller, i.e. person who accumulated the debt)

5.12. COST TO REMIND CUSTOMERS OF ARREARS.

An administrative fee will be levied against the account of a Customer in terms of the tariff provisions of the Municipality, in respect of any action taken in demanding payment from the Customer or reminding the Customer by means of notice delivered by mail, by hand or any electronic means available, that the account is in arrears.

If a Customer requests a temporary payment extension (before account due date, and on a monthly basis) where he / she can prove that he / she does not have sufficient funds to pay the arrears and / or full monthly account (non-indigent Customers), the admin fees will not be charged as long as the Customer pays at least the monthly water and electricity consumption charge (i.e. excluding property rates, refuse charge, sanitation and availability charges) before the account due date.

6. ACTIONS TO SECURE PAYMENT

- (a) The Municipality or its duly appointed agents may, in addition to the normal civil legal steps to secure payment of accounts that are in arrears, take the following actions to secure payment for property rates, municipal services, interest, penalties and other related charges namely-
 - (i) termination and / or restriction of the provision of any Municipal Services in accordance with Section 7 of this Policy; and
 - (ii) allocation of the full or portion of a payment of an account, or the full or portion of pre-paid service payment, as payment for arrears in accordance with paragraph 5.6.

- (iii) The Municipality may off-set a payment and / or transfer receipt made by the Customer against any account of that Customer.
- (c) The Municipality may further take the steps contemplated in section 104(1)(f)(ii) of the Systems Act, subject to the regulations made or guidelines issued by the Minister, if any, and provided that any intended seizure of property must be referred to the Municipal Manager or his / her nominee for approval or such directives which the Municipality deems necessary under the circumstances.
- (i) This seizure of the property will be mainly done on a Vacant property and on a Secondary Residential Property of the said owner.
- (c) The Municipality may, in terms of the provisions of section 104(1)(f)(iii) of the Systems Act, attach the rental or any other payments due to Customer who are in arrears with their municipal accounts:
 - (i) if any debt levied in respect of a property is in arrears by the Owner of the property, the arrears may be recovered in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier;
 - (ii) the Municipal Manager may recover an amount only after written notice has been served on the tenant or occupier and property owner or agent of property owner as provided for in section 115 of the Systems Act;
 - (iii) the tenant or occupier of property or agent of property owner must on request by the Municipality, furnish a written statement specifying rental and other payments to be made by the tenant or occupier to the owner of the property during a period as determined by Council.
 - (iv) the amount the Municipality may recover from the tenant or occupier of a property is limited to the amount of rent payable by the tenant or occupier to the Owner of the property;
 - (v) the Municipality may recover the arrear amount on a property in whole or in part from the agent of the registered owner, if this is more convenient for the Municipality ;
 - (vi) any amount recovered from the tenant or occupier will be set off against the arrears of the property owner;
 - (vii) the Municipality may take any action as provide for in this Policy or any other legislation, against the tenant, for not more than the amount determined by this provision and where such tenant fails to respond to the notice as referred to in item (ii), or fails to comply with any notice or fails to adhere to any terms,

conditions or undertakings in the items relevant to the tenant, or fails to make any agreed or required payments.

- (d) The Municipality, in the case of company, close corporation, trust in terms of the Trust Property Control Act 57 of 1988, home owners association or a body corporate in terms of the Sectional Titles Act, 95 of 1986 and/or under the Sectional Title Schemes Management Act, 8 of 2011, may in terms of legislation or court order extend the liability in respect of Customer arrears to the directors, members or trustees thereof jointly and severally.
- (e) The Municipality may, at the cost of the Municipality, install a water management device and / or pre-paid water and electricity meters upon the failure of the Customer to make regular payments to Municipality for Services consumed.

7. POWER TO RESTRICT OR TERMINATE SUPPLY OF MUNICIPAL SERVICES

7.1. GENERAL

- (a) The Municipality or its duly appointed agent may terminate and / or restrict the supply of water, electricity or in the case of pre-paid electricity withhold the selling of electricity in terms of the prescribed disconnection procedures, or discontinue any other service to any premises associated with the Customer, whenever a consumer of any Municipal service –
Council may amend the percentage deduction for outstanding debt via the prepaid system on an annual basis. As of 1 July 2025, the percentage will remain at 60%.
 - (i) after the expiry of the period for payment in terms of the final demand / final notice referred to in section 5.105.6, fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for Municipal Services, property rates or taxes or other amounts due in terms of this Policy;
 - (ii) defaults on any payment in accordance with an agreement for payment of arrears;
 - (iii) fails to comply with a condition of supply imposed by the Municipality;
 - (iv) obstructs the efficient supply of electricity, water, or any other Municipal Services to another Customer;

- (v) supplies such municipal service to a consumer / owner who is not entitled thereto or permits such service to continue;
 - (vi) causes a situation, which in the opinion of the council is dangerous, or a contravention of relevant legislation;
 - (vii) in any way bridges the supply or illegally reconnects previously disconnected Municipal Services;
 - (viii) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 24 of 1936;
 - (ix) is subject to an administration order granted in terms of section 74 of the Magistrates Court Act, 32 of 1944 (Act 32 of 1944) in respect of such user.
- (b) The Municipality shall hand deliver, per mail or per electronic means available, to the physical address of property or most recent recorded address or electronic contact address and / or cellular number of such Customer on record, a discontinuation notice informing such Customer –
- (i) that the provision of the service will be, or has been discontinued on the date stated on the discontinuation notice (in cases where reference is made to disconnection that has already happened such disconnection shall be preceded by reasonable prior notice); (ii) of the steps which can be taken to have the service reconnected; and
 - (iii) of the minimum amount payable to restore service.
- (c) The Customer will be deemed to have received the notice on the same day if delivered by hand, e-mail or fax, on the third day after date of posting if posted by ordinary mail and on the fourth day after date of posting if posted by registered mail;
- (d) Subject to the provisions of the Promotion of Administrative Justice Act, 3 of 2000 ("**PAJA**"), having been observed, save that the Municipality's reasons for its decision to act must be supplied within seven business days after a written request therefor.
- (d) The right of the Municipality or any duly appointed agent to restrict or discontinue water to any premises, Owner of property, tenant on property, Customer or occupant of property, shall be subject to the provisions of sections 3 and 4 of the Water Services Act, 108 of 1997.

- (e) The right of the Municipality to restrict or discontinue the provision of electricity to any premises, Owner of property, tenant on property, Customer or occupant of property shall be subject to the provisions of the Electricity Act, 1987 (Act 41 of 1987).
- (f) The right of the Municipality or any duly appointed agent to limit or restrict the supply of Municipal Services to a Customer shall be subject to the provisions of the Health Act, 1997 (Act 63 of 1997), and the regulations made thereunder.

7.2. (g) Notwithstanding the category of a property the illegal or unauthorised use of a property for a purpose not authorised by the municipality's land use scheme or contrary to any law including the National Building Regulations, may attract a penalty charge in addition to rates levied on the property.
COST TO RESTRICT OR DISCONTINUE SERVICES.

Where any municipal service is restricted or discontinued as a result of non-compliance with provisions of this Policy by the Customer, the Municipality shall at its prerogative be entitled to:-

- (i) levy and recover an admin fee in terms of the tariff provisions of the Municipality;
- (ii) install water management devices as determined by the Municipality from time to time;
- (iii) install a pre-paid electricity meter and or water meter or equivalent as determined by Municipality from time to time;
- (iv) increase the amount of the Customer deposit held against the Customer account, subject to the provisions of deposit policy and tariff provisions of the Municipality;
- (v) levy and recover any other applicable fees, tariffs, charges in terms of tariff provisions of Municipality's policy;
- (vi) waive any admin fees if a Customer requests a temporary payment extension (before account due date, and on a monthly basis) where he / she can prove that he/she does not have sufficient funds to pay the arrears and/or full monthly account (non-indigent Customers), the admin fees will not be charged as long as the Customer pays at least the monthly water and electricity consumption charge (i.e. excluding property rates, refuse charge, sanitation and availability charges) before the account due date.

8. RECONNECTION OF MUNICIPAL SERVICES

8.1. GENERAL

- (a) Services, restricted or disconnected in terms of section 7, will only be reinstated and reconnected after satisfactory payment or satisfactory arrangement for payment of arrears have been accepted; penalties and / or deposit has been increased in accordance with this policy.
- (b) Services may only be reinstated or reconnected by the Municipality or its duly appointed agent.
- (c) Subject to capacity at the time to restore such Services which have been restricted or disconnected, such Services will be restored within a reasonable time after the relevant conditions of this Policy have been met. Only where payments have been made before 12h00 on a working day will Services be restored on the same day.
- (d) Onus shall be on the Customer to request reconnection and to provide acceptable proof that the full amount as required has been paid.

8.2 COST FOR THE RECONNECTION OF SERVICES

Where any instruction is issued by the Municipality for the reinstatement of normal service flow or reconnection of Municipal Services, restricted or disconnected in terms of this Policy, reconnection fees will be levied in terms of tariff provisions of the Municipality.

9. DEBT REPAYMENT ARRANGEMENTS

9.1. GENERAL PRINCIPLES

- (a) Only a property Owner with positive proof of identity or a letter of appointment by the Magistrates Court will be allowed to enter into a debt repayment agreement for the payment of arrears in instalments.

- (b) If the applicant is a tenant on the property, written consent by owner to Debt Repayment Arrangement by tenant is required whereby the owner acknowledges debt and approves entering into debt repayment arrangement. A copy of the owner's identify document will also be required, The Municipality reserves the right to terminate the services agreement with the tenant once the tenant is in arrears for more than 60 days or default on arrangements. This will result in the Services to the property being disconnected until the owner has signed a new services agreement with the Municipality.
- (c) If the applicant is a company, close corporation, trust in terms of the Trust Property Control Act 57 of 1988, homeowners association or a body corporate in terms of the Sectional Titles Act, 95 of 1986 and/or under the Sectional Title Schemes Management Act 8 of 2011, debt repayment arrangement to be signed by duly authorised representatives.
- (d) The amount due and payable by a Customer constitutes a consolidated debt, and any payment made by a Customer will be allocated in reduction of the consolidated debt in the order determined by the Municipality.
- (e) A Customer may be required to complete a debit order for the payment of arrears.

9.2. DURATION AND CONDITIONS FOR PAYMENT OF ARREARS IN INSTALMENTS

- (a)
 - (i) No agreement for the payment of arrears concluded by the nominated officers may be longer than 60 months (depending on amount of debt), unless the circumstances referred to in section 9.2(b) prevail.
 - (ii) No payment arrangements for the developers' contribution and Business accounts may be longer than 12 months.
- (b) The Municipality may, on an individual basis, allow a longer period than 60 months for the payment of arrears, if –
 - (i) special circumstances prevail, which in the opinion of the Council warrants such an extension, and which the Customer could not reasonably prevent or avoid; and
 - (ii) documentary proof of any such special circumstances has been furnished by the consumer on request by the Council.

- (c) This extension of the repayment period in 9.2(b) may not be further extended longer than an additional 60 months.
- (d) The Customer may be required to prove levels of income and must agree to a monthly instalment.
- (e) The Council must, in exercising its discretion under paragraph (a) and (b) have regard to a Customer's –
 - (i) internal credit record history;
 - (ii) previous and frequency of dishonoured payments;
 - (iii) instances of meter tampering or Illegal connection;
 - (iv) consumption and level of service;
 - (v) previous breaches of agreements for the payment of arrears in instalments;
 - (vi) provisions of National Credit Act; and
 - (vii) any other relevant factors.
- (f) The Customer shall be required to make a down payment based on consolidated **arrear debt on date of entering into an agreement to pay in instalments on the** following basis;
 - (i) 1st Debt Repayment arrangement: 30% or as per individual affordability
 - (ii) 2nd Debt Repayment arrangement: 40%
 - (iii) 3rd Debt Repayment arrangement or any additional repayment arrangement 50%
- (g) Once an agreement referred to in 9.1 has been concluded, the amount in arrears shall be reflected as a current amount, and no further interest shall be added to arrangement debt. Interest already levied will be written off on entering into an arrangement on a last instalment made but will be re-instated if the Customer does not honour the arrangement.
- (h) The Customer will be required to effect payment of current account plus arrangement instalment on or before account due date. Failure to do so which will result in the immediate cancellation of debt repayment arrangement.
- (i) Customers who default on three separate debt repayment arrangements made, may be denied facility to enter into further debt repayment arrangements and the full amount remains due and payable.

- (j) If the Customer defaults on the third debt repayment arrangement, a further arrangement may be granted to the Customer by the Director Income or his / her nominee on submission of full motivation.
- (k) In the case of multiple defaults, the following steps may be undertaken:
 - Installation of water management devices as determined by the Municipality from time to time;
 - Installation of a pre-paid electricity meter or equivalent as determined by Municipality from time to time;
- (n) A copy of the agreement must be made available to the Customer.

10. AGENTS, ATTORNEYS AND OTHER COLLECTION AGENTS

- (a) The names of all external agents acting on behalf of the Municipality, together with their address and contact information may be published in a manner that will ensure that it will come to the attention of the Customer of the Municipality.
- (b) Under no circumstances may agents negotiate terms, extend payment periods or accept cash on behalf of the Municipality, unless specifically instructed in writing to do so, and such instruction must be produced on request of a Customer.
- (c) An agent must record the cost to the Municipality and the Customer for each stage of the credit control measures taken by him or her and for all possible actions which could be necessary in the credit control process.
- (d) All legal and debt collection costs, including attorney and own client costs incurred by the Municipality and / or appointed agents in the recovery of arrear amounts, may be levied against the account of the Customer, and may be recovered by a duly appointed agent.

11. LEGAL ACTION

- (a) Should any Customer fail to pay any debt, referred to in this policy or section 118 (3) of the Systems Act by due date, the Municipal Manager may serve a notice in terms of section 115 of the Systems Act –
 - (i) on the Customer personally;
 - (ii) on the place of residence or business of the Customer;

- (iii) via registered post to the last known address of the Customer and an acknowledgment of posting thereof from the postal services is obtained; and/or by hand or via email
 - (iv) on the Customer's agent or tenant, if the whereabouts of the Customer is unknown; and
 - (vi) at the property,
- calling upon such Customer to pay such debt within 21 (twenty-one) days of such notice.

The notice shall state that should the outstanding debt per the notice not be settled within 21 (twenty one) days of such notice, legal proceedings will be instituted for the recovery of the debt plus any additional costs incurred in the application of this policy and will further obtain an order of Court for the sale of the Customer's movable and immovable property for the outstanding debt.

- (b) If after giving notification in terms of section 11(a) such debt remains outstanding, legal proceedings will be instituted through the court of competent jurisdiction, against the Customer. Once the debt has been handed over, no arrangements will be made by the Municipality and the Customer will be required to make arrangements with the debt collectors.
- (c) Such court of competent jurisdiction shall be requested to summarily order any such moveable and immoveable property against which the debt is owing to be sold by way of public auction in terms of provisions of section 104(1)(f)(ii) of the Systems Act 32 subject to the regulations made or guidelines issued by the Minister, if any, and provided that any intended seizure of property must be referred to the Municipal Manager or his / her nominee for approval or such directives which the Municipality deems necessary under the circumstances.

12. DISHONoured PAYMENTS

- (a) Where any payment is made to the Municipality by a negotiable instrument, and such negotiable instrument is dishonoured by the bank, the Municipality may levy costs and administration fees against the account of the defaulting Customer at the rate determined by the Municipality from time to time.
- (b) Payment to the account will be reversed and credit control measures will immediately be effected on such accounts without any further notice.

- (c) The Council reserves the right to refuse to accept or cancel such further payment instruments from the Customer.
- (d) The Council may place the Customer on the relevant adverse credit rating list and / or take any steps as contained in this Policy which may include criminal charges if applicable.
- (e) Where a payment referred to in section 11(a) was tendered and any debt management action in terms of this policy was suspended as result of deemed payment, such debt management action shall continue without further notice to such Customer.

13. WRITING OFF OF BAD DEBTS

The Mayoral Committee will consider writing off bad debts and make recommendations to Council for approval to write off the bad debts–

- (a) Only after all reasonable steps have been taken to recover the debt in accordance with this Policy, and the Mayoral Committee has convinced itself that:
 - (i) recovery of the debt would be uneconomical; or
 - (ii) recovery would cause undue hardship to the Customer or his/her dependants; or
 - (iii) it would be to the advantage of the Municipality to affect a settlement of its claim or to waive a claim.
- (b) The debt to be written off as determined in (a) above will only be effected:
 - (i) in terms of Municipality's Policy; or
 - (ii) in terms of legislation; or
 - (iii) in terms of delegated powers; or
 - (iv) in terms of regulations issued.

14. FULL AND FINAL SETTLEMENT OF A DEBT

- (a) The Municipality may appropriate monies received in respect of any municipal debt at its sole discretion as stipulated in terms of Section 102 of the Systems Act.

- (b) Subject to the provisions of this Policy, no unilateral offer of compromise, unilateral payment in full and final settlement or endorsement of any account payment with the words “*in full and final settlement*” shall be binding on the Municipality.
- (c) Where the exact amount due and payable to the municipality has not been paid in full, any lesser amount tendered to and accepted by an official of the Municipality , shall not be deemed to be in full and final settlement of such an amount, unless accepted in terms of a delegated power of authority, or approved by Council.
- (d) The acceptance of a lesser amount, by an authorised officer of Municipality, duly delegated to act in this capacity, must be in writing and signed by both the Customer and the authorised officer after consulting with the Municipal Manager or Chief Financial Officer.

15. CREDIT BUREAU LISTING OR SIMILAR

The names of defaulting Customers must, after the court seized with the dispute has handed down judgment, be automatically listed with credit bureaus or similar mediums as prescribed and or recommended by Council.

16. FRAUD, THEFT AND OTHER CRIMINAL ACTIVITY (ILLEGAL CONNECTIONS)

- (a) The Municipality shall be entitled to monitor its service network for signs of tampering or irregularities.
- (b) No person may in any manner or for any reason whatsoever illegally tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment for the Municipality. This includes the reconnecting electricity or water where such Services have been terminated or restricted for reasons of non-payment in accordance with the provisions of section 7 of this Policy.
- (c) Subject to the applicable legislation, the Municipality may refuse the supply of water or electricity to a Customer who has illegally by-passed his / her water or electricity connection, until such time as the total costs, penalties, other fees, illegal consumption and any applicable tariffs and rates due to the Municipality have been paid in full.

- (d) For households with illegal electrical connections of 60 amps and above: A consumption fee for possible lost units equalling 1 500 electricity units per meter or phase, whichever applicable per month will be charged for a six months period as well as 100 kl of water per meter per month. In addition, an admin fee will be charged.
- (e) For households with illegal electrical connections limited to 25 amps: A consumption fee for possible lost units equalling 630 electricity units per meter per month will be charged for a six months period as well as 100 kl of water per meter per month. In addition, an admin fee will be charged.
- (f) In terms of Business, a consumption fee for possible lost units equalling 3 000 electricity units per meter or phase, whichever applicable per month will be charged for a six months' period as well as 200kl of water per meter per month. In addition, a penalty fee as per Finance Sundry Tariff Schedule will be charged for the tampering of bulk meter's supply.
- (e) Illegal connection, reconnection or tampering with a service supply of the Municipality is considered a criminal offence which may result in legal actions being taken.
- (f) If a Customer has illegally connected his / her supply, the Municipality may restrict the service, or remove the meter / connection in totality (either during office hours or after hours or weekends).
- (g) The property Owner is responsible and liable for any Illegal connection / tampering done by the tenant or any other party residing or doing business or any other activity on the property.
- (h) The second offence for Illegal connections on electricity and water meters will be charged double the amount of units mentioned in Clause (b), (c), and (d) above
- (i) The cost and administrative charges for the replacement of such meter will be for the customer where the tampering occurred.

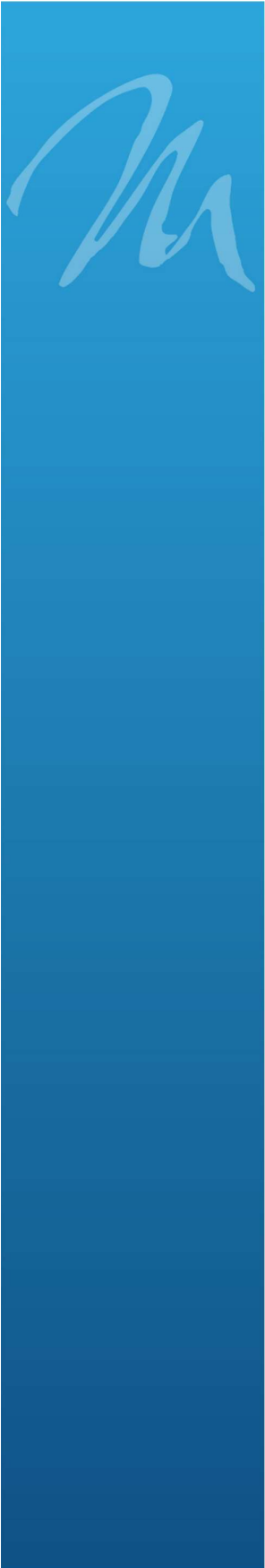
17. SHORT TITLE

This Policy shall be called the Credit Control and Debt Collection Policy of Midvaal Local Municipality.

EFFECTIVE DATE:

The Policy is effective from 1 July 2025.

Annexure K
Cash Management Policy
2025/2026



CASH MANAGEMENT POLICY

2025/2026 FINANCIAL YEAR



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1. Introduction

Availability of cash is one of the key requirements for financial sustainability for any organisation. Accumulated surplus is not an indicator of available cash and should not be seen as having a direct correlation with surplus cash.

One of the first and most important issues that must be borne in mind is that financial statements of municipalities are compiled on the accrual basis (GRAP / GAAP accounting standards used as basis of compilation) and not on the cash basis as Provincial and National Government. In the past the accrual basis was used, but fund accounting was applied and not GRAP. This change in accounting basis led to the accumulation of larger than expected accounting surpluses with little or no relation to cash surpluses.

Cash Management will include the management of the following line items in the financial statements:

1.1 Investments (Long Term and Short Term)

1.2 Cash and Cash Equivalents

2. Determination of minimum cash levels to retain: Part 1: Encumbered Cash

2.1 Unspent Conditional Grants

Any grants received from the National or Provincial Government that have not been spent by the reporting date should be set aside in cash and not utilised for purposes other than the intended purpose as per the conditions of the grant.

2.2 Developers Contributions

Any amounts received as development contributions that have not been spent by the reporting date should be set aside in cash and not utilised for purposes other than capital infrastructure improvements. There is no requirement to spend the

contributions received on the development where the contributions originated from but must be utilised for the creation of additional infrastructure capacity.

2.3 Capital Replacement Reserve

Funds set aside for the acquisition of capital assets in accordance with the approved capital budget of Council, may be held in cash and referred to as Capital Replacement Reserve.

2.4 Unspent Loan Funding

Any borrowed funds that have not been spent by the reporting date should be set aside in cash and not utilised for purposes other than the intended purpose as per the loan agreements.

2.5 Deposits held

Consumer deposits are amount paid by customers, to be withheld by the municipality from the opening of an account till termination. The deposits will be refunded on termination provided that the customer does not have any money owing to the municipality on any of municipal accounts.

Consumer deposits maybe cash-backed, however: -

The likelihood of all customers approaching the municipality simultaneously demanding that their deposits be refunded is highly unlikely.

In cases where a customer's deposit is refunded, it is often replenished by another customers deposit - who acquires the property.

2.6 Retentions held

Retention in contracts are amounts held as a set off in the event the contractor does not honour the contract in rectifying any defects. Normally retention is held for the cost of rectification of defects during the construction period and for the cost of rectification of defects during the defects liability period, usually 12 months after the date of practical completion.

The retentions held are thus not available for purposes other than releasing the funds to the contractor at the end of the defects period and should be held in cash and not utilised for other purposes.

3. Determination of minimum cash levels to retain: Part 2: Balance Sheet Provisions and Reserves

The Accounting Policy of the Midvaal Local Municipality contains the following sections relating to provisions:

A provision is recognised when the economic entity has a present obligation (legal or constructive) as a result of a past event and it is probable (i.e. more likely than not) that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

The economic entity does not recognise a contingent liability or contingent asset. A contingent liability is disclosed unless the possibility of an outflow of resources embodying economic benefits is remote.

Provisions are reviewed annually and those estimated to be settled within the next twelve months are treated as current liabilities. All other provisions are treated as long term liabilities.

The Midvaal Local Municipality has the following provisions that must be cash backed:

3.1 Provision for annual leave

Liabilities for annual leave are recognised as they accrue to employees.

The liability is based on the total accrued leave days at year end.

The leave accrual is cash backed.

3.2 Provision for the rehabilitation of the landfill site(s)

The **provision for the rehabilitation of the landfill site(s)** is created for the rehabilitation of the current operational sites at the future estimated time of closure.

The Provision is based on the expected future cost to rehabilitate the various sites discounted back to the balance sheet date at the cost of capital. The municipality has an obligation to rehabilitate these landfill sites.

Cash will be provided over the period until it becomes necessary for the rehabilitation.

3.3 Provision for post-retirement benefits (medical)

Actuarial valuations are conducted on an annual basis by independent actuaries to determine the amount of the provision that is required.

The provision is cash backed.

3.3 Provision for long service awards

The municipality offers various types of long service awards to its employees. The provision is to recognise the present value of the obligation as at the reporting date.

The provision is cash backed.

4. Determination of minimum cash levels to retain: Working Capital

Working capital is a financial metric which represents the operating liquidity that will be available to the organization. Working capital is considered a part of operating capital. Net working capital is calculated as current assets minus current liabilities.

In line with National Treasury recommendations, the difference between current creditors and current debtors must be retained in cash as working capital for purposes of cash management.

5. Determination of minimum cash levels to retain: Liquidity Ratios

5.1 Liquidity ratio (also called current ratio)

This ratio expresses the current assets (debtors after provision has been made for impairment, inventory, investments maturing in 1 – 12 months and cash and cash equivalents) as a ratio or percentage of current liabilities (creditors, unspent grant funding, amounts to be paid on long term loans within the next 12 months and short term provisions). This ratio should also be at least 1:1 but ideally greater than 1.2:1.

The ratio should always be a minimum of 1:1

5.2 Cost Coverage

A measure of a company's ability to meet its financial obligations. In broad terms, the higher the coverage ratio, the better the ability of the enterprise to fulfil its obligations to its lenders.

The ratio should always be a minimum of 1 month, in other words, the available cash should be enough to cover the municipality's cash expenditure for one month.

5.4 Number of day's cash on hand

This indicator looks at, the number of days that the entity will be able to sustain itself, if no further cash is received.

This ratio should always be a minimum of 30 days.

These liquidity indicators should not be seen in isolation as a number of factors can impact on the ratios (which are stated at a specific date). There may be only 10 days of cash available on one day, whilst the next day grants may be transferred changing the days cash to 60. The opposite is also true – cash holdings can be reduced from the 60 days to 10 days within a day when interest and redemption payments are made or the monthly bulk purchases are paid.

Further factors that must be taken into account are:

- Long term borrowings and/or creditors: A municipality may have large cash balances whilst having long term borrowings and creditors. When comparing this with a municipality with lower cash balances, but also relatively lower borrowings and lower creditors, it may very well be found that the one with the lower cash balance is in a better financial position.
- Debtors: An entity may have a low cash balance, but a fairly significant debtors balance (which is collectable) which will change the cash position as soon as payment is received from the debtors.

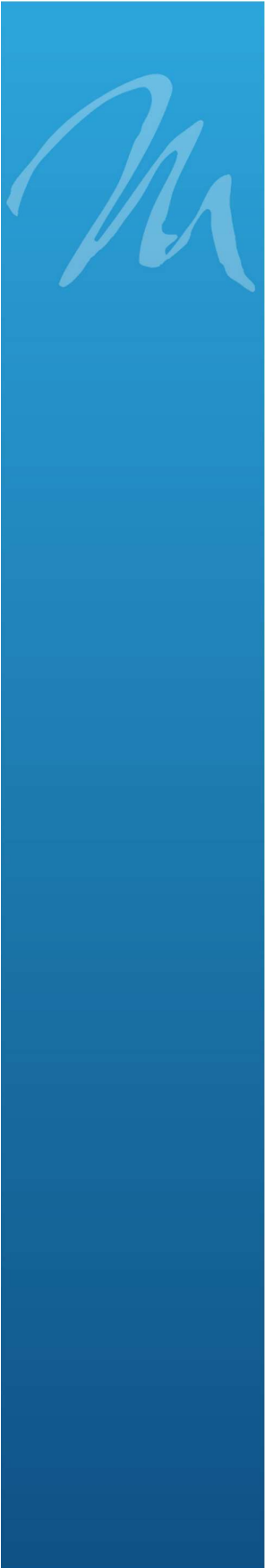
These and other factors make it necessary to not only look at a specific (or even a range of) ratio at a specific date, but to monitor the trends over a period of time.

Excluding exceptions or specific interventions, the cash balance must increase on an on-going basis with at least the ruling inflation rate to ensure the financial position is sustained in real terms.

6. Implementation

The policy will be effective as from 1 July 2025.

Annexure L
Investment Policy
2025/2026



INVESTMENT POLICY

2025/2026 FINANCIAL YEAR



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INVESTMENT POLICY

1. Application and Scope

The Investment Policy is applicable to the Midvaal Local Municipality. (herein referred to as MLM).

2. Objective of Policy

The objective of the policy is to ensure that all investments made by the Midvaal Local Municipality ("MLM") comply with the Municipal Investment Regulations issued by the Minister of Finance in terms of the Municipal Finance Management Act. This Policy, as far as practically applicable, must be consistent with the Supply Chain Management Policy where long-term investments are placed.

3. Legislative Framework

The legislative framework governing investment decisions are:

- Local Government Municipal Systems Act 32 of 2000 (as amended)
- Local Government Municipal Finance Management Act 56 of 2003
- Municipal Investment Regulations published under Government Gazette 27431 on 1 April 2005.
- Municipal Supply Chain Management Regulations published under Government Gazette 27636 on 30 May 2005.

3.1 Permitted Investments

The following are permitted investments in terms of the Regulation 6 of Municipal Investment Regulations:

"A municipality may invest funds only in any of the following:

Investment types as may be appropriate to the anticipated future need for the funds:

- (a) Securities issued by the national government.
- (b) Listed corporate bonds with an investment grade rating from a nationally or internationally recognised Credit Rating Agency.
- (c) Deposits with banks registered in terms of the Banks Act, 1990 (Act 94 of 1990)

- (d) Deposits with the Public Investment Commissioners as contemplated by the Public Investment Commissioners Act, 1984 (Act 45 of 1984)
- (e) Deposits with the Corporation for Public Deposits as contemplated by the Corporation for Public Deposits Act, 1984 (Act 46 of 1984).
- (f) Banker's acceptance certificates or negotiable certificates of deposit of banks registered in terms of the Banks Act, 1990
- (g) Guaranteed endowment policies with the intention of establishing a sinking fund Finance
- (h) Repurchase agreements with banks registered in terms of the Banks Act, 1990
- (i) Municipal bonds issued by a municipality; and
- (j) Any other investment type as the Minister may identify by regulation in terms of Section 168 of the Municipal Finance Management Act, in consultation with the Financial Services Board."

3.2 Investments denominated in foreign currencies

MLM may make an investment only if the investment is denominated in Rand and is not indexed to, or affected by, fluctuations in the value of the Rand against any foreign currency.

4. Definitions

Short-term investments are defined as:

"Any cash or liquid securities owned by the MLM which have a maturity date, and/or callable date reasonably expected to be exercised, that is equal to or less than one year."

Long-term investments are defined as:

"Any cash or liquid securities owned by MLM which have a maturity date, and / or callable date reasonably expected to be exercised, that is greater than one year."

5. Purpose and Objectives of Investments

5.1 Preservation and safety of investments

The probable safety of the investment must in the first instance be considered when making investments. Preservation of capital is accomplished through placement of funds with creditworthy institutions and through portfolio diversification.

5.2 Investment Diversification

Diversification is required to minimise potential losses on individual securities and to maximise the yield from a blend of financial products.

5.3 Liquidity

The investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated operating requirements.

5.4 Return on investments

The investment portfolio shall be designed with the objective of attaining a maximum rate of return subject to the investment risk constraints, liquidity requirements of MLM, and the risk associated with the sensitivity of investment returns against changes in the repo and prime rates.

6. Standards of Care

6.1 Prudence

The Municipal Manager, in accordance with this policy, must exercise due diligence in carrying out the investment function. The MLM has a responsibility to invest public Finance funds with great care and is accountable to the community in this regard. Investments must be made with such judgement and care, under the prevailing circumstances, as a person of prudence, discretion and intelligence would exercise in the management of that person's own affairs. Investments may not be for speculation but must be genuine investments.

6.2 Ethics and Conflicts of Interest

Officials responsible for the investment of funds must steer clear of outside interference, regardless of whether such interference comes from individual Councillors, agents or any other institution. The ethical standards as contained in the Municipal Supply Chain Management Policy are “**mutatis mutandis**” applicable to investment activities. Interest rates offered by one institution should never be divulged to another institution.

6.3 Payment of Commission

No commission or other award may be paid to an official or councillor of MLM or to a spouse or close family in respect of any investment made or referred by MLM. If an investee pays any commission or other reward to an external investment manager appointed by the MLM in respect of any investment made by MLM, both the investee and the investment manager must declare such payment to the council by way of a certificate disclosing full details of the payment.

7. Delegation of Authority

Authority to manage MLM’s investment portfolio is delegated as follows:

The Municipal manager to invest any amount (after taking due cognisance of the liquidity requirements of MLM) of the short-term funds in terms of the provisions of the investment policy

The Bid Adjudication Committee or Municipal Manager to approve the investment of long-term funds in terms of the provisions of the Investment Policy and Municipal Supply Chain Management Regulations in accordance with the process as stipulated in the Supply Chain Management Policy.

8. Rating of Financial Institutions

MLM shall rely on the credit analysis of the financial institutions as obtained from external Credit Rating Agencies. The Municipal Manager shall be made aware of real or potential problems related to credit or credit rating issues and their impact on the investment portfolio by the recognised Credit Rating Agencies, as this information becomes available.

9. Authorised Investments

All investments must be in the name of the MLM or one of the municipal entities.

10. Investment Limitations

Short-term investments

In order to obtain the greatest security for MLM's funds, short-term investments are not to be made with financial institutions with ratings lower than A1 / F1 as defined in the National Rating Definitions.

11. Investment Managers

Investment or Asset Fund Managers may be appointed to assist with the placing of investments, or to manage a portion of the investment portfolio in order to maximize interest earned without jeopardising liquidity. The appointment of these service providers must be done in accordance with the Supply Chain Management Policy. The conditions for their use including their liability in the event of non-compliance with this policy must be included in the bidding documentation specifying mandates that minimise risk and place the institutions on equal footing.

12. The Process of Investment of Funds

The process of investment of funds must in the first instance be made with the primary regard being to the probable safety of the investment in the second instance to the liquidity needs of MLM and lastly to the probable income derived from the investment. The investment of funds must be dealt with in accordance with the procedure for the calling of quotations and competitive bids as detailed in the Supply Chain Management Policy.

13. Safekeeping and Custody

The Chief Financial Officer shall establish and maintain an internal control structure designed to ensure the assets of the Municipality are protected from loss, theft, or misuse. The controls will be to prevent losses of public funds from fraud, employee errors, misrepresentation by third parties, or imprudent actions by employees and officers of MLM. The controls will include, among others:

- Prevention of collusion
- Separation of functions
- Separation of transaction authority from accounting and record-keeping
- Custodial safekeeping
- Clear delegation of authority to subordinate staff members
- Specific limitations regarding security losses and remedial action
- Supervisory control of employee actions
- Limiting the number of authorised investment officials
- Effective data management and reporting system for investment activities
- Documentation of transactions and strategies.

14. Reporting

The Municipal Manager must, within 10 working days after the end of each month, submit to the Executive Mayor a report describing, in accordance with generally recognised accounting practice, the investment portfolio as at the end of the month. The report must set out the following:

- the market value of each investment as at the beginning of the reporting period;
- any changes to the investment portfolio during the reporting period;
- the market value of each investment as at the end of the reporting period; and
- fully accrued interest or yield for the reporting period.

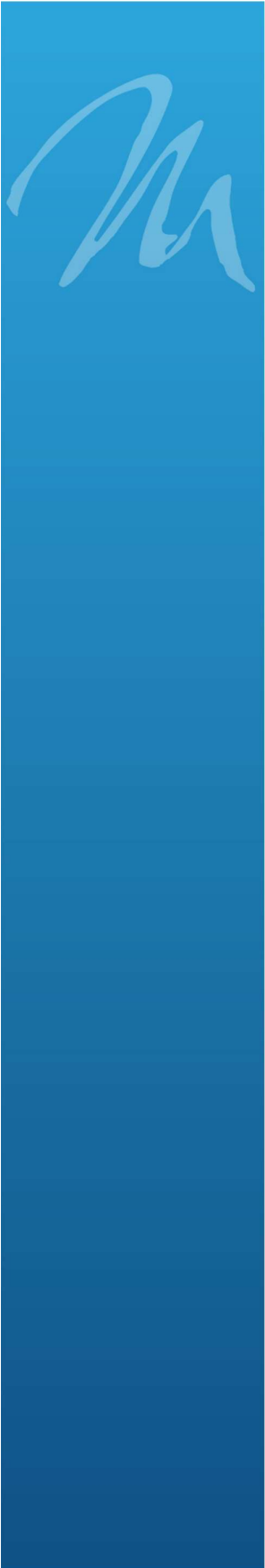
A bank, insurance company or other Investment / Fund Managers which at the end of a financial year holds, or at any time during a financial year held, an investment for MLM, must:

- within 30 days after the end of that financial year notify the Auditor General, in writing, of that investment, including the opening and closing balances of that investment in that financial year and;
- promptly disclose information regarding the investment when so requested by the National Treasury or the Auditor-General.

15. Policy Review

This policy is to be reviewed annually and approved by Council with the adoption of the MTREF for the following year.

**Annexure M Borrowing
Policy
2025/2026**



BORROWING POLICY

2025/2026 FINANCIAL YEAR



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ABBREVIATIONS

MLM	Midvaal Local Municipality
AO	Accounting Officer
ASB	Accounting Standards Board
CFO	Chief Financial Officer
CRR	Capital Replacement Reserve
GRAP	Generally Recognised Accounting Practise
IDP	Integrated Development Plan
MFMA	Municipal Finance Management Act
MSA	Municipal Systems Act
VAT	Value Added Tax
SDBIP	Service Delivery and Budget Implementation Plan

1. PURPOSE OF THIS DOCUMENT

This policy sets out the principles for determining the following:

- The Municipality's borrowing requirements.
- Process to be followed when debt is incurred.

2. DEFINITIONS

In this Policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), has the meaning so assigned, and:

“Accounting Officer” – means the Municipal Manager and vice versa;

“Act” – means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

“Chief Financial Officer” – means an officer of the Municipality, designated by the Municipal Manager to be administratively in charge of the financial affairs of the municipality;

“Council” or “Municipality” – means the Municipal Council of Midvaal Local Municipality as referred to in Section 18 of the Municipal Structures Act;

“Creditor” – in relation to a municipality, means any person or service provider to whom money is owed by the Municipality;

“Debt” – means –

- (a) a monetary liability of obligation created by a financing agreement, note, debenture, bond, overdraft, or the issuance of municipal securities; or
- (b) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another.

“Delegate” – means an official / person delegated to perform tasks on behalf of another person;

“Financial Statement” – means statements consisting of at least –

- (a) a statement of financial position.
- (b) a statement of financial performance;
- (c) a statement of changes in net assets;
- (d) any other statements that may be prescribed; and
- (e) any notes to these statements.

“Financial year” – means a year ending 30 June;

“Financing Agreement” means any long-term agreement, lease, installment purchase contract or hire purchase agreement under which the Municipality undertakes to pay the capital cost of property, plant, or equipment over a period of time;

“Lender” – in relation to a municipality means a person or service provider who provides debt finance to a municipality;

“Long Term Debt” – means debt which is repayable over a period exceeding 12 months;

“Municipal debt instrument” – means any note, bond, debenture, or other evidence of indebtedness issued by a municipality, including virtual or electronic evidence of indebtedness intended to be used in raising debt;

“Security” – means a lien, pledge, mortgage, cession, or other form of collateral intended to secure the interest of a creditor;

“Short Term Debt” – means a debt which is repayable over a period not exceeding 12 months.

In this document unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

3. BACKGROUND

The Local Government: Municipal Finance Management Act 56 of 2003 (hereafter MFMA) section 18 requires that an annual budget may only be funded from:

- (a) Realistically anticipated revenues to be collected;
- (b) Cash backed accumulated funds from previous years' surpluses not committed for other purposes; and
- (c) Borrowed funds, but only for capital projects.

Section 19 of the MFMA also requires spending on a capital project may only commence once the funding sources have been considered, are available and have not been committed for other purposes. Furthermore, Chapter 6 of the MFMA 6 guides on the requirements of obtaining Short Term and Long Term Debt, Conditions to comply with when applying for Debt, Security, Disclosures and Municipal Guarantees.

The Local Government: Municipal Finance Management Act 56 of 2003 Municipal Budget and Reporting Regulations, 2009 Section 8 requires that each Municipality should have a Borrowing Policy.

4. OBJECTIVES

The objectives of the policy are as follows:

- (a) To comply with the legislative requirements;
- (b) Manage interest rate and credit risk exposure;
- (c) Maintain debt within specified limits and ensure adequate provision for the repayment of debt;
- (d) To ensure compliance with all Legislation and Council policy governing borrowing of funds.

5. INTRODUCTION AND BACKGROUND

The Municipality may only incur debt in terms of the Municipal Finance Management Act, Act 56 of 2003.

5.1 A municipality may incur short-term and long-term debt only if:

- 5.1.1 The debt is denominated in Rand and is not indexed to, or affected by, fluctuations in the value of the Rand against any foreign currency;
- 5.1.2 A council resolution is taken authorising the provision of security if security is to be provided by the municipality; and
- 5.1.3 The following ratios for Liability Management is favourable:
- Capital Cost (Interest Paid and Redemption) as a % of Total Operating Expenditure

Purpose/ Use of the Ratio

The Ratio indicates the cost required to service the borrowing. It assesses the borrowing or payment obligation expressed as a percentage of Total Operating Expenditure.

Formula

Capital Cost (Interest Paid and Redemption) / Total Operating Expenditure x 100

Norm

The norm is between 6% to 8%

Interpretation of Results

Operating below the Norm could indicate that the Municipality has the capacity to take on additional financing from borrowing to invest in infrastructure projects or it could relate to cash flow problems where it is unable to access borrowed funds or the funding decisions of the municipality impacts of these levels. On the other hand, exceeding the Norm could pose a risk to the Municipality should changes or fluctuations in financing costs arise. When assessing this ratio, the cash flow requirements of the Municipality should also be considered.

- Debt (Total Borrowings)/ Total Operating Revenue

Purpose/ Use of the Ratio

The Ratio indicates the extent of Total Borrowings in relation to Total Operating Revenue. It indicates short- and long-term debt financing relative to operating revenue of the municipality. The purpose of the Ratio is to provide assurance that

sufficient Revenue will be generated to repay Liabilities. Alternatively stated, the Ratio indicates the affordability of the Total Borrowings.

Formula

Debt (Short Term Borrowing + Bank Overdraft + Short Term Lease + Long Term Borrowing + Long Term Lease) / Total Operating Revenue - Operating Conditional Grant

Norm

The norm is 45%

Interpretation of Results

If the result of the Ratio analysis indicates less than 45% then the Municipality still has capacity to increase funding from borrowings, however, this should be considered within the cash flow requirements of the Municipality.

5.2 Short Term Debt

5.2.1 The Municipality may incur short-term debt only when necessary to bridge:

5.2.1.1 Shortfalls within a financial year during which the debt is incurred, in expectation of specific and realistically anticipated income to be received within that financial year; or

5.2.1.1 Capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocations or long- term debt commitments.

5.2.2 A municipality may incur short-term debt only if:

5.2.2.1 A resolution of the municipal council, signed by the executive mayor, has approved the debt agreement; and

5.2.2.2 The AO has signed the agreement or other document which creates or acknowledges the debt.

5.2.3 5.2.3 A municipal Council may:

5.2.3.1 Approve a short-term transaction individually; or

5.2.3.2 Approve an agreement with a lender for short-term credit facility to be accessed as and when required, including a line of credit or bank overdraft facility, provided that:

- (a) the credit limit must be specified in the resolution of the council;
- (b) the terms of the agreement, including the credit limit, may be changed only by a resolution of the council; and
- (c) if the council approves a credit facility that is limited to emergency use, the AO must notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of such a credit facility, as well as options for repaying such debt.

5.2.4 The Municipality:

5.2.4.1 Must pay off short-term debt within the financial year; and

5.2.4.2 May not renew or refinance short-term debt, where such renewal or refinancing will have the effect of extending the short-term debt into a new financial year.

5.2.5 No lender may willfully extend credit to a municipality for the purpose of renewing or refinancing short-term debt that must be paid off in terms of section 5.2.4.1 above.

5.2.6 If a lender willfully extends credit to a municipality in contravention of this policy, the municipality is not bound to repay the loan or interest on the loan.

5.2.7 Section 5.2.6 above does not apply if the lender:

5.2.7.1 Relied in good faith on written representations of the municipality as to the purpose of the borrowing; and

5.2.7.2 Did not know and had no reason to believe that the borrowing was for the purpose of renewing or refinancing short-term debt.

5.3 Long Term Debt

5.3.1 The Municipality may incur long-term debt for the purpose of capital expenditure on property, plant and equipment for the purpose of achieving its long-term strategic objectives, as outlined in the Constitution of the Republic of South Africa, Act 108 of 1996, and Chapter 7 on Local Government, to:

5.3.1.1 Provide democratic and accountable government for local communities;

- 5.3.1.2 Ensure the provision of services to communities in a sustainable manner;
- 5.3.1.3 Promote social and economic development;
- 5.3.1.4 Promote a safe and healthy environment; and
- 5.3.1.5 Encourage the involvement of communities and community organizations in the matters of local government.

5.3.2 A municipality may incur long-term debt only if:

- 5.3.2.1 A resolution of the municipal council, signed by the executive mayor, has approved the debt agreement; and
- 5.3.2.2 The AO has signed the agreement or other document which creates or acknowledges the debt.

5.3.3 A municipality may incur long-term debt only if the AO of the municipality:

5.3.3.1 Has, in accordance with section 21A of the Municipal Systems Act:

- at least twenty one (21) days prior to the meeting the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and
- invited the public, the National Treasury and the relevant provincial treasury to submit written comments or representations to the council in respect of the proposed debt; and

5.3.3.2 Has submitted a copy of the information statement to the municipal council at least twenty-one (21) days prior to the meeting of the council, together with particulars of:

- the essential repayment terms, including the anticipated debt repayment schedule; and
- the anticipated total cost in connection with such debt over the repayment period.

5.3.4 Capital expenditure may include:

5.3.4.1 Financing costs, including:

- capitalised interest for a reasonable initial period;
- costs associated with security arrangements in accordance with section 48 of the Act;
- discounts and fees in connection with the financing;

- fees for legal, financial, advisory, trustee, credit rating and other services directly connected to the financing; and
 - costs connected to the sale or placement of debt, and costs for printing and publication directly connected to the financing.
- 5.3.4.2 Costs of professional services directly related to the capital expenditure; and
- 5.3.4.3 Such other costs as may be prescribed.
- 5.3.5 A municipality may borrow money for the purpose of refinancing existing long-term debt, provided that:
- 5.3.5.1 The existing long-term debt was lawfully incurred;
 - 5.3.5.2 The refinancing does not extend the term of the debt beyond the useful life of the property, plant or equipment for which the money was originally borrowed;
 - 5.3.5.3 The net present value of projected future payments (including principal and interest payments) after refinancing is less than the net present value of projected future payments before refinancing; and
 - 5.3.5.4 The discount rate used in projecting net present value, and any assumptions in connection with the calculations, must be reasonable and in accordance with criteria set out in a framework that may be prescribed.
- 5.3.6 A municipality's long-term debt must be consistent with its approved capital budget
- 5.4 The municipality may also incur long term debt in the form of a Finance lease (instalment sale agreement) for the purchase of various vehicles and equipment.

6. RELATIONSHIP WITH OTHER POLICIES

This policy needs to be read in conjunction with other relevant adopted policies of the municipality, including the following:

- (a) Delegation of Powers;
- (b) Accounting Policy;
- (c) Cash Management and Investment Policy
- (d) Long Term Financial Plan Policy;

- (e) Budget Implementation and Monitoring Policy;

7. SECURITY

7.1 A municipality may by resolution of its council provide security for:

7.1.1 Any of its debt obligations; and

7.1.2 Contractual obligations of the municipality undertaken in connection with capital expenditure by the persons on property, plant or equipment to be used by the municipality or such other person for the purpose of achieving the objectives of local government in terms of section 152 of the Constitution.

7.2 A municipality may in terms of section 9.1 above provide any appropriate security, including by:

7.2.1 Giving a lien on, or pledging, mortgaging, ceding or otherwise hypothecating, an asset or right, or giving any other form of collateral;

7.2.2 Undertaking to effect payment directly from money or sources that may become available and to authorise the lender or investor direct access to such sources to ensure payment of the secured debt or the performance of the secured obligations, but this form of security may not affect compliance with section 8(2) of the MFMA;

7.2.3 Undertaking to deposit funds with the lender, investor or third party as security;

7.2.4 Agreeing to specific payment mechanisms or procedures to ensure exclusive or dedicated payment to lenders or investors, including revenue intercepts, payments into dedicated accounts or other payment mechanisms or procedures;

7.2.5 Ceding as security any category of revenue or rights to future revenue;

7.2.6 Undertaking to have disputes resolved through mediation, arbitration or other dispute resolution mechanisms;

7.2.7 Undertaking to retain revenues or specific municipal tariffs or other charges, fees or funds at a particular level or at a level sufficient to meet its financial obligations;

7.2.8 Undertaking to make provision in its budgets for the payment of its financial obligations, including capital and interest;

7.2.9 Agreeing to restrictions on debt that the municipality may incur in future until the secured debt is settled or the secured obligations are met; and

7.2.10 Agreeing to such other arrangements as the municipality may consider necessary and prudent.

- 7.3 A council resolution authorising the provision of security:
 - 7.3.1 Must determine whether the asset or right with respect to which the security is provided, is necessary for providing the minimum level of basic municipal services; and
 - 7.3.2 If so, must indicate the manner in which the availability of the asset or right for the provision of that minimum level of basic municipal services will be protected.
- 7.4 If the resolution has determined that the asset or right is necessary for providing the minimum level of basic municipal services, neither the party to whom the municipal security is provided, nor any successor or assignee of such party, may, in the event of a default by the municipality, deal with the asset or right in a manner that would preclude or impede the continuation of that minimum level of basic municipal services.
- 7.5 A determination in terms of section 9.3 above that an asset or right is not necessary for providing the minimum level of basic municipal services is binding on the municipality until the secured debt has been paid in full or the secured obligations have been performed in full, as the case may be.

8. DISCLOSURE

- 8.1 Any person involved in the borrowing of money by the municipality must, when interacting with a prospective lender or when preparing documentation for consideration by a prospective investor:
 - 8.1.1 disclose all information in that person's possession or within that person's knowledge that may be material to the decision of that prospective lender or investor; and
 - 8.1.2 take reasonable care to ensure the accuracy of any information disclosed.
- 8.2 Information to be provided should include:
 - 8.2.1 Audited financial statements for the preceding three (3) financial years with audited outcomes;
 - 8.2.2 Approved annual budget;
 - 8.2.3 The municipal integrated development plan;
 - 8.2.4 Repayment schedules pertaining to existing short-term or long-term debt.

- 8.3 A lender or investor may rely on written representations of the municipality signed by the AO, if the lender or investor did not know and had no reason to believe that those representations were false or misleading.

9 MUNICIPAL GUARANTEES

- 9.1 A municipality may not issue any guarantee for any commitment or debt of any organ of state or person, except on the following condition:
- 9.1.1 The guarantee must be within limits specified in the municipality's approved budget.
- 9.2 Neither the national nor a provincial government may guarantee the debt of a municipality except to the extent that chapter 8 of the Public Finance Management Act provides for such guarantees.

10 APPROVAL

- 10.1 Once Council approves the loan, the AO has to enter into an agreement with the recommended financial institution on behalf of Council. The Chief Financial Officer must ensure that the terms and conditions are as originally agreed before the Council is committed;
- 10.2 All municipal loan commitments must be recorded in a Loans Register reflecting at a minimum the:
- 10.2.1 Loan number;
 - 10.2.2 Type of loan;
 - 10.2.3 Financial institution;
 - 10.2.4 Date issued;
 - 10.2.5 Purpose of loan;
 - 10.2.6 Loan period;
 - 10.2.7 Interest rate;
 - 10.2.8 Installments (capital and interest);
 - 10.2.9 Due dates (quarterly / half-yearly / yearly);
 - 10.2.10 Security (if any);
 - 10.2.11 Final redemption date;

- 10.2.12 Opening balance at the beginning of the financial year;
- 10.2.13 Amounts received during the financial year;
- 10.2.14 Capital amounts redeemed during the financial year; and
- 10.2.15 Closing balance at the end of the financial year.

10.3 Sufficient provision must be made in the budget to depreciate assets linked to the loan.

11 DOCUMENTS TO BE KEPT ON RECORD

- 11.1 The following loan documentation and certificates, at a minimum, must be safeguarded at all times:
- 11.1.1 Loan agreements;
 - 11.1.2 Any applicable security agreements;
 - 11.1.3 Copy of annual loans register;
 - 11.1.4 Signed copies of monthly reconciliations;
 - 11.1.5 Copies of all repayments made;
 - 11.1.6 Copies of amortization schedules;
 - 11.1.7 Copies of quarterly National Treasury returns.

12 POLICY AMENDMENT

The AO must–

- (a) at least annually review the implementation of this Policy; and
- (b) when the AO considers it necessary, submit proposals for the amendment of this Policy to the Council.

The review of this policy and any amendment should be made with due consideration and in conjunction with the annual review of the budget related policies as prescribed in the Municipal Budget and Reporting Regulations, 2008.

13 APPROVAL AND EFFECTIVE DATE

The policy will be effective 1 July 2025.

**Annexure N Budget
Funding and Reserves
Policy
2025/2026**



FUNDING AND RESERVES POLICY
2025/2026 FINANCIAL YEAR

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ABBREVIATIONS

MLM	Midvaal Local Municipality
AO	Accounting Officer
ASB	Accounting Standards Board
CFO	Chief Financial Officer
CRR	Capital Replacement Reserve
GRAP	Generally Recognised Accounting Practise
IDP	Integrated Development Plan
MFMA	Municipal Finance Management Act
MSA	Municipal Systems Act
VAT	Value Added Tax
SDBIP	Service Delivery and Budget Implementation Plan

1. PURPOSE OF THIS DOCUMENT

This policy sets out the principles for determining the following:-

- Projected billings, collections and all direct revenues;
- The provision for revenue that will not be collected;
- The funds the Municipality can expect to receive from investments;
- The proceeds the Municipality can expect to receive from the transfer or disposal of assets;
- The funds to be set aside in reserves.

2. DEFINITIONS

In this Policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), has the meaning so assigned, and:

“Accounting Officer” – means the Municipal Manager and vice versa;

“Act” – means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

“Chief Financial Officer” – means an officer of the Municipality, designated by the Municipal Manager to be administratively in charge of the financial affairs of the municipality;

“Council” or “Municipality” – means the Municipal Council of Midvaal Local Municipality as referred to in Section 18 of the Municipal Structures Act;

“Creditor” – in relation to a municipality, means any person or service provider to whom money is owing by the Municipality;

“Debt” – means –

- (a) a monetary liability of obligation created by a financing agreement, note, debenture, bond, overdraft or the issuance of municipal securities; or
- (b) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another.

“Delegatee” – means an official / person delegated to perform tasks on behalf of another person;

“Financial Statement” – means statements consisting of at least –

- (a) a balance sheet (statement of financial position);
- (b) an income statement (statement of financial performance);
- (c) a cash-flow statement;

- (d) any other statements that may be prescribed; and
- (e) any notes to these statements.

“Financial year” – means a period of twelve months ending on the 30 June;

In this document unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

3. BACKGROUND

The Local Government: Municipal Finance Management Act No 56 of 2003 (*hereafter MFMA*) section 18 requires that an annual budget may only be funded from:

- (a) Realistically anticipated revenues to be collected;
- (b) Cash backed accumulated funds from previous years' surpluses not committed for other purposes; and
- (c) Borrowed funds, but only for capital projects.

Section 19 of the MFMA also requires spending on a capital project may only be commenced once the funding sources have been considered, are available and have not been committed for other purposes. Furthermore, Chapter 6 of the MFMA 6 guides on the requirements of obtaining Short Term and Long Term Debt, Conditions to comply with when applying for Debt, Security, Disclosures and Municipal Guarantees.

The Local Government: Municipal Finance Management Act No 56 of 2003 Municipal Budget and Reporting Regulations, 2009 Section 8 requires that each Municipality should have a Funding and Reserves Policy.

4. OBJECTIVES

The objectives of the policy relating to funding and reserves are as follows:

- (a) To comply with the legislative requirements;
- (b) To ensure that the Municipality's Operating and Capital budgets are adequately funded;
- (c) To ensure that the Municipality's provisions and reserves are maintained at the required levels, in order to mitigate unfunded liabilities in future financial years; and
- (d) To achieve financial sustainability with acceptable levels of service delivery to the community.

5. APPROVAL AND EFFECTIVE DATE

The policy will be effective as from 1 July 2025.

6. POLICY AMENDMENT

The AO must–

- (a) at least annually review the implementation of this Policy; and
- (b) when the AO considers it necessary, submit proposals for the amendment of this Policy to the Council.

The review of this policy and any amendment should be made with due consideration and in conjunction with the annual review of the budget related policies as prescribed in the Municipal Budget and Reporting Regulations, 2008.

7. RELATIONSHIP WITH OTHER POLICIES

This policy needs to be read in conjunction with other relevant adopted policies of the municipality, including the following:

- Accounting Policy;
- Cash Management and Investment Policy
- Long Term Financial Plan Policy;

8. REFERENCES

The following references were observed in compiling this document:

- Municipal Finance Management Act, 2003
- Municipal Systems Act, 2000
- Municipal Structures Act, 1998
- Accounting Standards Board
- MFMA Circular 18 & 44
- MFMA Budget Circular 51
- Municipal Budget and Reporting Regulations, 2008
- Government Gazettes (30013 & 31021)
- Generally Recognised Accounting Practice

9. PRINCIPLES REGARDING THE FUNDING OF THE ANNUAL BUDGET

- 9.1 An annual budget may only be funded from:-
 - 9.1.1 Realistically anticipated revenues to be collected;
 - 9.1.2 Cash backed accumulated funds from previous years surpluses and reserves not committed for any other purpose; and
 - 9.1.3 Borrowed funds but only for the capital budget.
- 9.2 Realistic anticipated revenue projections must take into account:-
 - 9.2.1 Projected revenue for the current year based on collection levels to date; and
 - 9.2.2 Actual revenue collected in previous financial years.
- 9.3 Spending on a capital project may only occur if:-
 - 9.3.1 The money for the project, excluding the cost of feasibility studies, has been appropriated in the budget;
 - 9.3.2 The project, including the total cost, has been approved by Council;
 - 9.3.3 The sources of funding have been considered, are available and have not been committed for other purposes;
 - 9.3.4 Council has considered:-
 - 9.3.4.1 The projected cost covering all financial years until the project is operational; and
 - 9.3.4.2 The future operations costs and revenue on the project, including municipal tax and tariff implications.

10. FUNDING THE OPERATING BUDGET

- 10.1 The operating budget provides funding to departments for their medium term expenditure as planned.
 - 10.1.1 The Municipality categorises services rendered to the community according to its revenue generating capabilities as follows:-
 - 10.1.2 Trading services (services that generate predetermined surpluses that can be used to fund other services rendered by the Municipality);
 - 10.1.3 Economic services (services that should at least break-even, but do not necessarily generate any surpluses to fund other services rendered by the Municipality);
 - 10.1.4 Rates and General (services that are funded by property rates, government grants or surpluses generated by the trading services).
- 10.2 The operating budget is funded from the following main sources of revenue:-
 - 10.2.1 Property rates;
 - 10.2.2 Service charges;
 - 10.2.3 Government grants and subsidies;
 - 10.2.4 Other sundry revenue, such as fines, interest received etc; and
 - 10.2.5 Cash backed accumulated surpluses from previous years not committed for any other purposes.
- 10.3 The following guiding principles apply when compiling the operating budget:-
 - 10.3.1 The annual budget must be funded ;

- 10.3.2 Growth parameters must be realistic taking into account the current economic conditions;
- 10.3.3 Tariff adjustments must be realistic, taking into consideration affordability, bulk increases and future projected growth according to the approved Integrated Development Plan (IDP);
- 10.3.4 Revenue from government grants and subsidies must be in line with allocations gazetted in the Division of Revenue Act and Provincial Gazettes;
- 10.3.5 Revenue from public contributions, donations or any other grants may only be included in the budget if there is acceptable documentation that guarantees the funds such as:-
- 10.3.5.1 A signed service level agreement;
 - 10.3.5.2 A contract or written confirmation; or
 - 10.3.5.3 Any other legally binding document.
- 10.3.6 Property rates are levied according to the Municipal Property Rates Act and Property Rates Policy based on the market values. The budget is compiled using the latest approved Valuation Roll and any Supplementary Roll, consistent with current and past trends. Property rates tariffs and rebates are determined annually as part of the tariff setting process;
- 10.3.7 Property rates rebates, exemptions and reductions are budgeted either as revenue foregone or as a grant as per MFMA Budget Circular 51 depending on the conditions thereof;
- 10.3.8 Projected revenue from service charges must be realistic - based on current and past trends with expected growth considering the current economic conditions. The following factors must be considered for each service:-
- 10.3.9 Metered services comprising of electricity and water:-

- 10.3.9.1 The consumption trends for the previous financial years;
- 10.3.9.2 Envisaged water restrictions or load shedding when applicable; and
- 10.3.9.3 Actual revenue collected in previous financial years.

- 10.3.10 Refuse removal services:-
 - 10.3.10.1 The actual number of erven receiving the service per category; and
 - 10.3.10.2 Actual revenue collected in previous financial years.

- 10.3.11 Sewerage services:-
 - 10.3.11.1 The actual number of erven receiving the service per category and the consumption trends per category; and
 - 10.3.11.2 Actual revenue collected in previous financial years.

- 10.3.12 Rebates, exemptions or reductions for service charges are budgeted either as revenue foregone or as a grant as per MFMA Budget Circular 51 depending on the conditions thereof;

- 10.3.13 Other projected revenue is charged in terms of the approved sundry tariffs and fines considering the past trends and growth for each category.

- 10.3.14 Provision for revenue that will not be collected is made against the expenditure item debt impairment and is based on actual collection levels for the previous financial year and the latest projected annual non-payment rate.

- 10.3.15 Transfers from the accumulated surplus to fund operating expenditure will only be allowed for specific once-off projects and with no recurring operating expenditure resulting thereof.

- 10.3.16 Interest received from actual long-term and or short-term investments are based on the amount reasonably expected to be earned on cash amounts available during the year according to the expected interest rate trends.

- 10.3.17 Depreciation charges are fully budgeted for according to the asset register and to limit the impact of the implementation of Asset Related GRAP Standards a transfer is made from the accumulated surplus.
- 10.3.18 A detailed salary budget is compiled on an annual basis. All funded positions are budgeted for in total and new and/or funded vacant positions are budgeted for nine (9) months only of the total package considering the time for the recruitment process.
- 10.3.19 To ensure the health of the municipal asset base, sufficient provision must be made for the maintenance of existing and infrastructure assets based on affordable levels as maintenance budgets are normally lower than the recommended levels. As a guiding principle repair and maintenance should constitute at least between 7% and 9% of total operating expenditure and should annually be increased incrementally until the required targets are achieved. Actual spending in previous years
- 10.3.20 Individual expenditure line items are to be revised each year when compiling the budget to ensure proper control over operating expenditure. Increases for these line items must be linked to the average inflation rate and macro-economic indicators unless a signed agreement or contract stipulates otherwise.

11. FUNDING THE CAPITAL BUDGET

11.1 The municipality's objective is to maintain, through proper maintenance and replacement measures, existing levels of service and to improve and implement services which are neglected or non – existent. In order to achieve this objective the municipality must annually, within financial means, budget for the replacement of redundant assets as well as new assets. The capital budget provides funding for the Municipality's capital programme based on the needs and objectives as identified by the community through the Integrated Development Plan and provides for the eradication of infrastructural backlogs, renewal and upgrading of existing infrastructure, new developments and enlargement of bulk infrastructure. Provisions on the capital budget will be limited to availability of sources of funding and affordability. The main sources of funding for capital expenditure are:-

11.1.1 Cash backed accumulated surpluses;

11.1.2 Borrowings;

11.1.3 Government grants and subsidies;

11.1.4 Public donations and contributions; and

11.1.5 Operating revenue.

11.2 The following guiding principles apply when considering sources of funding for the capital budget:-

11.2.1 Government grants and subsidies:-

11.2.1.1 Only gazette allocations or transfers as reflected in the Division of Revenue Act or allocations as per Provincial Gazettes may be used to fund projects;

11.2.1.2 The conditions of the specific grant must be taken into consideration when allocated to a specific project; and

- 11.2.1.3 Government grants and subsidies allocated to specific capital projects are provided for on the relevant department's operating budget to the extent that the conditions will be met during the financial year.
- 11.2.2 In the case of public contributions, donations and/or other grants, such capital projects may only be included in the annual budget if the funding is guaranteed by means of:-
 - 11.2.2.1 A signed service level agreement;
 - 11.2.2.2 A contract or written confirmation; and/or
 - 11.2.2.3 Any other legally binding document.
- 11.2.3 Public donations, contributions and other grants are provided for on the relevant department's operating budget to the extent that the conditions will be met during the financial year.
- 11.2.4 The borrowing requirements as contained in the borrowing policy are used as a basis to determine the affordability of external loans over the Medium Term Revenue and Expenditure Framework. The ratios to be considered to take up new borrowings include:-
 - 11.2.4.1 long-term debt to revenue (excluding grants) not to exceed 40%;
 - 11.2.4.2 payment rate of above 90%;
 - 11.2.4.3 percentage of capital charges to operating expenditure less than 15% (Interest and redemption).
- 11.2.5 Allocations to capital projects from cash backed accumulated surpluses will be based on the available funding for each ring-fenced reserve according to the conditions of each reserve as follows:-
 - 11.2.5.1 Capital projects of a smaller nature such as office equipment, furniture, plant and equipment etc. must be funded from own generated revenue from the operating budget for that specific year;

- 11.2.5.2 Capital projects to upgrade bulk services will be allocated to the capital bulk contributions reserve for each service.
- 11.2.6 All capital projects have an effect on future operating budgets. The following cost factors should therefore be considered before approval:-
 - 11.2.6.1 Additional personnel cost to staff new facilities once operational;
 - 11.2.6.2 Additional contracted services, such as security, cleaning etc.
 - 11.2.6.3 Additional general expenditure, such as services cost, stationery, telephones, material etc.
 - 11.2.6.4 Additional other capital requirements to operate the facility, such as vehicles, plant and equipment, furniture and office equipment etc.
 - 11.2.6.5 Additional costs to maintain the assets;
 - 11.2.6.6 Additional interest and redemption in the case of borrowings;
 - 11.2.6.7 Additional depreciation charges;
 - 11.2.6.8 Additional revenue generation. The impact of expenditure items must be offset by additional revenue generated to determine the real impact on tariffs.

All Reserves are “ring fenced” as internal reserves within the accumulated surplus, except for provisions as allowed by the standards of Generally Recognised Accounting Practices (GRAP).

The following ring-fenced reserves exist: -

12. CAPITAL REPLACEMENT RESERVE

Funding for capital budgets of future financial years are generated through contributions from the operating budget. Once the Municipality has reached its maximum gearing ability no further borrowings can be taken up. This necessitates that the Municipality also invests in a capital replacement reserve. However, it must be cash backed.

This reserve once fully established will enable the Municipality to provide internal funding for its capital replacement and renewal programme. Other contributions to the capital replacement reserve through the operating budget may include interest received on investments.

This reserve must be cash backed at all times to ensure the availability of cash to fund the municipal capital programme.

13. ASSET FAIR VALUE RESERVE

The Asset Fair Value Reserve is created through the transfer of the increase in the carrying value of Property, Plant and Equipment identified through the adoption of GRAP17. This is an accounting concept and the reserve does not represent a cash reserve in the true sense. The reserve cannot be utilised for any other purpose than the accumulation of the increase in carrying value, or offsetting of a decrease in carrying value of Property, Plant and Equipment. The reserve and accounting treatment thereof is governed by GRAP 17.

14. PUBLIC CONTRIBUTIONS RESERVE

Bulk contributions charged to developers in terms of Council's Bulk Contributions Policy are ring-fenced and must be kept in cash. The reserve can only be utilised for the funding of capital infrastructure and in accordance with Council's approved Capital Budget.

PROVISIONS

A provision is recognised when the municipality has a present obligation as a result of a past event and it is probable, more likely than not, that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Provisions are revised annually and those estimates to be settled within the next twelve (12) months are treated as current liabilities.

The municipality has the following provisions:

15. LEAVE PROVISION / ACCRUAL

Liabilities for annual leave are recognised as they accrue to employees. An annual provision is made from the operating budget to the leave provision.

16. LANDFILL REHABILITATION PROVISION

The landfill site rehabilitation provision is created for the current operational site at the future estimated time of closure. The value of the provision is based on the expected future cost to rehabilitate the landfill site. This provision must be cash backed as determined in the Cash Management Policy, to ensure availability of cash for rehabilitation on closure.

17. PROVISION FOR LONG SERVICE AWARDS

Municipal employees are awarded leave days according to years in service at year end. Due to the fact that not all long service leave balances are redeemed for cash. The provision is cash backed.

Long service awards can be encashed at the discretion of the Municipal Manager and will be subject to the cash flow position of Council.

18. PROVISION FOR POST EMPLOYMENT MEDICAL BENEFITS

The municipality provides retirement medical care benefits by subsidizing the medical aid contributions to retired employees and their legitimate spouses. The entitlement to retirement medical benefits is based on employees remaining in service up to retirement age and the completion of a minimum service period. The expected cost of these benefits is accrued over a period of employment.

The provision is cash backed.

19. OTHER ITEMS TO BE CASH BACKED

The Cash Management Policy also specifies certain other items (in addition to fund and reserves) that must be cash backed.

20. POLICY IMPLEMENTATION

This policy will effective as from 1 July 2025.



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Annexure O
Municipal Supply Chain
Management Policy and
Procedures
2025/2026



**SUPPLY CHAIN
MANAGEMENT POLICY
2025/2026 FINANCIAL YEAR**



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Abbreviations:

- MLM - Midvaal Local Municipality
- SCM - Supply Chain Management
- PR - Purchase Requisition
- GPT - Gauteng Provincial Treasury
- NT - National Treasury
- AG - Auditor General of South Africa

1. **DEFINITIONS**

In this policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, and –

“Accounting Officer” means the person appointed by the Municipality as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), responsible and accountable in terms of section 55(2) of the Local Government : Municipal Systems Act 2000 (Act 32 of 2000) and includes any person acting in such position and to whom the Municipal Manager has delegated a power, function or duty. Accounting Officer also means Municipal Manager and vice versa.

“Competitive bid” means a bid in terms of a competitive bidding process;

“CIDB” means Construction Industry Development Board Act, Act 38 of 2000;

“Final award”, in relation to bids or quotations submitted for a contract, means the final decision on which a bid or quote to is accept;

“Formal written price quotation” means quotations referred to in paragraph 17.1 of this policy;

“Grey List” means a list of service providers contracted to the municipality who have failed to meet contractual obligations and therefore temporarily barred from doing business with the municipality for a period not exceeding 12 months or a financial year;

“In the service of the state” means to be –

- (a) a member of –
 - i. any municipal council;
 - ii. any provincial legislature; or
 - iii. the National Assembly or the National Council of Provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of Public Finance Management Act, 1999 (Act 1 of 1999);
- (e) a member of the accounting authority or any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature;

“Long term contract” means a contract with a duration period exceeding one year;

“List of accredited prospective providers” means the list of accredited prospective providers registered on the National Treasury Central Supplier Database (CSD) in terms of Section 14 of this policy;

“Database of restricted bidders” means the database of bidders restricted from doing business with a Municipality as set out in paragraph 14.1 of this policy as defined in Circulars 43, 46, 52 and 56 of National Treasury.

“Other applicable legislation” means any other legislation applicable to the municipal Supply Chain Management, including but not limited to –

- (a) The Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), the PPPFA regulations, 2022 and all amendments;
- (b) The Broad Based Black Economic Empowerment Act, 2003 (Act 53 of 2003), the regulations and all amendments;
- (c) The Construction Industry Development Board Act, 2000 (Act 38 of 2000), the regulations and all amendments;
- (d) The Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2003), the regulations and all amendments;
- (e) The Competition Act, 1998 (Act 89 of 1998), the regulations and all amendments; and
- (f) The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

“Petty Cash”, means a small amount for incidental purchases of low value goods and services

“PPP”, Preferential Procurement Policy as adopted by Midvaal Local Municipality

“Single source”: refers to when the competition exists in the market, but only from a selected few supplier, due to technical capabilities and abilities, comply with the requirements of the municipality.

“Sole Supplier”: refers in instances where there is no competition and only one service provider exists in the market, with sole distribution rights and/or patent rights or being a sole manufacturer, supplier, or distributor of the goods or services required.

“Strip & quote” When it is not certain what repairs and maintenance should be performed on equipment and vehicles and it becomes impractical to obtain quotations, the equipment or

vehicle is sent to a supplier who disassembles (strip) it to determine what is wrong with it. Thereafter a quote is issued.

“Treasury guidelines” means any guidelines on supply chain management issued by the Minister in terms of section 168 of the Act;

“The Act” means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

“The Regulations” means the Local Government: Municipal Finance Management Act, 2003, Municipal Supply Chain Management Regulations published by Government Gazette no. 27636, 30 May 2005 and all amendments;

“Material Flaw or Irregularity” means a significant fault or mistake or weakness, identified to potentially impede the principles of fairness or transparency.

“Municipal Cost Containment Regulations” means the Local Government: Municipal Finance Management Act, 2003, Municipal Cost Containment Regulations, 2019;

“The Council” means the Midvaal Local Municipality abbreviated to MLM.

CHAPTER 1

IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY

2. SUPPLY CHAIN MANAGEMENT POLICY

2.1. All officials and other role players in the supply chain management system of the Midvaal Local Municipality must implement this Policy in a way that –

- (a) gives effect to –
 - Section 217 of the Constitution; and
 - Part 1 of Chapter 11 and other applicable provisions of the Act;
- (b) is fair, equitable, transparent, competitive, and cost-effective;
- (c) Complies with –
 - the Regulations; and
 - any minimum norms and standards that may be prescribed in terms of section 168 of the Act;
- (d) is consistent with other applicable legislation;
- (e) does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and
- (f) is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

2.2. This Policy applies when the Midvaal Local Municipality –

- (a) procures goods and services;
- (b) disposes of goods no longer needed;
- (c) appoints contractors to provide assistance in the provision of municipal services otherwise than in circumstances where Chapter 8 of the Municipal Systems Act applies; or
- (d) selects external mechanisms referred to in section 80 (1) (b) of the Municipal Systems Act for the provision of municipal services in circumstances contemplated in section 83 of that Act.

2.3. This Policy, except where provided otherwise, does not apply in respect of the procurement of goods and services contemplated in section 110(2) of the Act, including:

- (a) water from the Department of Water Affairs or a public entity, another municipality or a municipal entity; and
- (b) electricity from Eskom or another public entity, another municipality or a municipal entity.

3. AMENDMENT OF THE SUPPLY CHAIN MANAGEMENT POLICY

3.1. The accounting officer must –

- (a) at least annually review the implementation of this Policy; and
- (b) when the accounting officer considers it necessary, submit proposals for the amendment of this Policy to the council

3.2. If the accounting officer submits proposed amendments to the council that differ from the model policy issued by the National Treasury, the accounting officer must –

- (c) ensure that such proposed amendments comply with the Regulations; and
- (d) report any deviation from the model policy to the National Treasury and the Gauteng Provincial Treasury.

3.3. When amending this Supply Chain Management Policy, the need for uniformity in supply chain practices, procedures and forms between organs of state in all spheres, particularly to promote accessibility of supply chain management systems for small businesses must be taken into account.

3.4. The draft policy should be forwarded to the Gauteng Provincial Treasury: Policy, Norms and Standards component before tabling to the Municipal Council for approval.

4. DELEGATION OF SUPPLY CHAIN MANAGEMENT POWERS AND DUTIES

- 4.1. The Council hereby delegates all powers and duties to the accounting officer which are necessary to enable the accounting officer –
- (a) to discharge the supply chain management responsibilities conferred on accounting officers in terms of –
 - Chapter 8 or 10 of the Act; and
 - this Policy;
 - (b) to maximise administrative and operational efficiency in the implementation of this Policy;
 - (c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of this Policy; and
 - (d) to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Act.
- 4.2. Section 79 and 106 of the Act apply to the sub-delegation of powers and duties delegated to an accounting officer in terms of subparagraph (4.1).
- 4.3. The council or the accounting officer may not sub-delegate any supply chain management powers or duties to a person who is not an official of the Midvaal Local Municipality or to a committee which is not exclusively composed of officials of the Midvaal Local Municipality;
- 4.4. This paragraph may not be read as permitting an official to whom the power to make final awards has been delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this Policy.

5. SUB-DELEGATIONS

- 5.1. The accounting officer may in terms of section 79 or 106 of the Act sub-delegate any supply chain management powers and duties, including those delegated to the accounting officer in terms of this policy, but any such sub-delegation must be consistent with subparagraph (5.2) of this paragraph, and paragraph 4 of this Policy

as well as the as well as the Midvaal Local Municipality's Policy Document: Division of Legislative and Executive Functions and Delegations of Authority.

5.2. The Accounting officer hereby sub-delegates the following and gives power to make a final award –

5.2.1. above R10 million (VAT included) may not be sub-delegated and is thus to be awarded by the Accounting Officer only;

5.2.2. above R200 000-00 (VAT included), but not exceeding R10 million (VAT included), is hereby sub-delegated to –

- The bid adjudication committee (BAC) consisting of the Chief Financial Officer or another senior manager, or persons acting in their stead.

5.2.3. not exceeding R200 000 (VAT inclusive) is hereby sub-delegated as follows:

- (a) The Chief Financial Officer to approve acquisitions up to R20 000 (VAT Inclusive).

5.3. An official or the bid adjudication committee to which the power to make final awards has been sub-delegated in accordance with subparagraph (5.2.2 and 5.2.3) must within five (5) days of the end of each month submit to the official referred to in subparagraph (5.4) a written report containing particulars of each final award made by such committee or person during that month, including:

- The amount of the award;
- The name of the person to whom the award was made; and
- the reason why the award was made to that person.

5.4. A written report referred to in subparagraph 5.3 must be submitted –

- (a) to the accounting officer, in the case of an award by – a bid adjudication committee; or
- (b) to the Chief Financial Officer, in the case of an award by - a manager referred to in subparagraph (5.2.3) (a) (b).

- 5.5. Subparagraph (5.3) and (5.4) of this policy do not apply to procurements made out of petty cash.
- 5.6. This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been sub-delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this Policy.
- 5.7. No supply chain management decision-making powers may be delegated to an advisor or consultant. Advisors and consultants, who were either involved with drafting of specifications or technical evaluation of bids under their supervision as per their appointment, may attend bid specifications and bid evaluation committees in their professional capacity. Both Bid Specifications and Bid Evaluation Committees **do not** have decision-making or award powers, they can only recommend to the Bid Adjudication Committee.

6. OVERSIGHT ROLE OF COUNCIL

- 6.1. The council reserves its right to maintain oversight over the implementation of this Policy.
- 6.2. For the purposes of such oversight the accounting officer of MLM must:
 - 6.2.1. Within 30 days of the end of each financial year, submit a report on the implementation of this Policy and the supply chain management policy of any municipal entity under the sole or shared control of MLM, to the council of the Midvaal Local Municipality; and
 - 6.2.2. Whenever there are serious and material problems in the implementation of this Policy, immediately submit a report to the council.
- 6.3. The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor.
- 6.4. The reports must be made public in accordance with section 21A of the Municipal Systems Act.

7. SUPPLY CHAIN MANAGEMENT UNIT

- 7.1. A supply chain management unit is hereby established to implement this Policy.

- 7.2. The supply chain management unit operates under the direct supervision of the Chief Financial Officer or an official to whom this duty has been delegated in terms of section 82 of the Act.

8. TRAINING OF SUPPLY CHAIN MANAGEMENT OFFICIALS

The training of officials involved in implementing this Policy should be in accordance with National Treasury: Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Levels dated 15/06/2007 and any other Treasury guidelines on supply chain management training.

CHAPTER 2

SUPPLY CHAIN MANAGEMENT SYSTEM

9. FORMAT OF SUPPLY CHAIN MANAGEMENT SYSTEM

This Policy provides systems for –

- (i) demand management;
- (ii) acquisition management;
- (iii) logistics management;
- (iv) disposal management;
- (v) risk management;
- (vi) performance management.

PART 1: DEMAND MANAGEMENT

10. SYSTEM OF DEMAND MANAGEMENT

This accounting officer must establish and implement an appropriate demand management system to ensure that the resources required by Midvaal Local Municipality supports its operational commitments and strategic goals as outlined in the Integrated Development Plan (IDP).

Demand management must be co-ordinated by SCM officials of the municipality in consultation with end-users. This includes a detailed analysis of the goods, works or services required, such as: -

- the scope of the work to be executed;
- the time required to complete the project; and
- the material, resources, equipment required to execute the project.

The outcome of this activity should be a detailed planning document that outlines what goods, works or services should be procured, the manner in which they should be procured as well as the timelines to execute the procurement functions.

Procurement planning should take place at the beginning of the financial year when the municipality's IDP, Service Delivery and Budget Implementation Plan (SDBIP) and annual budget have been approved. Procurement plans cannot be developed in isolation; it should instead form part of the municipality's and other functional strategies. The SCM Unit must perform hand-in-hand with user departments and directorates in the formulation of procurement plans.

Approved procurement plans containing all planned procurement for the financial year in respect of the procurement of goods, works or services which exceed R200 000 (all applicable taxes included) must be submitted to Gauteng Provincial Treasury by not later than 31 July of each year.

10.1. The demand management system must –

- (a) include timely planning and management processes to ensure that all goods and services required by MLM are quantified, budgeted for timeously, and effectively delivered at the right location, and the critical date, and be of the appropriate quantity and quality of a fair cost;
- (b) take into account any benefits of economies of scale that may be delivered in the case of acquisitions of a repetitive nature (such as long-term contracts);

- (c) provide for the compilation of the required specifications to ensure that its needs are met;
- (d) take into consideration past spending analysis;
- (e) undertake appropriate industry analysis and research to ensure that innovations and technological benefits are maximised to the extent appropriate and within the available resources.

PART 2: ACQUISITION MANAGEMENT

11. SYSTEM OF ACQUISITION MANAGEMENT

- 11.1. The accounting officer must implement the system of acquisition management in order to ensure –
- (a) that goods and services are procured by the Midvaal Local Municipality in accordance with authorised processes only;
 - (b) that expenditure on goods and services is incurred in terms of an approved budget in terms of section 15 of the Act;
 - (c) that the threshold values and limits for the different procurement processes are complied with;
 - (d) that bid documentation, evaluation and adjudication criteria, general conditions of a contract and special conditions of contract are in accordance with applicable legislation;
 - (e) that any Treasury guidelines (as per the circulars issued) on acquisition management are properly taken into account.
- 11.2. When procuring goods or services contemplated in section 110(2) of the Act, the accounting officer must make public on the website the fact that such goods or services are procured otherwise than through the Midvaal Local Municipality's supply chain management system, including –
- (a) the kind of goods or services; and
 - (b) the name of the supplier.
- 11.3. Procurement of the following goods and services are exempted from normal procurement process:
- (a) Water from the municipality or municipal entity;
 - (b) Electricity from the municipality or municipal entity;
 - (c) Subscription Fees;
 - (d) Payments for and renewal of license fees;
 - (e) Tuition or enrolment fees payable through bursaries;

- (f) Professional Memberships;
- (g) Human Resource Employee Benefits;
- (h) Procurement of Regulatory Bodies;

12. RANGE OF PROCUREMENT PROCESSES

12.1. Goods and services may only be procured by way of –

- (a) Purchases up to a transaction value of R2 000 (VAT inclusive), submit a written quotation or valid Tax invoice (certified by the HoD / Delegated Official). In the case of a tax invoice, a sundry voucher must be completed and submitted for processing within 2 working days.
- (b) Formal written price quotations process for procurement of a transaction value over R2000 up to R300 000 (VAT Included).
- (c) A competitive bidding process for –
 - (i) procurement above a transaction value of R300 000 (VAT inclusive);
 - (ii) the procurement of long-term contracts.

12.2. The accounting officer may, in writing –

- (a) Lower, but not increase, the different threshold values specified in subparagraph (12.1); or
- (b) Direct that –
 - (i) formal written price quotations be obtained for any specific procurement of a transaction value lower than R30 000 (VAT Inclusive); or
 - (ii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R300 000 (VAT Inclusive).

12.3. Splitting of works and services

Goods or services may not deliberately be split into parts or items of a lesser value merely to avoid complying with the requirements of the policy, or to circumvent the requirements of the procurement processes. When determining transaction values,

a requirement for goods or services consisting of different parts or items must, as far as possible, be treated and dealt with as a single transaction.

13. GENERAL PRECONDITIONS FOR CONSIDERATION OF WRITTEN QUOTATIONS OR BIDS

A written quotation or bid may not be considered unless the provider who submitted the quotation or bid –

13.1. Has furnished the provider's –

- (a) Full name;
- (b) Identification number or company or other registration number; and
- (c) Tax reference number and VAT registration number, if any;

13.2. Tax status on the central supplier database reflects as compliant and/or the supplier has authorised Midvaal Local Municipality via a tax pin to confirm with the South African Revenue Services that their tax status is compliant, and

13.3. Has indicated –

- (a) Whether he or she is in the service of the state, or has been in the service of the state in the previous twelve months;
- (b) If the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in the service of the state, or has been in the service of the state in the previous twelve months; and
- (c) Whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in subparagraph (ii) is in the service of the state, or has been in the service of the state in the previous twelve months.

14. LIST OF ACCREDITED PROSPECTIVE PROVIDERS

14.1. The accounting officer must –

- (i) To keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through formal written price quotations;

- (ii) In terms of MFMA Circular 81, transact only with vendors registered on the National Treasury central supplier database. Vendors not registered on the National Treasury central supplier database will be barred from transacting with MLM for transactions above R2000 (VAT Inclusive);
- (iii) Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector;
- (iv) The Municipal Supply Chain Management Regulation 38(1)(c) requires a supply chain management policy to provide measures for combating abuse of the supply chain management system and must enable the accounting officer to check the National Treasury Central Supplier database prior to awarding any contract.

15. PURCHASES UP TO R2 000 (VAT INCLUSIVE)

15.1. The conditions for the procurement of goods by means of emergency purchases referred to in paragraph 12 (1) (a) of this Policy, are as follows –

- (a) For purchases up to a value of R2000 (Vat inclusive):
 - i. a valid invoice must be submitted with a sundry voucher;
 - ii. alternatively, a Purchase Requisition Form must be submitted with a written quotation for processing.

16. THIS SECTION IS REMOVED

17. FORMAL WRITTEN PRICE QUOTATIONS

17.1. The conditions for the procurement of goods or services through formal written price quotations for amounts above R2 000 up to R30 000 (amounts inclusive of VAT) are as follows:

- (a) Written quotations must be obtained in writing from at least three different providers whose names appear on the list of accredited prospective providers of the Midvaal Local Municipality, who are also compliant on the National Treasury Central Supplier Database;
- (b) Conditions aligned to; specific goals as may be determined in the Preferential Procurement Policy must be included in the invitation;

- (c) That if it is not possible to obtain at least three quotations, the reasons must be recorded and reported monthly to the accounting officer or another official designated by the accounting officer;
- (d) That the accounting officer must record the names of the potential providers requested to provide such quotations with their quoted prices;
- (e) Evaluation of offers are subject to the preference point system whereas a formula will be applied to calculate the points out of 80 for price in respect of a quotation with a Rand value equal to or above R2 000 and up to a Rand value of R30 000, inclusive of all applicable taxes:

The following formula will be applied:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

- (f) Thereafter, price points will be added to the specific goal points (as may be determined) in order to determine the highest procurement points scorer.

17.2. A designated official referred to in subparagraph (17.1) (c) must within three working days of the end of each month report to the accounting officer on any approvals given during that month by that official in terms of that subparagraph.

18. PROCEDURES FOR PROCURING GOODS OR SERVICES THROUGH FORMAL WRITTEN PRICE QUOTATIONS, ABOVE R30 000 UP TO R300 000 (VAT INCLUSIVE)

18.1. The procedure for the procurement of goods or services through formal written price quotations above R30 000 up to R300 000 (VAT Inclusive) is as follows:

- (a) All requirements above R30 000 (VAT inclusive) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 17, be advertised for at least seven days on the website and an official notice board of the Midvaal Local Municipality;

- (b) When using the list of accredited prospective providers, the accounting officer must promote on-going competition amongst providers;
- (c) That the accounting officer must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused;
- (d) That the accounting officer or chief financial officer must on a monthly basis be notified in writing of all formal written price quotations accepted by an official acting in terms of a sub-delegation;
- (e) Offers must be awarded based on compliance to specifications, ability and capability to deliver the goods and services;
- (f) Conditions aligned to specific goals as may be determined in the Preferential Procurement Policy must be included in the invitation;
- (g) Evaluation of offers are subject to the preference point system whereas a formula will be applied to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R300 000, inclusive of all applicable taxes;

The following formula will be applied:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

- (h) Thereafter, price points will be added to the specific goal points (as may be determined) in order to determine the highest procurement points scorer.
- (i) Record of approved specifications, advert, evaluation, and approval memos must be kept on file for audit purposes.

19. COMPETITIVE BIDS ABOVE R300 000 (VAT INCLUSIVE)

- 19.1. Goods or services above a transaction value of R300 000 (VAT included) and long-term contracts may only be procured through a competitive bidding process, subject to paragraph 11(2) of this policy.
- 19.2. No requirement for goods or services above an estimated transaction value of R300 000 (VAT included), may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.

20. PROCESS FOR COMPETITIVE BIDDING

- 20.1. The procedures for a competitive bidding process are as follows:
 - (a) Compilation of bidding documentation;
 - (b) Public invitation of bids;
 - (c) Site meetings or briefing sessions, *where applicable*;
 - (d) Handling of bids submitted in response to public invitation;
 - (e) Evaluation of bids;
 - (f) Awarding of contracts; and
 - (g) Proper record keeping.

21. BID DOCUMENTATION FOR COMPETITIVE BIDS

- 21.1. The criteria for which bid documentation for a competitive bidding process must:
 - (a) take into account:
 - (i) the general as well as special conditions of contract;
 - (ii) any Treasury guidelines on bid documentation; and
 - (iii) the requirements of the Construction Industry Development Board, in the case of a bid relating to the construction, upgrading, or refurbishment of buildings or infrastructure;

- (b) compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted;
- (c) if the value of the transaction is expected to exceed R10 million (VAT included), require bidders to furnish –
 - (i) if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements –
 - for the past three years; or
 - since their establishment if established during the past three years;
 - If the bidder is not required by law to prepare audited financial statements, then the unaudited financial statements for the past three years or since inception if established during the past three years.
 - (ii) a certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;
 - (iii) particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract;
 - (iv) a statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality or municipal entity is expected to be transferred out of the Republic; and
- (d) stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or, when unsuccessful, in a South African court of law.

22. PUBLIC INVITATION FOR COMPETITIVE BIDS

22.1. The procedure for the invitation of competitive bids, is as follows:

- (a) Any invitation to prospective providers to submit bids must be by means of a public advertisement in newspapers commonly circulating locally, the website of the municipality or any other appropriate ways (which may include an advertisement in the government Tender bulletin): and

(b) The information contained in a public advertisement, must include –

- i. the closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (VAT included), or which are of a long-term nature, or 14 days in any other case, from the date on which the advertisement is placed in a newspaper, subject to sub paragraph (22.2);
- ii. a statement that bids may only be submitted on the bid documentation provided by the Midvaal Local Municipality. Bid documents may not be re-typed and no bids where correction fluid is used in critical areas of the bid document, such as the pricing schedule and/or regulatory compliance documents will be accepted. Any corrections are to be crossed out and initialled. Non-initialled corrections will render the bid invalid; and
- iii. date, time, and venue of any proposed site meetings or briefing sessions applicable. Where briefing/site meetings are compulsory, no bids will be accepted if the contractor (who is considered to be a technical representative) has not attended this session and documents will only be accepted from contractors whose names appear on the attendance register.

22.2. The accounting officer may determine a closure date for the submission of bids which is less than the 30- or 14-days requirement. Any shorter period may only be approved if it can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official advertising period.

22.3. Bids submitted must be sealed and should be marked clearly with the bid number and description and placed in the tender box.

22.4. Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.

22.5. The specific goals as may be determined in Midvaal Local Municipality's preferential procurement policy must be stipulated in the advertisement.

23. PROCEDURE FOR HANDLING, OPENING AND RECORDING OF BIDS

The procedures for the handling, opening and recording of bids, are as follows:

23.1. Bids –

- (a) must be opened in public by at least two SCM officials in the presence of the bidders *(if present)*;

- (b) must be opened at the same time and as soon as possible after the period for the submission of bids has expired; and
 - (c) received after the closing time, will not be considered and unopened immediately.
- 23.2. Bidders that have submitted bids have the right to request the register of names for bidders who submitted bids in time, and can thus request for the opening to be read out and, *if practical*, each bidder's total bidding price;
- 23.3. No information, except the provisions in subparagraph 23.2, relating to the bid should be disclosed to bidders or other persons until the successful bidder is notified of the award;
- 23.4. The accounting officer must –
 - (a) record in a register all bids received in time;
 - (b) make the register available for public inspection; and
 - (c) publish the entries in the register and the bid results on the website.

24. NEGOTIATIONS WITH PREFERRED BIDDERS

- 24.1. The accounting officer may negotiate the final terms of the contract for bids exceeding R10 million (VAT Inclusive). The accounting officer may delegate to the BAC to negotiate contracts with bidders identified through a competitive bidding process who emerge as the preferred bidder, specifically for values below the specified threshold, provided such negotiations –
- (a) does not allow any preferred bidder a second or unfair opportunity;
 - (b) is not to the detriment of any other bidder; and
 - (c) does not lead to a higher price than the bid as submitted.
- 24.2. Minutes and an attendance register of such negotiations must be kept for record purposes.
- 24.3. If the price offered by a tenderer scoring the highest procurement points is not market-related, the organ of state may not award the contract to that tenderer. The municipality may –
- (i) negotiate a market-related price with the tenderer scoring the highest points; or
 - (ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points; or
 - (iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points; or
 - (iv) if a market-related price is not agreed as envisaged above, the municipality must cancel the tender.

25. TWO-STAGE BIDDING PROCESS

- 25.1. Two-Stage bidding process:

A two-stage bidding process is allowed for -

- (a) Large or complex projects;
- (b) Projects where it may be undesirable or impractical to prepare complete detailed technical specifications; or

- (c) Long term projects with a duration period exceeding three years

25.2. Process of Two-Stages:

- (a) In the first stage, technical proposals on conceptual design or performance specifications are invited, subject to technical as well as commercial clarifications and adjustments.
- (b) In the second stage, final technical proposals and priced bids are invited from only the bidders who submitted proposals.

26. COMMITTEE SYSTEMS FOR COMPETITIVE BIDS

- 26.1. A committee system for competitive bids is hereby established, consisting of at least the following committees for all procurement or cluster of procurements as the accounting officer may determine:
 - (a) A bid specification committee;
 - (b) A bid evaluation committee; and
 - (c) A bid adjudication committee.
- 26.2. The Accounting Officer is to appoint members for each bid spec and bid evaluation committee based on expertise and knowledge required, taking into consideration section 117 of the Act which excludes Councillors from serving on any SCM committee; and
- 26.3. A neutral or independent observer, appointed by the accounting officer, may attend or oversee a committee when this is appropriate for ensuring fairness and promoting transparency.
- 26.4. The accounting officer may co-opt members to assist with the technical evaluation of bids, such members can only make recommendations.
- 26.5. The committee system must be consistent with –
 - (a) Paragraph 27, 28, and 29 of this Policy; and
 - (b) Any other applicable legislation.

27. BID SPECIFICATIONS COMMITTEE

27.1. A bid specifications committee must compile the specifications for each procurement of goods or services by the municipality.

27.2. Specifications –

- (a) Must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;
- (b) Must take account of any accepted standards such as those issued by Standards of South Africa, the International Standards Organisation, or an authority accredited or recognised by the South African National Accreditation System with which the equipment or material or workmanship should comply;
- (c) Where possible, be described in terms of performance required rather than in terms of descriptive characteristics for design;
- (d) May not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing and test methods, packaging, marking or labelling of conformity certification;
- (e) May not make reference to any particular trademark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which, such reference must be accompanied by the word “equivalent” unless this is impractical; or the municipality has taken a decision to standardise on a specific type of commodity for cost efficiencies;
- (f) May not use memberships of voluntary associations as a criterion to unfairly eliminate bidders from the procurement process;
- (g) May not use the certifying of documents as a disqualifying criterion;
- (h) Must indicate each specific goal for which points will be awarded in terms of the Municipality’s Preferential Procurement Policy;
- (i) Must indicate the applicable point system for the acquisition of goods or services:
 - (i) 80/20 preference point system for acquisition of goods or services for Rand value equal to or above R30 000 and up to R50 million (VAT Inclusive); or

- (ii) 90/10 preference point system for acquisition of goods or services with Rand value above R50 million (VAT Inclusive).
 - (j) Must be approved by the accounting officer prior to publication of the invitation for the bids in terms of paragraph 22.
- 27.3. A bid specification committee must be composed of one or more officials of the Municipality including the manager / delegate responsible for the function involved, a SCM representative, officials from other departments within the municipality who may have valid input/experience relating to the specifications or end result, and may when appropriate, include internal/external specialist advisors.
- 27.4. No person, advisor or corporate entity involved with the bid specification committee, or director of such a corporate entity, may bid for any resulting contracts.
- 27.5. The chairperson of the bid specifications committee has full authority over the resolved recommendations to the accounting officer.

28. BID EVALUATION COMMITTEE

- 28.1. A bid evaluation committee must –
- (a) Evaluate bids in accordance with –
 - (i) the specifications for the specific procurement;
 - (ii) the point system as prescribed in terms of paragraph 27;
 - (iii) Evaluate each bidder's ability to execute the contract;
 - (iv) check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears for more than three months;
 - (v) verify if the recommended bidder is not in the employ of the state through the National Treasury's Central Supplier Database;
 - (vi) submit to the bid adjudication committee a report and recommendations regarding the award of the bid or any other related matter;
 - (vii) verify as practically as possible the submitted references, for only responsive

bidders that have passed functionality, where applicable.

28.2. Criteria for breaking deadlock in scoring:

- (a) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest preference points.
- (b) If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points, the contract must be awarded to the tenderer that scored the highest points for functionality.
- (c) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots, and the process must be facilitated by the chairperson of the BAC for competitive bidding, and by the CFO for formal written quotations.

28.3. A bid evaluation committee must as far as possible be composed of –

- (a) The officials from the department requiring goods and services; and
- (b) At least one supply chain management practitioner of the Midvaal Local Municipality.

28.4. A quorum for the Bid Evaluation Committee will be constituted by the majority of appointed and present members to the meeting, i.e. 51% and more of members with voting powers.

29. BID ADJUDICATION COMMITTEE

29.1. A bid adjudication committee must –

- (a) Study and consider the report and recommendations of the bid evaluation committee; and
- (b) Either –
 - (i) depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; or
 - (ii) make another recommendation to the accounting officer how to proceed with the relevant procurement.

- 29.2. A bid adjudication committee must consist of at least four senior managers of the Midvaal Local Municipality which must include –
- (a) The chief financial officer (CFO) or, if the chief financial officer is not available, another manager in the budget and treasury office reporting directly to the chief financial officer and designated by the chief financial officer; and
 - (b) At least one senior supply chain management (SCM) practitioner who is an official of the Midvaal Local Municipality; and
 - (c) A technical expert in the relevant field who is an official or an external service provider, for clarity reasons the expert may be invited to clarify any queries raised by the Bid Adjudication Committee members, if such an expert exists and has been involved in the specifications and or evaluation process.
 - (d) Should the bid committee member have been involved in the evaluation of item under consideration, they must recuse themselves from the decision-making process and be recorded in the minutes as such.
- 29.3. The accounting officer must appoint the chairperson of the committee. If the chairperson is absent from a meeting, the members of the committee who are present must elect one of them to preside at the meeting.
- 29.4. A quorum for the Bid Adjudication Committee will be constituted by the majority of appointed and present members to the meeting, i.e. 51% and more of members with voting powers.
- 29.5. Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation committee, may be a member of a bid adjudication committee.
- 29.6. If the bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid –
- (a) Check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears for more than three months, and
 - (b) Notify the accounting officer.
- 29.7. The accountant officer may –

- (a) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in paragraph 29.6; and
 - (b) If the decision of the bid committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.
- 29.8. The accounting officer may at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the recommendation.
- 29.9. The accounting officer must comply with section 114 of the Act within 10 working days.

30. PROCUREMENT OF BANKING SERVICES

- 30.1. A contract for banking services –
 - (a) Must be procured through competitive bids;
 - (b) Must be consistent with section 7 or 85 of the Act; and
 - (c) May not be for a period of more than five years at a time.
- 30.2. The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.
- 30.3. The closure date for the submission of bids may not be less than 60 days from the date on which the advertisement is placed in a newspaper in terms of paragraph 22(1). Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act 94 of 1990).

31. PROCUREMENT OF IT RELATED GOODS OR SERVICES

- 31.1. The accounting officer may request the State Information Technology Agency (SITA) to assist with the acquisition of IT related goods or services through a competitive bidding² process.
- 31.2. The parties must enter into a written agreement to regulate the services rendered by, and the payments to be made to, SITA.
- 31.3. The accounting officer must notify SITA together with a motivation of the IT needs if –
 - (a) The transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included); or

- (b) The transaction value of a contract to be procured whether for one or more years exceeds R50 million (VAT included).

31.4. Should SITA comment on the submission, and the Midvaal Local Municipality disagrees with such comments, the comments and the reasons for rejecting or not following such comments must be submitted to the council, the National Treasury, the Gauteng Provincial Treasury and the Auditor General.

32. PROCUREMENT OF GOODS AND SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE

32.1. The accounting officer may procure goods or services under a contract secured by another organ of state, but only if –

- (a) The contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;
- (b) There is no reason to believe that such contract was not validly procured;
- (c) There are demonstrable discounts or benefits to do so; and
- (d) That other organ of state and the provider have consented to such procurement in writing.

32.2. Subparagraphs (32.1) (c) and (d) do not apply if –

- (a) A municipal entity procures goods or services through a contract secured by its parent municipality; or
- (b) A municipality procures goods or services through a contract secured by a municipal entity of which it is the parent municipality.

32.3. Solicit the views of Gauteng Provincial Treasury on the intention to participate in a contract secured by another organ of state in terms of regulation 32. Correspondence in terms of the aforementioned requirement must be addressed and submitted to the Head of Department and the municipality may proceed with the relevant procurement if no response is forthcoming from treasury after 14 days of submission to treasury.

32.4. Must ensure full compliance with the issued National Treasury Regulations, relating to MFMA Municipal SCM Regulation 32.

33. PROCUREMENT OF GOODS NECESSITATING SPECIAL SAFETY ARRANGEMENTS

- 33.1. The acquisition and storage of goods in bulk (other than water), which necessitate special safety arrangements, including gasses and fuel, should be avoided where ever possible.
- 33.2. Where the storage of goods in bulk is justified, such justification must be based on sound reasons, including the total cost of ownership, cost advantages and environmental impact and must be approved by the accounting officer.

34. PROUDLY SA CAMPAIGN

- 34.1. The municipality will support the Proudly SA campaign as far as it is where practically possible.

35. APPOINTMENT OF CONSULTANTS

- 35.1. The accounting officer may procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.
- 35.2. Consultancy services must be procured through competitive bids if:
 - (a) The value of the contract exceeds R300 000 (VAT included); or
 - (b) The duration period of the contract exceeds one year.
- 35.3. In addition to any requirements prescribed by this policy for competitive bids, bidders must furnish particulars of –
 - (a) All consultancy services provided to an organ of state in the last five year; and
 - (b) Any similar consultancy services provided to an organ of state in the last five years.
- 35.4. The accounting officer must ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the Midvaal Local Municipality.

36. DEVIATION FROM, AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

36.1. The accounting officer may –

- (a) Dispense with the official procurement processes established by this Policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –
 - i. in an emergency (breakages after hours, situations that may lead to health, safety hazards or death, serious hampering of official service delivery to the community);
 - ii. if such goods or services are produced or available from a single source or sole provider only (e.g. agents/manufacturer/patent holder or items under guarantee);
 - iii. for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - iv. acquisition of animals for zoos and/or nature and game reserves; or
 - v. in any other exceptional case or urgency where it is impractical or impossible to follow the official procurement processes;
- (b) Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- (c) Deviations from the procurement process as per 36(1)(a)(i-v), should only be done with suppliers that are fully compliant on the Central Supplier Database (CSD) at the time of deviating.
- (d) Pre-approval must be obtained in principle from the office of the CFO, prior to any deviation being actioned.
- (e) All documentation relating to the deviation must be submitted to the supply chain management unit timeously, and in the case of an expo-facto (emergency deviation) no later than 3 working days after the incident had occurred, subject to (c) & (d) above.

- 36.2. The accounting officer must record the reasons for any deviations in terms of subparagraphs 36.1(a) and (b) of this policy and report them to the next meeting of the council and include as a note to the annual financial statements.
- 36.3. Subparagraph 36.2 does not apply to the procurement of goods and services contemplated in paragraph 11(2) of this policy.

37. UNSOLICITED BIDS

- 37.1. In accordance with section 113 of the Act there is no obligation to consider unsolicited bids received outside a normal bidding process.
- 37.2. The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if –
- (a) The product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
 - (b) The product or service will be exceptionally beneficial, or have exceptional cost advantages;
 - (c) The person who made the bid is the sole provider of the product or service; and
 - (d) The reasons for not going through the normal bidding processes are found to be sound by the accounting officer.
- 37.3. If the accounting officer decides to consider an unsolicited bid that complies with subparagraph 37.2 of this policy, the decision must be made public in accordance with section 21A of the Municipal Systems Act, together with –
- (a) Reasons as to why the bid should not be open to other competitors;
 - (b) An explanation of the potential benefits if the unsolicited bid were accepted; and
 - (c) An invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.

- 37.4. The accounting officer must submit all written comments received pursuant to subparagraph 37.3, including any responses from the unsolicited bidder to the National Treasury and the Gauteng Provincial Treasury for comment.
- 37.5. The adjudication committee must consider the unsolicited bid and may award the bid or make a recommendation to the accounting officer, depending on its delegations.
- 37.6. A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.
- 37.7. When considering the matter, the adjudication committee must take into account –
- (a) Any comments submitted by the public; and
 - (b) Any written comments and recommendations of the National Treasury or the Gauteng Provincial Treasury.
- 37.8. If any recommendations of the National Treasury or provincial treasury are rejected or not followed, the accounting officer must submit to the Auditor General, the Gauteng Provincial Treasury and the National Treasury the reasons for rejecting or not following those recommendations.
- 37.9. Such submission must be made within seven days after the decision on the award of the unsolicited bid is taken, but no contract committing the Midvaal Local Municipality to the bid may be entered into or signed within 30 days of the submission.

38. COMBATING THE ABUSE OF SUPPLY CHAIN MANAGEMENT SYSTEM

- 38.1. The accounting officer must –
- (a) Take all reasonable steps to prevent the abuse of the supply chain management system;
 - (b) Investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with this Policy, and when justified –
 - (i) take appropriate steps against such official or other role player; or
 - (ii) report any alleged criminal conduct to the South African Police Service.
 - (c) Check the recommended bidder on the National Treasury's Central Supplier Database prior to awarding any contract so as to ensure that the

recommended bidder, or any of its directors, is/are not listed as a person(s) prohibited or restricted from doing business with the public sector;

- (d) Reject any bid from a bidder –
 - (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the Midvaal Local Municipality, or to any other municipality or municipal entity, are in arrears for more than three months; or
 - (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the Midvaal Local Municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
- (e) Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract;
- (f) Cancel a contract awarded to a person if –
 - (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or
 - (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person; and
- (g) Reject the bid of any bidder if that bidder or any of its directors –
 - (i) has abused the supply chain management system of the Midvaal Local Municipality or has committed any improper conduct in relation to such system;
 - (ii) has been convicted for fraud or corruption during the past five years;
 - (iii) has wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - (iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (12 of 2004) or Data base of restricted suppliers.

- 38.2. The accounting officer must inform the National Treasury and Gauteng Provincial Treasury in writing of any actions taken in terms of paragraph 38(1)(b)(ii), (e) or (f) of this policy.

PART 3: LOGISTICS, DISPOSAL, RISK AND PERFORMANCE MANAGEMENT

39. LOGISTICS MANAGEMENT

The accounting officer must, where applicable, establish and implement an effective system of logistics management, which must include –

- (a) The monitoring of spending patterns on types or classes of goods and services incorporating, where practical, the coding of items to ensure that each item has a unique number
- (b) The setting of inventory levels that includes minimum and maximum levels and lead times wherever goods are placed in stock;
- (c) The placing of manual or electric orders for all acquisitions other than those from petty cash;
- (d) Before is approved, certification by the responsible officer that the goods and services are received or rendered on time and is in accordance with the order, the general conditions of contract and specifications where applicable and that the price charged is as quoted in terms of a contract;
- (e) Appropriate standards of internal control and warehouse management to ensure that goods placed in stores are secure and only used for the purpose for which they were purchased;
- (f) Regular checking to ensure that all assets including official vehicles are properly managed, appropriately maintained and only used for official purposes; and
- (g) Monitoring and review of the supply vendor performance to ensure compliance with specifications and contract conditions for particular goods or services.

40. DISPOSAL MANAGEMENT

- 40.1. The criteria for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14 and 90 of the Act, will be determined for each situation.
- 40.2. Assets may be disposed of by –
 - (a) Transferring the asset to another organ of state in terms of a provision of the Act enabling the transfer of assets;

- (b) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge;
- (c) Selling the asset; or
- (d) Destroying the asset.

40.3. The accounting officer must ensure that –

- (a) Immovable property is sold only at related prices except when the public interest or the plight of the poor demands otherwise and in collaboration with the Local Government MFMA – Municipal Asset Transfer Regulations (Gazette No 3146 dated 22/08/2008;
 - (i) Only council resolved items will be accepted by the SCM unit for the tender/auction process. These resolutions and valuations should not be older than 12 months. The copy of the valuation certificate, zoning certificate and council resolution and all other documents pertaining to the sale of land must accompany the request for the sale of the mentioned land/property.
 - (ii) The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value below R50 million (All Inclusive):

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

- (iii) The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million (All Inclusive):

$$Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

- (b) Movable assets are sold once council has declared the items redundant, either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous and sold to the bidder who submitted the highest price.
- (c) Firearms are not sold or donated to any person or institution within or outside the Republic unless approved by the National Conventional Arms Control Committee;

- (d) Immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise;
- (e) All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed;
- (f) Where assets are traded in for other assets, the highest possible trade-in price is negotiated; and
- (g) In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.

41. RISK MANAGEMENT

- 41.1. The criteria for the identification, consideration and avoidance of potential risks in the supply chain management system, will be determined for each situation.
- 41.2. Risk management must include –
 - (a) The identification of risks on a case-by-case basis;
 - (b) The allocation of risks to the party best suited to manage such risks;
 - (c) Acceptance of the cost of the risk where the cost of transferring the risk is greater than that of retaining it;
 - (d) The management of risks in a pro-active manner and the provision of adequate cover for residual risks; and
 - (e) The assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

42. PERFORMANCE MANAGEMENT

- 42.1. The accounting officer must establish and implement an internal monitoring system in order to determine, on the basis of a retrospective analysis, whether the authorised supply chain management processes were followed and whether the objectives of this Policy were achieved.
- 42.2. The performance of suppliers contracted to the municipality from a procurement process must be monitored through a performance management system.

- 42.3. Service providers that have been found not to have diligently honoured contractual obligations with the municipality or any other institution, may be disregarded from a tender process.
- 42.4. Service providers that are contracted by the municipality, and who fail to meet contractual obligations and/or acceptable standard of performance, may be “grey-listed” and not considered for quotations and/or tendering for a period not exceeding 12 months or a financial year.
- 42.5. Clause 42.4 above will only be invoked where written and/or documentary evidence is submitted to Supply Chain Management Unit or Bid Evaluation Committee to ensure application is fair, equitable and transparent.
- 42.6. For urgent orders issued through panels, and which need to be fulfilled within 24 to 72 hours, the following is applicable:
- If a who scored the highest procurement points is unable to honour the order within the specified period, the municipality may cancel the order and move to the second-highest procurement points scorer, and so forth.

PART 4: OTHER MATTERS

43. PROHIBITION ON AWARDS TO PERSONS WHOSE TAX MATTERS ARE NOT IN ORDER

- 43.1. No award above R15 000 may be made in terms of this Policy to a person whose tax matters have not been declared by the South African Revenue Service to be in order.
- 43.2. Before making an award to a person, the accounting officer must first check with National Treasury's central supplier database or validate with tax pin on SARS e-filing whether that person's tax matters are in order.

44. PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE

Irrespective of the procurement process followed, no award may be made to a person in terms of this Policy –

- (a) Who is in the service of the state;
- (b) If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) A person who is an advisor or consultant contracted with the Midvaal Local Municipality.

45. AWARDS TO CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE

The accounting officer must ensure that the notes to the annual financial statements disclose particulars of any award of more than R2 000 (VAT Included) to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including –

- (a) The name of that person;
- (b) The capacity in which that person is in the service of the state; and
- (c) The amount of the award.

46. ETHICAL STANDARDS

- 46.1. A code of ethical standards as set out in sub regulation (2) of the *“National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management”* is hereby established for officials and other

role players in the supply chain management system of the Midvaal Local Municipality in order to promote –

- (a) Mutual trust and respect; and
- (b) An environment where business can be conducted with integrity and in a fair and reasonable manner.

46.2. A breach of the code of ethics must be dealt with as follows –

- (a) In the case of an employee, in terms of the disciplinary procedures of the Midvaal Local Municipality envisaged in section 67(1)(h) of the Municipal Systems Act.
- (b) In the case a role player who is not an employee, through other appropriate means in recognition of the severity of the breach.
- (c) In all cases, financial misconduct must be dealt with in terms of chapter 15 of the Act.
- (d) A municipal official or other role player involved in the implementation of this Policy–
 - (i) must treat all providers and potential providers equitably;
 - (ii) may not use his or her position for private gain or to improperly benefit another person.
- (e) Notwithstanding sub regulation (2) (c), must declare to the accounting officer details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or to any close family member, partner or associate of that person.
- (f) Must declare to the accounting officer details of any private or business interest which that person, or any close family member, partner or associate, may have in any proposed procurement or disposal process of, or in any award of a contract by, the Midvaal Local Municipality.
- (g) Must immediately withdraw from participating in any manner whatsoever in a procurement or disposal process or in the award of a contract in which that person, or any close family member, partner or associate, has any private or business interest.
- (h) Must be scrupulous in his or her use of property belonging to Midvaal Local Municipality.

- (i) Must assist the accounting officer in combating fraud, corruption, favouritism and unfair and irregular practices in the supply chain management system; and
- (j) Must report to the accounting officer any alleged irregular conduct in the supply chain management system which that person may become aware of, including –
 - (i) any alleged fraud, corruption, favouritism or unfair conduct;
 - (ii) any alleged contravention of paragraph 47(1) of this Policy; or
 - (iii) any alleged breach of this code of ethical standards.

46.3. Midvaal Local Municipality adopts the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management:

- (a) All declarations in terms of subregulation (2)(d) and (e) must be recorded in a register which the accounting officer must keep for this purpose; and
- (b) All declarations by the accounting officer must be made to the mayor who must ensure that such declarations are recorded in the register.

46.4. A breach of the code of ethics must be dealt with in accordance with Schedule 2 of the Municipal Systems Act.

NOTE: THE “POLICY OF THE ACCEPTANCE OF GRANTS, GIFTS, DONATIONS AND SPONSORSHIPS” IS APPLICABLE TO SECTIONS 46, 47 AND 48 OF THIS POLICY AND MUST BE ADHERED TO AT ALL TIMES.

47. INDUCEMENTS, REWARDS, GIFTS AND FAVOURS TO MUNICIPALITIES, OFFICIALS AND OTHER ROLE PLAYERS

The accounting officer must ensure that the notes to the annual financial statements disclose particulars of any award of more than R2 000 (VAT Included) to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including –

- 47.1. No person who is a provider or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed or to be disposed of may either directly or through a representative or intermediary promise, offer or grant –

- (a) Any inducement or reward to the or in connection with the award of a contract;
or
- (b) Any reward, gift, favour or hospitality to –
 - (i) Any official; or
 - (ii) Any other role player involved in the implementation of this Policy.

47.2. The accounting officer must promptly report any alleged contravention of subparagraph (1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.

47.3. Section 47(1) does not apply to gifts less than R350 per annum.

48. SPONSORSHIPS

The accounting officer must promptly disclose to the National Treasury and the Gauteng Provincial Treasury any sponsorship promised, offered or granted, whether directly or through a representative or intermediary, by any person who is –

- (a) A provider or prospective provider of goods or services; or
- (b) A recipient or prospective recipient of goods disposed or to be disposed.

49. OBJECTIONS AND COMPLAINTS

Persons aggrieved by decisions or actions taken in the implementation of this supply chain management policy, may lodge within 14 days of the decision or action been made public, a written objection or complaint against the decision or action.

50. RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS AND QUERIES

50.1. The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes –

- (a) To assist in the resolution of disputes between the Midvaal Local Municipality and other persons regarding –
 - (i) any decisions or actions taken in the implementation of the supply chain management system; or

- (ii) any matter arising from a contract awarded in the course of the supply chain management system; or
 - (b) To deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.
- 50.2. The accounting officer, or another official designated by the accounting officer, is responsible for assisting the appointed person to perform his or her functions effectively.
- 50.3. The person appointed must –
- (a) Strive to resolve promptly all disputes, objections, complaints or queries received; and
 - (b) Submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved.
- 50.4. A dispute, objection, complaint or query may be referred to the Gauteng Provincial Treasury if –
- (a) The dispute, objection, complaint or query is not resolved within 60 days; or
 - (b) No response is forthcoming within 60 days.
- 50.5. If the provincial treasury does not or cannot resolve the matter, the dispute, objection, complaint or query may be referred to the National Treasury for resolution.
- 50.6. This paragraph must not be read as affecting a person's rights to approach a court at any time.

51. CONTRACTS PROVIDING FOR COMPENSATION BASED ON TURNOVER

If a service provider acts on behalf of a Midvaal Local Municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the Midvaal Local Municipality must stipulate –

- (a) A cap on the on the compensation payable to the service provider; and

- (b) That such compensation must be performance based.

52. REMEDIES

52.1. Upon detecting that a tenderer has submitted false information regarding a specific goal as may be required, the organ of state must-

- (a) Inform the tenderer accordingly;
- (b) Give the tenderer an opportunity to make representations within 7 days as to why –
 - (i) the tender submitted should not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part;
- (c) If the successful tenderer subcontracted a portion of the tender to another person without disclosing it, the tenderer should be penalised up to a maximum of 10 percent of the value of the contract;
- (d) If it concludes, after considering the representations referred to in sub regulation (1)(b), that such false information was submitted by the tenderer -
 - (i) disqualify the tenderer or terminate the contract in whole or in part; and
 - (ii) if applicable, claim damages from the tenderer;

52.2. An organ of state must notify National Treasury in writing of in terms of 34.1(d).

52.3. The National Treasury may –

- (a) After considering the representations of the tenderer and any other relevant information, decide whether to restrict the tenderer from doing business with any organ of state for a period not exceeding 10 years; and
- (b) Maintain and publish on its official website a list of restricted suppliers.

53. SERVICE PROVIDERS APPOINTED THROUGH A PANEL

53.1. The municipality reserves the right to establish panels for the procurement of goods or services, including construction-related projects.

- 53.2. The process for allocating work to panellists shall be determined by the specifications or terms of references as outlined by the municipality.
- 53.3. Notwithstanding the provisions in section 53.2 above, the Accounting Officer retains the authority to approve a deviation from the established process for justifiable grounds, including but not limited to the circumstances described below, and may appoint any of the panellists without strictly adhering to the process established by the specifications or terms of reference for:
- (i) Emergency situations;
 - (ii) Complex projects or services; and
 - (iii) Any other reason deemed necessary and justifiable.
- 53.4. The deviation shall include a clear rationale and the specific circumstances justifying such action.
- 53.5. All deviations relating to this clause shall be documented for audit purposes.

54. CANCELLATION OF A TENDER

- 54.1. The municipality may before the award of a tender, cancel a tender or bid invitation, if:
- (a) There has been change in circumstances, i.e. there is no longer a need for the goods or services as specified in the invitation;
 - (b) Funds are no longer available to cover in part, or the total envisaged expenditure;
 - (c) No acceptable tender is received;
 - (d) There is material irregularity in the tender process; or
 - (e) There is material flaws in the specifications.
- 54.2. The decision to cancel a tender invitation in terms of section 54.1 must be published the same manner in which the original tender or bid invitation was advertised.

55. COST CONTAINMENT

This policy must be read in conjunction with the Cost Containment Policy of the Midvaal Local Municipality.

56. COMMENCEMENT

This policy takes effect from the date of adoption by Council.

**Annexure P Fixed Asset
Management Policy
2025/2026**



ASSET MANAGEMENT POLICY

2025/2026 FINANCIAL YEAR



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ABBREVIATIONS

MLM	MIDVAAL LOCAL MUNICIPALITY
AMP	Asset Management Plan
AO	Accounting Officer
ASB	Accounting Standards Board
CFO	Chief Financial Officer
CMIP	Comprehensive Municipal Infrastructure Plan
CoGTA	Department of Co-operative Governance and Traditional Affairs
CRC	Current Replacement Cost
DRC	Depreciated Replacement Cost
EPWP	Expanded Public Work Program
EUL	Estimated Useful Life
GIAMA	Government-wide Immoveable Asset Management Act
GRAP	Generally Recognised Accounting Practise
HOD	Head of Department
IAMP	Infrastructure Asset Management Plan
IDP	Integrated Development Plan
IIMM	International Infrastructure Management Manual
ISO	International Standards Organisation
MFMA	Municipal Finance Management Act
MSA	Municipal Systems Act
ODRC	Optimised Depreciated Replacement Cost
OHSA	Occupational Health and Safety Act
PPE	Property, Plant and Equipment
RUL	Remaining Useful Life
RV %	RV % Residual Value Percentage
SDBIP	Service Delivery and Budget Implementation Plan
VAT	Value Added Tax

1. PURPOSE OF THIS DOCUMENT

This document indicates the policy framework for the management of Municipal movable and immovable Property Plant and Equipment (PPE), investment property, intangible assets, biological assets and heritage assets.

2. BACKGROUND

2.1 CONSTITUTIONAL AND LEGAL FRAMEWORK

The South African Constitution requires municipalities to strive, within their financial and administrative capacity, to achieve the following objectives:

- providing democratic and accountable government for local communities;
- ensuring the provision of services to communities in a sustainable manner;
- promoting social and economic development;
- promoting a safe and healthy environment; and
- encouraging the involvement of communities and community organisations in matters of local government.

The manner in which a municipality manages its Property, Plant and Equipment (PPE), investment property, biological assets, intangible assets and heritage assets are central to meeting the above challenges. Accordingly, the Municipal Systems Act, 2000 (MSA) Chapter 2 section 4(d) specifically highlights the duty of municipalities to provide services in a manner that is sustainable, and the Municipal Finance Management Act (MFMA) requires municipalities to utilise and maintain their assets in an effective, efficient, economical and transparent manner. The MFMA specifically places responsibility for the management of municipal assets with the Accounting Officer (AO).

The Occupational Health and Safety Act (OHSA) requires municipalities to provide and maintain a safe and healthy working environment, and in particular, to keep its PPE safe.

2.2 ACCOUNTING STANDARDS

The MFMA requires municipalities to comply with the Standards of Generally Recognised Accounting Practice (GRAP), in line with international practice.

The Accounting Standards Board (ASB) has approved a number of Standards of GRAP. When compiling the asset register in accordance with the accounting standards, the requirements of GRAP 17 cannot be seen in isolation. Various other accounting standards impact on the recognition and measurement of assets within the municipal environment and should be taken

into account during the compilation of a GRAP compliant asset register. The applicable standards of GRAP are noted in section 8.

2.3 MANAGEMENT OF INFRASTRUCTURE AND COMMUNITY ASSETS

Effective management of infrastructure and community facilities is central to the municipality providing an acceptable standard of services to the community. Infrastructure impacts on the quality of the living environment and opportunities to prosper. Not only is there a requirement to be effective, but the manner in which the municipality discharges its responsibilities as a public municipality is also important. The municipality must demonstrate good governance and customer care, and the processes adopted must be efficient and sustainable. Councillors and officials are custodians on behalf of the public of infrastructure assets, the replacement value of which amounts to several hundred million Rand.

Key themes of the latest generation of national legislation introduced relating to municipal infrastructure management include:

- long-term sustainability and risk management;
- service delivery efficiency and improvement;
- performance monitoring and accountability;
- community interaction, transparent processes and reporting;
- priority development of minimum basic services for all; and
- the provision of financial support from central government in addressing the needs of the poor.

Legislation has also entrenched the Integrated Development Plan (IDP) as the principal strategic planning mechanism for municipalities. However, the IDP cannot be compiled in isolation – for the above objectives to be achieved. The IDP needs to be informed by robust, relevant and holistic information relating to the management of the municipality's infrastructure.

There is a need to direct limited resources to address the most critical needs, to achieve a balance between maintaining and renewing existing infrastructure whilst also addressing backlogs in basic services and facing on-going changes in demand. Making effective decisions on service delivery priorities requires a team effort, with inputs provided by officials from a number of departments of the municipality.

CoGTA has prepared guidelines in line with international practice, that propose that an Infrastructure Asset Management Plan (IAMP) is prepared for each sector (such as potable water, roads etc.). These plans are used as inputs into a Comprehensive Municipal Infrastructure Plan (CMIP) that presents an integrated plan for the municipality covering all infrastructure. The arrangements outlined in the CoGTA guidelines are further strengthened by the provision of National Treasury's Local Government Capital Asset Management Guidelines. This is in line with the practice adopted in national and provincial spheres of government in terms of the Government-wide Immoveable Asset Management Act (GIAMA).

Accordingly, the asset register adopted by a municipality must meet not only financial compliance requirements, but also set a foundation for improved infrastructure asset management practice.

3. OBJECTIVES

The objective of this policy is for the municipality to:

- implement prevailing accounting standards; and
- apply asset management practices in a consistent manner and in accordance with legal requirements and recognised good practice.

4. APPROVAL AND EFFECTIVE DATE

The CFO is responsible for the submission of the Policy to Council to consider its adoption after consultation with the AO.

5. DELEGATIONS AND KEY RESPONSIBILITIES

Accounting Officer

The Accounting Officer (AO) is responsible for the management of the assets of the municipality, including the safeguarding and the maintenance of those assets.

The AO shall ensure that:

- The municipality has and maintains a management, accounting and information system that accounts for the assets of the municipality;
- The municipality's assets are valued in accordance with the standard of generally recognised accounting practice;
- That the municipality has and maintains a system of internal control for assets, including an asset register; and
- The HODs and their teams comply with this policy.

The Accounting Officer of the municipality shall be the principal custodian of the entire municipality's assets, and shall be responsible for ensuring that this policy is effectively applied on adoption by Council. To this end, the AO shall be responsible for the preparation, in consultation with the Chief Financial Officer (CFO) and Heads of Department (Senior Official) (HOD), of procedures to effectively and efficiently apply this policy.

In accordance with the MFMA, the AO of the municipality and all designated officials are accountable to him / her. The AO is therefore accountable for all transactions entered into by his / her delegates. The overall responsibility of asset management lies with the AO. However, the day to day handling of assets should be the responsibility of all officials in terms of delegated authority. The AO may delegate or otherwise assign responsibility for performing these functions but will remain accountable for ensuring these activities are performed. All delegations in terms of this policy must be recorded in writing.

Chief Financial Officer

The Chief Financial Officer (CFO) is responsible to the AO to ensure that the financial investment in the municipality's assets are safeguarded and maintained.

The CFO, as one of the HODs of the municipality, shall also ensure, in exercising his/her financial responsibilities, that:

- Appropriate systems of financial management and internal control are established and carried out diligently;
- The financial and other resources of the municipality are utilised effectively, efficiently, economical and transparently;
- Any unauthorised, irregular or fruitless or wasteful expenditure, and losses resulting from criminal or negligent conduct, are prevented;
- All revenue due to the municipality is collected, for example rental income relating to immovable assets;
- The systems, procedures and registers required to substantiate the financial values of the municipality's assets are maintained to standards sufficient to satisfy the requirements of the Accounting Standards;
- Financial processes are established and maintained to ensure the municipality's financial resources are optimally utilised through appropriate asset plans, budgeting, purchasing, maintenance and disposal decisions;
- The AO is appropriately advised on the exercise of powers and duties pertaining to the financial administration of assets;
- The HODs and senior management teams are appropriately advised on the exercise of their powers and duties pertaining to the financial administration of assets; and
- This policy and support procedures are established, maintained and effectively communicated.

In terms of section 82 read with section 81(1)(e) of the MFMA the CFO may delegate or otherwise assign responsibility for performing these functions but will remain accountable for ensuring these activities are performed. The CFO shall be responsible for the fixed asset register of the municipality, and shall ensure that a complete, accurate and up-to-date computerised fixed asset register is maintained. No amendments, deletions or additions to the fixed asset register shall be made other than by the CFO or by an official acting under the written instruction of the CFO.

The Chief Financial Officer must prepare the annual financial statements in such a manner that it discloses all compulsory disclosures as required by the relevant standards of GRAP.

Head of Department (Senior Official)

HODs are managers who report directly to the AO shall ensure that:

- The municipal resources assigned to them are utilised effectively, efficiently, economically and transparently;
- Procedures are adopted and implemented in conformity with this policy to produce reliable data to be input to the municipal fixed asset register;
- Any unauthorised, irregular or fruitless or wasteful utilisation, and losses resulting from criminal or negligent conduct, are prevented;
- The asset management, processes and controls can provide an accurate, reliable and up to date account of assets under their control;
- They are able to manage and justify that the asset plans, budgets, purchasing, maintenance and disposal decisions optimally achieve the municipality's strategic objectives; and
- Manage asset life-cycle transactions to ensure that they comply with the plans, legislative and municipal requirements.

HODs may delegate or otherwise assign responsibility for performing these functions but they shall remain accountable for ensuring these activities are performed.

6. POLICY AMENDMENT

This policy should be reviewed annually to ensure continued compliance with the relevant legislation and accounting standards.

Changes to this document shall only be applicable if approved by Council.

Any proposals in this regard shall be motivated by the CFO in consultation with the AO and respective HODs.

The recommendations of the CFO shall be considered for adoption by Council.

7. RELATIONSHIP WITH OTHER POLICIES

This policy, once effective, will replace the pre-existing Asset Management Policy with respect to the scope of assets covered by this policy.

This policy needs to be read in conjunction with other relevant adopted policies of the municipality, including the following:

- Delegation of Powers;
- Accounting Policy;
- Insurance Policy;
- Enterprise Risk Management Policy;
- Disaster Management Policy;
- Supply Chain Management Policy;
- Credit Control and Debt Collection Policy;
- Tariff Policy;
- Property Rates Policy;
- Funding and Reserves Policy;
- Borrowing Policy;
- Cash Management and Investment Policy
- Long Term Financial Plan Policy;
- Infrastructure Investment And Capital Projects Policy;
- Indigents Policy;
- Provision of Free Basic Services Policy;
- Budget Implementation and Monitoring Policy;
- Managing Electricity and Water Distribution Losses; and
- Asset Disposal Policy.

8. REFERENCES

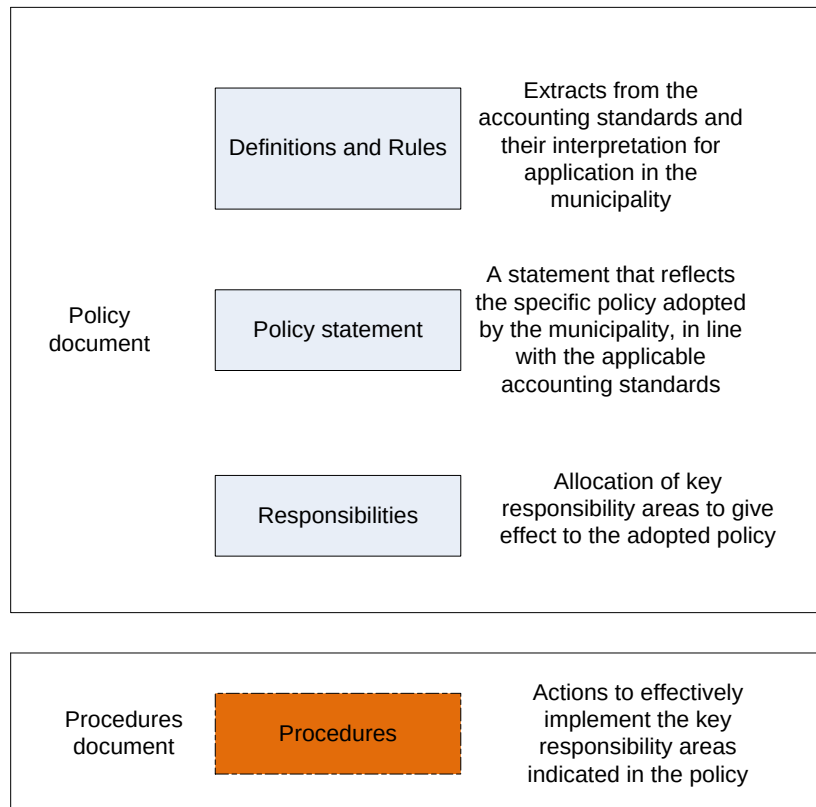
The following references were observed in compiling this document:

- The Constitution of the Republic of South Africa, 1996
- Asset Management Framework, National Treasury, 2004
- Guidelines for Infrastructure Asset Management in Local Government, Department of Provincial and Local Government, 2006
- Municipal Finance Management Act, 2003
- Disaster Management Act, 2002
- Municipal Systems Act, 2000
- Municipal Structures Act, 1998
- Accounting Standards Board
- Local Government Capital Asset Management Guidelines, National Treasury, 2008
- Generally Recognised Accounting Practice (1-14, 16, 17, 19-21, 23-27, 31, 32 and 100-104, 108 - 110)
- Interpretations of the standards of GRAP issued by the Accounting Standards Board (ASB) (IGRAP 1- 19)
- Directives issued by the ASB
- Municipal transfer and disposal regulations, No. 878 of 2008 (Government Gazette No. 31346)
- Accounting guideline issued by National Treasury relating to intangible assets
- Supply Chain Management Regulations No. 868 of 2005 (Government Gazette, 30 May 2005, No. 27636 on disposal)

9. POLICY FORMAT

Figure 1 gives an overview to the format of presentation of this policy document, and how it links to a separate document that provides the procedures. Procedures should be prepared and adopted to give effect to this policy.

Figure 1 - Interaction between the policy and the procedures



10. POLICY FOR FIXED ASSET ACCOUNTING

10.1 RECOGNITION OF IMMOVABLE AND MOVABLE ASSETS

(a) Definitions and rules

Asset

An asset is defined as a resource controlled by an municipality, as a result of past events and from which future economic benefits or service potential associated with the item will flow to the municipality.

Fixed Asset

A fixed asset (also referred to as a “non-current asset”) is an asset with an expected useful life greater than 12 months.

PPE

Property, plant and equipment are tangible assets that are held for use in the production or supply of goods or services, for rentals to others, or for administrative purposes; and are expected to be used during more than one reporting period. This includes items necessary for environmental or safety reasons to leverage the economic benefits or service potential from other assets. Insignificant items may be aggregated. Property, plant and equipment are broken down into groups of assets of a similar nature or function in the municipality’s operations for the purposes of disclosure in the financial statements.

Immovable PPE

Immoveable PPE are fixed structures such as buildings and roads. A plant that is built-in to the fixed structures and is an essential part of the functional performance of the primary asset is considered an immovable asset (though it may be temporarily removed for repair).

Movable PPE

Movable assets are the stock of equipment owned or leased by the municipality such as office equipment and furniture, motor vehicles and mobile plant.

Investment property

Investment property is defined as property (land and/or a building, or part thereof) held (by the owner or the lessee under a finance lease) to earn rentals or capital appreciation, or both (rather than for use in the production or supply of goods or services or for administration purposes or sale in the ordinary course of operations). Examples of investment property are office parks that are rented out. There is no asset hierarchy for investment property; each functional item will be individually recorded. Land held for a currently undetermined use is recognised as investment property until such time as the use of the land has been determined.

Intangible assets

Identifiable non-monetary assets, without physical substance are intangible assets, for examples licenses or rights (such as water licenses), servitudes and software.

An asset meets the criterion of being identifiable in the definition of an intangible asset when it:

- (a) is separable, i.e. is capable of being separated or divided from the municipality and sold, transferred, licensed, rented or exchanged, either individually or together with a related contract, asset or liability, regardless of whether the municipality intends to do so or;
- (b) arises from binding arrangements regardless of whether those rights are transferable and separable from the municipality or from other rights and obligations.

Biological Assets

Biological assets are living animals or plants as per the definition in the GRAP Standard on Agriculture.

Capital Spares (Major Spare Parts)

Spares and materials used regularly in the ordinary course of operations are usually carried as inventory (i.e. they are not usually considered fixed assets) and are expensed when consumed. Major spares that constitute an entire or significant portion of a component type, or a specific component, defined in the immovable PPE asset hierarchy are considered capital spare parts and are recognised as an item of PPE, if they meet the definition of PPE, as they are expected to be used for more than one period or they can only be used in connection with an item of PPE.

Useful Life

The period over which an asset is expected to be available for use by an municipality, or the number of production or similar units expected to be obtained from the asset by an municipality.

Major inspections

A condition of continuing to operate an item of PPE may be to perform regular major inspections for faults regardless of whether parts of the item are replaced (for example, Occupational Health and Safety Act 85 of 1993 requires lifting equipment to be inspected once a year). When each major inspection is performed, its cost is recognised in the carrying amount of the item of PPE as a replacement if the recognition criteria are satisfied. Any remaining carrying amount of the cost of the previous inspection (as distinct from physical parts) is de-recognised. This occurs regardless of whether the cost of the previous inspection was identified in the transaction in which the item was acquired or constructed. If necessary, the estimated cost of a future similar inspection may be used as an indication of what the cost of the existing inspection component was when the item was acquired or constructed.

Control

An item is not recognised as an asset unless the municipality has the capacity to control the service potential or future economic benefit of the asset, is able to deny or regulate access to others to that benefit and has the ability to secure the future economic benefit of that asset. Legal title and physical possession are good indicators of control.

Past transactions or events

Assets are only recognised from the point when some event or transaction transferred control to an municipality.

Probability of the flow of benefits or service potential

The degree of certainty that any economic benefits or service potential associated with an item will flow to the municipality is based on judgement. The CFO shall exercise such judgement on behalf of the municipality, in consultation with the respective HOD.

Economic benefits

Economic benefits are derived from assets that generate net cash inflows.

Service Potential

An asset has service potential if it has the capacity, singularly or in combination with other assets, to contribute directly or indirectly to the achievement of an objective of the municipality, such as the provision of services.

Leased assets

A lease is an agreement whereby the lessor conveys to the lessee (in this case, the municipality) the right to use an asset for an agreed period of time in return for a payment or series of payments. Leases are categorised into finance and operating leases. A finance lease is a lease that transfers substantially all the risks and rewards incident to ownership of an asset, even though the title may not eventually be transferred (substance over form). Where the risks and rewards of ownership of the asset are substantially transferred to the municipality, the lease is regarded as a finance lease and the asset recognised by the municipality. Where there is no substantial transfer of risks and rewards of ownership to the municipality, the lease is considered an operating lease and payments are expensed in the income statement on a systematic basis (straight line basis over the lease term).

Asset custodian

The department that controls an asset, as well as the individual (asset custodian) or post that is responsible for the operations associated with such asset in the department, is identified by the respective HOD, is responsible for communication and recording of the asset.

Reliable measurement

Items are recognised that possess a cost or fair value that can be reliably measured in terms of this policy.

Heritage assets

Heritage assets are defined as assets that have cultural, environmental, historical, natural, scientific, technological, or artistic significance and are held indefinitely for the benefit of present and future generations.

(b) Policy statement

The municipality shall recognise all movable and immovable assets existing at the time of adoption of this policy and the development of new, upgraded and renewed assets on an on-going basis. Such assets shall be capitalised in compliance with prevailing accounting standards.

(c) Responsibilities

- The CFO, in consultation with the AO and HODs, shall determine effective procedures for the recognition of existing and new assets.
- Every HOD shall ensure that all assets under their control are correctly recognised as assets.
- The CFO shall keep a lease register with the following minimum information: name of the lessor, description of the asset, fair value of the asset at inception of the lease, lease commencement date, lease termination date, economic useful life of the asset, lease payments, and any restrictions in the lease agreement.

10.2 CLASSIFICATION OF ASSETS

(a) Definitions and rules

Fixed asset categories

- Property, plant and equipment (which is broken down into groups of assets of a similar nature or function in the municipality's operations) (GRAP 17);
- Intangible assets (GRAP 31);
- Heritage assets (GRAP 103);

- Biological assets (/27 and GRAP 110);
- Capital Finance Lease Assets (GRAP 13); and
- Investment Property (GRAP 16).

Class of PPE

A class of PPE is defined as a group of assets of a similar nature or function. The total balance of each class of assets is disclosed in the notes to the financial statements.

PPE, assets should be classified under the following heading in the Asset Register:

- Land
- Transport assets
- Infrastructure assets
- Machinery and equipment
- Computer equipment
- Community assets
- Other assets

PPE Asset hierarchy

An asset hierarchy is adopted for PPE which enables separate accounting of parts (components) of the asset that are considered significant to the municipality from a financial point of view, and for other reasons determined by the municipality, including risk management (in other words, taking into account the criticality of components) and alignment with the strategy adopted by the municipality in asset renewal (for example the extent of replacement or rehabilitation at the end of life). In addition, the municipality may aggregate relatively insignificant items to be considered as one asset. The structure of the hierarchy recognises the functional relationship of assets and components.

PPE: Infrastructure

Infrastructure assets are immoveable assets which are part of a network of similar assets that jointly provide service potential.

General characteristics of infrastructure assets are that they:

- a) Are part of a system or network;
- b) They are specialised in nature and do not have alternative uses;
- c) They are immovable; and
- d) They may be subjected to constraints on disposals

PPE: Community Property

Community property is immovable assets contributing to the general well-being of the community, such as community halls and recreation facilities.

PPE: Other Assets

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, office buildings.

PPE Land:

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, land.

The definition of an asset is met when the resource is controlled by the municipality as a result of past events and from which future economic benefits or service potential is expected to flow to the municipality. To satisfy the recognition criteria, it should be probable that future economic benefits or service potential associated with the item will flow to the municipality, and the cost or fair value of the item can be measured reliably.

A municipality must control the resource. Control of the resource is evidenced by the municipality's ability to use the resource, or direct other parties to use it, so as to benefit from the future economic benefits or service potential embodied in the resource.

The principle **of substance over form** acknowledges that the substance of transactions or other events is not always consistent with that which is apparent from their legal form. Legal ownership is one method to demonstrate control of land, but the ability to generate future economic benefits or the right to service potential may exist without legal ownership of land. As a result, although the capacity of a municipality to control benefits is usually the result of legal rights, an item may nonetheless satisfy the definition of an asset even when there is no legal ownership. The municipality should assess whether it controls land using the following criteria. Control is evidenced by the rights and obligations arising from a binding agreement. Judgement should be used to assess:

1) Control is evidenced by the rights and obligations arising from a binding arrangement. Control of land is evidenced by the following criteria:

- (a) legal ownership; and/or
- (b) the right to direct access to land, and to restrict or deny the access of others to land.

At each reporting date, the municipality needs to assess whether there are any changes to the binding arrangement that may impact its assessment of control.

PPE Machinery and equipment:

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, toolboxes and generators.

PPE Furniture and office equipment:

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, office tables and chairs.

PPE Computer equipment

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, laptops and desktops.

PPE: Transport assets.

PPE which is defined as capital assets utilised in normal operations administrative function of the municipality, for example, motor vehicles.

Heritage assets

Heritage assets are assets of cultural, environmental, historical, scientific, technological or artistic significance and are held indefinitely for the benefit of present and future generations, such as monuments, nature reserves, and works of art. Some heritage assets have more than one purpose, e.g. an historical building which, in addition to meeting the definition of a heritage asset, is also used as office accommodation. The CFO, on behalf of the municipality, must use his / her judgement to make such an assessment. The asset should be accounted for as a heritage asset if, and only if, the definition of a heritage asset is met, and only if an insignificant portion is held for use in the production or supply of goods or services or for administrative purposes. If a significant portion is used for production, administrative purposes or supply of services or goods, the asset shall be accounted for in accordance with the Standard of GRAP on PPE.

Investment property

Investment property is defined as property (land and/or a building, or part thereof) held (by the owner or the lessee under a finance lease) to earn rentals or capital appreciation, or both (rather than for use in the production or supply of goods or services or administration purposes or sale in the ordinary course of operations). Examples of investment property are office parks that are rented out. The municipality may need to consider, on an ongoing basis, substance over form in assessing whether land and/or buildings are used to deliver on its mandated functions if the asset is used to deliver goods/services in accordance with its mandated function it will be accounted for under GRAP 17. There is no asset hierarchy for investment property; each functional item will be individually recorded. Land held for a currently undetermined use is recognised as an investment property until the use of the land has been determined.

The land is held for a currently undetermined future use when

- a) The municipality has not determined that it will use the land as owner-occupied property
- b) A municipality does not hold the land for sale in the ordinary course of operations
- c) An municipality has not determined that it holds the land for strategic purposes which will be accounted for in accordance with GRAP 17.

Intangible assets

Identifiable non-monetary assets, without physical substance are intangible assets, for examples licenses or rights (such as water licenses), servitudes and software.

An asset meets the criterion of being identifiable in the definition of an intangible asset when it:

- a) is separable, i.e. is capable of being separated or divided from the municipality and sold, transferred, licensed, rented or exchanged, either individually or together with a related contract, asset or liability, regardless of whether the municipality intends to do so or;
- b) Arises from binding arrangements regardless of whether those rights are transferable and separable from the municipality or from other rights and obligations.

However, if the municipality is of the opinion that even though a servitude may meet the definition of an intangible asset, it is essential to the operation of a tangible asset. For example, where the

municipality would not be able to construct or operate infrastructure on land that it does not own without acquiring certain rights from the landowner. Therefore the municipality may be of the opinion that it would be more appropriate to include the cost of the servitude in the cost of the tangible asset rather than recognising a separate intangible asset. In such cases servitudes will be accounted for as PPE by applying GRAP 17, and componentisation may be required as the values, nature and the useful life of the servitude and the tangible asset are different.

Servitudes

Where municipalities establish servitudes as part of the registration of a township, the associated rights are granted in statute and are specifically excluded from the standard on intangible assets. Such servitudes cannot be sold, transferred, rented, or exchanged freely and are not separable from the municipality. Consequently, such servitudes are not recognised in the asset register. Costs incurred to register these servitudes (if any) are expensed.

Servitudes that are created through acquisition (including by way of expropriation or agreement) can be recognised as *either intangible assets or PPE* at cost. The municipality use judgement whether to include the cost of the servitude in the cost of the PPE if it is essential to the construction or operation of the asset (such as in the case of pipes).

Biological Assets

Biological assets are living animals or plants as per the definition in the GRAP on Agriculture.

(b) Policy statement

Asset hierarchies shall be adopted for each of the asset groups, separately identifying items of PPE at component level that are significant from a financial or risk perspective, and, where applicable, grouping items that are relatively insignificant. Investment Property and Intangible assets are not required to be componentised.

PPE shall be disclosed in the financial statements at the sub-category level.

A committee to be nominated by Council will consider the recognition of assets as heritage assets and motivate their recommendation for adoption by Council.

Figure 2 – Decision tree – Classification of assets

(c) Responsibilities

- The CFO shall ensure that the classification of immovable assets adopted by the municipality complies with the statutory requirements.
- The CFO shall consult with the HOD responsible for PPE to determine an effective and appropriate asset hierarchy for each asset class of PPE to component level and record such in the asset management procedures document.
- Every HOD shall ensure that all immovable assets under their control are classified correctly within the classification adopted by the municipality.
- Every HOD shall advise the CFO when assets should be re-classified.

10.3 IDENTIFICATION OF ASSETS

(a) Definitions and rules

Immovable asset coding

An asset coding system is the means by which the municipality is able to uniquely identify each immovable asset (at the lowest level in the adopted asset hierarchy) in order to ensure that it can be accounted for on an individual basis.

Barcoding system

A barcoding system will be used for movable assets as the means by which the municipality is able to uniquely identify each movable asset in order to ensure that it can be accounted for on an individual basis, which will also assist with the subsequent verification process of movable assets.

(b) Policy statement

A coding system shall be adopted and applied that will enable each asset of immovable assets (with PPE at the lowest level in the adopted asset hierarchy) to be uniquely and readily identified. Similarly a barcoding system shall be adopted for movable assets.

(c) Responsibilities

- The AO shall develop and implement an immovable asset coding system in consultation with the CFO and other HODs to meet the policy objective.
- HODs shall ensure that all the immovable assets under their control are correctly coded.

- HODs shall ensure that all the movables assets under their control are barcoded.

10.4 ASSET REGISTER

(a) Definitions and rules

Asset register

A fixed asset register is a database with information relating to each asset. The fixed asset register is structured in line with the adopted classification structure. The scope of data in the register is sufficient to facilitate the application of the respective accounting standards for each of the asset classes, and the strategic and operational asset management needs of the municipality.

Procurement of assets

All assets acquired must be in terms of the capital budget and assets must be procured in such a way that:

- a proper need for the asset was identified;
- procurement documentation supports the format adopted for the asset register and the asset hierarchy; and
- proper and approved procurement procedures are adhered to in terms of the Supply Chain Management Policy.

Authorisation for procurement should be as per the Municipalities' delegation of authority and payment for assets should be in accordance with the financial policies and regulations of the Council.

(b) Policy statement

A fixed asset register shall be established to provide the data required to apply the applicable accounting standards, as well as other data considered by the municipality to be necessary to support strategic asset management planning and operational management needs. The asset register shall be updated and reconciled to the general ledger on a regular basis, which will be reconciled to the financial statements at year end.

The Chief Financial Officer will establish and maintain the Register containing key financial data on each item of Property, Plant or Equipment, Investment Property, Intangible Assets, Heritage Assets and Agricultural Assets that satisfies the criterion for recognition.

The Asset Manager is responsible for establishing and maintaining any additional register or database required by the managers to demonstrate the physical management of their assets.

The asset register shall be maintained in the format determined by the Chief Financial Officer, which format shall comply with the requirements of GRAP and any other accounting requirements which may be prescribed.

The details in the asset register must, as far as possible, include:

- A unique identification number;
- GIS identification number in the case of infrastructure;
- A short but meaningful description of each asset;
- Date of acquisition of the date that the asset was ready for use;
- Location of the asset;
- The responsible manager and department(s) or vote(s) within which the asset will be used;
- The title deed number, in the case of fixed property;
- The erf number, in the case of fixed property;
- The measurement basis of the asset (Cost or Fair Value);
- The original useful life of the asset;
- The revised useful life of the asset;
- The residual value of the asset;
- The revised residual value of the asset;
- The historical cost or revalued amount or fair value, where no cost is available;
- The accumulated depreciation to date;
- Depreciation charged for the current financial year;
- The carrying value of the asset;
- The depreciation methods and rate used;
- Impairment losses incurred during the financial year (and the reversal of such losses, where applicable);
- Method of calculating recoverable amount (in the case where an impairment is required in terms of GRAP);
- Source of finance;
- Condition of the asset;
- Current insurance arrangements/agreements;
- Whether the asset is required to perform basic municipal services;
- Whether the asset has been used to secure any debt, and – if so - the nature and duration of such security arrangements;

- Security arrangements;
- Date and value of disposal;
- Selling price; and
- The date on which the asset is retired from use, if not disposed of.

All managers under whose control any asset falls shall promptly provide the Chief Financial Officer in writing with any information required to compile the asset register, and shall promptly advise the Chief Financial Officer in writing of any material change which may occur in respect of such information.

An asset shall be recorded in the assets register as soon as it is acquired. If the asset is constructed over a period of time, it shall be recorded as work-in-progress until it is available for use, where after it shall be appropriately capitalised as a fixed asset. The fact that an asset has been fully depreciated shall not in itself be a reason for deleting it from the register.

Controls relating to the asset register should be sufficient to provide HOD's with an accurate, reliable and up-to-date account of assets under their control, in line with the standards specified by the Chief Financial Officer and as required by relevant legislative and other requirements.

These controls must include:

- Details of the physical management;
- The recording of all acquisitions, assignments, transfers, losses and disposals of assets;
- Regular stock-takes; and
- Systems audit to confirm the accuracy of the records.

The Chief Financial Officer must establish a system to ensure that each moveable asset bears a unique identification number/ barcode which shall be recorded in the asset register.

HOD's must ensure that the asset identification system approved for use by the municipality is scrupulously applied to all assets controlled or used by the department in question.

(c) Responsibilities

- The CFO shall define the format of the fixed asset register in consultation with the AO and the HODs, and shall ensure that the format complies with the prevailing accounting standards and disclosure requirements.
- HODs shall provide the CFO with the data required to establish and update the asset register in a timely fashion.
- The CFO shall establish procedures to control the completeness and integrity of the asset register data.
- The CFO shall ensure proper application of the control procedures.

10.5 MEASUREMENT AT RECOGNITION

(a) Definitions and rules

Measurement at recognition of PPE

An item of PPE that qualifies for recognition is measured at cost. Where an asset is acquired through a non-exchange transaction (at no or nominal cost) for example in the case of donated or developer-created assets, its cost is deemed to be its fair value at the date of acquisition. In cases where it is impracticable to establish the cost of an item of PPE, such as on recognising PPE for which there are no records or records cannot be linked to specific assets, its cost is deemed to be its fair value and should the principles of GRAP 17 be applied to determine the fair value.

Measurement at recognition of investment property

Investment property will be measured at cost including transaction cost at initial recognition. However, where an investment property was acquired through a non-exchange transaction (i.e. where the investment property was acquired for no or nominal value), its cost is its fair value at the date of acquisition.

Measurement at the recognition of intangible assets

Intangible assets will be measured at cost at initial recognition. Where assets are acquired for through a non-exchange transaction (no or nominal consideration) the cost is deemed to equal the fair value of the asset on the date acquired.

Measurement at the recognition of heritage assets

Heritage assets will be measured at cost at initial recognition. Where assets are acquired through a non-exchange transaction (for no or nominal consideration) the cost is deemed to equal the fair value of the asset on the date acquired.

If the municipality holds an asset that might be regarded as a heritage asset but which, on initial recognition, does not meet the recognition criteria of a heritage asset because it cannot be reliably measured, relevant and useful information about it shall be disclosed in the notes to the financial statements as follows:

- A description of the heritage asset or class of heritage assets.

- The reason why the heritage asset or class of heritage assets could not be measured reliably.
- On disposal of the heritage asset or class of heritage assets, the compensation received and the amount recognised in the statement of financial performance.

Measurement at recognition of biological assets

Biological assets shall be measured on initial recognition and at each reporting date at its fair value less costs to sell. Where the fair value cannot be measured reliably the principles of GRAP 27 should be followed.

Fair value

Fair value is defined as the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction. Market based evidence by appraisal can be used where there is an active and liquid market for assets (for example land and some types of plant and equipment). In the case of specialised buildings (such as community buildings) and infrastructure where there is no such active and liquid market, a depreciated replacement cost (DRC) approach may be used to identify the fair value. The appraisal of the fair value of assets is normally undertaken by a member of the valuation profession, who holds a recognised and relevant professional qualifications and appropriate knowledge and experience in valuation of the respective assets.

Depreciated replacement cost

If no evidence is available to determine the market value in an active and liquid market of an item of property, the fair value of the item may be established by reference to other items with similar characteristics, in similar circumstances and location. In many cases, the depreciated replacement cost of an asset can be established by reference to the buying price of a similar asset with similar remaining service potential in an active and liquid market. In some cases, an asset's reproduction cost will be the best indicator of its replacement cost. For example, in the event of loss, a parliament building may be reproduced rather than replaced with alternative accommodation because of its significance to the community.

Costs associated with heritage assets

Costs incurred to enhance or restore a heritage asset to preserve its indefinite useful life should be capitalised as part of the cost of the asset. Such costs should be recognised in the carrying

amount of the heritage asset as incurred when the recognition criteria of a heritage asset are met.

Changes in the existing decommissioning or restoration cost included in the cost of an item

Changes in the measurement of an existing decommissioning cost or restoration cost as a result of changes in the estimated timing or amount of the outflow of resources embodying economic benefits or service potential required to settle the obligation, should be treated as follows:

10.5.1 If the cost model is used –

- Changes in the liability shall be added to or deducted from the cost of the related asset.
- If the amount deducted from the cost of the asset exceeds the carrying amount of the asset, the excess shall be recognised immediately in surplus or deficit.
- If the adjustment results in an addition to the cost of an asset, the municipality should consider whether this is an indication that the carrying amount may not be recoverable. In this case the municipality should test the asset for impairment.

10.5.2 If the revaluation model is used -

- A decrease in the liability shall be credited to the revaluation surplus, except that it shall be recognised in the surplus or deficit to the extent that it reverses a revaluation deficit on the asset that was previously recognised in the surplus or deficit; and
- an increase in the liability shall be recognised in surplus or deficit, except that it shall be debited to the revaluation surplus to the extent that any credit balance may exist in the revaluation surplus in respect of asset.
- If the decrease in liability exceeds the carrying amount that would have been recognised if the asset has been carried under the cost model, the excess shall be recognised immediately in the surplus or deficit.
- If the change in liability is an indication that the asset may have to be revalued in order to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date. Any such revaluation shall be taken into account in determining the amounts to be taken to surplus or deficit and net assets as discussed above. If a revaluation is necessary, all assets of that class shall be revalued.

- The change in the revaluation surplus arising from the change in the liability shall be separately identified and disclosed on the face of the statement of changes in net assets.

Finance leases

At the commencement of a lease term, the municipality (the lessee) shall recognise a finance lease as an asset and liability in the statement of financial position at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payments, each determined at the inception of the lease. The discount rate to be used in calculating the present value of the minimum lease payments is the interest rate implicit in the lease contract, if this is practicable to determine; if not, the lessee's incremental borrowing rate shall be used.

Self-constructed immovable PPE

Self-constructed assets relate to all assets constructed by the municipality itself or another party on instructions from the municipality. All assets that are constructed by the municipality should be recorded in the asset register and each component that is part of this immovable PPE should be depreciated over its estimated useful life for that category of the asset once the asset is ready for use as intended by management.

Proper records are kept such that all costs associated with the construction of these assets are completely and accurately accounted for as capital under construction, and upon completion of the asset, all costs (both direct and indirect) associated with the construction of the asset are summed and capitalised as an asset.

Construction of future investment property

If property is developed for future use as an investment property, such property shall in every respect be accounted for as investment property.

Borrowing costs

Borrowing costs are interest and other costs incurred by the municipality from borrowed funds. The items that are classified as borrowing costs may include

- a) Interest expense calculated using the effective interest method as described in the Standard of GRAP on Financial instruments;
- b) Finance charges in respect of finance leases and service concession arrangements; and

- c) Exchange differences arising from foreign currency borrowings to the extent that they are regarded as an adjustment to interest costs.

The municipality shall recognise borrowing costs that are directly attributable to the acquisition, construction, or production of a qualifying asset as part of the cost of the asset. The amount of borrowing cost eligible for capitalisation shall be determined in accordance with the GRAP 5.

Deferred payment

The cost of an asset is the cash equivalent at the recognition date. If the payment of the cost price is deferred beyond normal credit terms, the difference between the cash price equivalent (the total cost price is discounted to the asset's present value as at the transaction date) and the total payment is recognised as an interest expense over the period of credit unless such interest is recognised in the carrying value of the asset in accordance with the Standard on Borrowing Costs, GRAP 5.

Exchanged PPE assets

In cases where assets are exchanged, the cost is deemed to be the fair value of the acquired asset and the disposed asset is de-recognised. If the acquired asset is not measured at its fair value, its cost price will be the carrying amount of the asset given up.

Cost of an item of PPE

The capitalisation value comprises of;

- (i) the purchase price, including import duties and non-refundable purchase taxes, after deducting trade discounts and rebates;
- (ii) any directly attributable costs necessary to bring the asset to its location and condition necessary for it to be operating in the manner intended by the municipality, and
- (iii) an initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located, the obligation for which an municipality incurs either when the item is acquired or as a consequence of having used the item during a particular period for purposes other than to produce inventories during that period.

VAT is excluded (unless the municipality is not allowed to claim input VAT paid on purchase of such assets - in such an instance, the municipality should capitalise the cost of the asset together with VAT).

Directly attributable costs

Examples of directly attributable costs are defined as:

- Cost of employee benefits arising directly from the construction or acquisition of the item of immovable PPE and intangible assets.
- costs of site preparation (in the case of PPE assets);
- initial delivery and handling costs (in case of PPE assets and heritage assets) ;
- installation and assembly costs, cost of testing whether the immovable PPE or associated intangible asset is functioning properly, after deducting the net proceeds from selling any item produced while bringing the asset to that location and condition;
- commissioning (cost of testing the asset to see if the asset is functioning properly, after deducting the net proceeds from selling any item produced while bringing the asset to its current condition and location)
- professional fees (for example associated with design fees, supervision, and environmental impact assessments) (in the case of all asset classes); and
- proper transfer taxes (in the case of all asset classes).

(b) Policy statement

PPE, intangible assets, heritage assets and investment property that qualify for recognition shall be capitalised **at cost**. Interest on deferred payments will be expensed. Biological assets that qualify for recognition shall be capitalised at **fair value less costs to sell**.

In cases where complete cost data is not available or cannot be reliably linked to specific assets:

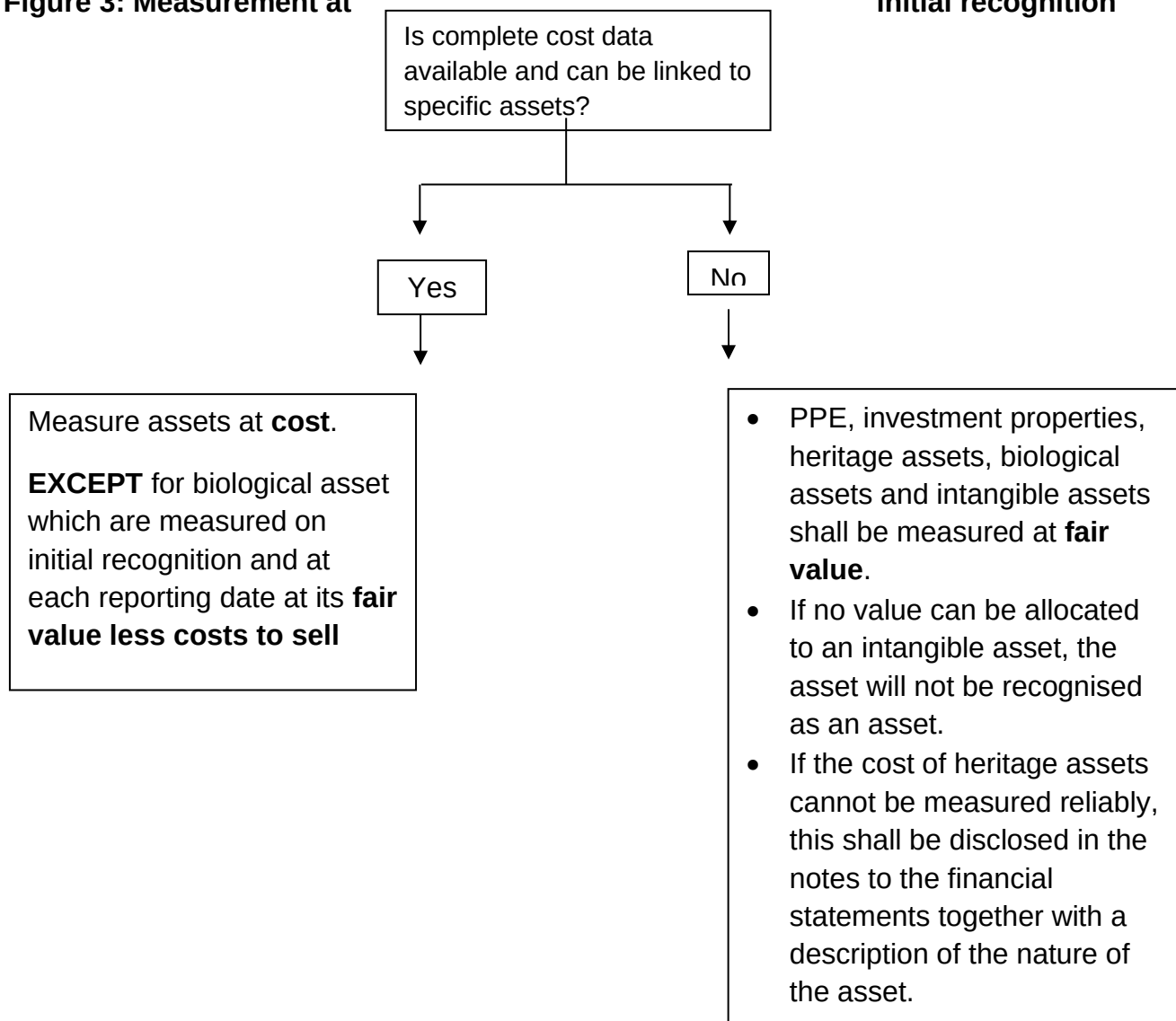
- The fair value of PPE shall be adopted on the basis of depreciated replacement cost;
- If the cost of heritage assets cannot be measured reliably, the Chief Financial Officer may, if it is believed that the determination of fair value for the assets in question will be a laborious or expensive undertaking, record such asset/assets in the asset register without an indication of the costs or fair value concerned. This shall be disclosed in the notes to the financial statements together with a description of the nature of the asset; and
- Investment property and intangible assets shall be measured at fair value on the date of acquisition. If no fair value can be allocated to the intangible asset, it will not be recognised as an asset.

In cases where the fair value for biological assets cannot be measured reliably:

- The biological asset shall be measured at its cost less any accumulated depreciation and any accumulated impairment losses.
- Once the fair value becomes reliably measurable the municipality shall measure it at its fair value less cost to sell.
- Additional disclosure requirements include the following:
 - A description of the biological assets;
 - An explanation of why fair value cannot be measured reliably;
 - If possible, the range of estimates within which fair value is highly likely to lie;
 - The depreciation method used;
 - The useful lives or the depreciation rates used; and
 - The gross carrying amount and the accumulated depreciation (aggregated with accumulated impairment losses) at the beginning and the end of the period.

Figure 3: Measurement at

initial recognition



(c) Responsibilities

- The CFO, in consultation with the AO and HODs, shall determine effective procedures for the capitalisation of assets on recognition.
- Every HOD shall ensure that all assets under their control are correctly capitalised.
- Every HOD shall advise the CFO of any deferred payments from the municipality, providing the relevant details of such.

10.6 MEASUREMENT AFTER RECOGNITION

(a) Definitions and rules

Options

Accounting standards allow measurement after recognition on immovable assets as follows:

- PPE, heritage assets and intangible assets: on either a cost or revaluation model;
- Biological assets: fair value less costs to sell; and
- Investment Property: either cost model or the fair value model.

Different models can be applied, providing the treatment is consistent per asset class.

Cost model

When the cost model is adopted, the asset is carried after recognition at its cost less any accumulated depreciation and any accumulated impairment losses.

Revaluation model

When the revaluation model is adopted an asset is carried after recognition at a re-valued amount, being its fair value at the date of revaluation less any subsequent accumulated depreciation and subsequent accumulated impairment losses. Revaluations are made with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date. When revaluations are conducted, the entire class of assets should be re-valued. The appraisal of the fair value of assets is normally undertaken by a member of the valuation profession, who holds a recognised and relevant professional qualifications and appropriate knowledge and experience in valuation of the respective assets.

If the carrying amount of an asset is increased as a result of a revaluation, the increase shall be credited directly to a revaluation surplus. However, the increase shall be recognised in surplus or deficit to the extent that it reverses a revaluation decrease of the same asset previously recognised in surplus or deficit.

If the carrying amount of an asset is decreased as a result of a revaluation, the decrease shall be recognised in surplus or deficit. However, the decrease shall be debited directly in net assets to the extent of any credit balance existing in the revaluation surplus in respect of that asset.

The decrease recognised directly in net assets reduces the amount accumulated in net assets under the heading revaluation surplus.

When an asset is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

- Restated proportionately with the change in the gross carrying amount of the asset after revaluation equals its revalued amount. This method is often used when an asset is revalued by means of applying an index to its DRC.
- Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

The revaluation surplus is transferred to the Accumulated Surpluses/ (Deficits) Account on de-recognition of an asset. An amount equal to the difference between the new (enhanced) depreciation expense and the depreciation expenses determined in respect of such asset before the revaluation in question *may* be transferred from the Revaluation Reserve to the municipality's Accumulated Surplus/Deficit Account. *If this option is selected, an adjustment of the aggregate transfer is made at the end of each financial year.*

Statutory inspections

The cost of a statutory inspection that is required for the municipality to continue to operate immovable PPE is recognised at the time the cost is incurred if the recognition criteria are satisfied and any previous statutory inspection cost is de-recognised.

Expenses to be capitalised

Expenses incurred in the enhancement of PPE (in the form of improved or increased services or benefits flowing from the use of such asset), or in the material extension of the useful operating life of assets are capitalised. Such expenses are recognised once the municipality has beneficial use of the asset (be it new, upgraded, and/or renewed) – prior to this, the expenses are recorded as work-in-progress. Expenses incurred in the maintenance or repair (reinstatement) of PPE that ensures that the useful operating life of the asset is attained, are considered as operating expenses and are not capitalised, irrespective of the quantum of the expenses concerned.

Spares

The location of capital spares shall be amended once they are placed in service, and re-classified to the applicable PPE asset sub-category. Depreciation on the capital spares will commence once the items are placed in service as this is when they are in the location and condition necessary for them to be capable of operating in the manner intended by management.

(b) Policy statement

Measurement after recognition shall be on the following basis:

- PPE: *cost model*
- Heritage: *cost model*
- Investment property: *cost model*
- Intangible assets: *cost model*
- Biological assets: *fair value less cost to sell*

Figure 4: Measurement after recognition

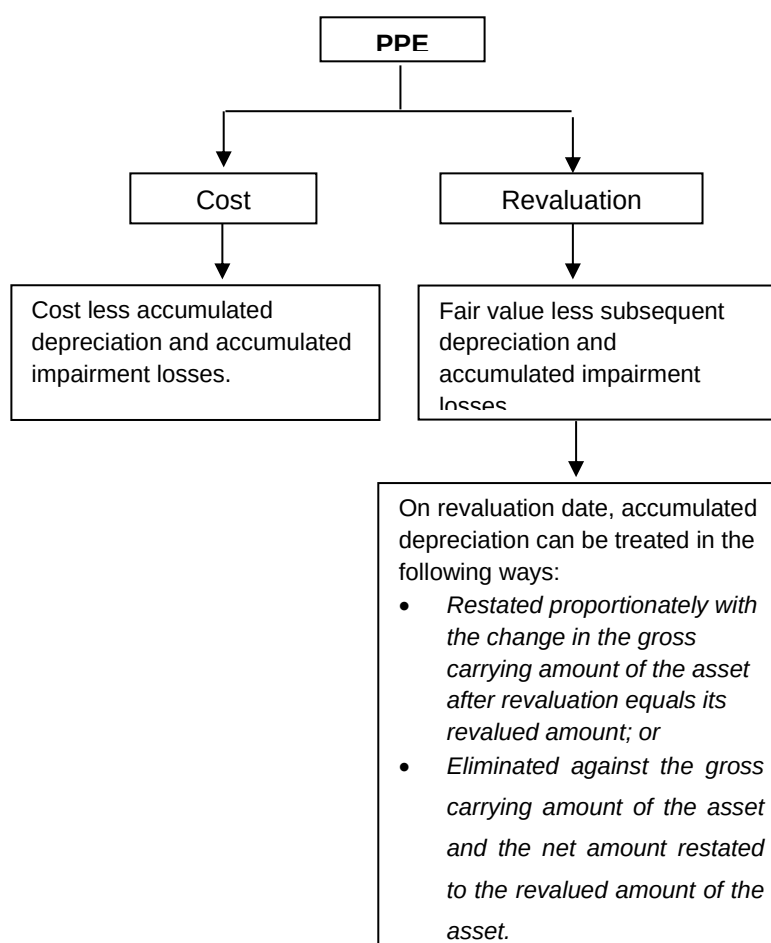


Figure 5: Measurement after recognition

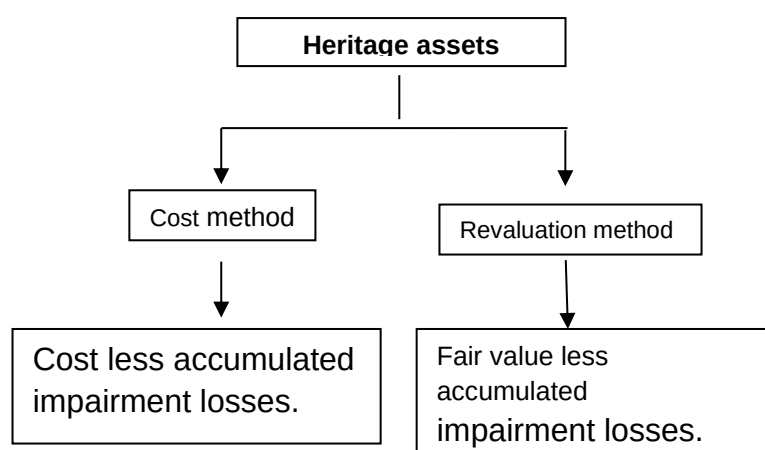


Figure 6: Measurement after recognition

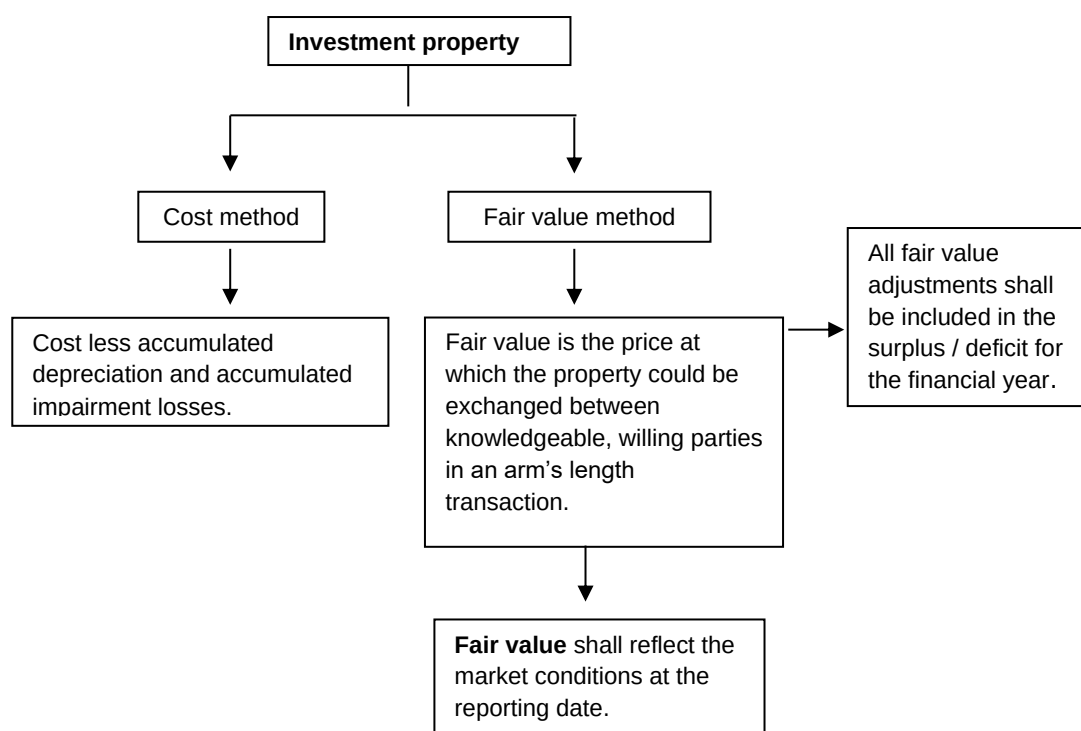


Figure 7: Measurement after recognition

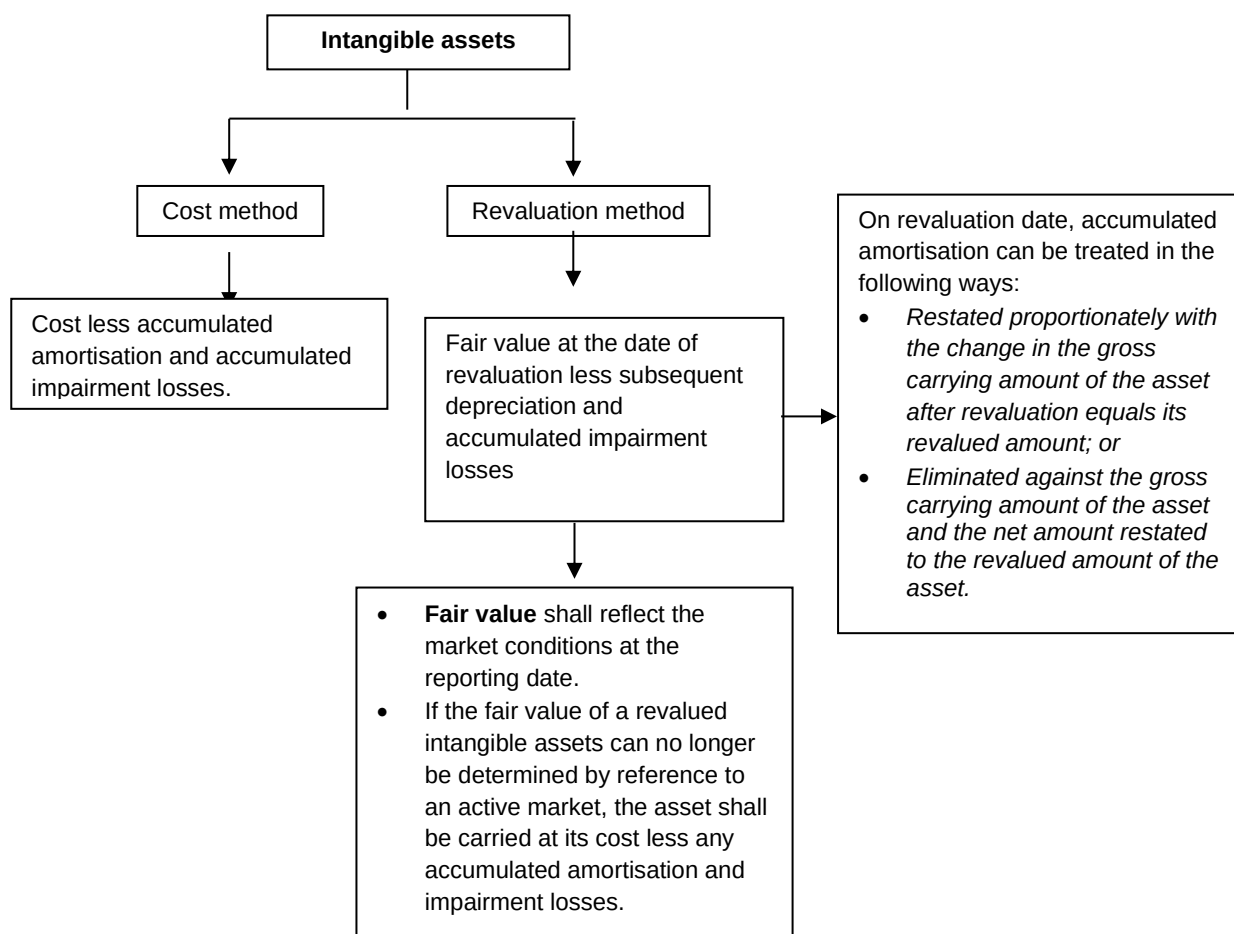
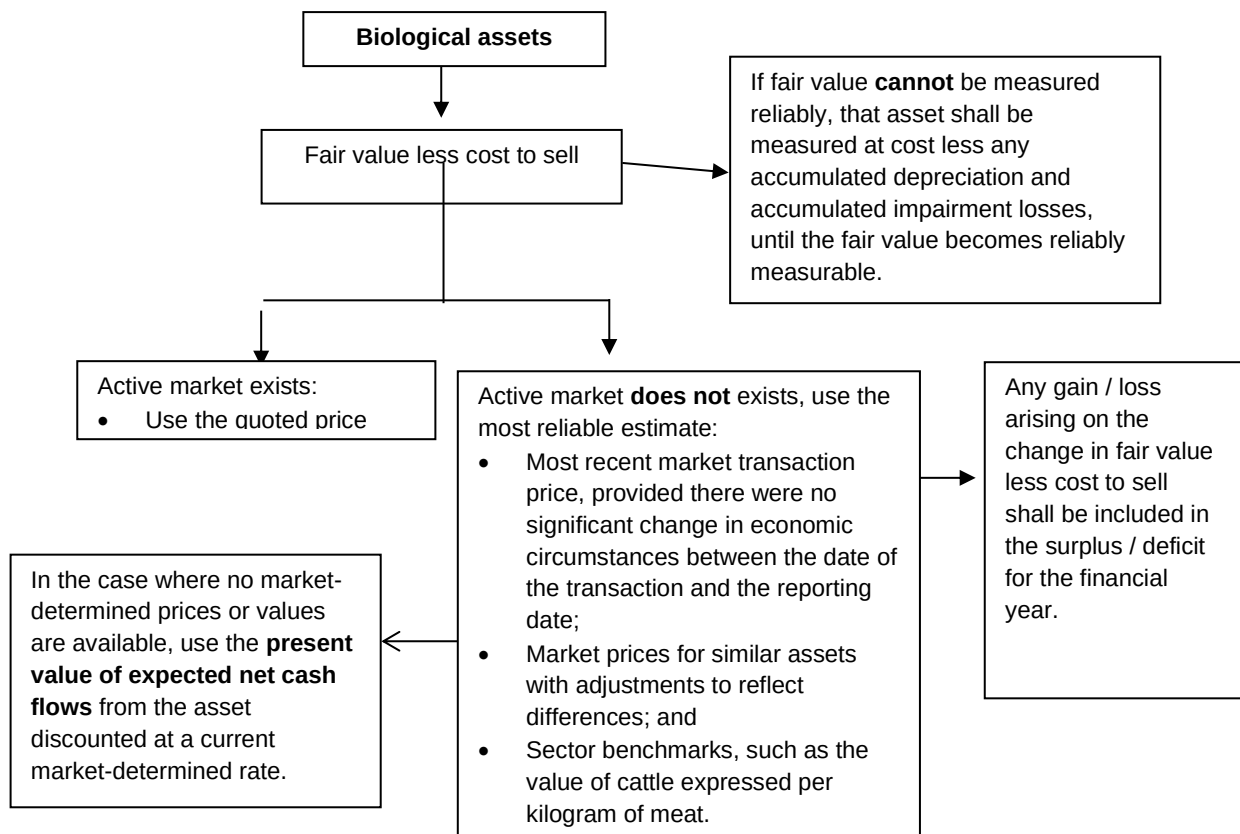


Figure 8: Measurement after recognition



(c) Responsibilities

- The CFO, in consultation with the AO and HODs, shall determine effective procedures for the on-going capitalisation of assets after recognition.
- Every HOD shall ensure that all capital expenses associated with assets under their control are correctly capitalised.
- Every HOD shall ensure that revaluations and fair value adjustments are conducted where applicable to immovable infrastructure under their control.

10.7 DEPRECIATION

(a) *Definition and rules*

Depreciation

Depreciation is the systematic allocation of the depreciable amount of an asset over its remaining useful life. The amortisation of intangible assets is identical.

Land and servitudes are considered to have unlimited life; therefore they are not depreciated. Heritage assets, biological assets, agricultural assets and assets under construction are also not depreciated.

Depreciable amount

The depreciable amount is the cost of an asset, or other amount substituted for cost, less its residual value.

Residual value

The residual value is the estimated amount that the municipality would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset was already of the age and in the condition expected at the end of its useful life.

In assessing whether there is any indication that the expected residual value of an asset has changed, the municipality shall consider where there has been any change in the expected timing of disposal of the assets, as well as any relevant indicators.

The residual values of assets are indicated in **Annexure B** in the form of a percentage. In the case of assets measured after recognition on the cost model, the percentage is of the initial cost of acquisition. In the case of assets measured after recognition on the revaluation model, the percentage is of the revalued cost.

Intangible assets with an indefinite useful life

An intangible asset with an indefinite useful life will not be amortised. Impairment testing shall be performed on these assets on an annual basis and whenever there is an indication that the assets might be impaired, comparing its recoverable amount with its carrying amount.

The useful life of an intangible asset that is not being amortised shall be reviewed each reporting period to determine whether events and circumstances continue to support an indefinite useful life assessment for that asset. If they do not, the change in the useful life assessment from indefinite to finite shall be accounted for as a change in accounting estimate in accordance with GRAP 3.

Remaining useful life

The remaining useful life (RUL) of a depreciable PPE asset is the time remaining until an asset ceases to provide the required standard of performance or economic usefulness.

The remaining useful life of all depreciable immovable PPE assets at initial recognition is the same as the expected useful life indicated in **Annexure A** above. The remaining useful life of all depreciable movable PPE assets that are new, or are considered to have been renewed, at initial recognition is the same as the expected useful life indicated in **Annexure A**.

The estimation of the useful life of assets is a matter of judgement based on the experience of the municipality with similar assets. The municipality considers all facts and circumstances in estimating the useful lives of assets, which includes the consideration of financial, technical and other factors.

Annual review of remaining useful life

The municipality shall assess at each reporting date whether there is any indication that the municipality's expectations about the residual value and the useful life of an asset have changed since the preceding reporting date. If any such indication exists, the municipality shall revise the expected useful life and/or residual value accordingly. The change(s) shall be accounted for as a change in accounting estimate in accordance with GRAP 3.

In assessing whether there is any indication that the expected useful life of an asset has changed, the municipality considers the following indications:

- a) The composition of the asset changed during the reporting period, i.e. the significant components of the asset changed.
- b) The use of the asset has changed, because of the following:
 - i) The municipality has changed the manner in which the asset is used.
 - ii) The municipality has changed the utilisation rate of the asset.

- iii) The municipality has made a decision to dispose of the asset in a future reporting period(s) such that this decision changes the expected period over which the asset will be used.
- iv) Technological, environmental, commercial, or other changes that occurred during the reporting period that have, or will, change the use of the asset.
- v) Legal or similar limits placed on the use of the asset have changed.
- vi) The asset was idle or retired from use during the reporting period.
- c) The asset is approaching the end of its previously expected useful life.
- d) Planned repairs and maintenance on, or refurbishments of, the asset and/or its significant components either being undertaken or delayed.
- e) Environmental factors, e.g. increased rainfall or humidity, adverse changes to temperatures or increased exposure to pollution.
- f) There is evidence that the condition of the asset improved or declined based on assessments undertaken during the reporting period.
- g) The asset is assessed and is being impaired in accordance with GRAP 21/26.

In assessing whether there is any indication that the expected residual value of an asset has changed, an municipality shall consider whether there has been any change in the expected timing of disposal of the asset, as well as any relevant indicators as listed above.

Depreciation method

Depreciation of PPE is applied at the component level. A range of depreciation methods exist and can be selected to model the consumption of service potential or economic benefit (for example the straight line method, diminishing amount method, fixed percentage on reducing balance method, sum of the year digits method, production unit method). The approach used should reflect the consumption of future economic benefits or service potential, and should be reviewed annually where there has been a significant change in the expected pattern of consumption.

Depreciation charge

Depreciation starts once an asset is available for use when it is in the location and condition necessary for it to be capable of operating in the manner intended by management. Depreciation of an asset ceases at the date that the asset is derecognised. Depreciation does not cease

when the asset becomes idle or it is retired from active use and held for disposal unless that asset is fully depreciated.

Change in useful life

Where the remaining useful life of the asset has changed, the carrying value of the asset will be written off over the revised remaining useful life of the asset.

Carrying amount

The carrying amount is the cost price / fair value amount after deducting any accumulated depreciation and accumulated impairment losses.

Finance lease

Depreciable assets financed through a finance lease will give rise to a depreciation expense and finance cost which will occur for each accounting period. The depreciation policy for depreciable leased assets shall be consistent with the policy of depreciable owned assets, and the depreciation recognised shall be calculated in accordance with the Standard on Property, Plant and Equipment, GRAP 17 and Intangible assets GRAP 31. If there is no reasonable certainty that the municipality will obtain ownership by the end of the lease term, the asset shall be fully depreciated over the shorter of the lease term and its useful life. If there is certainty that the municipality will obtain ownership by the end of the lease term, the asset will be fully depreciated over the asset's useful life.

(b) Policy statement

All PPE, except land, servitudes and heritage assets, shall be depreciated over their remaining useful lives. All intangible assets, other than intangibles with an indefinite useful life, shall be amortised over their remaining useful lives.

The municipality shall assess at each reporting date whether there is any indication that the municipality's expectations about the residual value and the useful life of an asset have changed since the preceding reporting date. If any such indication exists, the municipality shall revise the expected useful life and/or residual value accordingly. The change(s) shall be accounted for as a change in accounting estimate in accordance with GRAP 3.

(c) Responsibilities

- The HODs shall ensure that a budgetary provision is made for the depreciation of the

- assets in the ensuing financial year, in consultation with the CFO.
- HODs shall assess at each reporting date whether there is any indication that the municipal expectations about the residual value (Annexure B) and the useful life (Annexure A) of the asset have changed since the preceding reporting date. If such an indication exists the HODs shall motivate to the AO and CFO any adjustments to the revised the useful life and residual value.
- The depreciation method will also be reviewed annually by the HODs and if any adjustment is needed it should be motivated to the AO and CFO. Changes should not be made on a continuous basis because the accounting principle of consistency would be violated.
- The CFO shall ensure that depreciation charges are debited on a monthly basis and that the fixed asset register is reconciled with the general ledger.

10.8 IMPAIRMENT

(a) Definition and rules

Impairment

Impairment is defined as the loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation.

Indications of impairment

The municipality must review assets for impairment when one of the indicators below occurs or at least at the end of each reporting period. In assessing whether there is any indication that an asset may be impaired, an municipality shall consider as a minimum the following indicators:

10.8.1 External sources of information:

- decline or cessation in demand;
- significant long-term changes in the technological, legal or government policy environment;
- the carrying amount of the net assets of the municipality is more than its market capitalisation;
- market interest rates have increased during the period, and those increases are likely to affect the discount rate used in calculating an asset's value in use and decrease the asset's recoverable amount materially; or

- a halt in construction could indicate an impairment. Where construction is delayed or postponed to a specific date in the future, the project may be treated as work in progress and not considered as halted.

10.8.2 Internal sources of information:

- evidence of physical damage;
- evidence of obsolescence;
- significant changes with an adverse effect on the municipality have taken place during the period, or are expected to take place in the near future, in the extent to which, or a manner in which, an asset is used or is expected to be used, including an asset becoming idle, plans to dispose of an asset before the previously expected date, and reassessing the useful life of an asset as finite rather than indefinite;
- cash flow for acquiring an asset or maintenance cost thereafter is higher than originally budgeted;
- the actual net cash flow or operating profit or loss flowing from an asset are significantly worse than those budgeted;
- a significant decline in budgeted net cash flow or operating profit, or a significant increase in the budget loss, flowing from the asset; or
- operating losses or net cash outflows for the asset, when current period amounts are aggregated with budgeted amounts for the future.

10.8.3 Other indications, such as loss of market value.

Impairment of projects under construction

In assessing whether a halt in construction would trigger an impairment test, it should be considered whether construction has simply been delayed or postponed, whether the intention to resume construction in the near future or whether the construction work will not be completed in the foreseeable future. Where construction is delayed or postponed to a specific future date, the project may be treated as work in progress and is not considered as halted.

Intangible assets

The Municipality should with in accordance with GRAP 21 and GRAP 26 test intangible assets with an indefinite useful life or an intangible asset not yet available for use for impairment by

comparing its recoverable service amount, as appropriate, with its carrying amount annually and whenever there is an indication that the intangible asset may be impaired.

Recoverable amount

The recoverable amount of a cash or non-cash generating unit is the higher of its fair value less cost to sell and its value in use. The events and circumstances in each instance must be recorded. Where there are indications of impairment, the municipality must estimate the recoverable amount of the asset and also consider adjustment of the remaining useful life, residual value, and method of depreciation.

Impairment loss

An impairment loss of a non-cash-generating unit or asset is defined as the amount by which the carrying amount of an asset exceeds its recoverable service amount. The recoverable service amount is the higher of the fair value less costs to sell and its value in use.

An impairment loss of a cash-generating unit (smallest group of assets that generate cash inflows) or asset is the amount by which the carrying amount of an asset exceeds its recoverable amount. The recoverable amount is the higher of the fair value less costs to sell and its value in use.

Non-cash generating unit

Non-cash-generating units are those assets (or group of assets) that are not held with the primary objective of generating a commercial return. This would typically apply to assets providing goods or services for community or social benefit. The recoverable service amount is the higher of the asset's fair value less cost to sell and its value in use. It may be possible to determine the fair value even if the asset is not traded in an active market. If there is no binding sales agreement or active market for an asset, the fair value less cost to sell is based on the best information available to reflect the amount that an municipality could obtain. However, sometimes it will not be possible to determine the fair value less cost to sell because there is no basis for making reliable estimates of the amount obtainable. For non-cash generating assets which are held on an on-going basis to provide specialised services or public goods to the community, the value in use of the assets is likely to be greater than the fair value less cost to sell. In such cases the municipality may use the asset's value in use as its recoverable service

amount. The value in use of a non-cash generating unit/asset is defined as the present value of the asset's remaining service potential.

This can be determined using any of the following approaches:

- the Depreciated Replacement Cost (DRC) approach (and where the asset has enduring and material over-capacity, for example in cases where there has been a decline in demand, the Optimised Depreciated Replacement Cost (ODRC) approach may be used);
- the restoration cost approach (the Depreciated Replacement Cost less cost of restoration) – usually used in cases where there has been physical damage; or
- the service units approach (which could be used for example where a production units model of depreciation is used).

Where the present value of an asset's remaining service potential (determined as indicated above) exceeds the carrying value, the asset is not impaired.

Cash-generating unit

Cash-generating units are those assets held with the primary objective of generating a commercial return. An asset generates a commercial return when it is deployed in a manner consistent with that adopted by a profit-oriented municipality. Holding an asset to generate a "commercial return" indicates that an municipality intends to generate positive cash inflows from the asset (or from part of the cash-generating unit of which the asset is a part) and earn a commercial return that reflects the risk involved in holding the asset. When the cost model is adopted, fair value is determined in accordance with the rules indicated for measurement after recognition. Costs to sell are the costs directly attributable to the disposal of the asset (for example agents fees, legal costs), excluding finance costs and income tax expenses. The value in use is determined by estimating the future cash inflows and outflows from the continuing use of the asset and net cash flows to be received or (paid) for the disposal of the assets at the end of its useful life, including factors to reflect risk in the respective cash-flows and the time value of money.

Judgement

The extent to which the asset is held with the objective of providing a commercial return needs to be considered to determine whether the asset is a cash generating or non-cash generating asset. An asset may be held with the primary objective of generating a commercial return even though it does not meet that objective during a particular reporting period. Conversely, an asset may be a non-cash-generating asset even though it may be breaking even or generating a commercial return during a particular reporting period. In some cases it may not be clear whether the primary objective of holding an asset is to generate a commercial return. In such cases it is necessary to evaluate the significance of the cash flows. It may be difficult to determine whether the extent to which the asset generates cash flows is so significant that the asset is a non-cash-generating- or a cash-generating asset. Judgement is needed in these circumstances.

Recognition of impairment

The impairment loss is recognised as an expense when incurred (unless the asset is carried at a re-valued amount, in which case the impairment is carried as a decrease in the Revaluation Reserve, to the extent that such reserve exists). After the recognition of an impairment loss, the depreciation charge for the asset is adjusted for future periods to allocate the asset's revised carrying amount, less its residual value (if any), on a systematic basis over its remaining useful life.

When no future economic benefit is likely to flow from an asset, it is de-recognised and the carrying amount of the asset at the time of de-recognition, less any economic benefit from the de-recognition of the asset, is debited to the Statement of Financial Performance as a "Loss on Disposal of Asset".

In the event of compensation received for damages to an item of PPE, the compensation is considered as the asset's ability to generate income and is disclosed under Sundry Revenue; and the asset is impaired/ de-recognised.

Reversing an impairment loss

The municipality must assess each year from the sources of information indicated above whether there is any indication that an impairment loss recognised in previous years may no longer exist or may have decreased. In such cases, the carrying amount is increased to its recoverable amount (providing that it does not exceed the carrying amount that would have been

determined had no impairment loss been recognised in prior periods). Any reversal of an impairment loss is recognised as a credit in surplus or deficit.

(b) Policy statement

Impairment of assets shall be recognised as an expense in the Statement of Financial Performance when it occurs or at least at every reporting date. Ad-hoc impairment shall be identified as part of normal operational management as well as scheduled annual inspections of the assets.

The municipality must review assets for impairment at the end of each reporting period by assessing whether there is any indication that an asset may be impaired.

All assets relating to these assets which are held with the primary objective of generating a commercial return. Consequently the municipality adopts the impairment treatment for cash generating units in the impairments of its PPE and associated intangible assets that relate to these assets.

All these assets that are considered to be assets whose primary objective is to provide goods and services for community or social benefit, and where positive cash flows are generated, these are with the view to support the primary objective rather than for financial return to equity holders. Consequently the municipality adopts the impairment treatment for non-cash generating units in the impairments of its PPE and associated intangible assets that relate to these asset classes.

(c) Responsibilities

- The CFO shall indicate a fixed annual date for the review of any impairment that may have occurred on assets under the control of the respective HODs.
- HODs shall assess at each reporting date whether there is any indication that an asset may be impaired. The HOD shall motivate to the CFO the proposed changes in the performance of such assets and the necessary impairment that needs to be recognised on such assets indications
- The HOD should evaluate all the immovable PPE for impairment, taking into consideration any discussions with the senior accountants and operating managers.
- The Asset register administrator should update the fixed asset register with the information received, relating to the impairment, from the financial management system where the impairment journals have been processed.

- The CFO shall report changes made to the carrying values of these assets in the asset register to the AO and Council.

10.9 DE-RECOGNITION

(a) Definition and rules

Exempt assets

Capital assets transferred to another municipality or to a municipal municipality or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework in terms of the Municipal Asset Transfer Regulations.

Non-exempt assets

Assets other than exempt assets.

De-recognition

Assets are de-recognised on disposal or when no future economic benefits or service potential are expected from its use or disposal. Where assets exist that have reached the end of their useful life yet they pose potential liabilities, the assets will not be de-recognised until the obligations under the potential liabilities have been settled.

The gain or loss arising from de-recognition of an item of immovable assets shall be included in surplus of deficit when the item is de-recognised.

PPE that is associated with the provision of basic services cannot be disposed without the approval of Council.

Government Gazette No. 31346, Municipal asset transfer regulations, sets out the regulations regarding municipal asset transfers and disposals, for example type of assets that need approval to be disposed or transferred, timeframes, possible public participation requirements, considerations in approving the transfer or disposal and Council approval.

Read in conjunction with the Municipal Finance Management Act (MFMA) it is clear that a municipality may not transfer ownership as a result of a sale or other transaction or otherwise

permanently dispose of a capital asset needed to provide the minimum level of basic municipal services unless that transfer is to an organ of state, and the following conditions must be met:

- Ownership in the capital asset (including replacements, upgrading and improvements made by the organ of state) must immediately revert to the municipality should the organ of state for any reason cease to or is unable to render the service;
- The organ of state may not without the written approval of the municipality:
- Transfer, dispose of or encumber the capital asset (including replacements, upgrading and improvements made by the organ of state) in any way;
- Grant a right to another person to use, control or manage the capital asset (including replacements, upgrading and improvements made by the organ of state);
- The transfer agreement must reflect the conditions above; and
- The organ of state must demonstrate the ability to adequately maintain and safeguard the asset.

If the combined value of any non-exempt capital assets a municipality intends to transfer or dispose of in any financial year exceeds 5% of the total value of its assets, as determined from its latest available audited AFS, a public participation process must be conducted to facilitate the determinations of the municipal council, in relation to all the non-exempt capital assets proposed to be transferred or disposed of during the year.

Council may delegate the following powers and responsibilities to the AO:

- The decision as to whether the non-exempt capital asset is needed to provide a basic service;
- The power to approve in-principle that the non-exempt capital asset may be transferred or disposed of; and
- The authority to approve in-principle of the granting of a right to use a capital asset. This delegation does not extend however, to cover long-term high-value transactions.

Disposal of assets should be at fair value. If payment for the item is deferred, the consideration received is recognised initially at the cash price equivalent (the total proceeds discounted to the present value as at the transaction date). The difference between the nominal amount of the consideration and the cash price equivalent is recognised as interest revenue.

Disposal Management System

An effective system of disposal management for disposal or letting of assets, including unserviceable, redundant or obsolete assets, must be provided for in the Supply Chain Management Policy.

This must specify the ways in which assets may be disposed of, including by:

- transfer the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets;
- transferring the assets to another organ of state at market related value or, when appropriate, free of charge;
- selling the asset; or
- destroying the asset.

PPE may be sold only at market related prices except when it is in the public interest or to alleviate the plight of the poor. When assets are traded in for other assets, the highest possible trade-in price must be negotiated.

Revaluation model

The revaluation surplus is transferred to the Accumulated Surpluses / (Deficits) Account on de-recognition of an asset. An amount equal to the difference between the new (enhanced) depreciation expense and the depreciation expenses determined in respect of such immovable asset before the revaluation in question may be transferred from the Revaluation Reserve to the municipality's Accumulated Surplus / Deficit Account. An adjustment of the aggregate transfer is made at the end of each financial year.

(b) Policy statement

Fixed assets for which no future economic benefits or service potential are expected shall be identified and methods of disposal and the associated costs or income considered by Council. The carrying amount of the asset shall be de-recognised when no future economic benefits or service potential are expected from its use or its disposal. Where assets exist that have reached the end of their useful life yet they pose potential liabilities, the assets will not be de-recognised until the obligations under the potential liabilities have been settled.

Where an asset being de-recognised was previously revalued, the revaluation surplus is transferred to the Accumulated Surpluses / (Deficits) Account on de-recognition of an asset.

(c) Responsibilities

- Fixed assets shall be de-recognised only on the recommendation of the HOD controlling the asset, and with the approval of the AO.
- Every HOD shall report to the CFO on assets which such HOD wishes to have de-recognised, stating in full the reason for such recommendation, indicating whether or not the assets are associated with the provision of basic services. The CFO shall submit a report to the Mayoral Committee on an annual basis for consideration of asset disposals.
- Assets that are replaced in the nominal course of the life-cycle renewal should be de-recognised and removed from the asset register.
- The AO, in consultation with the CFO and other HODs shall formulate norms and standards from the replacement of all PPE.

10.10 INSURANCE OF ASSETS

(a) Definition and rules

Insurance provides selected coverage for the accidental loss of asset value.

Generally, government infrastructure is not insured against disasters because relief is provided from the Disaster Fund through National Treasury. The municipality can however elect to insure certain infrastructure risks, though approval must be obtained from the Council. The ~~CFO~~ **Chief Risk Officer** must conduct a risk assessment of all assets and after considering the risks involved, report to Council, which assets must be insured. The risk assessment must be based on a loss probability analysis and if there is no capacity within the municipality to conduct the analysis, the CFO should be authorised to obtain external professional assistance.

The municipality may elect to operate a self-insurance reserve, in which case the CFO shall annually determine the premiums payable by the departments or votes after having received a list of assets and insurable values of all relevant assets from the HODs concerned. This will be reflected in the accumulated surplus and will be cash backed.

Assets must be insured internally or externally and coverage must be based on the loss probability analysis. All insurance claims must be assessed by an official, charged with the responsibility for the insurance of assets, to determine whether the damage to the assets can be recovered from possible third parties involved. If the damage was caused by an identifiable third party the CFO or HOD of the department should compile a report advising the AO of the facts thereof and any possible further action.

(b) Policy statement

The municipality should adhere to the disaster management plan for prevention and mitigation of disaster in order to be able to attract the disaster management contribution during or after disaster. The Council shall decide on insurance cover for assets each financial year based on the recommendation from the AO after consultation with the CFO.

(c) Responsibilities

- The AO will consult with the CFO on the basis of insurance to be applied to each type of asset: either the carrying value or the replacement value of the immovable asset concerned. The approach shall take due cognisance of the budgetary resources of the municipality, and where applicable asset classes shall be prioritised in terms of their risk exposure and value.
- The AO shall advise Council on the insurance approach taken.

In the event that the CFO is directed by Council to establish a self-insurance reserve, the CFO shall annually submit a report to the Council on any reinsurance cover which it is deemed necessary to procure for the municipality's self-insurance reserve.

11. POLICY FOR SAFEGUARDING

(a) Definitions and rules

The municipality applies controls and safeguards to ensure that assets are protected against improper use, loss, theft, malicious damage or accidental damage.

The existence of assets is physically verified from time-to-time, and measures adopted to control their use, as follows:

- All above ground assets should be verified for existence and any changes in condition at least once a year by means of workstreams done by an independent service provider. These inspections should be formally recorded and signed off and, where possible, shall be worked into the routine maintenance inspections. These inspections may be prioritised on a risk basis to give emphasis to assets approaching the end of their useful life and assets with a high value in relation to total assets (the threshold for high value will be determined by the CFO), whereas a sample basis may be adopted for long life or multiple assets of a similar nature;
- Performance data shall be reviewed for buried assets to identify possible changes in condition; and
- A detailed road condition survey shall be conducted every 5 years.

Every HOD shall at least once during every financial year undertake a comprehensive verification of all movable PPE controlled by or used by the department concerned. Every HOD shall promptly and fully report in writing to the CFO, in the format determined by the CFO, all relevant results of such verification.

This report in respect of the annual physical verification of movable assets shall:-

- Confirm the location of the asset;
- Confirm the physical description of the asset;
- Confirm the level of utilisation of the asset;
- Indicate the assessment of the condition of the asset (Condition Grade);
- Indicate the expected useful life of the asset (RUL); and

The existence or absence of any physical impairment of the asset.

Transfers between HOD's:

- **Permanent transfers to another HOD**

A HOD may transfer an asset under his control provided that another HOD agrees in writing to accept responsibility for that asset. Copies of such approvals must be submitted to the Financial Department.

The Financial Department must appropriately amend the Asset register by recording all approved transfers.

The HOD to whom the asset is transferred must assume accountability for the transferred asset from a date specified in the written communication referred to above.

A HOD must ensure that assets are appropriately safeguarded for loss, damage, or misuse wherever they are located. Safeguarding includes ensuring reasonable physical restrictions.

- **Relocation or Reassignment of Assets**

A HOD must advise the Chief Financial Officer, in writing, whenever an asset is relocated or reassigned from the location (or base) or cost centre as recorded in the Asset Register.

In the case of assets such as vehicles being utilized in the normal course of operations away from its base such reporting is not necessary.

The municipality may allocate day-to-day duties relating to such control, verification and safekeeping to asset custodians, and record such in the asset register.

(b) Policy statement

An asset safeguarding plan shall be prepared for all assets indicating measures that are considered effective to ensure that all assets under control of the municipality are appropriately safeguarded from inappropriate use or loss, including the identification of asset custodians for all assets. The impact of budgetary constraints on such measures shall be reported to Council. The existence, condition and location of these assets shall be verified annually (in line with the assessment of impairment).

(c) Responsibilities

- Each HOD shall prepare and submit to the CFO, upon request, an annual asset safeguarding plan for the assets under the control of their respective departments, indicating the budget required.
- The CFO shall confirm the available budget, and in consultation with the respective HOD, determine the impact of any budget shortfall. The CFO shall report the impacts to the AO for review, and advise Council.
- Each HOD shall implement the safeguarding plan within the resources made available.
- Each HOD shall report, within the time frame indicated by the CFO, the existence, condition, location and appropriate use of assets under the control of their respective departments at the review date.
- Every HOD shall at least once during every financial year undertake a comprehensive verification of all movable PPE controlled by or used by the department concerned.
- Every HOD shall promptly and fully report in writing to the CFO, in the format determined by the CFO, all relevant results of such movable asset verification.
- Malicious damage, theft, and break-ins must be reported to the AO or delegated person within 48 hours of its occurrence or awareness by the respective HOD.
- The AO must report criminal activities to the South African Police Service.

12. POLICY FOR LIFE-CYCLE MANAGEMENT OF IMMOVABLE PPE ASSETS

(a) Definitions and rules

Service delivery

Immovable PPE assets (such as infrastructure and community facilities) are the means by which the municipality delivers a range of essential municipal services. Consequently the management of such assets is critical to meeting the strategic objectives of the municipality and in measuring its performance.

Asset management

The goal of asset management of immovable PPE is to meet a required level of service, in the most cost-effective manner, through the management of assets for present and future customers.

The core principles are:

- taking a life-cycle approach;
- developing cost-effective management strategies for the long-term;
- providing a defined level of service and monitoring performance;
- understanding and meeting the impact of growth through demand management and infrastructure investment;
- managing risks associated with asset failures;
- sustainable use of physical resources; and
- continuous improvement in the immovable PPE asset management practices.

(b) Policy statement

The municipality shall provide municipal services for which the municipality is responsible, at an appropriate level, and in a transparent, accountable and sustainable manner, in pursuit of legislative requirements and in support of its strategic objectives, according to the following core principles:

Effective governance

The municipality shall strive to apply effective governance systems to provide for consistent asset management and maintenance planning in adherence to and compliance with all applicable legislation to ensure that asset management is conducted properly, and municipal services are provided as expected.

To this end, the municipality shall:

- continue to adhere to all constitutional, safety, health, systems, financial and asset-related legislation;
- regularly review updates and amendments to the above legislation;
- review and update its current policies and by-laws to ensure compliance with the requirements of prevailing legislation; and
- effectively apply legislation for the benefit of the community.

Sustainable service delivery

The municipality shall strive to provide to its customers services that are technically, environmentally and financially sustainable.

To this end, the municipality shall:

- Identify a suite of levels and standards of service that conform with statutory requirements and rules for their application based on long-term affordability to the municipality;
- identify technical and functional performance criteria and measures, and establish a commensurate monitoring and evaluation system;
- identify current and future demand for services, and demand management strategies;
- set time-based targets for service delivery that reflect the need to newly construct, upgrade, renew, and dispose infrastructure assets, where applicable in line with national targets;
- apply a risk management process to identify service delivery risks at asset level and appropriate responses;
- prepare and adopt a maintenance strategy and plan to support the achievement of the required performance;
- allocate budgets based on long-term financial forecasts that take cognisance of the full life-cycle needs of existing and future infrastructure assets and the risks to achieving the adopted performance targets;
- strive for alignment of the financial statements with the actual service delivery potential of the infrastructure assets; and
- implement its tariff and credit control and debt collection policies to sustain and protect the affordability of services by the community.

Social and economic development

The municipality shall strive to promote social and economic development in its municipal area by means of delivering municipal services in a manner that meet the needs of the various customer user-groups in the community.

To this end, the municipality shall:

- regularly review its understanding of customer needs and expectations through effective consultation processes covering all service areas;
- implement changes to services in response to changing customer needs and expectations where appropriate;
- foster the appropriate use of services through the provision of clear and appropriate information;

- ensure services are managed to deliver the agreed levels and standards; and
- create job opportunities and promote skills development in support of the national Expanded Public Work Program (EPWP).

Custodianship

The municipality shall strive to be a responsible custodian and guardian of the community's assets for current and future generations.

To this end, the municipality shall:

- establish a spatial development framework that takes cognisance of the affordability to the municipality of various development scenarios;
- establish appropriate development control measures including community information;
- cultivate an attitude of responsible utilisation and maintenance of its assets, in partnership with the community;
- ensure that heritage resources are identified and protected; and
- ensure that a long-term view is taken into account in infrastructure asset management decisions.

Transparency

The municipality shall strive to manage its infrastructure assets in a manner that is transparent to all its customers, both now and in the future.

To this end, the municipality shall:

- develop and maintain a culture of regular consultation with the community with regard to its management of infrastructure in support of service delivery;
- clearly communicate its service delivery plan and actual performance through its Service Delivery and Budget Implementation Plan (SDBIP);
- avail immovable PPE asset management information and
- continuously develop the skills of councillors and officials to effectively communicate with the community with regard to service levels and standards.

Cost-effectiveness and efficiency

The municipality shall strive to manage its infrastructure assets in an efficient and effective manner.

To this end, the municipality shall:

- assess life-cycle options for proposed new infrastructure in line with the Supply Chain Management Policy;
- regularly review the actual extent, nature, utilisation, criticality, performance and condition of infrastructure assets to optimise planning and implementation works;
- assess and implement the most appropriate maintenance of infrastructure assets to achieve the required network performance standards and to achieve the expected useful life of infrastructure assets;
- continue to secure and optimally utilise governmental grants in support of the provision of free basic services;
- implement new and upgrading construction projects to maximise the utilisation of budgeted funds;
- ensure the proper utilisation and maintenance of existing assets subject to availability of resources;
- establish and implement demand management plans;
- timeously renew infrastructure assets based on capacity, performance, risk exposure, and cost;
- timeously dispose of infrastructure assets that are no longer in use;
- review management and delivery capacity, and procure external support as necessary;
- establish documented processes, systems and data to support effective life-cycle infrastructure asset management;
- strive to establish a staff contingent with the required skills and capacity, and procure external support as necessary; and
- conduct regular and independent assessments to support continuous improvement of infrastructure asset management practice.

(c) Responsibilities

- Upon adoption of this policy by Council, the AO shall meet regularly with the CFO and HODs and to take measures to effectively implement this policy, and to report to Council on progress made at a frequency indicated by Council.
- HODs shall develop, and update at regular intervals to be determined by the AO in consultation with the CFO and HODs, an Asset Management Plan (AMP) for each service

involving immovable PPE that shall assess levels and standards of service, future demand, risk, determine a lifecycle plan for a minimum 10 year planning horizon, and identify management practice improvement needs (3 year horizon). The AMPs will be submitted through the AO to Council for adoption. AMPs shall be used to inform the preparation of a CMIP and budgets through the IDP process. The time frame for the first time implementation of this will be determined by the AO in consultation with the CFO and HODs.

- The CFO shall, in consultation with HODs, determine grading scales for the measurement of asset condition, performance, cost-of-operation, and utilisation for that are common and applicable to all services. Where necessary, the HODs shall interpret the grading scales for the immovable PPE assets under their control. HODs shall determine the grading of all immovable PPE assets under their control at a level of accuracy considered appropriate to the municipality's resources, at intervals to be determined by the AO in consultation with the CFO and HODs.
- HODs shall prepare, and review at regular intervals to be determined by the AO in consultation with the CFO and HODs, an Operations and Maintenance Strategy and Plan, and submit such, through the AO, to Council for adoption. The municipality shall engage contractors when necessary to support in the implementation of maintenance actions and adopt a system that assists in managing such maintenance. The time frame for the first time implementation of this will be determined by the AO in consultation with the CFO and HODs.
- HODs shall determine detailed service performance measures (differentiated, where applicable for identified customer groups), and submit such, through the AO, to Council for adoption and inclusion in the Services Delivery and Budget Implementation Plan. HODs shall establish a monitoring regime, and report actual performance each financial year. The time frame for the first time implementation of this will be determined by the AO in consultation with the CFO and HODs.
- The AO shall establish procedures to ensure that legislative requirements regarding the management of immovable PPE assets, including but not limited to health and safety, and environmental protection, are documented and advised to HODs. HODs shall address legislative needs in their strategies and plans, and shall enforce implementation.
- Review the municipality's Risk Management framework to ensure that it is effective for the management of physical risks to infrastructure and buildings. Important actions shall be

identified and implemented. The HODs shall report risk exposure relating to their respective assets each financial year.

13. SELLING OF REDUNDANT MOVABLE ASSETS

All assets earmarked to be written off must be sold by public auction or tender after the following steps have been followed:-

- a notice of the intention of the municipality to sell the asset has been published in a local newspaper;
- in the case of a public auction, the municipality has appointed an independent auctioneer to conduct the auction; and
- in the case of a tender, the prescribed tender procedures of the municipality has been followed.

14. RESIGNATION OF OFFICIALS

When an official resigns, a termination of service form is received from Human Resources. A list of assets allocated to the official is printed from the system and forwarded to the appropriate department. This should be signed by the official and supervisor as proof that the assets have been handed over in good order. This should then be returned to the asset section.

15. POLICY IMPLEMENTATION

Procedures should be prepared and adopted by the AO, in consultation with the CFO and HODs, to give effect to this policy.

ANNEXURE A: INDICATIVE USEFUL LIFE OF FIXED ASSETS

Level 1		Level 2		Level 3		life (years)	
GROUP T		GROUP M		GROUP			
						MIN	MAX
10000	LAND	11000	LAND	11001	DEVELOPED LAND	0	
10000	LAND	11000	LAND	11002	UNDEVELOPED LAND	0	
20000	BUILDINGS	21000	DWELLINGS	21001	CARAVANS	5	10
20000	BUILDINGS	21000	DWELLINGS	21002	CHILDREN'S HOMES	25	30
20000	BUILDINGS	21000	DWELLINGS	21003	FOREIGN MISSION DWELLINGS	25	30
20000	BUILDINGS	21000	DWELLINGS	21004	HOMES FOR THE AGED	25	30
20000	BUILDINGS	21000	DWELLINGS	21005	HOSTELS	25	30
20000	BUILDINGS	21000	DWELLINGS	21006	MILITARY PERSONNEL DWELLINGS	25	30
20000	BUILDINGS	21000	DWELLINGS	21007	MOBILE HOMES	5	10
20000	BUILDINGS	21000	DWELLINGS	21008	PLACES OF SAFETY	25	30
20000	BUILDINGS	21000	DWELLINGS	21009	PRISONS AND REHABILITATION FACILITIES	25	30
20000	BUILDINGS	21000	DWELLINGS	21010	RESIDENCES (PRESIDENTIAL, EMBASSIES)	25	30
20000	BUILDINGS	21000	DWELLINGS	21011	RESIDENCES (PERSONNEL) INCL GARAGES AND PARKING	25	30
20000	BUILDINGS	21000	DWELLINGS	21012	SECURE CARE CENTRES	25	30
20000	BUILDINGS	21000	DWELLINGS	21013	RECREATIONAL / HOLIDAY ACCOMMODATION	25	30
20000	BUILDINGS	21000	DWELLINGS	21014	RESIDENTIAL PERIMETER PROTECTION	10	25
20000	BUILDINGS	21000	DWELLINGS	21015	LOW COST HOUSING	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22001	AIRPORT AND ASSOCIATED BUILDINGS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22002	BORDER AND CUSTOM CONTROL POINTS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22003	BUS TERMINALS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22004	BUS SHELTERS	10	15
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22005	CIVIC THEATERS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22006	CLINICS AND COMMUNITY HEALTH FACILITIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22007	COMMUNITY CENTRES AND PUBLIC ENTERTAINMENT BUILDINGS	25	30

20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22008	DRIVER AND VEHICLE TESTING CENTRES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22009	FIRE STATIONS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22010	FOREIGN MISSION OFFICES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22011	HOSPITALS AND AMBULANCE STATIONS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22012	INDUSTRIAL BUILDINGS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22013	LABORATORIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22014	LIBRARIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22015	MORTUARIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22016	MUSEUMS AND ART GALLERIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22017	OFFICE BUILDINGS (INCL AIR CONDITIONING SYSTEMS)	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22018	PUBLIC PARKING (COVERED AND OPEN)	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22019	POLICE STATIONS (AND ASSOCIATED BUILDINGS)	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22020	RAILWAY AND ASSOCIATED BUILDINGS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22021	RESEARCH FACILITIES (INCLUDING WEATHER)	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22022	STADIUMS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22023	TAXI RANKS	10	15
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22024	UNIVERSITIES, COLLEGES, SCHOOLS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22025	WAREHOUSES (STORAGE FACILITIES INCLUDING DATA)	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22026	SPORT AND RECREATIONAL FACILITIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22027	NON RESIDENTIAL PERIMETER PROTECTION	10	25
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22028	ABLUTION / PUBLIC FACILITIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22029	CAR PORTS / GAEAGE	10	15
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22030	WORKSHOPS / STORE ROOMS	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22031	MARKETS / SHOPS	25	30

20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22032	STRUCTURES FOR AGRICULTURAL PURPOSES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22033	NURSERIES	25	30
20000	BUILDINGS	22000	NON RESIDENTIAL STRUCTURES	22034	INTERNAL ROADS	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31001	COOLING TOWERS	25	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31002	MAINS	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31003	METERS PREPAID	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31004	METERS CREDIT	20	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31005	POWER STATIONS COAL	50	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31006	POWER STATIONS GAS	50	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31007	POWER STATIONS HYDRO	50	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31008	POWER STATIONS NUCLEAR	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31009	ELECTRICITY SUPPLY / RETICULATION	15	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31010	TRANSFORMERS	25	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31011	LINES UNDERGROUND	25	45
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31012	LINES OVERHEAD	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31013	CABLES	25	45
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31014	SUBSTATION SWITCHGEAR	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31015	SUBSTATION EQUIPMENT OUTDOOR	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31016	SUBSTATION EQUIPMENT GIS	15	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31017	SUBSTATION EQUIPMENT INDOOR	30	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31018	ELECTRICAL PANELS	3	5
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31019	TELEMETRY	7	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31020	ELECTRICITY PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31021	STRUCTURE FOR ELECTRICAL PURPOSE	20	35

30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31022	HIGH MAST LIGHTS	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31023	RING MAIN UNIT	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31024	BUILDING FOR ELECTRICAL PURPOSE	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	31000	ELECTRICITY	31025	MINI SUB STATION	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32101	BRIDGES VEHICLE CONCRETE	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32102	BRIDGES VEHICLE STEEL	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32103	BRIDGES VEHICLE TIMBER	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32104	BRIDGES PEDESTRIAN CONCRETE	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32105	BRIDGES PEDESTRIAN STEEL	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32106	BRIDGES PEDESTRIAN TIMBER	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32107	BRIDGES RAILWAY CONCRETE	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32108	BRIDGES RAILWAY STEEL	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32109	BRIDGES RAILWAY TIMBER	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32110	BRIDGES REINFORCED RETAINING WALLS EARTH	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32111	BRIDGES REINFORCED RETAINING WALLS CONCRETE	25	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32112	BRIDGES EXPANSION AND CONSTRUCTION JOINTS	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32201	STORM WATER CULVERTS	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32202	STORM WATER CULVERTS CONCRETE	40	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32203	STORM WATER CULVERTS ARCO	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32204	STORM WATER DRAINS EARTHWORKS	80	100
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32205	STORM WATER DRAINS CONCRETE LINING	25	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32206	STORM WATER STOP BANKS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32207	STORM WATER PIPES	25	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32208	STORM WATER COASTAL STRUCTURE	20	40

30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32209	STORM WATER COASTAL PIERS	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32210	STORM WATER COASTAL OUTFALLS	60	80
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32401	ROADS KERB AND CHANNELS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32301	ROADS MUNICIPAL ASPHALT SURFACE	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32302	ROADS MUNICIPAL ASPHALT BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32303	ROADS MUNICIPAL CONCRETE SURFACE	10	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32304	ROADS MUNICIPAL CONCRETE BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32305	ROADS MUNICIPAL GRAVEL SURFACE	3	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32306	ROADS NATIONAL ASPHALT SURFACE	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32307	ROADS NATIONAL ASPHALT BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32308	ROADS NATIONAL CONCRETE SURFACE	10	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32309	ROADS NATIONAL CONCRETE BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32310	ROADS NATIONAL GRAVEL SURFACE	3	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32311	ROADS PROVINCIAL ASPHALT SURFACE	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32312	ROADS PROVINCIAL ASPHALT BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32313	ROADS PROVINCIAL CONCRETE SURFACE	10	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32314	ROADS PROVINCIAL CONCRETE BASIS/STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32315	ROADS PROVINCIAL GRAVEL SURFACE	3	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32402	ROADS CRASH BARRIERS	10	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32403	ROADS RETAINING WALLS	30	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32404	ROADS OVERLOAD CONTROL CENTRES	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32405	ROADS OVERLOAD ELECTRONIC HARDWARE	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32406	ROADS OVERLOAD EQUIPMENT OTHER	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32407	ROADS PEDESTRIAN FOOTPATHS	15	30

30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32408	ROADS STREET LIGHTING	25	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32409	ROADS SUBWAYS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32410	ROADS TRAFFIC ISLANDS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32411	ROADS TRAFFIC LIGHTS	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32412	ROADS TRAFFIC LIGHTS COASTAL	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32413	ROADS TRAFFIC SIGNS	5	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32414	ROADS TOLL ROAD PLAZAS	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32316	ROADS PAVED (BRICKS) SURFACE	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32317	ROADS PAVED (BRICKS) BASIS/STRUCTURE	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32415	ROAD CALMING MEASURES	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32416	ROAD PERIMETER PROTECTION	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32417	ROAD RESERVES	0	0
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32418	ATTENUATION PONDS	20	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32419	ROADS UNPAVED INFORMAL SURFACE	3	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32420	ROADS GRASSBLOCK SURFACE	20	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	32000	ROADS	32421	ROADS MIXED SURFACE SURFACE	3	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34101	DAMS STRUCTURE CONCRETE	80	100
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34102	DAMS STRUCTURE EARTH	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34103	DAMS MECHANICAL AND ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34001	WATER METERS	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34002	STANDPIPES	5	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34003	WATER METALWORK	10	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34201	PUMP STATIONS STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34202	PUMP STATIONS ELECTRICAL	15	40

30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34203	PUMP STATIONS MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34204	PUMP STATIONS PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34301	RESERVOIR STRUCTURE	30	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34302	RESERVOIR ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34303	RESERVOIR MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34304	RESERVOIR PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34004	WATER SUPPLY / RETICULATION	20	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34401	UNDERGROUND CHAMBERS VALVES	15	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34402	UNDERGROUND CHAMBERS METERS	10	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34403	UNDERGROUND CHAMBERS TRANSITION	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34404	UNDERGROUND CHAMBERS OTHER	5	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34501	WATER PURIFICATION WORKS STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34502	WATER PURIFICATION WORKS ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34503	WATER PURIFICATION WORKS MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34504	WATER PURIFICATION WORKS PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34505	WATER PURIFICATION WORKS METERS	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34005	WATER TELEMETRY	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34006	BOREHOLES	20	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	34000	WATER	34007	BULK PIPELINES	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35101	BULK PIPELINES RISING MAINS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35102	BULK PIPELINES GRAVITY MAINS	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35201	SEWERAGE PUMP STATIONS STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35202	SEWERAGE PUMP STATIONS ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35203	SEWERAGE PUMP STATIONS MECHANICAL	15	40

30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35204	SEWERAGE PUMP STATIONS PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35301	WASTE PURIFICATION WORKS STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35302	WASTE PURIFICATION WORKS ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35303	WASTE PURIFICATION WORKS MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35304	WASTE PURIFICATION WORKS PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35305	WASTE PURIFICATION WORKS METERS	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	35000	SEWERAGE	35001	SEWERS / RETICULATION	30	60
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36001	COLLECTION VEHICLES	5	10
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36002	COLLECTION CONTAINERS / BINS	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36101	TRANSFER STATIONS AND PROCESSING FACILITIES STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36102	TRANSFER STATIONS AND PROCESSING FACILITIES ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36103	TRANSFER STATIONS AND PROCESSING FACILITIES MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36104	TRANSFER STATIONS AND PROCESSING FACILITIES PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36201	LANDFILL SITE EARTHMOVING AND COMPACTION EQUIPMENT	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36202	LANDFILL SITE PREPARATION	0	0
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36203	LANDFILL SITE STRUCTURE	30	55
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36204	LANDFILL SITE WEIGHBRIDGE MECHANICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36205	LANDFILL SITE WEIGHBRIDGE ELECTRICAL	15	40
30000	OTHER STRUCTURES (INFRASTRUCTURE)	36000	SOLID WASTE DISPOSAL	36206	LANDFILL SITE PERIMETER PROTECTION	10	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38001	GAS SUPPLY SYSTEMS STRUCTURE	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38002	GAS SUPPLY SYSTEMS ELECTRICAL	20	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38003	GAS SUPPLY SYSTEMS MECHANICAL	20	25
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38004	GAS SUPPLY SYSTEMS PERIMETER PROTECTION	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38005	GAS SUPPLY SYSTEMS STATION TRUNK RECEIVING	40	50

30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38006	GAS SUPPLY SYSTEMS STATION DISTRICT REGULATING	40	50
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38007	GAS SUPPLY SYSTEMS MAINS / PIPELINE	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38008	GAS SUPPLY SYSTEMS METERS	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38009	GAS SUPPLY SYSTEMS SUPPLY / RETICULATION	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	38000	GAS SUPPLY SYSTEMS	38010	GAS SUPPLY SYSTEMS STORAGE FACILITIES	15	20
30000	OTHER STRUCTURES (INFRASTRUCTURE)	39000	CEMETERIES	39001	CEMETERIES	25	30
30000	OTHER STRUCTURES (INFRASTRUCTURE)	39000	CEMETERIES	39002	CEMETERIES PERIMETER PROTECTION	10	15
30000	OTHER STRUCTURES (INFRASTRUCTURE)	39000	CEMETERIES	39003	INTERNAL ROADS	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41001	AUDIOVISUAL EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41002	BUILDING AIR CONDITIONING SYSTEMS	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41003	CELLULAR PHONES	0	2
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41004	CELLULAR ROUTERS	3	
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41005	DOMESTIC EQUIPMENT (NON KITCHEN APPLIANCES)	3	5
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41006	ELECTRIC WIRE AND POWER DISTRIBUTION EQUIPMENT (COMPRESSORS / GENERATORS)	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41007	EMERGENCY / RESCUE EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41008	ELEVATOR SYSTEMS	15	20
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41009	FARM / AGRICULTURAL EQUIPMENT	5	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41010	FIRE FIGHTING EQUIPMENT	3	5
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41011	GARDENING EQUIPMENT	2	4
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41012	IRRIGATION EQUIPMENT	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41013	KITCHEN APPLIANCES	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41014	LABORATORY EQUIPMENT AGRICULTURAL	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41015	LABORATORY EQUIPMENT MEDICAL TESTING	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41016	LABORATORY EQUIPMENT ROADS AND TRANSPORT	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41017	LAUNDRY EQUIPMENT AND INDUSTRIAL SEWING MACHINES	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41018	LEARNING, TRAINING SUPPORT AND LIBRARY MATERIAL	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41019	MACHINES FOR METALLURGY	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41020	MACHINES FOR MINING AND QUARRYING	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41021	MACHINES FOR TEXTILE PRODUCTION	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41022	MEDICAL AND ALLIED EQUIPMENT	5	10

40000	OTHER	41000	MACHINERY AND EQUIPMENT	41023	MUSIC INSTRUMENTS	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41024	PHOTOGRAPHIC EQUIPMENT	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41025	PUMPS, PLUMBING, PURIFICATION AND SANITATION EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41026	RADIO EQUIPMENT	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41027	ROAD CONSTRUCTION AND MAINTENANCE EQUIPMENT	10	15
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41028	SADDLES AND OTHER TACK	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41029	SECURITY EQUIPMENT/ - SYSTEMS / - MATERIAL FIXED	3	5
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41030	SECURITY EQUIPMENT/ - SYSTEMS / - MATERIAL MOVABLE	3	5
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41031	SHIP AND MARINE EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41032	SPORT AND RECREATIONAL EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41033	SURVEY EQUIPMENT	5	7
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41034	TELECOMMUNICATION EQUIPMENT	3	5
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41035	TENTS, FLAGS AND ACCESSORIES	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41036	WOODWORKING MACHINERY AND EQUIPMENT	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41037	WORKSHOP EQUIPMENT AND LOOSE TOOLS FIXED	5	10
40000	OTHER	41000	MACHINERY AND EQUIPMENT	41038	WORKSHOP EQUIPMENT AND LOOSE TOOLS MOVABLE	3	5
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42001	ADVERTISING BOARDS	3	5
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42002	AIR CONDITIONERS INDIVIDUAL FIXED AND MOVABLE	3	5
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42003	CUTLERY AND CROCKERY	5	10
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42004	DOMESTIC AND HOSTEL FURNITURE	10	15
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42005	LINEN AND SOFT FURNISHING	5	10
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42006	OFFICE EQUIPMENT INCLUDING FAX MACHINES	5	7
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42007	OFFICE FURNITURE	5	7
40000	OTHER	42000	FURNITURE AND OFFICE EQUIPMENT	42008	PAINTINGS SCULPTURES ORNAMENTS	5	10
40000	OTHER	43000	COMPUTER EQUIPMENT	43001	COMPUTER HARDWARE INCLUDING OPERATING SYSTEMS	3	5
40000	OTHER	43000	COMPUTER EQUIPMENT	43002	COMPUTER NETWORKS	5	10
40000	OTHER	44000	TRANSPORT ASSETS	44001	AIRCRAFT	10	15
40000	OTHER	44000	TRANSPORT ASSETS	44002	AIRCRAFT ENGINES	5	7
40000	OTHER	44000	TRANSPORT ASSETS	44003	AIRPORT TRANSPORT EQUIPMENT	10	15
40000	OTHER	44000	TRANSPORT ASSETS	44004	BUSSES	10	15

40000	OTHER	44000	TRANSPORT ASSETS	44005	CYCLES	4	7
40000	OTHER	44000	TRANSPORT ASSETS	44006	EMERGENCY VEHICLES	5	10
40000	OTHER	44000	TRANSPORT ASSETS	44007	MOBILE CLINICS	10	15
40000	OTHER	44000	TRANSPORT ASSETS	44008	MOTOR VEHICLES	4	7
40000	OTHER	44000	TRANSPORT ASSETS	44009	RAILWAY ROLLING STOCK	10	15
40000	OTHER	44000	TRANSPORT ASSETS	44010	SHIPS	15	20
40000	OTHER	44000	TRANSPORT ASSETS	44011	SHIPS ENGINES	5	7
40000	OTHER	44000	TRANSPORT ASSETS	44012	TRAILERS AND ACCESSORIES	5	10
40000	OTHER	44000	TRANSPORT ASSETS	44013	TRUCKS	5	7
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51001	AREAS OF LAND OF HISTORIC OR SPECIFIC SIGNIFICANCE	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51002	CULTURALLY SIGNIFICANT BUILDINGS	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51003	NATIONAL MONUMENTS	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51004	NATIONAL PARKS / RESERVES	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51005	PAINTINGS	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51006	SCULPTURES / STATUES	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51007	MUNICIPAL JEWELLERY	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51008	WORKS OF ART	0	
50000	HERITAGE ASSETS	51000	HERITAGE ASSETS	51009	OTHER ANTIQUES AND COLLECTIONS		
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61001	DAIRY CATTLE	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61002	FEATHERED ANIMALS	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61003	FORESTS AND PLANTATIONS	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61004	FRUIT TREES	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61005	GAME	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61006	ANIMALS FOR REPRODUCTION	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61007	ANIMALS FOR WOOL OR MILK	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61008	DOGS LAW ENFORCEMENT AND SECURITY	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61009	HORSES LAW ENFORCEMENT AND WORKING	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61010	PLANTS FOR PRODUCTION OF SEEDS	0	
60000	BIOLOGICAL OR CULTIVATED ASSETS	61000	BIOLOGICAL OR CULTIVATED ASSETS	61011	VINES	0	

70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71001	CAPITALIZED DEVELOPMENT COST	0	
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71002	COMPUTER SOFTWARE	2	5
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71003	MASTHEADS AND PUBLISHING TITLES	0	
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71004	PATENTS, LICENSES, COPYRIGHTS, BRAND NAMES AND TRADEMARKS	0	
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71005	RECIPES, FORMULAE, PROTOTYPES, DESIGNS AND MODELS	0	
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71006	SERVICE AND OPERATING RIGHTS	0	
70000	INTANGIBLE ASSETS	71000	INTANGIBLE ASSETS	71007	SERVITUDE	0	
80000	INVESTMENT PROPERTY	81000	UNDEVELOPED LAND	81001	LEASED	0	
80000	INVESTMENT PROPERTY	81000	UNDEVELOPED LAND	81002	UNDEFINED	0	
80000	INVESTMENT PROPERTY	82000	DEVELOPED LAND	82001	LEASED	0	
80000	INVESTMENT PROPERTY	82000	DEVELOPED LAND	82002	UNDEFINED	0	
80000	INVESTMENT PROPERTY	83000	DWELLINGS	83001	LEASED	30	
80000	INVESTMENT PROPERTY	83000	DWELLINGS	83002	UNDEFINED	30	
80000	INVESTMENT PROPERTY	84000	NON RESIDENTIAL STRUCTURES	84001	LEASED	30	
80000	INVESTMENT PROPERTY	84000	NON RESIDENTIAL STRUCTURES	84002	UNDEFINED	30	

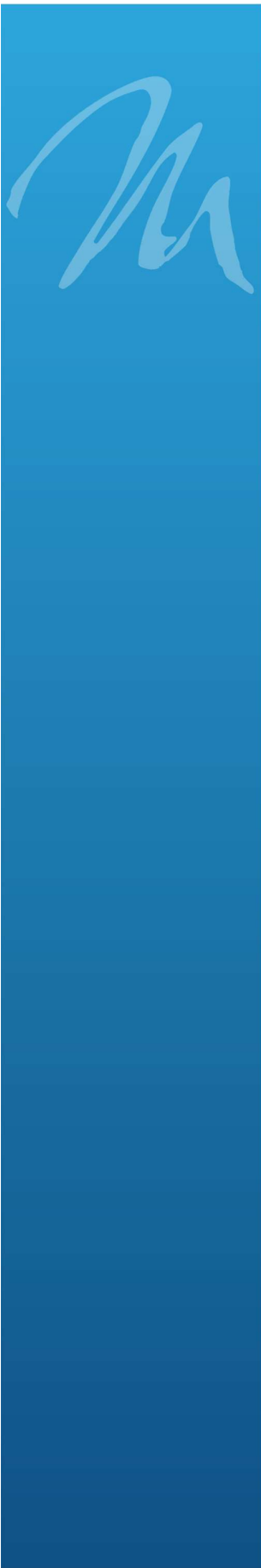
ANNEXURE B: ASSETS RESIDUAL VALUES

Asset Class	Residual Value	Comment
Land	None	No depreciation on land
Buildings:		
Dwelling	None	Not trading in open market
Non- Residential	None	Not trading in open market
Infrastructure:		
Electricity	None	Not trading in open market
Roads	None	Not trading in open market
Sewer	None	Not trading in open market
Water	None	Not trading in open market
Telkom sleeves	None	Not trading in open market
Solid Waste – Bins and Containers – Collection trucks	R100.00 10%	Scrap metal value 10% of the cost price The municipality does not replace vehicles after a fixed period, but rather once the vehicle has reached the end of its functional life.
Other Assets:		
Furniture and Office equipment	R50.00	Typical internal tender proceed
Machinery and Equipment	R50.00	Typical internal tender proceed
Computer Equipment	None	Computers have no scrap value due to frequent changes in technology. No active market
Motor vehicles	10%	10% of the cost price The municipality does not replace vehicles after a fixed period, but rather once the vehicle has reached the end of its functional life.
Boats	None	Not trading in open market
Heritage Assets:	None	No active market

Intangible Assets: Software	None	Computers have no scrap value due to frequent changes in technology. No active market
Community Assets:	None	Not trading in open market

Annexure Q
Policy on the Planning and
Approval of Capital Projects
2025/2026

Annexure R
Indigents Policy
2026/2026



**INDIGENT POLICY
2025/2026 FINANCIAL YEAR**



INDIGENT POLICY

1. DEFINITIONS

“Accounting Officer” means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act;

“Annually” means once every financial year;

“Chief Financial Officer” means the person appointed as the Chief Financial Officer of the Municipality, or his or her nominee;

“Child headed family” means a household where both parents are deceased and where all occupants of property are children of the deceased and under the legal age to contract for services.

“Household” means all the adults and children living together at a single residential property.

“Indigent” means any household or category of households, including a child headed household earning a combined gross income, as determined by the municipality in terms of social and economic analysis of its area, as vested in the municipal policy, which qualifies for rebates or service subsidy, provided that the child support grant is not included when calculating such household income.

“Deemed Indigent Household” means individuals who live together in a single residential property and qualifies for indigent relief based on the use and value of property as determined in terms of general valuation roll.

“Deemed Non-Indigent”

Employees and councillors of the municipality and government employees and any other government employees are specifically excluded from being considered as indigent.

“Indigent Customer” means the head of an indigent household who applied for and has been declared indigent;

“Indigent Policy” means the Indigent Policy adopted by the Council of the Municipality.

“Indigent Support Program” means a structured program for the provision of indigent support subsidies to qualifying indigent customers in terms of the Council's Indigent Policy;

“Indigent register” means the municipal list of indigent customers as per the municipal policy which has to be updated on a monthly basis or as and when required, designed to contain all the data contained in the completed indigent application forms.

“Informal Structure” means a temporary structure used for residential purposes

“Owner” in relation to immovable property means the legally registered owner or person in whom is vested the legal title thereto.

“Separated Couple” means a married couple who are separated and no longer living together even though they have not been legally divorced.

2. PREAMBLE

- 2.1 In recent municipal discourse in South Africa the term “indigent policy” has tended to refer to a policy on how chronically poor households should be dealt with in relation to the generation of municipal income.
- 2.2 Most commonly, these policies adopt a narrow approach to this, seeking to define indigence in terms of particular household income level, administratively identifying household falling below this level, and providing them with a package of free basic services which is subsidised by the Equitable Share transfers that the municipality receives from National Treasury.
- 2.3 The approach taken by Midvaal is that the indigent policy should refer to something broader and defines it rather as the whole set of interventions that ensure that the basic needs of the poor are met, and their rights upheld while protecting resources for use by the next generation.

3. BACKGROUND

- 3.1 An indigent policy is required to ensure that constitutional obligations relating to the socio-economic rights of all South Africans are realised.
- 3.2 Failure to address the needs of the poor may jeopardise growth while poverty relief may stimulate growth and competitiveness by creating a more stable environment.
- 3.3 An indigent policy provides an opportunity to create a safety net to the poorest section of the population.
- 3.4 Poverty Manifestation in Midvaal

Poverty is more than a lack of income. Poverty exists when an individual's or a household's, access to income, jobs, infrastructure or services is inadequate to ensure full access to opportunities in society. The condition of poverty is caused by a combination of social, economic, spatial, environmental and political factors.

- 3.5 It is clear from the poverty profiles that not only is poverty a general critical problem in Midvaal, but that there is a significant number of people who are living in extreme poverty and who without Council support will be unable to afford to pay for even the most basic of services.

4. INDIGENT POLICY PRINCIPLES

4.1 Equity

This implies that all people in a similar position should be treated similarly. The municipality must differentiate fairly between those in different circumstances and treat them accordingly.

4.2 Sustainability

The policy must be financially and environmentally sustainable. This assumes a judicious long-term approach to the use of resources in both Finance and Social Services sections.

4.3 Reasonable choices

The policy shall enable all households, including indigent households, to take responsibility and make choices wherever possible that best suit their circumstances.

4.4 Inclusivity

Income and indigent policies for poor residents must be integrated seamlessly with income policy for all other citizens.

As households' circumstances change, they should be able to shift relatively easily across the continuum of choices.

4.5 Implementable

The indigent Policy must be administratively practical and implementable. Both Social Services and Finance shall play a key role to implement the policy.

5. OBJECTIVE

5.1 The policy seeks to address but not limited to:

5.1.1 The high levels of chronic poverty in Midvaal.

5.1.2 The requirement of developmental local government that municipalities work together with local communities to find ways to meet the needs of the poor and to improve their lives.

5.1.3 The Constitutional obligations to provide basic services to the poor.

5.1.4 The Indigent Support Policy will seek to provide support to the registered indigents by providing:

- Free basic municipal services
- Indigents burials
- Employment opportunities

6. LEGISLATIVE FRAMEWORK

6.1 This policy is designed and implemented within the framework of the following legislation:

- The Constitution of South Africa sets out the obligation of government
- Local Government: Municipal Structures Act 117 of 1998
- Municipal Structures Amendment Act 33 of 2000
- Municipal Systems Act 32 of 2000
- Local Government Property Rates Act, 6 of 2004
- Municipal Finance Management Act 56 of 2003
- Water Services Act 108 of 1997
- Annual Division of Revenue Act

Guidelines

- Framework for Municipal Indigent Policies: Towards a basket of services for the poor dated May 2007.
- Free Basic Strategy and guidelines prepared by the Department of Water Affairs and Forestry.
- Electricity Basic Support Tariff (free basic electricity) Policy prepared by the Department of Minerals and Energy.

7. SCOPE OF THE POLICY

- 7.1 The policy covers a wide range of indigent benefits such as but not limited to:
- Indigent rates and tax rebates
 - Indigent burials
- 7.2 Expanded Social Package (employment opportunities)

8. DEFINITION OF INDIGENT AND POOR HOUSEHOLD

- 8.1 a. Indigent Households are defined as those people, due to a number of factors, who are —unable to make monetary contribution towards basic services, no matter how small the amounts seem to be.
b. Poor Households are defined as those people, due to a number of factors, who are only able to make limited monetary contribution towards basic services, no matter how small the amounts seem to be.
- 8.2 Any household, earning less than three times maximum old age pension (, qualifies to be registered as indigents. This includes pensioners, unemployed, child headed families and students. Midvaal Local Municipality will benchmark the income level of indigent households with the income category as determined by the department of Human Settlement for ownership of RDP properties.
- 8.3 A household is defined as all adults and children living on a single residential property.
- 8.4 An indigent policy will thus refer to fairly limited set of administrative procedures within the income function for distributing grant support to reduce the municipal account for particular households.
- 8.5 As per the indigent policy, an indigent database refers to a data base that Midvaal Local Municipality established to register and monitor all households that are categorised as per financial definition of an indigent.

9. QUALIFICATION CRITERIA

- 9.1 Four categories of indigents will be considered:
- 9.1.1 **Category 1:** Registered property owners (not tenants) who will benefit from the rebates in section 11.1 – 11.11 (must qualify in terms of section 9.2 – 9.9 below);

- 9.1.2 **Category 2:** Deemed indigents who will benefit from the rebates in section 11.1 – 11.11 (must qualify in terms of section 9.11 – 9.19 below);
- 9.1.3 **Category 3:** Other indigents who do not own property in Midvaal Local Municipality and will only qualify for benefits in terms of sections 11.11 and 11.14.
- 9.1.4 **Category 4:** RDP property owners for which the property is still in the process of being transferred to the beneficiary's name will benefit from the rebates in sections 11.1 – 11.11 (must qualify in terms of section 9.2 – 9.9 below). These properties shall be levied for refuse and sewer services where the occupiers are already receiving the services

Registered Property Owners

In respect of 9.1.1 above:

- 9.2 Any household, earning less than three times maximum old age pension qualifies to be registered as indigent, **excluding support from family and nonprofit organisations including churches** (up to a maximum of **R1 000** per month) Any amount exceeding the R1000 will be included as Income in terms of the applicant. Child support grant, foster grant and disability grant and bursaries such as NSFAS. Rental income will be included in the threshold of the maximum old age pension times 3 per month, but will exclude the salary of the tenant living on the Indigent applicant's property.
- 9.3 A once off lumpsum payment not exceeding R100 000.00 will not be considered as income for indigent status application.
- 9.4 Once approved as an indigent, the water and electricity meters will be converted to prepaid meters at the cost of the municipality.
- 9.5 The applicant must be a resident of the Midvaal municipal area and must be the full-time occupier of the property (i.e. it must be a residential property);
- 9.6 Business or industrial property owners do not qualify as indigents;
- 9.7 Property owners with more than one property do not qualify as indigents;
- 9.8 Owners of vacant land do not qualify as indigents, with the exception of owners living in informal structures on the vacant land and provided that the owner does not own multiple properties;

- 9.9 The applicant must be in possession of a valid South African identity document;
- 9.10 The applicant must be the registered owner of the property; or
 - 9.10.1 An occupier of a child-headed household where the property is registered in the name of the deceased parent(s) – a Letter of Authority and a Death Certificate will be required as part of the application;
 - 9.10.2 The party to whom the property is awarded in the event of a divorce; however, separated couples will not be treated as divorced and the income of both spouses will be included in the joint monthly household income for purposes of determining indigent status. In the event of joint ownership (e.g. 3 owners) where only one owner is staying at the property, the proof of income of all owners shall be included in the joint monthly household
 - 9.10.3 Where a deceased estate has not been wound up a Letter of Executorship and a death certificate is needed;
 - 9.10.4 In the case of a deceased estate, in whose name the property is registered, any heir to whom the registered property has been bequeathed;
 - 9.10.5 A surviving spouse, where the surviving spouse was married in community of property to the deceased, and where the property is registered in both spouses' names and the surviving spouse is the sole heir;
 - 9.10.6 A surviving spouse, who was married in community of property to the deceased, together with any other heirs, if any, where the property is registered in the name of that deceased;

Deemed Indigents

In respect of 9.1.2 above:

Households within the following categories of properties will be deemed to be indigent households:

- 9.11 the property is used for residential purposes only as reflected in General Valuation roll;
- 9.12 the residential exclusion as per Property Rates Act 2004 (Act 6 of 2004) is applicable to property;
- 9.13 the property is in a RDP area like Lakeside and Sicelo (Meyerton Farms)..
- 9.14 the RDP allocated houses in Savanna City irrespective of the property value.

- 9.15 the municipal value of property does not exceed R300 000 subject to the owner having only a single residential property;
- 9.16 If a property was found to have improvements made in an area which is regarded as deemed indigents, the indigent status will be removed from that property.

Indigent relief will be withdrawn where the owners, occupants, residents and or dependants residing on the property, as the case may be, -

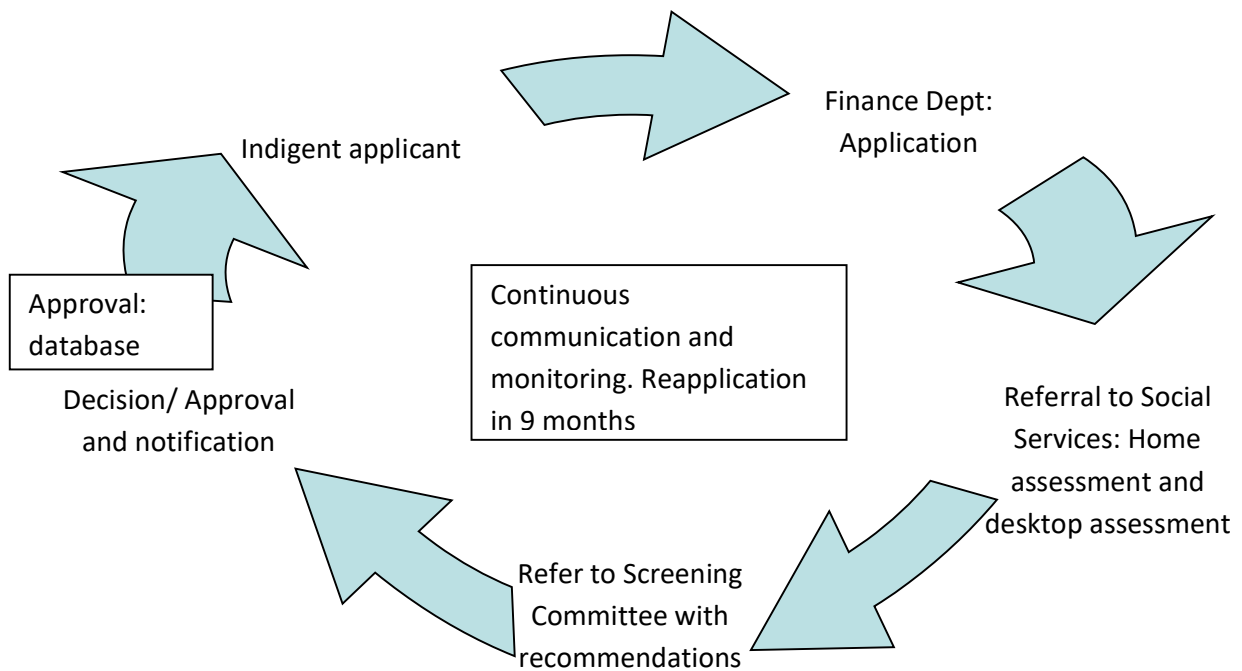
- 9.16 owns more than one property, registered individually or jointly;
- 9.17 rents or leases the property to any third party;
- 9.18 deemed indigent household tampers or illegally connects or reconnects services;
- 9.19 business activities are being conducted on property and the monthly income exceeds three times maximum old age pension
- 9.20 properties registered in name of National, Provincial or Local Government; or
- 9.21 owner of property applies to be excluded from deemed indigent relief.
- 9.22 debt written off previously will be reinstated immediately.
- 9.23 Residential property on an industrial/commercial stand with a split value, do not qualify.

10. INDIGENT AND POOR HOUSEHOLD APPLICATION PROCESS

10.1 Category 1: Rebates on rates and municipal services

- 10.1.1 Residents wishing to apply as indigent households should complete an application form and the following information MUST be provided:
- Proof of total household income (gross income);
 - Bank Statements for 3 months with declarations from all banks that the applicant and all other adult members of the household do not have any other bank accounts. No affidavits in lieu of bank statements will be accepted;
 - Ownership status;
 - Unemployed applicants must attach an affidavit from the Police Station;
 - Valid copy of SA identity document;
 - Pension certificate or card in case of a pensioner;
 - Letter of Authority and Death Certificate where applicable;

- Will and Death Certificate where applicable;
 - Municipal account; and
 - An additional verification may be done with credit vetting agencies as an internal control measures for indigent applications.
 - Birth Certificate for minors.
- 10.1.2 The completed application form will be checked by the Finance department and referral to the Social Services department for assessment for all Indigent Household application (See flow chart on procedures and processes).
- 10.1.3 The assessment by Social Services can either be done based on information provided in the application form or by site visit.
- 10.1.4 The assessments of the indigent applications by Social Services will include lifestyle verification and ownership of luxurious items e.g. motor car, DSTV decoders etc.
- 10.1.5 All application forms received by Social Services will be recorded electronically by the Finance and Social Services departments for control purposes.
- 10.1.6 The Executive Mayor will appoint a screening committee who will consider the applications and approve applications complying with the criteria set out in this policy.
- 10.1.7 All approved applications will be returned to the Finance department for capturing on the financial system.
- 10.1.8 a. For Indigent applications, all outstanding account balances (including handovers) as at date of approval will be written off.
- 10.1.8 b. For Poor Household applications, all outstanding account balances (including handovers) as at date of approval will be written off only as a once off arrangement.
- 10.1.9 Registered indigents whose status have not changed (i.e. they will qualify as indigent household); must re-apply nine months after approval to ensure their application is re-considered before it lapses after a year.
- 10.1.10 Indigents are compelled to inform Council about any change of their indigence status.
- 10.1.11 No legal action, eviction will be instituted against approved and registered indigents.



Desktop assessment is based on evidence presented.

10.2 Category 2: Deemed Indigents

There is no formal application process. All property owners whose property's in the valuation roll is valued up to and including R300 000 will be regarded as deemed to be indigents. No application process – the Finance department will determine beneficiaries based on the approved Municipal Property Valuation Roll. Except for the RDP allocated houses in Savanna City irrespective of the property value

10.3 Category 3: Non-property owners (burial and employment benefits)

10.3.1 Residents wishing to apply for burial benefits should complete an application form for capturing. The family can request an indigent burial by means of an affidavit, substantiated by an official letter from a social worker, ward councillor or a relevant MMC. The said documentation must indicate the reasons for this request;

10.3.2 All indigent burials will be conducted during the week.

- 10.3.3 Midvaal Local Municipality will not be liable for storage costs of bodies beyond 48 hours.
- 10.3.4 The following information MUST be provided as part of the application:
- Proof of total household income (gross income);
 - Proof of residence (the deceased must be a bona fide resident of Midvaal);
 - Valid copy of SA identity document;
 - Proof from the family member / relative that they cannot bury the deceased;
 - Confirmation that no other person or organisation other than the relatives, are in a position or do not have resources to pay for the burial.
- 10.3.5 If the body was found outside the Midvaal Municipal area of jurisdiction and the person is not a resident of Midvaal, the request for an indigent burial must be referred to the relevant local authority where the person was a bona fide resident.
- 10.3.6 The Executive Director Social Services will consider the application and grant approval where the application complies with the conditions of this policy.
- 10.3.7 The Executive Director Social Services must ensure that all the above-mentioned procedures and requirements are met before an order could be placed at the contracted funeral undertaker appointed by Midvaal Local Municipality to bury a deceased person as indigent.
- 10.3.8 For certain positions in Council employment opportunities will be given to persons in the indigent register (per household) on the express condition that the person so employed assumes responsibility for the municipal account of the household.
- 10.3.9 Residents wishing to apply for employment opportunities, must register on the labour register at the Human Resources Department (application based and deemed indigents).

11. BENEFITS OF REGISTERED INDIGENTS

- 11.1 All outstanding balances (including handovers) as at date of approval will be written off as contemplated in clause 10.1.8 above.

The indigent account that was handed over to Debtor Collector / Attorneys will be withdrawn.

- 11.2 Indigent households will receive their first 6kl of water consumption at no cost.
- 11.3 The cost of the free basic water be levied and be offset as income foregone and funded from the equitable share grant received in terms of the annual Division of Revenue Act.
- 11.4 The Municipal Manager may grant authority that a prepayment meter or water management device be installed in those properties where the registered owners qualify and are registered for indigent relief so that the debtor cannot consume water beyond the free basic quantity.
- 11.5 Registered indigents will receive a free supply of pre-paid electricity of 50 kWh per month.
- 11.6 The cost of free basic electricity will be levied and be offset as income foregone and funded from the equitable share grant received in terms of the annual Division of Revenue Act.
- 11.7 The Municipal Manager may grant authority that a prepayment meter be installed in those properties where the registered owners qualify and are registered for indigent relief.
- 11.8 All registered indigents will be levied with a weekly residential refuse removal service and be offset as income foregone and funded from the equitable share grant received in terms of the annual Division of Revenue Act.
- 11.9 All registered indigents will be levied with a residential sewerage service (where the municipality provides a sewerage service) and be offset as income foregone and funded from the equitable share grant received in terms of the annual Division of Revenue Act.
- 11.10 Approved Indigent Customers with a property value not exceeding R1 500 000.00 will be exempted from Property rates.
- 11.11 Approved Indigent Customers with a property value exceeding R1 500 000.00 will only be exempted from Property rates for a period not exceeding 12 months only once off.

OTHER INDIGENTS

- 11.12 The council will consider the burial of any person or immediate family member of such person, if she / he is registered as an indigent within Midvaal Local Municipality;

- 11.13 No water and or electricity connection fee will be charged to indigent households as applicable.
- 11.14 The municipality will attempt to assist child headed households with the registration of their properties in the deeds office by approaching the municipality's panel of attorneys to do the registration as part of their pro bono services.
- 11.15 The waiving of charges for other municipal services such as fire services will be considered based on written applications submitted to the Municipal Manager.

12. Pro Poor Households

- 12.1 Owners dependent on pensions or social grants: Residential property owners who are both permanent occupiers and the sole owners of the property concerned whose aggregate household income does not exceed the maximum of 4 times old age pension per month will receive a rebate of 50% of their property rates with a property value not exceeding R1 500 000.00 Customers with a property value exceeding R1 500 000.00 whose aggregate household income does not exceed the maximum of 5 times old age pension per month will receive a rebate of 25% of their property rates.

This rebate will be valid for a period of 12 months from date of approval.

- 12.2 All outstanding balances (including handovers) as at date of approval will be written off as contemplated in clause 10.1.8 b. above

13. TERMINATION OF INDIGENT AND POOR HOUSEHOLD SUPPORT

The Support will be terminated under the following circumstances:

- 12.1 At the end of the 12 months cycle;
- 12.2 Upon the sale of the property in respect of which support is granted and subdivision of such property.
- 12.3 When Circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded;

- 12.4 If the applicant is found to have lied about his / her personal circumstances or has furnished false information regarding indigent status the application shall be terminated, the amount written off shall be debited back to the account and stringent credit control measures will be applied;
- 12.5 Where tampering with meters is discovered, all benefits will immediately be halted. A fine according to the Credit Control Policy will be imposed. The service will be terminated and will only be re-installed on the payment of the full amount of the reconnection fee and fine;
- 12.6 Upon the death of the indigent, and if the indigent had dependents, the dependents will have to re-apply for the support as subsidies are not transferable.
- 12.7 Services will be suspended / restricted to indigents who fail to pay for services consumed in excess of the subsidised amount.
- 12.8 If any extensions to the property is affected, building or otherwise, the debt will be re-instated and the indigent status will be cancelled. This includes RDP allocated houses in Savanna City.

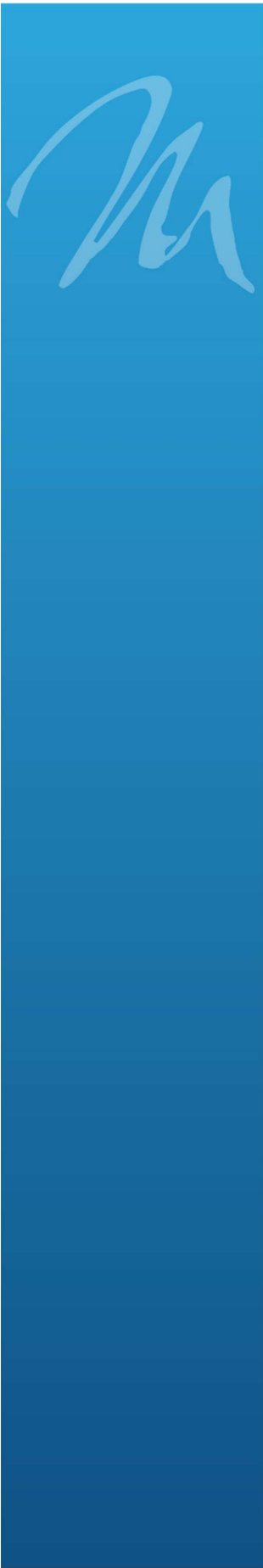
13. OTHER MATTERS

- 13.1 The Granting of an indigent subsidy shall be the sole prerogative of Council whose decision shall be final.
- 13.2 The Indigent Policy shall be applied consistently.
- 13.3 It is a priority of Council to ensure that the poor receive affordable basic services. However, this task is made more complex by the proportion of the population who are potential beneficiaries of the indigent programme but do not come forth to register as indigents.
- 13.4 The Social Services Department will investigate possible ways of creating and encouraging exit programs for indigents.
- 13.5 Any information affecting indigents will be made available in the official language of Council and translation will be available upon request.

14. EFFECTIVE DATE

The Policy is effective from 1 July 2025.

Annexure S
Policy related to the
provision of free basic
electricity
2025/2026



**POLICY: PROVISION OF FREE BASIC
ELECTRICITY (FBE)**

2025/2026 FINANCIAL YEAR



POLICY: PROVISION OF FREE BASIC ELECTRICITY (FBE)

FBE ALLOCATION IS 50 kWh units per month.

Note: Electricity used for business purposes is excluded from the free basic electricity allocation.

1. PURPOSE

The purpose of this policy is to provide guidelines to determine a uniform approach for the allocation of free basic electricity (FBE) to residents of the Municipality.

2. ELIGIBILITY

The FBE is only applicable to residential households

- that are registered as Indigent Households in terms of the Indigent Policy of the municipality and
- that have a prepaid electricity meter installed at their homes

3. BENEFIT

Residential households that meet the eligibility criterion to receive FBE will be allocated 50kWh of electricity at no charge on a monthly basis.

Unused allocations from one month may not be accumulated nor carried forward to the next month

The benefit applies to all Indigent residential household that meet the eligibility criteria, notwithstanding whether electricity is supplied by the municipality or directly by Eskom.

1. IMPLEMENTATION DATE

The policy will be effective as from 1 July 2025.

Annexure T
Policy related to the
provision of free basic water
2025/2026



**POLICY: PROVISION OF FREE BASIC
WATER (FBW)**

2025/2026 FINANCIAL YEAR



POLICY: PROVISION OF FREE BASIC WATER (FBW)

1. OBJECTIVES OF THE POLICY

The objectives of the policy are –

- To realize everyone's constitutional right of access to sufficient water
- To support all approved Indigents in terms of the Council's Indigent policy, with a monthly allowance of free basic water.
- To provide guidelines to determine a uniform approach for the allocation of free basic water (FBW) to residents of the Municipality.

2. ELIGIBILITY

The FBW is only applicable to residential households that are registered as Indigent Households in terms of the Indigent Policy of the municipality.

3. BENEFIT

The block tariff adopted by Council for the use of the water services exclusively for household purposes provides for every household to receive free kiloliters of water per month as stipulated below:

- Registered Indigent Households 6 kl free per month.

3.1 Implementation Date

The policy will be effective as from 1 July **2025**.

Annexure U
Policy on the Acceptance of
Grants, Donations,
Sponsorships and Gifts
2025/2026

**POLICY ON THE
ACCEPTANCE OF GRANTS, GIFTS,
DONATIONS AND SPONSORSHIPS**

2025/2026-FINANCIAL YEAR



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1. Introduction

The Midvaal Local Municipality (MLM) receives various forms of grants, gifts and donations.

These include:

1. Grant funding for capital projects, as per the Division of Revenue Act (DORA), e.g. MIG, Equitable Share and RBIG;
2. Grant funding to fund operational projects, as per the Division of Revenue Act (DORA), e.g. FMG and MSIG;
3. Sponsorships to fund mayoral projects, e.g. Mayoral Golf Day and various other municipal events and functions;
4. Any other sponsorships;
5. Any other ad hoc grants, gifts and/or donations.

These grants, gifts, donations and sponsorships need to be managed effectively and efficiently to ensure that the desired outcomes or prescribed outcomes in the case of conditional grants, are met.

In addition to grants, gifts, donations and sponsorships offered to the Midvaal Local Municipality, individuals (employees and councillors) are offered rewards, gifts and favours.

2. Relevant Legislation

Apart from various other legislation, the focus is placed on the following relevant legislation:

1. Local Government: Municipal Finance Management Act, Act 56 of 2003 (the "Act");
2. Local Government: Municipal Finance Management Act, Act 56 of 2003, Municipal Cost Containment Regulations, 2019 (the "Regulations")
3. Policy on the Acceptance of Grants, Gifts, Donations and Sponsorships (the "Policy")
4. Midvaal Local Municipality: Supply Chain Management Policy, Sections 46, 47 and 48

3. Acceptance of grants, gifts, donations and sponsorships

Midvaal Local Municipality should not simply accept all grants, gifts and donations offered to Council, but should consider all the implications of acceptance of the grants before doing so.

The Municipal Finance Management Act, Act 56 of 2003 and the Municipal Supply Chain Management Regulations, subject to the Supply Chain Management Regulation 47, do not prohibit sponsorships or donations (in money or kind) to the municipality as such, but prescribe that such action must be disclosed if it was promised, offered or granted by a provider or prospective provider of goods and services or a recipient or prospective recipient of goods disposed of or to be disposed of. In deciding whether to accept the abovementioned, due regard must be given to the Supply Chain Management Policy.

3.1 Capital Grants

Capital grants must be evaluated in terms of the Integrated Development Plan (IDP) priorities. Council will firstly implement projects to satisfy community need in terms of the IDP before other projects are implemented. However, capital projects not included in the IDP must be considered in terms of a comprehensive business plan that must contain the following pertinent information:

1. Description of project;
2. Link to existing projects and projects planned by other departments;
3. Staffing requirements – re-deployment of current employees (appointed staff, not vacant positions on the staff structure) or appointment of additional external employees (including both the number of employees and the designation/salary levels);
4. Impact on future operational budgets, including both income and expenditure – all expenditure items must be included, e.g. remuneration cost, operational overhead costs and municipal services;
5. Any additional information available, inter alia:
 - 5.1 What the impact on service delivery will be if the project is not implemented; and
 - 5.2 Comments on capacity to implement.

3.2 Operating Grants

Operating grants should be considered on an ad hoc basis. All grants that aim to further the objectives of the Midvaal Local Municipality should be considered for acceptance.

The following broad principles should be applied when considering whether or not to accept a grant:

1. Grant funding should not result in recurring operating expenditure for Midvaal;
2. The conditions of the grant funding should not place any undue administrative burden on Council;
3. The Vision and Mission of Council should not be compromised in any way by accepting the grant;
4. The conditions of the grant funding should not compromise Council's authority and decision-making powers in any way; and
5. The Executive Mayor may use his/her discretion when being offered grants and acceptance thereof.

3.3 Donations and Sponsorships to Midvaal

The acceptance of donations and sponsorships must at all time be done in such a manner that it maintains and promotes sound financial management, public accountability, transparency and good governance.

When donations and sponsorships are offered to the municipality, the following must be considered:

1. Whether the sponsorship or donation creates an expectation of further work, contracts, support to the organisation or person making the sponsorship or donation;
2. Whether the Municipal Finance Management Act Training Sponsorship comply with the MFMA Circular 9 in that the training providers must be validated by National Treasury. This applies only to training on MFMA and not any other training courses;
3. Whether the sponsorship or donation is within the ambit of the Supply Chain Management Regulations 47 and 48; and
4. Whether the sponsorship or donation infringes the ethical standards set in the Supply Chain Management Policy, Section 46.

5. Whether the donation or sponsorship may have financial, operational or reputational consequences to the municipality in the future, and where it is foreseen whether it is desirable to incur such consequences.
6. Whether the donation or sponsorship is desirable.

If it is found that the donation or sponsorship is offered or granted with the intention of being an inducement or reward for the awarding of any form of bid, or that it infringes on the ethical standards of the Supply Chain Management Policy, Regulation 46, the donation or sponsorship may not be accepted.

All donations or sponsorships offered or granted to Midvaal must be submitted to the Municipal Manager for approval. Excluding the Executive Mayor as stated in (2.2)(5) above, no person other than the Municipal Manager may authorise the acceptance of donations or sponsorships.

All relevant donations or sponsorships offered or granted to Midvaal must be declared to National Treasury in terms of Section 48 of the Supply Chain Management Regulations.

3.4 Donations and Sponsorships from the Municipality

Midvaal should not provide donations or sponsorships to organizations for commercial endorsements to gain credibility from association with the municipality.

When donations or sponsorships are offered from the municipality, the following should be considered:

1. Donations or sponsorships arrangement in which organization pays for all or some of the cost associated with a project or an event in exchange for recognition in partnership with the municipality must
 - Directly relate to the municipality's outcomes;
 - Provide value for money;
 - Enhance the municipality's credibility and image;
 - Deliver clear and measurable benefits;
2. The municipality should not enter into marketing communication donation or sponsorship arrangements with an organization or institution whose project or event is likely to adversely affect the content or interpretation of the municipality's programmes, services or raise conflict of interest.
3. All donation and sponsorship agreements (even those that involve a minimum amount or non-monetary items) are required to be in writing, either as a letter, a formal contract or stakeholder agreement.

4. Donation or sponsorship agreements must clarify the roles, rights and responsibilities of both parties and protect the municipality from unwanted liabilities, and also include a clause that affords the municipality the right to terminate the arrangements when it is felt that the activities are incompatible with those of Midvaal. All signatories must have the required authority to sign such donation or sponsorship agreements.
5. All donation or sponsorship agreements must have a certain standard criteria, the terms and conditions must be precise and should at least address the following:
 1. Identify all parties to the sponsorship (including third parties);
 2. Specify the exact nature and value of the donation or sponsorship;
 3. Specify the payment terms, including how and when the payment will be made and to whom;
 4. Specify the length of the donation or sponsorship agreement, options or conditions for renewal;
 5. Describe what the money or items is to be used for as set out in the budget;
 6. Specify in detail both parties' rights and benefits set out any special conditions that may apply;
 7. Set out financial accountability requirements;
 8. Specify what must happen to any surplus funds;
 9. Specify warranties and details concerning liability, including limits to liability and who is responsible for public liability and insurance;
 10. Stipulate that the municipality is under no obligation to continue the relationship beyond the contract donation or sponsorship period;
 11. Specify who owns any intellectual property which might arise;
 12. Specify relations with any employees of the organization seeking donation or sponsorship opportunities;
 13. Consider methods to secure payment against the other party's failure to deliver;
 14. The municipality's corporate identity must be adhered to with respect to all creative materials developed in the promotion of any activities when co-branding occurs;
 15. Donation or sponsorship agreements must include the municipality's right to review all marketing promotional materials and activities produced, including specific uses prior to release.
 16. Indemnify the municipality against risk;

The sponsored organization must provide a close out report which set out financial accountability and conditions on the use of funds received.

3.5 Rewards, gifts, hospitalities or other benefits directly or indirectly offered to employees of Midvaal

1. No employee may accept any reward, gift, favour, hospitality or other benefit directly or indirectly, including any close family member, partner or associate of the employee, of a value more than R350 annually from any provider or potential provider of goods/services;
2. Notwithstanding the above, the relevant employee must declare details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to him/her or to any close family member, partner or associate of him/her;
3. Each Head of Department must maintain a Gift Register where rewards, gifts, favours, hospitality or other benefits that are offered and/or accepted by employees in his/her department are recorded; and
4. The abovementioned register must be available for inspection by the Municipal Manager and the Internal/External Auditors of Midvaal;
5. The following five questions must be considered, when giving or accepting a gift. If you can answer 'yes' to any of them, you should reconsider ...

1.

Could the gift potentially make the receiver feel obliged to act in my interest? This might happen if the gift is expensive.

2.

Am I trying to buy influence?
In other words, am I hoping that the gift will encourage someone to do something specific that I want?

3.

Could someone else who hears about it reasonably think that I am trying to buy influence; if the receiver is in a position to make a decision that affects me?

4.

Is this something that the receiver could easily return in their personal capacity? Again, the cost of the gift will be important here.

5.

Is it prohibited by my or the other party's organisational gift policy? This will be the case with most government departments, and with almost all cash "gifts".

Information Source: The Ethics Institute, Ethics Toolbox

3.6 Rewards, gifts, hospitalities or other benefits directly or indirectly offered to Councillors of Midvaal

1. The same rules as per 2.4 above apply to Councillors mutatis mutandis.
2. The Gift Register contemplated in 2.4.3 above, shall be maintained by the Office of the Speaker.

3.7 Cost Containment Regulations, 2019: Sponsorships

Apart from various other stipulations contained in the regulations, the following stipulations are specifically applicable on this policy:

1. An accounting officer must ensure that social events, team building exercises, year-end functions, sporting events and budget vote dinners are not financed from the municipality or the municipal entity's budgets or by any suppliers or sponsors (Refer to Section 10(5) of the regulation).
2. A municipality or municipal entity may not incur expenditure on corporate branded items like clothing or goods for personal use of officials, other than uniforms, office supplies and tools of trade unless costs related thereto are recovered from affected officials or is an integral part of the business model (Refer to Section 10(6) of the regulation).
3. Municipal resources may not be used to fund elections, campaign activities, including the provision of food, clothing, printing of agendas and brochures and other inducements as part of, or during election periods or to fund any activities of any political party at any time (Refer to Section 13(2) of the regulation).

4. Reporting to Council on Grant Funding for Capital and Operating Projects

It is the responsibility of the end-user department receiving the grant to report to Council on the following matters upon receiving confirmation of the grant:

1. Description of the grant received;
2. Amount received;
3. Purpose of the grant;
4. Conditions of the grant;
5. Implementation plan; and
6. Expected outcomes.

Abovementioned will only be applicable to ad hoc grants received during the year and not capital projects budgeted for as part of the approved IDP Capital Investment Program.

After completion of the project/programme, the department will be required to report to Council on the following matters:

1. Date of receiving of physical cash payment;
2. Date of implementation;
3. Actions performed, program implemented;
4. Amount of actual expenditure incurred;
5. Report back on conditions of the grant that was met;
6. Final outcome of project/programme; and
7. How any unspent funds must be used, taking conditions of the grant into consideration.

5. Other reporting requirements

Departments are responsible to adhere to all reporting requirements in terms of the conditions of the grant. Grants received from National and Provincial Government must be reported in terms of the conditions of the Division of Revenue Act.

The duties of the receiving officer (department receiving the grant) are detailed as follows in the Division of Revenue Act:

“A municipality shall, within 10 days after the end of each month, submit a report to the relevant transferring National or Provincial Officer. The report must set out -

- 1. The amount received by the municipality, up to the month reported on;*
- 2. The amount of funds delayed or withheld from the municipality, up to the month reported on;*
- 3. The actual expenditure by the municipality up to the month reported on;*
- 4. The extent of compliance with the conditions of an allocation and with the Act;*
- 5. An explanation for any material problems or variances experienced by the municipality, regarding an allocation which has been received, and a summary of the steps taken to deal with such problems or variances; and*
- 6. Such other issues and information as the National Treasury may determine.”*

If any variance is detected and it is not of a financial nature, the department in question should refer the problem to the appropriate interval Portfolio Committee Meeting for consideration. A summary of the steps taken to deal with such problems or variances should be reported to Council.

In the event of non-compliance with the rules and regulations as set out in the Division of Revenue Act, the applicable department should take the necessary action to rectify the fact that they are not complying.

The Chief Financial Officer must disclose to National and Provincial Treasury on an annual basis, all sponsorships promised, offered or granted, whether directly or through a representative or intermediary, by any person who is:

1. A provider or prospective provider of goods or services; or
2. A recipient or prospective recipient of goods disposed or to be disposed of.

To enable the Chief Financial Officer to comply with 5.5 above, all Heads of Department must, by no later than 15 July annually, report to the Chief Financial Officer on all sponsorships promised, offered or granted, whether directly or through a representative or intermediary, by any person who is:

3. A provider or prospective provider of goods or services; or
4. A recipient or prospective recipient of goods disposed or to be disposed of.

6. General

All grants, donations, sponsorships, etc. must be paid into the primary bank account of Midvaal Local Municipality.

7. Enforcement

This policy will come into operation once approved by Council.

Annexure V
Long Term Financial
Planning Policy
2025/2026

Annexure W
Disposal of Assets Policy
2025/2026

DISPOSAL OF ASSETS POLICY

2025/2026 FINANCIAL YEAR

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ABBREVIATIONS

MLM	Midvaal Local Municipality
AMP	Asset Management Plan
AO	Accounting Officer
ASB	Accounting Standards Board
ATR	Asset Transfer Regulations
CFO	Chief Executive Officer
DRC	Depreciated Replacement Cost
GRAP	Generally Recognised Accounting Practise
HOD	Head of Department
MDA	Municipal Demarcation Act
MFMA	Municipal Finance Management Act
MM	Municipal Manager
MSA	Municipal Systems Act
PPE	Property, Plant and Equipment
SCM	Supply Chain Management
VAT	Value Added Tax

1. PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide a framework for the disposal or transfer of the municipality's capital assets and scrap items (obsolete inventory stock).

2. DEFINITIONS

“Asset” means a resource controlled by a municipality as a result of past events and from which future economic benefits or service potential are expected to flow to the municipality;

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

“Capital asset” –

- (a) any immovable asset such as land, property or buildings; or
- (b) any movable asset that can be used continuously or repeatedly for more than one year in the production or supply of goods or services, for rental to others or for administrative purposes, and from which future economic or social benefit can be derived, such as plant, machinery and equipment;

"Chief Financial Officer" means the person appointed as the Chief Financial Officer of the Municipality, or his or her nominee;

Commercial services

Commercial services means a service other than municipal services –

- (a) rendered by a private sector party or organ of state to or from a municipality on a commercial basis; and
- (b) which is procured by the municipality through its supply chain management policy.

"Council" means the Council of the Midvaal Local Municipality;

“Councillor” shall mean a member of the Council of the Municipality;

“Disposal” in relation to a capital asset or scrap items, includes -

- (a) the demolition, dismantling or destruction of the capital asset or scrap items; or
- (b) any other process applied to a capital asset which results in loss of ownership of the capital asset otherwise than by way of transfer of ownership.

"Exempted capital asset" means a municipal capital asset which is exempted by 14(6) or 90(6) of the Municipal Finance Management Act, 2003 (MFMA) from the other provisions of that section;

“Fair market value” in relation to capital assets, means the value at which a knowledgeable willing buyer would buy and a knowledgeable willing seller would sell the capital asset in an arm’s length transaction;

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

"Immovable Property" also includes -

- (a) an undivided share in immovable property, and
- (b) any right in immovable property.

"High value" in relation to a capital asset of a municipality, means that the fair market value of the capital asset exceed any of the following amounts:-

- (a) R50 million;
- (b) one percent of the total value of the capital assets of the municipality, as determined from the latest available audited annual financial statements of the municipality; or
- (c) an amount determined by resolution of the Council of the municipality which is less than a) or b);

“the Municipality” means Midvaal Local Municipality;

"Non-exempted capital asset" means a capital asset which is not exempted by section 14(6) or 90(6) of the Municipal Finance Management Act, 2003 (MFMA) from the other provisions of that section;

"Organ of state" – means

- (a) a national department or national public entity;
- (b) a provincial department or provincial public entity;
- (c) a municipality or municipal entity; or
- (d) any other organ of state within the meaning assigned to 'organ or state' in section 239 of the Constitution;

"Regulation" refers to the Municipal Asset Transfer Regulations, Government Gazette no.31346;

"Scrap" refers to obsolete Inventory items such as any metal, steel, copper or any other discarded waste material that is suitable for reprocessing;

"Service Provider"

- (a) in relation to a municipal service, means a private sector party or organ of state appointed by a municipality in terms of Chapter 8 of the Municipal Systems Act (MSA) to perform a municipal service in accordance with that Act; and
- (b) in relation to a commercial service, means a private sector party or organ of state appointed in terms of the supply chain management policy of a municipality to render a commercial service to or for the municipality as an independent contractor;

"Subsidiary asset" in relation to a capital asset, means an asset that forms an integral part of the capital asset or of the operations or maintenance of the asset;

"Transfer" in relation to a capital or subsidiary asset, means transfer of ownership in the asset as a result of a sale or other transaction.

3. CONSTITUTIONAL AND LEGAL BACKGROUND

Section 14 and 90 of the Municipal Finance Management Act (MFMA) (Act 56, 2003) states:

“A municipality may not transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of any capital asset needed to provide a minimum level of basic municipal services.”

The following key principals were adopted to assist in the identification and management of risks associated with the transfer and disposal of capital assets. These principles must be considered and implemented in the context of any asset transfer:

- **Valuation principle**, i.e. the need to attach a value to the transfer or disposal of a municipal capital asset, in order to ensure that the interests of the municipality and each of its stakeholders are not prejudiced by the transfer or disposal;
- **Continuity of service principle**, i.e. the need to ensure the uninterrupted continuance of a municipal service when a municipal capital asset that is being used in the delivery of that service, is transferred or disposed of, particularly when the asset is used in the provision of a minimum level of basic municipal service;
- **Risk transfer principle**, i.e. the need to transfer the risk relating to a municipal capital asset in conjunction with the transfer of the asset; and
- **Asset preservation principle**, i.e. the need to prevent the indiscriminate or unsustainable transfer or disposal of a municipal capital asset in order not to undermine the ability of the municipality to render or expand municipal services in the longer term.

4. OBJECTIVES

The objectives of the Asset Disposal Policy are to:

- Ensure that only assets that are assessed and deemed not to be critical to provide the minimum level of basic municipal services are disposed of;
- Ensure that assets are not disposed when the disposal of the asset or the terms of the disposal of the asset could disadvantage the municipality or community financially or otherwise;

- Ensure that all disposals are, in terms of section 14 (5) of the MFMA, fair, equitable transparent, competitive and consistent with the Supply Chain Management Policy (SCM) of the municipality; and
- Ensure that assets disposed of are updated in the municipality's Asset Register timeously and accurately.

5. APPROVAL AND EFFECTIVE DATE

The policy will be effective as from 1 July 2024.

6. POLICY AMENDMENT

This policy should be reviewed annually to ensure continued compliance with the relevant legislation and accounting standards. Changes to this document shall only be applicable if approved by Council. Any proposals in this regard shall be motivated by the CFO in consultation with the AO and respective HODs. The recommendations of the CFO shall be considered for adoption by Council.

7. RELATIONSHIP WITH OTHER POLICIES

This policy needs to be read in conjunction with other relevant adopted policies of the municipality, including the following:

- Delegation of Powers;
- Accounting Policy;
- Supply Chain Management Policy;
- Land Use Management Policy;
- Asset Management Policy.

8. REFERENCES

The following references were observed in compiling this document:

- Municipal Finance Management Act, 2003
- Municipal Systems Act, 2000
- Local Government Supply Chain Management Guidelines, National Treasury, 2005
- Guide to the Municipal Asset Transfer Regulations
- Municipal transfer and disposal regulations, Government Gazette no.31346

9. ASSET TYPES

In this policy asset means any tangible or intangible resource capable of being owned. Tangible assets include physical assets, such as land, building, plant and equipment; whereas intangible assets include servitudes and similar assets that can not necessarily be seen.

It is important that a municipality has a fully up-to-date asset register that records the name, type, allocation and value of the assets under its control. The asset register forms a critical source of information required during the decision making process on the validity and reasonability of asset transfers and disposals.

9.1 Capital assets

A capital asset may be movable or immovable, provided that it has a life span of at least one year and can be used to produce or supply goods and services, for rentals to others or for administrative purposes (where a future economic or social benefit can be enjoyed).

9.2 High value capital assets

The municipality will firstly have to determine the combined value of any capital assets it intends to transfer or dispose of in the particular financial year (such must also be reflected in its Medium Term Revenue and Expenditure Framework (MTREF) budget).

If the combined value of such capital assets exceeds five percent of the total value of its assets (as determined from its latest available audited financial statements), a public participation process must be followed for each of the capital assets identified for transfer or disposal, irrespective of each capital asset's individual value.

If the combined value of capital assets identified for transfer or disposal during the financial year does not exceed five percent of the total value of its assets, the municipality will have to assess whether each individual capital asset identified for transfer or disposal in that particular year is a high value capital asset. For each high value capital asset a public participation process must be followed.

If it appears that any or all of the assets are "high value", Council must be approached to authorise the public participation process.

"High value" threshold relating to an *individual capital* asset is determined as the lower of the following:

1. R50 million; or
2. 1% or the total value of all capital assets of the municipality;
3. or otherwise a value determined by Council, provided that the value is less than (a) or (b).

9.3 Exempted capital assets

An exempted capital asset is an asset exempted by sections 14(6) or 90(6) of the MFMA and regulation 20 from the rest of sections 14 and 90 as well as the SCM Regulations.

Exempted capital assets are assets transferred to another organ of state as a result of any of the following circumstances (regulation 20):

- (a) a review by a municipality of its service delivery mechanisms for the performance of a municipal service in terms of Chapter 8 of the Municipal Systems Act (MSA), and the subsequent appointment of an organ of state to perform this service;
- (b) a reorganisation of powers and functions between a parent municipality and its municipal entity;

- (c) an assignment of any of the powers and functions of a municipality to another organ of state by national legislation or in terms of a power contained in national legislation;
- (d) when municipal housing or land is transferred to a national or provincial organ of state for housing for the poor in terms of a national or provincial housing policy;
- (e) when the transfer is required or permitted in terms of national legislation and that legislation determines the conditions of the transfer; or
- (f) any other circumstance provided that the capital asset to be transferred to the organ of state is determined by resolution of the Council not to be needed to provide a minimum level of basic municipal service and is surplus to the requirements of the municipality and municipal entity.

9.4 Non-exempted capital assets

If the transfer or disposal is not the result of any of the above transactions, the asset to be transferred or disposed of will be considered to be a non-exempted capital asset where sections 14 and 90 of the MFMA and the SCM Regulations will apply. In these situations therefore:

- the municipality may not transfer or dispose of a capital asset deemed to be needed to provide a minimum level of basic municipal service;
- the municipality in making the decision as to whether an asset is required to provide a minimum level of basic municipal service, must make that decision and consider the fair market value, and economic and community value to be received for the asset at a meeting open to the public; and
- any transfer must be fair, equitable, transparent, competitive and consistent with the municipality's supply chain management policy.

The requirement to hold a public meeting to consider the decision to transfer or dispose of a movable capital asset below a value determined by Council, may be delegated to the Accounting Officer (AO) to make a decision in some cases (section 14(4) of the MFMA). All transfers or disposals of this nature will be regulated by sections 14 and 90 of the MFMA and Chapter 2 of the ATR – 'Transfer and Permanent disposal of non-exempted capital assets'.

9.5 Subsidiary assets

A subsidiary asset is an asset that forms an important part of a capital asset, as well as an asset that forms part of the operation or maintenance of that capital asset.

These assets are particularly relevant in the transfer of a service, power or function. In these instances, the ATR allow certain subsidiary assets to be transferred with the transfer of that service, power or function. The following subsidiary assets may be included in the transfer:

- movable and immovable assets used for or in connection with the service, power or function to be transferred (including investment property);
- intangible assets which are an integral part of that service, power or function;
- short and long-term receivables associated with that service, power or function; and
- investments, cash and bank balances or reserves derived from the performance of that service, power or function.

Subsidiary assets are always linked to the capital asset being transferred and therefore a municipality will not need to consider whether they should be regarded as high value or otherwise, they may be either – provided that their transfer comes as a result of the transfer of a service, power or function. If the capital asset to which the subsidiary asset is linked, is of high value, that the public consultation process on that capital asset must include consultation on all the subsidiary assets linked to that capital asset, to ensure transparency of the transaction as a whole.

If the transfer of the capital asset is classified as exempted, the transfer of the subsidiary asset is also exempted, if it is part of the same transaction.

10. TRANSFER OR DISPOSAL OF A CAPITAL ASSET

10.1 Classification of capital assets

Capital assets are classified as either exempted or non-exempted capital assets, in terms of sections 14(6) or 90(6) of the MFMA and regulation 20 of the ATR, refer to 9.3 and 9.4 above.

Exempted capital assets are capital assets transferred to another organ of state as a result of any of the circumstances described in section 9.3 of this policy.

10.2 Non-exempted capital assets

Once the asset identified for transfer or disposal has been classified as a non-exempted capital asset, the municipality must consider whether the asset is a high value capital asset as described in section 9.2 of this policy.

10.2.1 High value capital asset

In the case where a high value capital asset forms part of a transfer or disposal of the appointment of a service provider to perform a municipal or commercial service in terms of regulation 12(2), sections 14(2) or 90(2) of the MFMA and regulation 5(1) prescribes that a public participation process should be undertaken as part of and concurrent with the process envisaged in regulation 12(2).

The public participation process may only be authorised by the Council, although any party may make a request to the Council that such a process be considered. The request must be submitted to the Council together with an information statement stating the following (regulation 5(3)(b)):

- the valuation of the asset;
- the method of valuation used to determine that value;
- the reasons for the proposal; and
- the benefits, proceeds and gain or loss that could be realized or incurred from the transfer or disposal.

Where Council has authorised the AO to conduct a public participations process, the AO of the municipality must at least 60 days before the Council meeting authorising the asset transfer or disposal:

- Make public the proposal and information statement, as described above, to all affected communities and interested parties;
- Invite all affected communities and interested parties to submit their comments and representations; and
- Request the views and recommendations for National Treasury on the matter.

After the public participation process, Council may at this point make the section 14(2) or 90(2) determinations, as stated below, and depending on the outcomes of these determinations, either not to transfer or dispose of the asset or to *approve in-principal* of the transfer or disposal of the asset.

In terms of section 14(2) or 90(2) of the MFMA the municipal Council must:

- (a) reasonably decide (or confirm) that the asset is not needed to provide a minimum level of basic municipal service; and
- (b) consider the fair market and economic and community value to be received in exchange for the asset.

All transfers or disposals should be fair, equitable, transparent, competitive and consistent with the SCM policy of the municipality. This is however not applied in the case where the capital asset forms part of the appointment of a service provider to perform a municipal or commercial service in terms of regulation 12(2), refer to 10.2.5 of this policy).

SCM Regulation 40 states that:

- (a) immovable property may be sold only at market related prices except when the public interest or plight of the poor demands otherwise; and
- (b) movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality, etc.

In the case where the bids are well in excess of the fair market value or any other valuation method used by the municipality, the competitive process relies on the AO

and bid committee to make a decision. Compensation received should be at the most advantageous to the municipality.

10.2.2 Not considered a high value capital asset

In the case where the asset is not considered to be high value, and the total value of asset transactions are not more than the 5% threshold value, as stated in 9.2 above, the municipal Council must follow the same considerations at a meeting open to the public as in the case of a high value capital asset transfer or disposal in terms of section 14(2) or 90(2) of the MFMA, as described in 10.2.1 above.

Such determinations are only necessary when the Council wishes to consider the transfer or disposal of the asset. It may resolve not to go ahead with the transfer or disposal without the need for a meeting open to the public.

If the asset is considered needed to provide a minimum level of basic municipal service, then that asset **cannot** be transferred or disposed of (regulations 5(1)(b), MFMA sections 14(2) and 90(2)).

10.2.3 Mandatory considerations

During the public meeting, before approving *in-principle* to either retain, transfer or dispose of the asset, the Council must first consider the following factors (regulation 5(1)(b) & 7), irrespective of whether a high value capital asset or not is under consideration:

- whether it may need the asset at a later date;
- expected gain or loss on transfer or disposal;
- compensation for the asset and if it will result in a cost or benefit;
- management of any risk;
- impact on its credit rating and ability to raise further borrowings in the future;
- limitations or conditions attached to the asset and the consequences of any potential non-compliance of those;
- cost of the proposed transfer or disposal;
- transfer of any liabilities and reserves associated with the capital asset;
- stakeholder comments and recommendations;

- the impact on its own strategic, legal and economic interests; and
- compliance with legislative regime applicable to the proposed transfer or disposal.

10.2.4 Apply discretionary conditions to the transfer or disposal of a non-exempted capital asset

When the Council provides an *in-principle* decision that a non-exempted capital asset may be transferred or disposed of (irrespective of whether the transaction involves a high value capital asset or not), the Council *may impose* conditions on the transfer or disposal, including conditions to specify (*regulation 11*):

- the way in which the asset is to be sold or disposed of (within the framework set by the SCM regulations);
- a floor price or minimum compensation;
- whether the asset can be transferred or disposed of for less than fair market value (subject to the Council first considering the regulation 13(2) criteria); and
- a framework in which direct negotiations with another person may apply, if relevant.

10.2.5 Transfer or disposal of the asset

The MFMA requires the actual transfer or disposal to be fair equitable, transparent, competitive and consistent with the SCM Regulations. Council only has an oversight role in this process to ensure that Council policy are implemented and no Councillor of any municipality may be a member of a municipal bid committee or any other committee evaluating or approving tenders, quotations, contracts or other bids or attend any such meeting as an observer. (Refer MFMA section 117).

Once Council has approved the transfer or disposal, the municipality may commence proceedings to transfer or dispose of the asset – irrespective of the value of the asset or whether it is to be transferred to a private sector party or an organ of state, can only be done in accordance with its SCM policy.

In terms of regulation 12(2), there are two exceptions to the requirement that the actual transfer or disposal of the non-exempted capital asset be done in terms of a competitive process:

- when a municipality undertakes a review of service delivery mechanisms in terms of Chapter 8 of the MSA and a private sector party is selected; and
- when a municipality appoints a private sector party or organ of state to perform a commercial.

In these cases, provided that a competitive bidding process is used to appoint the service provider, a municipality may transfer the asset as part of the appointment of the service provider and negotiate directly with the selected bidder (regulation 12(3)).

10.2.6 Compensation payable

Compensation payable to a municipality for a capital asset in terms of the ATR must always be in line with the disposal management system, see SCM regulation 40 stated in 10.1.2 above.

If the transfer is the result of the transfer of a commercial service or the sale of immovable property such as land or buildings then compensation must reflect fair market value (regulation 13(1), SCM regulation 40(2)).

If movable assets such as plant or equipment are sold, they must be sold at a price most advantageous to the municipality or entity by way of written quotes, competitive bidding or auction or at market related prices (SCM regulation 40(2)).

Once the municipality received compensation relating to the transfer or disposal, the proceeds must be used to discharge any borrowings against the asset at its redemption date or at another date agreed between the municipality and the lender (*regulation 16*).

Alternatively, the municipality may seek to negotiate with the private sector party or organ of state to which the asset is to be transferred, to take over any borrowings made against the asset as part of the compensation payable, subject to the agreement of the lender.

This effectively means that any liability for borrowings taken out for an asset is removed once the municipality no longer has ownership of the asset. This precludes a municipality from having to service a debt for an asset it no longer owns.

10.2.7 Finalise the asset transfer or disposal agreement

In accordance with regulation 17, a municipality may only transfer or dispose non-exempted capital assets approved for transfer or disposal, by way of a written agreement between the municipality and either private sector party or organ of state. The agreement must include the following:

- term and conditions of the transfer;
- details of the capital and subsidiary assets and liabilities to be transferred;
- compensation to be paid and the terms and conditions for payment; and
- the effective date in which risk and accountability for the assets are to be transferred.

10.3 Exempted capital assets

10.3.1 Considerations prior to the proposed transfer or disposal

The following considerations should be taken into account:

- (a) Identify and distinguish all assets, staff and borrowings associated with the asset identified for transfer or disposal (regulations 23 and 26(1));
- (b) *Consider staff and staff liabilities associated with the assets identified to be transferred (regulation 27); and*
- (c) *Whether the transfer is to another organ of state and circumstances of the transfer (regulations 20, refer to 9.3 above).*

10.3.2 Mandatory conditions

Municipal capital assets needed to provide a minimum level of basic municipal services can only be transferred to an organ of state and in the circumstances provided for in regulation 20, refer to 9.3 above, subject thereto that the transferee (organ of state) demonstrated its ability to adequately maintain and safeguard the asset.

Under these circumstances, the municipality must impose certain mandatory legislated conditions on the transfer and ensure that the transfer documentation contains these conditions.

Conditions that must be included are (regulation 24):

- that ownership of the asset must immediately revert back to the municipality if the organ of state receiving the asset (the transferee) ceases or is unable to render the service; and
- that the transferee cannot without the written approval of the municipality, transfer, dispose, grant a right of use or encumber that asset in any way.

These conditions must also apply to any replacement, upgrade or improvements to the original asset (regulation 24(1), (3) and (4)).

10.3.3 Based on the circumstances of the transfer, the appropriate conditions will apply

(a) Transfer arising from a review of service delivery mechanisms by a municipality

If the asset is needed to provide a minimum level of basic municipal service, the municipality must ensure it receives the required assurances and imposes the necessary conditions, refer to 10.3.2 above, to ensure that the asset will be adequately maintained and appropriately safeguarded (regulation 24).

In all circumstances the municipality is responsible to ensure that the transfer or disposal will result in the continuance of the service to at least the same or better level than would otherwise have been provided by the municipality had it not transferred or disposed the asset (regulation 22(3)).

The municipality may agree with the organ of state to transfer all capital and subsidiary assets that are essential to the performance of that service which in addition to all movable and immovable assets including intangible assets, receivables, investments and cash equal to the difference between the assets and liabilities of that particular service as well as any reserve funds (regulation 25).

Borrowings or other amounts owing by the municipality associated with the service must also be transferred (regulation 26(2)).

In the case where the transfer gives rise to the transfer of staff associated with that service, the staff transfer must be done in accordance with applicable labour legislation and legislation regulating the transfer of liabilities associated with such staff if applicable – such liabilities may include leave entitlements, medical, post-retirement liabilities and other staff liabilities (regulation 27).

(b) Transfer arising from a re-organization of powers and functions between a municipality and its municipal entity

Asset transfers resulting from a re-organization of powers and functions between a municipality and its municipal entity are treated in a similar manner to those transfers resulting from a municipality's full review of service delivery mechanisms in terms of Chapter 8 of the MSA, described in scenario (a) above.

Transfers resulting from a re-organisation of powers and functions between a municipality and its entity, will generally be regarded as being limited to asset transfers to parties owned by the municipality in a closed system of control.

Regulation 22(3) relating to continuity of service is not relevant in this instance, as this is implicit in the conduct of all powers, functions and services within the municipality.

Regulations 25 and 26(2), relating to the transfer of subsidiary assets and borrowings are not applicable to these transfers – the municipality must manage this process in its own manner provided that it adheres to the principles in the regulations and other relevant legislation. Regulation 27 concerning staff transfers and liabilities associated with such staff remain relevant.

(c) Transfer arising from the assignment of a municipality's powers or functions to another organ of state

Asset transfers deriving from the assignment of certain municipal powers or functions to another organ of state, as a result of national legislation or in terms of a power contained in national legislation, are treated quite differently from the previous two scenarios.

Such transfers include situations such as the re-alignment of municipal boundaries or adding or taking away certain powers and functions of a municipality. This is normally done through national legislation such as the MSA or Municipal Demarcation Act (MDA) and supported by certain provincial legislation.

Regulation 24 conditions and assurance and regulations 22(3), described in scenario (a) above, are not relevant in this scenario, even if the transfer involves assets required to provide a minimum level of basic municipal services, as the transfer is initiated by the national government through legislation. It is anticipated that these factors were considered by the national department and the protection and service continuity will become the responsibility of the transferee (organ of state that is to receive the service).

Regulations 25, 26(2) and 27, refer to scenario (a) above, relating to subsidiary assets, borrowings and staff are applicable to these transfers may all be considered.

In the case where the asset transfer is a result of national legislation, thus an initiative of national government, a public participation process is not necessary. Therefore the provisions of regulation 22(1) are not relevant.

(d) Transfer of municipal land or housing for the poor in terms of the national or provincial policy

If a national or provincial policy on housing necessitates the transfer of municipal housing or land to a national or provincial organ of state for the poor, the provisions of regulations 22, 24, 25, 27 and 31 do not apply. As the transfer is limited to specific capital assets i.e. municipal housing and land, regulations that are pertinent to the

transfer of a municipal service, power or function are no longer relevant, scenarios (a), (b) and (c) above.

The transfer of borrowings associated with the municipal land or housing will still apply to these transfers (regulation 26(1)).

(e) Transfer required or permitted by national legislation

Certain transfers will be the result of national legislation that specifies the conditions of the transfer, unlike transfer described in scenarios (a), (b) and (c) above where the transfer conditions are not stipulated.

In this scenario, the same conditions attached to the transfer of municipal land and housing for the poor, described in scenario (d) above, will be applicable.

(f) Other transfers to organs of state

A capital asset may be transferred to any organ of state in any other circumstances not referred to in the scenarios above, provided that it was determined that the asset is not needed to provide a minimum level of basic municipal service and is surplus to the requirements of the municipality by the municipal Council.

In these situations, only the requirements of regulation 26(1) relating to borrowings associated with the capital asset are relevant. The municipality may directly negotiate the compensation to be paid with the neighbouring municipality.

The municipality must still properly identify and distinguish the assets (and staff if relevant) proposed to be transferred from other assets (and staff) of the municipality as required by regulation 23.

10.3.4 Compensation payable

Council should decide what is in the best interest of the municipality in the particular circumstances, taking into account the value the asset has for the municipality, any liabilities attached to it, etc. It is not necessarily a requirement that compensation is

actually paid. Asset and liability values should be determined in accordance with the methods, refer to section 11 Valuation, below.

As the disposal management system of the municipality is not applicable to exempted transfers to organs of state, a municipality may choose to negotiate with the transferee the amount of compensation payable, subject to certain limitations on transfers for less than fair market value contemplated in regulation 20(1)(f), refer to 9.3 above. The amount of compensation payable and the terms and conditions for payment must be set out in the transfer agreement (regulation 30), refer to 10.3.5 below.

If the transfer is the result of any other transfer not contemplated in regulation 20(1)(a) to (e), refer to 9.3 above, for instance when a municipality chooses to sell or donate an exempted capital asset which is not required to provide a minimum level of basic municipal service and is surplus to requirements, to another organ of state for less than fair market value, it may only do so if the municipality takes into account the following matters as per regulation 20(1)(f)(ii):

- whether the capital asset may be required for the municipality at a later date;
- the expected loss or gain that is expected to result from the proposed transfer;
- the extent to which any compensation to be received in respect of the proposed transfer will result in a significant economic or financial cost or benefit for the municipality;
- the risk and rewards associated with the operation or control of the capital asset that is to be transferred in relation to the interest of the municipality;
- the effect that the proposed transfer will have on the ability of the municipality to raise long-term or short-term borrowings in the future;
- any limitations or conditions attached to the capital asset of the transfer of the asset, and the consequences of any potential non-compliance with those conditions;
- the estimated cost of the proposed transfer;
- the transfer of any reserve funds associated with the capital asset;
- the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
- compliance with the legislative regime applicable to the proposed transfer.

10.3.5 Finalise asset transfer agreement

Before entering into the transfer agreement, the organ of state to whom the asset will be transferred must undertake and document an exercise in due diligence on the assets and liabilities to be transferred. The results of the due diligence must be taken into account in any transfer decision to be made by the organ of state (regulation 32).

All exempted capital asset transfers may only take place by way of a written transfer agreement, signed by both parties and must include the following:

- the terms and conditions of the transfer;
- details of the capital and subsidiary assets and liabilities to be transferred (including valuation details and evidence to support the valuation, encumbrances, servitudes and rights of access requirements);
- compensation to be paid (if any) and the terms and conditions for payment;
- the effective date in which risk and accountability are to be transferred;
- details of any staff affected by the transfer – including details of staff that may be available to the organ of state on a temporary or defined basis, together with the compensation payable for such staff and any financial risk exposure to the municipality;
- if billing, information technology or other administrative systems are to be shared between the parties, the basis of that shared arrangement and any financial risk exposure to the municipality must also be defined and recorded; and
- where an asset is to be used by both the municipality and the organ of state, the basis of how the asset is to be shared as well as how the costs and benefits of the shared asset will be apportioned between the parties.

The transfer agreement must contain a separate clause that states that the transfer was affected on the basis of transfer of exempted capital assets as per the ATR, and that those provisions form part of the agreement (regulation 30(1) and (2)).

In the case of a transfer that emanates from a review of service delivery mechanisms when an organ of state is preferred, the transfer agreement must include provision for contract termination in case of non- or underperformance, dispute resolution and

periodic review. It must also provide assurances that the organ of state is able to maintain and safeguard the asset.

The agreement may contain conditions imposed by the municipality that limit or restrict the use or subsequent transfer of the asset, and the extent that the asset may be used to provide security over any borrowings taken out by the organ of state. Such conditions may also be incorporated into the service delivery agreement (regulation 30(3)).

11. VALUATION

11.1 Valuation of assets

When a transfer or disposal of a capital asset is considered, the value of the asset should be determined in accordance with the applicable GRAP standards.

In the absence of guidelines through GRAP, any of the following valuation methods must be used:

- **depreciated replacement cost (DRC):** this is the cost to replace the asset less depreciation to take account of the age and condition of the asset;
- **fair market value:** this is the value that would be agreed between a knowledgeable and willing buyer and a knowledgeable and willing seller;
- **historical cost, adjusted for depreciation and impairment:** this is the original purchase price less adjustments for depreciation and impairment;
- **realisable value:** this is the amount that could be obtained from the transfer less any transfer and completion costs.

11.2 Valuation of liabilities

When a liability specifically associated is to be transferred or disposed asset, the value of the liability must also be determined in accordance with the applicable GRAP standard the municipality applies in preparing its annual financial statements. Such calculations are only necessary where borrowings are transferred or disposed in terms of exempted capital asset transfers or disposals to other organs of state in the circumstances described in 9.3.

In the absence of guidelines through GRAP, any of the following valuation methods must be used:

- **settlement value:** the amount that will be paid or the value of the service that will be provided to settle the liability; or
- **net present value:** the value after discounting a future settlement value to a present value.

12. CALCULATION OF PROFIT AND LOSS ON DISPOSAL

Gain on disposal of asset (if proceeds are greater than carrying value)

Asset (cost)			Accumulated depreciation		
	Profit / loss	xx	Profit / loss	xx	

Profit / Loss			Bank / Debtors		
Asset (cost)	xx	Acc. Depr.	xx	Profit / loss	xx
Gain (P/L)	<u>xx</u>	Bank	<u>xx</u>		

Loss on disposal of asset (if proceeds are less than carrying value)

Asset (cost)			Accumulated depreciation		
	Profit / loss	xx	Profit / loss	xx	

Profit / Loss			Bank / Debtors		
Asset (cost)	xx	Acc. Depr.	xx	Profit / loss	xx
Bank	<u>xx</u>	Loss (P/L)	<u>xx</u>		

13. SCRAP ITEMS / OBSOLETE INVENTORY / LIBRARY BOOKS

13.1 SCRAP ITEMS

Each Head of Department must identify scrap items that have an economic value and as such the scrap items should be sold on public auction as opposed to being disposed of at the municipal dumping site. The items, with a detailed list containing the description of the scrap items, the quantities as well as an estimated value of the scrap must be delivered to the Asset Disposal Store and proof of delivery must be obtained. The scrap items will be sold as part of the annual asset auction.

13.2 OBSOLETE INVENTORY

The CFO, in consultation with the Director Expenditure (and as per the approved System of Delegations) and the end-user departmental head concerned must approve the write-offs, if they are satisfied that:-

- The inventory has is redundant
- The inventory is of a specialised nature and has become outdated due to the introduction of upgraded and more effective products;
- The inventory cannot be used for the purposes for which it was originally intended; or
- The inventory has been damaged beyond repair and is rendered obsolete.

Refer to the SCM Policies and Procedures for detailed processes to be followed.

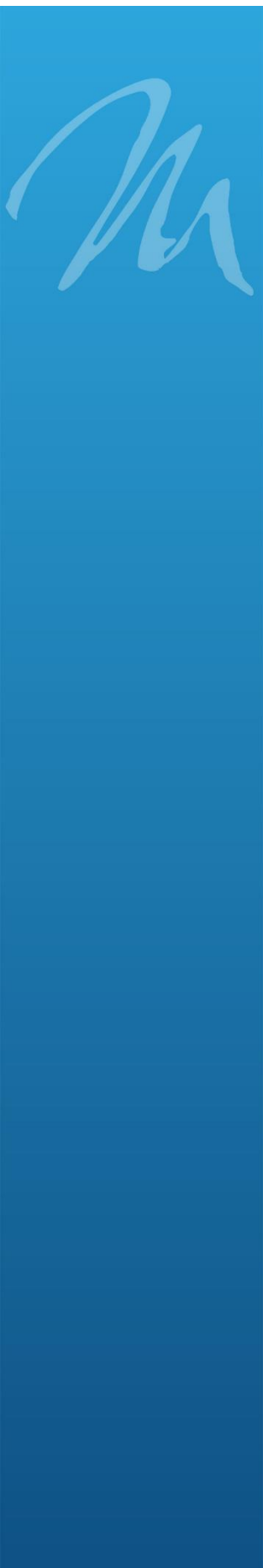
13.3 LIBRARY BOOKS

The disposal of library books must be done through a process of “weeding”. The relevant Head of Department must prepare a Library Book Weeding Policy for approval and implementation on an annual basis. All library books disposed of, must be recorded with details of the books disposed, estimated value of the books and the method of disposal and forwarded to the Finance Department for the updating of the Asset Register on an annual basis. The Finance Department will include these books in the item on the annual write-off of assets.

14. POLICY IMPLEMENTATION

The policy will be effective as from 1 July 2025.

Annexure X
Budget Implementation and
Monitoring Policy
2025/2026



BUDGET IMPLEMENTATION AND MONITORING POLICY

2025/2026 FINANCIAL YEAR



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ABBREVIATIONS

MLM	Midvaal Local Municipality
AO	Accounting Officer
ASB	Accounting Standards Board
CFO	Chief Financial Officer
HOD	Head of Department (Senior Manager – S56 of Systems Act)
IDP	Integrated Development Plan
MBRR	Municipal Budget and Reporting Regulations, 2008
MFMA	Municipal Finance Management Act
MTREF	Medium Term Revenue and Expenditure Framework
SCM	Supply Chain Management
VAT	Value Added Tax

1. PURPOSE OF THIS DOCUMENT

1.1 The objective of the budget policy is to set out:

- (a) The principles which the municipality will follow in preparing each medium-term revenue and expenditure framework budget (MTREF);
- (b) The responsibilities of the mayor, the accounting officer, the chief financial officer and other senior managers in compiling the budget;
- (c) To control and inform the basis, format and information included in the Budget documentation; and
- (d) To establish and maintain procedures to ensure adherence to the Municipality's IDP review and budget processes.

2. DEFINITIONS

In this Budget Implementation Policy, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), has the meaning so assigned, and:

"Accounting Officer"- means the Municipal Manager;

"Allocation", means-

- a municipality's share of the local government's equitable share referred to in section 214(l) (a) of the Constitution;
- an allocation of money to a municipality in terms of section 214(1) (c) of the Constitution;
- an allocation of money to a municipality in terms of a provincial budget; or
- any other allocation of money to a municipality by an organ of state, including by another municipality, otherwise than in compliance with a commercial or other business transaction;

"Annual Division of Revenue Act" means the Act of Parliament, which must be enacted annually in terms of section 214 (1) of the Constitution;

"Approved budget," means an annual budget-

- approved by a municipal council, or
- includes such an annual budget as revised by an adjustments budget in terms of section 28 of the MFMA;

"Basic Municipal Service" means a 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 or the environment;

- "Budget-related Policy" means a policy of a municipality affecting or affected by the annual budget of the municipality, including-
- the tariffs policy, which the municipality must adopt in terms of section 74 of the Municipal Systems Act;

- the rates policy which the municipality must adopt in terms of legislation regulating municipal property rates; or
- the credit control and debt collection policy, which the municipality must adopt in terms of section 96 of the Municipal Systems Act;

"Budget transfer" means transfer of funding within a function / vote.

"Budget Year" means the financial year of the municipality for which an annual budget is to be approved in terms of section 16(1) of the MFMA;

"chief financial officer" means a person designated in terms of section 80(2) (a) of the MFMA;

"councillor" means a member of a municipal council;

"creditor", means a person to whom money is owed by the municipality;

"current year" means the financial year, which has already commenced, but not yet ended;

"delegation", in relation to a duty, includes an instruction or request to perform or to assist in performing the duty;

"financial recovery plan" means a plan prepared in terms of section 141 of the MFMA;

"financial statements", means statements consisting of at least-

- a statement of financial position;
- a statement of financial performance;
- a cash-flow statement;
- any other statements that may be prescribed; and
- any notes to these statements;

"financial year" means a twelve months period commencing on 1 July and ending on 30 June each year;

"financing agreement" includes any loan agreement, lease, and instalment purchase contract or hire purchase arrangement under which a municipality undertakes to repay a long-term debt over a period of time;

"fruitless and wasteful expenditure" means expenditure that was made in vain and would have been avoided had reasonable care been exercised;

"irregular expenditure", means-

- expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the MFMA Act, and which has not been condoned in terms of section 170 of the MFMA;
- expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act;
- expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act 20 of 1998); or
- expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure";

"investment", in relation to funds of a municipality, means-

- the placing on deposit of funds of a municipality with a financial institution; or
- the acquisition of assets with funds of a municipality not immediately required, with the primary aim of preserving those funds;

"lender", means a person who provides debt finance to a municipality;

"local community" has the meaning assigned to it in section 1 of the Municipal Systems Act;

"long-term debt" means debt repayable over a period exceeding one year;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"mayor" means the councillor elected as the mayor of the municipality in terms of section 55 of the Municipal Structures Act;

"municipal council" or "council" means the council of a municipality referred to in section 18 of the Municipal Structures Act;

"municipal debt instrument" means any note, bond, debenture or other evidence of indebtedness issued by a municipality, including dematerialised or electronic evidence of indebtedness intended to be used in trade;

"municipality"-

- when referred to as a corporate body, means a municipality as described in section 2 of the Municipal Systems Act; or
- when referred to as a geographic area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

"accounting officer" means a person appointed in terms of section 82(l) (a) or (b) of the Municipal Structures Act;

"municipal service" has the meaning assigned to it in section 1 of the Municipal Systems Act (refer to the MSA for definition);

"municipal tariff" means a tariff for services which a municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff;

"municipal tax" means property rates or other taxes, levies or duties that a municipality may impose;

"National Treasury" means the National Treasury established by section 5 of the Public Finance Management Act;

"official", means-

- an employee of a municipality;
- a person seconded to a municipality to work as a member of the staff of the municipality or
- a person contracted by a municipality to work as a member of the staff of the municipality or municipal entity otherwise than as an employee;

"overspending"-

- means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year's budget for its operational or capital expenditure, as the case may be;
- in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or
- in relation to expenditure under section 26 of the MFMA, means causing expenditure under that section to exceed the limits allowed in subsection (5) of this section;

"past financial year" means the financial year preceding the current year;

"quarter" means any of the following periods in a financial year:

- 1 July to 30 September;
- 1 October to 31 December;
- 1 January to 31 March; or
- 1 April to 30 June;

"service delivery and budget implementation plan" means a detailed plan approved by the mayor of a municipality in terms of section 53(l)(c)(ii) of the MFMA for implementing the municipality's delivery of municipal services and its annual budget, and which must indicate-

- projections for each month of-

- revenue to be collected, by source; and
- operational and capital expenditure, by vote;
- service delivery targets and performance indicators for each quarter; and
- capital budget broken down per ward
- any other matters that may be prescribed, and includes any revisions of such plan by the mayor in terms of section 54(l) of the MFMA.

“short-term debt” means debt repayable over a period not exceeding one year;

“standards of generally recognised accounting practice,” means an accounting practice complying with standards applicable to municipalities or municipal entities as determined by the Accounting Standards Board;

“unauthorised expenditure”, means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes-

- overspending of the total amount appropriated in the municipality’s approved budget;
- overspending of the total amount appropriated for a vote in the approved budget;
- expenditure from a vote unrelated to the department or functional area covered by the vote;
- expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;
- spending of an allocation referred to in paragraph (ii), (iii) or (iv) of the definition of “allocation” otherwise than in accordance with any conditions of the allocation; or
- a grant by the municipality otherwise than in accordance with the MFMA

“virement” means transfer of funds between functions / votes.

“vote” means-

- one of the main segments into which a budget of a municipality is divided for the appropriation of money for the different departments or functional areas of the municipality; and
- which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

In this document unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

3. BUDGETING PRINCIPLES

The municipality shall not budget for a deficit and should also ensure that revenue projections in the budget are realistic taking into account actual collection levels.

Where operating budget results in a deficit, it shall not exceed the net of non-cash depreciation and capital grant transfers.

The budget shall be funded in terms of section 18 of the MFMA.

Expenses may only be incurred in terms of the approved annual budget (or adjustments budget) and within the limits of the amounts appropriated for each vote in the approved budget.

Municipality shall prepare a multi-year budget (three year) – medium term revenue and expenditure framework (MTREF)) and that be reviewed annually and approved by Council.

4. BUDGETING PROCESS

4.1 Planning for the preparation of the budget

- 4.1.1 The Accounting Officer with the assistance of the Chief Financial Officer and the Executive Director Development & Planning shall draft the IDP process plan as well as the budget timetable for the municipality for the ensuing financial year.
- 4.1.2 The mayor shall table the IDP process plan as well as the budget timetable to Council by 31 August each year for approval (10 months before the start of the next budget year).
- 4.1.3 IDP process plan as well as the budget timetable shall indicate the key deadlines for the review of the IDP as well as the preparation of the medium term revenue and expenditure framework (MTREF) budget and the revision of the annual budget. Such target dates shall follow the prescriptions of the Municipal Finance Management Act as well as the guidelines set by National Treasury.
- 4.1.4 The mayor shall convene a strategic workshop with the senior managers in order to determine the IDP priorities which will form the basis for the preparation of the MTREF budget taking into account the financial and political pressures facing the municipality. The mayor shall table the IDP priorities with the draft budget to Council.
- 4.1.5 The Mayor shall table the Draft IDP and MTREF budget to council by 31 March (90 days before the start of the new budget year) together with the draft resolutions and budget related policies
- 4.1.6 The Chief Financial Officer and senior managers undertake the technical preparation of the budget including:-
 - 4.1.6.1 Review past performance;
 - 4.1.6.2 Prepare initial preview assumptions;
 - 4.1.6.3 Analyse past revenue trends and develop initial projections;

- 4.1.6.4 Prepare the IDP and make necessary revisions;
- 4.1.6.5 Prepare initial budget scenarios:-
- (a) The budget must be in the prescribed format, and must be divided into capital and operating budget.
 - (b) The budget must reflect the realistically expected revenues and expenditure by major source for the budget year concerned; and
 - (c) Estimated revenue and expenditure by vote for the budget year; and
- 4.1.7 In terms of the MFMA Budget and Reporting Regulations, the Mayor must establish a budget steering committee to provide technical assistance to him / her in discharging his / her responsibilities set out in section 53 of the MFMA.

The minimum membership requirements of a budget steering committee as per MFMA are the following:

- Councillor responsible for financial matters
- Municipal Manager
- Chief Financial Officer
- Senior Managers responsible for at least the three largest votes in the municipality
- The Manager responsible for Budgeting
- The Manager responsible for Planning
- Any Technical Experts on Infrastructure

Annexure A provides an outline of the budget activities, timeframes and responsibilities.

4.2 Public participation process

- 4.2.1 During the consultation process administration should consult with political executive; and
- 4.2.2 Immediately after the draft annual budget has been tabled, the municipality must convene hearings on the draft budget in April and invite the public and stakeholder organisations, to make representation at the council hearings and to submit comments in response to the draft budget.

4.3 Approval of the budget

- 4.3.1 Council shall consider the next medium-term expenditure framework budget for approval not later than 31 May (30 days before the start of the budget year);
- 4.3.2 The council resolution, must contain budget policies and performance measures be adopted; and
- 4.3.3 Should the municipality fail to approve the budget before the start of the budget year, the mayor must inform the MEC for Finance that the budget has not been approved in terms of Section 53(2) of the MFMA.

4.4 Publication of the budget

- 4.4.1 Within 10 working days after the Chief Financial Officer must post the budget and other budget-related documentation onto the municipal website so that it is accessible to the public as well as send hard copies to National and Provincial Treasury; and
- 4.4.2 The Chief Financial Officer must within 10 working days submit the approved budget in both printed and electronic formats to the National Treasury, the Provincial Treasury as well as post it on the municipal website.

5. CONTENTS OF THE BUDGET

The budget consist of the following key elements:

5.1 Mayor's Report

5.2 Council Resolutions

5.3 The Council approves and adopts: -

- 5.3.1 Budget set out in various tables;
- 5.3.2 by standard classification;
- 5.3.3 by municipal vote;
- 5.3.4 by source and expenditure by type;
- 5.3.5 Policies; and
- 5.3.6 Tariffs.

5.4 Executive Summary

5.4.1 Operating Revenue Framework

- 5.4.1.1 Property Rates ;
- 5.4.1.2 Sale of Water and Impact of Tariff Increases;
- 5.4.1.3 Sale of Electricity and Impact of Tariff Increases;
- 5.4.1.4 Sanitation and Impact of Tariff Increases;
- 5.4.1.5 Waste Removal and Impact of Tariff Increases; and
- 5.4.1.6 Overall impact of tariff increases on households.

5.4.2 Operating Expenditure Framework

- 5.4.2.1 Main operational expenditure categories;
- 5.4.2.2 Priority areas i.e. repairs and maintenance; and
- 5.4.2.3 Free Basic Services: Basic Social Services Package.

5.4.3 Capital expenditure

5.4.3.1 IDP Reference

5.4.3.2 Highlighted projects where major investment in Capex is made

5.4.3.3 Future operational cost of new infrastructure

5.5 Supporting Documentation

5.5.1 Budget Process Overview

5.5.1.1 IDP and Service Delivery and Budget Implementation Plan

5.5.1.2 Financial Modelling and Key Planning Drivers

5.5.1.3 Community Consultation

5.5.1.4 Overview of alignment of annual budget with IDP

5.5.2 Measurable performance objectives and indicators

5.5.3 Overview of budget related-policies

5.5.4 Monthly revenue cash flow projections by month

5.5.5 IDP amendments

5.5.6 Amendments to Budget related policies

5.5.7 Details of investments

5.5.8 Municipal entities – new and existing

5.5.9 Proposed service delivery agreements

5.5.10 Grants to external bodies

- 5.5.11 Contracts having future budgetary implications
- 5.5.12 Capital expenditure details
- 5.5.13 Legislation compliance status
- 5.5.14 Salary, allowances and benefits of:
 - 5.5.14.1 Councillors
 - 5.5.14.2 MM, CFO and senior managers
- 5.5.15 Overview of budget assumptions
 - 5.5.15.1 External factors
 - 5.5.15.2 General inflation outlook and its impact on the municipal activities
 - 5.5.15.3 Credit rating outlook
 - 5.5.15.4 Interest rates for borrowing and investment of funds
 - 5.5.15.5 Collection rate for revenue services
 - 5.5.15.6 Growth or decline in tax base of the municipality
 - 5.5.15.7 Salary increases
 - 5.5.15.8 Impact of national, provincial and local policies
 - 5.5.15.9 Ability of the municipality to spend and deliver on the programmes; and
- 5.5.16 Municipal manager's quality certificate

6. OPERATING BUDGET

- 6.1 The municipality shall budget in each annual and adjustments budget for the contribution to:
 - 6.1.1 provision for accrued leave entitlements equal to 100% of the accrued leave
 - 6.1.2 provision for bad debts in accordance with its collection rates
 - 6.1.3 provision for the obsolescence and deterioration of stock
 - 6.1.4 Depreciation and finance charges shall be charged to or apportioned only between the departments or votes to which the projects relate.
 - 6.1.5 A sufficient proportion of the operating budget component of each annual and adjustments budget shall be set aside for maintenance in accordance with the asset maintenance plans of the Municipalities.
- 6.2 When considering the draft annual budget, council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households.
- 6.3 The impact of such increases shall be assessed on the basis of a fair sample of randomly selected accounts.
- 6.4 The operating budget shall reflect the impact of the capital component on:
 - 6.4.1 depreciation charges
 - 6.4.2 repairs and maintenance expenses
 - 6.4.3 interest payable on external borrowings
 - 6.4.4 other operating expenses.
- 6.5 The chief financial officer shall ensure that the cost of indigency relief is separately reflected in the appropriate votes.

- 6.6 Internal consumption of municipal services are costed to the user departments according to actual consumption / service level at the approved tariffs in terms of the mSCOA costing segment.

7. CAPITAL BUDGET

- 7.1 Expenditure of a project shall be included in the capital budget if it meets the asset definition and has a useful life in excess of one year.
- 7.2 Vehicle replacement shall be done in terms of Council's vehicle replacement policy. The budget for vehicles shall distinguish between replacement and new vehicles. No globular amounts shall be budgeted for vehicle acquisition.
- 7.3 A municipality may spend money on a capital project only if the money for the project has been appropriated in the capital budget.
- 7.4 The envisaged sources of funding for the capital budget must be properly considered and the Council must be satisfied that this funding is available and has not been committed for other purposes.
- 7.5 Before approving a capital project, the Council must consider:
 - 7.5.1 the projected cost of the project over all the ensuing financial years until the project becomes operational,
 - 7.5.2 future operational costs and any revenues, which may arise in respect of such project, including the likely future impact on operating budget (i.e. on property rates and service tariffs).
 - 7.5.3 the impact on the present and future operating budgets of the municipality in relation to finance charges to be incurred on external loans,
 - 7.5.4 depreciation of fixed assets,
 - 7.5.5 maintenance of fixed assets, and
 - 7.5.6 any other ordinary operational expenses associated with any item on such capital budget.
- 7.6 Council shall approve the annual or adjustment capital budget only if it has been properly balanced and fully funded.

8. FUNDING OF THE BUDGET

8.1 Operational Budget

The operational budget can only be funded from –

8.1.1 Realistically expected revenues.

8.1.1.1 Based on collection levels to date

8.1.1.2 Actual revenue collected in previous financial years

8.1.2 Uncommitted accumulated surpluses to the extent that the surpluses are cash backed.

8.2 Capital Budget

8.2.1 Revenue or Surplus

8.2.1.1 If any project is to be financed from revenue this financing must be included in the cash budget to raise sufficient cash for the expenditure.

8.2.1.2 If the project is to be financed from surplus there must be sufficient cash available at time of execution of the project.

8.2.2 External loans

8.2.2.1 External loans can be raised only if it is linked to the financing of an asset;

8.2.2.2 A capital project to be financed from an external loan can only be included in the budget if the loan has been secured or if can be reasonably assumed as being secured;

8.2.2.3 The loan redemption period should not exceed the estimated life expectancy of the asset. If this happens the interest payable on the excess redemption period shall be declared as fruitless expenditure;

8.2.2.4 Interest payable on external loans shall be included as a cost in the expenditure budget;

8.2.2.5 Finance charges relating to such loans shall be charged to or apportioned only between the departments or votes to which the projects relate.

8.2.3 Grant Funding

8.2.3.1 Non-capital expenditure funded from grants;

8.2.3.2 Must be budgeted for as part of the expenditure budget;

8.2.3.3 Capital expenditure must be budgeted for in the capital budget;

8.2.3.4 Interest earned on investments of Conditional Grant Funding shall be capitalised if the conditions state that interest should accumulate in the fund. If there is no condition stated the interest can then be allocated directly to the revenue accounts;

8.2.3.5 Grant funding does not need to be cash backed at the time of budget approval, but cash should be secured before spending can take place.

8.3 Unspent Funds / Roll over of Budget

8.3.1 The appropriation of funds in an annual or adjustments budget will lapse to the extent that they are unspent by the end of the relevant budget year Where project/s could not be completed, the user department must make budget provision in the new financial to complete the project.

8.3.2 Only unspent grant (if the conditions for such grant funding allows that) or loan funded capital budget may be rolled over to the next budget year.

8.3.3 Conditions of the grant fund shall be taken into account in applying for such roll over of funds.

8.3.4 In order to apply for a rollover of unspent conditional grants the following must be submitted to National Treasury:

8.3.4.1 Municipalities must submit their June conditional grant expenditure reports according to section 71 of MFMA reflecting all accrued expenditure on conditional grants;

8.3.4.2 Submit the pre-audited AFS indicating the portion of each national conditional allocation it received which remained unspent as at 30 June;

- 8.3.4.3 Formal letter addressed to the National Treasury requesting the rollover of unspent conditional grants in terms of section 21(2) of the of DoRA
- 8.3.4.4 Motivation of Commitment:
- (a) Evidence that work on each of the projects has commenced, namely either of the following:
 - Proof that the project tender was published and the period for tender submissions closed before 30 June; or
 - Proof that a contract for delivery of the project was signed before 30 June.
 - (b) A progress report on the state of implementation of each of the projects;
 - (c) The amount of funds committed to each project, and the conditional allocation from which the funds come;
 - (d) An indication of the time-period within which the funds are to be spent.
- 8.3.5 Adjustments to the rolled over budget shall be done during the 1st Adjustments budget in the new financial year after taking into account expenditure up to the end of the previous financial year.
- 8.3.6 No unspent operating budget shall be rolled over to the next budget year.

9. VIREMENTS

Virements represents a flexible mechanism to effect budgetary amendments within a municipal financial year, and is the major mechanism to align and take corrective (financial / budgetary) action within a Directorate (Vote) or functional area during a financial year.

9.1 Virement procedure requirements and restrictions

- 9.1.1 In order for a “vote” to transfer funds from one cost element, operating or capital project to another cost element, operating or capital project, a saving has to be identified within the monetary limitations of an identified cost element, operating or capital project allocations on the respective budgets.
- 9.1.2 Sufficient, budgetary provision should be available within the “giving” vote’s cost element or capital project concerned to give effect to the budgetary transfer (virement). In addition, the transferring function must clearly indicate to which cost element operating, or capital project the budget provision will be transferred to and provide a clear motivation for the transfer.
- 9.1.3 Any budgetary amendment of which the net impact will be a change to the total approved annual budget allocation and any other amendments not covered in this policy are to be considered for budgetary adoption via an Adjustments Budget (per MFMA Section 28).
- 9.1.4 In terms of Section 17 of the MFMA a Municipality’s budget is divided into an operating and capital budget and consequently no virements are permitted between Operating and Capital Budgets other than through an Adjustments Budget.
- 9.1.5 A virement may not create new policy, significantly vary current policy, or alter the approved outcomes / outputs as approved in the IDP for the current or subsequent years (MFMA Sections 19 and 21).

- 9.1.6 Virements resulting in adjustments to the approved SDBIP need to be submitted with an Adjustments Budget to the Council with revised targets and indicators for approval. (MFMA Circular 13).
- 9.1.7 No virement may be made to cover/ allow for unauthorised, irregular or fruitless and wasteful expenditure (MFMA Section 32).
- 9.1.8 All virements should be approved in line with the Council's System of delegations.

9.2 Operating and Capital Budget Virements

- 9.2.1 Virements from non-cash expenditure items to cash expenditure items are not permitted.
- 9.2.2 Virements of conditional grant funds to purposes outside of that specified in the relevant conditional grant framework must not be permitted.
- 9.2.3 Motivations for virements between projects should clearly state the reason for the saving within the “giving” project, as well as the reason for the additional amount required.
- 9.2.4 Virements in capital budget allocations are only permitted within funding sources.
- 9.2.5 Virements between different functions and/or above prescribed value must be tabled to council for ratification prior to financial year-end closure.

10. ADJUSTMENT BUDGET

The MFMA 28(2) recognises that there will be instances where unforeseen and unavoidable expenditure is required, as well as other circumstances which could necessitate the submission of an Adjustments Budget:

It is compulsory to prepare an adjustments budget:-

- 10.1 when there is an under collection of revenue
- 10.2 when a downwards adjustment of revenue and expenditure is required

The MFMA also recognises that a voluntary adjustment budget can be prepared as a result of the following:-

- 10.3 Over-collection of revenue – to support existing budgeted programmes (MFMA 28(2) (b) to be submitted after midyear performance assessment and before 28 February.
- 10.4 Unforeseen and unavoidable expenditure recommended by the Mayor (MFMA 28(2) (c) must be reported to Council at its next meeting and be included in adjustments budget within 60 days of expenditure being incurred.
- 10.5 May authorise the utilisation of projected savings in one vote (MFMA 28(2) (d) towards spending in another vote.
- 10.6 Under spending in prior financial year – if unforeseen (MFMA 28(2) (e) should be completed after year end but before 25 August.
- 10.7 Correct errors (MFMA 28(2) (f) to be submitted after midyear performance assessment and before 28 February.
- 10.8 To ratify unauthorised expenditure and any other expenditure within a prescribed framework in terms of Unauthorised Expenditure the Municipality may submit a Special Adjustments Budget when submitting the Annual Report for consideration.

- 10.9 When an adjustments budget is tabled, it must be accompanied by—
- an explanation how the adjustments budget affects the annual budget;
 - a motivation of any material changes to the annual budget;
 - an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and
 - any other supporting documentation that may be prescribed.
- 10.10 The Municipality may not change tax and tariffs unless in terms of a financial recovery plan.
- 10.11 **Formats of adjustments budget**
An adjustment budget and supporting documentation of a municipality must be in a the format specified in Schedule B of the MBRR and include all the required tables, charts and explanatory information, in view of any guidelines issued by National Treasury
- 10.12 **Funding of adjustment budgets**
An adjustments budget of a municipality must be suitably funded. The supportive documentation to accompany an adjustments budget in terms of section 28(5) of the MFMA must contain an explanation of how the adjustments budget is funded.
- 10.13 **Submission of tabled adjustments budgets**
The municipal manager must comply with section 28(7) of the MFMA together with section 22(b)(i) of the MFMA, within ten working days after mayor has tabled an adjustments budget in the municipal council. When submitting the tabled adjustments budget to National Treasury and relevant provincial treasury in terms of section 28(7) of the MFMA, municipal manager must submit in both printed and electronic format.
- 10.14 **Approval of adjustments budgets**
The municipal council must consider the full consequences, fiscal or otherwise, of the adjustments budget and supporting documentation. When approving an adjustments

budget, the municipal council must consider and adopt separate resolutions dealing with each of the matters listed below:

- 10.14.1 Approval of the adjustment budget;
 - 10.14.2 Approval of any adjustments permitted in terms of section 28(2) of the MFMA;
 - 10.14.3 Approval of the transfer of funds to a separate bank account for purpose contemplated in section 12 of the MFMA;
 - 10.14.4 Approval of revisions to the monthly and quarterly service delivery targets and performance indicators in the service delivery and budget implementation plan, if any, to correspond with the approval of the adjustments budget;
 - 10.14.5 Approval of any amendments to budget related policies necessitated by the adjustments budget.
- 10.15 Quality Certification
- When an adjustment budget and supporting documentation is tabled in council, made public or submitted to another organ of state, it must be accompanied by a quality certificate complying with Schedule B and signed by the municipal manager.
- 10.16 Publication of approved adjustment budgets
- Within five working days after the municipal council has approved an adjustments budget, the municipal manager must in agreement with section 21(A) of the Municipal System Act make public that approved adjustments budget and supporting documentation.

11. BUDGET IMPLEMENTATION

11.1 Monitoring

11.1.1 The accounting officer with the assistance of the chief financial officer and other senior managers is responsible for the implementation of the budget, and must take reasonable steps to ensure that:

- funds are spent in accordance with the budget;
- expenses are reduced if expected revenues are less than projected; and
- revenues and expenses are properly monitored.

11.1.2 The Accounting officer with the assistance of the chief financial officer must prepare any adjustments budget when such budget is necessary and submit it to the Mayor for consideration and tabling to Council.

11.1.3 The Accounting officer must report in writing to the Council any impending shortfalls in the annual revenue budget, as well as any impending overspending, together with the steps taken to prevent or rectify these problems.

11.2 Reporting

11.2.1 Monthly budget statements

The accounting officer with the assistance of the chief financial officer must, not later than ten working days after the end of each calendar month, submit to the Mayor and Provincial and National Treasury a report in the prescribed format on the state of the municipality's budget for such calendar month, as well as on the state of the budget cumulatively for the financial year to date.

This report must reflect the following:

- actual revenues per source, compared with budgeted revenues;
- actual expenses per vote, compared with budgeted expenses;
- actual capital expenditure per vote, compared with budgeted expenses;
- actual borrowings, compared with the borrowings envisaged to fund the capital budget;
- the amount of allocations received, compared with the budgeted amount;
- actual expenses against allocations, but excluding expenses in respect of the equitable share;

- explanations of any material variances between the actual revenues and expenses as indicated above and the projected revenues by source and expenses by vote as set out in the service delivery and budget implementation plan;
- the remedial or corrective steps to be taken to ensure that the relevant projections remain within the approved or revised budget; and
- projections of the revenues and expenses for the remainder of the financial year,
- The report to the National Treasury must be both in electronic format and in a signed written document

11.2.2 Quarterly reports

The Mayor must submit to Council within thirty days of the end of each quarter a report on the implementation of the budget and the financial state of affairs of the municipality

11.2.3 Mid-year budget and performance assessment

The Accounting officer must assess the budgetary performance of the municipality for the first half of the financial year, taking into account all the monthly budget reports for the first six months, the service delivery performance of the municipality as against the service delivery targets and performance indicators which were set in the service delivery and budget implementation plan in terms of Section 72 of the MFMA.

The Accounting Officer must then submit a report on such assessment to the Mayor by 25 January each year and to Council, Provincial Treasury and National Treasury.

The Accounting Officer may in such report make recommendations after considering the recommendation of the Chief Financial Officer for adjusting the annual budget and for revising the projections of revenues and expenses set out in the service delivery and budget implementation plan.

12. APPROVAL AND EFFECTIVE DATE

The policy will be effective as from 1 July 2025.

13. POLICY AMENDMENT

The Budget Implementation and Monitoring Policy must be reviewed on an annual basis.

14. RELATIONSHIP WITH OTHER POLICIES

This policy needs to be read in conjunction with other relevant adopted policies of the municipality, including the following:

- Delegation of Powers;
- Funding and Reserves Policy;
- Long Term Financial Plan Policy;

15. POLICY IMPLEMENTATION

The policy will be effective as from 1 July 2025.

ANNEXURE A: BUDGET PROCESS TIMETABLE

TIMEFRAME	ACTIVITY	RESPONSIBILITY
1 November Year 1 – 10 December Year 1	Heads of Departments to prepare and submit first draft operating and capital budgets in line with the approved operational plans, budget guidelines and secured financing sources.	Heads of Departments
10 December Year 1 –	Revision of the current operational and capital budget.	CFO / Heads of Departments
	Compilation of the MFMA Sec 72 Report and submission to the Executive Mayor.	AO / CFO
	Approval of adjustments budget by Mayoral Committee.	AO / CFO
	Approval of adjustments budget by Council.	AO / Executive Mayor
10 December Year 1 – 21 January Year 2	Finance Department to consolidate and prepare the first draft capital and operating budget in the following formats:	CFO / Director: Financial Control / Heads of Departments
	High level consolidated format;	
	Line item budget; and	
	Proposed Tariffs.	
	Evaluation of and discussions on first draft budget by Mayoral Committee in line with operational plans, budget guidelines and IDP.	AO / CFO/ Heads of Departments
21 January Year 2 – 4 February Year 2	Finance Department to consolidate and prepare the second draft capital and operating budget.	CFO / Director: Financial Control / Heads of Departments
	Evaluation of and discussions on second draft by Mayoral Committee.	AO / CFO
7 February Year 2 – 14 February Year 2	Evaluation of and discussions on second draft by Portfolio Committees.	Chairpersons of Portfolio Committees /
		Heads of Departments
14 February Year 2 – 4 March Year 2	Evaluation and discussions of proposals from Portfolio Committees by the Mayoral Committee.	AO / CFO
4 March Year 2 – 11 March Year 2	Finance Department to consolidate and prepare the third draft capital and operating budget.	CFO / Director: Financial Control /Heads of Departments
	Evaluation and finalisation of the draft MTREF operational and capital budgets by the Mayoral Committee.	AO / CFO
11 March Year 2 – 31 March Year 2	Finance Department to consolidate and prepare the final draft capital and operating budgets.	CFO / Director: Financial Control / Heads of Departments

TIMEFRAME	ACTIVITY	RESPONSIBILITY
	Tabling of final draft capital and operating budget to Council.	AO / Executive Mayor
31 March Year 2 – 29 April Year 2	Consultation on final draft budget through formal meetings with all possible stakeholders.	Executive Mayor /
		AO / CFO
29 April Year 2 – 13 May Year 2	Finance Department to consolidate and prepare the final draft capital and operating budgets.	CFO / Heads of Departments
	Evaluation of and discussions on final draft by Mayoral Committee.	AO / CFO
13 May Year 2 – 31 May Year 2	Finance Department to consolidate and prepare the final capital and operating budgets.	CFO / Heads of Departments
	Adoption of budget by Council.	AO / Executive Mayor
31 May Year 2 – 13 June Year 2	Finance Department to submit approved budget to Provincial Treasury and National Treasury.	CFO
31 May Year 2	Finance Department to finalise all preparations to ensure proper and timeous implementation of budget, including promulgation of tariffs	CFO
30 June Year 2	Municipal Manager to submit draft SDBIP's and draft performance agreements of all section 57 personnel to Executive Mayor – 14 July	AO
	Executive Mayor to approve SDBIP's and note performance agreements – 28 July	AO / Executive Mayor

Annexure Y
Unauthorised, Irregular,
Fruitless and Wasteful
Expenditure Policy
2025/2026

UNAUTHORISED, IRREGULAR, FRUITLESS & WASTEFUL EXPENDITURE POLICY

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1. PURPOSE OF THE POLICY

The Unauthorised, Irregular, Fruitless & Wasteful Expenditure Policy, compiled and adopted by Council is to ensure compliance with Section 32 of the Local Government: Municipal Finance Management Act, Act 56 of 2003 and MFMA Circular 68 specifically dealing with unauthorised, irregular, fruitless and wasteful expenditure issued by National Treasury on 10 May 2013.

2. OBJECTIVES OF THE POLICY

The main objectives of the policy are:

1. To state the regulatory and legislative requirements surrounding unauthorised, irregular, fruitless and wasteful expenditure.
2. To provide the definitions of unauthorised, irregular, fruitless and wasteful expenditure.
3. To provide examples of unauthorised, irregular, fruitless and wasteful expenditure.
4. To outline procedures to manage such expenditures and the implementation of consequence management to ensure strong ethical, accountable and transparent financial governance and institutional arrangements.
5. To inform officials of the consequences of not complying with the relevant regulatory and legislative requirements.
6. To comply with the relevant legislative requirements.
7. To strengthen the enforcement provisions enabled in the MFMA to respond to various challenges.
8. To ensure Council's resources are used effectively, efficiently and economically.
9. To prevent unauthorised, irregular, fruitless and wasteful expenditure.
10. To implement stronger monitoring, supporting, reporting and enforcement measures to reduce incidents of unauthorised, irregular, fruitless and wasteful expenditure.

3. DEFINITIONS

"municipality/Council"

Midvaal Local Municipality (MLM)

"the Act"

Local Government: Municipal Finance Management Act, Act 56 of 2003

“the POBA”

Public Office-Bearers Act, Act 20 of 1998

“official”

Any person employed by Midvaal Local Municipality, be it in the capacity as a permanent official, temporary official, intern or contracted employee (in terms of Section 57 of the Municipal Systems Act, Act 32 of 2000 or any other form of employment contract)

“department”

Any internal department of Midvaal Local Municipality as per the latest approved Organisational Structure of Council.

“overspending”

- (a) In relation to the budget of the municipality, means causing the operational or capital expenditure incurred during the financial year to exceed the total amount appropriated in that year’s budget for its operational or capital expenditure as the case may be;
- (b) In relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or
- (c) In relation to expenditure under Section 26, means causing expenditure under that section to exceed the limits allowed in subsection (5) of that section

“Vote”

- (a) One of the main segments into which the budget of the municipality is divided for the appropriation of money for the different department or functional areas of the municipality; and
- (b) which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

The definitions of unauthorised, irregular, fruitless and wasteful expenditure as per the MFMA are as follows:

“irregular expenditure”

- (a) expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of this Act, and which has not been condoned in terms of Section 170;
- (b) expenditure incurred by a municipality or municipal entity or in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act;

- (c) expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, Act 20 of 1998; or
- (d) expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure".

"unauthorised expenditure",

In relation to a municipality, means any expenditure incurred by a municipality otherwise than in accordance with Section 15 or 11(3), and includes:

- (a) overspending of the total amount appropriated in the municipality's approved budget;
- (b) overspending of the total amount appropriated for a vote in the approved budget;
- (c) expenditure from a vote unrelated to the department or functional area covered by the vote;
- (d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;
- (e) spending of an allocation referred to in Paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation; or
- (f) a grant by the municipality otherwise than in accordance with the Act.

"fruitless and wasteful expenditure"

Expenditure that was made in vain and would have been avoided had reasonable care been exercised.

"Unforeseen and unavoidable expenditure"

Expenditure that:

- (a) Could not have been foreseen at the time the annual budget of the municipality was passed;
- (b) The delay that will be caused by a pending adjustments budget may:
 1. Result in significant financial loss for the municipality
 2. Cause a disruption or suspension or serious threat to the continuation of municipal services

3. Lead to loss of life or serious injury or significant damage to property
4. Obstruct the municipality from instituting or defending legal proceedings on an urgent basis.

4. **LEGAL FRAMEWORK**

The following legislation and regulations, amongst others, inform this policy:

1. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 32 (Unauthorised, Irregular or Fruitless and Wasteful Expenditure)

- (1) Without limiting liability in terms of the common law or other legislation:
 - (a) a political office-bearer of a municipality is liable for unauthorised expenditure if that office-bearer knowingly or after having been advised by the accounting officer of the municipality that the expenditure is likely to result in unauthorised expenditure, instructed an official of the municipality to incur the expenditure;
 - (b) the accounting officer is liable for unauthorised expenditure deliberately or negligently incurred by the accounting officer, subject to Sub-section (3);
 - (c) any political office-bearer or official of a municipality who deliberately or negligently committed, made or authorised an irregular expenditure, is liable for that expenditure; or
 - (d) any political office-bearer or official of a municipality who deliberately or negligently made or authorised a fruitless and wasteful expenditure is liable for that expenditure.
- (2) A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—
 - (a) in the case of unauthorised expenditure, is
 - (i) authorised in an adjustments budget; or

- (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.
- (3) If the accounting officer becomes aware that the council, the mayor or the executive committee of the municipality, as the case may be, has taken a decision which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the accounting officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided that the accounting officer has informed the council, the mayor or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.

2. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 176 (Liability of functionaries exercising powers and functions in terms of this Act)

- (1) No municipality or any of its political structures, political office-bearers or officials, no municipal entity or its board of directors or any of its directors or officials, and no other organ of state or person exercising a power or performing a function in terms of this Act, is liable in respect of any loss or damage resulting from the exercise of that power or the performance of that function in good faith.
- (2) Without limiting liability in terms of the common law or other legislation, a municipality may recover from a political office-bearer or official of the municipality, and a municipal entity may recover from a director or official of the entity, any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office.

3. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 170 (Departures from Treasury Regulations or Conditions)

- (1) The National Treasury may on good grounds approve a departure from a treasury regulation or from any condition imposed in terms of this Act.
- (2) Non-compliance with a regulation made in terms of Section 168, or with a condition imposed by the National Treasury in terms of this Act, may on good grounds shown be condoned by the Treasury.

4. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 173 (Offences)

Offences committed by the accounting officer, senior manager, councillor and an official are addressed under this section.

5. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 62 (General Financial Management Functions)

The accounting officer of a municipality is responsible for managing the financial administration of the municipality and must for this purpose take all reasonable steps to ensure resources are used effectively, efficiently and economically.

6. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 79 (Delegations)

The accounting officer of a municipality must for the proper application of this Act in the municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration.

7. Local Government: Municipal Finance Management Act, Act 56 of 2003: Section 60 (Municipal Managers to be Accounting Officers)

The Municipal Manager of a municipality is the Accounting Officer of the municipality for the purposes of this Act, and, as Accounting Officer, must-

- (a) Exercise the functions and powers assigned to an accounting officer in terms of this Act; and
- (b) Provide guidance and advice on compliance with this Act to:
 - (i) the political structures, political office-bearers and officials of the municipality; and
 - (ii) any municipal entity under the sole or shared control of the municipality.

8. Local Government: Municipal Finance Management Act, Act 56 of 2003: Regulations on Municipal Budget & Reporting Regulations

Regulations 23 and 74 of the Municipal Budget and Reporting Regulations.

5. ROLE OF THE ACCOUNTING OFFICER

The Accounting Officer is responsible, amongst others, for the following:

1. Exercise all reasonable care to prevent and detect unauthorised, irregular, fruitless and wasteful expenditure and must for this purpose implement effective, efficient and transparent processes of financial and risk management;

2. Inform the Executive Mayor, Mayoral Committee and Council (in writing), as the case may be, if a decision is taken which, if implemented, is likely to result in unauthorised, irregular, fruitless and wasteful expenditure;
3. On discovery of any unauthorised, irregular, fruitless and wasteful expenditure to report promptly (in writing), the particulars of the expenditure to the Executive Mayor;
4. Follow the prescribed processes to deal with unauthorised, irregular, fruitless and wasteful expenditure.

6. PROCEDURE FOR UNFORESEEN AND UNAVOIDABLE EXPENDITURE

MLM hereby adopts the MFMA Budget and Reporting Regulations' prescribed processes to be followed for the approval of unforeseeable and unavoidable expenditure as set out below:

1. No unavoidable expenditure exceeding R15 million may be approved during a financial year.
2. Any official / department becoming aware of the need to incur unforeseen or unavoidable expenditure must immediately approach the Chief Financial Officer and the Municipal Manager with the full details on the unforeseen expenditure, providing information on the consequences of not incurring the expenditure as well as an indication of the expected cost (both for the current year as well as any recurring cost resulting from the event). A confirmation that the expenditure does not constitute expenditure that may not be allowed by the Executive Mayor as per Section 73(2) of the MFMA Budget and Reporting Regulations must be given by the department when approaching the Chief Financial Officer.
3. The Chief Financial Officer will determine whether the cost cannot be dealt with through a process of shifting of funds within the relevant votes in terms of the virements policy. If sufficient funds are available, the virements process will be followed. If not, the matter will be reported to the Municipal Manager for consideration as unforeseen and unavoidable expenditure.
4. Once the Municipal Manager has granted approval, the relevant Executive Director will be authorised to submit a report to the Executive Mayor requesting approval. If approval is granted, the financial system will be adjusted to allow the department to process the financial transaction.
5. The abovementioned process will be dealt with as highest priority to ensure that administrative delays do not exacerbate the situation.
6. An adjustments budget will be submitted to the next Council meeting. The preferred process would be to shift funds between votes to avoid any negative impact on the total cash position of Council.

7. EXAMPLES OF UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

The following examples are only guides and are not exhaustive:

7.1 Unauthorised expenditure

Unauthorised expenditure in MLM is expenditure that has not been budgeted for. Expenditure that is not in terms of the conditions of an allocation received from another sphere of government, entity or organ of state and expenditure in the form of a grant that is not permitted in terms of the MFMA. Unauthorised expenditure is accounted for as an expense in the Statement of Financial Performance and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

Unauthorised expenditure in MLM includes the following:

1. Procuring of goods and services that are not budgeted for;
2. Expenditure not in terms of the conditions of an allocation (grant) received from another sphere of government, entity or organ of state;
3. Expenditure in the form of a grant that is not permitted in terms of the MFMA.

7.2 Irregular expenditure

Irregular expenditure in MLM is expenditure that is contrary to the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Systems Act, Act 2 of 2000 and the Public Office Bearers Act, Act 20 of 1998 or is in contravention of the entity's Supply Chain Management Policy. Irregular expenditure excludes unauthorised expenditure. Irregular expenditure is accounted for as expenditure in the Statement of Financial Performance and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

Irregular expenditure in MLM includes the following:

1. Irregular expenditure incurred as a result of procuring goods or services by means other than through competitive bids and where reasons for deviating from inviting competitive bids have not been recorded and approved by the Accounting Officer;
2. Irregular expenditure incurred as a result of non-compliance with a requirement of the MLM's Delegations of Authority;
3. Irregular expenditure incurred due to it being in contravention of the MLM's Supply Chain Management Policy;

4. Expenditure paid out to service providers who are in the service of the state;
5. Irregular expenditure incurred as a result of non-compliance with a provision contained in any applicable legislation.

7.3 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is expenditure that was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure is accounted for as expenditure in the Statement of Financial Performance and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

Fruitless and wasteful expenditure in MLM includes the following:

1. Procuring of goods and services that are not beneficial to the municipality;
2. Costs of goods and services are in excess of what would have been the case had proper procedures been followed (quotes);
3. Renting of property when sufficient and appropriate unoccupied property is owned by the entity;
4. Exuberant costs on parties and entertainment;
5. Incurring penalty and interest costs on late payment of accounts;
6. Mismanagement of funds.

8. PROCESS TO BE FOLLOWED IN CASES OF UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

1. Any unauthorised, irregular, fruitless and wasteful expenditure as defined above, must be promptly reported to the Chief Financial Officer and the Municipal Manager will initiate the process of dealing with the unauthorised, irregular, fruitless and wasteful expenditure.
2. Upon receiving a report of unauthorised, irregular, fruitless and wasteful expenditure, the Chief Financial Officer will advise, in writing, the Municipal Manager.

3. The Municipal Manager will oversee the initiation of the process to deal with the unauthorised, irregular, fruitless and wasteful expenditure.
4. The Financial Services Department: Expenditure Unit will maintain the Register, in a prescribed format.
5. The end user departments shall be responsible for drafting of the report in an item format to report the instance of Unauthorized, Irregular, Fruitless and Wasteful expenditure to the next Council meeting.
6. The PMS Section to convene a Financial Disciplinary Board (FDB) sitting once Council adopted the recommendations as per (5) above where necessary.
7. The instance of unauthorised, irregular, fruitless and wasteful expenditure to be reported to the Chief Audit Executive by PMS Section
8. The Chief Audit Executive will institute an investigation as contemplated in Section 32 of the MFMA, and in particular, determine the following:
 1. Nature of the non-compliance (non-compliance with MFMA, MSA, Remuneration of Public Officer Bearer's Act, etc.);
 2. Nature and reason for the unauthorised expenditure, irregular or fruitless and wasteful expenditure ;
 3. Whether the unauthorised, irregular or fruitless and wasteful expenditure was as a result of an instruction given, and if so, by whom. In addition, whether the accounting officer of official involved advised that such a decision would result in unauthorised, irregular or fruitless and wasteful expenditure;
 4. Whether the irregular expenditure result from a minor breach in the procurement policy;
 5. Whether the municipality suffered a financial loss;
 6. Whether the accounting officer / official / public officer bearer acted deliberately, negligently, or grossly negligently;
 7. Grounds shown as to why the unauthorised expenditure should be authorised (such as interest of the municipality);
 8. Whether the accounting officer can condone the non-compliance with the SCM policy as a minor breach;
 9. Whether the non-compliance must be submitted to the National Treasury for condonation;

10. Whether the non-compliance must be submitted to the Minister of Co-operative Governance and Traditional Affairs for condonation.
9. The findings of the Chief Audit Executive will be submitted to the Municipal Manager for consideration of the following:
 1. Introduction of an adjustments budget to authorise the un-authorised expenditure (if unforeseen and unavoidable and the process outlined in paragraph 3 of this policy could not be followed);
 2. Recommendation to recover funds;
 3. Recommendation to write the funds off as irrecoverable;
 4. Disciplinary / Criminal action to be instituted.
10. The Chief Audit Executive must, in considering (h) above, take due cognisance of Section 176 of the MFMA.
11. The Municipal Manager must advise the Executive Mayor of the unauthorised, irregular, fruitless and wasteful expenditure and the recommendations that will be made to the Municipal Public Accounts Committee (MPAC).
12. The Municipal Manager will be responsible to institute criminal charges where applicable.
13. The findings of the Chief Audit Executive and the recommendations of the Municipal Manager will be submitted to the Municipal Public Accounts Committee (MPAC) after consideration by the Financial Disciplinary Board (FDB) for consideration of the following:
 1. Introduction of an adjustments budget to authorise the unauthorised expenditure (if unforeseen and unavoidable and the process outlined in paragraph 3 of this policy could not be followed);
 2. Recommendation to recover funds;
 3. Recommendation to write the funds off as irrecoverable.
14. The recommendations of MPAC will be submitted, in committee, to the next Mayoral Committee and Council meetings for final decision.
15. Upon conclusion of the Council process, the PMS Section must promptly advise the MEC for Local Government and the Auditor-General of the unauthorised, irregular or fruitless and wasteful expenditure and the decision taken by Council.

16. If the unauthorised expenditure is not authorised by Council, the process to recover the funds from the liable official or political officer bearer must be initiated by the Legal Section, within a period not exceeding 30 days.
17. The Register of Unauthorised, Irregular, Fruitless and Wasteful Expenditure will form part of the Municipal Manager's management meeting agenda to ensure the reported items are dealt with in a prompt manner.
18. All instances of unauthorised, irregular, fruitless and wasteful expenditure must be disclosed in the Annual Report.
19. The Chief Financial Officer must initiate a special adjustments budget (if applicable) to deal with the authorisation of unauthorised expenditure.

9. INVESTIGATIONS AND DISCIPLINARY ACTION

9.1 In terms Sections 172 and 173 of the MFMA, an Accounting Officer is guilty of financial misconduct and an offence respectively if he or she:

- (a) Will fully or negligently fails to take effective and appropriate steps to prevent unauthorised, irregular or fruitless and wasteful expenditure as required by the MFMA;
- (b) fails to take effective and appropriate disciplinary steps against an official in the department who makes or permits unauthorised, irregular or fruitless and wasteful expenditure;
- (c) fails to report unauthorised, irregular or fruitless and wasteful expenditure in terms of the MFMA.

9.2 As soon as the Accounting Officer becomes aware of an allegation of financial misconduct against an official, the Accounting Officer has a responsibility to ensure that the Executive Mayor (Council) initiates an investigation into the matter and if the allegations are confirmed, holds a disciplinary hearing in accordance with the prescripts of the applicable legislation.

9.3 In terms of Section 172 of the MFMA, an official of a department to whom a duty or power has been assigned commits an act of financial misconduct if that official will fully or negligently fails to perform that duty or exercise that power in line with applicable legislation.

9.4 In terms of the MFMA, the Accounting Officer must take appropriate and effective disciplinary steps against an official who makes or permits unauthorised, irregular or fruitless and wasteful expenditure.

9.5 When the Accounting Officer determines the appropriateness of disciplinary steps against an official in terms of applicable legislation, he or she must take into account the following:

- (a) circumstances of the transgression;
- (b) extent of the expenditure involved;
- (c) nature and seriousness of the transgression.

Reference to the Local Government: Municipal Finance Management Act, Act 56 of 2003: Financial Misconduct Regulations on Financial Misconduct Procedures and Criminal Proceedings

All alleged financial misconduct must be reported according to the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

All financial misconduct in terms of Section 171 of the MFMA must be investigated in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

10. REPORTING

10.1 The Accounting Officer must comply with the following reporting requirements:

1. Immediately upon discovery of unauthorised, irregular, fruitless and wasteful expenditure, the Accounting Officer must report the details of the unauthorised, irregular or fruitless, and wasteful expenditure to the Executive Mayor.

The report must include the following details:

1. Amount of the unauthorised, irregular, fruitless and wasteful expenditure;
2. Name of the vote from which the expenditure was made;
3. Reason why the unauthorised, irregular, fruitless and wasteful expenditure could not be avoided;
4. Name and title of the responsible official;
5. Details of any recovery steps taken or to be taken by the municipality;
6. Details of any disciplinary steps taken or to be taken by the municipality;

2. The Accounting Officer must also include the expenditure in the department's monthly revenue and expenditure report submitted to the Council in terms of the MFMA.

3. All unauthorised, irregular or fruitless and wasteful expenditure must be reported as a note to the Annual Financial Statements.

11. CONCLUSION

Irregular expenditure resulting from non-compliance with the MFMA and the MSA can't be condoned by Council and approval must be sought from the National Treasury, the Minister of Co-operative Governance and Traditional Affairs respectively.

Irregular expenditure resulting from non-compliance with the Public Officer Bearer's Act can't be condoned and such irregular expenditure must be recovered from the political officer bearer concerned.

Council may condone irregular expenditure resulting from a contravention of the SCM Policy provided that the contravention is not also a contravention of the MFMA or the SCM Regulations, in which case only the National Treasury can condone a contravention of the SCM Regulations.

Minor breaches of the procurement process can be ratified by the Accounting Officer (if the municipality's SCM policy allows for it). Only the breaches in the process can be ratified and not the irregular expenditure itself. The irregular expenditure must still be ratified by Council.

12. POLICY ADOPTION

This policy will be effective once approved by the Midvaal Local Municipality.

This policy must also be read with the MFMA Unauthorised, Irregular, Fruitless and Wasteful Expenditure Reduction Strategy, dated Sep 2021.

Reviewed Date: 6 March 2023

/rvg

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MIDVAAL LOCAL MUNICIPALITY

MINUTES OF THE 5TH ORDINARY MEETING OF 2022 HELD ON THURSDAY,
26 MAY 2022 AT 14:00 IN THE COUNCIL CHAMBERS

C 2831/05/2022
MC A/5770/05/2022

9.A.7 ICC:CSJ: UNAUTHORISED, IRREGULAR, FRUITLESS & WASTEFUL
EXPENDITURE (UIFW) POLICY: REVIEWED

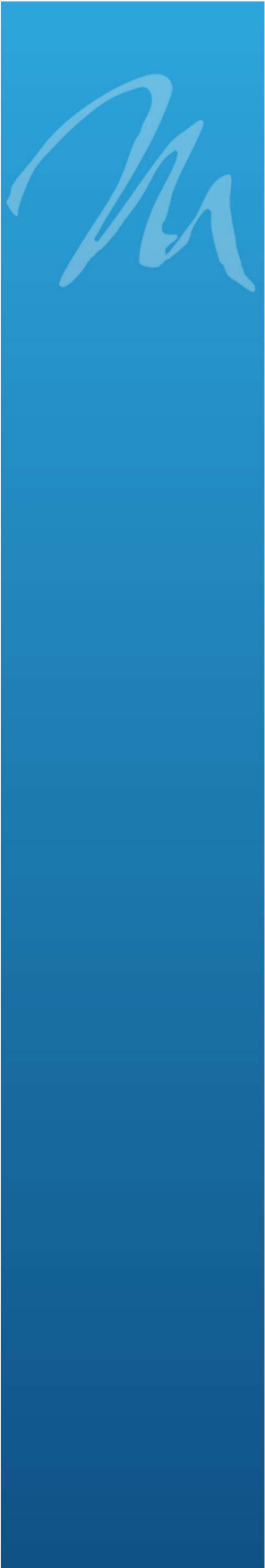
5/1/1

COMPETENCY: COUNCIL

RESOLVED

1. That the reviewed Unauthorised, Irregular, Fruitless & Wasteful Expenditure Policy, attached to the report as Annexure "A", be approved.
2. That Paragraph 5(5.21) of Council Resolution C2550/05/2021 dated 27 May 2021, attached to the report as Annexure "B", be rescinded.

Annexure Z Allocation of Unclaimed Credits Policy 2025/2026



**ALLOCATION OF UNCLAIMED CREDITS
2025/2026 FINANCIAL YEAR**



ALLOCATION OF UNCLAIMED CREDITS POLICY

1. PURPOSE

This policy provides guidelines to determine a uniform approach for the allocation of unclaimed credits on consumer accounts.

2. ACCOUNT CREDITS

Account credits of Midvaal Local Municipality (MLM) customers may be allocated to the Unclaimed Credits Register in accordance with the following stipulations:

- 2.1 When an account has been finalised and closed after property transfer and the credit remains unclaimed for a period exceeding six months.
- 2.2 When the credit has not been refunded to the customer or transferring attorney and neither the client nor the transferring attorney claims the refund after transfer of the property has taken place.
- 2.3 The credit must be transferred to the Unclaimed register after a six month period and the account marked as inactive.
- 2.4 The unclaimed credits will remain in the Unclaimed register and after a period of three years will be advertised for 14 days as an unclaimed credit.
- 2.5 If no claim is received for a specific account and rand value, the unclaimed amount will be transferred to the Income of the Municipality.
- 2.6 A Journal to this effect must be done annually during the Financial Year end processes.

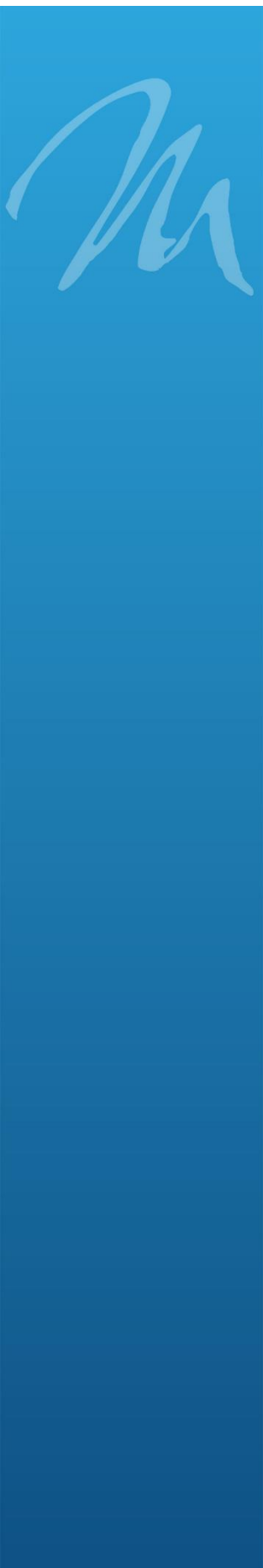
3. IMPLEMENTATION DATE

The policy will be effective as from 1 July 2025.

4. POLICY REVIEW

The policy is to be reviewed annually before the start of the financial year.

Annexure AA
Bulk Developer Contributions
Policy
2025/2026



PAYMENT OF BULK DEVELOPER CONTRIBUTIONS POLICY

2025/2026 FINANCIAL YEAR



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1. Preamble

- 1.2 The progressive realisation of fundamental constitutional rights *inter alia* requires township development. Township development in turn requires the provision of engineering services.
- 1.3 Local government must ensure the provision of engineering services to communities and promote social and economic development in a sustainable manner. As a general principle local government should within budgetary constraints accept responsibility for the installation and financing of external engineering services.
- 1.4 As a general principle for township developers is that the onus is on them to be responsible for the installation and financing of internal engineering services.
- 1.5 Local government has the discretionary power when granting development approvals to impose conditions in relation to the provision of engineering services and the payment of money which is directly related to requirements resulting from those approvals in respect of the provision of the necessary services to the land to be developed.
- 1.6 Local government must act in accordance with the law when exercising those powers.

2. Purpose of Policy

- 2.1 The adoption of policy guidelines by organs of state to assist decision-makers in exercising their discretionary powers has long been accepted as legally permissible.
- 2.2 The purpose of this policy document is first to assist and guide municipal decision-makers in the exercise of their discretionary powers when considering appropriate conditions of approval to be imposed under the Land Use Planning Ordinance; their negotiations with developers relating to the payment of development contributions and the division of engineering services costs between the Municipality and Applicants; and

2.3 The application of the calculation methods for Development Contributions as outlined in the Reports defined below.

2.4 The purpose of this policy document is also to inform interested and affected parties regarding the principles and calculation methods of development contributions and the process to be followed in reaching and recording agreements in respect thereof; and ensure the provision of adequate engineering services and / or payment of development contributions in respect of new developments.

3. Need for Calculating Bulk Services Contributions (Development Contributions)

3.1 Background

A Local Authority may request “Development Contributions”, which means financial contributions calculated in accordance with this policy document, which an Applicant is required to make in terms of conditions of approval imposed by the Municipality when granting approvals under the Ordinance and which relate to requirements resulting from those approvals in respect of the provision of the necessary engineering services to the land to be developed.

Where sewer purification services are rendered by the Ekurhuleni Metropolitan Municipality (ERWAT) the calculation of bulk contributions for sewer purification will be in terms of their policy in addition to the policy and tariffs of the Midvaal Local Municipality.

3.2 Rezoning

The newly approved zoning becomes effective on promulgation in the Provincial Gazette and the commencement of the scheme is 56 calendar

days from the promulgation date if no objection against the proposed application was lodged and the liability of bulk contributions becomes payable by the property owner.

Within 30 days from the date that the amendment scheme comes into operation, in terms of Section 58 (1) of the Town Planning And Townships Ordinance, Ordinance 15 of 1986, the ED: Development & Planning directs the owner by means of a registered letter, as contemplated by Section 63, of said Ordinance that the Bulk Contributions are payable. A copy of the Section 63 letter Contributions will be levied by finance on date of mayoral resolution as an interim / provisional contribution.

4. Consent use

If no payment is received from the applicant/owner within 90 days from the date of the approval letter, the Council will recalculate the bulk contributions payable, subject to escalation costs or increase in tariff and/or fees and will be determined as and when the applicant/developer/owner wishes to exercise the new right.

On cancellation of the approved application Development & Planning will inform finance within 10 working days to remove the contributions from the system.

5. Township establishment

The applicant will be informed of bulk and link contributions payable in accordance with a signed Services Agreement, subject to the conditions pertaining to such agreement.

6. General

- 6.1 Any arrangements regarding the payment of contributions are already delegated to the mayoral committee per resolution MC1211/12/2006 and such

arrangements will be backed by an irrevocable bank guarantee. Any payment arrangement made may not exceed a period of 12 months.

- 6.2 The authority to cancel an approved application for consent use be delegated to the Executive Director: Development & Planning. This automatically authorises removal of outstanding contributions.
- 6.3 The authority to amend bulk contributions be delegated to the Municipal Manager on written request by the Executive Director's Development & Planning, and Engineering.
- 6.4 That all communication regarding the final bulk contributions payable be mailed to the property owner by registered post.

7. Conditions

- 7.1 If no payment is received from the applicant/owner within 90 days from the date of the approval letter, Finance in conjunction with Engineering may recalculate the bulk contributions payable, subject to escalation costs or increase in tariff and/or fees and will be determined as and when the applicant/developer/owner wishes to exercise the new right.

This condition will come into immediate effect, and also apply to all applications that have already been considered but in respect of which external bulk contributions are still outstanding.

- 7.2 In the event of a Township Establishment application this condition shall form part of the Services Agreement.
- 7.3 The Executive Director: Engineering Services must recalculate the bulk contributions as and when required.

- 7.4 All land use applications where bulk contributions have not been paid within 90 days from the date of the approval letter shall be re-circulated to the Department: Engineering Services in order to recalculate revised bulk contributions prior to the approval of building plans or any certificate enabling transfer of the newly subdivided portions.

8. Implementation

The policy will be effective as from 1 July 2025.

Annexure AB
Related Party Policy
2025/2026



RELATED PARTY POLICY

2025/2026 FINANCIAL YEAR

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1. INTRODUCTION

GRAP 20 is applicable to all entities on the accrual basis of accounting in identifying and disclosing related party relationships, transactions and balances at year-end, including commitments.

This policy framework shall be read in the context of the provisions of the following Acts, Regulations and Administrative Guidelines:

- Accounting guidelines, National Treasury, June 2012
- MFMA, Act 56 of 2003;
- GRAP 20

2. PURPOSE

This policy outlines the identification, treatment, recognition and reporting of Related party transactions in the municipality according to the requirements of the MFMA.

The accounting officer of an institution must ensure that internal procedures and internal control measures are in place for all payment approval and processing, including related party transactions. These internal controls should provide reasonable assurance that all expenditure is necessary, appropriate, paid promptly and is adequately recorded and reported on.

The objective of this Standard is to ensure that a reporting entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and surplus or deficit may have been affected by the existence of related parties and by transactions and outstanding balances with such parties.

3. DEFINITIONS

Related party transactions – is a transfer of resources or obligations between related parties, regardless of whether a price is charged.

Related party – parties are considered to be related if one party has the ability to control the other party or exercise significant influence over the other party in making financial and operating decisions, or if the related party entity and another entity are subject to common control.

Related parties include:

- Entities that directly, or indirectly through one or more intermediaries, control or are controlled by the reporting entity;
- Associates and joint ventures;
- Individuals owning, directly or indirectly, an interest in the reporting entity that gives them significant influence over the entity, and close member of the family of such an individual;
- Key management personnel, and close members of the family of key management personnel; and
- Entities in which a substantial ownership interest is held, directly or indirectly, by any person described in (c) or (d), or over which such a person is able to exercise significant influence.

Significant influence – is the power to participate in the financial and operating policy decision of an entity, but not control those policies.

Control – is the power to govern the financial and operating policies of another entity so as to benefit from its activities.

Joint control – is the agreed sharing of control over an activity by a binding agreement.

Entities – entities referred to in GRAP 20 and in this policy, i.e. for which this is applicable, are:

- Public entities;
- Constitutional institutions;
- Municipalities and all other entities under their control;
- Parliament and provincial legislature; and
- Trading entities (only effective from 1 April 2013).

Key Management personnel:

- all Directors or members of a governing body of the entity;
- other persons having the authority and responsibility for planning, directing and controlling the activities of the reporting entity. Where they meet this requirement, key personnel include:
 - where there is a member of the governing body of a whole-of-government entity who has the authority and responsibility for planning, directing and controlling the activities of the reporting entity, that member (e.g. Councillors);
 - any key advisor of that member; and unless included in (a), the senior management group of the reporting entity, including the chief executive or permanent head of the reporting entity (e.g. the Accounting Officer)

4. IDENTIFICATION

Parties are considered to be related if one party has the ability to **control** (or jointly control) the other party or exercise **significant influence** over the other party, or vice versa, or an entity that is subject to **common control**, or joint control.

As a minimum, the following are regarded as related parties of the reporting entity:

- A person or a close member of that person's family is related to the reporting entity if that person:
 - has control or joint control over the reporting entity;
 - has significant influence over the reporting entity; or
 - Is a member of the management of the entity or its controlling entity.
- An entity is related to the reporting entity if any of the following conditions apply:
 - The entity is a member of the same economic entity (which means that each controlling entity, controlled entity and fellow controlled is related to the others);
 - One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of an economic entity of which the other entity is a member);
 - Both entities are joint ventures of the same third party;
 - One entity is a joint venture of a third entity and the other entity is an associate of the third entity;
 - The entity is a post-employment benefit plan for the benefit of employees of either the entity or an entity related to the entity. If the reporting entity is itself such a plan, the sponsoring employers are related to the entity;
 - The entity is controlled or jointly controlled by a related person; and

- A person who has control or joint control over the reporting entity has significant influence over that entity or is a member of the management of that entity (or its controlling entity).

In identifying related party relationships, attention should be given to the substance of a relationship and not merely its legal form.

Where two entities have a member of management in common, it is necessary to consider the possibility, and to assess the likelihood, that this person would be able to affect the policies of both entities in their mutual dealings. However, the mere fact that two entities have a member of management in common does **not necessarily** create a related party relationship.

The following other instances also do **not necessarily** create related party relationships:

- Two ventures **merely** because they share joint control over a joint venture;
- Providers of finance and trade unions;
- A customer, supplier, distributor or general agent with whom an entity transacts a significant volume of business, **merely** by virtue of the resulting economic dependence.

Other factors could, however, result in the parties being related.

5. CONTROL

Control is the power to govern the financial and operating policies of another entity so as to benefit from its activities.

An entity (or a person or body of persons) has control over another entity when it has certain decision-making capabilities over another and that it benefits from the activities of that entity.

Further indicators that can also individually or collectively be indicative of control are:

- The entity has the ability to veto operating and capital budgets of the other entity;
- The entity has the ability to veto, overrule, or modify the board of directors or equivalent governing body decisions of the other entity;
- The entity has the ability to approve the hiring, reassignment and removal of key personnel of the other entity;
- The mandate of the other entity is established and limited by legislation;
- The entity holds a “golden share” (or equivalent) in the other entity that confers rights to govern the financial and operating policies of that entity;
- The entity holds direct or indirect title to the net assets of the other entity;
- The entity has a right to a significant level of the net assets of the other entity in the event of a liquidation or in a distribution other than a liquidation;
- The entity is able to direct the other entity to co-operate with it in achieving its objectives;
- The entity is exposed to the residual liabilities of the other entity.

In the South African context, the government is divided into three spheres, namely the national, provincial and local spheres of

government. Although provinces and municipalities are responsible for executing its assigned functions in line with the overall policies and objectives set by the relevant national department, the autonomy of the different spheres is guaranteed in terms of the Constitution of South.

Africa and provinces and municipalities can therefore decide how it will achieve those objectives. The national government does not **control** provinces or municipalities for accounting purposes, although funding may be received from the national government.

The following figure illustrates the related parties in the South African government context (note that the different spheres of government are not related to each other):

Local sphere:

For example: The City of Johannesburg and its municipal entities are related parties. The City of Tshwane and the City of Johannesburg are not related parties as they are not under common control.

6. INFLUENCE

Significant influence is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies.

Significant influence may be exercised in several ways, usually by representation on the board of directors or equivalent governing body but also by, for example, participation in the policy making process. Significant influence may be gained by an ownership interest, statute, or agreement.

7. MANAGEMENT

Management are those persons responsible for planning, directing and controlling the activities of the entity, including those charged with the

governance of the entity in accordance with legislation, in instances where they are required to perform such functions.

Management include any sub-committees of the governing body or key advisors of a member of management as well as the senior management group of the entity (if not part of the governing body of the entity).

Management hold positions of responsibility within an entity. They are responsible for the strategic direction and operational management of an entity and are entrusted with significant authority. This responsibility may enable them to influence the decisions of the entity and therefore the benefits of office that may flow to them or their related parties.

In respect of a municipality, the accounting authority or all the members (e.g. major, speaker, council members), and their close family relatives, are related parties of the municipality.

The senior management team of entities across all spheres of government (including the chief executive or permanent head of the entity) also form part of management.

8. CLOSE FAMILY MEMBERS

Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity. A person is considered to be a close member of the family of another person if they:

- are married or live together in a relationship similar to a marriage;
or
- are separated by no more than two degrees of natural or legal consanguinity or affinity.

Close family members of management (and entities under significant influence of such individuals) are related parties of an entity.

The reason for the inclusion of close family members in the definition of a related party is to prevent entities from transacting with these individuals rather than with management in order to circumvent the disclosure requirements of the standard.

Judgement will be necessary in determining whether an individual should be identified as a close member of the family of an individual for purposes of related party disclosures.

9. RELATED PARTY TRANSACTIONS

A related party transaction is a transfer of resources or obligations between related parties, regardless of whether a price is charged.

According to GRAP 20, an entity should disclose all transactions with its related parties (refer to disclosure) other than transactions that would occur within:

- Normal supplier or client / recipient relationship on terms and conditions no more or less favourable than those which it is reasonable to expect the entity would have adopted if dealing with that individual entity or person in the same circumstances; and

Terms and conditions within the normal operating parameters established by that reporting entity's legal mandate.

10. DISCLOSURE

The minimum disclosure in the annual financial statements for related party relationships, transactions and balances are the following:

Accounting policies

"The municipality operates in an economic sector currently dominated by entities directly or indirectly owned by the South African

Government. As a consequence of the constitutional independence of the three spheres of government in South Africa, only entities within the local sphere of government are considered to be related parties.

Management are those persons responsible for planning, directing and controlling the activities of the entity, including those charged with the governance of the entity in accordance with legislation, in instances where they are required to perform such functions.

Close members of the family of a person are considered to be those family members who may be expected to influence, or be influenced by, that member of management in their dealings with the entity.

Only transactions with related parties where the transactions are not concluded within normal operating procedures or on terms that are not no more or no less favourable than the terms it would use to conclude transactions with another entity or person are disclosed.

The following are situations where related party transactions may lead to disclosures required by a reporting entity

- Rendering or receiving of services
- Purchases or transfers/sales of goods (finished or unfinished)
- Purchases or transfers/sales of property and other assets
- Agency arrangements;
- Leasing arrangements;
- Transfer of research and development;
- Licence agreements;
- Finance (including loans, capital contributions, grants whether in cash or in kind and other financial support including cost sharing arrangements); and
- Guarantees and collaterals;
- Settlement of liabilities

Management remuneration

An entity should disclose the remuneration of management per person and in aggregate, for each class of management, in the following categories:

- Fees for services as a member of management;
- Basic salary;
- Bonuses and performance related payments;
- Other short-term employee benefits;
- Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
- Termination benefits;
- Other long-term benefits;
- Any commission, gain or surplus sharing arrangements; and
- Any other benefits received.

Entities shall make separate disclosures about the major classes of management that they have. For example, where an entity has a governing body, such as a board or a council, which is separate from its senior management group, disclosures about remuneration of the two groups must be made separately.

Where a person is a member of both the governing body and the senior management group, that person will be included in only one of those groups.

11. SUMMARY OF KEY PRINCIPLES

GRAP 20 sets out the principles for the identification and disclosure or related party relationships and transactions.

Identification

Parties are considered to be related if one party has the ability to **control** the other party or exercise **significant influence** over the other party in making financial and operating decisions or if the related party and other entity are subject to **common control**.

Related parties include:

- Entities that directly, or indirectly through one or more intermediaries, control, or are controlled by the reporting entity;
- Associates
- Joint ventures
- Individuals owning, directly or indirectly, an interest in the reporting entity that gives them significant influence over the entity, and close members of the family or any individual;
- Management, and close members of the family of management; and
- Entities in which a substantial ownership interest is held, directly or indirectly, by any person described in the two bullets above, or over which such a person is able to exercise significant influence.

All departments and public entities in the national sphere of government are related parties;

All departments and public entities in each province are related parties; and

Each municipality and its own municipal entities are related parties. A municipality is not “related” to another municipality as they are not under common control.

The National government does not control provinces or municipalities for accounting purposes, although funding may be received from the national government.

Disclosure

The reporting entity must disclose:

- Relationships between an entity and its controlling entities (or entities that it controls) needs to be disclosed.
- The nature of its related party relationships;
- The types of transactions that have occurred' and
- The elements of the transactions necessary to clarify the significance of these transactions to its operations and sufficient to enable the financial statements to provide relevant and reliable information for decision-making and accountability purposes.

Disclosure of management information must also be made.

Entities are not required to disclose the value of transactions (other than those dealt with above) with other public sector entities where the transactions are concluded within normal operating procedures and on terms that are no more or no less favourable than the terms it would use to conclude transactions with another entity or person.

12. POLICY AUDIT

A periodic policy audit process shall be conducted either by the Finance section, or Municipal Manager, when deemed necessary. The Provincial Government and or Auditor-General may also audit and formally request amendment of the policy, as may be required from time to time, to ensure appropriate application and compliance the relevant Treasury and MFMA regulations and other legislation.

13. POLICY AMMENDMENT

No amendment(s) may be made to any section of this policy without such amendment(s) first being:

- Consulted upon with the Chief Financial Officer and the Municipal Manager.
- Duly approved by the Council.

Annexure AC
Cell phone and connectivity
allowance Policy
2025/2026



**CELL PHONE AND CONNECTIVITY
ALLOWANCE POLICY**

2025/2026 FINANCIAL YEAR



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CELLPHONE AND CONNECTIVITY ALLOWANCE POLICY

1. OBJECTIVE

Council understands and appreciates that employees utilise their cell phones for business purposes so as for services to be delivered on a continuous basis. With the implementation of a cell phone allowance policy Council will have a universal tool to clearly define who is entitled to a cell phone allowance and how the costs will be met.

The policy will provide guidelines as to the attainment and management of the benefit of a cell phone allowance, so as to promote service delivery and ensure that services continue even when employees are not office bound.

Council will therefore pay a cell phone allowance to employees as determined by assessing an employee's individual needs.

2. SCOPE

This policy covers the usage of a cell phone allowance by permanent employees where the regular use of a cell phone is necessary to meet the requirements of the job and is applicable to any official who has received approval from the Municipal Manager, based on a recommendation from the relevant head of department, for a cellular allowance.

3. GUIDELINES

3.1 HANDSET & MAINTENANCE

Employees who are entitled to a cell phone allowance will only receive monetary remuneration and will be expected to provide their own handset by means of a contract with a cellular service provider (i.e. Vodacom, MTN, or Cell C). Council will not be responsible to provide any handset or additions to a handset to any employee or stakeholder covered in this policy.

Employees are encouraged to structure their contract with the service provider in a manner which best suits the individual's needs and personal circumstances. Recipients of a cell phone allowance must avail their cell phone number to their HOD and must continue to maintain the cell phone contract or air-time/pay-as-you-go contract while in receipt of the allowance.

The contract should be entered into between the Employee and Service Provider and the onus is on the employee to ensure the monthly payment of the contract.

Furthermore the Employee should ensure that the mobile phone is available, at all times, for Council's use, failing which the allowance will be forfeited. Employees must inform the Human Resources Division of any cancellation arising from theft, sale, termination of the contract, etc. by no later than the 3rd of the month following the month in which the event occurred.

An allowance will not be granted to employees without official authorisation to acquire a cell phone for official use. Council will not be liable for any costs incurred without official authorisation if a private contract has been obtained for official use.

3.2 PRE-PAID CONTRACTS

Employees making use of a prepaid contract with a service provider are entitled to a cell phone allowance benefit. Employees on a prepaid contract should ensure that the mobile phone is always available i.e. that enough airtime is available for making and receiving business calls, failing which the allowance will be forfeited.

3.3 PROCEDURE TO BE FOLLOWED WHEN APPLYING FOR A CELL PHONE ALLOWANCE OR INCREASING AN EXISTING BENEFIT

3.3.1 NEW POSITIONS

Executive Directors, when requesting a position to be filled, should clearly indicate on the provided portion on the “Request to fill a vacancy form” that the position will be requiring a cell phone allowance. The amount, in terms of this policy, should also be reflected. This will ensure that the cell phone allowance forms part of the employee’s remuneration package.

3.3.2 EXISTING POSITIONS

In the event of an employee already being appointed and the need for a cell phone allowance arise the following procedure should be followed:

A written application, supported by a detailed motivation as to the need for a cell phone allowance, from the employee should be forwarded to the relevant Head of Department. The Head of Department will consider the application, if supported the recommendation should be forwarded to the Municipal Manager for final approval. Thereafter, the approved application must be forwarded to Human Resources Division for record purposes, from where it will be forwarded to the Finance Department so as to include the benefit on the employee's salary advice.

3.3.3 INCREASING BENEFITS

In the event of an employee continually exceeding the approved limits of the cell phone allowance provided for to him / her, as a result of their job function, a written motivation should be made to the relevant Head of Department to approve a revised limit. Again the application should be forwarded to the Municipal Manager, to Human Resources Division and Finance. In the event of increasing the cell phone allowance, proof of the exceeded amount should be provided i.e. itemised billing.

3.4 INTERNATIONAL CALLS

Officials, travelling abroad must activate international roaming; the cost of the activation will be for the user's account. Only official international calls made by the user will be paid by Council and is subject to proof i.e. itemised billing.

4. ALLOWANCE

A Cell phone allowance is payable to an employee on a monthly basis and may be amended from time to time in terms of business related costs incurred by the individual and per approval from the relevant Head of Department and Municipal Manager.

Any increase in a cell phone allowance payable to an employee should be within the prescriptions of this policy. The maximum amount will only be payable if sufficient evidence, from the employee, is provided and agreed to by the relevant Head of Department and Municipal Manager.

Job Level	Office Bound	Non-Office Bound
Level 1	Capped at R1 000.00 p.m.	
Level 3/2	R750.00 p.m.	
Level 4	R650.00 p.m.	
Level 5/6	R450.00 p.m.	R750.00 – R1 000.00 p.m.
Level 7/8	R250.00 p.m.	R350.00 – R 500.00 p.m.
Level 9 and below	R250.00 p.m.	
Contract Posts	Capped at R1 000.00 p.m.	
HOD's	Capped at R2 000.00 p.m.	
Municipal Manager	Capped at R2 500.00 p.m.	

The table above is indicative of allowance for the respective levels and inclusive of a connectivity allowance. Employees that currently receive a connectivity allowance/benefit will be informed that such allowance will be cancelled effective from date of approval of the report.

All other prescriptions not specified in the report or as contained in the Allowance Policy (C1071/03/2014) remain applicable in terms of requesting and approval of cell-phone allowances.

5. CELL PHONE USAGE WHILE DRIVING

Council is aware that in utmost circumstances, that employees use their cell phones for business purposes while driving. Due to the recent research about the safety of cell phone usage while driving, Council prohibits employees from using their cell phones while driving, unless the vehicle is fitted with a blue tooth device.

Council recognises that other distractions occur while driving, however, eliminating the use of cell phones, while driving is one way to minimize the risk to employees

of accidents. Employees are therefore required to either park the vehicle so as to safely communicate via cell phone or to request the caller for permission to contact them at a more convenient and safer time as to driving.

6. VIOLATION OF POLICY

Employees who violate this policy may be subject to disciplinary action and may have their allowance suspended.

Annexure AD
Caucus Budget Policy
2025/2026



CAUCUS BUDGET POLICY

2025/2026 FINANCIAL YEAR



CAUCUS BUDGET POLICY

1. BACKGROUND

The various political parties of Council have a need to incur certain operational costs and should have access to the required resources as allowed for in the Remuneration of Public Office Bearers Act, 20 of 1998.

National Treasury has issued Draft Cost Containment Regulations in July 2017, and in anticipation of the promulgation, the Draft Regulations are being applied insofar as practically possible and as such these provisions have been included in the Caucus Budget Policy.

This policy must be read in conjunction with the Councillor Allowances Policy approved by Council per Item C1619/04/2017 dated 20 April 2017, as well as the Policy dealing with attending conferences, meetings, training and workshops: Bookings for Councillors and Officials per Item C1499/08/2016 dated 25 August 2016.

2. CATERING FOR CAUCUS MEETINGS

Catering will be allowed for the monthly caucus meetings at an amount as indicated in the annual budgetary provision as per paragraph 6 of this policy for planning purposes. Catering expenditure may vary from month to month as long as it remains within budget for the year. Virements will be allowed between lines but the total budget cannot be increased. The caucus must procure the catering services in compliance with the Supply Chain Management Policy of the municipality and preference must be given to township suppliers in line with the Township Economies Revitalisation Programme of the Gauteng Provincial Government. Meals eaten in or ordered from restaurants will be subject to the approval of the Speaker of Council and only be allowable in cases where the total monthly expenditure is less than R2 000 as per the Supply Chain Management Policy.

3. STATIONERY AND RELATED OFFICE EXPENSES FOR CAUCUS'S

Caucus's will be allowed a maximum amount for stationery and related office expenses as indicated in the annual budgetary provision as per paragraph 6 of this policy and must be procured by the Speaker's Office in compliance with the Supply Chain Management Policy of the municipality.

4. CAUCUS LEKGOTLA'S

Each caucus will be allowed a Lekgotla once every financial year to a maximum amount as indicated in the annual budgetary provision as per paragraph 6 of this policy. This amount

is all inclusive of transport, food and beverages, accommodation, venue, facilitator, Midvaal branded clothing etc. It must be noted that no party-political branding can be funded from municipal resources. Approval must be obtained by the Speaker of the Council for such Lekgotla. In addition, the provisions of the Draft Cost Containment Regulations will be applicable i.e.

- No subsistence allowances will be paid for Lekgotla's;
- No municipal funds may be used or incurred on alcoholic beverages;
- Lekgotla's must, as far as practically possible, be held in-house;
- Lekgotla's may not be financed by any suppliers or sponsors.

5. ATTENDANCE OF CONFERENCES

Each caucus will be allowed a maximum annual amount for the attendance of conferences as indicated in the annual budgetary provision as per paragraph 6 of this policy. This amount is all inclusive of transport, food and beverages, accommodation, and subsistence allowances. Attendance of all conferences must be approved by the Executive Mayor and the Policy dealing with attending conferences, meetings, training and workshops: Bookings for Councillors and Officials will apply.

6. CAUCUS BUDGET

The budget for the 2024/2025 financial year is as per the Annual Approved Budget.

7. EFFECTIVE DATE

The policy is effective from 1 July 2025.

8. ANNEXURES

- Councillor Allowances Policy approved by Council per Item C1619/04/2017 dated 20 April 2017.
- Policy dealing with attending conferences, meetings, training and workshops: Bookings for Councillors and Officials per Item C1499/08/2016 dated 25 August 2016.
- Draft Cost Containment Regulations, issued on 16 February 2018 per Government Gazette 41445.

C1619/04/2017
SMC A/3402/04/2017

9.A.2 [CC:CS]: POLICY COUNCILLOR ALLOWANCES

5/12/1/1

COMPETENCY: COUNCIL

RESOLVED

That the policy relating to the benefits for Councillors, attached to the report as Annexure "A", be approved.

C1619/04/2017
SMC A/3402/04/2017

9.A.2 [CC:CS]: POLICY COUNCILLOR ALLOWANCES

5/12/1/1

COMPETENCY: COUNCIL

PURPOSE

To submit the proposed policy relating to allowances flowing from the regulations on the remunerations of Councillors.

RECOMMENDATION

That the policy relating to the benefits for Councillors, attached to the report as Annexure "A", be approved.

REPORT

Pursuant to promulgation of the notice on the Determination of the Upper Limits of Councillors's Salaries, Allowances and Benefits, the auditors have requested clarity on the implementation of certain benefits for Councillors. The matters are indicated in the policy attached as Annexure "A" and it is suggested that it be approved as a policy for the Municipality.

COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF DEPARTMENT: 10 APRIL 2017

Resolved to Recommend

That the item be referred to the Mayoral Committee.

ANNEXURE "A"



POLICY
COUNCILLOR ALLOWANCES

3 April 2017

POLICY: BENEFITS EMANATING FROM COUNCILLOR ALLOWANCES

Pursuant to promulgation of the notice on the Determination of the Upper Limits of the Salaries, Allowances and Benefits of Municipal Councillors the following policy relating to matters contained therein are approved:

1. Out of Pocket Expenses

Reimbursement for such expenses will be limited to urgent and unforeseen expenditure items incurred whilst attending to Council business with the approval of the Executive Mayor and /or the Municipal Manager.

2. Use of Council-Owned Vehicles:

The principle is that if a Councillor receives a travel allowance as per the stated promulgated notice, such Councillor may not make use of official Council-owned vehicles for official purposes, except in the following circumstances:

- Two vehicles with Drivers/Protectors are made available to the Executive Mayor for official purposes.
- A vehicle with a Driver is made available to the Speaker for official purposes.
- Other office bearers or part-time Councillor's may only make use of Council-owned transport in special circumstances as may be approved by the Executive Mayor or the Speaker, such as joint site inspections, joint strategic events or where joint transport is more cost effective or practical than travelling separately.
- Any claims for reimbursement of other qualifying travel costs incurred by Councillors will be dealt with in terms of Council's relevant travel policy.

3. Tools of Trade

- All Councillors are to be provided with a laptop, whether Council-owned or on a rental basis.
- Full time Office Bearers will be provided with the following resources:
 - An office
 - Official telephone
 - Access to a centralised printer
 - Support by a secretary, whether collectively or otherwise
 - Stationary for office use
 - No off-site printing facilities or printers will be provided, neither will such costs be reimbursed or provided for. However, a proviso to this limitation is in circumstances for example when an off-site strategic session / joint meeting is held and copying / printing facilities are required as approved by the Executive Mayor and /or the Municipal Manager.

MIDVAAL LOCAL MUNICIPALITY
AGENDA OF THE 4TH ORDINARY MEETING OF 2017 TO BE HELD ON THURSDAY,
20 APRIL 2017 AT 15:00 AT THE COUNCIL CHAMBERS

4. Personal security – SAPS Risk Analysis

- An annual SAPS risk assessment will be conducted for the Executive Mayor. If circumstances so dictate, more frequent assessment of this nature may be requested for the Executive Mayor.
- If circumstances so require and as agreed to by the Executive Mayor and the Municipal Manager, a SAPS risk analysis or other approved similar assessment may be conducted for any other full-time Office Bearer or part-time Councillor.

5. Cost-Curtailment Measures

The cost-curtailment measures as per the National Treasury directives applicable to the administration apply equally to Councillors.

MIDVAAL LOCAL MUNICIPALITY
MINUTES OF THE 6TH ORDINARY MEETING OF 2016 HELD ON THURSDAY,
25 AUGUST 2016 AT 14:00 AT THE COUNCIL CHAMBERS

C 1489/07/2016 (No quorum)

C 1499/08/2016

MC A/3286/06/2016

9.A.4 [CS]: POLICY DEALING WITH ATTENDING CONFERENCES, MEETINGS,
TRAINING AND WORKSHOPS: BOOKINGS FOR COUNCILLORS AND
OFFICIALS

4/5/2/P

COMPETENCY: COUNCIL

RESOLVED

1. That the current Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials approved on 26 June 2014 under item C 1138/06/2014, be repealed.
2. That the Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials, attached to the report as Annexure "A", be approved.

C 1489/07/2016 (No quorum)

C 1499/08/2016

MC A/3286/06/2016

9.A.4 [CS]: POLICY DEALING WITH ATTENDING CONFERENCES, MEETINGS, TRAINING AND WORKSHOPS: BOOKINGS FOR COUNCILLORS AND OFFICIALS

4/5/2/P

COMPETENCY: COUNCIL

PURPOSE

To submit the amended Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials.

RECOMMENDATIONS

1. That the current Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials approved on 26 June 2014 under item C 1138/06/2014, be repealed.
2. That the Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials, attached to the report as Annexure "A", be approved.

REPORT

Attached to the report as Annexure "A", is the amended Policy dealing with attending conferences, meeting, training and workshop: bookings for Councillors and Officials.

COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF DEPARTMENT: 31 MAY 2016

Resolved to Recommend

That the item be referred to the Section 80 Corporate Services Portfolio Committee.

COMMENTS: SECTION 80 CORPORATE SERVICES PORTFOLIO COMMITTEE: 07 JUNE 2016

The recommendations are supported.

1



4/5/2/P

**ATTENDING CONFERENCES,
MEETINGS, TRAINING AND
WORKSHOPS POLICY**

**BOOKINGS FOR
COUNCILLORS AND OFFICIALS**

: H:Louisevs/Meyerton1/User/Policy conference arrangements/Revised 18/05/2016

Section 167 of The Municipal Finance Management Act inter alia states as follows:

“Councillors’ Remuneration

167. (1) A municipality may remunerate its political office bearers and members of its political structures, but only –
- (a) within the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), setting the upper limits of the salaries, allowances and benefits for those political office-bearers and members; and
 - (b) in accordance with section 219(4) of the Constitution.
- (2) Any remuneration paid or given in cash or in kind to a person as a political office-bearer or as a member of a political structure of a municipality otherwise than in accordance with subsection(1), including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –
- (a) must, and has the right to recover that remuneration from the political office-bearer or member, and
 - (b) may not write off any expenditure incurred by the municipality in paying or giving that remuneration.

The upper limits of the salaries, allowances and benefits for political office bearers and members is determined annually and nothing in this policy may be interpreted or implemented contrary to such determinations.

The salaries and benefits of officials are determined through a collective bargaining process in terms of the Labour Relations Act.

This policy seeks to address the payment of subsistence and travel allowances in appropriate circumstances for permissible events outside of the first mentioned processes.

POLICY:

Payments are based on the following principles:

- i) To reimburse **actual expenditure**;
- ii) When a choice is made, **Council will not be worse off to what the expenditure for Council would otherwise be**;

: H:Louisevs/Meyerton1/User/Policy conference arrangements/Revised 18/05/2016

- iii) Existing remuneration is meant to include service delivery within the jurisdiction of Midvaal (Remuneration of Office Bearers Act) for which no additional allowances are to be paid.

1. Attending conferences and training:

For purposes of implementation of this policy, "training" shall mean:

Specific municipal short training courses (i.e. not bursary-type courses) where sleep-over is required at a venue beyond a 120km radius from the Midvaal Municipal Office precinct: EXCEPT within such radius if the practicalities dictate it differently and it has been approved in writing by the Executive Mayor in respect of Councillors and by the Municipal Manager in respect of all other staff.

The Authorisation Form (attached hereto as **Annexure "1 (Mayor)/ 1B"** (Speaker)) must be completed and signed off by the Executive Mayor in respect of Councillors and by the Municipal Manager in respect of all other staff **PRIOR** to attendance of meetings, workshops, training and conferences.

Training/conferences over a period of 5 days or longer will be considered on merit and on an ad hoc basis, subject to availability of the budget.

2. ACCOMMODATION

Accommodation for Councillors and officials attending conferences, training, workshops, etc. over 2 days and more will only be arranged if, based on a motivated request, approval by the Executive Mayor or Municipal Manager has been granted.

The following will apply:

- In view of the high population density and travel congestion in Gauteng, where the conference is within 120km radius of Midvaal (e.g. in Gauteng) no accommodation is applicable, **unless PRIOR APPROVED** in writing by the Executive Mayor and/or Municipal Manager who must consider all practicalities and safety factors.
- Where the conference is out of the 120km radius of Midvaal (e.g. Cape Town, KwaZulu-Natal, etc) accommodation is applicable as follows:
 - The allowances payable will be capped as per National Treasury rate levels grid for Band 2 for 4 and 5 star accommodation (**Annexure 2**), subject to the prerogative of the Executive Mayor and / or Municipal Manager in deserving circumstances given the considerations of practicalities, safety or other documented merit.
 - The hotel quotes are to be sourced from those included on the National Treasury hotel group list, if applicable, and others the travel agents may

: H:Louisevs/Meyerton1/User/Policy conference arrangements/Revised 18/05/2016

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source from hotels/guest houses, depending on availability, locality and rates which could be lower.

- One extra travel day is allowed to local destinations and two days maximum for international travel is allowed when the conference, meeting or training commencement requires this: Provided that if the last day of a conference, meeting or training session ends after 16h00, accommodation may be arranged for that evening only on **PRIOR APPROVAL** by the Executive Mayor and/or Municipal Manager as appropriate.
- Where the delegate makes his/her own accommodation arrangements, the following will apply:
 - The delegate may elect to being issued the cheapest rand value of a bed and breakfast per night rate at the standard of an approved hotel quoted at the time of registration.
- It must be kept in mind that all expenses incurred must be in the best interest of Council.

3. TRANSPORT

Transport to and from the venues will be as follows, keeping in mind of the high population density and travel congestion in Gauteng, as well as all practicalities and safety factors that may apply to such trips:

- 3.1 Where the conference is within 120km radius of Midvaal (e.g. in Gauteng) no travel arrangements are applicable. Official transport may be used by officials not in travel bearing positions where the Municipal Manager has approved it based on all practical factors involved. Where no official transport is available, prior approval by the HOD is required to claim transport costs for using a private vehicle.

Kilometres may be claimed on submission of a completed and signed Travel Claim Form (attached hereto as **Annexure "3"**) on return and will be reimbursed as follows:

- Officials who receive a travel allowance will be reimbursed in the next payroll at the AA running cost.
- Employees who do not receive a travel allowance will be reimbursed in the next payroll at the rates approved by the National Department of Transport as updated from time to time.
- Councillors will be reimbursed according to the rates as set out in the relevant Gazette under the Public Office Bearers Act.
- Councillors and officials should make use of a shuttle service at conferences and similar gatherings/meetings if the cost of such a service is

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below the cost of hiring a vehicle and if practical.

- If a vehicle/s is/are hired, it should be done from a **Group B** or lower class/category, unless an upgrade is offered free of charge.
 - Vehicle travel claims by Councillors and employees of the municipality must be restricted to the actual distance travelled in excess of the normal distance from the Councillor or employee's residence to his or her place of work if the latter distance would have been travelled in any event or if it makes the claimed distance shorter.
- 3.2 Where the conference is out of the 120km radius of Midvaal (e.g. Cape Town, Kwazulu-Natal, etc) the following travel arrangements are applicable:

4. **AIR TRAVEL**

- Only economy class air tickets may be purchased for flights.
 - The air ticket quotes are to be sourced from the National Treasury "full service carriers" discounted list, if applicable, and others as may be sourced from other carriers, depending seat availability and rates which may be lower.
 - Please note that business class is not encouraged, however where a single flight exceeds 5 hours, consideration may be applied.
 - For car rental the same provisions as under Transport above will apply.
 - One extra travel day is allowed for local destinations and two days maximum for international travel are allowed when the conference, meeting or training commencement requires this: Provided that if the last day of a conference, meeting or training session ends after 16h00, accommodation may be arranged for that evening only on **PRIOR APPROVAL** by the Executive Mayor and/or Municipal Manager.
- 4.1 Where the delegate makes his/her own transport arrangements, the following will apply:
- * The delegate may elect to being issued the rand value of the cheapest plane ticket (Economy class) quoted at the time of registration.
 - * On discretion of the Municipal Manager the total rand value for the car hire may be equally divided amongst the delegates attending a conference should the car hire not be utilised and delegates arrange

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own travel.

OR

- * The delegate may drive/travel at own cost and claim the kilometres on submission of a completed and signed Travel Claim Form on return and officials will be reimbursed at the stipulated AA running or full cost (where applicable), whichever option is in the best interest of Council given all practicalities, cost and any other applicable factors as approved by the Municipal Manager in the case of officials or the Executive Mayor in the case of Councillors.
 - * Councillors will be reimbursed according to the rates as set out in the Gazette under the Public Office Bearers Act. Reimbursement will be on the next payroll. All toll fees and parking fees may be claimed as well. (Refer to payment principles.)
- 4.2 If official transport is approved by the HOD or Municipal Manager in circumstances where practicalities so dictate, no other transport payments may be made.

5. SUBSISTENCE ALLOWANCE

Allowances are payable as per Annexure 2.

6. GENERAL

- Expenditure in general will be reimbursed to Councillors and Officials on proof of actual costs subject to the approval of the Executive Mayor and/or Municipal Manager within the parameters of the remuneration of the Gazette under the Public Office Bearers Act and/or this or other Council policy.
- Councillors attending meetings arranged through SALGA, Sedibeng and Provincial Government as indicated in the approved Section 80 Committees, Mayoral Committees and Council Year Planner do not require prior approval.

A.S.A. DE KLERK
MUNICIPAL MANAGER

DATE

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MIDVAAL LOCAL MUNICIPALITY
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AUTHORISATION FOR ATTENDING A CONFERENCE/TRAINING

(ANNEXURE "1")

1 DESCRIPTION OF CONFERENCE OR TRAINING AND MOTIVATION FOR ATTENDANCE

NB!! Please complete the registration form and attach to this form together with a
COPY OF YOUR ID (as well as your companion's, if applicable).

2 CONFERENCE WILL BE HELD AT:

*

3 DATE OF CONFERENCE/TRAINING

*

SUPPORTED / NOT SUPPORTED

SIGNATURE: HEAD OF DEPARTMENT

4 RECOMMENDATION:

COUNCILLORS TO ATTEND : Please include

* your pay number for payment of your subsistence

OFFICIALS TO ATTEND : Please include

your pay number for payment of your subsistence

5 VOTE NUMBER TO BE USED:

*

APPROVED / NOT APPROVED

APPROVED / NOT APPROVED

CLLR B. BALOYI
EXECUTIVE MAYOR

MR A.S.A. DE KLERK
MUNICIPAL MANAGER

6 PREFERENCES:

HOTEL

FLIGHT (and preferred times):

Departure date and time

*

Return date and time

*

INDICATES MANDATORY FIELD

MIDVAAL LOCAL MUNICIPALITY
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AUTHORISATION FOR ATTENDING A CONFERENCE/TRAINING

(ANNEXURE "1B")

1 DESCRIPTION OF CONFERENCE OR TRAINING AND MOTIVATION FOR ATTENDANCE

- * Please complete the registration form and attach to this form together with a
COPY OF YOUR ID (as well as your companion's, if applicable).

2 CONFERENCE WILL BE HELD AT:

*

3 DATE OF CONFERENCE/TRAINING

*

SUPPORTED / NOT SUPPORTED

SIGNATURE: HEAD OF DEPARTMENT

4 RECOMMENDATION:

COUNCILLORS TO ATTEND : Please include

- * your pay number for payment of your subsistence

OFFICIALS TO ATTEND : Please include

your pay number for payment of your subsistence

5 VOTE NUMBER TO BE USED:

*

APPROVED / NOT APPROVED

APPROVED / NOT APPROVED

CLLR F.W. PETERS
OFFICE OF THE SPEAKER

MR A.S.A. DE KLERK
MUNICIPAL MANAGER

6 PREFERENCES:

HOTEL

FLIGHT: (SAA, BA, Kulula, 1Time, Mango)

Departure date and time

*

Return date and time

*

- * INDICATES MANDATORY FIELD

MIDVAAL LOCAL MUNICIPALITY
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MFMA Circular No 82

Table 1: Rates set for Domestic Hotel Accommodation

ANNEXURE "2"

Accommodation Grid			
Voucher Includes	BAND 1	BAND 2	BAND 3
	Room Only Tourism Levy VAT	Bed & Breakfast Tourism Levy VAT	Dinner, Bed and Breakfast Tourism Levy VAT 2 x soft Drink at Dinner
Graded Hotel	BAND 1	BAND 2	BAND 3
1 Star property	R 580.00	R 710.00	R 855.00
2 Star property	R 900.00	R 1 030.00	R 1 230.00
3 Star property	R 1 100.00	R 1 200.00	R 1 400.00
4 Star property	R 1 250.00	R 1 350.00	R 1 550.00
5 Star property	R 2 100.00	R 2 200.00	R 2 500.00
Bed & Breakfast or Guest house	BAND 1	BAND 2	BAND 3
1 Star property	-	R 180.00	R 270.00
2 Star property	-	R 250.00	R 350.00
3 Star property	-	R 400.00	R 520.00
4 Star property	-	R 600.00	R 750.00
5 Star property	-	R 800.00	R 975.00
S & T Allowance	BAND 1	BAND 2	BAND 3
Breakfast	R 120.00	-	-
Lunch	R 120.00	R 150.00	-
Dinner	R 150.00	R 150.00	-
Total as per TP	R 390.00	R 300.00	-
S&T Claims accepted based on Travel Policy, detail include Parking and Wi Fi Important Note: All other costs incurred are for the individuals account. Note: Consideration should be given to include such a table in policies.			



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NATIONAL TREASURY

NO. 120

16 FEBRUARY 2018

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 - MUNICIPAL COST CONTAINMENT REGULATIONS

In terms of section 169(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), draft regulations intended to be made in terms of section 168(1)(b) and (p) of that Act, as set out in Part A of the Schedule, are hereby published for public comment.

An explanatory memorandum regarding the draft regulations is in Part B of the Schedule.

All comment received by 30 March 2018 will be considered and should be emailed to MFMA@treasury.gov.za or faxed to 012 315 5230.

SCHEDULE

**PART A
DRAFT MUNICIPAL COST CONTAINMENT REGULATIONS
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2. Object of Regulations
3. Application of Regulations
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13. Other related expenditure items
14. Enforcement procedures
15. Disclosures of cost containment measures
16. Short title and commencement

Definitions

1. In these Regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context indicates otherwise, and—

“Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“consultant” means a professional person, individual, partnership, corporation, or a company appointed to provide technical and specialist advice or to assist with a design and implementation of projects or to assist a municipality or municipal entity perform its functions to achieve the objects of local government in terms of section 152 of the Constitution;

“cost containment” means measures implemented to curtail spending in terms of these regulations; and

“credit card” means a card issued by a financial service provider, which creates a revolving account and grants a line of credit to the cardholder.

Object of Regulations

2. The object of these Regulations, in line with section 62(1)(a), 78(1)(b), 95(a) and 105(1)(b) of the Act, is to ensure that resources of a municipality and municipal entity are used effectively, efficiently and economically by implementing cost containment measures.

Application of Regulations

3. These Regulations apply to all municipalities and municipal entities.

Cost containment policies

4. (1) Each municipality and municipal entity must revise or develop and implement a cost containment policy which must—
- (a) in the case of a municipality, be adopted by the municipal council, and in the case of a municipal entity, by the board of directors as part of its budget related policies; and
 - (b) be consistent with the Act and these Regulations.
- (2) The cost containment policy of a municipality or a municipal entity contemplated in sub-regulation (1) must—
- (a) be in writing;
 - (b) give effect to these Regulations;
 - (c) be reviewed annually, as may be appropriate;
 - (d) be communicated on the municipality's or municipal entity's website; and
 - (e) set out—
 - (i) measures for ensuring implementation of the policy;
 - (ii) procedures for the annual review of the policy; and
 - (iii) consequences for non-adherence to the measures contained therein.

Use of consultants

5. (1) A municipality or municipal entity may only appoint consultants if an assessment of the needs and requirements confirms that the affected municipality or municipal entity does not have the requisite skills or resources in its full time employ to perform the function.
- (2) An accounting officer must adopt a fair and reasonable remuneration framework for consultants taking into account the rates—
- (a) determined in the "Guideline on fees for audits undertaken on behalf of the Auditor-General of South Africa", issued by the South African Institute of Chartered Accountants;
 - (b) set out in the "Guide on Hourly Fee Rates for Consultants", issued by the Department of Public Service and Administration;
 - (c) as prescribed by the body regulating the profession of the consultant.
- (3) The tender documentation for the appointment of consultants must include a clause that the remuneration rates will be subject to negotiation, not exceeding the applicable rates mentioned in sub-regulation (2).
- (4) When negotiating cost-effective consultancy rates for international consultants, the accounting officer may take into account the relevant international and market-determined rates.
- (5) When consultants are appointed, an accounting officer must—
- (a) appoint consultants on a time and cost basis with specific start and end dates;
 - (b) where practical, appoint consultants on an output-specified basis, subject to a clear specification of deliverables and associated remuneration;
 - (c) ensure that contracts with consultants include overall cost ceilings by specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements;
 - (d) develop consultancy reduction plans; and
 - (e) undertake all engagements of consultants in accordance with the Municipal Supply Chain Management Regulations and the municipality's Supply Chain Management policy.

- (6) All contracts with consultants must include fee retention or penalty clause for poor performance.
- (7) A municipality or municipal entity must ensure that the specifications and performance, are used as a monitoring tool for the work to be undertaken and is appropriately recorded and monitored.
- (8) The travel and subsistence costs of consultants must be in accordance with the travel policy issued by the National Department of Transport, as updated from time to time.
- (9) The contract price must specify all travel and subsistence cost and, if the travel and subsistence costs for appointed consultants are excluded from the contract price, such costs must be reimbursed in accordance with the abovementioned travel policy of the National Department of Transport.

Vehicles used for political office-bearers

- 6. (1) The threshold limit for vehicle purchases relating to official use by political office-bearers may not exceed R700 000 or 70% of the total annual remuneration package for different grades, whichever is greater.
- (2) The procurement of vehicles must be undertaken using the national government transversal contract mechanism.
- (3) If any other procurement process is used, the cost may not exceed the threshold set out in sub-regulation (1).
- (4) Before deciding on another procurement process as contemplated in sub-regulation (3), the chief financial officer must provide the council with information relating to the following criteria which must be considered:
 - (a) status of current vehicles;
 - (b) affordability;
 - (c) extent of service delivery backlogs;
 - (d) terrain for effective usage of vehicle; and
 - (e) any other policy of council.
- (5) Regardless of their usage, vehicles for official use by public office bearers may only be replaced after completion of 120 000 kilometres.
- (6) Notwithstanding sub-regulation (5), a municipality or municipal entity may replace vehicles for official use by public office bearers before completion of one hundred and twenty thousand kilometres only in instances where the vehicle experiences serious mechanical problem and is in a poor condition, and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

Travel and subsistence

- 7. (1) An accounting officer—
 - (a) may only approve purchase of economy class tickets for officials where the flying time for the flights is five hours or less; and
 - (b) for flights exceeding five hours, may purchase business class tickets only for accounting officers, and persons reporting directly to accounting officers.
- (2) Notwithstanding sub-regulation (1), an accounting officer may approve the purchase of business class tickets for officials with disabilities.
- (3) The cost containment policy must limit international travel to meetings or events that are considered critical. The number of officials attending such meetings or events must be limited to those officials directly involved in the subject matter related to such meetings or events.
- (4) An accounting officer may approve accommodation costs that exceed an amount as determined from time to time by the National Treasury only—
 - (a) during peak holiday periods; or
 - (b) when major local or international events are hosted in a particular geographical area that results in an abnormal increase in the number of local and/or international guests in that particular geographical area.
- (5) Officials of a municipality or municipal entity must—
 - (a) utilise the municipal fleet, where viable, before incurring costs to hire vehicles;

- (b) make use of shuttle service if the cost of such a service is lower than-
 - (i) the cost of hiring a vehicle;
 - (ii) the cost of kilometres claimable by the employee; and
 - (iii) the cost of parking.
 - (c) not hire vehicles from a category higher than Group B or an equivalent class; and
 - (d) where a different class of vehicle is required for a particular terrain or to cater for the special needs of an official, seek the written approval of the accounting officer before hiring the vehicle.
- (6) Municipalities and municipal entities must utilise the negotiated rates for flights and accommodation, communicated by the National Treasury, from time to time, or any other available cheaper flight and accommodation.

Domestic accommodation

8. An accounting officer must ensure that costs incurred for domestic accommodation and meals are in accordance with the maximum allowable rates for domestic accommodation and meals, as communicated by the National Treasury, from time to time.

Credit cards

9. (1) An accounting officer must ensure that no credit card or debit card linked to a bank account of a municipality or a municipal entity is issued to any official or public office bearer, including members of the board of directors of municipal entities.
- (2) Where officials or public office bearers incur expenditure in relation to official municipal activities, such officials or public office bearers must use their personal credit cards or cash or arrangements made by the municipality or municipal entity, and request reimbursement from the municipality or municipal entity in accordance with the relevant municipality or municipal entity's policy and processes.

Sponsorships, events and catering

10. (1) A Municipality or municipal entity may not incur catering expenses for meetings which are only attended by persons in the employ of the municipality or municipal entity, unless the prior written approval of the accounting officer is obtained.
- (2) An accounting officer may incur catering expenses for hosting of meetings, conferences, workshops, courses, forums, recruitment interviews, and proceedings of council that exceed five hours.
- (3) Entertainment allowances of officials may not exceed two thousand rand per person per financial year, unless approved otherwise by the accounting officer.
- (4) An accounting officer may not incur expenses on alcoholic beverages.
- (5) An accounting officer must ensure that social functions, team building exercises, year-end functions, sporting events, budget vote dinners and other functions that have a social element are not financed from the municipality or municipal entity's budgets or by any suppliers or sponsors.
- (6) A municipality or municipal entity may not incur expenditure on corporate branded items like clothing or goods for personal use of officials, other than uniforms, office supplies and tools of trade, unless costs related thereto are recovered from affected officials.
- (7) An accounting officer may incur expenditure to host farewell functions in recognition of officials who retire after serving the municipality or municipal entity for ten or more years or retire on grounds of ill health, not exceeding the limits for petty cash usage.

Communication

11. (1) A Municipality or municipal entity must, as far as possible, advertise municipal related events on its website instead of advertising in magazines or newspapers.
- (2) An accounting officer must ensure that allowances to officials for private calls are limited to an amount as determined by the accounting officer in the cost containment policy of the municipality or municipal entity.

- (3) Newspapers and other related publication for the use of officials must be discontinued on expiry of existing contracts or supply orders.
- (4) A municipality or municipal entity must participate in the transversal term contract arranged by the National Treasury for the acquisition of mobile communication services.

Conferences, meetings and study tours

- 12. (1) An accounting officer must establish policies and procedures to manage application by officials to attend conferences or events hosted by professional bodies or non-governmental institutions held within and outside the borders of South Africa taking into account their merits and benefits, costs and available alternatives.
- (2) An accounting officer may consider appropriate benchmark costs with other professional bodies or regulatory bodies prior to granting approval for an official to attend a conference or event within and outside the borders of South Africa.
- (3) Such benchmark costs may not exceed an amount as determined by the National Treasury.
- (4) When considering applications from officials to attend conferences or events within and outside the borders of South Africa, an accounting officer must take the following into account—
 - (a) the official's role and responsibilities and the anticipated benefits of the conference or event;
 - (b) whether the conference or event addresses relevant concerns of the institution;
 - (c) the appropriate number of officials, not exceeding three officials, attending the conference or event; and
 - (d) availability of funds to meet expenses related to the conference or event.
- (5) The amount referred to in sub-regulation (3) above excludes costs related to travel, accommodation and related expenses, but includes—
 - (a) conference or event registration expenses; and
 - (b) any other expense incurred in relation to the conference or event.
- (6) When considering costs for conferences or events these may not include items, such as laptops, tablets and other similar tokens that are built into the price of such conferences or events.
- (7) The accounting officer of a municipality or municipal entity must ensure that meetings and planning sessions that entail use of municipal funds are, as far as may be practically possible, held in-house.
- (8) Municipal or provincial office facilities must be utilised for conference, meetings, strategic planning sessions, inter alia, where an appropriate venue exists within the municipal jurisdiction.
- (9) An accounting officer may consider granting approval, as contemplated in sub-regulation (4), for officials, and in the case of Councillors, the Mayor.
- (10) A municipality or municipal entity must, where applicable, take advantage of early registration discounts by granting the required approvals to attend the conference, event or study tour, in advance.

Other related expenditure items

- 13. (1) All commodities, services and products covered by a transversal contract concluded by the National Treasury must be procured through that transversal contract before approaching the market, to benefit from savings where lower prices or rates have been negotiated.
- (2) Municipal resources may not be used to fund elections, campaign activities, including the provision of food, clothing and other inducements as part of, or during election periods.

Enforcement Procedures

- 14. Failure to implement or comply with these Regulations may result in any official of the municipality or municipal entity, political office bearer or director of the board that authorised or incurred any expenditure contrary to these regulations being held liable for financial misconduct

as set out in Chapter 15 of the Act read with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

Disclosures of cost containment measures

15. (1) The disclosure of cost containment measures applied by the municipality and municipal entity must be included in the municipal in-year budget reports and annual costs savings disclosed in the annual report.
- (2) The measures implemented and aggregate amounts saved per quarter, together with the regular reports on reprioritisation of cost savings, on the implementation of the cost containment measures must be submitted to the Municipal Council for review and resolution. The municipal council can refer such reports to an appropriate Council Committee for further recommendations and actions.
- (3) Such reports must be copied to the National Treasury and relevant Provincial Treasuries within seven calendar days after the report is submitted to Municipal Council.

Short title and commencement

16. These Regulations are called the Municipal Cost Containment Regulations, 2018 and take effect on 01 July 2018.

PART B**EXPLANATORY MEMORANDUM ON DRAFT COST CONTAINMENT REGULATIONS INTENDED TO BE MADE IN TERMS OF LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003**

The wider implementation of the Local Government: Municipal Finance Management Act, 2003 (MFMA) in all municipalities and entities is an important element in the roll out strategy to modernise and improve financial management in local government. Linked to this strategy are the fundamental principles of effective and efficient utilisation of public resources in a transparent and accountable manner.

Despite the provisions in the MFMA and the reforms developed over the last 13 years to support the implementation of the MFMA, municipalities and municipal entities continue to spend public funds and municipal resources on non-priority items. More often than not this results in a diversion of public funds from core service delivery to other expenditures resulting in dissatisfaction by communities and delays in service delivery.

Government has therefore committed in the Medium Term Strategic Framework for 2014 – 2019 to urgently implement cost saving measures across all three spheres of government to assist in re-prioritizing expenditure and free up resources that can be targeted towards service delivery. These measures introduced are also intended to eliminate wastage of public resources on non-service delivery items. This will be undertaken through advocacy, strengthening the legal and policy prescripts and frameworks aimed at cost containment and ensuring the implementation thereof by municipalities and municipal entities.

The Minister of Finance has also pronounced during the February 2016 Budget Speech and the October 2016 Medium Term Budget Policy Statement that the National Treasury will issue regulations on cost containment measures for local government. The initial cost containment measures were introduced through MFMA Circular. Additional measures will also be taken to ensure a transparent tendering system by ensuring that value for money is attained through the revised procurement process. Similar measures have also been introduced in national and provincial government in terms of the Public Finance Management Act 1 of 1999.

Over the last 4 to 5 years, the Auditor-General's General Report on Local Government Audit Outcomes highlighted the extent of wastage of public resources. This was also observed through various publications in the print media and other government publications. Weak governance as well as the significant increase in the number of municipalities incurring unauthorised, irregular as well as fruitless and wasteful expenditure, were also highlighted as areas of concern.

Building on the MFMA Circular, the National Treasury in association with other stakeholders, have drafted regulations that will promote the cost containment measures introduced in a number of spending areas.

Section 168(1)(b) and (p) of the MFMA provides that the Minister may regulate financial management and internal control and generally, any other matter that may facilitate the enforcement and administration of the Act, respectively. The object of the draft Regulations is to ensure that the resources of municipalities and municipal entities are used effectively, efficiently and economically (regulation 2). The Regulations will apply to all municipalities and municipal entities (regulation 3).

Regulation 1 contains the definition of terms that are used in the regulations. Regulation 4 deals with the establishment of cost containment policies including the principles applicable to such policies.

Regulations 4 to 13 contain the actual cost containment measures to be implemented by municipalities and municipal entities. These measures include:

- Principles around appointment of consultants to perform municipal functions and assessment to be undertaken by municipalities and municipal entities before appointing consultants;

- Procurement of mayoral vehicles. The regulations introduce a ceiling in terms of the value of the vehicles to be procured and principles in terms of management of such vehicle by the municipalities and municipal entities;
- Travel and subsistence allowance. This section of the regulations provides the thresholds for purchasing air tickets and hiring of vehicles. The intention with this specific measure is to ensure that institutions actually realise the discounts which have been negotiated at National Government level. These thresholds will contribute towards institutions achieving cost savings on their travel and accommodation budgets;
- Prohibition on issuance of credit or debit cards linked to municipal bank accounts to officials or public office bearers;
- Prohibition on using municipal funds for specific functions which include, amongst others, spending on catering for internal meetings only attended by officials, and social, farewell or team building activities. This section also prohibits the utilisation of municipal funds on alcoholic beverages;
- The regulations also make it mandatory for institutions to procure vehicles, cell phone and other related assets via the transversal contract negotiated at National Government level. This will ensure that there are cost savings and benefits passed to municipalities on all such items;
- The regulations also introduce a monetary threshold for conference fees which include the attendance of both local and international conferences;
- The regulations are intended to reduce excessive spending on office furniture and equipment;
- Municipalities and municipal entities are also encouraged to ensure that proper processes are followed when dismissing and suspending officials, this minimise unnecessary legal costs. Institutions are also encouraged to manage their expenditure on leave and overtime benefits; and
- The regulations make it mandatory for municipalities to conduct threat assessments before approving any security measures for councillors or officials.

Regulation 4 introduces consequence management aspects for non-adherence to the regulations. Non-compliance with these measures must be investigated for financial misconduct in terms of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

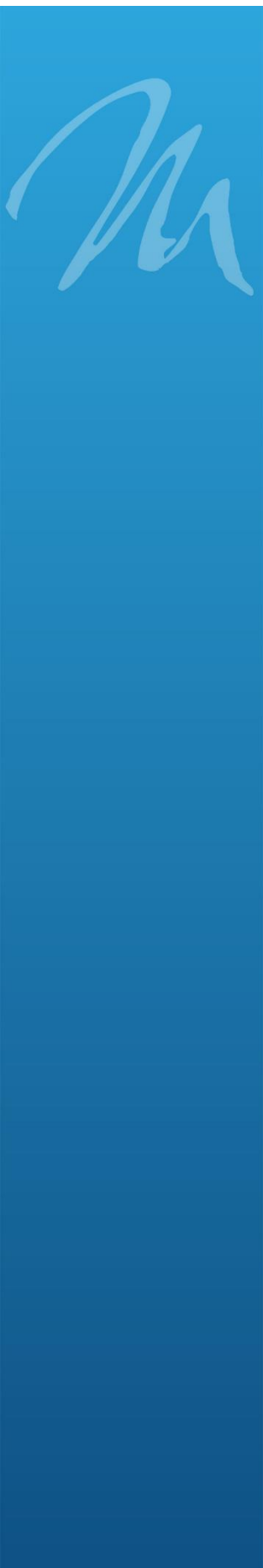
Regulation 5 provides the framework for disclosure of actual cost savings achieved by institutions in their annual reports, this improve transparency.

Regulation 6 contains the short title and the commencement date of the regulations.

These draft regulations therefore propose to provide a framework that is consistent with the provisions of the MFMA. The effective implementation of the regulations is intended to ensure that municipalities and municipal entities achieve value for money in utilising public resources to deliver municipal services. It is the intention that the Regulations would become effective on 01 July 2018.

Comments received during the consultation process will be considered and processed with a view to addressing any shortcomings.

Annexure AE
Billing Policy
2025/2026



BILLING POLICY

2025/2026 FINANCIAL YEAR



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1. DEFINITIONS

“Accounting Officer” means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

“Actual Consumption” means the measured consumption by a customer of a municipal service.

“Applicable Charges” means the rate (including the cent in the rand for property rates) charges, tariffs or subsidies determined by council.

“Annually” means once every financial year.

“Arrangement” means a written agreement entered into between the Municipality and the customer where specific repayment terms are agreed to. Such arrangements do not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act but is deemed to be Incidental Credit as envisaged in terms of section 4(6)(b) read with section 5(2) and (3) of the National Credit Act.

“Arrears” means those property rates (rates) and service charges that have not been paid by the due date and for which no arrangement has been made.

“Authorised Representative” means a person or delegated person legally appointed by the Municipality to act or to fulfill a duty on its behalf.

“Availability Charges” means a fixed monthly or annual charge levied against the account holder which is based on the cost for providing a municipal service to the premises of the account holder.

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

“Billing” refers to the process of charging for service provided by issuing accounts.

“Billing Date” means the date upon which the monthly statement is generated and debited to the customer's account.

“Business and Commercial Property” means -

- property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- property on which the administration of the business of private or public entities take place.

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

"Chief Financial Officer" means the person appointed as the Chief Financial Officer or the person appointed to act in the position of Chief Financial Officer of the Municipality, or his or her nominee.

"Consolidated Account" means an account which is a consolidation of any separate accounts of a person who is liable for payment to the Municipality.

"Council" means the Council of the Midvaal Local Municipality.

“Councillor” shall mean a member of the Council of the Midvaal Local Municipality.

“Connection” means the point at which a customer gains access to municipal services.

"Customer" means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying municipal services to, or if no occupier can be identified or located, then the owner of the premises.

“Disconnections” means interrupting the supply of water and electricity to a debtor as a result for non-payment of an account or outstanding Consumer Deposit.

“Defaulter” means any person who fails to make payment to the municipality by the due date. owes arrears to the Municipality.

“Delivery Date” shall mean the date on which the periodic account is delivered to the customer or 3 days after the date on which the account was posted, or one day after the account being sent by electronic mail, whichever is the first.

“Domestic Customer or User” of municipal services means a customer who occupies a dwelling, structure or premises primarily for residential purposes.

“Due Date” in relation to rates and services -

(a) rates due in respect of any immovable property, means: -

- (i) the date for payment indicated on the account,
- (ii) in the case where rates and services are levied on a monthly basis, the due date shall always be the 7th of each month.

“Dwelling” means a building, structure or place of shelter to live in or conduct business from.

“Electricity Charges” means service charges in respect of the provision of electricity.

“Executive Mayor” means the Executive Mayor of the municipality.

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

“Indigent Customer” means the head of an indigent household: -

- (a) who makes application for indigent support in terms of Council's Indigent Policy on behalf of all members of his or her household.
- (b) who applied for and has been declared indigent in terms of Council's Indigent Policy for the provision of services from the Municipality; and

“Indigent Policy” means the Indigent Policy adopted by the Council of the Municipality.

“Indigent Program” means a structured program for the provision of indigent support subsidies to qualifying indigent customers in terms of the Council's Indigent Policy.

“Illegal Connection” means a connection to any system through which a municipal service is provided and that is not authorised or approved by the municipality.

"Interest" means a charge levied with the same legal priority as service fees and calculated at a rate determined by council from time to time.

“Municipal Tariff” shall mean a tariff for services which the Municipality may set for the provision of a service to the local community and may include a surcharge on such service.

“Tariffs for major services and minor tariffs” shall mean tariffs set for the supply and consumption or usage of electricity, water, sewerage and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the Municipality in respect of other services supplied including services incidental to the provision of the major services.

“Normal Office Hours” means the hours when the Chief Financial Officer’s offices are open to the public from Mondays to Fridays, excluding public holidays, Saturdays and Sundays.

“Owner” in relation to immovable property means -

- (a) the person in whom is vested the legal title thereto provided that:-
 - (i) the lessee of immovable property which is leased for a period of not less than thirty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
 - (ii) the occupier of immovable property occupied under a service servitude or right analogous thereto, shall be deemed to be the owner thereof;
- (b) if the owner is deceased or insolvent or has assigned his or her estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, shall be deemed to be the owner thereof.

“Person” means a natural and juristic person, including any department of state, statutory bodies or foreign embassies.

“Service Delivery Agreement” means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

"Sundry Customer Accounts" means accounts raised for miscellaneous charges for services provided by the Municipality or charges that were raised against a person as a result of an action by a person, and were raised in terms of Council's policies, by-laws and decisions.

“Tampering and bypassing” means unauthorised reconnection of a supply that has been disconnected for non-payment, the interference with the supply mains or bypassing of the metering equipment.

2. ABBREVIATIONS

AO	Accounting Officer
CFO	Chief Financial Officer
EM	Executive Mayor
MFMA	Municipal Finance Management Act 56 of 2003 (as amended)
MPRA	Municipal Property Rates Act 6 of 2004 (as amended)
MSA	Municipal Systems Act 32 of 2000 (as amended)
NCA	National Credit Act 34 of 2005 (as amended)
VAT	Value Added Tax Act 89 of 1991 (as amended)
IBT	Inclining Block Tariff

3. PREAMBLE

Whereas section 152 (1) (b) of the Constitution of the Republic of South Africa Act 108 of 1996 (*the Constitution*) provides that one of the objects of local government is to ensure that the provision of services to communities occurs in a sustainable manner;

And whereas section 4 (1) (c) of the Local Government: Municipal Systems Act 32 of 2000, as amended (*the Systems Act*) provides that the Council of a Municipality has the right to finance the affairs of the Municipality by charging fees for services, imposing surcharges on fees, rates on property and, to the extent authorised by national legislation, other taxes, levies and duties;

And whereas section 5 (1) (g), read with subsection (2) (b) of the Systems Act provides that members of the local community have the right to have access to municipal services which the municipality provides, provided that, where applicable and subject to the policy for indigent customers, pay promptly for services charges levied, surcharges on fees, other taxes, levies and duties imposed by the municipality;

And whereas Chapter 9, sections 95, 96, 97, 98, 99 and 100, of the Systems Act provides for Customer Care Management, and the responsibility for Debt Collection of the Municipality, contents of the policy, by-laws that give effect to the policy, Supervisory authority and Implementing authority, respectively.

Now therefore the Municipal Council of Midvaal Local Municipality adopts the following policy regarding Billing of Services to Customers.

4. OBJECTIVE OF THE POLICY

Section 95 of the Local Government: Municipal Systems Act, 32 of 2000 (hereinafter referred to as the MSA) requires the Municipality to:

- 4.1 establish a sound customer management system;
- 4.2 establish mechanisms for users of services and ratepayers to give feedback to the municipality regarding the quality of services;

- 4.3 take reasonable steps to ensure that users of services are informed of the costs of service provision, the reason for the payment of service fees, and the manner in which monies are utilised;
- 4.4 take reasonable steps to ensure the accurate measurement of consumption of services;
- 4.5 ensure the receipt by persons liable for payments of regular and accurate accounts that indicate the basis for calculating the amounts due;
- 4.6 provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow for prompt redress for inaccurate accounts;
- 4.7 provide accessible mechanisms for dealing with complaints, prompt replies and corrective action;
- 4.8 provide mechanisms to monitor response times to such complaints;
- 4.9 provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

5. UNDERLYING PRINCIPLES OF THIS POLICY

The principles of Billing in the Municipality are to ensure that:-

- 5.1 The administrative integrity of the Municipality must be maintained at all times.
- 5.2 This policy must have the full support of Council.
- 5.3 Councillors must have full knowledge of the implementation and enforcement of the policy.
- 5.4 Customers must be informed of the contents of this policy.

- 5.5 Customers must apply for services from the Municipality by the completion of the prescribed application form.
- 5.6 A person liable for property rates and consumption levies must furnish the municipality with an address where correspondence can be directed to and remains his / her responsibility to enquire with the municipality if the account is not rendered
- 5.7 Customers must receive regular and accurate accounts that indicate the basis for calculating the amounts due. The customer is entitled to have the details of the account explained upon request.
- 5.8 Customers must pay their accounts regularly on or before the due date.
- 5.9 Customers are entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 5.10 Customers are entitled to an efficient, effective and reasonable response to appeals, and should not suffer any disadvantage during the processing of a reasonable appeal.
- 5.11 Debt collection action will be instituted promptly, consistently, and effectively without exception and with the intention of proceeding until the debt, including the cost of collection, is recovered.
- 5.12 All tariffs to calculate Property Rates, Electricity and Water consumption, Sewer and Refuse collection charges are determined annually, approved by Council and contained in the Tariff booklet produced by the Municipality.

6. LEGISLATIVE FRAMEWORK

The legal framework central to Billing and the functioning of municipalities is contained in various pieces of legislation, some of which is briefly outlined in the section to follow.

6.1 Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

The Constitution of the Republic of South Africa, 1996, (Act 108 of 1996), is the supreme law of the Republic, any law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled. The right to sufficient water and appropriate assistance where one is unable to support them and their dependents is enshrined in the Constitution. In this instance the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights.

The objectives of local government are set out in Section 152 of the Constitution and include:

- 6.1.1 providing a democratic and accountable government for local communities;
- 6.1.2 provision of services to communities in a sustainable manner;
- 6.1.3 promoting social and economic development;
- 6.1.4 promoting a safe and healthy environment; and
- 6.1.5 encouraging the involvement of communities and community organisations in the matters of local government.

Furthermore, a municipality must achieve these objectives within its financial and administrative capacity. It is therefore within the powers and functions of a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of a municipality as it aims to achieve its objective of providing services to communities in a sustainable manner.

6.2 Electricity Regulation Act, 2006 (4 of 2006)

The Electricity Regulation Act, 2006 (4 of 2006) prohibits a municipality (licensee) from reducing or terminating the supply of electricity unless;

- 6.2.1 the customer is insolvent,
- 6.2.2 the customer has failed to honour, or refuses to enter into, an agreement for the supply of electricity; or
- 6.2.3 the customer has contravened the payment conditions of that licensee.

As such, the municipality must ensure that it enters into service agreements with its customers for the supply of services, including electricity, and that these agreements clearly spell out the service and payment terms and conditions which the customer will be subject to.

6.3 Water Services Act, 1997 (Act 108 of 1997)

The main objective of this Act is to provide for the right of access to “basic water supply” and “basic sanitation” necessary to ensure sufficient water and an environment not harmful to health or well-being. The responsibility lies on the municipality as a water services authority to take reasonable measures to realise these rights.

Basic water supply refers to the prescribed minimum standard of water supply services necessary to support life and personal hygiene. A municipality cannot deny any person access to basic water services due to non-payment, where that person proves, to the satisfaction of the municipality, that they are unable to afford to pay for basic services. The implication for municipalities is that they cannot disconnect or discontinue services beyond the basic water supply as defined but may limit/restrict the flow of water to a property.

6.4 Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

The Municipal Finance Management Act (Act 56 of 2000) places responsibility on the Municipal Manager as the Accounting Officer to ensure that a municipality has and implements a Credit Control and Debt Collection Policy. As an Accounting Officer, the Municipal Manager is also responsible for the management of the revenue of the municipality and is under obligation to take all reasonable steps to ensure that the municipality has effective revenue collection systems consistent with Section 95 of the Municipal Systems Act and the municipality’s Credit Control and Debt Collection Policy. Further that the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies.

6.5 Local Government: Municipal Structures Amendment Act, (Act 117 of 1998 as amended)

The Municipal Structures Act 117 of 1998 sets out the powers and function of municipalities where District Municipalities were tasked with the supply of potable water, bulk electricity, sewerage and waste disposal. With the **Municipal Structures Amendment Act, 2000 (Act 33 of 2000)**, these functions are now performed by both the District and Local Municipalities based on the locality of the municipality.

6.6 Local Government: Municipal Property Rates Act,(Act 6 of 2004) as amended

The Act aims to regulate the powers of municipalities to impose rates on property. As required by the Act, the council of a municipality must adopt a rates policy and pass bylaws to enable the municipality to levy rates on all rate-able properties in its area as required.

The owner of a property is liable for the payment of a rate levied by a municipality on the property, subject to the municipality's Credit Control and Debt Collection Policy. The municipality may recover any unpaid rates on the property from the tenant, occupier or agent of the owner after serving them with a written notice. This is irrespective of any contractual obligation that might exist with the owner and is limited to the rent or money due and payable.

6.7 Municipal By-laws

Section 160(4) of the Constitution provides that no bylaw may be passed by a Municipal Council unless all the members of the Council have been given reasonable notice; and the proposed bylaw has been published for public comment.

Only once the by law has been published in the official gazette of the relevant province can it be enforceable.

Where there are no changes to the bylaws, there is no need for it to be published in the official gazette of the relevant province.

Further, Section 90 of the Municipal Systems Act requires municipalities to adopt credit control and debt collection bylaws in order to give effect to the policy and to give the municipality

legislative powers to enforce the policy. These bylaws may differentiate between categories of ratepayers, user of service, debtors, taxes, services, service standards and other matters, as long as the differentiation does not amount to unfair discrimination.

6.8 Local Government: Municipal Systems Act (Act 32 of 2000)

The Act requires a municipality to collect all money due and payable to it, and in so doing a municipality must adopt, maintain and implement a credit control and debt collection policy. A municipality is empowered by the Act 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 subject to the provisions of the National Credit Act. The Act further outlines the contents required of a municipal credit control and debt collection policy.

7. SUPERVISORY AUTHORITY

7.1 As provided by section 99 of the Systems Act, the Executive Mayor of the municipality is responsible for overseeing and monitoring:

7.1.1 The implementation and enforcement of this policy; and

7.1.2 The performance of the Municipal Manager in implementing this policy.

7.2 The Executive Mayor shall at least once a year cause an evaluation or review of this policy and the by-law to be performed, in order to improve the efficiency of the municipality's Billing processes and procedures, as well as the implementation of this policy.

8. IMPLEMENTING AUTHORITY

8.1 As contemplated in Section 100 of the Systems Act, the Municipal Manager: -

8.1.1 Implements and enforces the Billing policy.

8.1.2 Must establish effective administration mechanisms, processes and procedures to

bill amounts that are due and payable to the Municipality.

- 8.1.3 Where necessary make recommendations to the Executive Mayor with the aim of improving the efficiency of the billing mechanisms, processes and procedures.
- 8.1.4 Establish effective communication between the Municipality and account holders with the aim of keeping account holders abreast of all decisions by Council that may affect account holders.
- 8.1.5 Establish customer service centres, located in such communities as determined by the Municipal Manager.
- 8.1.6 Convey to account holder's information relating to the costs involved in service provision, and how funds received for the payment of services are utilised and may where necessary employ the services of local media to convey such information.
- 8.2 The Municipal Manager may, in writing, delegate any of the powers entrusted or delegated to him or her in terms of Council's Billing policy to the Chief Financial Officer.
- 8.3 A delegation in terms of subsection (2): -
 - 8.3.1 Is subject to any limitations or conditions that the Municipal Manager may impose;
 - 8.3.2 May authorise the Chief Financial Officer in writing, to sub-delegate duties and responsibilities to the Director Income.
 - 8.3.3 The delegation does not divest the Municipal Manager of the responsibility concerning the exercise of the delegated power.
- 8.4 The Chief Financial Officer is accountable to the Municipal Manager for the implementation, enforcement and administration of this policy, and the general exercise of his powers in terms of this policy.
- 8.5 The Director Income shall be accountable to the Chief Financial Officer for the sections of this policy delegated to the Director Income in terms of the MFMA section 82.

9. APPLICATION FOR THE PROVISION OF MUNICIPAL SERVICES

- 9.1 A customer who requires the provision of municipal services must apply for the service from the Municipality. The application must be made on the prescribed form.
- 9.2 The application for the provision of municipal services must be made by the registered owner of immovable property. An applicant can apply for the connection of services (water and electricity) without approved building plans.
- 9.3 The Municipality will not entertain an application for the provision of municipal services by a tenant of a property, or any other person who is not the owner of the property. The only exception will be: -
- 9.3.1 Individuals and Businesses with lease agreements to lease properties from the Municipality;
- 9.3.2 Government Departments;
- 9.3.3 Body Corporates who take the responsibility for the payment of basic water, basic sewer and refuse removal services on behalf of the individual sectional title owners; and
- 9.3.4 Approved Indigent Customers for the purposes of registering and allocating the applicable subsidy to qualified indigent customers who will be allowed to open an account in the name of the lessee of the property.
- 9.4 In case of existing arrangements where tenants have existing accounts, and the tenant is guilty of non-payment, the owner will be liable for the outstanding debt, except where the property concerned is owned by the Municipality.
- 9.5 In terms of section 102(3) of the Municipal Systems Act the Municipality must provide an owner of a property in its jurisdiction with copies of accounts sent to the occupier of the property for municipal services supplied to such a property if the owner requests such accounts in writing from the Municipality.

- 9.6 An agent may with a proxy open an account in the name of the owner.
- 9.7 The application for the provision of municipal services must be made in writing on the prescribed application form that is provided by the Municipality.
- 9.8 By completing the prescribed application form for the provision of municipal services the consumer of services enters into an agreement with the Municipality. Such agreement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act (NCA) but shall be incidental credit as envisaged in terms of section 4(6)(b) of the NCA, to which the NCA will only apply to the extent as stipulated in section 5 of the NCA.
- 9.9 The agreement with the Municipality makes provision for the following:-
- 9.9.1 An undertaking by the occupier or the owner that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on the attorney and client scale;
- 9.9.2 An acknowledgement by the occupier or the owner that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account;
- 9.9.3 That the onus will be on the occupier or the owner to ensure that he or she is in possession of an account before the due date; and
- 9.9.4 An undertaking by the Municipality that it shall do everything in its power to deliver accounts timeously.
- 9.10 The application for the provision of municipal services shall be made at least fourteen (14) days prior to the date on which the services are required to be connected.
- 9.11 On receipt of the application for provision of municipal services, the Municipality will cause the reading of metered services linked to the property to be taken on the working day after the application.

- 9.12 The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.
- 9.13 In case of new buildings being erected and a connection is made for the first time to the main service lines the metering and levying of services actually consumed or received will take place as follow: -
- 9.13.1 Charges for sewer will be levied with effect from the date when the property is registered in the deeds office and a connection is available.
- 9.13.2 a. Refuse removal charges will be levied with effect from the date of the Occupancy Certificate issued by the Building Control Section.
b. If it was found that the property is occupied irrespective of the structure type, refuse charges will be levied.

10. DEPOSITS AND GUARANTEES

- 10.1 At the time of registration as a customer, a deposit will be required based on the criteria set by the Chief Financial Officer from time to time.
- 10.2 The Chief Financial Officer may accept an irrevocable bank guarantee in lieu of a deposit on application for the provision of municipal services at his / her own discretion and in exceptional cases in pursuance of local economic development.
- 10.3 Existing customers moving to a new address are required to pay the prescribed customer deposit on application for the provision of municipal services at the new address.
- 10.4 Guarantees less than R100 000 in lieu of a cash deposit will no longer accepted.
- 10.6 Deposits levied not paid within a three (3) month period after being levied will result in disconnection of the services until such time the deposit has been paid or for not

submitting the relevant supporting document.

- 10.7 On termination of the supply of services the amount of the deposit less any payment due to the Municipality will be refunded to an account holder, provided that payments due are less than the deposit paid, and that the account holder has provided a forwarding address.
- 10.8 No interest will be paid on any deposit held by Council
- 10.9 Review of the Deposits
 - 10.9.1 The minimum amount for all new deposits shall be reviewed annually with the review of the tariffs.
 - 10.9.2 If the customer poses a credit risk, the value of the original deposit paid or a guarantee held may be reviewed from time to time by the Chief Financial Officer.
 - 10.9.3 The deposit on an account may be reviewed when:
 - 10.9.3.1 The account is paid after the due date
 - 10.9.3.2 Payment by negotiable instrument or direct debit, is dishonoured
 - 10.9.3.3 There is an increase in consumption of services
 - 10.9.3.4 On applying for any new services connection, the account must be paid up to date before any connection will be done.

11. ACCOUNTS AND BILLING

- 11.1 The Municipality shall provide all customers with a monthly consolidated account for municipal service rendered as per Section 102 of the Municipal Systems Act, Act 32 of 2000. .
- 11.2 The monthly consolidated account can include property rates charges, in which case the account shall comply with section 27 of the Municipal Property Rates Act 6 of 2004.

- 11.3 All accounts rendered by the Municipality shall be payable on the due date.
- 11.4 Account balances which remain unpaid after 30 days from the delivery date of the account shall attract interest on arrears, irrespective of the reasons for non-payment.
- 11.5 All accounts are payable as above regardless of the fact that the customer has not received the account, the onus being on the customer to obtain a copy of the account before the due date.
- 11.6 Accounts will be rendered using either one of the following channels ;
- 11.6.1 Conventional postal services,
 - 11.6.2 Hand delivery at the premises
 - 11.6.3 By means of an email if so requested by the customer or
 - 11.6.4 By means of Multimedia system (MMS) if the account holder is registered for such a service

12. PROPERTY RATES

- 12.1 Property Rates shall be billed annually and maybe recovered annually or monthly, as determined by the Municipality.
- 12.2 Property rates which are billed and recovered annually shall be billed in the July account of each year.
- 12.3 Property rates for a specific financial year may be recovered in twelve monthly instalments to assist its customers.
- 12.4 Property rates may be paid in full at the beginning of the financial year or settled over a period which does not exceed twelve months

13. ELECTRICITY

- 13.1 The provisions of this policy, in respect of the supply of electricity to a customer, shall constitute the payment conditions of the Municipality as licensee, contemplated in section 21(5) of the Electricity Regulation Act 4 of 2006.
- 13.2 Service charges in respect of electricity shall be determined in accordance with metered consumption.
- 13.3 Monthly accounts shall be rendered for electricity consumption and the customer shall effect payment thereof by the due date.

14. WATER CHARGES

- 14.1 The provisions of this policy, in respect of the supply of water to a customer, shall constitute the payment conditions of the Municipality as water services authority and water services provider, contemplated in sections 4 and 21 of the Water Services Act 108 of 1997.
- 14.2 Service charges in respect of water shall be determined in accordance with metered consumption.
- 14.3 Monthly accounts shall be rendered for water consumption and the customer shall effect payment thereof by the due date.

15. REFUSE AND SEWER CHARGES

- 15.1 Monthly accounts shall be rendered for Refuse and Sewer charges

16. SUNDRY CUSTOMER ACCOUNTS

- 16.1 Sundry customer accounts may be rendered by the Municipality from time to time.

- 16.2 Any sundry customer account may be included in the monthly consolidated account produced by the Municipality in terms of section 102 of the Municipal Systems Act, 32 of 2000,

17. FINAL ACCOUNTS

- 17.1 Upon receipt of a customer's application for the termination of municipal services, the Municipality shall: -
- 17.1.1 Take final readings in respect of metered municipal services;
- 17.1.2 Prepare and render a final account;
- 17.1.3 Appropriate the customer deposit towards the reduction or settlement of any outstanding amount owed by the customer; and
- 17.1.4 Return the customer deposit to the customer in the event that all amounts owing to the municipality have been settled in full.
- 17.1.5 The water and / or electricity services will be disconnected with a final reading taken until such time the new owner signs a new services agreement.

18. METERING OF MUNICIPAL SERVICES

- 18.1 The Municipality may introduce various types of metering equipment and options and may encourage customers to convert to a system which is preferred by the Council when Council considers this to be beneficial to its functioning and operations.
- 18.2 Electricity and water consumption is measured with conventional and prepayment meters.
- 18.3 Customers may apply to Council for the installation of a prepaid electricity or water meter in place of a conventional meter at the cost of the customer, subject to the account of customer being paid in full and the availability of stock.

- 18.4 Where a customer has successfully applied for indigent status the conventional meter for electricity and water will be changed to a prepaid electricity and/or water meter at the cost of the Council.
- 18.5 The following applies to the reading of conventional meters: -
- 18.5.1 Conventional electricity and water meters are read in cycles of approximately 30 days.
- 18.5.2 If for any reason the conventional electricity and water meters cannot be read, the Municipality will render an account based on interim consumption. The interim amount will be based on an individual customer's consumption of the previous months' consumption.
- 18.5.3 Interim consumption will be allowed subject to escalating it monthly by 10% or as prescribed.
- 18.5.4 The amount based on interim consumption will be adjusted in a subsequent account based on the actual consumption.
- 18.5.5 The customer is responsible to ensure unhindered access to metering equipment for the purposes of obtaining the meter readings for billing purposes.
- 18.5.6 Customers can, for reasons of non-accessibility to their properties by meter readers, provide the Municipality with monthly meter readings for billing purposes. Customers can phone in or email the above information to billing personnel with their readings and a photo will be compulsory with the meter number and the reading clearly visible
- 18.5.7 Should the customer fail to provide the municipality with the meter readings, the meter number and the photo of the meter, the following will apply;
- (a) A letter requesting access to the meter will be hand delivered or left at the gate by the premises.
 - (b) If the municipality does not receive readings as requested within seven (7) days then the service will be terminated until the requested information is provided to

the municipality.

18.5.8 If any calculation, reading or metering error is discovered, or an actual meter reading is obtained in cases where the Municipality did not have access to the meter, in respect of any account rendered to a customer: -

18.5.8.1 The error shall be corrected or the adjustment made in the subsequent account;

18.5.8.2 Any such correction / adjustment in favour of Council may apply in respect of an account from a date no more than 3 years for municipal services from the date on which the error on the account was discovered or the adjustment were done. All interims levied during this period will be reversed.

18.5.8.3 any such correction / adjustment in favour of the customer may apply in respect of an account from a date no more than 3 years for municipal services from the date on which the error on the account was discovered or the adjustment were done.

18.5.8.4 The correction shall be based on the tariffs applicable during the period in which the error occurred.

18.5.9 Any water leakage within the property of the customer (consumer's side of the meter) will be the responsibility of the customer and the customer will be liable for the payment of the water that has leaked.

18.6 The following applies to prepayment metering: -

18.6.1 Prepayment electricity and water is purchased at prepayment vending points for consumption after the date of purchase.

18.6.2 Amounts tendered for the purchase of prepayment electricity and water will not be refunded after the prepayment meter voucher has been produced.

18.6.3 On request of the customer, copies of the previous prepayment meter vouchers will be produced. Lost vouchers will not be replaced under any circumstances.

- 18.6.4 Credits remaining in the prepayment meter will not be refunded when the premises are vacated by a customer.
- 18.6.5 The Municipality shall not be liable for the reinstatement of credit in a prepayment meter due to tampering with, or the incorrect use or abuse, of prepayment meters.
- 18.6.6 The Municipality may appoint vendors for the sale of prepaid electricity and water vouchers but does not guarantee the continued operation of any vendor.
- 18.6.7 The Municipality may apply all the debt collection functions available on the prepayment system to collect all arrear debt on the account of the customer.
- 18.6.8 The municipality reserves the right to allocate a proportion of the prepayment amount towards any other arrears that remain owing to the municipality.

The amount that may be deducted for the 2025-2026 financial year and allocated towards other arrears will remain at 60%

19. PAYMENT OF ACCOUNTS

19.1 All accounts rendered by Midvaal Local Municipality shall be payable by no later than the 7th of each month.

19.1 The Municipality has established the following accessible Pay Points and other mechanisms for settling accounts:

Direct Deposits towards Midvaal Local Municipality's Bank Account

Various Cashier Pay Points.

Third Party payments such as:

- EasyPay
- Post Office
- Pick 'n Pay
- Checkers
- Shoprite

19.2 Account balances which remain unpaid after 30 days from the due date shall attract interest on arrears irrespective of the reason for non-payment.

19.3 All accounts are payable by the due date regardless of the fact that the customer may not have received the account; the onus being on the customer to obtain a copy or the balance on the account before the due date.

19.4 Payments received in respect of rates and service charges will be allocated by the CFO of Midvaal Local Municipality entirely within his or her discretion, on the account of the customer.

20. INTEREST ON ARREAR DEBT

20.1 Interest charges will be raised on all amounts that remain unpaid for longer than 30 days from the due date. Interest will be charged at Prime Rate plus 2%

20.2 The interest rate is determined by the Chief Financial Officer and is reviewed annually

with the review of the Sundry Tariffs. Interest shall accrue for each completed month in respect of any amounts unpaid after 30 days of the due date. A part of a month shall be deemed to be a completed month.

20.3 Payments on assessed / estimated charges, where the final amount has not been determined but which would have been due and payable had the amount been determined, shall attract interest from the date when it would have been so due and payable, i.e. 30 days from the due date of the account.

20.4 Interest may only be reversed under the following circumstances:

20.5 If the Municipality has made an administrative error on the account

20.6.1 Where the Chief Financial Officer approves such reversal from time to time in terms of interest waiver scheme.

21. DISPUTES AND APPEALS

21.1 In this policy “dispute” refers to the instance when a debtor questions the correctness of any account rendered by the Municipality with the Municipal Manager as per the process in sub-item (2) below.

21.2 In order for a dispute to be registered with the municipality, the following procedures must be followed:

21.2.1 By the customer

21.2.1.1 The dispute must be submitted in writing

21.2.1.2 No dispute will be registered verbally whether in person or over the telephone.

21.2.1.3 The customer must furnish full personal particulars including all account numbers held with the Municipality, direct contact telephone number, fax-number, postal and e-mail addresses and any other relevant particulars required by the municipality.

21.2.1.4 The full nature of the dispute must be described in the correspondence referred to above.

21.2.1.5 The onus will be on the debtor to ensure that he receives a written acknowledgement of the dispute.

21.2.1.6 The debtor will remain liable for the payment of the amount(s) that are not in dispute, on or before the due date for the account rendered.

21.2.2 By the Municipality:

21.2.2.1 On receipt of the dispute the following actions are to be taken:

21.2.2.2 A written acknowledgement of the receipt of the dispute must be provided to the debtor.

21.2.2.3 The amount payable by the debtor for the specific month of the dispute and inform the debtor that all accounts thereafter must be paid in full.

21.2.2.4 Specify the time to resolve the dispute - disputes must be resolved within 3 (three) months

21.2.2.5 The dispute must be registered in a dispute register

21.2.2.6 Inform the Debt Collection Department of the dispute

21.2.2.7 Ensure that all relevant information received is rectified accordingly on the financial system

21.2.2.8 Conduct checks or follow-ups on the progress of all disputes

21.3 The following provisions apply to the consideration of disputes:

21.3.1 All disputes must be concluded by the Municipal Manager or delegated official

- 21.3.2 The Municipal Manager's or the delegated official's decision is final and will result in the immediate implementation of any debt collection and credit control measures provided for in this Policy after the debtor is provided with the outcome of the appeal.
- 21.3.3 The same debt will not again be defined as a dispute in terms of this paragraph and will not be reconsidered as the subject of a dispute.
- 21.3.4 Should the debtor not be satisfied with the outcome of the dispute; a debtor may lodge an appeal in terms of section 62 of the Systems Act.
- 21.4 The Municipality reserves the right to declare a dispute on any account as may be deemed necessary.
- 21.5 Any customer may appeal to the Council against the accuracy of an amount reflected in a particular account within one month after receiving the account
- 21.6 Appeals are made by way of written representation to the Council
- 21.7 In the event of a customer alleging that any meter, measuring device or service connection is defective or inaccurate, the Council may arrange for the meter, measuring device or service connection to be inspected and tested. Should the meter, measuring device or service connection prove not to be defective or inaccurate by more than 5%, the costs of carrying out the inspection and test are to be borne by the customer who requested the inspection and test.
- 21.8 Out of court settlement offers by debtors against whom legal action is pending can be considered after consultation with Councils legal representatives, if it is in the best financial interest of the Council.

22. PRIMA FACIE EVIDENCE

- 22.1 A certificate endorsed by the municipal manager, reflecting the amount due and payable to the Municipality, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

23. POWER OF ENTRY AND INSPECTION

- 23.1 For any purpose related to the implementation or enforcement of this policy, and at all reasonable times, or in an emergency, a duly authorised representative of the Municipality may enter premises, request information and carry out such inspection or examination, as he or she may deem necessary: -
- 23.1.1 With regard to the installation or repair of any meter or service connection or reticulation; or
- 23.1.2 So as to limit, discontinue, disconnect or reconnect the provision of any service.
- 23.2 If the Municipality considers it necessary that work be performed to enable the afore stated authorised representative to perform a function referred to in subsection (1) properly and effectively, then it may: -
- 23.2.1 By written notice require the owner or occupier of the premises, at his or her own expense, to do specific work within a specified period; or
- 23.2.2 If, in its reasonable opinion, the situation is a matter of urgency, then the Municipality may do such work, or cause it to be done, at the expense of the owner or occupier, and without written notice.
- 23.3 If the work referred to in subsection (2)(b) above is carried out for the sole purpose of establishing whether a contravention of this policy has been committed, and no such contravention has taken place, then the Municipality shall bear the expense connected therewith, together with the expense of restoring the premises to its former condition.

24. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 24.1 This policy shall be implemented once approved by Council. All future Billing Procedures must be made in accordance with this policy.
- 24.2 In terms of section 17(1)(e) of the MFMA this policy must be reviewed on an annual basis and the reviewed policy tabled to Council for approval as part of the budget process.
- 24.3 The policy is effective from 1 July 2025.

Annexure AF
Electricity By-laws
2025/2026



ELECTRICITY BY-LAWS
2025/2026 FINANCIAL YEAR

CHAPTER 1 GENERAL

1. **Definitions** - In this by-law, unless inconsistent with the context –

"accredited person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications as listed in Schedule 1 attached to this by-law;

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" in relation to premises means:

- (i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

"credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"electrical contractor" means an electrical contractor as defined in the Regulations;

"electrical installation" means an electrical installation as defined in the Regulations;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SABS 1019];

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SABS 1019]

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SABS 1019]

"meter" means a device which records the demand and / or the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"Municipality" means Midvaal Local Municipality, a municipality established in terms of the law or any legal entity duly authorised by the Midvaal Local Municipality to provide an electricity service within the jurisdiction of the Midvaal Local Municipality.

"occupier" in relation to any premises means –

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he / she is absent from the Republic of South Africa or his / her whereabouts are unknown;

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that –

- (a) in the case of immovable property –
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined –
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised official of the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"safety standard" means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means the Municipality's tariff of charges for the supply of electricity, and

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*;

"voltage" means the root-mean-square value of electrical potential between two conductors.

2. **Other terms** – All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.
3. **Headings and titles** – The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2
GENERAL CONDITIONS OF SUPPLY

4. **Provision of Electricity Services** – Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.
5. **Supply by agreement** – No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in section 44 of this by-law.
6. **Service of notice –**
 - (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
 - (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
 - (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.
7. **Compliance with notices** – Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.
8. **Application for supply –**
 - (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

9. Processing of requests for supply – Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

10. Way leaves –

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

11. Statutory Servitude –

- (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area:
- (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, be determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

12. Right of admittance to inspect, test and / or do maintenance work –

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of –
 - (a) doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law *or any other law*, and
 - (e) enforcing compliance with the provisions of this by-law *or any other law*,
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

13. Refusal or failure to give information – No person shall refuse or fail to give such information as may be reasonably required of him / her by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

14. Refusal of admittance – No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

15. Improper use – If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be

shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity tariffs and fees –Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

17. Deposits – The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. Payment of charges –

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he / she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. Interest on overdue accounts – The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. Resale of electricity –

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, such resale shall be subject to the conditions laid down in the Electricity Act, 1987 (Act 41 of 1987), provided that the reseller shall be permitted to recover

his / her actual electricity cost, provided further that he / she must substantiate these costs if called upon to do so.

- (2) Further, in terms of Regulation 11(3)(a) of the Electricity Act, 1987 (Act 41 of 1987), the reseller of electricity may recover the administration costs incurred in metering reading and billing from the person so supplied with electricity, provided that, at the request of such person, the reseller must furnish such person with such information as may be necessary to enable him/her to determine whether the administration costs are fair and reasonable.

21. Right to disconnect supply –

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he / she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this by-law and / or the Regulations are being contravened, provided the Municipality has given the person 7 (seven) days' notice to remedy his / her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of Section 26 of this by-law, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

22. Non-liability of the Municipality – The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality. Furthermore with the raise in vandalism residents are encourage to install surge arrestor. As the municipality will not be held liable for any surges resulting from vandalism.

23. Leakage of electricity – Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

24. Failure of supply – The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

25. Seals of the Municipality – The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and no person not being an official of the Municipality duly authorised thereto

shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

26. Tampering with service connection or supply mains –

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.
- (2) Where prima facie evidence exists of a consumer and / or any person having contravened subsection (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where a consumer and / or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

27. Protection of Municipality's supply mains –

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (2) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains – If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

29. Unauthorised connections – No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

30. Unauthorised reconnections –

- (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary disconnection and reconnection –

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

32. Temporary supplies – It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work – Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

34. Load reduction –

- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

35. Medium and low voltage switchgear and equipment –

- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorised official of the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the Municipality and installed by or under the supervision of any duly authorised official of the Municipality.
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

36. Substation accommodation – The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of

housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

37. Wiring diagram and specification –

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

38. Standby supply – No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

39. Consumer's emergency standby supply equipment –

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

40. Circular letters – The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3
RESPONSIBILITIES OF CONSUMERS

- 41. Consumer to erect and maintain electrical installation –** Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.
- 42. Fault in electrical installation –**
- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
 - (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.
- 43. Discontinuance of use of supply –** In the event of a consumer desiring to discontinue using the electricity supply, he / she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he / she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.
- 44. Change of occupier –**
- (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he / she shall remain liable for such supply.
 - (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he / she shall make application in accordance with the provisions of section 5 of this by-law, and if he / she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he / she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
 - (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he / she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.
- 45. Service apparatus –**

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4 SPECIFIC CONDITIONS OF SUPPLY

46. Service connection –

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.
- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (5) The consumer shall provide, fix and / or maintain on his premises such ducts, wire ways, trenches and fastenings as may be required by the Municipality for the installation of the service connection.
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality.
- (7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to

one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.

- (8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1.5 m) throughout their length.

47. Metering accommodation –

- (1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5 SYSTEMS OF SUPPLY

48. Load requirements – Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

49. Load limitations –

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

50. Interference with other persons' electrical equipment –

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. Supplies to motors –

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors –

The rating of a low voltage single-phase motor shall be limited to 2kW and / or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors –

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6 x full-load current)	Star/Delta (2.5 x full-load current)	Other means (1.5 x full-load current)
		kW	kW	kW
16	72	6	13.5	23
25	95	7.5	18	30
35	115	9	22	36.5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1.5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

52. Power factor –

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0.85 lagging and 0.9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his / her own cost, install such corrective devices.

53. Protection – Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single and reverse phasing, where applicable.

CHAPTER 6
MEASUREMENT OF ELECTRICITY

54. Metering –

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

55. Accuracy of metering –

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall –
 - (i) in the case of a credit meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering;in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9)
 - (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall –
 - (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.
 - (b) Should the consumer fail to make any representations during the period referred to in subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in subsection 9(a)(i).
 - (c) The Municipality shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
 - (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

56. Reading of credit meters –

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 3 years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. This also applies to a consumer claiming back overpayment where the consumer is able to prove the claim in the normal legal process.

57. Prepayment metering –

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and / or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him / her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7 ELECTRICAL CONTRACTORS

- 58.** In addition to the requirements of the Regulations the following requirements shall apply:
- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
 - (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised official of the Municipality in no way relieves the electrical contractor / accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.
- 59.** The Municipality shall not be held responsible for the work done by the electrical contractor / accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8 COST OF WORK

- 60.** The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

CHAPTER 9 PENALTIES

- 61.**
- (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
 - (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he / she has been convicted of such offence shall be guilty of a continuing offence.

- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

***62.** Any person without legal right (the onus of proof of which shall be upon him to prove the contrary) who abstracts, branches off or diverts or causes to be abstracted, branches off or diverted any electric current, or consumes or uses any such current which has been wrongfully or unlawfully abstracted, branched off or diverted knowing it to have been wrongfully or unlawfully abstracted, branched off or diverted or who allows same shall be guilty of an offence of tampering with the municipality's electrical network and a tampering fee (per offence) and, as prescribed in Chapter 2(16) may be imposed on the illegal user, or occupier of the premises which wrongfully and unlawfully abstracted, branched off or diverted electric current or who has allowed same.

*Amended in terms of Notice 1467 of 2012 dated 13 January 2012.

SCHEDULE 1

“applicable standard specification” means

SABS 1607 Electromechanical watt-hour meters,

SABS 1524 Parts 0.1 & 2 - Electricity dispensing systems,

SABS IEC 60211 Maximum demand indicators, Class 1.0,

SABS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),

SABS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply – Quality of Service

NRS 048 National Rationalised Specification for the Electricity Supply – Quality of Supply, and

NRS 057 Electricity Metering: Minimum Requirements

Annexure AG
Water By-laws
2025/2026



WATER SERVICES BY-LAWS
2025/2026 FINANCIAL YEAR



Arrangement of sections

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CHAPTER I: General provisions

Part 1: Definitions

Definitions

(1) In these regulations, unless the context otherwise indicates -

“accommodation unit”	in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
“Act”	means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
"approved"	means approved by an authorised officer;
"authorised agent"	means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these bylaws;
“best practicable environmental option”	means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
"borehole"	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
"Building Regulations"	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
“communal water services work”	means a consumer connection through which water services are supplied to more than one person;
"connecting point"	means the point at which the drainage installation joins the connecting sewer;
"connecting sewer"	means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premise to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;

"connection pipe"	means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
"consumer"	means – (a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or (b) person that obtains access to water services are provided through a communal water services work;
"drain"	means that portion of the drainage installation that conveys sewage within any premises;
"drainage installation"	means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;
"drainage work"	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
"duly qualified sampler"	means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by an authorised agent;
"effluent"	means any liquid whether or not containing matter in solution or suspension;

“emergency”	means any situation that poses a risk or potential risk to life, health, the environment or property;
"environmental cost"	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
“fire hydrant”	means a potable water installation that conveys water for fire fighting purposes only;
“fixed quantity water delivery system”	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
"flood level (1 in 50 year)"	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
"flood plain (1 in 50 year)"	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
"high strength sewage"	means sewage with a strength or quality greater than standard domestic effluent;
"industrial effluent"	means effluent emanating from industrial use of water, includes for purposes of these bylaws, any effluent other than standard domestic effluent or stormwater;
"installation work"	means work in respect of the construction of, or carried out on a water installation;
"main"	means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;
“measuring device”	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
“meter”	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
"municipality"	means the water services authority as defined in the Act;

"occupier"	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
"owner"	means – (a) the person in whom from time to time is vested the legal title to premises; (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof; (e) in relation to - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
"person"	means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
"pollution"	means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or

biological properties of the water found therein so as to make it –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

"premises"

means any piece of land, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority;

"prescribed tariff or charge"

means a charge prescribed by the municipality;

"public notice"

means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

"public water"

means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

"sanitation services"

has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

"sea outfalls"

means the discharge of effluent directly into the sea;

"service pipe"

means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage"	means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;
"sewage disposal system"	means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;
"sewer"	means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
"standard domestic effluent"	means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its authorised agent, but shall not include industrial effluent;
"stormwater"	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
"terminal water fitting"	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
"trade premises"	means premises upon which industrial effluent is produced;
"water fitting"	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
"water installation"	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;
"water services"	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means an industry which discharges industrial effluent; and

"working day" means a day other than a Saturday, Sunday or public holiday.

Any word or expression used in these bylaws to which a meaning has been assigned in –

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

Any reference in Chapter I of these bylaws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

Part 2: Application for water services

Application for water services

2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality or its authorised agent on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of Sub-Section (1) exists.
- (3) An application agreed to by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (4) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these bylaws or until such time as any arrears have been paid.

- (5) In preparing an application form for water services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (6) Water services rendered to a consumer are subject to the provisions of these bylaws and the conditions contained in the relevant agreement.
- (7) If a municipality or its authorised agent refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the municipality or its authorised agent will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such water services.

3 Payment for Water Connection

- 1) The fees prescribed in the tariff to all consumers that receive or want to receive sanitation services will be for each individual stand payable by the owner in full before such a connection will be made to the sewer system.
- 2) The minimum charge payable in respect to have any application shall be the published tariff.
- 3) The Council shall have the right in the case of any special service being required from the Council to recover the cost thereof. Special service shall include but not limited to:
 - a) Any connection longer than 3 metres
 - b) Any road crossing and reinstatement of road the crossing
 - c) etc

Special agreements for water services

- 4. The municipality or its authorised agent may enter into a special agreement for the provision of water services to –
 - (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and

- (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality or its authorised agent having jurisdiction in the area in which the premises is situated.

Part 3: Tariffs and charges

Prescribed tariffs and charges for water services

- 5. All tariffs and or charges payable in respect of water services rendered by the municipality or its authorised agent in terms of these bylaws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality –

by a resolution passed by the Council; in accordance with –

- (i) its tariff policy;
- (ii) any bylaws in respect thereof; and
- (iii) any regulations in terms of Section (10) of the Act.

Fixed charges for water services

- 6. (1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with
 - (a) its tariff policy;
 - (b) any bylaws in respect thereof; and
 - (c) any regulations in terms of Section (10) of the Act.
- (2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it.

Part 4: Payment

Payment of deposit

- 7. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality or its authorised agent, pay a deposit as determined by the municipality or its

authorised agent except in the case of a pre-payment measuring device being used by the municipality or its authorised agent.

- (2) The municipality or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The municipality or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review -
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the municipality or its authorised agent in excess of the reviewed deposit.
- (4) Subject to Sub-Section (5), an amount deposited with the municipality or its authorised agent in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the municipality or its authorised agent in respect of water services rendered to the consumer, the municipality or its authorised agent may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the municipality or its authorised agent on the amount of a deposit held by it in terms of this Section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality or its authorised agent if it has not been claimed within twelve months of the termination of the agreement.

Payment for water services provided

8. (1) Water services provided by the municipality or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections (4) and (5), for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof. If the consumer fails to pay, the owner shall be responsible.
- (3) In the case of fault metering including stuck water meters, the municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive

measurements and may render an account to a consumer for the services so estimated. The estimated quantity of service might either be based on historical accurate readings or the consumption may be monitored for a period of three months and the net average quantity will be used to bill for the affected period

- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment. Provided that no such adjustment shall be made in respect of a period in excess of **3 years** prior to the date on which the wrong charge was observed or the council was notified of such wrong charge by the consumer.
- (5) A consumer must pay his or her or its account at an approved agent of the municipality or its authorised agent. A consumer shall remain liable for the payment of an account not paid with the municipality, its authorised agent or approved agent.
- (6) A municipality or its authorised agent must inform a consumer as to who the approved agents for payment of accounts are.

Relocation of water service

- 8 The cost for the relocation of the water meter will be at the customer's account and at the prescribed water tariff

Part 5: Termination, limitation and discontinuation of water services

Termination of agreement for the provision of water services

- 9 (1) A consumer may terminate an agreement for the provision of water services by giving to the municipality or its authorised agent not less than ten (10) working days' notice in writing of his or her intention to do so.
- (2) The municipality or its authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if –
 - (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality or its authorised agent for the continuation of the agreement;
 - (b) he, she or it has failed to comply with the provisions of these bylaws and has failed to rectify such failure to comply on notice in terms of

Section (23) or to pay any tariffs or charges due and payable after the procedure set out in Section (11) was applied;

- (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The municipality or its authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (4) The cost for the termination/removal of the water services will be at the customer's account and at the prescribed water tariff

Limitation and / or discontinuation of water services provided

- 10 (1) The municipality or its authorised agent may limit or discontinue water services provided in terms of these bylaws –
- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
 - (b) on failure to comply with any other provisions of these bylaws, after notice in terms of Section (23) was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of Section (13) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency.
- (2) The municipality or its authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

Restoration of water services

11. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

Part 6: General provisions

Responsibility for compliance with these bylaws

12. (1) The owner of premises is responsible for ensuring compliance with these bylaws in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with these bylaws in respect of matters relating to the use of any installation.

Exemption

13. (1) The municipality or its authorised agent may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these bylaws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of these bylaws that may result in –
 - (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of these bylaws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The municipality or its authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).

Unauthorised use of water services

- 14 (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these bylaws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services

without an agreement with the municipality or its authorised agent for the rendering of those services,

- (a) to apply for such services in terms of Sections 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these bylaws.
- (3) The provisions of Section 23 shall apply to a notice in terms of Sub-Section (2) above.

Change in purpose for which water services are used

15. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the municipality or its authorised agent.

Interference with water supply system or any sanitation services

- 16 (1) No person other than the municipality or its authorised agent shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these bylaws or an authorised agent.
- (2) No person other than the municipality or its authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

17. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Sub-Section (1), the municipality or its authorised agent may –
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notices and documents

18. (1) A notice or document issued by the municipality or its authorised agent in terms of these bylaws must be deemed to be duly authorised if the authorised agent signs it.

- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these bylaws such service shall be effected by –
 - (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending by pre-paid registered or certified post addressed to his or her last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of Sub-Sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

Power to serve and compliance with notices

- 19. (1) The municipality or its authorised agent may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these bylaws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the municipality or its authorised agent in terms of these bylaws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
 - (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;

- (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of Sub-Section (1) will –
- (a) give details of the provision of the bylaws not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the municipality or its authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - (e) indicate that the municipality or its authorised agent –
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the municipality or its authorised agent may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the municipality or its authorised agent in terms of Sub-Sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

20. (1) A municipality or its authorised agent may enter and inspect any premises –
- (a) for the purposes set out in and in accordance with the provisions of Section 80 of the Act;

- (b) for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

- 21. No person shall make a false statement or furnish false information to the municipality or its authorised agent or falsify a document issued in terms of these bylaws.

Offences

- 22. (1) A person who –
 - (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality or its authorised agent;
 - (b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent;
 - (c) fails or refuses to give access required by a municipality or its authorised agent in terms of Section 24;
 - (d) obstructs or hinders a municipality or its authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these bylaws;
 - (e) contravenes or fails to comply with a provision of these bylaws;
 - (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these bylaws;
 - (g) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these bylaws; or
 - (h) fails to comply with the terms of a notice served upon him or her in terms of these bylaws; shall be guilty of an offence and liable on conviction to a fine not exceeding R3 000.00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000.00 for every day during the continuance of such offence after a written notice from the municipality or its authorised agent has been issued, and in the event of a second offence to a fine not exceeding R6 000.00 or, in default on payment to imprisonment for a period not exceeding 8 months.

Availability of bylaws

23. (1) A copy of these bylaws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) A copy of these bylaws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of the bylaws may be obtained at the approved tariff from the municipality or its authorised agent.

CHAPTER II: Water supply services

Part 1: Connection to water supply system

Provision of connection pipe

24. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality or its authorised agent may agree to the extension subject to such conditions as it may impose.

Location of connection pipe

- 25 (1) A connection pipe provided and installed by the municipality or its authorised agent shall –
- (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a suitable size as determined by the municipality or its authorised agent;
- (b) terminate at –
- (i) the boundary of the land owned by or vested in the municipality or its authorised agent, or over which it has a servitude or other right; or
- (ii) the outlet of the water meter if it is situated on the premises; or
- (iii) the isolating valve if it is situated on the premises.

- (2) In reaching agreement with an owner concerning the location of a connection pipe, the municipality or its authorised agent shall ensure that the owner is aware of
 - (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the municipality or its authorised agent requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality or its authorised agent to connect to such installation.
- (3) A municipality or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality or its authorised agent and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

Provision of single water connection for supply to several consumers on same premises

- 26. (1) Notwithstanding the provisions of Section 29 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality or its authorised agent may, in its discretion, provide and install either –
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.

- (3) Where the municipality or its authorised agent has installed a single measuring device as contemplated in Sub-Section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must, if the municipality or its authorised agent so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the municipality or its authorised agent for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding Sub-Section (1), the municipality or its authorised agent may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the municipality or its authorised agent under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

Interconnection between premises or water installations

27. An owner of premises shall ensure that no interconnection exists between –
- (a) the water installation on his or her premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units; unless he or she has obtained the prior written consent of the municipality or its authorised agent, and complies with any conditions that it may have imposed.

Disconnection of water installation from connection pipe

28. The municipality or its authorised agent may disconnect a water installation from the connection pipe and remove the connection pipe if –

- (a) the agreement for supply has been terminated in terms of Section (13) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

Part 2: Communal water services works

Provision of a water services work for water supply to several consumers

29. (1) A municipality or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that –
- (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

Part 3: Temporary supply

Water supplied from a hydrant

30. (1) The municipality or its authorised agent may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in Sub-Section (1) must apply for such water services in terms of Section (2).
 - (3) The supply of water in terms of Sub-Section (1) must be measured.
 - (4) The municipality or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the municipality or its authorised agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the municipality or its authorised agent and will be provided subject any conditions imposed by the municipality or its authorised agent.

Part 4: Standards and general conditions of supply

Quantity, quality and pressure

31. (1) Water supply services provided by the municipality or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.
- (2) The municipality will provide the water service within the following pressure standards:

Residual pressures		
Types of Development	Minimum Head Under Instantaneous Peak Demand (m)	Maximum Head Under Zero Flow Condition (m)
Dwelling houses: house connections	24**	90
Dwelling houses: yard taps and yard tanks	10**	90

*** Plus the height difference between the Municipal main and the highest level at any point on the erf not exceeding 50m from the boundary adjacent to the Municipal main. The customer that requires more than the minimum pressure must install a pressure booster system.*

General conditions of supply

32. (1) The municipality or its authorised agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefor.
- (2) The municipality or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

Part 5: Measurement of water supply services

Measuring of quantity of water supplied

33. (1) The municipality or its authorised agent will measure the quantity of water supplied at regular intervals.

- (2) Any measuring device through which water is supplied to a consumer by the municipality or its authorised agent and its associated apparatus shall be provided and installed by the municipality or its authorised agent, shall remain its property, and may be changed and maintained by the municipality or its authorised agent when deemed necessary by it.
- (3) The municipality or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the municipality or its authorised agent installs a measuring device on a service pipe in terms of Sub-Section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the municipality or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall –
 - (a) provide a place satisfactory to the municipality or its authorised agent in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality or its authorised agent on the measuring device.
- (6) No person other than an authorised agent shall –
 - (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the municipality or its authorised agent has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the municipality or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of

such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

- (8) The municipality or its authorised agent may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

- 34. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the municipality or its authorised agent in terms of any provision of these bylaws, it will, for the purposes of these bylaws, be deemed, unless the contrary can be proved, that –
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the municipality or its authorised agent were correctly made; and
 - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the municipality or its authorised agent of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the municipality or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality or its authorised agent, the municipality or its authorised agent may for the purpose of rendering an account estimate, in accordance with Sub-Section (3), the

quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

- (3) For the purposes of Sub-Section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality or its authorised agent may decide -
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in Sub-Section (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-Section (3)(a).
- (4) Nothing in these regulations shall be construed as imposing on the municipality or its authorised agent an obligation to cause any measuring device installed by the municipality or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the municipality or its authorised agent may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The municipality or its authorised agent must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of Sub-Section 36(6) occurs, the consumer shall pay to the municipality or its authorised agent the cost of such quantity of water as in the municipality or its authorised agent's opinion was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality or its authorised agent may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

- (9) A tariff or charge determined in terms of Sub-Section (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement

- 35. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 10(8) to 10(12) will apply to such an application.

Special measurement

- 36 (1) If the municipality or its authorised agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in Sub-Section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality or its authorised agent.

- (3) The provisions of Sections 37(5) and 37(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-Section (1).

No reduction of amount payable for water wasted

37. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

38. (1) If a measuring device is found to be defective in terms of Section 10(11), the municipality or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over
- (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of Sub-Section (1), the municipality or its authorised agent may estimate the quantity on any basis that is available to it.
- (3) Provided that no such adjustment shall be made in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

Part 6: Installation work

Approval of installation work

39. (1) If an owner wishes to have installation work done, he or she must first obtain the municipality or its authorised agent's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS

Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

- (2) Application for the approval referred to in Sub-Section (1) shall be made on the prescribed form and shall be accompanied by –
 - (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the municipality or its authorised agent, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; and
 - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of Sub-Sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of Sub-Section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of Sub-Section 1.
- (6) If installation work has been done in contravention of Sub-Section (1) or (2), the municipality or its authorised agent may by written notice require the owner of the premises concerned to –
 - (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these bylaws.

Persons permitted to do installation and other work

Provision and maintenance of water installations

40. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of Sub-Section (2), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the municipality or its

authorised agent or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

41. (1) No person shall, without the prior written authority of the municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the municipality or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in Sub-Section (1) must be made on the form prescribed by the municipality or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (1) if –
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The municipality or its authorised agent may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it –
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the municipality or its authorised agent at any time during working hours.
- (7) The municipality or its authorised agent may sell copies of the current schedule at the prescribed charge.

Labelling of terminal water fittings and appliances

42. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
 - (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures –
 - (i) 20 kPa
 - (ii) 100 kPa
 - (iii) 400 kPa

Part 7: Water pollution, restriction and wasteful use of water

Owner to prevent pollution of water

43. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into –
- (a) the water supply system; and
 - (b) any part of the water installation on his or her premises.

Water restrictions

44. (1) The municipality or its authorised agent may by public notice to prevent the wasteful use of water in terms of Section (51) or in the event of a water shortage, drought or flood –
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose -

- (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Sub-Section (1)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality or its authorised agent may limit the application of the provisions of a notice contemplated by Sub-Section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The municipality or its authorised agent may –
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-Section (1), subject to notice in terms of Section (23); and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the municipality or its authorised agent to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of Sub-Section (1).

Waste of water unlawful

45. (1) No consumer shall permit –

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-Section (1).
 - (3) If an owner fails to take measures as contemplated in Sub-Section (2), the municipality or its authorised agent shall, by written notice in terms of Section (23), require the owner to comply with the provisions of Sub-Section (1).
 - (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
 - (5) The municipality or its authorised agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality or its authorised agent.

Part 8: Water Audit

Water audit

- 46. (1) Water users using more than 3 650 KI per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the municipality or its authorised agent undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the municipality or its authorised agent.
- (3) The audit must contain details in respect of –
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;

- (e) the seasonal variation in demand through monthly consumption figures;
- (f) the water pollution monitoring methods;
- (g) the current initiatives to manage demand for water;
- (h) the plans to manage their demand for water;
- (i) a comparison of the above factors with those reported in each of the previous three years (where available);
- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 9: General provisions

Notification of boreholes

47. (1) The municipality or its authorised agent may, by public notice, require –
- (a) the owner of any premises within the area of jurisdiction of the municipality or its authorised agent upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
 - (c) The owner who has an existing borehole or who wants to drill a new borehole must pay a prescribed borehole registration fee
- (2) The municipality or its authorised agent may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).

- (4) The municipality or its authorised agent may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to –
 - (a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for water services; and
 - (c) impose a fixed charge in respect of the use of such a borehole.
- (5) The owner of a property with a borehole is required to install a meter on the borehole to monitor the abstraction. The monthly meter readings should be submitted every month by the 5th of the following month to the municipality for among other purposes sewage calculation charges. The meter should be calibrated every year and proof thereof submitted to the municipality
- (6) No boreholes for the abstraction of groundwater are permitted on dolomite land in the Midvaal Local Municipality without the written consent of the Dolomite Risk Management Function of the municipality.
- (7) Existing boreholes for the abstraction of groundwater on dolomite land in the Midvaal Local Municipality shall be registered with the Dolomite Risk Management Function within 12 (twelve) months of promulgation of these by laws. And where required such abstraction license or permission can be revoked in the interest of safety

Sampling of water

- 48. (1)The municipality or its authorised agent shall require the owner or occupier of any premises who intends to sink a borehole to submit water quality results 30 days after drilling the borehole. Thereafter water quality results must be submitted every six (6) months.
- (2) If the results are not satisfactory, the municipality or its authorized agent may cause the decommissioning of the borehole.
- (3)The municipality or its authorised agent may take samples of water obtained from a source, authorised in terms of Sections (6) or (7) of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section (9) of the Act.
- (4) The prescribed charge for the taking and testing of the samples referred to in Sub-Section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

Supply of non-potable water by municipality or its authorised agent

49. (1) The municipality or its authorised agent may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the municipality or its authorised agent may impose.
- (2) Any supply of water agreed to in terms of Sub-Section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality or its authorised agent, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its authorised agent or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the municipality or its authorised agent or the malfunction of a treatment plant.

Testing of pressure in water supply systems

50. The municipality or its authorised agent may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

Pipes in streets or public places

51. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality or its authorised agent, except with the prior written permission of that municipality or its authorised agent and subject to such condition as it may impose.

ENGINEERING SERVICES

APPLICATION FORM FOR DRILLING OF BOREHOLES

Applications shall be addressed to the office of Engineering Services, and they can be submitted to the Head of Department, at address 56 Rooibok street, Highbury for approval and shall be endorsed from the office of the Executive Director: Engineering Services.

None-domestic applications shall be addressed to Department of Water and Sanitation for approval.

Please select the type of work you propose to carry out:

1.1 Construct a new borehole

YES

☐☐

(If YES go to PART 2.0 and 4.0)

1.2 Construction replacement borehole and backfill existing borehole YES

☐

NO

☐

1. APPLICANT (S) DETAILS

☐☐

Names (in full)

Name of body corporate (if applicable)

Residential address:

Residential address:

Contact name

Phone/ Mobile number

Email Address:

(If YES go to PART 3.0)

1.3 Carry out work on an existing borehole

YES

NO

(If **YES** go to PART 5.0)

2. NEW BOREHOLE DETAILS

2.1 Number of boreholes to be drilled: _____

2.2 Proposed depth of the borehole: _____ metres

2.3 GPS coordinates of the borehole: S _____ E _____

3. REPLACEMENT BOREHOLE DETAILS

3.1 Existing borehole permit number: _____ Depth _____

3.2 Proposed depth of the borehole: _____ metres

3.3 GPS coordinates of the borehole:

South: _____

East: _____

4 PROPOSED BOREHOLE DETAILS

4.1 Please indicate the proposed use of water:

a) Irrigation: ☐

b) Domestic: ☐ No. of Houses: _____ Human consumption **YES** ☐ **NO** ☐

If **YES** distance of borehole from nearest septic tank: _____ metres

5 CARRY OUT WORK ON EXISTING BOREHOLE

5.1 Borehole permit number: _____ Date Drilled _____

5.2 Current depth: _____ metres Borehole purpose: _____

5.3 Borehole information at the current borehole:

1) Type _____ Diameter _____ mm from _____ metres to _____ metres _____

2) Type _____ Diameter _____ mm from _____ metres to _____ metres _____

3) Type _____ Diameter _____ mm from _____ metres to _____ metres _____

Details of cementing: _____ Details of screen: _____

7.4 Is it proposed to deepen an existing borehole? YES ☐ NO ☐

Proposed diameter: _____ mm Proposed diameter: _____ mm

7.6 Is it proposed to remove, replace, alter, slot or repair the casing, lining or screen of borehole?

YES ☐ NO ☐ Details of rehabilitation: _____

7.7 Is it proposed to plug, backfill or seal the existing borehole? ☐ NO ☐

7.8 GPS coordinates of the borehole: S _____ E _____

6 SIGNED BY THE APPLICANT

I/We declare that the information that has been provided on this application is true and correct:

SIGNED:

1. Where the applicant is an individual or two

Print name:	Sign Here:	Date:
Print name:	Sign Here:	Date:

2. Where the applicant is a company or an incorporated association the authorised person(s) duly ed to sign for and behalf of the organisation:

Name of Company:

Print name:	Sign Here:	Date:
Position Held		
Print name:	Sign Here:	Date:

Position Held

7 OFFICE USE:

Application receipt date: _____ Name of recipient: _____

Signature of recipient: _____

Permission granted: YES ☐ NO ☐

If YES what are the conditions of approval: _____

APPROVAL GRANTED BY:

Name: _____ Date: _____ Signature _____

Note: Approved applicants shall be expected to comply with the approval conditions, failure to comply may result to termination of the approval. Boreholes which are posing risk to the consumers and surrounding environment shall be terminated with immediate effect

ENGINEERING SERVICES

REGISTRATION OF PRIVATE BOREHOLE

APPLICANT DETAILS:

FULL NAMES:
SURNAME:
ID/PASSPORT NO.:

PHYSICAL ADDRESS:

.....
.....
.....

CONTACT TEL: (0)
CONTACT CELL: (0)
E-MAIL ADDRESS:

BOREHOLE DETAILS:

EXISTING OR NEW BOREHOLE :
BOREHOLE DEPTH (Meters):

0 BOREHOLE DETAILS

SHAFT DIAMETER (MM):
BOREHOLE YIELD:
CURRENT DEMAND:
PROJECTED DEMAND:
STORAGE TANK/S:
STORAGE TANK SIZE (M)
ELEVATED STORAGE:
CLOSED STORAGE TANK
NUMBER OF USERS:
USAGE OF BOREHOLE
CHLORINE INSTALLATION:

WATER SUPPLY QUALITY TESTING

TESTING DATE:
NAME OF LAB:

SIGNATORIES:

APPLICANT

STAND OWNER

OWNER DETAILS:

FULL NAMES:
SURNAME:
ID/PASSPORT No.:
ACCOUNT NO. :

PHYSICAL ADDRESS:

.....
.....
.....

CONTACT TEL: (0)
CONTACT CELL: (0)
E-MAIL ADDRESS:

WAS THE ENVIRONMENTAL IMPACT ASSESSMENT CONDUCTED?

IS THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT ATTACHED?

BOREHOLE PHYSICAL PROPERTIES

LOCATION OF BOREHOLE: X-COORDINATES:
Y-COORDINATES:
SOIL CONDITION AT BOREHOLE:
SOIL PROFILE REPORT ATACHED:
PROJECTED DEMAND:
GEOLOGIST REPORT ATTACHED:
SOIL PROFILE DURING DRILLING:

EXISTING MUNICIPAL WATER SUPPLY

IS THERE AN EXISTING MUNICIPAL WATER METER CONNECTED TO THE STAND ? :
IF YES TO THE ABOVE, DID OWNER ENSURE BOREHOLE IS NOT LINKED TO METER ? :

ATTACHED TEST LAB CERTIFICATE:
RECOMMENDED USE BY TEST LAB:

APPROVED

NOT APPROVED

EXECUTIVE DIRECTOR:
ENGINEERING SERVICES

NOTE:

Attach the soil profile as encountered during the drilling to this registration. This soil profile need to be signed on a letter head of the drilling company!
The above registration needs to be read with the current approved Water Supply By-Law of the Midvaal Local Municipality By-law, Section 52,
Should no provision be made in the above form for any additional information, as per the general provision in the current approved Water Services
By-Law of Midvaal Local Municipality, such requirement need to be attached.

Annexure AH
Supply Chain Management
Process Turn-around Time
Policy
2025/2026



SUPPLY CHAIN MANAGEMENT PROCESS TURN-AROUND TIME POLICY

2025/2026 FINANCIAL YEAR



NO.	<u>INDEX</u>	PAGE NO.
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2.	DEFINITIONS	3
3.	OBJECTIVES	3
4.	TURN AROUND TIMES FOR VARIOUS LEVEL OF PROCUREMENT PROCESSES	4

1. **BACKGROUND**

The MFMA SCM regulations provide that effective supply chain processes must be in place to render effective service delivery within the set legislative provisions.

The SCM Unit must ensure proper financial control; uphold the principle of effective administration and a high standard of service levels. The SCM unit assists the various departments in ensuring effective service delivery and ensuring the delivery of good quality products and services in the shortest possible turn-around time.

2. **DEFINITIONS**

In this Policy, unless the context indicates otherwise, the following definitions are applied: -

“End user” means an MLM official who has requested the goods and services who will receive such and utilise for the purpose it is intended.

“Official order” means a system generated document used to order goods and services.

“Working days” means office hours between 07:30 and 16:00 Monday to Friday excluding public holidays and weekends

3. **OBJECTIVES OF THE POLICY**

3.1 The aim of this policy is:

- a) To set standards on turn-around times for the various supply chain processes.
- b) To eliminate any potential delays in the procurement processes that may have a negative impact in delivering goods and services and getting capital projects off the ground
- c) To ensure that services are rendered efficiently and effectively.

4. TURN AROUND TIMES FOR VARIOUS LEVELS OF PROCUREMENT PROCESSES

NO.	BID PROCESS INDICATORS	TURNAROUND TIME INDICATORS
1	Three written quotations for goods and services with a transaction value between R2 000.01 and R 30 000. (Specifications, request for quotations, evaluations, award and official order)	5 working days from date of receipt of correct specifications / order requests from end-user excluding delays Excluding Section 36 approvals
2	Seven (7) day process for goods and services with a transaction value between R30 000.01 and R300 000. (Specifications, advert, 7-day notice on website and notice boards, evaluations, approval memo awards and order/appointment letter)	20 working days from closing date of the bid.
3	Turnaround time for the formal SCM bid process for goods and services above R300 000. (specifications, bid spec committee, ad, formal ad in local media, on website and notice boards, bid opening commercial report capturing, technical evaluations, formal bid evaluation committee and formal bid adjudicating committee approval and issue of order/appointment letter)	90 working days from closing date of the bid. Excluding unforeseen delays and extension of validity.
4	Bid Committees: Bid Specification Committee Bid Evaluation Committee Bid Adjudication Committee	Notice minimum 2 working days in advance. Notice minimum 2 working days in advance. Notice minimum 3 working days in advance. Special meetings may be convened as and when required, the above time frames will not be applicable.

Annexure A1

EFT Policy

2025/2026



EFT POLICY
2025/2026 FINANCIAL YEAR



Midvaal Local Municipality recognises that the use of electronic funds transfer as a faster, easier and more efficient method of payment to creditors.

Internal controls such as written policies and procedures, authorisations, segregation of duties and monitoring are still important in the new technological world.

Electronic banking will be used for, but not limited to, the following:

- Online banking services (reviewing account balances, retrieving bank statements)
- Paying of creditors
- Paying of salaries
- Refund of billing payments
- Investment of funds in accordance with Council investment policy.

1. Municipal Expenditure

All expenditure of Midvaal Local Municipality shall be incurred in terms of section 15 of the MFMA.

2. Electronic Fund Transfer

- 1) The Chief Financial Officer shall delegate officials in writing for authority to process electronic payments. EFT payments processed on behalf of the Municipality shall be completed by different officials at different levels in line with delegations' policy to ensure segregation of duties. This will minimize fraud.
- 2) Delegation shall be made in terms of Section 79 of the MFMA.
Only the Accounting Officer or the Chief Financial Officer of Midvaal Local Municipality or any other delegated senior financial officer of the municipality acting on written authority of the Accounting Officer, may authorise the withdrawal

of money from Midvaal Local Municipality's bank account through the appropriate EFT process.

- 3) Such withdrawals shall be accompanied by official expenditure documents which are duly authorised for purposes as prescribed in section 11(a)-(j) of the MFMA.
- 4) Officials delegated in terms of Section 79 of the MFMA:
 - Chief Financial Officer
 - Director Supply Chain Management
 - Director Expenditure
 - Director: Financial Control
- 5) Once an EFT transaction has been completed, the payment list with banking details, together with the supporting documentation, is submitted to the 2nd approver for final verification and approval.

3. Banking details

- 1) Suppliers banking details are captured onto the system once the bank details have been verified on CSD (Central Supplier Database) or upon receipt of the bank stamped bank confirmation letter. Once captured, the bank details are then verified and authorised on the system. Banking details cannot be captured and authorised by the same official, thereby ensuring segregation of duties.

4. Controls for EFT users

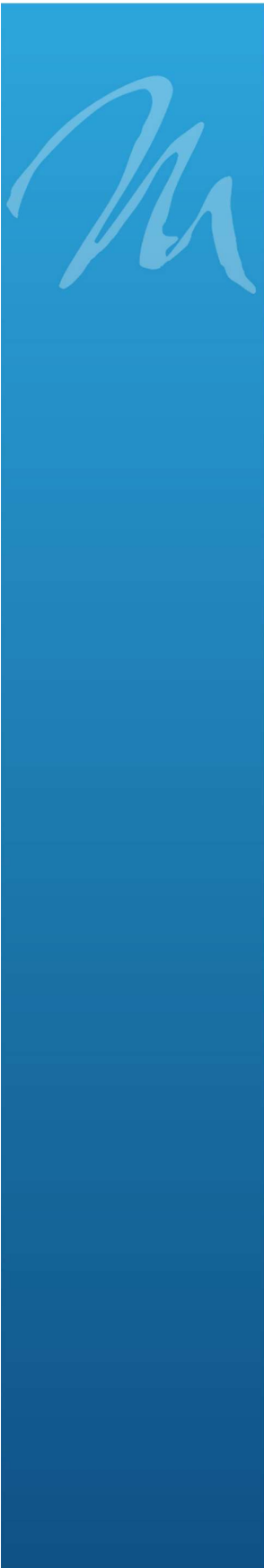
- 1) Access to the banking system is restricted to authorised officials. These officials are authorised by completing a request for user form which is then signed by the authorised signatories at the bank.

- 2) Two different users are required to effect an EFT transaction, as two approvals are required before a payment is made. Both approvals have to be made the same day, otherwise the transaction is aborted.

5. Additional Precautions

- 1) The following precautions should be taken when entering user codes and passwords on the internet:
 - Check to make sure that the URL begins with "https" rather than "http".
 - Ensure that the website has a security certificate.
 - Always ensure the secrecy of your password

Annexure AJ
Policy on Impairment of
Receivables
2025/2026



POLICY ON IMPAIRMENT OF RECEIVABLES (METHODOLOGY)

2025/2026 FINANCIAL YEAR

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3. IMPAIRMENT OF RECEIVABLES	4
4. IMPLEMENTATION AND REVIEW OF THIS POLICY	6

POLICY ON IMPAIRMENT OF RECEIVABLES (METHODOLOGY)

1. OBJECTIVES OF POLICY

To ensure that receivables from exchange transactions and receivables from non-exchange transactions are disclosed in the annual financial statements at amounts that are deemed to be collectable.

To ensure that the methodology for making an assessment of the impairment provision is based on and consistent.

2. INTRODUCTION

This policy provides guidelines on the basis on which the impairment provision is calculated.

In preparing the annual financial statements, management is required to make estimates and assumptions that affect the amounts represented in the annual financial statements and related disclosures.

Use of available information and the application of judgement is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the annual financial statements. Significant judgements include the impairment of receivables.

The municipality assesses its receivables for impairment at the end of each reporting period.

The effective management of receivables include, amongst others, the following processes:

- Implementation and maintenance of the appropriate ICT (Information Communication Technology) systems and business processes;
- Regular and accurate billing;
- Customer care and accounts enquiry management;
- Effective and timeous implementation of credit control measures;
- Impairment of receivables; (Also referred to as the provision for doubtful debts);
- Write-off of uncollectable receivables.

3. IMPAIRMENT OF RECEIVABLES

The impairment for receivables is firstly assessed for individually significant receivables and then calculated on a portfolio basis, for the remaining balance, including those individually significant receivables for which no indicators of impairment were found.

For amounts due to the municipality, significant financial difficulties of the receivable, probability that the receivable will enter bankruptcy and default of payments are all considered indicators of impairment.

An impairment loss is recognised in surplus and deficit when there is objective evidence that it is impaired.

The impairment is measured as the difference between the receivable's carrying amount and the present value of estimated future cash flows discounted at the effective interest rate, computed at initial recognition (if practically determinable).

Where the effective interest rate at initial recognition is not practically determinable, the government bond rate is used as the risk-free rate and adjusted for any risks specific to the loans and receivables.

Credit risk extends to trade receivables. Trade receivables comprise a widespread customer base. Management should evaluate credit risk relating to customers on an ongoing basis.

If customers are independently rated, these ratings are used. Otherwise, if there is no independent rating, risk control assesses the credit quality of the customer, taking into account its financial position, past experience and other factors. Individual risk limits are set based on internal or external ratings in accordance with limits set by the municipality.

The credit quality of trade and other receivables, and other receivables from non-exchange transactions that are neither past due, nor due, nor impaired can be assessed by reference to external credit ratings (if available) or to historical information about counterparty default rates.

Consumer debtors, long term receivables and other debtors are stated at cost less a provision for impairment.

The provision for impairment is made on an individual basis or based on expected cash flows.

In accordance with IAS 39, an objective assessment of financial assets is made at financial year-end in order to determine possible impairment. Impairment losses are recognized as an expense in the Statement of Financial Performance.

The impairment provision is deducted from the gross receivable amount in the Statement of Financial Position.

Individual classes of loans and receivables are assessed for impairment using different methodologies.

3.1 CONSUMER DEBTORS

Consumer Debtors and sundry debtors are evaluated at each reporting date and impaired as follows:

- The provision for impairment is compiled in accordance with GRAP. (Generally Recognised Accounting Practice)
- The following are used to calculate the provision:
 - Ageing of each debtor account;
 - Active versus inactive account;
 - Owner or tenant account;
 - An analysis of the debtor type

The following matrix is used:

Indicator	Debtor Type					
	Residential	Business	Indigent	Government	Municipal	Agriculture
Ageing between 0-30 days outstanding	5	5	0	5	5	5
Ageing between 31-60 days outstanding	4	5	0	5	5	4
Ageing between 61-90 days outstanding	3	4	0	5	5	3
Ageing between 91-120 days outstanding	2	3	0	5	5	2
Ageing between 121-365 days outstanding	1	2	0	5	5	1
Ageing more than 365 days outstanding	0	1	0	5	5	0
Active Account	2	2	0	2	2	2
Inactive Account	0	0	0	1	1	0
Owners' Account	2	2	0	2	2	2
Tenants Account	1	1	0	2	2	1
Max points that can be earned	9	9	9	9	9	9

Scoring matrix	% impairment	% determination
0	100.00%	Full provision
1		% impairment scoring as per category 2+ Collection rate /8
2		% impairment scoring as per category 3+ Collection rate /8
3		% impairment scoring as per category 4+ Collection rate /8

4		% impairment scoring as per category 5+ Collection rate /8
5		% impairment scoring as per category 6+ Collection rate /8
6		% impairment scoring as per category 7+ Collection rate /8
7		% impairment scoring as per category 8+ Collection rate /8
8		Collection shortfall (100% minus actual collection rate)
9	Not impaired	No Provision

In terms of the provisions of GRAP standard AG125, the above-mentioned “*Percentage of debt provided for as irrecoverable*” will be reviewed and adjusted at the Statement of Financial Position date on the basis of current observable data to reflect the effects of current conditions that did not affect the period on which the historical loss experience is based and remove the effects of conditions in the historical period that do not exist currently.

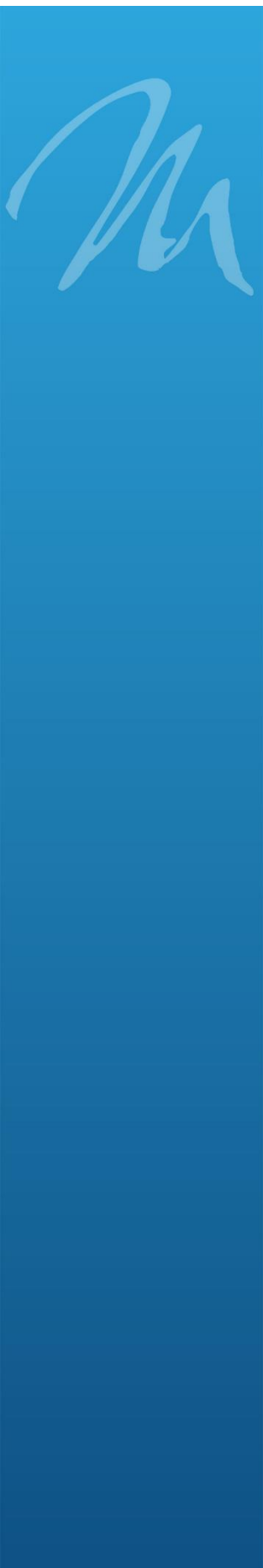
The methodology and assumptions used for estimating future cash flows will be reviewed to reduce any differences between loss estimates and actual loss experience.

4. IMPLEMENTATION AND REVIEW OF THIS POLICY

The policy will be effective as from 1 July 2025.

This policy is to be reviewed annually and approved by Council together with the adoption of the MTREF for the following year.

Annexure AK
Supply Chain Management
Policy for Infrastructure
Procurement and delivery
management
2025/2026



SUPPLY CHAIN MANAGEMENT POLICY FOR INFRASTRUCTURE PROCUREMENT AND DELIVERY MANAGEMENT

2025/2026 FINANCIAL YEAR



Midvaal Local Municipality's SCM Policy for Infrastructure procurement and delivery management

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1. SCOPE

This policy establishes the Midvaal Local Municipality's policy for infrastructure procurement and delivery management in accordance with the provisions of the regulatory frameworks for procurement and supply chain management. It excludes:

- a) the storage of goods and equipment following their delivery to Midvaal Local Municipality which are stored and issued to contractors or to employees;
- b) the disposal or letting of land;
- c) the conclusion of any form of land availability agreement;
- d) the leasing or rental of moveable assets; and
- e) public private partnerships.

2. TERMS, DEFINITIONS AND ABBREVIATIONS

2.1 **TERMS AND DEFINITIONS**

For the purposes of this document, the definitions and terms given in the standard and the following apply:

agent: person or organisation that is not an employee of Midvaal Local Municipality that acts on the municipality's behalf in the application of this document

authorised person: the municipal manager or chief executive or the appropriately delegated authority to award, cancel, amend, extend or transfer a contract or order

conflict of interest: any situation in which:

- a) someone in a position of trust has competing professional or personal interests which make it difficult for him to fulfil his duties impartially,
- b) an individual or organisation is in a position to exploit a professional or official capacity in some way for his personal or for corporate benefit, or
- c) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee

contract manager: person responsible for administering a package on behalf of the employer and performing duties relating to the overall management of such contract from the implementer's point of view

family member: a person's spouse, whether in a marriage or in a customary union according to indigenous law, domestic partner in a civil union, or child, parent, brother, sister, whether such a relationship results from birth, marriage or adoption

framework agreement: an agreement between an organ of state and one or more contractors, the purpose of which is to establish the terms governing orders to be

awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged

gate: a control point at the end of a process where a decision is required before proceeding to the next process or activity

gateway review: an independent review of the available information at a gate upon which a decision to proceed or not to the next process is based

gratification: an inducement to perform an improper act

infrastructure delivery: the combination of all planning, technical, administrative and managerial actions associated with the construction, supply, renovation, rehabilitation, alteration, maintenance, operation or disposal of infrastructure

infrastructure procurement: the procurement of goods or services including any combination thereof associated with the acquisition, renovation, rehabilitation, alteration, maintenance, operation or disposal of infrastructure

maintenance: the combination of all technical and associated administrative actions during an item's service life to retain it in a state in which it can satisfactorily perform its required function

operation: combination of all technical, administrative and managerial actions, other than maintenance actions, that results in the item being in use

order: an instruction to provide goods, services or any combination thereof under a framework agreement

organ of state: an organ of state as defined in section 239 of the Constitution of the Republic of South Africa

procurement document: documentation used to initiate or conclude (or both) a contract or the issuing of an order

principal: a natural person who is a partner in a partnership, a sole proprietor, a director a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984)

standard: the latest edition of the Standard for Infrastructure Procurement and Delivery Management as published by National Treasury

working day: any day of a week on which is not a Sunday, Saturday or public holiday.

2.2 ABBREVIATIONS

For the purposes of this document, the following abbreviations apply

CIDB: Construction Industry Development Board

GCC: General Conditions of Contract

JBCC: Joint Building Contract Committee

SARS: South African Revenue Services

3. GENERAL REQUIREMENTS

3.1 Delegations

3.1.1 The Council of Midvaal Local Municipality hereby delegates all powers and duties to the accounting officer which are necessary to enable the accounting officer to:

- a) discharge the supply chain management responsibilities conferred on accounting officers in terms of Chapter 8 or 10 of the Local Government Municipal Finance Management Act of 2003 and this document;
- b) maximise administrative and operational efficiency in the implementation of this document;
- c) enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of this document; and
- d) comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Local Government Municipal Finance Management Act of 2003 Act.

3.1.2 No deviation shall be made from the provisions of this policy without the approval of the Accounting Officer.

3.2. Implementation of the standard for infrastructure procurement and delivery management

3.2.1 Infrastructure procurement and delivery management shall be undertaken in accordance with the all applicable legislation and the relevant requirements of the latest edition of the National Treasury Standard for Infrastructure Procurement and Delivery Management. Any deviation to the provisions of this standard must be reported to National Treasury and the relevant treasury.

3.2.2 Pre-feasibility and feasibility reports are required where the project is a major capital project which is not standardised, and the risk of failing to achieve time, cost and quality objectives is relatively high.

3.3 Supervision of Project Management unit

The Project Management Unit shall be directly supervised by the Executive Director: Engineering Services.

3.4 Objections and complaints

Persons aggrieved by decisions or actions taken in the implementation of this policy, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.

The date of the decision or action referred to above will be the day the results were advertised on the municipality's website.

3.5 Resolution of disputes, objections, complaints and queries

3.5.1 The accounting officer shall appoint an independent and impartial person, not directly involved in the infrastructure delivery management processes to assist in the resolution of disputes between the municipality and other persons regarding:

- a) any decisions or actions taken in the implementation of the supply chain management system;
- b) any matter arising from a contract awarded within the municipality's infrastructure delivery management system; or
- c) to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.

3.5.2 The SCM and or the Legal official shall assist the person appointed in terms of 3.5.1 to perform his or her functions effectively.

3.5.3 The person appointed in terms of 3.5.1 shall:

- a) strive to resolve promptly all disputes, objections, complaints or queries received; and
- b) submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved.

3.5.4 A dispute, objection, complaint or query may be referred to the Gauteng Provincial Treasury if:

- a) the dispute, objection, complaint or query is not resolved within 60 days; or
- b) no response is forthcoming within 60 days.

3.5.5 If the Gauteng Provincial Treasury does not or cannot resolve the matter, the dispute, objection, complaint or query may be referred to the National Treasury for resolution.

3.6 Amendment of the policy

3.6.1 The accounting officer must –

- (a) at least annually review the implementation of this Policy; and
- (b) when the accounting officer considers it necessary, submit proposals for the amendment of this Policy to the **council**

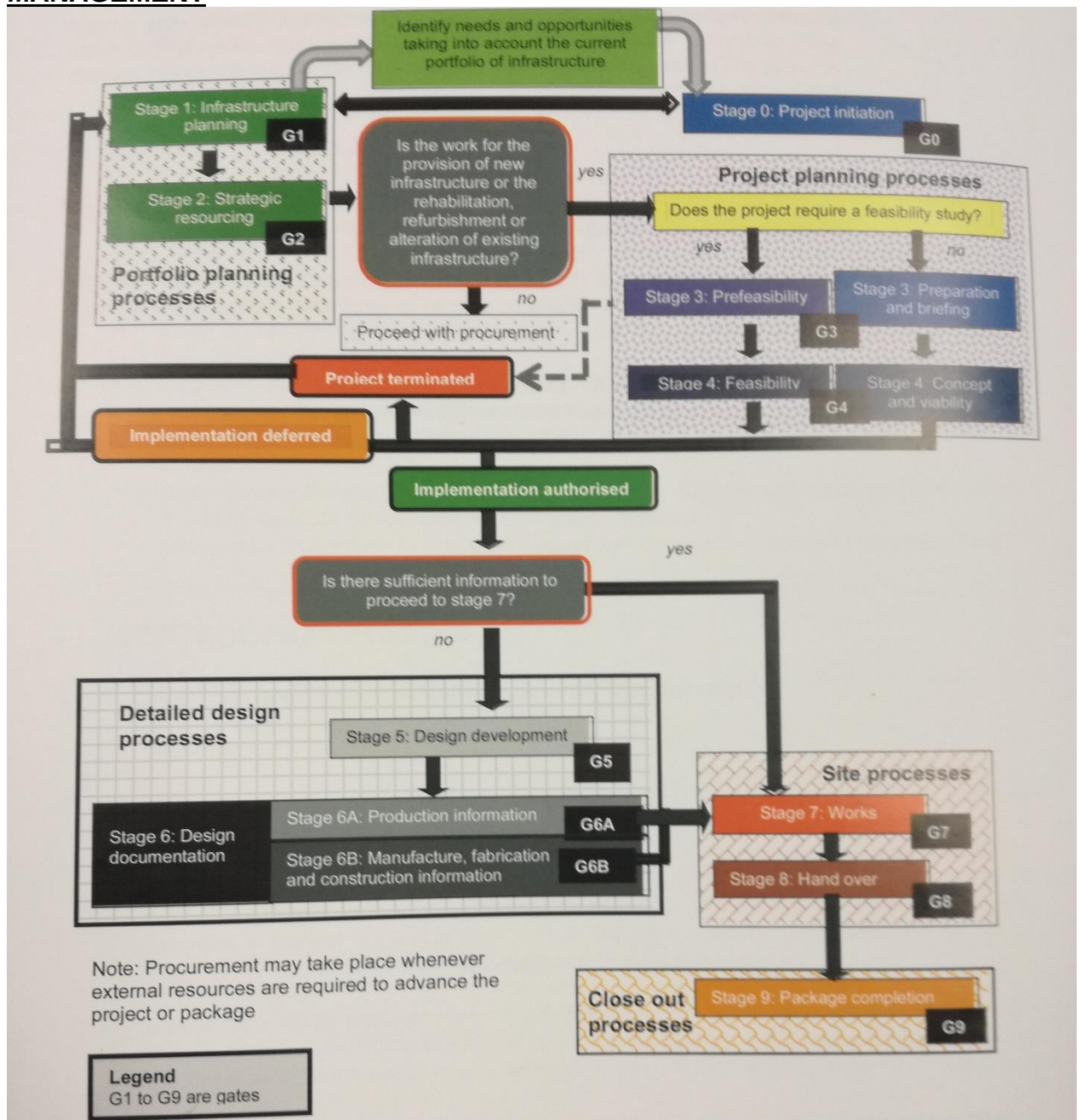
3.6.2 If the accounting officer submits proposed amendments to the **council that differ from the model policy issued by the National Treasury, the accounting officer must**

- (a) ensure that such proposed amendments comply with the Regulations; and
- (b) report any deviation from the model policy to the National Treasury and the Gauteng Provincial Treasury.

3.6.3 When amending this policy the need for uniformity in supply chain practices, procedures and forms between organs of state in all spheres, particularly to promote accessibility of supply chain management systems for small businesses must be taken into account.

3.6.4 The draft policy should be forwarded to the Gauteng Provincial Treasury: Policy, Norms and Standards component before tabling to the Municipal Council for approval.

4 CONTROL FRAMEWORK FOR INFRASTRUCTURE DELIVERY MANAGEMENT



4.1 Assignment of responsibilities for approving or accepting end of stage deliverables

The responsibilities for approving (officially agreeing to) or accepting (receive as adequate, valid, or suitable) end of stage deliverables shall be as stated below:

Stage		Person assigned the responsibility for approving or accepting end of stage deliverables
No	Name	
0	Project initiation	Accounting officer accepts the initiation report
1	Infrastructure planning	Council approves the infrastructure plan
2	Strategic resourcing	Head of Department (HOD) approves the delivery and / or procurement strategy / procurement plan
3	Pre-feasibility	Project manager accepts the pre-feasibility report, where applicable
	Preparation and briefing	Project manager accepts the strategic brief, where applicable
4	Feasibility	Project manager accepts the feasibility report, where applicable
	Concept and viability	Project manager accepts the concept report, where applicable
5	Design development	Project manager (End-user Director) accepts the design development report
6	Design documentation	6A Production information Project manager (End-user Director) / end user accepts the parts of the production information which are identified when the design development report is accepted as requiring acceptance
		6B Manufacture, fabrication and construction information The contract manager (Head of Department) accepts the manufacture, fabrication and construction information
7	Works	The contract manager (Head of Department) certifies completion of the works or the delivery of goods and associated services
8	Handover	The owner or end user accepts liability for the works
9	Package completion	The Project Manager / End-user Director certifies the defects certificate in accordance with the provisions of the contract The contract manager (Head of Department) certifies final completion in accordance with the provisions of the contract Project manager (End-user Director) accepts the close out report

The infrastructure plan (stage 1), initiation reports (stage 0), decisions made during stages 3 and 4 and work in progress in stages 5 to 9, and the procurement strategy (stage 2) shall be reviewed and updated at least once a year.

4.1.1 Stage 0: Project initiation

An initiation report which outlines the high-level business case together with the estimated project cost and proposed schedule for a single project or a group of projects having a similar high-level scope.

The initiation report for a project shall as a minimum:

- provide a project description and high-level scope of work;
- outline key issues and solution options that were interrogated;
- outline options that were evaluated;
- indicate the high-level business case; and
- provide the estimated project cost and indicative high-level schedule.

4.1.2 Stage 1: Infrastructure planning

The infrastructure plan for a portfolio of projects or packages which require implementation shall cover a period of not less than five years. Such a plan shall be:

- a) described by the high-level scope of work for each project, the proposed time schedule, the estimated total project cost and annual budget requirement, the geographical location, any known encumbrances and estimated timeframes for removing these encumbrances; and
- b) aligned with all prescribed planning, budgeting, monitoring and reporting requirements.

The demand for infrastructure delivery shall be managed through:

- a) the service life plans which;
 - 1) are based on:
 - an assessment of current performance against desired levels of service or functionality; and
 - a needs analysis informed by factors such as policies, norms and standards, condition assessments, functional performance, demographic trends, current and forecasted levels of optimisation; and
 - 2) reflect a cost estimate for the life cycle activities comprising acquisition, operations, maintenance, refurbishment, rehabilitation or alteration as relevant, over a minimum period of five years; and
- b) infrastructure plans which, as a minimum, summarise the service life plans and provide a credible forecast of current and net demand for services or requirements for functionality over a period of not less than ten years.

Consideration shall, where appropriate, be given to:

- a) alternative service delivery methods or means of satisfying needs which do not require infrastructure to implement or reduce the demand for infrastructure; and
- b) the disposal of infrastructure that is surplus to requirements.

Projects shall, wherever possible, be delivered in accordance with established norms and standards which are designed to yield value for money.

4.1.3 Stage 2: Strategic resourcing

A delivery management strategy shall be developed following the conducting of a spend, organisational and market analysis. Such a strategy shall indicate how needs are to be met for each category of spend through one or more of the following:

- a) a public private partnership;
- b) another organ of state on an agency basis;
- c) another organ of state's framework agreement;
- d) own resources; or
- e) own procurement system.

A procurement strategy shall document the selected packaging, contracting, pricing and targeting strategy and procurement procedure for all required goods or services or any combination thereof including professional services, including the rationale for adopting a particular option.

4.1.4 Stage 3: Preparation and briefing or Pre-feasibility

Prefeasibility and feasibility reports shall be required as end-of-stage deliverables for stages 3 and 4, respectively, where one or more of the following applies:

- a) the major capital project is required for:
 - 1) a major public enterprise where the total project capital expenditure exceeds R1,5 billion; or
 - 2) an organ of state subject to the Public Finance Management Act other than a major public enterprise where the total project capital expenditure exceeds R1,0 billion including VAT, or where the expenditure per year for a minimum of three years exceeds R250 million per annum including VAT;
- b) the project is not:
 - 1) a building project with or without related site works; or
 - 2) a process-based, somewhat repetitive or relatively standardised project where the risk of failing to achieve time, cost and quality objectives is relatively low; or
- c) it is deemed necessary during stage 2

The strategic brief shall as necessary:

- a) confirm the scope of the package and identify any constraints, including those relating to occupational health and safety;
- b) establish the project criteria, including the performance and reliability requirements, design life, service life of components, function, maintenance and replacement requirements, mix of uses, scale, location, quality, value, time, safety, health, environment and sustainability;
- c) identify procedures, organisational structure, key constraints, statutory permissions (e.g. environmental, heritage, social, planning, building control), and utility approvals, policies (e.g. environmental, developmental, social, maintenance or facilities management) and strategies to take the package forward;
- d) identify risks that need to be mitigated;
- e) identify interfaces between packages as necessary; and
- f) establish the control budget for the package, ownership costs and schedule for the package or series of packages.

The prefeasibility study shall as necessary:

- a) document the owner or user requirements specification;
- b) shortlist the options that were considered;
- c) provide a preliminary design for study options;
- d) provide preliminary capital estimate and the proposed schedule; and
- e) present the study outcomes.

4.1.5 Stage 4: Concept and viability or feasibility

The concept report shall as necessary:

- a) document the initial design criteria and design options or the methods and procedures required to maintain the condition of infrastructure for the package;
- b) establish the detailed brief, scope, scale, form and cost plan for the package;
- c) provide an indicative schedule for documentation and construction or maintenance services associated with the package;
- d) contain a site development plan or other suitable schematic layouts of the works;
- e) describe the statutory permissions, funding approvals or utility approvals required to proceed with the works associated with the package;
- f) include a baseline risk assessment for the package, and a health and safety plan which is required in terms of the requirements of the Construction Regulations issued in terms of the Occupational Health and Safety Act;
- g) contain a risk report linked to the need for further surveys, tests, other investigations and consent and approvals, if any, during subsequent stages and identified health, safety and environmental risk;
- h) contain an operations and maintenance support plan which establishes the organisational structure required for the operation and maintenance of the works resulting from the package or series of packages over its service life, and the office, stores, furniture, equipment, Information and Communications Technology (ICT), engineering infrastructure and staff training requirements;
- i) confirm the financial sustainability of the project; and
- j) establish the feasibility of satisfying the strategic brief for the package or series of packages within the control budget established during stage 3 and, if not, motivate a revised control budget.

A feasibility report shall as a minimum provide the following:

- a) details regarding the preparatory work covering:
 - 1) a needs and demand analysis with output specifications; and
 - 2) an options analysis;
- b) a viability evaluation covering:
 - 1) a financial analysis; and
 - 2) an economic analysis, if necessary;
- c) a risk assessment and sensitivity analysis;
- d) a professional analysis covering:
 - 1) a technology options assessment;
 - 2) an environmental impact assessment; and
 - 3) a regulatory due diligence; and
- e) implementation readiness assessment covering:
 - 1) institutional capacity; and
 - 2) a procurement plan

4.1.6 Stage 5: Design development

The design development report shall as necessary:

- a) develop in detail the accepted concept to finalise the design and definition criteria;
- b) establish the detailed form, character, function and costings;
- c) define all components in terms of overall size, typical detail, performance and outline specification;
- d) describe how infrastructure, or elements or components thereof, are to function, how they are to be safely constructed, how they are to be maintained and how they are to be commissioned; and
- e) confirm that the package or series of packages can be completed within the control budget or propose a revision to the control budget.

Outline specifications shall be in sufficient detail to enable a view to be taken on the operation and maintenance implications of the design and the compatibility with existing plant and equipment.

4.1.7 Stage 6: Design documentation

Stage 6A (Production information) is complete when all the production information that is required to be accepted prior to being issued for construction, manufacturing or fabrication purposes has been accepted.

Stage 6B (Manufacture, fabrication and construction information) is complete when the manufacture, fabrication and construction information is accepted as being in accordance with the production information.

4.1.8 Stage 7: Works

Stage 7 is complete when:

- a) completion of the works is certified in accordance with the provisions of the contract; or
- b) the goods and associated services are certified as being delivered in accordance with the provisions of the contract.

4.1.9 Stage 8: Handover

The handover stage shall include as necessary the training of the end user's or the owner's staff in the operation of the delivered infrastructure.

The record information shall as relevant:

- a) accurately document the condition of the completed works associated with a package;
- b) accurately document the works as constructed or completed;
- c) contain information on the care and servicing requirements for the works or a portion thereof;
- d) contain information or instructions on the use of plant and equipment;

- e) confirm the performance requirements of the design development report and production information;
- f) contain certificates confirming compliance with legislation, statutory permissions and the like; and
- g) contain guarantees that extend beyond the defects liability period provided for in the package.

Record information shall, as relevant, provide those tasked with the operation and maintenance of infrastructure with the information necessary to:

- a) understand how the designers intended the works, systems, subsystems, assemblies and components to function;
- b) effectively operate, care for and maintain the works, systems, subsystems, assemblies and components to function;
- c) check, test or replace systems, subsystems, assemblies or components to ensure the satisfactory performance of works, systems, subsystems, assemblies and components over time;
- d) develop maintenance plans;
- e) determine stock levels for components and assemblies that need to be regularly replaced; and
- f) budget for the operation and maintenance of the works, systems, subsystems and components over time.

Arrangements shall be put in place to secure and safeguard the works from the time that the contractor's liabilities for damage to the works end until such time that the works are handed over to the end user who shall accept such liabilities.

4.1.10 Stage 9: Close out

The close out report for the package shall outline what was achieved in terms of at least the following:

- a) the following performance parameters;
 1. expenditure incurred in infrastructure delivery for the financial year, against the budget made available to cover such expenditure at the start of the year;
 2. the average variance between planned and achieved completion of stages of all packages and projects;
 3. an overview of all packages where stage 7 was completed within the financial year and the total of the prices and the time for completion at the start of the contract or when the order was issued, any expansions and variations not exceeding 20%, and any amendments to the contract in terms of 116(3) of the MFMA.
 4. the average time taken to award a contract, measured from the closing date for tender submission or the final submission made in terms of a proposal or competitive negotiations procedure to a decision being taken to award the contract;
 5. the average time taken, in respect of all packages covered in the report, to complete stage 8 measured from the time that stage 7 is completed;
 6. the average difference between the total of the prices in the payment certificate that was issued following the completion of stage 7, and the total of the prices at the end of stage 9;

7. the average time taken to award a contract above the threshold for quotations, measured from the closing date for tender submission or the final submission made in terms of a proposal or competitive negotiations procedure, to the acceptance of the tender evaluation report; and
8. the average number of days that payment is later than that required under the terms of a contract.

b) unit costs of completed work or major components thereof; and

c) key performance indicators relating to developmental objectives.

The close out report shall make suggestions for improvements on future packages of a similar nature. Such a report should also comment on the performance of the contractor and, if relevant, include building tuning or similar reports.

Stage 9 is complete when, as relevant, defects certificates or certificates of final completion are issued in terms of the contract, the final amount due to the contractor in terms of the contract is certified and the close out report is accepted.

4.2 Gateway reviews

4.2.1 Gateway reviews for major capital projects above a threshold

4.2.1.1 Accounting Officer shall appoint a gateway review team to undertake gateway reviews for major capital projects equal to or above R50 million.

4.2.1.2 All major capital projects having an estimated capital expenditure equal to or above R50 million shall have a gateway review of the end-of-stage 4 deliverable, prior to the acceptance of such deliverable. The focus of such a review shall in the first instance be on the quality of the documentation, and thereafter on:

- a) deliverability (the extent to which a project is deemed likely to deliver the expected benefits within the declared cost, time and performance envelope);
- b) affordability (the extent to which the level of expenditure and financial risk involved in a project can be taken up on, given the organisation's overall financial position, both singly and in the light of its other current and projected commitments); and
- c) value for money.

4.2.1.3 A gateway review team shall comprise not less than three persons who are not involved in the project associated with the works covered by the end of the stage 4 deliverable, and who are familiar with various aspects of the subject matter of the deliverable at the end of the stage under review. Such a team shall be led by a person who has at least six years postgraduate experience in the planning of infrastructure projects and is registered either as a professional engineer in terms of the Engineering Profession Act, a professional quantity surveyor in terms of the Quantity Surveying Profession Act or a professional architect in terms of the Architectural Profession Act. The members of the team shall, as relevant, have expertise in key technical areas, cost estimating, scheduling and implementation of similar projects.

- 4.2.1.4** The relevant treasury shall be notified of a proposed gateway review for a major capital project, three weeks prior to the conducting of such a review. Such notification shall be accompanied by a brief outline of the proposed project or package, the names and qualifications of the reviewers and the timeframes for the review. The relevant treasury may nominate additional persons to serve on the review team.
- 4.2.1.5** The gateway review team shall base its findings primarily on:
- a) the information contained in the end-of-stage deliverables;
 - b) supplementary documentation, if any, provided by key staff obtained during an interview process; and
 - c) interviews with key staff members and stakeholders.
- 4.2.1.6** The gateway review team shall issue a report at the conclusion of a gateway review which indicates the team's assessment of the information at the end of a stage and provides findings or recommendations on areas where further work may be undertaken to improve such information.
- 4.2.1.7** The contents of the gateway review report shall be taken into account when accepting the stage 4 deliverable. A stage 4 deliverable shall not be accepted until such time that all code red risks have been addressed in the stage 4 end-of-stage deliverable.

5. Control framework for infrastructure procurement

- 5.1** The responsibilities for taking the key actions associated with the formation and conclusion of contracts including framework agreements above the quotation threshold shall be as stated in Table 2.
- 5.2** The responsibilities for taking the key actions associated with the quotation procedure and the negotiation procedure where the value of the contract is less than the threshold set for the quotation procedure shall be as follows:
- a) The accounting officer shall grant approval for the issuing of the procurement documents, based on the contents of a documentation review report developed in accordance with the provisions of the standard;
 - b) the authorised person may award the contract if satisfied with the recommendations contained in the evaluation report prepared in accordance with the provisions of the standard.
- 5.3** The responsibilities for taking the key actions associated with the issuing of an order in terms of a framework agreement shall be as stated in Table 3.

6. Infrastructure delivery management requirements

6.1 Institutional arrangements

6.1.1 Committee system for procurement

6.1.1.1 General

- 1) A committee system comprising the documentation committee, evaluation committee and tender committee shall be applied to all procurement procedures where the estimated value of the procurement exceeds the financial threshold for quotations and to the putting in place of framework agreements.

The evaluation committee shall, where competition for the issuing of an order amongst framework contractors takes place and the value of the order exceeds the financial threshold for quotations, evaluate the quotations received.

The persons appointed in writing as technical advisors and subject matter experts may attend any committee meeting.

No person who is a political officer bearer, a public office bearer including any councillor of a municipality, a political advisor or a person appointed in terms of section 12A of the Public Service Act of 1994 or who has a conflict of interest shall be appointed to a procurement documentation, evaluation or tender committee.

Committee decisions shall as far as possible be based on the consensus principle i.e. the general agreement characterized by the lack of sustained opposition to substantial issues. Committees shall record their decisions in writing. Such decisions shall be kept in a secured environment for a period of not less than five years after the completion or cancellation of the contract unless otherwise determined in terms of the National Archives and Record Services Act of 1996.

Committees may make decisions at meetings or, subject to the committee chairperson's approval, on the basis of responses to documents circulated to committee members provided that not less than sixty percent of the members are present or respond to the request for responses. Where the committee chairperson is absent from the meeting, the members of the committee who are present shall elect a chairperson from one of them to preside at the meeting.

- 2) 6.1.1.2 Bid Specification Committee numbering to be corrected
The Accounting Officer shall appoint in writing on a procurement by procurement basis:

- a) the persons to review the procurement documents and to develop a procurement documentation review report.

- b) Where the procurement relates to the provision of new infrastructure or the rehabilitation, refurbishment or alteration of existing infrastructure, the report shall be prepared by one or more persons who participated in the review and who are registered as:
- i. a professional architect or professional senior architectural technologist in terms of the Architectural Profession Act or a professional landscape architect or a professional landscape technologist in terms of the Landscape Architectural Profession;
 - ii. a professional engineer or professional engineering technologist in terms of the Engineering Profession Act; or
 - iii. a professional quantity surveyor in terms of the Quantity Surveying Professions Act.; and
- the members of the specifications committee.

The specifications committee shall comprise one or more persons. The chairperson shall be an employee of Midvaal Local Municipality with requisite skills. Other members shall, where relevant, include a representative of the end user or the department requiring infrastructure delivery.

No member of, or technical adviser or subject matter expert who participates in the work of the any of the procurement committees or a family member or associate of such a member, may tender for any work associated with the tender which is considered by these committees.

Table 2: Procurement activities and gates associated with the formation and conclusion of contracts above the quotation threshold

Activity		Sub-Activity (see Table 3 of the standard)		Key action	Person assigned responsibility to perform key action
1*	Establish what is to be procured	1.3 PG1	Obtain permission to start with the procurement process	Make a decision to proceed / not to proceed with the procurement based on the broad scope of work and the financial estimates.	Head of department
2*	Decide on procurement strategy	2.5 PG2	Obtain approval for procurement strategies that are to be adopted including specific approvals to approach a confined market or the use of the negotiation procedure	Confirm selection of strategies so that tender offers can be solicited	Head of department
3	Solicit tender offers	3.2 PG3	Obtain approval for procurement documents	Grant approval for the issuing of the procurement documents	Specifications Committee
		3.3 PG4	Confirm that budgets are in place	Confirm that finance is available for the procurement to take place	Deputy Director: SCM
4	Evaluate tender offers	4.2 PG5	Obtain authorisation to proceed with next phase of tender process in the qualified, proposal or competitive negotiations procedure	Review evaluation report, ratify recommendations and authorise progression to the next stage of the tender process	Evaluation Committee
		4.7 PG6	Confirm recommendations contained in the tender evaluation report	Review recommendations of the evaluation committee and refer back to evaluation committee for reconsideration or make recommendation for award	Adjudication Committee
5	Award contract	5.3 PG7	Award contract	Formally accept the tender offer in writing and issue the contractor with a signed copy of the contract	Accounting Officer / delegated official
		5.5 GF1	Upload data in financial management and payment system	Verify data and upload contractor's particulars and data associated with the contract or order	SCM: Vendor Clerk

* Applies only to goods and services not addressed in a procurement strategy developed during stage 2 (strategic resourcing) of the control framework for infrastructure delivery management

Table 2 (concluded)

Activity		Sub-Activity		Key action	Person assigned responsibility to perform key action
6	Administer contracts and confirm compliance with requirements	6.4 PG8A	Obtain approval to waive penalties or low performance damages.	Approve waiver of penalties or low performance damages	Accounting Officer
		6.5 PG8B	Obtain approval to notify and refer a dispute to an adjudicator	Grant permission for the referral of a dispute to an adjudicator or for final settlement to an arbitrator or court of law	Accounting Officer
		6.6 PG8C	Obtain approval to increase the total of prices, excluding contingencies and price adjustment for inflation, or the time for completion at the award of a contract or the issuing of an order up to a specified percentage	Approve amount of time and cost overruns up to the threshold of 15%	Accounting Officer
		6.7 PG8D	Obtain approval to exceed the total of prices, excluding contingencies and price adjustment for inflation, or the time for completion at award of a contract or the issuing of an order by more than 20% and 30%, respectively	Approve amount of time and cost overruns above the threshold	Accounting Officer recommends and Council Approves
		6.8 PG8E	Obtain approval to cancel or terminate a contract	Approve amount	Accounting Officer
		6.9 PG8F	Obtain approval to amend a contract	Approve proposed amendment to contract	Accounting Officer

Table 3: Procurement activities and gates associated with the issuing of an order above the quotation threshold in terms of a framework agreement

Activity		Key action	Person assigned responsibility to perform key action
1 FG1	Confirm justifiable reasons for selecting a framework contactor where there is more than one framework agreement covering the same scope of work	Confirm reasons submitted for not requiring competition amongst framework contractors or instruct that quotations be invited	Accounting Officer
3 FG2	Obtain approval for procurement documents	Grant approval for the issuing of the procurement documents	Project Manager
4 FG3	Confirm that budgets are in place	Confirm that finance is available so that the order may be issued	Chief Financial Officer
6 FG4	Authorise the issuing of the order	If applicable, review evaluation report and confirm or reject recommendations. Formally accept the offer in writing and issue the contractor with a signed copy of the order	Accounting Officer

6.1.1.3 Evaluation committee

- 1) The Accounting Officer shall appoint on a procurement by procurement basis in writing:
 - a) the persons to prepare the evaluation and, where applicable, the quality evaluations; and
 - b) the members of the evaluation committee.
- 2) The evaluation committee shall comprise not less than three people. The chairperson shall be an employee of Midvaal Local Municipality with requisite skills. Other members shall include a supply chain management practitioner (built environment professional) and, where relevant, include an official from the department requiring infrastructure delivery.
- 3) The evaluation committee shall review the evaluation reports prepared in accordance with sub clause 4.2.3 of the standard and as a minimum verify the following in respect of the recommended tenderer:
 - i. the capability and capacity of a tenderer to perform the contract;
 - ii. the tenderer's tax and municipal rates and taxes compliance status;
 - iii. confirm that the tenderer's municipal rates and taxes and municipal service charges are not in arrears;
 - iv. the Compulsory Declaration has been completed; and
 - v. the tenderer is not listed in the National Treasury's Register for Tender Defaulters or the List of Restricted Suppliers.
- 4) No tender submitted by a member of, or technical adviser or subject matter expert who participates in the work of the procurement documentation committee or a family member or associate of such a member, may be considered by the evaluation committee.
- 5) The chairperson of the evaluation committee shall promptly notify the Accounting Officer of any respondent or tenderer who is disqualified for having engaged in fraudulent or corrupt practices during the tender process.

6.1.1.4 Bid Adjudication Committee

- 1) The bid adjudication committee shall comprise the persons or their mandated delegate
 - a) Municipal Manager who shall be the chairperson:
 - b) Chief Financial Officer
 - c) At Least 3 Senior managers (Heads of Department)
 - d) A supply Chain Practitioner if the Chairperson deems it necessary
 - e) A technical expert if the Chairperson considers it necessary

- 2) No member of the evaluation committee may serve on the tender committee. A member of an evaluation committee may, however, participate in the deliberations of a tender committee as a technical advisor or a subject matter expert.
- 3) The tender committee shall:
 - a) consider the report and recommendations of the evaluation committee and:
 - 1) verify that the procurement process which was followed complies with the provisions of this document;
 - 2) confirm that the report is complete and addresses all considerations necessary to make a recommendation;
 - 3) confirm the validity and reasonableness of reasons provided for the elimination of tenderers; and
 - 4) consider commercial risks and identify any risks that have been overlooked or fall outside of the scope of the report which warrant investigation prior to taking a final decision; and
 - b) refer the report back to the evaluation committee for their reconsideration or make a recommendation to the authorised person on the award of a tender, with or without conditions, together with reasons for such recommendation.
- 4) The tender committee shall consider proposals regarding the cancellation, amendment, extension or transfer of contracts that have been awarded and make a recommendation to the authorised person on the course of action which should be taken.
- 5) The tender committee shall consider the merits of an unsolicited offer and make a recommendation to the Accounting Officer.
- 6) The tender committee shall report to the Accounting Officer and National Treasury any recommendation made to award a contract to a tenderer other than the tenderer recommended by the evaluation committee, giving reasons for making such a recommendation.
- 7) The tender committee shall not make a recommendation for an award of a contract or order if the recommended tenderer or framework contractor has:
 - a) made a misrepresentation or submitted false documents in competing for the contract or order; or
 - b) been convicted of a corrupt or fraudulent act in competing for any contract during the past five years.
- 8) The tender committee may on justifiable grounds and after following due process, disregard the submission of any tenderer if that tenderer or any of its directors, members or trustees or partners has abused the delivery management system or has committed fraud, corruption or any other improper conduct in relation to such system. The National Treasury and the

Gauteng Provincial Treasury shall be informed where such tenderers are disregarded.

6.1.2 Actions of an authorised person relating to the award of a contract or an order

a) Award of a contract

- 1) The authorised person shall, if the value of the contract inclusive of VAT, is within his or her delegation, consider the report(s) and recommendations of the tender committee, or in the case of the awards for contracts below the quotation threshold, the recommendation of the Head of Department, and either:
 - a) award the contract after confirming that the report is complete and addresses all considerations necessary to make a recommendation and budgetary provisions are in place; or
 - b) decide not to proceed or to start afresh with the process.
- 2) The authorised person shall immediately notify the Accounting Officer if a tender other than the recommended tender is awarded, save where the recommendation is changed to rectify an irregularity. Such person shall, within 10 working days, notify in writing the Auditor-General, the National Treasury and the Gauteng Provincial Treasury, and, in the case of a municipal entity, also the parent municipality, of the reasons for deviating from such recommendation.

b) Issuing of an order

The authorised person shall, if the value of an order issued in terms of a framework contract, is within his or her delegation, consider the resolution of the adjudication committee or the Chief Financial Officer, as relevant, and either:

- 1) authorise the issuing of an order in accordance with the provisions of clause 4.25 of the standard; or
- 2) decide not to proceed or to start afresh with the process.

6.1.3 Conduct of those engaged in infrastructure delivery

a) General requirements

- 1) All personnel and agents of Midvaal Local Municipality shall comply with the requirements of the CIDB Code of Conduct for all Parties engaged in Construction Procurement. They shall:
 - a) behave equitably, honestly and transparently;
 - b) discharge duties and obligations timeously and with integrity;
 - c) comply with all applicable legislation and associated regulations;
 - d) satisfy all relevant requirements established in procurement documents;
 - e) avoid conflicts of interest; and

- f) not maliciously or recklessly injure or attempt to injure the reputation of another party.
- 2) All personnel and agents engaged in Midvaal Local Municipality's infrastructure delivery management system shall:
- a) not perform any duties to unlawfully gain any form of compensation, payment or gratification from any person for themselves or a family member or an associate;
 - b) perform their duties efficiently, effectively and with integrity and may not use their position for private gain or to improperly benefit another person;
 - c) strive to be familiar with and abide by all statutory and other instructions applicable to their duties;
 - d) furnish information in the course of their duties that is complete, true and fair and not intended to mislead;
 - e) ensure that resources are administered responsibly;
 - f) be fair and impartial in the performance of their functions;
 - g) at no time afford any undue preferential treatment to any group or individual or unfairly discriminate against any group or individual;
 - h) not abuse the power vested in them;
 - i) not place themselves under any financial or other obligation to external individuals or firms that might seek to influence them in the performance of their duties;
 - j) assist Midvaal Local Municipality in combating corruption and fraud within the infrastructure procurement and delivery management system;
 - k) not disclose information obtained in connection with a project except when necessary to carry out assigned duties;
 - l) not make false or misleading entries in reports or accounting systems; and
 - m) keep matters of a confidential nature in their possession confidential unless legislation, the performance of duty or the provision of the law require otherwise.
- 3) An employee or agent may not amend or tamper with any submission, tender or contract in any manner whatsoever.

b) Conflicts of interest

- 1) The employees and agents of Midvaal Local Municipality who are connected in any way to procurement and delivery management activities which are subject to this policy, shall:
 - a) disclose in writing to the employee of the Midvaal Local Municipality to whom they report, or to the person responsible for managing their contract, if they have, or a family member or associate has, any conflicts of interest; and
 - b) not participate in any activities that might lead to the disclosure of Midvaal Local Municipality proprietary information.
- 2) The employees and agents of Midvaal Local Municipality shall declare and address any perceived or known conflict of interest, indicating the nature of such conflict to whoever is responsible for overseeing the procurement

process at the start of any deliberations relating to a procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

- 3) Agents who prepare a part of a procurement document may in exceptional circumstances, where it is in Midvaal Local Municipality's interest to do so, submit a tender for work associated with such documents provided that:
 - a) Midvaal Local Municipality states in the tender data that such an agent is a potential tenderer;
 - b) all the information which was made available to, and the advice provided by that agent which is relevant to the tender, is equally made available to all potential tenderers upon request, if not already included in the scope of work; and
 - c) the procurement documentation committee is satisfied that the procurement document is objective and unbiased having regard to the role and recommendations of that agent.

c) Evaluation of submissions received from respondents and tenderers

- 1) The confidentiality of the outcome of the processes associated with the calling for expressions of interest, quotations or tenders shall be preserved. Those engaged in the evaluation process shall:
 - a) not have any conflict between their duties as an employee or an agent and their private interest;
 - b) may not be influenced by a gift or consideration (including acceptance of hospitality) to show favour or disfavour to any person;
 - c) deal with respondents and tenderers in an equitable and even-handed manner at all times; and
 - d) not use any confidential information obtained for personal gain and may not discuss with, or disclose to outsiders, prices which have been quoted or charged to Midvaal Local Municipality.
- 2) The evaluation process shall be free of conflicts of interest and any perception of bias. Any connections between the employees and agents of Midvaal Local Municipality and a tenderer or respondent shall be disclosed and recorded in the tender evaluation report.
- 3) Midvaal Local Municipality personnel and their agents shall immediately withdraw from participating in any manner whatsoever in a procurement process in which they, or any close family member, partner or associate, has any private or business interest.

d) Non-disclosure agreements

Confidentiality agreements in the form of non-disclosure agreements shall, where appropriate, be entered into with agents and potential contractors to protect Midvaal Local Municipality's confidential information and interests.

e) Gratifications, hospitality and gifts

- 1) The employees and agents of Midvaal Local Municipality shall not, directly or indirectly, accept or agree or offer to accept any gratification from any other person including a commission, whether for the benefit of themselves or for the benefit of another person, as an inducement to improperly influence in any way a procurement process, procedure or decision.
- 2) The employees and agents of Midvaal Local Municipality as well as their family members of associates shall not receive any of the following from any tenderer, respondent or contractor or any potential contractor:
 - I. money, loans, equity, personal favours, benefits or services;
 - II. overseas trips; or
 - III. any gifts or hospitality irrespective of value from tenderers or respondents prior to the conclusion of the processes associated with a call for an expression of interest or a tender.
- 3) The employees and agents of Midvaal Local Municipality shall not purchase any items at artificially low prices from any tenderer, respondent or contractor or any potential contractor at artificially low prices which are not available to the public.
- 4) All employees and agents of Midvaal Local Municipality may for the purpose of fostering inter-personal business relations accept the following:
 - a) meals and entertainment, but excluding the cost of transport and accommodation;
 - b) promotional material of small intrinsic value such as pens, paper-knives, diaries, calendars, etc;
 - c) incidental business hospitality such as business lunches or dinners, which the employee is prepared to reciprocate;
 - d) complimentary tickets to sports meetings and other public events, but excluding the cost of transport and accommodation, provided that such tickets are not of a recurrent nature; and
 - e) gifts in kind other than those listed in a) to d) which have an intrinsic value greater than R350 unless they have declared them to the Accounting Officer.
- 5) Under no circumstances shall gifts be accepted from prospective contractors during the evaluation of calls for expressions of interest, quotations or tenders that could be perceived as undue and improper influence of such processes.
- 6) Employees and agents of Midvaal Local Municipality shall without delay report to the Accounting Officer / Chief Financial Officer any incidences of a

respondent, tenderer or contractor who directly or indirectly offers a gratification to them or any other person to improperly influence in any way a procurement process, procedure or decision.

f) Reporting of breaches

Employees and agents of Midvaal Local Municipality shall promptly report to the Accounting Officer / Chief Financial Officer any alleged improper conduct which they may become aware of, including any alleged fraud or corruption.

6.1.4 Measures to prevent abuse of the infrastructure delivery system

The Accounting Officer / Chief Financial Officer shall investigate all allegations of corruption, improper conduct or failure to comply with the requirements of this policy against an employee or an agent, a contractor or other role player and, where justified:

- 1) take steps against an employee or role player and inform the National Treasury and Gauteng Provincial Treasury of those steps;
- 2) report to the South African Police Service any conduct that may constitute a criminal offence;
- 3) lodge complaints with the Construction Industry Development Board or any other relevant statutory council where a breach of such council's code of conduct or rules of conduct are considered to have been breached;
- 4) cancel a contract if:
 - a) it comes to light that the contractor has made a misrepresentation, submitted falsified documents or has been convicted of a corrupt or fraudulent act in competing for a particular contract or during the execution of that contract; or
 - b) an employee or other role player committed any corrupt or fraudulent act during the tender process or during the execution of that contract.

6.1.5 Awards to persons in the service of the state

- a) Any submissions made by a respondent or tenderer who declares in the Compulsory Declaration that a principal is one of the following shall be rejected:
 - I. a member of any municipal council, any provincial legislature, or the National Assembly or the National Council of Provinces;
 - II. a member of the board of directors of any municipal entity;
 - III. an official of any municipality or municipal entity;
 - IV. an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - V. a member of the accounting authority of any national or provincial public entity; or
 - VI. an employee of Parliament or a provincial legislature.
- b) The notes to the annual financial statements of the Municipality shall disclose particulars of an award of more than R 2000 to a person who is a family member

of a person identified in 6.1.5.1 or who has been in the previous 12 months. Such notes shall include the name of the person, the capacity in which such person served and the amount of the award.

6.1.6 Collusive tendering

Any submissions made by a respondent or tenderer who fails to declare in the Compulsory Declaration that the tendering entity:

- a) is not associated, linked or involved with any other tendering entity submitting tender offers; or
- b) has not engaged in any prohibited restrictive horizontal practices including consultation, communication, agreement, or arrangement with any competing or potential tendering entity regarding prices, geographical areas in which goods and services will be rendered, approaches to determining prices or pricing parameters, intentions to submit a tender or not, the content of the submission (specification, timing, conditions of contract etc.) or intention to not win a tender shall be rejected.

6.1.7 Placing of contractors under restrictions

- a) If any tenderer which has submitted a tender offer or a contractor which has concluded a contract has, as relevant:
 - 1) withdrawn such tender or quotation after the advertised closing date and time for the receipt of submissions;
 - 2) after having been notified of the acceptance of his tender, failed or refused to commence the contract;
 - 3) had their contract terminated for reasons within their control without reasonable cause;
 - 4) offered, promised or given a bribe in relation to the obtaining or the execution of such contract;
 - 5) acted in a fraudulent, collusive or anti-competitive or improper manner or in bad faith towards Midvaal Local Municipality; or
 - 6) made any incorrect statement in any affidavit or declaration with regard to a preference claimed and is unable to prove to the satisfaction of Midvaal Local Municipality that the statement was made in good faith or reasonable steps were taken to confirm the correctness of the statements,
- b) The Bid Adjudication Committee shall make a recommendation to the Accounting Officer for placing the contractor or any of its principals under restrictions from doing business with the Midvaal Local Municipality.
- c) The Accounting Officer may, as appropriate, upon the receipt of a recommendation made in terms of 6.1.7.1 and after notifying the contractor of such intention in writing and giving written reasons for such action, suspend a contractor or any principal of that contractor from submitting a tender offer to Midvaal Local Municipality for a period of time.

d) The Director: Expenditure shall:

- 1) record the names of those placed under restrictions in an internal register which shall be accessible to employees and agents of Midvaal Local Municipality who are engaged in procurement processes; and
- 2) notify the National Treasury and Gauteng Provincial Treasury and, if relevant, the Construction Industry Development Board, of such decision and provide them with the details associated therewith.

6.1.8 Complaints

- a) All complaints regarding the Midvaal Local Municipality's infrastructure delivery management system shall be addressed to the Accounting officer. Such complaints shall be in writing.
- b) The Assistant Director: PMS shall investigate all complaints regarding the infrastructure procurement and delivery management system and report on actions taken to the Accounting officer who will decide on what action to take.

6.2 Acquisition management

6.2.1 Unsolicited proposal

- a) The Midvaal Local Municipality is not obliged to consider unsolicited offers received outside a normal procurement process but may consider such an offer only if:
 - 1) the goods, services or any combination thereof that is offered is a demonstrably or proven unique innovative concept;
 - 2) proof of ownership of design, manufacturing, intellectual property, copyright or any other proprietary right of ownership or entitlement is vested in the person who made the offer;
 - 3) the offer presents a value proposition which demonstrates a clear, measurable and foreseeable benefit for Midvaal Local Municipality;
 - 4) the offer is in writing and clearly sets out the proposed cost;
 - 5) the person who made the offer is the sole provider of the goods or service; and
 - 6) the accounting officer finds the reasons for not going through a normal tender process to be sound.
- b) The accounting officer may only accept an unsolicited offer and enter into a contract after considering the recommendations of the tender committee if:
 - 1) the intention to consider an unsolicited proposal has been made known in accordance with Section 21A of the Municipal Systems Act of 2000 together with the reasons why such a proposal should not be open to other competitors, an explanation of the potential benefits for the municipality and an invitation to the public or other potential suppliers and providers to submit their comments within 30 days after the notice;

- 2) the Midvaal Local Municipality' has obtained comments and recommendations on the offer from the National Treasury and Gauteng Provincial Treasury;
 - 3) the tender committee meeting which makes recommendations to accept an unsolicited proposal was open to the public and took into account any public comments that were received and any comments and recommendations received from the National Treasury and Gauteng Provincial Treasury; and
 - 4) the provisions of 6.2.2. are complied with.
- c) The accounting officer shall, within 7 working days after the decision to award the unsolicited offer is taken, submit the reasons for rejecting or not following the recommendations to the National Treasury, the Gauteng Provincial Treasury and Auditor General. A contract shall in such circumstances not be entered into or signed within 30 days of such submission.

6.2.2 Tax and rates compliance

a) SARS tax clearance

- 1) No contract may be awarded or an order issued unless a tenderer or contractor is tax compliant provided that the tenderer is not domiciled in the Republic of South Africa and the SARS has confirmed that such a tenderer is not required to prove their tax compliance status.
- 2) In the case of a partnership, each partner shall comply with the requirements of 6.2.2.a).1).
- 3) No payment shall be made to a contractor who does not satisfy the requirements of 6.2.2.a).2). An employee of Midvaal Local Municipality shall upon detecting that a tenderer or contractor is not tax compliant, immediately notify such person of such status.
- 4) Notwithstanding the requirements of 6.2.2.a).1) and 6.2.2.a).3) the following shall apply, unless a person who is not tax compliant indicates to the chief financial officer that it intends challenging its tax compliance status with SARS,
 - a) a contract may be awarded to a non-compliant tenderer if such a tenderer is able to remedy its tax compliance status within a period not exceeding 10 working days after being duly notified of its non-compliant status;
 - b) an order may be awarded to a non-compliant contractor if such a contractor is able to remedy its tax compliance status within a period not exceeding 10 working days after being duly notified of its non-compliant status;
 - c) a non-compliant contractor shall be issued with a first warning that payments in future amounts due in terms of the contract may be withheld, before the authorising of any payment due to such contractor;
 - d) before authorising a further payment due to a non-compliant contractor who has failed to remedy its tax compliance status after

receiving a first warning, a second warning shall be issued to such contractor;

- e) no payments may be released for any amounts due in terms of the contract due to a non-compliant contractor if, after a period of 30 calendar days have lapsed since the second warning was issued, the non-compliant contractor has failed to remedy its tax compliance status.
- 5) The Midvaal Local Municipality may cancel a contract with a non-compliant contractor if such a contractor fails to remedy its tax compliance status after a period of 30 calendar days have lapsed since the second warning was issued in terms of 6.2.2.a.4).e).

b) Municipal rates and taxes

No contract may be awarded to a tenderer who, of the principals of that tenderer, owes municipal rates and taxes or municipal service charges to any municipality or a municipal entity and are in arrears for more than 3 months.

c) Declarations of interest

Tenders and respondents making submissions in response to an invitation to submit a tender or a call for an expression of interest, respectively shall declare in the Compulsory Declaration whether or not any of the principals:

- 1) are an employee of the Midvaal Local Municipality or in the employ of the state; or
- 2) have a family member or a business relation with a person who is in the employ of the state.
- 3) No staff member may be involved in the soliciting or adjudication of quotations or bids where that staff member, or that staff member's spouse, partner or business associate, or partner or business associates of the staff member's spouse has a direct or indirect personal or private business interest.

d) Invitations to submit expressions of interest or tender offers

- 1) All invitations to submit tenders where the estimated value of the contract exceeds R200 000 including VAT, except where a confined tender process is followed, and expressions of interest shall be advertised on the Midvaal Local Municipality's website and on the National Treasury e-Tender Publication Portal. Advertisements shall be placed by Deputy Director: SCM
- 2) Advertisements relating to construction works which are subject to the Construction Industry Development Regulations issued in terms of the Construction Industry Development Act of 2000 shall in addition to the requirements of 6.2.2 d) 2) be advertised on the CIDB website. Advertisements shall be placed by Deputy Director: SCM.

- 3) Where deemed appropriate by Deputy Director: SCM an invitation to tender and a call for an expression of interest shall be advertised in suitable local and national newspapers and the Government Tender Bulletin as directed by such person. Advertisements shall be placed by Deputy Director: SCM.
- 4) Such advertisements shall be advertised for a period of at least 30 days before closure, except in urgent cases when the advertisement period may be shortened as determined by the accounting officer.
- 5) Invitations to submit expressions of interest or tender offers shall be issued not less than 10 working days before the closing date for tenders and at least 5 working days before any compulsory clarification meeting. Procurement documents shall be made available not less than 7 days before the closing time for submissions.

e) Publication of submissions received and the award of contracts

- 1) The Deputy Director: SCM shall publish within 10 working days of the closure of any advertised call for an expression of interest or an invitation to tender where the estimated value of the contract exceeds R200 000 including VAT on the municipality's or municipal entity's website, the names of all tenderers that made submissions to that advertisement, and if practical or applicable, the total of the prices and the preferences claimed. Such information shall remain on the website for at least 30 days.
- 2) The Deputy Director: SCM shall publish within 7 days from date of the award of a contract the following on the Midvaal Local Municipality's website
 - a) the contract number;
 - b) contract title;
 - c) brief description of the goods, services or works;
 - d) the total of the prices, if practical;
 - e) the names of successful tenderers and their B-BBEE status level of contribution;
 - f) duration of the contract; and
 - g) brand names, if applicable.
- 3) The Deputy Director: SCM shall submit within 7 working days of the award of a contract the information required by National Treasury on the National Treasury eTender Publication Portal regarding the successful and unsuccessful tenders.
- 4) The award of contracts relating to construction works which are subject to the Construction Industry Development Regulations issued in terms of the Construction Industry Development Act of 2000 shall in addition to the requirements of 6.2.2.e).3). be notified on the CIDB website. The notification shall be made by placed by Deputy Director: SCM.

f) Disposal committee

- 1)** The accounting officer shall appoint on a disposal by disposal basis in writing the members of the disposal committee to decide on how best to undertake disposals relating to the demolition or dismantling of infrastructure or parts thereof, and the disposal of unwanted, redundant or surplus materials, plant and equipment.

Disposals shall be proceeded with only after the feasibility and desirability of using one or more of the following alternative disposal strategies have been considered:

- transfer to another organ of state, business unit or a charitable organisation at market-related value or free of charge;
- recycling or re-use of component materials; or
- disposal by means of dumping at an authorised dump site, burning or demolition.

The reasons for adopting a disposal strategy shall be recorded prior to proceeding with such disposal.

- 2)** The disposal panel shall comprise not less than three people. The chairperson shall be an employee of Midvaal Local Municipality.
- 3)** The disposal committee shall make recommendations to Council who shall approve the recommendations, refer the disposal strategy back to the disposal committee for their reconsideration, decide not to proceed or to start afresh with the process.

6.3 Reporting of infrastructure delivery management information

Deputy Director: SCM shall report to the relevant treasury within one month of the award of a contract or the issuing of an order, all engineering and construction, supply, service and professional service contracts that are awarded, or orders that are issued, should the total of prices, including VAT, exceed R25 million for services and professional services, and R50 million for supply and engineering and construction works. Such a report shall indicate the following:

- a) the title and number of the contract or order;
- b) a brief outline of the scope;
- c) the total of the prices at the time that a contract is concluded or an order issued;
- d) the time for completion or delivery; and
- e) the procurement procedure that was used to put the contract in place, or in the case of a framework agreement, whether or not competition amongst framework contractors was reopened.

7. Infrastructure procurement

7.1 Procurement documents

7.1.1 The forms of contract that may be used are as follows:

Form of contract	Code	Usage
Construction Industry Development Board (CIDB)		
CIDB Standard Professional Service Contract	SPSC	Professional Service
CIDB General Conditions of Purchase	-	An order form type of contract for low-value goods without any incidental work or services on or before a specified date being required
CIDB Contract for the Supply and Delivery of Goods	-	Simple, regional purchase of readily available materials or commodities which require almost no management of the buying and delivery process, minimal testing, installation and commissioning on delivery
CIDB General Conditions of Service -	-	An order form type of contract where low-value services on or before a specified date are required.
International Federation of Consulting Engineers (FIDIC)		
FIDIC Short Form of Contract	Green Book	Building or engineering works of relatively small capital value, or for relatively simple or repetitive work, or for work of short duration. Use for design by employer- or contractor-designed works.

7.1.2 The Midvaal Local Municipality's preapproved templates for Part C1 (Agreements and contract data) of procurement documents shall be utilised to obviate the need for legal review prior to the awarding of a contract. All modifications to the standard templates shall be approved by Chief financial officer prior to being issued for tender purposes.

7.1.3 Disputes arising from the performance of a contract shall be finally settled in a South African court of law.

7.1.4 any additional requirements, if any e.g. use of standard access specifications, health and safety specifications etc, will be added on a case by case basis

7.1.5 The Municipal Declaration and returnable documents contained in the standard shall be included in all tenders for:

- a) consultancy services; and
- b) goods and services or any combination thereof where the total of the prices is expected to exceed R10 m including VAT.

7.2 Developmental procurement policy

7.2.1 General

Municipalities shall utilise procurement to promote Broad-Based Black Economic Empowerment in accordance with the provisions of the Broad-Based Black Economic Empowerment Act and, where appropriate, to promote:

- a) work opportunities for target groups; and
- b) national development goals, such as those identified by the Presidential Infrastructure Coordinating Commission.

Not less than 50% of the points allocated to preference in a points scoring system in the evaluation of tenders shall be allocated to Broad-Based Black Economic Empowerment goals.

Minimum local content shall be included in contracts in accordance with the Preferential Procurement Regulations issued in terms of the Preferential Procurement Policy Framework Act. Requirements shall be evaluated in tenders through declarations made by tenderers and shall be included in the scope of work associated with the contract.

7.2.2 Permitted targeted procurement procedures

The targeted procurement procedures that may be used to promote social and economic objectives shall include one or more of the following:

- a) the granting of preferences;
- b) accelerated rotations on electronic databases, where appropriate;
- c) the granting of up to 10% of the total number of evaluation points used to short-list tenderers following a call for expressions of interest;
- d) financial incentives for the attainment of key performance indicators in the performance of the contract; and
- e) the creation of contractual obligations to engage target groups in the performance of the contract by establishing requirements for the tendering of subcontracts in terms of a specified procedure, or establishing obligations to attain contract participation goals in accordance with the relevant provisions of SANS 10845.

7.3 Payment of contractors

The Midvaal Local Municipality shall settle all accounts within 30 days of invoice or statement as provided for in the contract, once signed off by project manager.

7.4 Approval to utilise specific procurement procedures

7.4.1 Prior approval shall be obtained for the following procurement procedures from the following persons, unless such a procedure is already provided for in the approved procurement strategy:

- a) Tender Committee shall authorise the use of the negotiated procedure above the thresholds provided in the standard.
- b) Tender Committee shall authorise the approaching of a confined market except where a rapid response is required in the presence of, or the imminent risk of, an extreme or emergency situation arising from the conditions set out in the standard and which can be dealt with or the risks relating thereto arrested within 48 hours; and
- c) the proposal procedure using the two-envelope system, the proposal procedure using the two-stage system or the competitive negotiations procedure.

7.4.2 The person authorised to pursue a negotiated procedure in an emergency is *the accounting officer*, tenderer or respondent and, if relevant, the total of prices including VAT where this is possible;

- a) record in the register the name of any submissions that is returned with the reasons for doing so;
- b) record the names of the tenderer's representatives that attend the public opening;
- c) sign the entries into the register; and
- d) stamp each returnable document in each tender submission.

7.4.3 Each member of the opening panel shall initial the front cover of the submission and all pages that are stamped.

7.4.4 Respondents and tenderers whose submissions are to be returned shall be afforded the opportunity to collect their submissions.

7.4.5 Submissions shall be safeguarded from the time of receipt until the conclusion of the procurement process.

7.5 Use of another organ of state's framework agreement

The Midvaal Local Municipality may make use of another organ of state's framework contract which has been put in place by means of a competitive tender process and there are demonstrable benefits for doing so. The accounting officer shall make the necessary application to that organ of state to do so. The municipality is required to solicit the comments of the Gauteng Provincial Treasury according to the revised 2018/2019 Municipal SCM Framework.

7.6 Insurances

7.6.1 Contractors shall be required to take out all insurances required in terms of the contract.

- 7.6.2** The insurance cover in engineering and construction contracts for loss of or damage to property (except the works, Plant and Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the Contractor) caused by activity in connection with a contract shall in general not be less than the value stated in Table 4, unless otherwise directed by Executive Director: Engineering services
- 7.6.3** Lateral earth support insurance in addition to such insurance shall be take out on a case by case basis.

Minimum insurance cover (table 4)

Type of insurance	Value
Engineering and construction contracts - loss of or damage to property (except the works, Plant and Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the Contractor) caused by activity in connection with a contract	Not less than R20 million
Professional services and service contracts - death of or bodily injury to employees of the Contractor arising out of and in the course of their employment in connection with a contract or damage to property	Not less than R10 million
Professional indemnity insurance	geotechnical, civil and structural engineering: R5,0 million electrical, mechanical and engineering: R3,0 million architectural: R5,0 million other R3,0 million

- 7.6.4** The insurance cover in professional services and service contracts for damage to property or death of or bodily injury to employees of the Contractor arising out of and in the course of their employment in connection with a contract shall not be less than the value stated in Table 4 for any one event unless otherwise directed by Executive Director: Engineering services.
- 7.6.5** SASRIA Special Risk Insurance in respect of riot and associated risk of damage to the works, Plant and Materials shall be taken out on all engineering and construction works.
- 7.6.6** Professional service appointments shall as a general rule be subject to proof of current professional indemnity insurance being submitted by the contractor in an amount not less than the value stated in Table 4 in respect of each claim, without limit to the number of claims, unless otherwise directed by the Executive Director: Engineering services in relation to the nature of the service that they provide.
- 7.6.7** Midvaal Local Municipality shall take out professional indemnity insurance cover where it is deemed necessary to have such insurance at a level higher than the levels of insurance commonly carried by contractors.
- 7.6.8** Where payment is to be made in multiple currencies, either the contractor or Midvaal Local Municipality should be required to take out forward cover.

Alternatively, the prices for the imported content should be fixed as soon as possible after the starting date for the contract.

7.7 Written reasons for actions taken

7.7.1 Written reasons for actions taken shall be provided by Deputy Director: SCM.

7.7.2 The written reasons for actions taken shall be as brief as possible and shall as far as is possible, and where relevant, be framed around the clauses in the:

- a) SANS 10845-3, *Construction procurement - Part 3: Standard conditions of tender*, and, giving rise to the reason why a respondent was not short listed, prequalified or admitted to a data base; or
- b) SANS 10845-4, *Construction procurement - Part 4: Standard conditions for the calling for expressions of interest*;

as to why a tenderer was not considered for the award of a contract or not awarded a contract.

7.7.3 Requests for written reasons for actions taken need to be brief and to the point and may not divulge information which is not in the public interest or any information which is considered to prejudice the legitimate commercial interests of others or might prejudice fair competition between tenderers.

7.8 Request for access to information

7.8.1 Should an application be received in terms of Promotion of Access to Information Act of 2000 (Act 2 of 2000), the “requestor” should be referred to the Midvaal Local Municipality’s Information Manual which establishes the procedures to be followed and the criteria that have to be met for the “requester” to request access to records in the possession or under the control of Midvaal Local Municipality’s.

7.8.2 Access to technical and commercial information such as a comprehensive programme which links resources and prices to such programme should be refused as such information provides the order and timing of operations, provisions for time risk allowances and statements as to how the contractor plans to do the work which identifies principal equipment and other resources which he plans to use. Access to a bill of quantities and rates should be provided in terms of the Act.

Annexure AL
Contract Management
Policy
2025/2026



SCM CONTRACT MANAGEMENT POLICY

2025/2026 FINANCIAL YEAR



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1. TERMS AND DEFINITIONS

Contract	The written agreement entered between the purchaser and the supplier, as recorded in the contract form signed by the parties, including attachments and appendices thereto and all documents incorporated by reference therein.
Contractor	The party to the contract that is required to provide goods or services according to the terms of the agreement.
Contract Management	The activities necessary to manage a contract throughout all stages in the contract life cycle to ensure that immediate action is taken effectively and efficiently to the change that may occur to the contract
Contract Management system	Computerised or manual system necessary to ensure proper Contract Management control and monitoring of performance of the contractors in terms of the contracts.
Contract Register	Manual or computerised system necessary to ensure proper Contract Management control.
Force Majeure	An event beyond the control of the contractor and not involving the contractor's fault or negligence and not foreseeable. The burden is on the party claiming force majeure is to prove that the force majeure falls within the contract wording and that non-performance was a result of the outbreak. The party must also show there were no alternative means for performing its obligations and that it has taken all reasonable steps, The party will be seeking to be excused from liability for non-performance, which in most cases will mean renegotiating the terms of the contract by, for example, extending timelines for delivery. There are certain conditions that must be fulfilled in order for a force majeure to trigger the type of impossibility that extinguishes a party's contractual obligations. These are: - ○ The impossibility must be objectively impossible. ○ It must be absolute as opposed to probable.

- It must be absolute as opposed to relative (in other words, if it relates to something that can in general be done, but the one party seeking to escape liability cannot personally perform it, such party remains liable in contract).
- The impossibility must be unavoidable by a reasonable person.
- It must not be the fault of either party.
- The mere fact that a disaster or event was foreseeable, does not necessarily mean that it ought to have been foreseeable or that it is avoidable by a reasonable person.

Litigate	The act or process of contesting a lawsuit or seeking redress through the courts.
Parties	Parties that stipulate obligations to one another to ensure that the contract term and condition are fulfilled.
Specification	The statement that provide detailed description of goods, services and works characteristics and identify performance requirements prepared when procuring goods, services and works.
Transversal Contract	Term contracts that are facilitated and arranged by National Treasury or Provincial Treasury for goods and services that may be utilized by a Municipality.
Terms of Reference	The statement that define clearly the task directive (methodology), objectives, goals and scope of the assignment and provide background information, prepared when procuring professional services.
Institution	A Unit or Function in the organization as the role player to the procedures.
Division	Includes the divisional section within the municipality.
Firm Contract Price	Contract prices provide for a fixed price which normally are not subject to any further price adjustment.
Non-Firm Contract Price	Contracts prices that are subjected to changes if they are explicitly included in the agreement. based on the economic price escalations such as consumer price inflation (CPI)

Abbreviations

CRA	Contract Registration Application
CFO	Chief Financial Officer
MCMG	Municipal Contract Management Guideline
CPA	Contract Price Adjustments
BAC	Bid Adjudication Committee
GCC	General Conditions of Contract
GPG	Gauteng Provincial Government
GPT	Gauteng Provincial Treasury
MBD	Municipal Bidding Document
MFMA	Municipal Finance Management Act
MM	Municipal Manager
SCC	Special Conditions of Contract
SCM	Supply Chain Management
SLA	Service Level Agreement
TOR	Terms of Reference
RT	National Treasury Transversal Contract

2. INTRODUCTION

Good contract management is essential for sound financial management and contributes greatly to effective and efficient service delivery. Contract management is concerned with monitoring contractor performance to avoid bid violations (e.g., submission and payment of fictitious invoices and abuse of the variation procedures). Contract management could be described as a systematic process that ensures that goods and services are delivered to the right place, in the right quantity, with the right quality, at the right cost and at the right time.

Furthermore, it is the process that enables both parties to a contract to meet their obligations in order to deliver the objectives required from the contract and invoices which builds a good working relationship between the parties. Contract management continues throughout the life of a contract and also involves managing proactively to anticipate future needs as well as reacting to adverse situations that may arise.

One of the objectives of contract management is to accelerate service delivery in accordance with the signed contract and the attainment of value for money whilst mitigating any risks.

3. PURPOSE

The purpose of the Municipal Contract Management policy is to establish sound and consistent management practices with respect to municipal contracts. It describes the processes and assigns responsibilities to effectively administer contracts from:

- Preparation of contracts.
- Maintenance of contract register.
- Monitoring of payments.
- Control contract variation and price adjustments.
- Assess and monitor performance of the contractor.
- Manage contract disputes.
- Manage the close out of contracts.

4. TYPES OF CONTRACTS

4.1 Lump Sum (Firm Fixed Price) Contract

Lump sum contracts are used mainly for assignments in which the content and the duration of the services and the required output of the consultants are clearly defined.

They are widely used for simple planning and feasibility studies, environmental studies, detailed design of standard or common structures, preparation of data processing systems, and so forth.

Payments are linked to outputs (deliverables), such as reports, drawings, bills of quantities, bidding documents and software programs.

Lump sum contracts are easy to administer because payments are due on clearly specified outputs.

The price is determined at inception of the contract and remains fixed for the duration of the contract.

4.2 Time-Based Contract

This type of contract is appropriate when it is difficult to define the scope and the length of services, either because the services are related to activities by others for which the completion period may vary, or because the input of the consultant or contractor required to attain the objectives of the assignment is difficult to assess.

This type of contract is widely used for complex studies, supervision of construction activities, advisory services, and most training assignments.

Payments are based on agreed hourly, daily, weekly, or monthly rates for staff (who are normally named in the contract) and on reimbursable items using actual expenses and / or agreed unit prices.

The rates for staff include salary, social costs, overheads, fees and, *where appropriate*, special allowances.

This type of contract should include a maximum amount of total payments to be made to the consultants. This ceiling amount may include a contingency allowance for unforeseen work and duration and provision for price adjustments, *where appropriate*.

Time-based contracts need to be closely monitored and administered to ensure that the assignment is progressing satisfactorily, and payments claimed by the consultants are valid and in terms of the contract.

Guidelines on fees for Consultants issued by the Department of Public Service and Administration, as well as any other accredited and recognized associations or bodies (e.g. AG, ECSA, Law Society, SAICA etcetera.) should be used as a basis to establish whether the fees proposed are reasonable and market related.

4.3 Percentage Contract

These contracts are commonly used for architectural services. They may be also used for procurement and inspection agents.

Percentage contracts directly relate to fees paid to the consultant on the estimated or actual project construction cost, or the cost of the goods procured or inspected.

These contracts are negotiated on the basis of market norms for the services.

4.4 Time Based Contract (With Price Agreement)

These contracts are used when the Accounting Officer or the municipality needs to have "on call" specialized services to provide advice on a particular activity, the extent and timing of which cannot be defined in advance.

These are commonly used to retain "advisers" for implementation of complex projects, expert adjudicators to serve on dispute resolution panels, advice on complex procurement, etcetera.

These appointments would normally be for a period of a year and generally not exceed three years.

5. CONTRACT CREATION

The contract is created through three key stages of tender namely: pre-tender, tendering and post tender contract management. All of these must be governed by rigorous governance principles.

The pre-tender stage includes needs assessment, planning and budgeting, development of specifications and selection of the most suitable procurement strategy. The tendering stage includes the invitation to tender, evaluation and adjudication of bids. Post-tender includes contract management, ordering and payment. It is important that efficient governance principles be applied to all these stages of the contract.

5.1 The Pre-Tender or Demand Management Stage

Demand planning, procurement planning, items and specification management, and supplier management are critical phases in the pre-tendering stage. This stage ensures that goods, services, construction work and other purchases are properly planned and aligned to the municipality's procurement (plan) strategy and resource plan.

This alignment is critical to ensuring that goods are delivered at the right time, place and price, in the right quantity and of the right quality. It is at this stage that a comprehensive needs analysis is carried out in line with the strategic planning process.

Procurement plans indicate all purchases that will be undertaken in the short, medium and long-term periods. Proper planning should reduce delivery delays, eradicate recurring contracts and unnecessary extensions, and eliminate the need for emergency procurement.

5.2 The Tendering or Acquisition Management Stage

This stage includes the invitation to tender, and evaluation and adjudication of bids. To avoid lack of competition and conflict of interest, all potential bidders must have access to the same tender information.

Information in the bid documents should include details of the product or service to be procured, specifications, actual or estimated quantities, the timeframe for delivery, realistic closing dates and times, where to obtain documentation, where to submit tenders and a clear, complete and non-discriminatory description of the selection and award criteria. These cannot be altered after the tender closing date.

6. CONTRACT MANAGEMENT LIFECYCLE

The lifecycle begins with setting direction, high-level objectives and policies for the Municipality. This leads to the identification of needs of the Municipality that can be fulfilled by acquiring goods, works and / or services to fulfill the need. Once the service is acquired, Contract Management comes into effect. An ongoing analysis of municipal needs is critical to ensure that goods, services and works provided are what the municipality really needs.

An effective Contract Management life cycle constitutes planning, contract arrangement, administration, performance management and close out.

6.1 Stage 1: Planning

This stage refers to consideration of contracts during the planning and budgeting processes. These processes will identify the need for contract creation and timeframes for implementation to ensure that delivery of goods and services occurs as approved in the budget.

During the strategic planning phase, the goods, works and services required to execute the identified functions are determined and captured in the procurement plans.

Procurement plans containing all planned procurement for the financial year in respect of the procurement of goods, services and works which exceed R200 000.00 (*Capital Expenditure*) is submitted by Accounting Officers to Gauteng Provincial Treasury by the 31 July of each year.

The Procurement Plan document provides detailed information about the description of goods, services and works, the procurement method, estimated value, envisaged date of advertisement as well as envisaged date of award including the responsible office.

Contract management function within the SCM unit will be responsible for monitoring of contracts in line with the projects listed in the procurement plans and approved budgets.

6.2 Stage 2: Contract Arrangement

This stage refers to the arrangement of signing the contract, making it legally enforceable and formalizing the terms and conditions concluded between parties.

The Contract Management function, within the SCM unit will arrange for the signing of the contract as follows:

- Submit the tender document, which becomes the contract, to the Deputy Municipal Manager / delegated official for signature.
- Issue an appointment letter, signed by the CFO and relevant head of department, or by the Municipal Manager (for appointments above R10 Million VAT Included) to the successful bidder.
- Follow-up on the need for of a Service Level Agreement (*where appropriate*), between the municipality and the bidder.
- The SLA must be legally sound and vetted by the Municipality's Legal Services Department, prior to signing off by the parties;

- Capture contract award details in the Contract Management system of the Municipality and National Treasury's Contract Registration Application (CRA).
- Original signed contract resides within the Supply Chain Management Unit, copy of which will be scanned and archived in the SCM filing system of the municipality;
- A copy of the signed contract is issued to the end-user to prepare for acquisition.

6.2.1 Service Level Agreement

Service level agreements are negotiated agreements for the delivery of specified services between the contractor and the Municipality. An SLA is not compulsory and is solely at the discretion of the user department, especially if the specifications in the tender document is not sufficient.

The SLA specifies services or goods required. The level of quantities and quality of service to which both parties agree and designed to indicate and evaluate the quality of the service delivered. Agreement is negotiated at the commencement of a contract and involves the understanding of the needs and constraints of both parties.

The purpose of developing SLA's and setting service levels is to enable the municipality to monitor and control the performance of the service received from the contractor against agreed standards. Service level agreements should be agreed to by both parties and these are:

- Established at a reasonable level in line with the TOR or Specifications which contain the scope of work.
- Prioritized by the municipality in order of importance and on an agreed scale for example: critical, major, urgent, important, minor, easily monitored, such as objectives, tangible and quantifiable.
- To conclude the SLA within the shortest possible timeframe after the award of a contract as best practice.
- The SLA may be included in the bid document to allow bidders to have ample time to review the SLA, or a draft SLA may be requested together with the bid document.
- The SLA should be unambiguous and understandable by all parties and may be open to re-negotiation if justifiable to do so;
- The contractor and the municipality jointly identify a statement of expectations and ability, the cost of receiving the service and the basis for the calculation of costs.

The contractor is accountable for the quality and performance levels of the services and the availability thereof. One of the principle objectives of an SLA, is that both parties understand the basis and intent of the terms and conditions under which the services are to be delivered.

The definitions of terms should be an integral part of the negotiation and discussion process between the two parties. If there are other terms identified during discussions that are not in the list of defined terms, they should be added.

It must be noted that an SLA is an agreement in its own and it should therefore not be used to change or refine the stipulations contained in the bid documents.

The list of common provisions is not exhaustive and other provisions will need to be drafted to suit the particular contractual arrangement; as a result, professional advice may be sought to assist with drafting specific SLA provisions.

6.2.2 Legal Vetting of Service Level Agreement or the Formal contract

Prior to signing a formal contract or service level agreement with a contractor, the Accounting Officer will ensure that such contracts or agreements are legally sound to avoid potential litigation and to minimize possible fraud and corruption.

The above includes legal vetting by the Legal Division of the municipality and such contracts or agreements must be actively managed in order to ensure that both the Municipality and the contractor meet their respective obligations.

The legal division provides expert advice to the Contract Management unit and must be consulted in the following circumstances:

- Vetting of contract documents and service level agreements.
- Dispute resolutions, implementation of contract terms and conditions.
- Contract change of ownership, breach of contract, penalties, terminations, enforcement of indemnities, guarantees and contractual claims.

6.3 Stage 3: Contract Administration

This stage is important in Contract Management and overlaps with monitoring and performance assessment. It encompasses various activities that need to be completed on a day-to-day basis, including amongst others:

6.3.1 Contract Register

All approved contracts are registered in the Contract Management System to enable easy retrieval and identification of all contractual arrangements.

Contracts that are partially executed, signed by one party, may be registered into the Contract Management System prior to forwarding to other parties for signature. The Contract Management unit function should ensure that all signatures are obtained, and contracts are updated in the system.

Contract registers should be used to monitor contract end dates in order to notify the end user to commence with the procurement strategy timeously, at least 6 months prior to the expiry of the contract.

An effective contract register should have the following characteristics:

- Contract number, name of contractor, description, award date, type of contract, amount, contract period, department, project manager, contact details, expenditure, commitment.
- This will simplify the reconciliation or cross-check between the register and the municipality's financial management information system.
- Expenditure against the contract and value of commitment.

Contract register report will be established detailing status of contracts and the reports to be provided by the 5th working day of every month to the Head of SCM on the following:

- Valid contracts in place.
- Contracts due to expire in six to twelve months.
- Contracts extended.
- All expired contracts.
- Contract variations.
- Cancelled contracts.
- Contracts captured on the system; (where applicable)
- Value of commitments.
- Value of accruals.

6.3.2 Contract Payments

Payments should be made in accordance with the provisions of the contract after delivery.

Evidence of delivery is required, and the end user must certify that the work has been satisfactorily executed and meet the required standards of performance, e.g. Goods Received Voucher (GRV), Payments certificates, Invoice, etc.

Payments for satisfactory performance should not be delayed because this can undermine the relationship with the service provider. All payments due to creditors must be settled within 30 days from receipt of an invoice or, in the case of civil claims, from the date of settlement or court judgment. This implies that amounts owing must be paid within 30 days from receipt of invoice if the goods, works or services were delivered to the satisfaction of the Accounting Officer or delegated authority.

In cases where a discount is not a contract condition and the contractor offers a discount on the invoice, the discount if possible must be utilized for instance by making the payment within the time limit specified on the invoice. These are usually referred to as settlement discounts.

In the event that only part of the invoice is queried, arrangement should be made to pay that portion of the amount payable, which is not subject to dispute, and separately take action to remedy the disputed amount.

Payment outside the prescribed period of 30 days from receipt of invoice is deemed to be a contravention and may be reported as such by the Auditor-General as part of the audit process.

Interest incurred on late payments will be declared as fruitless and wasteful expenditure and should also be disclosed as such in the Annual Financial Statements.

6.3.3 Contract Variation

It is recognized that, in exceptional cases, an Accounting Officer may deem it necessary to expand or vary orders against the original contract. The reasons for the variation should be clearly documented and should occur in defined circumstances.

A variation is mostly issued when extra work is added to the project after the contract has been signed. Deliverables and value for money should be assessed.

In order to mitigate against such practices, The Accounting Officer must ensure that contracts may only be expanded or varied by not more than 20% for construction related goods, services and / or infrastructure projects and 15% for all other goods and / or services of the original value of the contract. Furthermore, any variation beyond the abovementioned thresholds must be dealt with in terms of Section 116 of the Municipal Finance Management Act.

No variation or modification of the terms of the contract may be made except by a written amendment signed by the contracted parties.

The SCM unit will forward the submission made in terms of a variation order to the BEC and BAC for consideration and recommendation to the Municipal Manager.

Upon approval, the Contract Management function will issue a letter of amendment or an addendum to the contract, to the contractor and also inform the end-user to prepare a purchase requisition to create an order.

The Contract Management unit will update the contract register and applicable Contract Management system

6.3.4 Contract secured by other organs of state

Whilst the municipality may utilize the contract procured by another municipality or organ of state, under strict conditions and prescribed requirements, the Municipality strongly discourages the use of Regulation 32 of the Municipal SCM Regulations. If the need arises, the Municipality must make sure that it complies with the below as per MFMA Circular No. 96 as per below:

PRINCIPLES UNDERPINNING THE IMPLEMENTATION OF REGULATION 32

Before MLM decides to become a participant in a contract secured by another organ of state, it must, as part of demand management, conduct a detailed analysis of the goods or services required. When procuring infrastructure, the municipality must also compare for example its topography or other features, to that of the other organ of state in order to ensure that the service provider will be able to deliver at an acceptable standard.

The contract must have been secured by means of a competitive bidding process applicable to that other organ of state and the municipality or entity has no reason to believe that such contract was not validly procured

This means that MLM must verify and satisfy itself that the contract was procured through a procurement process that was fair, equitable, transparent, competitive and cost effective consistent with the public sector procurement principles set out in section 217 of the Constitution.

In order to verify this, MLM must obtain copies of the bid advertisements, bid documents, minutes of evaluation and adjudication committee meetings, and any other relevant documents relating to the contract in order to review whether the other organ of state complied with applicable legislation and policies when it procured the contract. MLM's bid adjudication committee and the internal audit unit must review the obtained documentation from the organ of state, to certify that a competitive bidding process and due process was followed by the other organ of state in concluding the contract. MLM must maintain confidentiality when processing all documentation, as may be appropriate.

There must be demonstrable discounts or benefits for the municipality or entity to procure goods or services under a contract procured by another organ of state

MLM must assess the contract terms such as, unit of issue or type of service; delivery lead times and prices; length of contract in line with required goods or service; and undertake comparative research to determine if this form of procurement is more advantageous than advertising a competitive bid. This must include the determination of a reasonable price for the required goods or services; taking into consideration that the requesting municipality or municipal entity can only utilise the remaining portion of the contract that has not been utilised by the original contracting organ of state and not create an additional contract.

The value or price of MLM's required goods or services must not exceed the value or price of the original contract. The decision to participate must be informed by a detailed report that outlines the outcome of the above-mentioned assessment, confirming the legal status of the contract with the other organ of state, reasons for why MLM could not arrange its own contract through a competitive bidding process; and set out the value the participation will bring to the participating municipality or municipal entity.

The detailed report mentioned above must be submitted to MLM's bid adjudication committee for its consideration and recommendation to the accounting officer or delegated official, in terms of the municipality or municipal entity's delegation policy. Prior to the recommendation of the bid adjudication committee being submitted to the accounting officer or delegated official, it must be submitted to its internal audit unit to provide further assurance that the requirements as outlined in regulation 32 have been complied with, and thereafter submitted to the accounting officer or delegated official for his/her consideration and final approval of the participation.

The other organ of state and the service provider have consented to such procurement in writing

MLM's accounting officer must first obtain written consent from the other organ of state as well as confirmation of the supplier's contractual performance. Once the accounting officer has obtained consent to procure under the contract and confirmation of the supplier's performance from the other organ of state; and has performed all internal due diligence checks, including ensuring compliance with the salient points listed below, may the accounting officer solicit the service provider's written consent.

Failure to obtain this written consent by the accounting officer requesting to procure under the contract secured by another organ of state will be construed as non-compliance with the regulations and associated expenditure being irregular expenditure.

SALIENT REQUIREMENTS APPLICABLE TO REGULATION 32

Over and above the requirements stated in Regulation 32, there are also other salient requirements which must be considered by the MLM as well as the organ of state that is approving the procurement under its contract. These include the following:

The contract must be valid

MLM will not enter into a new contract with the service provider/s but will become a participant in an existing contract. The contract must therefore not have expired, or its validity modified to accommodate the procurement from the contract and must be legally sound as proven in the motivated report mentioned above. The participating municipality or municipal entity will conclude an addendum to the agreement with the service provider/s that stipulates the duration of the participation agreement, which may not exceed the end date of the original contract.

The duration or variation of the contract

MLM must confirm the duration of the contract between the service provider/s and the other organ of state and determine the remaining term of the contract. Once this has been confirmed, MLM must assess whether the remaining period will be sufficient for the service provider/s to deliver on its requirements. In other words, MLM will only be permitted to utilise the contract of the other organ of state for the balance of the remaining period of the contract. The contract cannot be extended or varied by MLM. It can only be extended by the original contracting parties in line with the contractual terms agreed to in the original contract. Should the contract between the original contracting parties be terminated for any reason before the contract end date, then that termination applies to MLM on the contract as well. The accounting officer consenting to the participation on the contract must therefore inform MLM's accounting officer of any contract amendments or variations made to the contract, in writing.

The goods or services must be the same and the quantity may not be increased

MLM must assess whether the goods or services being provided to the other organ of state are similar to the goods or services required by the municipality. The goods or services required by MLM must be exactly the same as advertised and adjudicated by the other organ of state and may not be increased from the originally contracted quantity. Therefore, MLM will procure the

required goods or services under the same scope or specification, terms and conditions as provided for in the original contract.

Contractual arrangements

The shared contract must have the same dispute resolution mechanism to settle contractual disputes, a combined periodic contract management performance review to appraise the shared contract, and to regularly report to the council of MLM, as may be appropriate, on the management of the contract, service level agreement and the performance of the shared contractor/s.

The exercising of contractual rights, obligations or remedies in terms of the contract must be exclusively dealt with in terms of the dispute resolution mechanism as stipulated in the original contract. Each contractual party must uphold their legal obligations to the contract.

Implications for the organ of state who is the contract owner

The application of regulation 32 in a procurement process effectively means that the accounting officer of the original contracting organ of state is willing to forfeit a portion of its contract that has not already been utilised to the accounting officer who is requesting to procure under that contract. It may also mean that the accounting officer may no longer procure goods or services from that contract anymore as the balance of the contract would have been allocated to the municipality or municipal entity that is requesting to procure under that contract. The accounting officer of the original contracting organ of state undertakes such decision with the knowledge that the original contracting organ of state no longer requires the remaining portion of that contract. The accounting officer of the original contracting organ of state must notify the accounting officer that is procuring under the original contract of all changes to the contract.

Panel of consultants/list of approved service providers and framework agreements

MLM must not participate on a panel secured by another organ of state as a panel of consultants or a list of service providers or a panel of approved service providers is not a contract. Municipalities or municipal entities may only participate on framework agreements arranged by organs of state, for example, State Information Technology Agency (SITA), the relevant treasury; that are empowered by legislation to arrange such on behalf of other organs of state.

The above must not be confused with the use of transversal contracts secured by the National Treasury.

6.3.5 Contract Price Adjustment

Contractual conditions must stipulate circumstances under which the adjustments shall be considered and the process to be followed.

Approval of the price adjustment should be done within the municipality's delegation of authority framework or may be done by the Municipal Manager.

The amendment letter will be issued to the contractor and end user on acceptance of the price adjustment.

The contract register will be updated and the applicable Contract Management system.

6.3.6 Contract Expiry Notification

SCM unit in collaboration with Contract Management function is responsible for ensuring that timeous arrangement is made to notify end users of all contracts expiring within the next 6 months. Communication with the end users must be in writing and documentation must be properly filed.

Where procurement processes need to commence within a period exceeding six months (for example 12 months prior to expiry) such longer notice period will be given by the SCM unit to the relevant end user department.

6.3.7 Extension of Contract

Extension of a contract is undesirable because it may lead to uncontrolled increases in the contract prices and it can also be a contributing factor to circumventing the procurement processes.

Lack of proper planning does not constitute a justifiable reason for dispensing with prescribed bidding processes by extending contracts.

Where justifiable reasons are provided for extending a contract, the relevant application may be considered favourably and contractors may be approached by SCM unit with the request to indicate whether they are prepared to extend the contract period.

When the need arises, and the reasons for an extension are sound, such an extension may only be done in line with Section 116(3) of the MFMA of 2003. Following full adherence to this, an item with full details must be prepared for BEC and BAC consideration and ultimately approval by the Municipal Manager.

After approval of the contract extension, the applicable Contract Management system must be updated.

6.3.8 Transversal Contracts

Transversal contracting enables the Municipality at all levels to purchase goods and services from a central list of approved suppliers who have been vetted for cost and quality.

These contracts have already been negotiated on behalf of government institutions and only best rates/prices are charged. The municipality must always consider participating in these contracts to benefit from the prices that have been already negotiated.

6.3.9 Records Management

It is important that the updated version of the contract incorporates any variations and correspondence related to the contract document and should be appropriately stored. This provides the basis for effecting payments and the ongoing management of the contract.

All tender documents and contract documents relating to a specific tender must be stored at the Supply Chain Management unit. Documents due for archiving will be transferred to the Gauteng Provincial Archives Centre through the Records Section.

6.4 Stage 4: Contract Performance Management

Performance management involves, performance monitoring, collecting data on performance, performance assessment, deciding whether performance meets the entity's needs, and taking appropriate action – such as, correcting areas of under-performance and changes that may be required to meet the changing needs.

The Accounting Officer or delegated authority must monitor on a monthly basis the performance of the contractor under the contract or agreement. This is the responsibility of the user department.

Poor performance should be recorded appropriately after engagement with the contractor. It should be considered that if proper record is not kept, such non- performance cannot be deemed a sound reason for disqualifying such a contractor for future bids.

In addition to any contractual or other remedies that may be pursued, the municipality may commence action in terms of Municipal Supply Chain Management Regulation 15(2) (d), thus the Accounting Officer must:

- Inform the contractor or person(s) by registered mail or by delivery of the notice by hand of the intention to impose the restriction, provide the reasons for such decision and the envisaged period of restriction.
- Allow the contractor and / or person(s) fourteen (14) calendar days to provide reasons why the envisaged restriction should not be imposed.
- If requested, allow the contractor and / or person(s) the right to present evidence in person and consider reasons submitted by the contractor.
- Impose the restriction or amended restriction.
- Inform the contractor and / or person(s) of the decision; and
- Inform the National Treasury within five working days of such restriction, particulars of the person(s) to be restricted, (including, where applicable, names of the restricted persons, identity numbers, trade name of enterprises, company registration numbers, income tax reference numbers and vat registration numbers), the reason(s) for the restriction, the period of restriction and the date of commencement of the restriction.

In practice, performance will be assessed, feedback and reports provided throughout the monitoring process.

The following are the reports to monitor performance of contracts on monthly basis:

(a) Progress Reports

- The end-user will complete a progress report indicating the stage of contract; achievement of milestones as per contract agreement; response time and deliveries within the contract period; quality of work, payments; poor performance; and actions.
- The progress report will be regularly submitted to the function responsible for Performance Management for deliberations, recording discrepancies and filing.
- Submission of progress reports will be determined by the nature and timeline of the project, and may not be on a monthly basis.

(b) Expenditure Report

- The Contract Management unit will on a regular basis extract the expenditure report where the contract value will be verified against the progress payments and validity of the contract.
- Discrepancies identified should be communicated timeously to the end-user and CFO to curb any potential irregular expenditure.

6.4.1 Contract Relationship Management

It is important to establish and maintain a constructive relationship with the contractor and have regular communication. Providing positive and constructive feedback will assist in maintaining such a relationship.

6.4.2 Contract Disputes Management

A contract or agreement procured through the Supply Chain Management system must stipulate the terms and conditions of the contract or agreement, which must include provisions providing for dispute resolution mechanisms to settle disputes between the parties.

It is important that any possibility of dispute or an actual dispute be recognized at an early stage and addressed as quickly as possible. Avoiding escalation of disagreements can impact on contract deliverables and reduce the costs to both parties.

In the case of non-performance, a letter informing the contractor that contract conditions have not been honored should be issued, affording the contractor at least 14 days to respond. If the contractor does not respond within the specified period, the Municipality shall without prejudice under the contract consider termination of the contract.

6.4.3 Forms of Dispute Resolution

The following forms of dispute resolution should be considered as options in the special condition of contracts:

- Negotiation** Negotiating between the Municipality and the contractor is the most common approach to resolving disagreements and disputes. The intention of the negotiation is to reach a mutually acceptable solution, where both sides consider they have gained the best possible result in the circumstances. It is important that one party does not consider they have been unduly pressured to agree to a particular solution as a result of the negotiation as this can lead to an escalation or recurrence of the dispute at a later stage.
- Mediation** Mediation involves the use of a neutral third party to assist in resolving the dispute. The mediator does not impose a decision on the parties in the way a court or arbitrator does, but instead seeks to help the parties resolve the dispute themselves. Mediation is usually regarded as a faster, less formal and less costly process than court proceedings or arbitration.
- Arbitration** The aim of arbitration is to obtain a final and enforceable result without the costs, delays and the formalities of litigation. Arbitration proceedings are private, can be held at a mutually convenient time and the actual proceedings are less complex than litigation.
- Litigation** Is the act or process of contesting a lawsuit or seeking redress through the courts. It can be an expensive and time-consuming procedure and is generally taken when other avenues of dispute resolution have not been successful or are not available. Other approaches to resolving disputes or Contractor defaults should therefore be considered prior to litigation.

6.4.4 Risks Related to Contract Management

Contract risk must be appropriately managed such that:

- All contracts set out risk identification, monitoring and escalation procedures and mechanisms which are in line with the institution's enterprise wide risk management plan.
- All contracts identify contingency plans for supplier or buyer failure.
- For key suppliers and buyers, the contract manager monitors the financial health, tax compliance and overall performance of the supplier or buyer.
- Contract terms and potential ramifications around key issues including termination; warranty; indemnity; security; confidentiality; and dispute resolution are understood by the contract manager.

6.4.5 Penalties

Penalties between the Municipality and the contractor may include:

- In accordance with paragraph 22 of the General Conditions of Contract, the Municipality will have the right to enforce the penalty clause on goods, works and services where the contractor fails to perform in accordance with contractual obligations.

- These penalties usually vary according to several factors, including the type of breach and its severity, duration, frequency, and effect on customers.
- The benefit of this approach is that the penalties are clear, agreed on, and more easily enforceable than a general claim for damages.

6.4.6 Transfer and Ceding of Contracts

The General Conditions of Contract section 19.1 dictate that the supplier shall not assign, in whole or in part, its obligations to perform under the contract except with the purchaser's prior written consent.

Applications for transfers / cession shall be completed and signed by both the transferor and the transferee and countersigned by two parties.

Full reasons for the transferring of the contract must be provided and the transferee's ability to carry out the contract must be established and reported to the Accounting Officer or delegate.

Unless it is otherwise in the best interest of the Municipality, it is highly unlikely that the transfer will be approved if the Municipality would suffer a loss as a result thereof or if there is an increased risk to the Municipality.

The principle of fairness dictates that should the contract be transferred to another provider it must be checked whether the number of preference points scored are at least the same or more than that scored by the original contractor. Thus, it should be indicated if the transfer would have had an influence on the award. However, the circumstances leading to the transfer must be pointed out and taken into consideration.

The contractor will raise the issue with the user division in writing where after the user division must comment on the viability of the transfer / cession and submit the request to the SCM unit. The SCM department may solicit the views of the Legal Department on the matter.

If the transfer / cession is not viewed favourably for a justifiable reason, the SCM unit must inform the contractor of the decision in writing and provide the user division with the copies of the correspondence for filing purposes.

If the transfer / cession is viewed favourably, the SCM unit must involve Legal Services for the purposes of drawing up the transfer / cession documentation.

The SCM unit will then prepare an item to be considered by the BEC and BAC prior to recommending to the Accounting Officer for Approval.

The SCM unit must facilitate the signing of the transfer / cession by all parties, must forward a copy to the user division and the contractor and must file the original signed transfer / cession documentation appropriately.

If the transfer/cession is not approved the original contractor will still be accountable to execute the contract.

6.4.7 Termination of the Contract and Exit from the Relationship

Contract termination is the last resort to be sought by Municipality when dealing with disputes and non-performance. It should be taken into consideration that solving disputes through courts usually costs a lot of time and money.

Termination of a contract may be considered for a variety of reasons, such as non-compliance with contract conditions, delayed deliveries, bribery, death or sequestration/liquidation of the contractor.

If termination is considered, the following factors must be addressed to the Bid Adjudication Committee:

- The particular contract condition empowering the action for the purpose of resolving any dispute.
- What further arrangements will be made for completing the contract.
- Whether additional cost will be recovered from the contractor; and
- Payment of work already executed prior to cancellation of the contract.

The contract should contain detailed provisions on the mechanism to terminate all or part of the contract and exit from the relationship.

Under the following conditions, the Municipality may consider their rights to terminate the contracts through delegated authority if they are appropriately drafted:

- Failure to meet the service performance targets for critical services on a repeated basis.
- Failure to meet a certain number of service performance targets during a specified period or supplier has engaged in corrupt and fraudulent practices during the bidding process or the execution of the contract.
- Material breach of terms and conditions with the breach being either irreparable or not having been remedied within a specified period.
- Major financial difficulties being encountered by the contractors (e.g. under liquidation).
- Failure to meet mandatory requirements or failure to acquire certain accreditation or license or approval during the period of the contract.

Exit provisions should be included in the contract to cover specific rights that will be required for termination.

Contracts must include the possibility to be terminated. This will normally include the details of timing including periods of notice (exit clause) and direction on the payment upon termination. The contract or agreement will have stated the initial term with specified period after which either party may terminate or renew the agreement, provided both parties agree to the terms and conditions.

Termination of a contract is usually detrimental to the municipality; therefore, serious thought must be given to the grounds for considering termination with assistance sought from the legal department.

The Contract Management System must be updated by cancelling the contract on the system and contract register.

6.5 Stage 5: Close Out

This stage refers to the necessary actions to end or reconsider the contractor for future agreement and associated performance review. The activities associated with closing the project down, whether in accordance with the contract or as a result of early termination.

At the completion of the contract, the end-user will provide the contract close out report indicating overall performance of the contractor; stage of contract; achievement of milestones against the original contract agreement and timelines, payments; poor performance; action and other observations.

The close out report will be submitted to Contract / Performance Management team for deliberation; filing purposes; recording discrepancies and where applicable a register and appropriate contract system will be updated. A close out report is applicable to contracts of a long-term nature, (exceeding 6 months), particularly construction related.

Different activities are associated with the different forms that contract termination can take. In the case of more complex, long-term or construction contracts ending in accordance with the original contract plan, best practice requires the need for evidence that the contract has been completed to the satisfaction of all parties.

The aim of the closure procedure is to provide a mechanism for managing the closure of the contract following the end of any retention or guarantee periods and the resolution of all other outstanding matters. The procedure is designed (where and if applicable) to:

- Ensure completion of all administrative matters.
- Record that all technical issues have been completed.
- Determine the extent of any liquidated damages to be deducted from the contract price.
- Record the end of the retention and guarantee periods and the date of the final inspection carried out.
- Record the date of release of retention and / or bank guarantees.
- To agree a statement of specific limits on continuing contractual obligations after completion of work and any ongoing obligations following the end of guarantees or maintenance periods.
- Transfer any assets, including data and intellectual property, and any loan items.
- Transfer operational systems to the successful contractor.
- Record the process of final contract payments and a summary of the financial payments made and received.
- Summarise claims made against or received from the contractor.

- Ensure the retention of records relating to the contract to counter any subsequent claims that may be brought. The Limitation sets out the general periods for six years or twelve years according to the type of contract within which an action may be brought.

On completion of this activity, agreement should have been reached on all technical and commercial aspects of the contract.

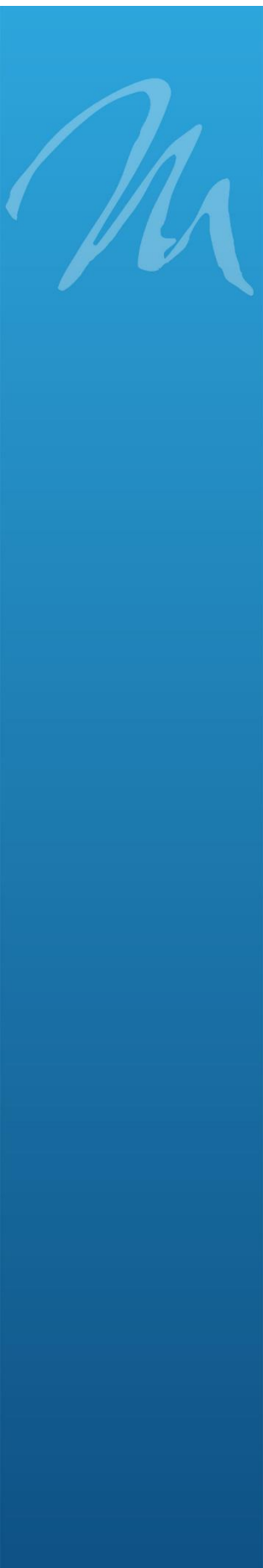
The agreement should require the signature of the parties to a document which records the acceptance of the work or service, the obligations fulfilled, and the price paid or to be paid.

Another important activity conducted at this stage, particularly in the case of high value, large contracts, is the preparation of a post-contract project report. This may follow a formal post-contract review, undertaken to assess the business benefits or losses from carrying out the procurement, how those benefits may be further enhanced and / or costs and risks reduced and how the losses can be recouped and turned to benefits.

The review should also gather the lessons that can be learnt from the management processes and procedures followed during the contract and implemented in the future.

The review should include the views of all stakeholders and the report should relate to the costs and benefits set out in the original business.

Annexure AM
Fleet Management Policy
2025/2026



FLEET MANAGEMENT POLICY

2024/2025 FINANCIAL YEAR



1. Aim of the Policy

To reduce at-fault accident costs and injuries by promoting a safe driving culture within the organisation.

2. Objectives of the policy

2.1 To ensure that staff who drive vehicles in the course of their work demonstrate safe, efficient driving skills and other good road safety habits at all times.

2.2 To maintain all municipality vehicles in a safe, clean and roadworthy condition to ensure the maximum safety of the drivers, occupants and other road users, and reduce the impacts of municipality vehicles on the environment – this also applies to personal vehicles used for work purposes.

3. Code of conduct

3.1 While driving municipal vehicles or own vehicles for work purposes, staff must comply with traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits.

3.2 All drivers must adhere to all their responsibilities as a driver licence holder, i.e. the actions listed in this section are not exhaustive and all traffic laws and conditions of vehicle driver licences will apply.

3.3 The following actions in council vehicles will be viewed as serious breaches of conduct and dismissal may be a consequence:

3.3.1 being under the influence of drugs or alcohol while driving;

3.3.2 driving while disqualified or not correctly licensed;

3.3.3 reckless or dangerous driving causing death, injury or damage;

3.3.4 failing to stop after an accident; or

3.3.5 any actions that warrant the suspension of a licence.

4. Responsibilities as an employee

4.1 Every driver of a municipal vehicle must:

- 4.1.1 ensure they hold a current driver licence for the class of vehicle they are driving, including a PDP if required, and this licence is carried when driving a municipal vehicle;
- 4.1.2 Within 24 hours, notify their supervisor or manager if their driver licence has been suspended or cancelled, or has had limitations placed upon it;
- 4.1.3 be responsible and accountable for their actions when operating a municipal vehicle or driving for the purposes of work;
- 4.1.4 display the highest level of professional conduct when driving a municipal vehicle;
- 4.1.5 regularly check the oil, tyre pressures, radiator and battery levels of municipal vehicles they use;
- 4.1.6 comply with traffic legislation when driving;
- 4.1.7 assess hazards while driving and anticipate 'what if' scenarios;
- 4.1.8 drive within the legal speed limits, including driving according to the prevailing conditions (emergency vehicles to drive at the appropriate speed based on circumstances);
- 4.1.9 wear a safety belt at all times;
- 4.1.10 never drive under the influence of alcohol or drugs, including prescription and over the counter medication if they cause drowsiness;
- 4.1.11 avoid distraction when driving – the driver will adjust car stereos / mirrors etc. before setting off, or pull over safely in order to do so;

- 4.1.12 report any near-hits, crashes and scrapes to the vehicle to their manager, including those that do not result in injury, and follow the accident procedures outlined in this policy;
 - 4.1.13 report infringements to a manager at the earliest opportunity;
and
 - 4.1.14 report vehicle defects to a manager before the next vehicle use.
- 4.2 In addition, it is required that all drivers:
- 4.2.1 take regular and adequate rest breaks;
 - 4.2.2 stop when tired;
 - 4.2.3 plan their journeys, taking into account pre-journey work duties, the length of the trip and post-journey commitments;
 - 4.2.4 must adhere to these rules when driving their own vehicle for the purposes of work;
 - 4.2.5 must seek the employer's agreement before using their private vehicle for work;
 - 4.2.6 must ensure that the vehicle is legally registered, warranted and insured for the purposes of work – the employee must show evidence of this on request;
 - 4.2.7 must not carry loads for which the vehicle is unsuited, nor may they carry more passengers than for which there are seat belts in the relevant vehicle; and
 - 4.2.8 may not use the vehicle in conditions for which it was not designed (such as off-road).
 - 4.2.9 may not transport any private person in council vehicles, unless authorised otherwise by the Municipal Manager or his / her

delegated nominee and with an indemnity. Failure to adhere to this clause will result in disciplinary action being taken against the employee.

5. Responsibilities as an employer

5.1 The employer will take all steps to ensure council vehicles are as safe as possible and will not require staff to drive under conditions that are unsafe and / or likely to create an unsafe environment, physical distress, fatigue, etc. The employer will do this by undertaking the following tasks:

5.1.1 giving priority to safety features when selecting new vehicles;

5.1.2 giving authorisation to take Council vehicles home where appropriate – a yearly schedule must be prepared by the fleet co-ordinator which will include details of all vehicles and drivers authorised to take Council vehicles home – taking home of Council vehicles is subject to the following:

5.1.2.1 the vehicle must be behind locked gates; and

5.1.2.2 the schedule must be signed by the relevant Head of Department to acknowledge and authorise the fact that the vehicle will be on private premises.

5.1.3 Through the fleet co-co-ordinator ensuring all vehicles are well maintained and that the equipment promotes driver, operator and passenger safety by:

5.1.3.1 servicing the vehicles according to manufacturers' recommendations;

5.1.3.2 setting up procedures where employees check vehicles' oil, water, tyre pressures and general cleanliness on a monthly basis, then record the inspections;

- 5.1.3.3 keeping maintenance schedules in the glove compartments of all vehicles, which are completed each time the vehicles are serviced;
- 5.1.3.4 following the maintenance schedules in the vehicles' manuals; and
- 5.1.3.5 setting up a procedure to identify and rectify faults as soon as practicable.
- 5.1.4 Regular checking of tracking reports. Regular checking of tracking reports and consistent disciplinary action where non-compliance with policy is observed.
- 5.1.5 Collecting and collating statistics on incidents, accidents and their causes, including:
 - 5.1.5.1 the number of accidents;
 - 5.1.5.2 who was thought to be at fault;
 - 5.1.5.3 the probable causes of the accidents and other;
 - 5.1.5.4 contributors, such as unrealistic work schedules;
 - 5.1.5.5 the financial cost of all accidents;
 - 5.1.5.6 the number of prosecutions; and
 - 5.1.5.7 the number of near-miss events
- 5.1.6 Taking into account individual drivers' needs by requiring staff to keep driving logs that are regularly checked by a supervisor / manager.
- 5.1.7 Identifying driver training needs and arranging appropriate training or retraining, including providing:

- 5.1.7.1 a thorough induction to the municipality's road safety policies and procedures;
- 5.1.7.2 driver training opportunities to all staff;
- 5.1.7.3 driver assessment and required training as part of all staff inductions requiring driving duties;
- 5.1.7.4 advanced driver training or specific practical training as required and identified;
- 5.1.7.5 regular staff seminars or refresher meetings on safety features, fatigue, driver responsibility, drink-driving and fuel-efficient driving; and
- 5.1.7.6 driver training log updates on personnel files.
- 5.1.8 Encouraging better fuel efficiency by:
 - 5.1.8.1 promoting a car pool scheme for work car use;
 - 5.1.8.2 promoting a workplace travel plan;
 - 5.1.8.3 providing training on, and circulating information about, travel planning and efficient driving habits; and
 - 5.1.8.4 encouraging the use of other transport and / or remote conferencing whenever practical.

6. What employees must do if there is an accident in a municipal vehicle

- 6.1 Immediately stop the vehicle at the scene or as close to it as possible, making sure the vehicle is not obstructing traffic. Ensure own safety first. Help any injured people and call for assistance if needed.

- 6.2 If any person has been killed or injured, call the police and an ambulance immediately. Do not move your vehicle unless it is causing a serious obstruction, in which case mark its position if you are sure there are no injuries.
- 6.3 Report the accident to immediate Supervisor as soon as possible, but within 24 hrs, to a police station and furnish full particulars.
- 6.4 When in an accident with a third party, the vehicles are not permitted to be moved from the scene. A traffic Officer must be contacted to do the relevant measurements, accident sketch and accident report prior to moving the vehicles involved in the accident.
- 6.5 If there is not a third party involved in the accident, the driver must report the accident in writing, to the supervisor within 24 hours or the next working day if the 24 hours falls within a weekend or public holiday.
- 6.6 Under no circumstances admit liability to any person at all or at any time or agree to any payment offered or made to a third party.
- 6.7 Try to obtain the following information:
 - 6.7.1 details of the other vehicle(s) and registration number(s);
 - 6.7.2 name(s), address(es), ID number(s), home telephone number(s) and work telephone number(s) of the other vehicle owner(s) and driver(s);
 - 6.7.3 name(s) and address(es), ID number(s), home and work telephone number(s) of any witnesses, including the occupants of the other vehicle(s) concerned;
 - 6.7.4 name(s) of insurer/broker(s) with respect to the other vehicle(s);

- 6.7.5 The nature and extent of the damage caused to the other vehicle(s) in this particular accident only;
- 6.7.6 The name, address, ID number, home telephone number and work telephone number and estimated age of any passengers and / or pedestrian(s) involved in the accident and, if possible, details of any person(s) killed or injured, as well as the nature and extent of the injuries.
- 6.7.7 A description of animals and fixed objects involved in the accident and the name and address of the owner, in the case of animals and also the name and estimated age of any herdsman (men) who tended or drove the animals, as well as the nature and extent of injuries and damage;
- 6.7.8 Measurements for the preparation of a sketch of the scene of the accident;
- 6.7.9 Whether or not the road was fenced in on either sides or one side only; and
- 6.7.10 Any other relevant information
- 6.8 In the event of any third party admitting liability, endeavour to obtain a written statement from him / her to that effect.
- 6.9 Provide the following information to any other person having reasonable grounds for requesting the information:
 - 6.9.1 driver's name and address, municipality details and the number of the vehicle and trip authority number.

- 6.10 If another vehicle that is unattended is damaged, leave a note on the vehicle with driver's contact details.
- 6.11 All accidents need to be reported ASAP to the South African Police Service and a case number must be obtained.
- 6.12 All accidents must within 24 hours be reported to the driver's supervisor / manager.
- 6.13 Report the accident to the Transport Office as soon as possible.
- 6.14 Take photographs at the accident scene if possible.
- 6.15 If a driver of a vehicle is suspected of being under the influence of intoxicating liquor or narcotic drugs, this fact must be brought to the attention of the police or traffic officer present at the scene of the accident with the least possible delay.

7. Reporting the accident (other than to the police)

The driver of a vehicle involved in an accident must make a suitable endorsement in the logbook / log sheet of the vehicle and must without delay complete the accident report form, obtainable from the Transport Officer, and must submit the reports, together with statements by witnesses and other supporting documents, in duplicate to the Transport Office.

8. Completion of accident report forms

The Transport Office must ensure that the responsible Head of Department is notified furnishes by sending the completed incident report.

The Transport Office must arrange for a technical report to be completed in respect of the vehicle concerned.

All completed forms must be submitted to the Transport Officer. The Transport

Officer after ensuring that the necessary forms have been completed and must send the original report forms and all the supporting documentation to the Finance Department which should be directed to Municipal Insurers. A copy of the report forms and supporting documentation must be filed appropriately.

9. Accident repairs

Where repairs are necessary to a vehicle that was involved in an accident, the Transport Office shall, in consultation with the Municipality Insurers, obtain written quotations in terms of Municipality procurement policy and shall arrange the repair of the vehicle where applicable.

10. Towing of Municipal Vehicles

10.1 In the event of an accident within the Midvaal area of jurisdiction which necessitates the towing of a Municipal vehicle, for whatever reason, the driver must without delay contact the Transport Officer or Direct Supervisor who will contact the approved merchant and a towing vehicle will be dispensed to the location of the vehicle.

10.2 The driver of the Municipal vehicle must provide the Transport Officer with the following information:

10.2.1 His / her name.

10.2.2 The Registration number of the Municipal vehicle.

10.2.3 The make and type of the Municipal vehicle.

10.2.4 The location of the breakdown or accident.

10.2.5 The personal cellular number of the driver, if available.

10.2.6 The Kilometre reading of the Municipal vehicles.

10.2.7 The nature of the incident.

10.3 In the event of an accident outside of the Midvaal area of jurisdiction which necessitates the towing of a Municipal vehicles, the driver shall follow steps above.

11. Motor Claims Procedures

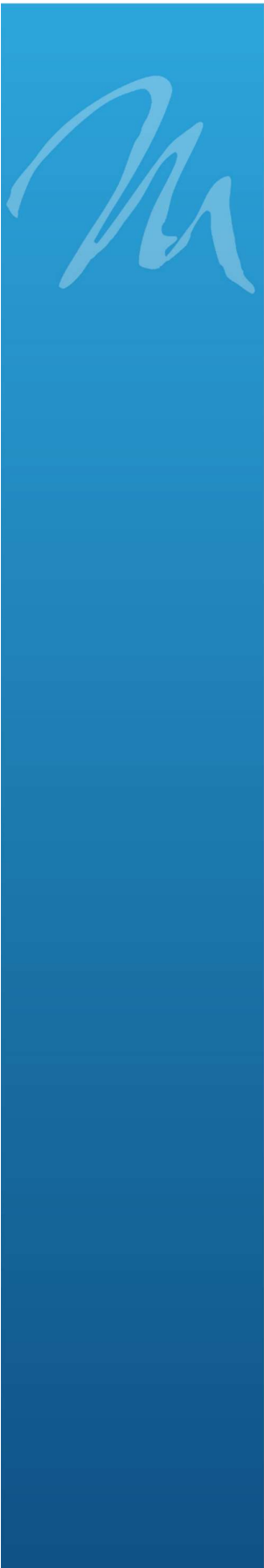
- 11.1 Make arrangements to safeguard the vehicle following an accident or, in the event of theft, notify the Police immediately.
- 11.2 In the case of an accident, please record full details of Third Party, i.e. name, address, model and registration number of vehicle, Employer, Insurers, etc. This will assist greatly in recovering damages should the Third Party be responsible for the accident, as will contact names, addresses and telephone numbers of witnesses.
- 11.3 Notify Aon immediately by phone, fax, e-mail or visit.
- 11.4 Submit the following Documents:
 - 11.4.1 Fully completed claim form signed by an authorised official of the company.
 - 11.4.2 Quotations / Repair estimates.
 - 11.4.3 Certified copy of both sides of driver's license.
 - 11.4.4 Police report where a third party is involved.
 - 11.4.5 Original Motor Vehicle Cancellation Certificate (In the event of Theft / Write-off).
 - 11.4.6 Vehicle keys (In the event of Theft).
 - 11.4.7 Confirmation of any outstanding fines.
 - 11.4.8 SAP letter confirming non recovery of vehicle.

- 11.4.9 Copy of the original purchase invoice (In the event of Theft / Write-off).
- 11.4.10 Documentation substantiating any extra's fitted to the vehicle.
- 11.5 If necessary, the Aon Claims Department will arrange the appointment of an Assessor upon receipt of the claim documentation.
- 11.6 Assessor / Insurer will authorise repairs or pay cash in lieu.
- 11.7 Where repairs have been authorised by assessor insurer, the repairer/panel beater will bill insurer direct. However, you will be required to make your own arrangements direct with the repairer for payment of the first amount payable, i.e. policy excess or deductible.
- 11.8 Where a Person is injured, notification must be made immediately to the Road Accident Fund (RAF) and the necessary report form must be completed and sent to them. The contact number for the RAF is (011) 223-0000.
- 11.9 Where a third party is at fault, the insurer may pursue recovery from the third party by way of subrogation if they are liable to pay for damage to your vehicle. Aon will assist with the recovery of your costs up to the point where litigation becomes necessary.
- 11.10 Where your driver was to blame for the accident, report the incident immediately to Aon and do not admit liability. Aon will arrange for the third party to deal directly with the insurance company.
- 11.11 Where the loss/damage may be ascribed to unrest, the driver and passengers (where applicable) should be requested to provide a full statement describing the circumstances in detail, so as to facilitate claims against SASRIA / NASRIA.

12. When an employee will be liable to pay the excess amount

- 12.1 An accident is an occurrence which produces loss, damage, death or injury, and which occurred unintentionally and unexpectedly.
- 12.2 An excess is the amount that must be paid by Midvaal to the Insurance before the Insurance will compensate Midvaal for the rest of the loss.
- 12.3 An employee involved in an accident who are found to have been negligent will be liable to pay the excess amount, subject to 12.5 below.
- 12.4 If Midvaal Local Municipality has paid the excess to the Insurance on the official's behalf, the official remains responsible for the amount which will be deducted from his / her salary at month end, subject to 12.5 below.
- 12.5 Special exclusions on excess: Where the percentage of the official's contributing negligence is less than 50% (fifty percent), the official shall not be liable to pay the excess amount. The contributing negligence shall be deemed to be less than 50% when the official can prove that:
 - 12.5.1 he / she acted in the same way a reasonable person would have acted in the same / similar conditions;
 - 12.5.2 she / he did not act negligently; and
 - 12.5.3 provide adequate documented proof to substantiate the special exclusion, or to substantiate another party's majority portion of contributory negligence.

Annexure AN
Cost Containment Policy
2025/2026



COST CONTAINMENT POLICY

2025/2026 FINANCIAL YEAR



1. **SCOPE**

The object of this policy is to ensure that resources are used effectively, efficiently and economically by implementing cost containment measures in accordance with the provisions of the regulatory frameworks.

Each municipality must revise and implement a cost containment policy which is adopted by the municipal council as part of its budget related policies, and which is consistent with the Act and Regulations.

The cost containment policy must:

- Be in writing;
- Be reviewed annually, as may be appropriate;
- Be communicated on the website; and
- set out measures for ensuring implementation of the policy, procedures for the annual review of the policy; and consequences for non-adherence to the measures contained herein.

•
The policy applies to all officials and councillors

2. **DEFINITIONS**

A word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context indicates otherwise, and

“**Act**” means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

“**consultant**” means a professional person, individual, partnership, corporation, or a company appointed to provide technical and specialist advice or to assist with a design and implementation of projects or to assist a municipality to perform its functions to achieve the objects of local government in terms of section 152 of the Constitution

“**cost containment**” means measures implemented to curtail spending;

“**credit card**” means a card issued by a financial service provider, which creates a revolving account and grants a line of credit to the cardholder

3. **USE OF CONSULTANTS**

3.1 The following procedure have been implemented for the appointment of consultants:

- All appointments already made to date (i.e. procurement processes that have been completed) to continue as normal and no additional reporting / approval is required.
- All NEW appointments (including bids currently in process) must be motivated to the municipal manager. The municipality must first make an assessment of whether it has the skills and resources in its full-time employ to perform the function.

- The municipal manager must adopt a fair and reasonable remuneration framework for consultants. (AG Hourly rates; Guide on hourly fee rates for consultants; Fees of the regulating body for its members)

4. VEHICLES USED FOR POLITICAL OFFICE BEARERS

- 4.1 The threshold limit for vehicle purchases relating to official use by political office-bearers may not exceed R700 000 or 70% of the total annual remuneration package for different grades, whichever is greater.
- 4.2 The procurement of vehicles must be undertaken using the national government transversal contract mechanism unless it can be procured cheaper at a lower cost through other procurement mechanisms
- 4.3 Another procurement process may be followed provided the chief financial officer provides the council with information relating to the following:
 - a) Status of current vehicles;
 - b) Affordability;
 - c) Extent of service delivery backlogs;
 - d) Terrain for effective usage of vehicles;
 - e) Extent of service delivery backlogs
 - f) Any other relevant policies of council.
- 4.4 Regardless of their usage, vehicles for official use by public office bearers may only be replaced after completion of 120 000 km or less only where the vehicle experiences serious mechanical problems or is in a poor condition, subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

5. TRAVEL AND SUBSISTENCE

- 5.1 The travel and subsistence policy must be in compliance with the NT prescriptions on travel and subsistence.
- 5.2 The appointed travel agent must also be registered on National Treasury's Central Supplier Database and ensures compliance to the Circular.
- 5.3 All officials to travel economy class. The accounting officer and officials reporting directly to the accounting officer, may purchase business class tickets only if the flight exceeds 5 hours.
- 5.4 Only international travel to meetings or events that are considered critical will be allowed. The number of officials attending such meetings must be limited to those officials directly involved in the subject matter related to such meetings or events.
- 5.5 Officials must make use of the shuttle service if the cost of such service is lower than the cost of hiring a vehicle; the cost of kilometres claimable by the employee; and the cost of parking.

5.6 Vehicles may not be hired from a category higher than group B or an equivalent class. Where a different class is required, the written approval must be sort from the accounting officer before hiring the vehicle.

5.7 The municipal must utilise the negotiated rates for flights and accommodation, communicated by the National Treasury, from time to time, or any other cheaper available flight and accommodation.

6. CREDIT AND DEBIT CARDS

The municipality may not make use of credit or debit cards.

7. SPONSORSHIPS, EVENTS AND CATERING COST

7.1 Catering is minimised for meetings held longer than 5 hours

7.2 No year-end functions will be held at either Council's cost..

7.3 Gifts are managed by the marketing division and only low-value token gifts are allowed where absolutely necessary.

7.4 All entertainment budgets are capped at R2 000 per financial, year per person qualifying for entertainment expenses – any staff-related functions such as farewell functions are funded from the entertainment budgets unless the employee had at least 5 years of service.

7.5 No expenditure may be incurred from social events, team-building exercises, year-end functions, and budget vote dinners.

7.6 Expenditure may be incurred to host farewell functions in recognition of officials who retire after serving the municipality for five or more years or retire on grounds of ill health.

7.7 No expenditure may be incurred on alcoholic beverages.

7.8 No expenditure may be incurred on corporate branded items like clothing or goods for personal use of officials, other than uniforms, office supplies and tools of trade, unless costs related thereto are recovered from affected officials.

7.9 Take advantage of early registration discounts, as far as practicable and feasible.

8. COMMUNICATION

- 8.1 Municipal events and public information must be listed on the website. Government Gazettes and local media must be used to ensure compliance with the Municipal Finance Management Act as well as the Municipal Systems Act. To further enhance communication, the local radio stations must be used.
- 8.2 Private telephone calls must be tracked and deducted from staff salaries.
- 8.3 Newspaper subscriptions must be reduced to the bare minimum.
- 8.4 The municipality must use the NT transversal contract on mobile communication services, if feasible.

9. DOMESTIC ACCOMMODATION / CONFERENCES, MEETINGS AND STUDY TOURS

- 9.1 Conferences must only be attended if hosted by the professional bodies of local government.
- 9.2 Delegations must be limited to no more than 3 officials per conference.
- 9.3 The accounting officer must ensure that meetings and planning sessions are, as far as may be practically possible, held in-house.
- 9.4 Municipal or provincial office facilities must be utilised for conferences, meetings, strategic planning sessions, inter alia, where an appropriate venue exists within the municipal jurisdiction.
- 9.5 The accounting officer must ensure that costs incurred for domestic accommodation and meals are in accordance with the maximum allowable rates as communicated by the National Treasury, from time to time.
- 9.6 Accommodation should only be booked where the return trip exceeds 500 kilometres. Unless where the circumstances make such a limitation impractical, in which the approval of the Accounting Officer will be required.

10. OTHER RELATED EXPENDITURE ITEMS

- 10.1 Office furnishings –. Old furniture must also be repaired and re-upholstered where possible to further reduce the cost of new furniture.
- 10.2 Staff study, perks and suspension costs – Staff are required to repay study cost where they do not pass their exams. Staff above the threshold set by the Department of Labour are not paid overtime but get time off in lieu of overtime worked.
- 10.3 NT transversal contracts are used insofar as practically possible.
- 10.4 Security to the Mayor must only be provided after security assessments have been done.
- 10.5 Printing is minimised and meeting agendas must be circulated electronically.

- 10.6 Energy-saving measures must be applied in the municipality.
- 10.7 Municipal resources may not be used to fund elections, campaign activities, including the provision of food, clothing and other inducements as part of, or during election periods.
- 10.8 Entertainment budgets for qualifying officials limited to R2000 per annum, unless approved otherwise by the municipal manager.
- 10.9 Avoid expensive and elaborate office furniture.

11. ENFORCEMENT PROCEDURES

Failure to implement or comply with this policy may result in any official of the municipality or political office bearer or director of the board that authorised or incurred any expenditure contrary to these regulations being held liable for financial misconduct as set out in Chapter 15 of the Act read with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

12. DISCLOSURE OF COST CONTAINMENT MEASURES

- 12.1 The disclosure of cost containment measures applied by the municipality must be included in the municipal in-year budget reports and annual cost savings disclosed in the annual report.
- 12.2 The measures implemented, together with the regular reports on reprioritisation of cost savings, on the implementation of the cost containment measures must be submitted to the Municipal Council for review and resolution. The municipal council may refer the reports to an appropriate Council Committee for further recommendations and actions.
- 12.3 Such reports must be copied to the National Treasury and relevant Provincial Treasuries within seven calendar days after the report is submitted to Municipal Council.

13. COMMENCEMENT

This policy will commence from the date adopted by Council.

Annexure AO Virement
Policy
2025/2026



VIREMENT POLICY

2025/2026 FINANCIAL YEAR



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PREAMBLE

Whereas Section 15(a) and (b) of the Local Government: Municipal Finance Management Act, 56 of 2003 (hereinafter referred to as the Act) determines that a municipality may, except where otherwise provided for in the Act, incur expenditure only in terms of an approved budget (original and adjustments budgets) and within the limits of the amounts appropriated for the different votes in an approved budget;

And whereas Section 23(1) of the Local Government: Municipal Finance Management Act (56/2003): Municipal Budget and Reporting Regulations (hereinafter referred to as the Regulations) determines that an adjustments budget referred to in section 28(2)(b), (d) and (f) of the Act may be tabled in the municipal council at any time after the mid-year budget and performance assessment has been tabled in the council, but not later than 28 February of the relevant year;

And whereas Section 23(2) of the Regulations determines that only one adjustments budget referred to in sub regulation (1) may be tabled in the municipal council during a financial year.

And whereas there will always be a need to transfer funds within or between approved votes, as defined in the Act, due to changing circumstances and priorities during a financial year;

Now therefore the Municipal Council of the Midvaal Municipality adopts the following Virement Policy:

1. DEFINITIONS

“Accounting Officer” means the Accounting Officer appointed in terms of Section 82 of the Local Government: Municipal Structures Act, 117 of 1998 and being the head of administration and Accounting Officer in terms of Section 55 of the Local Government: Municipal Systems Act, 32 of 2000 as well as Section 60 of the Local Government: Municipal Finance Management Act, 56 of 2003.

“Act” means the Local Government: Municipal Finance Management Act, 56 of 2003.

“Approved budget” means an annual budget (original or an adjustments budget) referred to in Section 15 of the Act approved by the Municipal Council in terms of Sections 24 and 28 of the Act.

“Chief Financial Officer” means an official designated by the Accounting Officer as the Chief Financial Officer in terms of Section 80(2)(a) of the Act.

“Cost Centre” means a functional area which represents a logical point at which cost (expenditure) is collected and managed by a responsible cost centre owner.

“Cost category” means a category of expenditure as set out in the approved budget.

“Cost item” means a line item of expenditure as set out in the approved budget.

“Financial Year” means the twelve (12) month period between 1 July and 30 June of the following year.

“Senior manager” means a person appointed by Council in terms of Section 56(a) of the Act as a manager directly accountable to the City Manager.

“Vote” means one of the main segments (departments) into which a budget of a municipality is divided for the appropriation of money for the different functional areas (cost centres) of the municipality which specifies the total amount that is appropriated for the purposes of the vote’s functional areas concerned.

“Virement” means the process of transferring an approved budgetary provision from one operating cost item or capital project to another within a vote or across a vote during a municipal financial year due to changed circumstances from which prevailed at the time of the previous budget adoption.

2. PURPOSE OF THIS POLICY

2.1 Midvaal Municipality wishes to achieve the following objectives by adopting this Virement Policy:

- 2.1.1 To assist the Accounting Officer to ensure that adequate policies and procedures are in place to ensure an effective system of financial control.
- 2.1.2 To enable the Chief Financial Officer to advise the Accounting Officer and to assist senior managers in the exercising of powers and duties assigned to them in terms of Section 78 or delegated to them in terms of Section 79 of the Act.
- 2.1.3 To provide guidelines to the Accounting Officer and senior managers in the use of virements as a mechanism in their day-to-day management of their budget votes.
- 2.1.4 To empower the Accounting Officer and senior managers with an efficient financial and budgetary system to ensure optimum service delivery within the current legislative framework of the Act and the municipality's system of delegations.

3. VIREMENT PRINCIPLES

- 3.1 Midvaal Municipality wishes to record that the following virement principles will apply:
- 3.1.1 In order for the Mayor and the Accounting Officer to authorise the transfer of funds from one cost item or capital project to another cost item or capital project within or across a vote (directorate); a saving has to be identified within the monetary limitations and within a similar funding segment of the approved cost item or capital project allocations on the respective budgets (operational and capital).
 - 3.1.2 Any budgetary amendment of which the net impact will be a change to the total approved annual budget allocation and any other amendments not covered in this Policy are to be considered for budgetary adoption via an adjustments budget (Section 28 of the Act).
 - 3.1.3 In terms of Section 17 of the Act a municipality's budget is divided into an operational and capital budget and consequently no virements are permitted between the operational and capital budgets.
 - 3.1.4 Virements between votes (departments) will be permitted where the proposed shifts in funding facilitate sound risk and financial management.
 - 3.1.5 Virements to the revenue side of the operational budget are allowed subject to the conditions of this Policy.
 - 3.1.6 Virements to the expenditure side of the operational budget are allowed subject to the conditions of this Policy.
 - 3.1.7 Virements to the expenditure side of the capital budget are allowed subject to the conditions of this Policy.

4. OPERATING BUDGET VIREMENTS

4.1 Sound motivations should be provided for all virements, as provided for on the pro forma virements documentation attached as Annexure A to this Policy.

4.2 Cost categories

4.2.1 Employee Related Costs and Remuneration of Councillors

- (a) Virements are allowed between cost items, cost centres and votes as well as to and from these categories but only on the recommendation of the Pay Office to ensure that budgets are not committed for staff and councillors already on the payroll.

4.2.2 Provisions (Current and Non-Current) and Bad Debts Written Off

- (a) Virements are allowed between cost items, cost centres and votes within this category of expenditure, but only at financial year end once final provision amounts required for Annual Financial Statement purposes have been calculated.

4.2.3 Contracted Services, Inventory Consumed, Operating Leases and Operational Cost and Bulk Purchases

- (a) Virements to and from cost items, cost centres and votes within these categories of expenditure are allowed.

4.2.4 Depreciation and Amortisation, Interest, Dividends and Rent on Land, Transfers and Subsidies, Gains and Losses, Impairment Loss, Disposal of Fixed and Intangible Assets

- (a) Virements are allowed between cost items, cost centres and votes within this category of expenditure, but only at financial year end once final amounts required have been determined.

4.3 Revenue categories

Virements are allowed within a revenue source but only to correct budgeted errors due to incorrect allocations of budgeted funds.

5. CAPITAL BUDGET VIREMENTS

- 5.1 No “new” capital projects as defined by mSCOA onto the capital budget will be permitted except for where it is necessary to accelerate capital projects spending of capital projects already approved by Council in the IDP and capital budget of the indicative MTREF years.
- 5.2 Motivations for virements in paragraph 5.1 should clearly state the reason for the need of a new capital project/s on the budget as well as the saving/s within the approved capital project/s.
- 5.3 Virements to and from the various categories of funding sources are not allowed. Virements are permitted within a single category of funding source.

6. MSCOA SEGMENTS

6.1 Funding Segment

Are the various sources of funding available to municipalities for financing expenditure relating to the operation of the municipality both capital and operational spending?

6.2 Function Segment

Is the location within mSCOA for creating the “vote” structure for all municipalities?

6.3 Item Segment

Is the distinction of what is being bought or money received for in the main categories being Revenue, Expenditure, Assets, liabilities, and Net Assets?

6.4 Project Segment

Is the nature of expense resulting in the classification of transactions linked to the IDP of the municipality?

6.5 Costing Segment

Provides for the recording of full cost reflection.

Virements across segments will be allowed.

7. PROCESS AND ACCOUNTABILITY

- 7.1 Accountability, to ensure that virement application forms are completed in accordance with Council's Virement Policy and which is not in conflict with the department's strategic objectives, manifests with the senior manager of a department.
- 7.2 The relevant senior manager will ensure that the virement application form is duly completed, the virement duly motivated and signed by the senior manager. Supporting documentation, proving savings on a cost item/s, must accompany the application form that needs to be handed over to the budget office.
- 7.3 The budget office will verify the virement application form and the Chief Financial Officer will recommend the virement application verified should it comply with the Virement Policy of Council. If not, the virement application form will be returned to the relevant senior manager.
- 7.4 All relevant virement application forms verified by the budget office and recommended by the Chief Financial Officer will be submitted to the Accounting Officer and the Executive Mayor for final approval. The Accounting Officer or Executive Mayor may refuse to approve a virement application even if the Chief Financial Officer has recommended the virement application.
- 7.5 After receiving the final approval, the budget office may process the virement.
- 7.6 Completed virement documentation is to be kept by the Chief Financial Officer (budget office) for audited purposes.

8. DELEGATIONS

- 8.1 The approval of virements will be done in terms of the approved System of Delegations of Council.

- 8.2 Any official acting in a position of a senior manager, the Chief Financial Officer and the City Manager will have the delegated powers to authorise or approve virement applications.
- 8.3 Virements within the same source will be allowed but only to correct errors due to incorrect allocations of budgeted funds which can be made at the discretion of the Chief Financial Officer and the Accounting Officer.

9. SHORT TITLE

This policy is the Virement Policy of the Midvaal Municipality.

MIDVAAL LOCAL MUNICIPALITY

ANNEXURE A: Application Form for the Virement of Budgeted Funds in terms of Virement Policy

Financial Year: 2025/2026

FROM: Vote number/s

Cost Centre				Category				Item Number				Fund		Project				Cost		Region		Item Description	Amount (Rand)
Total																							

TO: Vote number/s

Cost Centre				Category				Item Number				Fund		Project				Cost		Region		Item Description	Amount (Rand)
Total																							

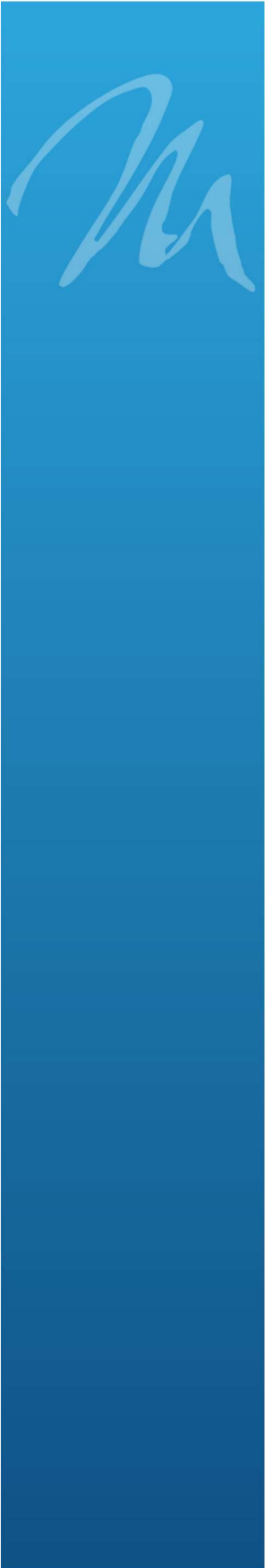
VIREMENT MOTIVATION

(GO040 Solar Printouts must be attached to Virement Application Form for Verification and Approval Purposes)

FOR AUTHORISATION PURPOSES

Action	Name of Official	Designation	Signature	Date
Requested by HOD				
Supported by MMC				
Verified by CFO				
Approved by				

Annexure AP Allocation of
Payment Policy
2025/2026



**ALLOCATION OF PAYMENTS
POLICY
2025/2026 FINANCIAL YEAR**



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1. OBJECTIVES OF THE POLICY

To ensure that the Financial Services Department will allocate payments received from customers on their consolidated accounts.

2. INTRODUCTION

Customers have the tendency of choosing which services they are paying for and ignore other services. It is therefore important to allocate payments based on the priority that will not put Council at a risk of non-payment of services that are not directly linked to the property or that are to the advantage of customers. The allocation priorities will assist when reconciling payments per service on consolidated accounts. This policy provides guidelines on the treatment of payments of debtors and the allocation thereof on their consolidated account.

3. Payment Allocations

3.1 The allocation of payments will be done by the Financial Services Department.

3.2 Customers will not be given the discretion to prescribe the sequence of allocation of payments made.

3.2 The payments received should be allocated to the oldest debt in the sequence below. All payments received by the Executive Director: Financial Services will be allocated on the consolidated accounts of the customer in the following sequence:

- a. Sundry Debtors
- b. Outstanding Deposits
- c. Interest
- d. Refuse Removal
- e. Additional Sewerage
- f. Water Consumption
- g. Electricity Consumption
- h. Availability Charge: Sewerage
- i. Availability Charge: Water
- j. Availability Charge: Electricity
- k. Property Rates

3.3 Sundry Debtors accounts are the most difficult to collect and as such must receive the highest priority. The applicable availability charges and Property Rates are taxes and as such only prescribe after thirty years and not three years as is the case with the prescription of consumption charges. Customers must note that the payment of consumption charges will be allocated to such only once all other amounts due have been settled.

4. IMPLEMENTATION AND REVIEW OF THIS POLICY

The policy will be effective as from 1 July 2025.

This policy may be reviewed on an annual basis and tabled to Council for approval as part of the budget process.

Annexure AQ Wayleave
Policy
2025/2026

WAYLEAVE POLICY

MIDVAAL

ENGINEERING SERVICES



2025/2026

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1. Glossary, Definitions, Abbreviations and Acronyms

The following words and Phrases have the meaning assigned to them in this Policy, unless the context otherwise indicates:

“Advertising structure or signage” – means the act or process of notifying, warning, informing, making known, displaying, transferring information on a visible manner or any other form of outdoor advertising signage structure erected within the Public Road Reserve (**PRR**) – which area refers to the full width of a Municipal Public road, and includes the verge, footway, servitude, Right of Way servitude and roadway, and which signage, board, tourism board, any other structure that are managed in terms of the applicable Midvaal Outdoor Advertising Bylaw;

“Backfilling” - refers to the replacement of the structural layers in the trench or excavation area and includes *inter alia* the base, subbase, selected subgrade but exclude the surfacing (see Reinstatement);

“Building Restriction Area” – means any limited area excluded for construction or building purposes which may require additional approvals or consents, including building line restriction areas determined under an applicable town planning scheme or Title Deed;

“ Completion Notice ” – means the document submitted by the Wayleave Officer as proof that the Work in the Public Road Reserve (PRR) was completed according to the Policy and specifications;

“Council”– means the Midvaal Local Municipality (MLM), a municipality established in terms of the provisions of Section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Council land” – means any portion of land including road (PRR), street thoroughfare, bridge, subway, footpath, verge, sidewalk, open space, garden, park or enclosed place, erf, site or similar area vested in the Council;

“Defect liability period” – refer to any deficiency in the design or construction of the ENGINEERING SERVICES, or in the material used in the construction that results in the service not performing in a manner that can reasonably be expected. A defect liability clause may be imposed by the Council, usually for a period not exceeding 12 months of date of the “Completion notice” is issued;

“Directional board” or “direction sign” - means a guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user the direction to be taken to a place, undertaking or activity for the purpose of advertising it;

“Distance of Excavation” – means the shortest horizontal distance between Municipal services nearest to the excavation;

“Electrical structure” – means any power line tower, electric pole, switch box, miniature substation with or without fence, or any building or other structure used in the distribution of electricity;

“Engineering services” – means a system for the provision of water, electricity, renewable energy, gas, roads, fibre, storm water drainage, sewerage reticulation and treatment, all described also as engineering services infrastructure for the purpose of land development;

“Engineering specifications” - means the standard specifications and geometric and technical requirements of the Executive Director: Engineering Services of the COUNCIL, and entrusted to the ENGINEER, as is consistently applied in the COUNCIL's area of jurisdiction for the provision and installation of engineering services or any part thereof. The specifications shall indicate all relevant and necessary specifications of the ENGINEERING SERVICES applicable to developments of a similar kind, except where excluded explicitly or by implication.

“Emergency Work” – is defined as any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. It is important to note that poor planning of Work to be carried out will not justify Emergency work and such activities will be stopped by the Wayleave Officer;

“Footpath” - means that a portion or lateral extremities of the street which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“GAUTRANS” – means the relevant Provincial Department in Gauteng entrusted with the approval, design and maintenance of public roads and transport;

“Intersection” - means an intersection as defined in the National Road Traffic Act, and includes the area within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“Kerb” - means the boundary between the roadway and the footpath/pavement;

“Lane Rentals” – means the rentals that are paid to the Council by a Service Agency, excluding a Municipal Department, whose work are within the Public Road Reserve (PRR) results in time delay costs (TDC) being incurred by the users of the Public Road Reserve (PRR);

“Local Authority” – means Council or Midvaal Local Municipality;

“Locality or Location bound sign” – means a sign displayed in a specific area under the South African Road Traffic Act : Sign System and used to identify places or locations, which either provide reassurance during a road user journey or identify destinations such as towns, suburbs or street names near the end of a journey;

“Municipal Department” – means any Department that belongs to or is controlled by the Council;

“National Road Traffic Act” - means the National Road Traffic Act, 1996 (Act 93 of 1996) including any amendments to or substitutions thereof as well as all Regulations promulgated there under;

“Public Road Reserve (PRR)” – means the full width of a Municipal Public road, and includes the verge, footway, servitude, Right of Way servitude and roadway. The PRR also includes any Municipal servitudes, Council Land and building restriction areas (as defined herein);

“Reinstatement” – refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving or concrete slabs, bituminous surfacing or grass in the case of footways and verges, or any other material previously used;

“Retention period” – means the 12 (twelve) month “Defect liability period”, commencing on date on which the services are handed over to the relevant authority and where a “Completion notice” was issued;

“Registered Engineering Professional” – means a qualified engineer or technologist professionally registered with the Engineering Council of South Africa in terms of the Engineering Professions Act of South Africa (act 114 of 1990);

“Right of way servitude” - means the full width of a Municipal Public road over a property in favour of another also for public access, and includes the verge, footway and roadway

“Routine Maintenance Work” - is defined as all types of Work involved in maintaining the Services located in the PRR and does not require excavation, traffic control or Reinstatement activities;

“Services” - means any service, facility or system supplying the public need that a Service Agency, including Municipal Engineering Services has in or on the Public Road Reserve (PRR);

“Service Charter” – The Service Charter means the services standards that may be expected from each service department in the Midvaal Local Municipality and are listed as a Council Policy/Guideline communicated to the members of the Public. The Services Charter and Standards may be amended from time to time as the Municipality deem necessary and each Service Department (Including Service Agencies/Municipal appointed Contractors) needs to adhere to the expected timelines as set out in the Charter.

“Servitude” – means a registered right that a person, Municipality or Agency has over the immovable property of another. It allows the holder of the servitude to do something with the other party's property in a responsible way which may infringe upon the rights of the property owner and may be used for a needed service or right of way for public use i.e. Right of Way servitude in favour of a person, Agency or for the public access. Such servitude is usually maintained by the servitude holder unless an agreement is reached differently. A servitude is depicted on a Surveyor General map and registered over a property or a portion thereof;

“Service Agency or Municipal Service Department” – means any public agency or service utility or Municipal Service Department, that has a Service in the Public Road Reserve (PRR);

“Street furniture” – means public facilities and structures which are provided for pedestrians and commuters, including but not limited to seating benches, payment litter bins, pole mounted bins, bus shelters, pavement clocks and drinking fountains, but excludes traffic signs, streetlights;

“Time Delay Cost (TDC)” – means the costs associated with the time delays that are experienced and the projected completion date is not reached;

“Undertaking/Indemnity” – means the Undertaking/Indemnity form completed and signed by the Wayleave Applicant to undertake the work to be done in line with the Council's conditions, accept responsibility for all costs associated with damages, relocation, reinstatement and associated costs and to indemnify Council against any claim (s) for cost or damage to property /services or loss (incl. loss of life) of whatsoever nature which may be incurred or sustained in respect to the wayleave works

“Wayleave” – means the formal agreement and approval received for the Wayleave application to carry out Work in the Public Road Reserve (PRR). The PRR also includes any Municipal servitudes, Council Land and building restriction areas (as defined herein), to cross land where access to property is allowed by the landowner/asset holder. A Wayleave is issued by the Wayleave Officer on approval with approved drawings subject to certain conditions as stipulated by the Municipality. A Wayleave approval enables Service Agency or Services Department the responsible use or access to public assets, by co-ordinating service installation, minimising to service clashes or collateral damage due to installations or construction activities;

“Wayleave Applicant” – means the applicant, institution or Service Agency who currently owns or would own/install future Services, who applied for a Wayleave;

“Wayleave Holder” – means the institution or Service Agency who is in possession of a Wayleave approved for a specific Service as approved by the Wayleave Officer;

“Wayleave Office” – The Wayleave office will be established within the Midvaal Roads and Stormwater Section with a Wayleave Officer/s that will co-ordinate and process all Wayleave applications and process such applications in terms of this Policy

“Wayleave Officer” – means an employee appointed and authorised by Midvaal Municipality to perform the necessary administrative functions of receiving and processing applications for Wayleaves. The Wayleave Officer operates within the Midvaal Local Municipal area and coordinate and regulate any Work undertaken in respect to the services in or on the Public Road Reserve area, on Municipal Roads only.

“Wayleave Policy” – is a Council Policy on wayleaves which attempts to guide and ensure that the future and current infrastructure Services representing a financial investment within and upon land falling within the geographical area under the jurisdiction of the Municipality are co-ordinated, installed, maintained, rehabilitated and where necessary replaced without considerable delay, inconvenience, damage and additional costs to the owners of the Service infrastructure, members of the community and where all safety protocols are observed. However, the Council cannot be held liable for any services which are not owned by the Municipality and where permission or non-permissions were issued by other service Agencies/utilities.

“Work” – in the Public Road Reserve (PRR) means any activity, including the activities provided for in terms of the Wayleave processes which work carried out within the PRR. The PRR also includes any Municipal servitudes, Council Land and building restriction areas (as defined herein). It includes any project or service infrastructure related activities, irrespective of the size of the project be it installation, maintenance, repair or reinstatement Work.

2 Introduction

2.1 Objective of the Wayleave Policy

The purpose of this policy is to:

- Provide guidance to the Municipality on the accommodation of Municipal Engineering infrastructure services and any other related services for for utilities/Agencies within Public Road Reserve (PRR), servitude or building restriction area;
- Provide a framework for Service Agencies, landowners, and the Municipality to work together for the public benefit while upholding the right of these service Agencies to access Municipal owned land to deploy their infrastructure services;
- To simplify, streamline, co-ordinate, and process Wayleave applications to enable the deployment of required infrastructure services to the communities;
- To minimize delays and improve quality and efficiency in the decision-making process;
- Manage infrastructure growth and delivery key infrastructure;
- To promote economic business activity in the Municipality;
- To protect and mitigate the risks to future and existing infrastructure services within the Municipal geographical area under the jurisdiction of Midvaal.

2.2 The Principles of the Policy

The principles that underpin the Wayleave Policy are:

- Services infrastructure development is pivotal in advancing socio-economic development and attainment of national and local economic development goals and objectives;
- Service Agencies have the right to enter upon municipal land to deploy the required infrastructure and services, but must exercise these rights respectfully, with the necessary approvals and with due caution;
- The deployment of service facilities must be done in a safe and environmentally friendly manner, avoiding duplication of services infrastructure and facilities;
- To expedite approval processes and access to property (PRR) to deploy service infrastructure and facilities;
- Co-ordination and co-operation between Municipal service Departments, service Agencies or Utilities and Wayleave applicants;

2.3 Establishing a Wayleave Office

Midvaal has identified the need to establish a Wayleave office with a Wayleave Officer/s that will co-ordinate and process all Wayleave applications and process such applications in terms of this Policy, which function will need to:

- Improve the inter departmental co-ordination and communication on work plans and process applications received for Wayleaves;
- Co-ordinate and regulate all work carried out within the PRR;
- Minimize as far as possible the danger and inconvenience to members of the public and road users;
- Minimize possible damage to existing services infrastructure;
- Promote trenchless technologies. All road crossings shall be done by directional drilling. No open trenching will be allowed in the roadway without approval of the Wayleave Officer. Thrust boring or 'moling' will not be allowed within roadways.

Where directional drilling is not possible, the Service Agency/Department shall apply in writing to request permission to hand excavate the road crossing.

- Promote the use of technology such as MLM Geographical Information System (GIS) to capture and locate future and existing services infrastructure as accurately as possible.
- The Wayleave officer is to implement wayleave conditions by monitoring service providers/Agencies to adhere to wayleave conditions when working within the Municipal PRR and also enforcing wayleave conditions to those who are not adhering to such conditions during implementation.
- To effectively process Wayleave applications and sustain such a function within the Engineering Department. Such an office shall:
 - Establish effective and simplistic application and payment procedures: on-line applications will be preferred (future activity);
 - Establish effective Municipal By-Laws (future activity);
 - Establish an effective Organisational Structure (future activity);
 - Draft a Wayleave Undertaking/Indemnity for Legal Services approval (future activity);
 - Determine the applicable application fees, tariffs, fines, holding deposit and costs associated with the Way Leave applications from time to time in line with the Municipal tariff Bylaws (future activity);
 - Draft a Completion Notice (future activity);
 - Update the MLM Geographical Information System (GIS) when Wayleave applications have been approved (future activity).

3. Policy

3.1 Overview

3.1.1 The co-ordination of work in the PRR deals with two aspects, namely:

- 3.1.1.1 Planning the time schedule for future work in the PRR so that the work can be executed in a logical sequence i.e. avoiding the placement of a service in a road that was surfaced during the previous month. This could involve new construction, rehabilitation, or Routine Maintenance Work; and

- 3.1.1.2 The application for and approval of a Wayleave for the execution of any work in the PRR.
- 3.1.2 The co-ordination of work or time schedules described under 3.1.1.1 above may result in specific co-ordination issues where the Wayleave Officer must ensure that an acceptable solution is defined by the relevant Municipal Services Departments or Service Agencies involved.
- 3.1.3 It is stressed that the Wayleave Officer's role is to facilitate co-ordination between the various Municipal Services Departments or Service Agencies involved.

Each Municipal Services Departments or Service Agencies involved will have their own project leaders who are responsible for the implementation of their projects together with compliance with the Council's policies, procedures, and standards.

The Council cannot be held liable for damages to services that are not owned by the Municipality and where permission or non-permissions were issued by other service Agencies/utilities (Undertaking/Indemnity to be provided by the Service Agency to MLM).

3.1.4 The approval of a Wayleave means that:

3.1.4.1 The Wayleave holder has permission to:

- 3.1.4.1.1 Do work and place a new service in the Public Road Reserve;
- 3.1.4.1.2 Do excavations in the Public Road Reserve;
- 3.1.4.1.3 Do vehicular and pedestrian control in the Public Road Reserve; and
- 3.1.1.1.1 Do Reinstatement work in the PRR where excavations have been made (it is preferred that MLM Road services Department do or supervise such reinstatement work).
- 3.1.1.2 The Service Agency must protect the existing service in its position in the PRR against damage by other parties while working in the PRR.
- 3.1.1.3 The cost associated with relocating the service when a road is widened or rebuilt remains with the Service Agency that owns the service.
- 3.1.1.4 The cost to relocate a service owned by the Municipal Services Departments must be included in the project cost payable by the Service Agency that owns the service.

3.2 Planning Work Time Schedules

3.2.1 The basic procedure that must be followed for planning the time schedule of future work is as follows:

- **Service Agencies**

3.2.1.1 By 30th April of each year the Service Agencies shall submit Work Plans for the next 3-year period to the Wayleave Officer. External Service Agencies will be invited, but not obligated, to participate in the process.

3.2.1.2 These Work Plans shall show:

- a) The nature of the work e.g. the placement of a new water main, or the replacement of a water/ sewer line.
- b) The location of the work in terms of street blocks and the side of the PRR where the work will be executed, with due regard for the Council's typical cross-section drawing for the PRR.
- c) The extent of the work i.e. the start and end positions.
- d) The planned timing of the work i.e. from month/year to month/year.
- e) Reference to the work in the latest approved Integrated Development Plan of Midvaal Local Municipality, if applicable.

3.2.1.3 The Wayleave Officer shall review the work plans in order to determine possible conflicts in the planned work and alert the Service Agencies to deal with and resolve the conflict.

3.2.1.4 A co-ordination meeting may be held by no later than July/August with the Service Agencies to resolve any changes that may have resulted out of the budget approval process.

- **Midvaal Service Departments**

3.2.1.1 By 30th April of each year the various Municipal Service Departments shall submit Work Plans, as may be defined in the Integrated Development Plan of the Council, for the next 3-year period to the Wayleave Officer.

External Service Agencies will be invited, but not obligated, to participate in the process.

3.2.1.2 These Work Plans shall show:

- a) The nature of the work e.g. the placement of a new water main, or the replacement of a water/ sewer line.
- b) The location of the work in terms of street blocks and the side of the PRR where the work will be executed, with due regard for the Council's typical cross-section drawing for the PRR.
- c) The extent of the work i.e. the start and end positions.
- d) The planned timing of the work i.e. from month/year to month/year.
- e) Reference to the work in the latest approved Integrated Development Plan of Midvaal Local Municipality, if applicable.

3.2.1.3 The Wayleave Officer shall review the work plans in order to determine possible conflicts in the planned work and alert the Municipal Services Departments or Service Agencies.

3.2.1.4 A co-ordination meeting with relevant Municipal Services Departments may be held by no later than July/August to resolve any changes that may have resulted out of the budget approval process.

3.2.1.5 The Service Agencies, when required, can request a meeting with the Wayleave Officer on projects that may arise during a financial year that were not planned for and may be included during the co-ordination meeting.

3.3 Basic Wayleave Procedure

3.3.1 The basic procedure that is required for work to be done in the PRR is as follows:

3.3.1.1 Permission to work in the PRR must be obtained from the Wayleave Officer through a formal Wayleave application (submitted with required forms i.e.: the Undertaking/Indemnity). The Application Form can also be obtained from the MLM Website or from the Wayleave (Roads and Stormwater Section).

3.3.1.2 Prior to permission is obtained as described above, the Wayleave applicant must contact other Service Agencies i.e: (Gautrans, ESKOM

etc), to have the positions of existing services from the Municipal Service Departments or Service Agencies identified by the Wayleave Officer pointed out on site.

- 3.3.1.3 The control section on the Wayleave application form must be signed by each affected Municipal Service Departments or Service Agency, indicating that there is no objection to proceeding of the work. This approval will be subject to technical compliance with the standards of the Services involved as well as compliance with the work planned by the Municipality within the area under consideration.
- 3.3.1.4 Once the control section has been signed by all the Municipal Service Departments or Service Agencies, the Wayleave Officer may authorise the work and the work may commence in accordance with the procedure set out in this Policy. No work in the PRR may commence before all Municipal Service Departments or Service Agencies signed off the Control section on the Control sheet or Permission Letter.
- 3.3.1.5 A copy of the Control list on which all affected Municipal Service Departments or Service Agencies signed must be submitted to the Wayleave Officer for record keeping purposes
- 3.3.1.6 The applicable specifications must be adhered to for preliminary work before work will be allowed to start. Such requests include inter alia that:
 - 3.3.1.6.1 The Midvaal Traffic must always be notified in writing in advance by the Wayleave Holder or as stipulated in the Services Charter when work is to be done in the PRR.
 - 3.3.1.6.2 The Wayleave Officer and the contact person of each Service Agency involved must be informed prior to commencing with the work by the Wayleave Holder or as stipulated in the Services Charter.
 - 3.3.1.6.3 Alternatively notice periods specified by the Municipal Service Departments or Service Agencies must be adhered to.
- 3.3.1.7 The work must be carried out according to the procedures and specifications as referred to in the Wayleave approval, the conditions under which the work was approved and any other requirements of affected Municipal Service Departments or Service Agencies.
- 3.3.1.8 The Wayleave and the service plans must be kept on site while the work is in progress.

- 3.3.1.9 The Wayleave Applicant will always be issued with one copy of the approved Wayleave.
- 3.3.1.10 Work will be stopped if either the Wayleave approval or the Service plans are not available during inspections on site. Work will be stopped until the required documents are available on site. A fine as stipulated in the cost and tariff schedule, will have to be paid in such an event or deducted from the holding deposit as authorised by the applicable Municipal Service Departments. This will be managed by the Wayleave Officer.
- 3.3.1.11 On completion of the work all trenches and excavations in the PRR must be backfilled and reinstated according to the specifications referred to by this Policy, to be inspected and confirmed by the Wayleave officer. Permanent reinstatements are the responsibility of the Wayleave Holder, at the cost of the Way Leave Holder as per the Wayleave specific conditions, standards, and drawings where applicable.
- 3.3.1.12 On completion of the work and permanent reinstatements, as applicable, a Completion Notice must be sent to the Wayleave Officer by the Wayleave Holder.
- 3.3.1.13 The Wayleave Officer will issue a final Completion notice once an inspection has been conducted and all requirements have been met.
- 3.3.1.14 The applicable guarantee period (defect liability period) will be stated on the Completion notice (usually 12 months from the date that the Completion Notice is issued) - See 3.6.3 for "Undertaking/Indemnity".
- 3.3.2 This Policy applies to all persons and entities that carry out work in the PRR in the Municipal area, such as Municipal Services Departments, external organisations, Service Agencies, and contractors. It does not apply to work in national or provincial Road Reserves within the judicial area of the Municipality (Gautrans), ESKOM, and Rand Water servitudes.

3.4 Work in the Public Road Reserve

- 3.4.1 Work in the PRR includes the digging of trenches, tunnelling, erection of signboards, erection of structures, and landscaping (where the existing levels will be changed) in the PRR, Servitude, Council Land, Building Restriction area and any other work that may affect motorists, users, pedestrians, the road, footways,

kerbing, traffic signs, traffic signals, street lighting, underground or overhead services or any other structure or service that is contained within the PRR.

3.4.2 The types of work that require approval from the relevant Service Agencies before a Wayleave is granted is deemed to be provision of a new service and will be conducted according to the procedures in Section 3.3 above. In general, such work refers to the positioning of a new service, excavation in the PRR, traffic control and reinstatement of the roadway and pavements. Examples include inter alia:

3.4.2.1 Work relating to the installation or maintenance of underground or overhead Services by the Municipal Service Agencies like Roads and Stormwater, Water and Sanitation, Electricity, Community Services, Land and Environmental Planning, Human Settlements and Town Planning.

3.4.2.2 Work relating to the installation or maintenance of underground or overhead services done by non-Council Service Agencies like telecommunication, fibre, electricity, gas, oil, and regional water supply.

3.4.2.3 The erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act 103 of 1997;

3.4.2.4 The erection of advertising signs and structures that require approval in terms of relevant Municipal by-laws;

3.4.2.5 Road works, such as construction of new roads, road widening or accesses to developments, undertaken by developers;

3.4.2.6 The installation of new connection points for municipal services, such as water, sewers, electricity, and stormwater drainage from developments;

3.4.2.7 Erection of advertising boards, directional boards, traffic signage and place name boards in the PRR;

3.4.2.8 Installation of services by private concerns, e.g. fibre cables to connect different buildings;

3.4.2.9 The installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers.

3.4.2.10 Road closures procedures in terms of the Rationalisation Act of Local Government (Sect 44 and 45) in the event of application for Road closure;

- 3.4.3 The types of work for which prior approval from Service Agencies cannot be obtained due to the nature of the work is deemed Emergency Work and must be undertaken according to the procedures set out in Section 3.16.
- 3.4.4 The types of work that does not include any construction work but will require traffic control due to the activities taking place within the PRR is deemed Routine Maintenance Work and must be executed according to the procedures set out in Section 3.17.

3.5 Wayleave

- 3.5.1 All work in the PRR is controlled by a Wayleave. A Wayleave is simply permission to work at a specified time in a specified area in the PRR according to approved conditions.
- 3.5.2 A Wayleave application may be submitted for a large project that covers work in a suburb/township/area, provided that the position and expected start / end dates of all work in the PRR is adequately described under the description of the work to be done.
- 3.5.3 General conditions are stated on the Wayleave Approval Form and may include, but are not restricted to, the following:
 - 3.5.3.1 Description of work to be done;
 - 3.5.3.2 Timeframe within which the work must be done; and
 - 3.5.3.3 Location of work to be done. Where possible co-ordinates of the area where the work will be done needs to be included with "as build drawings" (to be provided dxf, pdf and shape files or any format the Municipality requires).
- 3.5.4 Additionally, there may be specific conditions relating to the Wayleave which will be stated on or referred to on the Wayleave. Such conditions may include:
 - 3.5.4.1 Specific working conditions required in terms of the Occupational Health and Safety Act (Act no 85 of 1993);
 - 3.5.4.2 Methods of work execution in protected roads and precincts;
 - 3.5.4.3 Reinstatement requirements; and
 - 3.5.4.4 A Wayleave approval must be obtained before any approved work may be done in the PRR.

3.5.5 To obtain a Wayleave approval, a Wayleave application form must be submitted by the Service Agency or the relevant Municipal Services Department, together with:

- 3.5.5.1 A traffic control plan showing how vehicular and pedestrian traffic will be accommodated during the execution of the works in the PRR.
- 3.5.5.2 Copies of the design drawing showing details of the proposed work.
- 3.5.5.3 A receipt that the required payments were made or submission of proof of sureties already held by the Council over the work.
- 3.5.5.4 Payment of the required processing application fee. A Holding deposit (to be determined by relevant Municipal Service Department). Holding deposit can only be released if all Service Departments are satisfied with "Work" done and Final Completion Notice issued).

3.5.6 Details required on the design drawing referred to in 3.5.5.2 are:

- 3.5.6.1 A clear depiction of the proposed work.
- 3.5.6.2 Indication where services are to be installed and the depth of the service below the surface level of the relevant portion of the PRR.
- 3.5.6.3 Distance of the service from the PRR boundary or servitude area (i.e. the property boundary).
- 3.5.6.4 Position and extent of all structures including underground structures such as manholes, chambers, and junction boxes.
- 3.5.6.5 The location of all other services in the PRR. Services are located by obtaining information from the Service Agencies within the Council and by doing cross cuts where required. The use of cross cuts (by hand) is strongly recommended.
- 3.5.6.6 A Wayleave will only be issued once all the requirements have been complied with and will be subject to the conditions specified in Section 3.3 and on the Wayleave form.

3.5.7 The application for a Wayleave must be submitted timeously to ensure that the Wayleave can be issued before the work is programmed to start. **WORK BEING CARRIED OUT IN THE PRR, SERVITUDE, COUNCIL LAND, BUILDING RESTRICTION AREA WITHOUT A WAYLEAVE MUST BE REPORTED TO THE WAYLEAVE OFFICER AND**

WILL BE STOPPED BY A COUNCIL OFFICIAL ON SITE. A copy of the Wayleave must therefore always be on site when work is being done in the PRR.

- 3.5.8 The Wayleave Officer will strive to limit the duration of the application process as per the MLM Services Charter.
- 3.5.9 The Wayleave holder accepts full responsibility for all costs (Refer to Section 3.10) associated with and resulting from the work carried out in the PRR.
- 3.5.10 Only work described in the Wayleave may be executed. If the conditions on site necessitate a deviation from the planned work, the Wayleave Officer must be informed before any work is done. These deviations may be in relation to the placement of the service or the timing of the works. The Wayleave Officer may inform the Wayleave holder of additional approvals that must be obtained from the Municipal Service Departments or Service Agencies affected by the deviation as well as further requirements in terms of drawings and specifications.
- 3.5.11 The Wayleave holder must complete the work within the time specified on the Wayleave or the approved time extension (as per 3.5.12 below).
- 3.5.12 A Wayleave holder who fails to complete the work within the specified time window will have to apply for time extension or time (Work start, and completion dates must be clearly stipulated on the Wayleave application form).
- 3.5.13 If upon expiry of the notice period referred to in 3.5.12 the Wayleave holder is still in default; the work will be stopped and PRR made safe by the relevant Municipal Service Department at the expense of the Wayleave holder. (The Holding deposit may be used by the relevant Municipal Service Department or consider a penalty fee to the Wayleave Holder) to repair/reinstate such Municipal services damaged.

3.6 Existing Services and Planned Services

- 3.6.1 The Wayleave Applicant in the case of a new service, (i.e. Roads, Stormwater, Water, Sanitation, Fibre, Electricity cables or other, Petroleum/ Gas pipes etc.) must submit approved design drawings indicating the position of services in the area of Work with the Wayleave application form. (In practice, the designer needs the exact position of other services to determine the route of the new service.)

3.6.2 Municipal Service Departments or Service Agencies may require additional precautions relating to Work in the vicinity of their Services and must specify these in writing to the Wayleave Applicant.

3.6.3 As part of the Undertaking/Indemnity to be attached to the Wayleave application form, the Wayleave Applicant must confirm that the necessary information has been obtained from the relevant Municipal Service Departments or Service Agencies and undertakes to adhere to the additional conditions laid down by the various Municipal Service Departments or Service Agencies, accept responsibility for all costs associated with damages, relocation, reinstatement and associated costs and to indemnify Council against any claim (s) for cost or damage to property /services or loss (incl. loss of life) of whatsoever nature which may be incurred or sustained in respect to the wayleave works

The control section on the Wayleave application form, signed, will serve as proof that the Municipal Service Departments or Service Agencies approved that a Wayleave may be issued.

3.6.4 The Wayleave Officer will verify with all relevant Municipal Service Departments or Service Agencies whether future Work is planned for the area indicated in the Wayleave application. Such planned Work may dictate whether a Wayleave is approved and the conditions under which a Wayleave is approved. The planning horizon will depend on the planned life of the new Service as well as the Council's 5-year Integrated Development Plan.

3.6.5 It may be required to do cross cuts (by hand) in the area where Work is planned. The purpose of cross cuts is to establish and confirm the position of Services (coordinates where possible) in areas where the information on Services are unclear. All works to be done must be under the supervision of the relevant Municipal Service Departments or Services Agency.

3.6.6 A crosscut is done by excavating a trench that runs from the edge of the road up to the property boundary, perpendicular to the normal direction of Services. Excavation must always be done by hand. Information on the existing services (type and location) must be communicated back to the Wayleave officer.

3.6.7 The minimum depth of the crosscut trench is 1 meter below the lowest point of the PRR to be indicated on the drawing relevant to all existing and proposed services.

3.7 Road Categories

3.7.1 All roads are classified into one of the functional categories described below. The functional category of a road determines the Backfilling and Reinstatement specifications applicable to that road.

3.7.2 The following definitions apply for the road categories:

Category	Road Type	Administration
1	National Roads Primary – (inter) provincial Urban Freeway/Motorways	SANRAL Gauteng DoT Service Coordinator
2	Primary – (inter) provincial Major (inter) urban arterials	Gauteng DoT Service Coordinator (GAUTRANS)
3	(Inter) district connectors Minor (intra) urban arterials	Gauteng DoT Service Coordinator (GAUTRANS) and Midvaal Roads
4	Major and minor collectors Inter neighbourhood distributors Intra neighbourhood distributors	Gauteng DoT Service Coordinator (GAUTRANS) and Midvaal Roads
5	Residential streets	Service Coordinator (Midvaal Roads)

3.7.3 All roads have been categorised into one of the above by the Municipality. For a specific road this information can be obtained from the Wayleave Officer.

3.8 Protected Roads

3.8.1 Over and above the road categories defined in Section 3.7 of this Policy, certain roads are further classified as protected roads (no- dig roads).

3.8.2 Protected roads are roads across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the Roads and Stormwater Department. Roads are designated as protected when they are of strategic importance (Categories 1 to 4 in Section 3.7) or if they pose special engineering difficulties. Separate permissions from SANRAL or GAUTRANS may be required.

- 3.8.3 Any road that has been newly constructed, overlaid or resurfaced will be protected for a specified period as determined by the Municipality.
- 3.8.4 If a road is protected it will be indicated as such on the Wayleave.
- 3.8.5 Protected roads may only be crossed using trenchless methods. If trenchless methods for some reason cannot be used, special permission to excavate must be obtained from the Wayleave Officer.
- 3.8.6 For the purpose of planning Work done by Municipal Service Departments or Service Agencies, categories 4 and 5 may be regarded as unprotected unless they have been constructed or surfaced.

3.9 Protected Precincts

- 3.9.1 Works in protected precincts are subject to special trenching methods and care to ensure minimal damage to specialised and expensive material and furniture. The Wayleave Officer will inform the Wayleave Applicant of the required methods and might request that third party contractor must be used to carry out the Work.

3.10 Costs

3.10.1 Processing / application Fee

- 3.10.1.1 The processing fee is a fixed amount that is payable by the Applicant upon submission of a Wayleave application form. This fee amount will be determined by the Council from time to time.
- 3.10.1.2 The processing fee covers the Council's administrative costs for work done by the Wayleave Officer to obtain comments from the various Municipal Service Departments or Service Agencies on the Wayleave application.
- 3.10.1.3 Initially the Wayleave Applicant must obtain comments from the various Service Agencies on the Wayleave application. All affected parties will be notified of any changes to the processing fee by the end of April and the new fee will only be applicable from 1st July. Details of the current fee are available from the Wayleave Officer.

3.10.2 Holding Deposit

- 3.10.2.1 A refundable holding deposit (the value of the relevant road verge reinstatement work) will be charged for each Wayleave being issued. Holding deposits will not be charged for work done by internal Service Agencies (Council Departments and their service providers but Roads and Stormwater Department must have access to the Service department's vote numbers to do the required reinstatements if the other departments fail to do so to the satisfaction of the Roads and Stormwater Department) themselves.
- 3.10.2.2 The deposit amount will be based on the road and verge reinstatement works.
 - 3.10.2.2.1 The Wayleave Officer shall request the relevant Municipal Service Departments to determine the required holding deposit per service, maintain and manage the deposit register.
- 3.10.2.3 Wayleave Applicants who can produce proof of sureties or deposits held by other Council agencies for the same project will be waived if the Wayleave Officer considers the amount retained enough to cover the potential risks involved.
- 3.10.2.4 The Municipal Service Departments will have the right to use the deposit to cover costs incurred by the MLM Service Department due to the damages caused by the wayleave holder in relation to the Wayleave under consideration to repair/reinstate damaged services. (uncompleted work/Defects/damages/losses).
- 3.10.2.5 The responsibility remains with the Wayleave holder to ensure that the contractor engaged in the implementation of the work has valid and sufficient public liability insurance. Work may not commence without proof of the Public Liability Insurance. Policy detail must be submitted with the wayleave application.

3.10.3 Reinstatement Cost

- 3.10.3.1 When the permanent reinstatement or any other repair work has to be done by the Municipal Services Departments (i.e. when the Wayleave Holder fails to reinstate the roads or verges), the cost involved will be payable by the Wayleave holder.
- 3.10.3.2 The cost for reinstatement will be determined using the relevant Municipal approved Service Department rates and managed by the Wayleave Officer.

- 3.10.3.3 The final invoiced amount payable will be determined using the measurements of the final reinstatement as agreed between the Wayleave Officer and the Service Agency and on the final reinstatement costs.
- 3.10.3.4 The reinstatement area will be measured using straight lines along the edge of the trench. Therefore, it is recommended that the proper cutting tools be used in order to ensure a smooth and straight edge.
- 3.10.3.5 It is important to note that the decision as to who does the permanent reinstatement lies with the Wayleave Officer. Project Managers must therefore allow for the reinstatement cost as an item in the contract document which is payable to either the contractor or the Municipal Service Department.

3.10.4 Other Costs

- 3.10.4.1 Other costs can result from any of the following:
 - 3.10.4.1.1 Damages to existing services infrastructure (services Agencies will determine the extent of the damage and the specifications to rectify the damages to their own services including any losses due to Municipal services being damaged;
 - 3.10.4.1.2 Relocation, reinstatement or repair of existing services;
 - 3.10.4.1.3 Testing of services and backfills;
 - 3.10.4.1.4 Lane rentals;
 - 3.10.4.1.5 Services rendered by the MLM service Department in completing work or altering work to conform to Wayleave specifications; and
 - 3.10.4.1.6 Third Party Claims that may result from the work;
 - 3.10.4.1.7 Penalties as may be imposed on the Wayleave Holder as described in this Policy.
- 3.10.4.2 All such costs will be borne by the Wayleave Holder who is expected to make provision for recovery from the person executing Work in the PRR.

- 3.10.4.3 A party wishing to dispute the costs charged to him because of any of the above reasons will do so at their own cost and will be submitted to the Municipal Manager (MLM).

3.11 Traffic Control

- 3.11.1 It is the responsibility of the person working, under the supervision of a Registered Engineering Professional appointed by the Municipal Service Departments or Service Agency, in the PRR to ensure that all laws regarding traffic, safety, traffic signs and barricading are complied with while executing work.
- 3.11.2 The person working in the PRR shall therefore take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is in progress.
- 3.11.3 The Wayleave Officer can request that a traffic control plan be submitted as well as kept available on site as part of the conditions under which the Wayleave is approved. Such traffic control plan must be communicated to the Midvaal Traffic Department, prior to work commencement (see 3.3.1.6.1).
- 3.11.4 Traffic signs and barricading shall be done according to the latest edition of the Southern African Development Roads Traffic Signs Manual.
- 3.11.5 The person working in the PRR must contact Midvaal Traffic to ensure that all requirements have been met for the location where the work is being done and whether pointsmen will be required.
- 3.11.6 The importance of adequate traffic signs and barricading must be stressed. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signed irrespective of how long the work will last. The safety precautions must be maintained for the full time that risks exist in the PRR due to the work being performed in the PRR.

3.12 Road Closure

- 3.12.1 The granting of a Wayleave does not give the Wayleave holder the authority to close the road completely to traffic. Methods of construction and programmes of work must therefore be determined on the basis that

no road, or portion of road, may be completely closed to traffic for any appreciable period.

- 3.12.2 In exceptional circumstances permission may be granted for the temporary closure of a road or portion/lane of road to traffic and the process to be followed can be obtained from the Wayleave Officer. The application will be made to the Municipal Manager. Public participation with the affected community/ties may be required prior to work commencement. The Wayleave holder must apply to the Municipality prior to the road having to be temporarily closed (also to traffic). Road closure will be approved for a specific period only, i.e. from and to a specific time on a specific date and is only valid for that specific period. If the work is not carried out in that period, an application for a new temporary road closure will have to be made.
- 3.12.3 Work carried out on arterials, major collectors and central business district roads may be restricted to outside the following periods, namely from 6:30 to 09:00 and 15:30 to 18:00, to ensure free flow of traffic during peak hours. These times apply 7 days a week. Meyerton CBD roads between 10:00 to 12:00 or on weekends.

3.13 Lane Rental

- 3.13.1 Lane rental refers to the rental of space in the public road reserves for the storage of construction materials, temporary holding area or "stock piling", site office or the closure of lanes for a period as determined by the Municipality.
- 3.13.2 Lane rental is managed by the Municipality's Roads and Stormwater Section.

3.14 Excavations

- 3.14.1 The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench must be cut with a saw to ensure smooth, uniform edges.
- 3.14.2 All excavations must comply with statutory requirements for health and safety. The Wayleave holder must pay specific attention to:
 - 3.13.2.1 Excavations must be executed according to the applicable Occupational Health and Safety Act.

3.13.2.2 Excavations deeper than 1.5m must be shored or V-cut according to the Occupational Health and Safety Act.

3.13.2.3 Excavations deeper than 1.5m must be registered with the Department of Labour prior to commencement of the work. The registration includes the scope of work, depth of trench and the construction method (shoring or V-cut method according to the Occupational Health and Safety Act).

3.14.3 The minimum depth that any service may be placed under a road is 800mm measured from the level of the surfacing of the road to the top of the Service. The minimum depth at any other place in the PRR, e.g. on a verge, is also 800mm measured from the level of the surfacing of the road or from natural ground level, whichever is the lowest. Services not subject to being laid at a specific grade such as water pipes and cables should not be placed at depths in excess of 800mm as this could interfere with future Services that has to be laid at a specific grade, such as sewers and stormwater pipes.

3.14.4 All excavated material and equipment must be placed and demarcated in a holding or stock piling area in such a way as to cause the minimum disruption to vehicles and pedestrians.

3.14.5 The view of motorists must at all-time be kept clear of any obstructions such as excavated material, road signs or hoardings.

3.14.6 A safe passage must always be kept open for pedestrians.

3.14.7 Excavation areas must be clearly demarcated with clear warning signs that allow time for motorists and pedestrians to alter their routes. The Excavation areas within a PRR may not remain open for longer than 24 hours and such area/s must be closed the same day, provided the necessary permission was obtained from the Wayleave Officer.

3.14.8 The Wayleave holder is held responsible for any damage to existing services. Services, indicated on the drawings or on site by representatives from the relevant Municipal Services Departments or Service Agencies, must be opened by careful hand excavation. If the services cannot be found, the relevant organization must be contacted again for further instructions. When existing services are found such must be communicated back to the Wayleave officer by the Service Agency.

Under no circumstances may a Wayleave holder excavate with mechanical equipment before known services have been found and marked. When found, services must be marked and protected or supported as required by the owner. If services need to be relocated, instructions from the owner must

be followed carefully. The Wayleave Holder will be responsible for all relocation costs. If any Service is damaged as a result of the Work, relevant Service Department or Agency must be contacted immediately.

- 3.14.9 Adequate preventative measures must be taken to ensure that no water (e.g. due to rain) flows into the open trenches since this will result in the weakening of the structural layers of the road. Any water that is present in the trenches must be pumped out before Backfilling. Water must be pumped into stormwater system and not into sewer manholes. Any materials that has become wet must be removed from the bottom of the trench before backfilling.
- 3.14.10 The Wayleave Holder must prevent foreign materials from entering the stormwater drains and ensure that silting does not occur from pumping operations or because of rain. If any silting or other contamination does occur, the Wayleave Holder must clean the drains or request the Wayleave Officer to do it at the cost of the Wayleave holder.
- 3.14.11 All re-usable materials such as concrete blocks, slabs, kerbs, gutters, channels, and stormwater inlets must be removed with care and re-used if possible. Any surplus material must be returned to the nearest Roads and Stormwater Depot stores. The address will be available at the Wayleave officer.
- 3.14.12 If any street furniture (e.g. names, traffic signs, bus shelters, etc) which must be removed, arrangements must be made with the relevant authority for the removal, storage, and re-erection. The cost specified by the relevant authority will be for the Wayleave Holders account.
- 3.14.13 Where excavations are made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength that are properly secured against movement. The occupants of the properties must be kept informed at all times of how their property accesses will be affected and perhaps alternative accesses may be agreed on.
- 3.14.14 The cleaning up of the construction site and the reinstated to its previous condition (or better) is considered part of the Work and must be completed within 14 days after reinstatement of the trench has been done. If the Wayleave Holder fails to do so, action will be taken by the Municipality as indicated in Section 3.5.13

3.15 Trenchless Methods

- 3.15.1 If trenchless methods are used, disruption of traffic flow and pedestrian movements can be reduced considerably or eliminated. However, it is important that the Wayleave Holder using such methods must have all the necessary equipment and expertise to complete the Work successfully. Trenchless method can be used for all road categories but shall be used for all roads classified as "Protected" (Refer to Sections 3.8 & 3.9).
- 3.15.2 The position of existing Services must be located accurately. If any Services are damaged, the Wayleave Holder will be responsible for all costs to have the damaged services repaired/replaced, as well as all losses measured.
- 3.15.3 The depth to the top of any tunnel that is drilled for the installation of new Services must be at least 800mm measured from the lowest level of the road surfacing.

3.16 Emergency Work

- 3.16.1 Emergency Work is defined as any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses. It is important to note that a lack of proper planning of work to be carried out will not justify Emergency Work and such activities will be stopped by the Wayleave Officer.
- 3.16.2 A categorised list of emergency work will be maintained by the Wayleave Officer and will serve as a guideline for Service Agencies as well as the Wayleave Officer in determining whether work is an emergency.
- 3.16.3 The Wayleave Officer will provide an emergency number for the use of service Agencies that requires information on the position of services in the area where emergency work is to be carried out.
- 3.16.4 The Wayleave Officer must be notified in writing prior to the commencement with emergency work. The emergency notification certificate referred to in Section 5 must be used for this purpose. If the Wayleave Officer is not notified within 24 hours from the first working day, the Work will be reinstated by the Wayleave Officer and the cost thereof will be invoiced against the Service Agency. The emergency notification document can be obtained from the

Wayleave Officer. The Wayleave Officer will notify the relevant MLM Traffic and Public Safety official.

- 3.16.5 The emergency notification must always be certified by an Authorised Agent of the Service Agency as an emergency that requires their immediate attention.
- 3.16.6 Emergency work must be done in accordance with all procedures and specifications applicable to the type of work as set out in the specifications of each Municipal Service Department or Service Agency.
- 3.16.7 Reinstatement of the PRR will be done by the Municipality or its Contractor (at the cost of the Municipal Service Departments or Service Agency) upon receipt of a notification and payment documentation from the Municipal Service Departments or Service Agency that the emergency work has been completed.
- 3.16.8 The responsibility remains with the Municipal Service Departments or Service Agency to ensure that their drawing information is updated according to the alterations made during the emergency work and communicated to the Wayleave Officer.

3.17 Routine Maintenance Work

- 3.17.1 Routine Maintenance Work is defined as all types of work involved with maintaining the Services in the PRR and does not require excavation, traffic control or reinstatement of the PRR as part of the work.
- 3.17.2 A categorised list of routine maintenance work will be maintained by the Wayleave Officer and will serve as a guideline for Service Agencies as well as the Wayleave Officer in determining whether Work is Routine Maintenance Work.
- 3.17.3 Such work can include inter alia:
 - 3.17.3.1 Any work that relates to maintaining the vegetation in the road reserve through cutting planting, removing, or relocating of plants.
 - 3.17.3.2 The placement of advertising material/ signage on or within structures pre-erected for that purpose.
 - 3.17.3.3 Temporary diversion of traffic for public events i.e. sport, mass action, protests, parades.

3.18 Backfilling and Reinstatement

- 3.18.1 Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.

Backfilling of trenches – The Municipality may request for compaction test results and such results must be to the satisfaction of the Municipality (the costs involved for such tests will be for the account of the Wayleave Holder). Materials (which may include but not limited to asphalt, gravel or other materials required) to be used in the reinstatement of roads shall be approved by the relevant Municipal Service Department, prior to reinstatement of any road layers.

- 3.18.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade, and subgrade, but exclude the surfacing.
- 3.18.3 Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing, or grass (and other landscaping) in the case of footways and verges.
- 3.18.4 Backfilling must in all cases be done by the Wayleave Holder in accordance with the specifications as set out in the specifications provided by the Wayleave Officer. Permanent reinstatement must be done by the Wayleave Holder but can be done by the Municipal Service Departments when the Wayleave Holder fails to do so, at the Wayleave holder's cost. The Wayleave Officer will decide whether the Wayleave Holder will be allowed to do the permanent reinstatement based on performance history.
- 3.18.5 The Wayleave holder must obtain prior written approval from the Municipal Service Departments (Roads and Stormwater Section) for the project specification to be used for backfilling PRR. The proposed specification shall be submitted to the relevant Municipal Services Department, who shall provide written comments on the specification, or an alternative specification as per the Services Charter.
- 3.18.6 When the Wayleave conditions place the responsibility for reinstatement work on the Wayleave holder then the reinstatement specification must also be approved in advance by the Municipal Service Departments. This shall be done in accordance with the principles set out in 3.18.5.

- 3.18.7 Permanent backfilling and reinstatement done by the Wayleave holder will be subject to a guarantee period of one year based on the performance specifications described in the specifications document "Defect Liability period".
- 3.18.8 If permanent reinstatement is done by the Municipal Service Department, the Wayleave holder must do a temporary reinstatement as specified. The Wayleave holder will then be charged for the permanent reinstatement at the applicable rates defined by the Municipality.
- 3.18.9 The temporary reinstatement must be removed by the Municipal Service Department and the backfilling tested. If the backfill does not comply with the applicable specifications, it must be replaced at the cost of the Wayleave holder. These costs are over and above the normal reinstatement costs.
- 3.18.10 The Wayleave holder is responsible for maintaining the temporary reinstatement (where applicable/ allowed) for a period as specified in the Services Charter prior to receiving the Notice of Completion from the Wayleave Officer. During this period the Wayleave holder is still held liable for any claims relating to the work that was carried out.
- 3.18.11 Temporary reinstatement must be done where the Wayleave holder leaves the site with the view of returning to complete the Work. The Wayleave holder must maintain this temporary reinstatement until the permanent reinstatement is done (as per the Services Charter).
- 3.18.12 The Wayleave holder may not leave the site without reinstating it.
- 3.18.13 If a Wayleave holder who leaves the site unattended for more than 24 hours and not obtain permission from the Wayleave Officer, a penalty fee will be charged (see costs Section 10.4.1). The amount will be determined by the Municipality from time to time.

3.19 Completion Notice

- 3.19.1 On completion of the work the Wayleave Holder must complete the application for a Completion Notice and return it to the Wayleave Officer. The Wayleave Officer will then set up a site meeting with the Wayleave Holder to do an inspection and will issue a final Notice of Completion when all requirements have been met and that each affected Services Department has agreed that the Final Notice of Completion can be issued (also that the Holding deposit, if applicable, can be refunded or that such deposit has indeed been utilized as per section 3.10.2). The 12-month Defect Liability period will apply for permanent

reinstatements by the Wayleave holder, or the 2-week maintenance period for temporary Reinstatements by the Wayleave holder, then commences (usually from the date of issuing the Completion Notice).

- 3.19.2 Completion of the work means that all work has been completed and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary Reinstatement, as applicable, has been done by the Wayleave holder. Furthermore, it requires that all applicable documentations and as-builds as specified on the Wayleave form have been handed to the



3.20 Policy Enforcement

- 3.20.1 The Wayleave Officer will enforce and manage wayleave applications/approvals in terms of the Wayleave Policy.
- 3.20.2 Council reserves its right to exercise its discretion in the implementation and enforcement of this policy.
- 3.20.3 Notwithstanding any penalty or remedy expressly provided for this policy, the Council reserves the right to exercise any other legal remedy it may have in enforcing this policy.

3.21 Policy Update

- 3.21.1 The Policy will be updated annually with Council's consideration.

4 REFERENCES

- (a) City of Ekurhuleni Wayleave Policy 3 October 2019;
- (b) Stellenbosch Municipality Wayleave Policy 2021/2022.
- (c) S151 of the Constitution of the Republic of South Africa, 108 of 1996
- (d) Rustenburg Local Municipality Wayleave Policy 2020:
- (e) Wayleave Policy Lesedi Local Municipality 2021
- (i) Ndlambe Local Municipality (Eastern Cape) Wayleave Policy
- (ii) Different Municipality/Council Tariff schedules
- (f) Department of Roads and Transport Wayleave Manual 2010
- (g) JRA Application and process forms
- (h) Midvaal Traffic Bylaw - National Road Traffic Act, 1996 (Act 93 of 1996)

Applications for Wayleave shall be made to the Wayleave Officer: Roads and Stormwater Section, for permission to work within a PRR.

Annexure AR UIFW Reduction Strategy



DRAFT

**UNAUTHORISED, IRREGULAR, FRUITLESS AND
WASTEFUL EXPENDITURE REDUCTION STRATEGY**

2024/2025 FINANCIAL YEAR



1. DEFINITIONS

For this policy, unless the context indicates otherwise, any word or expression to which a meaning has been attached in the Act shall bear the same meaning and means: -

“Act” means the Municipal Finance Management Act No 56 of 2003.

“Accounting Officer” means the municipal manager of a municipality as referred to in section 60 of the act and includes a person acting as a municipal manager.

“Corruption” means any person who gives, accepts, or offers to give or accept any gratification amounting to an unauthorised or improper inducement to act or not to act in a particular manner using is guilty of an offence.

“Financial Misconduct” means where the accounting officer or chief financial officer or senior managers or any other official of the municipality deliberately or negligently:

- a) Contravenes a provision of the act.
- b) Fails to comply with a duty imposed by a provision of the act on the accounting officer of a municipality.
- c) Makes, permits, or instructs another official of the municipality to make, an unauthorized, irregular or fruitless and wasteful expenditure.
- d) Provides incorrect or misleading information in any document which in terms of a requirement of the act must be submitted to the Mayor or the Council of the municipality or to the Auditor-General, the National Treasury or any other organ of state or made public.

“Fraud” means the unlawful and intentional making of a misrepresentation that causes actual prejudice or which is potentially prejudicial to another.

“Forgery” means the unlawfully and intentionally making a false document to the actual or potential prejudice of another.

“Irregular Expenditure” means:

- a) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the MFMA, and which has not been condoned in terms of section 170 of the MFMA.
- b) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act.

Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or

d) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management (SCM) policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law; but excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure."

"Fruitless and Wasteful Expenditure" means expenditure that was made in vain and would have been avoided had reasonable care been exercised.

"MPAC" means the Municipal Public Accounts Committee.

"MSA" means the Municipal Systems Act No 32 of 2000. **"MTSF"** means the Medium-Term Strategic Framework. **"NT"** means National Treasury.

"PT" means Provincial Treasury.

"SCM" means the Supply Chain Management Policy of the Midvaal Local Municipality.

"Theft" means the unlawful appropriation of moveable corporeal property belonging to another with the intent to deprive the owner permanently of the property.

"Unauthorised Expenditure" means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes:

- a) overspending of the total amount appropriated in the municipality's approved budget.
- b) overspending of the total amount appropriated for a vote in the approved budget.
- c) expenditure from a vote unrelated to the department or functional area covered by the vote.
- d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose.
- e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation or
- f) a grant by the municipality otherwise than in accordance with the MFMA.

"UIFW" means unauthorised, irregular, or fruitless and wasteful expenditure.

2. PURPOSE

1. In terms of section 32 of the MFMA, the accounting officer must exercise all reasonable care to prevent and detect unauthorised, irregular, or fruitless and wasteful expenditure, and must for this purpose implement effective, efficient and transparent processes of financial risk management.
2. The purpose of this policy is to establish a UIFW expenditure reduction strategy for Midvaal Local Municipality and set out the objectives, statutory requirements, and guidelines for the reduction of UIFW expenditure.

3. OBJECTIVES

1. The objectives of the strategy include:
2. Emphasising the accountability of employees for Midvaal Local Municipality resources.
3. Ensuring that employees have a clear and comprehensive understanding of the procedures they must follow.
4. Ensuring that resources made available to employees are used efficiently, effectively, economically and for authorised official purposes only.
5. Ensuring that the Municipal resources are managed in compliance with the MFMA, the Treasury Regulations and other relevant legislation.
6. Ensure that UIFW expenditure is prevented, and detected, processed, and recorded timeously when it occurs.

4. APPLICABLE LEGISLATION

- 4.1.1 Municipal Finance Management Act No. 56 of 2003.
- 4.1.2 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings of 2014.
- 4.1.3 Municipal Budget and Report Regulations of 2009.
- 4.1.4 SCM Regulations of 2003 and related legislation.
- 4.1.5 Municipal Systems Act No. 32 of 2000 and related regulations.
- 4.1.6 Municipal Structures Act No. 117 of 1998 and related regulations.
- 4.1.7 Labour Relations Act No. 66 of 1995 and regulations.
- 4.1.8 Disciplinary Regulations for Senior managers of 2010.

5. THE ROLE OF THE ACCOUNTING OFFICER

- 5.1.1 The accounting officer of a municipality must act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs.
- 5.1.2 In terms of section 62(1)(d) of the act, the accounting officer must take all reasonable steps to ensure that unauthorised, irregular, or fruitless and wasteful expenditure and other losses are prevented.
- 5.1.3 To ensure the proper application of the act, the accounting officer must develop an appropriate system of delegations that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration.
- 5.1.4 In terms of section 79 of the act, the accounting officer must delegate certain functions to the chief financial officer, senior managers, or other financial officials.

- 5.1.5 In terms of section 32(4) of the act, the accounting officer must promptly inform the mayor, the MEC for local government in the province and the Auditor-General, in writing, of any unauthorised, irregular, or fruitless and wasteful expenditure incurred by the municipality. Given the transition of this function, such reports must also be provided to the MEC for Finance in the province as a practice to align with the strategic focus in addressing UIFW.
- 5.1.6 The accounting officer must ensure that the council processes and procedures to address UIFW expenditure is dealt with effectively, efficiently and on a timely basis.
- 5.1.7 The accounting officer can separate the process when addressing UIFW expenditures such as unauthorised expenditure, which can be followed before the end of the financial year to authorise unauthorised expenditure.
- 5.1.8 The accounting officer must ensure that any disciplinary actions that are required as a consequence of the incurrence of UIFW expenditure are instituted within the time limits as contemplated in the Labour Relations Act and other relevant legal frameworks. In addition, the disciplinary process should be conducted following any applicable collective agreement dealing with disciplinary processes applicable to the municipality. For senior managers of municipalities, the disciplinary procedures must be conducted following the Local Government: Disciplinary Regulations for Senior Managers.
- 5.1.9 In terms of section 32(6) of the act, the accounting officer must report to the South African Police Service all cases of alleged irregular expenditure that constitute a criminal offence or fraud and corruption.
- 5.1.10 In terms of section 125 of the act, municipalities must disclose, in the notes of the annual financial statements, any particulars of any material losses and any material irregular or fruitless and wasteful expenditures, including in the case of a municipality, any material unauthorised expenditure, that occurred during the financial year, and whether these are recoverable.
- 5.1.11 In terms of section 62(1)(e) of the act, the accounting officer must take all reasonable steps to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the act.
- 5.1.12 Disclose any documents, as may be prescribed, on their website.

6. THE ROLE OF INTERNAL AUDIT, AUDIT COMMITTEE AND RISK MANAGEMENT

1. Internal audit

- 6.1.1 In terms of section 165 of the act, the internal audit units must assist the accounting officer in their duties by providing independent assurance on internal controls, financial information, risk management, performance management and compliance with legislation.
- 6.1.2 Internal audit units must compile risk-based audit plans, review internal control measures, and ensure that supply chain management, including the requirements of MFMA circular 65, is sufficiently and adequately covered in the annual coverage plan.
- 6.1.3 Internal auditors must be alert to fraud risks and design audit procedures and indicators that would reasonably assist in preventing and detecting potential or actual fraud and corruption.
- 6.1.4 Internal audit units must as far as possible be utilised as a resource to provide the accounting officer with assurance around compliance matters.
- 6.1.5 Provide information and advice to the accounting officer on all cases of UIFW expenditures and assist the Section 32 Committee with the investigations where required.

2. Audit committee

- 6.2.1 The audit committees must advise the accounting officer, senior management and the council on internal controls, risk management, performance management and compliance with legislation.
- 6.2.2 The committee is further required to assure the adequacy, reliability and accuracy of financial and performance information.
- 6.2.3 Provide oversight on the section 32 reports on UIFW and make recommendations on internal control, risk management and legislative compliance.

3. Risk management

- 6.3.1 The risk management function must identify all the critical risks that may result in the incurrence of UIFW expenditure and ensure that a risk strategy to address the related risks is developed and monitored by both council and the accounting officer.

7. Internal control to reduce UIFW

- 7.1.1 Effective leadership is provided based on a culture of honesty, ethical business practices and good governance, protecting and enhancing the interests of the entity
- 7.1.2 All SCM officials and committee members must formally sign a code of conduct annually
- 7.1.3 The municipality implements effective human resources management to ensure that adequate and sufficiently skilled resources are in place and that performance is monitored, which should include implementing effective consequences against officials who fail to comply with applicable legislation, continuously underperform or are negligent, as well as against those whose actions
- 7.1.4 The municipality must have an SCM unit that operates under the CFO's direct supervision

- 7.1.5 All SCM officials must undergo training in line with National Treasury guidelines. They must also meet the minimum competency requirements outlined in the Municipal Regulations on Minimum Competency Levels (2007) for SCM. This ensures they possess the necessary skills, experience, and capacity to effectively perform their responsibilities and exercise their functions and powers related to SCM.
- 7.1.6 Roles and responsibilities must be clearly assigned, and clear delegations must be signed off by individual officials for the management and coordination of the supply chain management unit

8. Critical Interventions for implementation (Preventative Controls)

- 8.1.1 Implement a system of consequence management for both actions and inactions, such as failure to adhere to the annual procurement plan and other internal tools.
- 8.1.2 Utilize the Central Suppliers Database (CSD) to prevent issues of non-compliance with SCM regulations and related policies.
- 8.1.3 Apply the Financial Management Capability Maturity Model (FMCMM) to identify gaps in the municipality's internal controls, serving as an early warning mechanism.
- 8.1.4 Centralize all procurement processes within the SCM Unit. This includes sourcing all quotations through SCM and directing all requests for goods and services to SCM from user departments
- 8.1.5 Issue purchase orders, whenever feasible, prior to the delivery of goods and services.
- 8.1.6 Submit all S36 deviation processes to the SCM Unit for vetting before they are considered or approved by the Chief Financial Officer and the Municipal Manager. If submission is impractical, it must be rectified as soon as possible. The SCM Unit must ensure that the reasons for the deviation are valid and align with S36 of the SCM policy.

8. Use of Financial Management Capability Maturity Tool

- 8.8.1 In addition, municipalities and municipal entities should be encouraged to use the financial management capability maturity tool, the financial ratios and norms, risk management framework to respond to related risks and gaps in financial management to strengthen the internal control environment.

Annexure AS Preferential Procurement Policy



PREFERENTIAL PROCUREMENT POLICY

2025/2026 FINANCIAL YEAR



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1. Definitions

(a) In this policy, unless the context indicates otherwise, any word or expression to which a meaning has been assigned must bear the meaning so assigned –

- **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- **“B-BBEE Status Level Contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- **“Black designated groups”** has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- **“Designated group”** means –
 - a) black designated groups;
 - b) black people;
 - c) women;
 - d) people with disabilities;
 - e) youth;
 - f) township enterprises;
 - g) small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No. 102 of 1996);
- **“Designated sector”** means a sector, sub-sector or industry, or product designated in terms of the Department of Trade, Industry and Competition;
- **“DTIC”** means the Department of Trade, Industry and Competition of the Republic of South Africa;
- **“EME”** means an exempted micro-enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- **“Functionality”** means the ability of a tender to provide goods or services in accordance with specifications as set out in the tender documents;
- **“Highest acceptable tender”** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;
- **“Local enterprises”** refers to Local Economic Development, means social and economic development in relation to local business, products, manufacturing, residents and labour as contemplated by sections 152 and 153 of the Constitution read with the RDP as contemplated by section 2(1)(d)(ii) of the PPPFA and will apply within the following order of priority:
 - i. First priority is to target local business, products, manufacturing, residents and labour within the relevant beneficiary ward.
 - ii. If (i) is impractical, second priority is to target local business, products, manufacturing, residents and labour within the relevant local municipal area.

- iii. If (i) and (ii) is impractical, third priority is to target local business, products, manufacturing, residents and labour within the relevant district municipal area.
- iv. If (i), (ii) and (iii) is impractical, fourth priority is to target local business, products, manufacturing, residents and labour within the provincial area.
- v. If (i), (ii), (iii) and (iv) is impractical, fifth priority is to target local business, products, manufacturing, residents and labour within the country.
- **“Lowest acceptable tender”** means a tender that complies with all specifications and conditions of tender and that has lowest price compared to other tenders;
- **“MLM”** means Midvaal Local Municipality;
- **“Midvaal Jurisdiction”** means the area over which the municipality governs as determined by the Municipal Demarcation Board, Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- **“People with disabilities”** has the same meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
- **“Price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- **“PPPFA”** means the Preferential Procurement Policy Framework Act (No.5 of 2000);
- **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;
- **“Specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994;
- **“Tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- **“Tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- **“Township”** means an urban living area that any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994;

- **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- **“Youth”** has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008).

2. INTRODUCTION

The Preferential Procurement Policy Framework Act (No.5 of 2000) (Hereafter PPPFA) was enacted to give effect to section 217(3) of the Constitution by providing a framework for the implementation of the procurement policy contemplated in section 217(2) of the Constitution; and to provide for matters connected therewith.

Section 2 (a) of The Black-based Economic Empowerment Act, No.53 of 2003, states that one of the goals of the Act is to promote economic transformation to enable meaningful participation of black people in the economy. This Policy gives rise to the National Legislation to advance section 217 of the Constitution.

The purpose of the PPPFA is to enhance the participation of historically disadvantaged Individuals (HDIs), local enterprises, youth-owned, women-owned, and small, medium and micro enterprises (SMMEs) in the public-sector procurement system. The intention of this policy is not to discriminate participation from any specific group but to give preference to the identified groups as per specific goals.

Local government is mandated, as per the White Paper on Reconstruction and Development (Notice No. 1954 OF 1994) to deliver basic services, extend local control, managing local economic development and redistributing public resources. Furthermore, local authorities must advocate for programmes and budgets that promote gender sensitivity. Local authorities can play a role in the implementation of affirmative action with the private sector through special criteria for local government contracts.

3. PURPOSE

- 1) The broad purpose of this Preferential Procurement Policy is to give effect to:
 - The validation of Midvaal Local Municipality’s (MLM) commitment to Preferential Procurement.
 - Ensure effective and efficient application of resources.
 - Promote accountability, transparency and fairness.
 - Create opportunities for local small, medium and micro enterprises.
 - Enhance quality of services.
 - Stimulate socio-economic development, especially within the MLM Area.
 - Contribute towards reduction of unemployment, especially within the MLM Area.
 - Broadening the tax base within the MLM Area.
 - Encourage linkages between small and large enterprises.
 - Promote skills transfer and training of the historically disadvantaged.

- Promote economic participation from designated groups through the advancement of specific goals.
 - Promote local economic development and SMME support and development.
- 2) To achieve this, empowerment goals have been set, which aim to redress the skewed distribution of wealth and therefore contribute to the alleviation of poverty, as well as increasing usage of local resources, stimulation of skills development and transfer, fast-tracking the growth and ensuring the sustainability of SMME's.

4. IDENTIFICATION OF PREFERENCE POINT SYSTEM

- 1) The municipality must include as part of its tender document or invitation (in the case of quotations), stipulate –
 - a. the applicable preference point system as envisaged;
 - b. the specific goal for which points will be awarded, the number of points that will be awarded to each goal, and the required proof for claiming such goal(s) points.
- 2) If it is unclear whether to use the 80/20 or 90/10 preference point system, the municipality must, in the case of –
 - a. any other invitation to tender, apply the 80/20 or 90/10 preference point system whereby the lowest acceptable tender will be used to determine the applicable preference point system.
 - b. an invitation for a tender that is income-generating, apply the 80/20 or 90/10 preference point system whereby the highest acceptable tender will be used to determine the applicable preference point system.

5. MIDVAAL LOCAL MUNICIPALITY'S EMPOWERMENT GOALS

- 1) MLM's empowerment goals are designed to alleviate unemployment within the Municipality's jurisdiction by advancing economic participation from:
 - a) local enterprises;
 - b) designated groups consisting of at least 51% of ownership by:
 - i. youth;
 - ii. women;
 - iii. people with disabilities;
 - iv. black people;
 - c) township-based enterprises;
 - d) specific B-BBEE status level contributors;
 - e) EME or QSE with more than 51% of ownership held by:
 - i. youth;
 - ii. women;
 - iii. people with disabilities;
 - iv. black people;
 - f) designated sectors.

6. EVALUATION OF TENDERS ON FUNCTIONALITY

- 1) The tender documents must stipulate –
 - a. an objective criterion for evaluating and measuring functionality;
 - b. the points for each criterion and, if any, each sub-criterion; and
 - c. the minimum score to be achieved by a tenderer to be further evaluated.
- 2) The minimum qualifying score for functionality for a tender to be further considered must -
 - a. be determined separately for each tender;
 - b. be clear and not so low that it may jeopardise the quality of the required goods or services; or
 - c. unreasonably high and rigid.
- 3) Points scored for functionality must be rounded off to the nearest two decimal places.
- 4) A tender that fails to obtain the minimum qualifying score for functionality as indicated in the tender document is not an acceptable tender.
- 5) Each tender that obtained the minimum qualifying score for functionality must be evaluated further in terms of price and the preference points system.

7. 80/20 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS OR SERVICES WITH A RAND VALUE EQUAL TO OR BELOW R50 MILLION

- 1) The following formula must be used to calculate the points out of 80 for price in respect of an invitation for a tender with a Rand value equal to or below R50 million, inclusive of all applicable taxes:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

- 2) A maximum of 20 points may be awarded to a tenderer for the specific goal(s) as stipulated in the tender.
- 3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 4) The contract must be awarded to the tenderer scoring the highest points as per Section (2) (1) (f) of the PPPFA, 2000.

8. 90/10 PREFERENCE POINT SYSTEM FOR ACQUISITION OF GOODS OR SERVICES WITH A RAND VALUE ABOVE R50 MILLION

- 1) The following formula must be used to calculate the points out of 90 for price in respect of an invitation for a tender with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

- 2) A maximum of 10 points may be awarded to a tenderer for the specific goal(s) as stipulated in the tender.
- 3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 4) The contract must be awarded to the tenderer scoring the highest points as per Section (2) (1) (f) of the PPPFA, 2000.

9. 80/20 PREFERENCE POINTS SYSTEM FOR TENDERS FOR INCOME-GENERATING CONTRACTS WITH RAND VALUE EQUAL TO OR BELOW R50 MILLION

- 1) The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million, inclusive of all applicable taxes:

$$P_s = 80 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\max}$ = Price of highest acceptable tender.

- 2) A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.
- 3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

- 4) The contract must be awarded to the tenderer scoring the highest points as per Section (2) (1) (f) of the PPPFA, 2000.

10. 90/10 PREFERENCE POINT SYSTEM FOR TENDERS FOR INCOME-GENERATING CONTRACTS WITH RAND VALUE ABOVE R50 MILLION

- 1) The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{max} = Price of highest acceptable tender.

- 2) A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.
- 3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 4) The contract must be awarded to the tenderer scoring the highest points as per Section (2) (1) (f) of the PPPFA, 2000.

11. B-BBEE STATUS LEVEL POINTS ALLOCATION

- 1) The municipality may apply one of the three options from the table below to allocate points eligible to a tenderer based on their B-BBEE status contributor, and then add other points claimed for specific goals, as may be determined:

Status Level Contributor	Maximum 20 Number of Points	Maximum 10 Number of Points	Maximum 5 Number of Points
1	20	10	5
2	18	8	4
3	16	6	3
4	12	5	2.5
5	8	4	2
6	6	3	1.5
7	4	2	1
8	1	1	0.5
Non-compliant contributor	0	0	0

- 2) A tenderer is only eligible to be allocated points if the submitted B-BBEE certificate is issued by the DTIC (The Department of Trade and Industry and Competition) through CIPC, or from an accredited institution registered with SANAS, or is a valid sworn affidavit, as issued by the DTIC.

12. SPECIFIC GOAL POINTS ALLOCATION

- 1) The municipality's preference point system may envisage specific goals to be achieved.
- 2) The determined specific goal(s) as stipulated in the invitation must clearly outline the number of points to be allocated for each goal, and also indicate the proof required for the claim.
- 3) The specific goals that may be considered by the municipality are expressed in section 5 of this policy.

13. CALCULATION OF PROCUREMENT POINTS

- 1) The procurement points to be scored by a tenderer will be calculated by taking the following into consideration:
 - a) the total points scored for price, in terms of clause 7,8, 9, or 10;
 - b) the applied B-BBEE criteria points, in terms of clause 11; and, or
 - c) any other identified specific goal points in terms of clause 12.
- 2) The total from 1(a-c) above must be rounded off to the nearest 2 decimals, and a tenderer scoring the highest procurement points will be awarded or recommended to be awarded the contract.

14. Commencement

This Policy takes effect from date of adoption by Council.