

DRAFT

MOGALAKWENA MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of Mogalakwena Municipality has made the by-laws set out hereunder:

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

WHEREAS

- (1) Section 156(2) of the Constitution authorizes a municipality to make and administer by-laws;
- (2) Sections 96 of the Systems Act provides that a municipality must collect all money due to it and adopt, maintain and implement a credit control and debt collection policy for this purpose; and
- (3) Section 98 of the Systems Act determines that a municipality must adopt by-laws to give effect to the implementation and enforcement of its credit control and debt collection policy.

NOW THEREFORE be it enacted by the Municipality of Mogalakwena as follows:

1. Interpretation

In this By-laws, unless the context otherwise indicates-

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

“Municipality” means the Mogalakwena Municipality;

“Systems Act” means the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000);

“credit control and debt collection policy” means a credit control and debt collection policy adopted by the Municipality in terms of the System Act and this By-laws;

2. Adoption and implementation of the credit control and debt collection policy

The Municipality shall adopt and implement such credit control and debt collection policy to give effect to it.

3. Content of the credit control and debt collection policy

The Municipality’s credit control and debt collection policy shall be compiled in accordance with the provisions of the Systems Act, Local Government : Municipal Property Rates Act, 2004 (Act 6 of 2004), Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and other applicable legislation.

4. Enforcement of credit control and debt collection policy

The Municipality's credit control and debt collection policy shall be enforced through this By-laws and the Systems Act.

5. Offences and penalties

Any person who –

- (a) obstructs or hinders any councillor or official of the Municipality in the execution of his or her duties under this By-laws or the policy;
- (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied or violates the provisions of the Municipality's Electricity Bylaws as well as the Water Services By-laws;
- (c) tampers with any Municipal equipment or breaks any seal on a meter;
- (d) fails to comply with a notice served in terms of this By-laws or Policy;
- (e) supplies false information regarding the supply of services or with regard to an application for assistance as an indigent;

shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding R10 000,00 (ten thousand rand) or imprisonment for a period not exceeding 12 (twelve) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

6. Repeal of By-laws

The By-laws with regard to Credit Control and Debt Collection of the Municipality published in the Provincial Gazette dated 18 January 2002 are hereby repealed.

7. Short Title

This By-laws shall be called the Credit Control and Debt Collection By-laws of the Mogalakwena Municipality, 2010.

8. Operative date

This By-laws shall take effect on the date of publication in the Limpopo Provincial Gazette.