

**NOTICE 136 OF 2017****TARIFFS, CREDIT CONTROL AND DEBT COLLECTION BY-LAW, 2012**

By-law No.5, 2012

**BY-LAW****As Amended by the Tariffs, Credit Control and Debt Collection Amendment Act 2017**

To provide for the implementation and enforcement by the Dawid Kruiper Municipality of its policies regarding tariffs, credit control and debt collection; and for matters connected therewith.

**WHEREAS** Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

**WHEREAS** in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

**WHEREAS** the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

**WHEREAS** the Dawid Kruiper Municipality intends to set tariffs and implement credit control and debt collection measures in a responsible and sustainable manner;

**AND NOW THEREFORE BE IT ENACTED** by the Council of the Dawid Kruiper Municipality as follows:

**Definitions**

1. In this By-law, unless the context otherwise indicates -

"**Municipality**" means the Dawid Kruiper Municipality; and

"**the Act**" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

**Implementation and enforcement of policies**

2. (1) The Municipality must, subject to section 3 and any national or provincial legislation regulating local government finance, give effect to-
- (a) its tariff policy; and
  - (b) its credit control and debt collection policy, drafted and adopted in accordance with sections 74 and 97 of the Act, respectively, by implementing and enforcing such policies.
- (2) Any person who lays claim to a rebate or concession under a policy referred to in subsection (1), must provide the information required and meet the obligations imposed by such policy.

**Publication of policies**

3. A policy referred to in section 2 and any amendment thereto must be published in the *Provincial Gazette*.

**Short title**

4. This By-law shall be called the Tariffs, Credit Control and Debt Collection By-law, 2012.

## DAWID KRUIPER MUNICIPALITY

## TARIFFS, CREDIT CONTROL AND DEBT COLLECTION AMENDMENT BY-LAW, 2017

**GENERAL EXPLANATORY NOTE**

[ ] Words in bold type and square brackets indicate omissions from existing enactments.

\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Tariffs, Credit Control and Debt Collection By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows:-

**Insertion of a preamble of the Dawid Kruiper Municipality: Tariffs, Credit Control and Debt Collection By-law, 2012:**

1. The Dawid Kruiper Municipality: Tariffs, Credit Control and Debt Collection By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to set tariffs and implement credit control and debt collection measures in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

**Amendment of section 1 of the Dawid Kruiper Municipality: Tariffs, Credit Control and Debt Collection By-Law, 2012.**

2. Section 1 of the principal By-Law is hereby amended:
  - (a) by the substitution for the definition of "Municipality" of the following definition:
 

""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";

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**Amendment of section 4 of the Dawid Kruiper Municipality: Tariffs, Credit Control and Debt Collection By-law, 2012:**

2. The following section is hereby substituted for section 4 of the principal By-Law:  
"4. This By-Law is called Dawid Kruiper Municipality: Tariffs, Credit Control and Debt Collection Amendment By-Law, [2012] 2017."