



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette  
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Provinsiale Koerant**

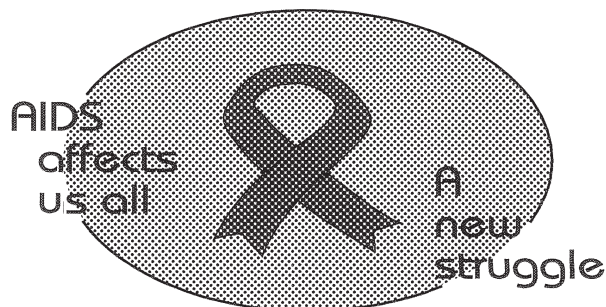
Vol: 32

BISHO/KING WILLIAM'S TOWN

17 February 2025  
17 Februarie 2025

No: 5362

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 164 OF 2025****PROVINCIAL NOTICE****BY THE****MEMBER OF THE EXECUTIVE COUNCIL FOR THE  
DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND  
TOURISM****INVITATION TO MEMBERS OF THE PUBLIC TO SUBMIT WRITTEN COMMENTS ON  
THE PROPOSED EASTERN CAPE GUIDELINE FOR CONSTRUCTION OF JETTIES IN  
ESTUARIES**

I, Nonkqubela Pieters, acting in my capacity as a Member of the Executive Council (MEC) responsible for Economic Development, Environmental Affairs and Tourism in the Eastern Cape, hereby give notice of my intention to establish guidelines for the development of jetties and slipways in estuaries within then Province of the Eastern Cape.

Members of the public are invited to submit written representations, comments or objections that they may have on the proposed guidelines, within 30 (thirty) days from the date of publication of this notice in the Gazette.

All written representations or comments to be submitted as follows:

By post to:

Chief Director  
Environmental Affairs  
Private Bag X0054  
Bhisho  
5605  
Attention: Xolani Nikelo

By hand at:

Department of Economic Development, Environmental Affairs & Tourism  
Lilitha House (Global Life Complex)  
Corner of Phalo Avenue and Circular Drive  
Bhisho, 5605  
Attention: Xolani Nikelo

By email to: [Xolani.Nikelo@dedea.gov.za](mailto:Xolani.Nikelo@dedea.gov.za).

For enquiries, kindly contact X. Nikelo on the email address above or by cellphone on 073 097 5827.

Any comments received after the end of the 30 days commenting period will not be considered.

  
\_\_\_\_\_  
**HON. NONKQUBELA PIETERS  
MEMBER OF THE EXECUTIVE COUNCIL  
EASTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS  
AND TOURISM**

DATE: 15/11/24

POLICY AND STANDARD PROCEDURES FOR THE REGULATION AND  
ADMINISTRATION OF JETTIES AND SLIPWAYS BELOW THE HIGH-  
WATER MARK IN THE EASTERN CAPE

Final Draft

**1. DEFINITIONS:****“Mooring Piles”**

- a) Structure/anchor above the high-water mark to which mooring lines are attached;
- b) Structure/anchor placed into or on the bottom of the estuary, demarcated by a floating buoy to which vessels then tie mooring lines to fix their position.

**“Mooring lines”**

- a) Cables attached to the floating platform of a jetty on one end and attached to mooring piles situated above the high-water mark on the other end.
- b) Lines attaching vessels to jetties/mooring piles

“Mooring” for the purposes of this policy means the tying or otherwise securing of a vessel to a legal fixed object such as a mooring buoy/pile, jetty, slipway or similar structures and includes the tying of a vessel to the river bank when it is not in use.

“Estuary” means a body of surface water-

- a) that is permanently or periodically open to the sea;
- b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the body of surface water is open to the sea; or
- c) in respect of which the salinity is higher than fresh water as a result of the influence of the sea, and where there is a salinity gradient between the tidal reach and the mouth of the body of surface water.

“Environmental Authorisation” means the authorisation by a competent authority of a listed activity or specified activity in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and includes a similar authorisation contemplated in a specific environmental management Act.

“Record of Decision” - formal document issued by the Department of Economic Development, Environmental Affairs and Tourism approving an activity which does not trigger the EIA regs, but for which an environmental report has been assessed and approved.

“Jetty” a structure constructed, which consists of a floating platform and walkway for the sole purpose of mooring, boarding and alighting from craft.

“Slipway” structure constructed adjacent to riparian property for the sole purpose of facilitating access into an estuary for the launching of craft, irrespective of the construction material used. This includes areas where no structures are constructed, but launching takes place into the coastal zone.

## 1. INTRODUCTION

To protect ecosystems and prevent the loss of biological diversity, promote sustainable development and ensure safe and equitable access to the coastal zone for all, the need for the regulation, operational and legalisation processes of jetties, slipways and other structures below the high-water mark was identified.

The purpose of this policy is to manage and control the construction and maintenance of jetties, slipways and other launching or mooring facilities on any estuary or coastal area which occurs below the high-water mark for which the Department of Economic Development, Environmental Affairs and Tourism is mandated to regulate, excluding all areas within a designated Port.

This policy provides guidelines for applications and a framework of specifications for jetties, slipways and moorings in estuaries. The construction of private jetties, slipways and moorings in estuaries is regarded as a privilege and not a right. Construction will thus only be authorized if there are no unacceptable impacts. However, certain structures may be desirable to prevent damage to the shoreline caused by trampling, beaching of boats and other impacts. Approval of these structures is thus viewed as a mitigatory action to prevent degradation of the sensitive shoreline areas of estuarine ecosystems. Jetties can in many places not only make access easier, but also prevent erosion and excessive damage to vegetation. Properly built and well-planned retaining structures might also be necessary to prevent further damage to a riverbank and/or be an integral part of a rehabilitation programme.

This policy aims to promote the sharing of facilities and thus the construction of communal or public jetties and/or slipways by communities, local authorities or bigger housing/resort developments at acceptable places is regarded as the most environment-friendly measure, as it can substantially reduce the need for privately owned structures that would collectively have a greater impact on the environment (too many structures will inevitably have a greater cumulative impact and would negate the mitigatory function it is supposed to fulfil). The sharing of facilities by neighbours where possible, is for the same reason also promoted.

## 2. APPLICATION

This policy applies to all jetties, slipways and other launching or mooring facilities on any estuary or coastal area which occurs below the high-water mark within the Eastern Cape Province, excluding all areas within a designated Port.

## 3. LEGISLATION

This policy is guided by the following legislation:

- Seashore Act No. 21 of 1935 as amended
- Environment Conservation Act No. 73 of 1989
- National Environmental Management Act, No. 107 of 1998
- National Environmental Management: Integrated Coastal Management Acts, Act No. 24 of 2008 (As amended)

#### 4. UNDESIRABLE IMPACTS OF STRUCTURES BELOW THE HIGH-WATER MARK

Certain undesirable impacts are discussed below and must be taken into consideration during the decision-making process.

##### 4.1 Aesthetic

Coastal and estuarine shores are normally highly desirable areas from a human aesthetic perspective. The appeal of these areas lies in the contrasting interface of land and sea, the magnificent natural land- and seascapes, a sense of place as well as being close to “nature” while offering opportunities for a variety of outdoor pursuits. These qualities attract tourism and development that in turn injects much needed economic benefits into local economies.

Uncoordinated and unregulated development of structures can, however, negatively impact or destroy the aesthetic appeal of such a shore area. The knock-on effect of this is a decline in the popularity of the particular shore area with the resultant “costs” to local economies – in other words “killing the goose that lays the golden egg”. Other unspoiled areas are then targeted for development resulting in the same cyclic effect compounding into a general aesthetic decline of an entire regional coastal area with inappropriate (undesirable) linear development.

##### 4.2 Safety Risks

Coastal and estuarine shores are frequently subject to the awesome and dynamic forces of weather, tide, storm and flood. It therefore stands to reason that any man-made structure constructed in these areas needs to withstand not only the normal variance of weather, river and sea conditions but as far as practically possible, also the more extreme conditions. Cognisance therefore needs to be taken of this aspect and possible direct and indirect threats to human life. Guidelines for the size of jetties and slipways, materials to be used and ecological desirability are all necessary for this very reason.

##### 4.3 Physical and Ecological

The diversity of coastal and estuarine habitats ultimately supports the diversity of fauna and flora found along our coastline and estuaries. Man-made structures can directly or indirectly cause major physical changes to these habitats that will severely impact on biodiversity. Examples are:

##### ***Hydrodynamic Changes:***

The natural range of hydrodynamic (hydrology and hydraulic) effects by sea and/or river has largely formed the coastal and estuarine shores. Whenever man-made structures (no matter how small), are constructed below the HIGH-WATER MARK

there is always a risk that the natural hydrodynamics and sediment transport mechanisms of a system or area can be altered – sometimes with dramatic results such as sand beaches changing into rocky shores and *vice versa*. This may result in an altered hydrological regime and sedimentation that changes the geomorphology and associated habitats. This may not only detrimentally affect an area from a human utilization perspective but also natural habitats with a resultant loss of aquatic biodiversity (for example, loss of mud or sand flats which is home to a variety of organisms).

#### ***Erosion and Sedimentation***

The indiscriminate construction of man-made structures below the HIGH-WATER MARK can result in an unnatural accelerated erosion and deposition of sediment. Not only is this often undesirable from a human perspective but will also more often negatively affect the ecology through habitat change and the loss of biodiversity.

#### ***Habitat Destruction***

The construction of any structure will alter or influence the shore habitat to some extent. This for example may be the direct loss of habitat through the removal thereof or indirectly through the casting of a shadow on an area to such an extent that the natural plants can no longer be sustained in the area. The necessity to remove or destroy any riparian vegetation should thus be kept to a minimum if any at all. This vegetation not only stabilises the river bank but is also an important habitat for many bird species and even aquatic invertebrate and vertebrate species below water.

#### ***Accelerated Spread of Invasive Alien Vegetation***

Construction of any kind will leave shores with disturbed areas, where invasive alien plants then easily become established, eventually leading to the destruction of natural vegetation and ultimately soil erosion. Alien infestations in the riparian zone are probably one of the biggest threats to shoreline areas. Nothing or little grows under many of these alien invaders species resulting in accelerated erosion and collapsing banks. It could also change the amount and type of leaf litter into the water that can have water quality implications.

#### **Impacts associated with the Construction of Structures below the High-Water Mark**

At times, the construction of a structure below the HIGH-WATER MARK may have very little negative impact. Secondary developments (e.g., roads and buildings) associated with the structure may, however, have a more serious negative impact on the environment. These associated impacts should be considered as part of the application. Roads may significantly increase the hardened surface area and increase water speed and result in bank erosion.

#### **Cumulative Impact**

The cumulative impact of too many structures on any given shoreline will be negative and also make the river more accessible, giving affect to secondary impacts like too

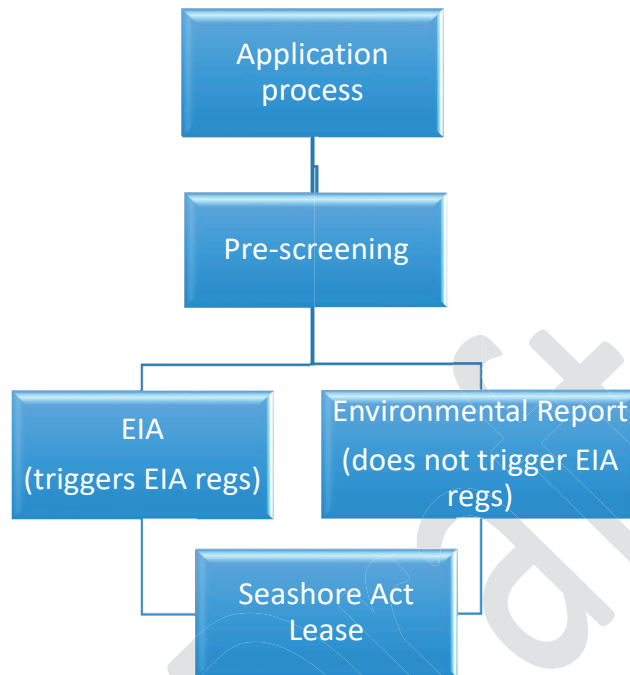


much boating and wave action. Having too many structures will impact on bird life, significant reduction in much needed riparian vegetation, loss of shoreline habitat and changes to shoreline hydraulics and sedimentation. Then the very essence of these structures to protect ecological processes are lost. Structures also restrict the general public usage of the estuary.

## 5. CRITERIA OF ASSESMENT

- Need, desirability, suitability;
- Not more than one jetty and slipway will be supported per dwelling (adjacent to the estuary) on a riparian property – and then only when the riverbank is suitable.
- Communal jetties and slipways must be considered if it forms part of a bigger housing or resort development.
- Structures shall not unduly impact on the navigability of the estuary, amenity of the estuary and/or surrounding properties;
- The potential impact on recreational activities in an estuary;
- The potential impact on mudflats, sand and riverbanks;
- The manner in which structures will influence associated land areas (e.g. parking areas, launching areas);
- The effect of structures on the visibility up and down river for craft on the water, including at night;
- The vulnerability of structures to floods and tidal circulation patterns;
- The secondary impacts of having boats moored on the river alongside a jetty;
- The potential of structures to trap material being washed downriver during flood periods;
- No new jetties will be permitted where the space between jetties is less than 25 metres.

## 6. APPLICATION PROCESS



### Pre-screening

- Assessment of proposed structure to determine whether it triggers the Environmental Impact Assessment regulations. Based on the outcome the Department will advise the applicant as to which process to follow and if there are any fatal flaws with the proposal.
- Provide applicant with specifications required for jetties and slipways.
- Applicant must be advised on Seashore Act lease requirements as per the Seashore Act Standard Operational Procedure.

### EIA Process (triggers EIA regs)

- Process to be followed as prescribe by the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- The Environmental Impact Assessment process may be deemed as a Seashore Act lease application and must be stated as such in the application and in the advert required for the Public Participation Process.
- If approved, then the environmental authorisation must be submitted for the issuing of a Seashore Act lease.
- The requirements of the Seashore Act lease process must be undertaken as per the Sea Shore Act Standard Operational Procedure.

### Environmental Report (does not trigger EIA regs)

- An Environmental Report is to be submitted to the Department which must contain:
  - Assessment of receiving environment

- Proof of property ownership
- The application must contain the street address and the erf number of benefited property. Where a property is sold and or leased, a cession document must be included with the application.
- A full description of the structure;
- Detailed plans of proposed structures (preferably prepared by a structural engineer) plotted to scale and with all dimensions shown.
- Detailed measurements of the entire structure, including length, width, depth and footprint in terms of m<sup>2</sup>.
- Detailed measurements as to the portion of the structure that is situated below the high-water mark.
- Photographs of the site must be attached to the application as well as a layout plan of the property indicating the building site. Photos are to show the whole area from offshore and onshore and at both high and low tides.
- Plans must also include the description of material to be used.
- Approval for the structures will be based on the submitted plans and deviations from the plans shall not be permitted unless an amended application is submitted in writing and approved in writing.
- GPS co-ordinates of the site must be provided.
- The immediate neighbours of the applicant must also provide written comment or submit a signed statement of “no objection” to the applicant, which must be included in the application.
- Written consent / recommendation from the local municipality/ authority.
- The Department of Economic Development, Environmental Affairs and Tourism has the right to request further information from the applicant regarding possible negative impacts and if necessary, the applicant can be requested to appoint an independent consultant to provide the requested information.
- Once the proposed structure is approved, the requirements of the Seashore Act lease process must be undertaken as per the Sea Shore Act Standard Operational Procedure.

#### 7. SPECIFICATIONS- Jetties

- Jetties are constructed for the purpose of mooring boats and to facilitate access to and from moored boats, but where fishermen and or swimmers trample the riverbank to an unaccepted degree, jetties may be considered in order to protect the riverbank.
- Jetties should be such that they cause minimum disturbance to the normal current flow.
- Concrete or brick jetty structures will not be permitted and no permanent structures below the high-water mark will be approved.
- Structures below the high-water mark must be floating in nature.
- A hinged system may be considered for attachment of the floating platform and walkway to the structure situated above the high-water mark and may be stabilised using cables connected to mooring piles situated above the high-water mark.
- The length of a jetty to be approved will be subject to on-site consideration and subject to plan submission approval.

- In general jetties longer than 6m below the high-water mark will not be supported although in areas where the reed bed or marsh is wider than 6m, they may not extend more than 1 m beyond the reed line. Longer jetties may be allowed in areas where the nearest open water is a greater distance from the shore, but are subject to the Department of Economic Development, Environmental Affairs and Tourism's approval.
- Jetties that extend over excessive distance to reach water depth will not be considered, except if it is in the public interest.
- Walkway to be no wider than 1,2m and the dimensions of the front floating platform maximum 12m<sup>2</sup> for a single use structure and 18m<sup>2</sup> for a shared structure.
- pontoons must be made from corrosion-proof material and should be constructed in such a way that if they are ruptured they remain afloat.
- Handrails, if required, are to be as low and unobtrusive as possible.
- Entrance "gates" should be avoided.
- No roofs, rooms or other structures (permanently or temporarily) may be attached to or built onto the jetty (i.e. patios, pergolas, shade sails, tarpaulins etc.). Railings may be considered if in keeping with the purpose of the structure.
- No electricity, water points, fish tables etc., will be approved.
- Jetties will only be approved for riparian landowners adjacent to an estuary, except if it is in the public interest.

#### 8. SPECIFICATIONS- Slipways

- Not more than one slipway per riparian property will be supported– and then only when the riverbank is suitable and no other launching site is available for use within a reasonable distance of the applicant's property.
- The surface of a slipway must follow the contours of the riverbank and river bottom and no excavations or infillings will be supported. See section 10.
- Slipways must not exceed 3.5 m in width.
- In general slipways should not be longer than 6m below the high-water mark.
- If slipways need to be longer and wider or infilling or excavation of the riverbank is necessary, the terrain may or is most likely not suitable for a slipway.
- Slipways will only be approved for riparian landowners adjacent to an estuary, except if it is in the public interest.

#### 9. MOORING PILES

- Moorings can be considered as an alternative to jetties where jetties are undesirable. It should however not cause a hazard to other craft on the river, not be sited in ecologically sensitive areas or not be where the use of it can have the potential to cause any ecological disturbance e.g. along mud banks.
- The mooring ground tackle must be approved by the Department of Economic Development, Environmental Affairs and Tourism before placement. The mooring buoy must have reflective material on it and the property number of the owner must be permanently affixed to it.

## 10. INFILLINGS, EXCAVATIONS AND RETAINING WALLS

In general no infillings, excavations or retaining walls will be allowed, however if these structures or measures are applied for, experienced consultants in the appropriate fields of expertise must support the application. Impact assessments might be necessary and requested and the “developer pays” principle is applicable.

## 11. SEASHORE ACT LEASE

- The construction of structures below the high-water mark is subject to the issuing of a lease in terms of the Seashore Act, 1935 (Act No. 21 of 1935) and applicable lease fee.
- The process of applying for a lease is defined in the Seashore Act Standard Operating Procedure.
- Satisfactory maintenance of structures is a precondition for the renewal of leases.

## 12. UPGRADING STRUCTURES

- Upgrading of structures, which includes enlargement or expansion requires the assessment and approval of the Department of Economic Development, Environmental Affairs and Tourism.
- Routine maintenance means revarnishing/painting, replacement of shackles/screws, but does not include replacement of planking, buoyance items/pontoons, which would require the assessment and approval of the Department of Economic Development, Environmental Affairs and Tourism.
- Applicants must maintain structures in a serviceable condition as per the approved Environmental Authorisation or Environmental Report designs.

## 13. HISTORICALLY COMPLIANT STRUCTURES

In terms of this policy a historically compliant structure is-

- a structure that predates the Seashore Act;
- a structure where a Seashore Act lease had been issued in the past;
- a structure where an environmental authorisation had been issued in the past;

For the above structures to be legalised the structure must comply with the provisions of this policy

## 14. HISTORICALLY NON-COMPLIANT STRUCTURES

In terms of this policy a historically non-compliant structure is-

- a) a structure where a Seashore Act lease has never been issued for the structure.
  - The application must follow the provisions of this policy in order to legalise the structure.
- b) A structure that triggers the requirement for an environmental authorisation and where an environmental authorisation has not been issued.
  - The application must follow the Sec24G route, together with the provisions of this policy.

Where the owner of the structure fails to undertake the above, they must receive an instruction to remove and rehabilitated the area and if they fail to do so a S60 notice must be issued.

#### 15. REMOVAL OF STRUCTURES

- The Department may give notice for the removal of discarded, derelict or hazardous structures.
- The Department may give notice to the leaseholder to remove structures not kept in good order and which become unsafe and aesthetically unpleasing. Failing this, the structure will be removed, and the leaseholder held responsible for the costs.
- Should a new landowner acquire a property with a legal structure and have no interest in retaining the structure, it must be removed by agreement between the seller and the buyer. In the absence of such an agreement the Department reserves the right to institute its removal of structures guidelines.
- In all cases relating to the removal of structures, the method of removal must be approved in writing by the Department.
- In the event of removal taking place in a manner not approved by the Department, the Department reserves the right to implement a S60 Notice.

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 1134 OF 2025****PROVINCIAL NOTICE NO. OF 2025****MNQUMA LOCAL MUNICIPALITY (EASTERN CAPE)****REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS FOR ERF 6349, BUTTERWORTH**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act no. 16 of 2013, read with the Mmquma Local Municipality Spatial Planning and Land Use Management by-law of 2017, approval is hereby granted for the removal of the restrictive title deed conditions 3 and 6(a) found in Deed of Transfer T799/2023 to Erf 6349 in Butterworth, Extension Number 23.

**PROVINCIAL NOTICE 1135 OF 2025**

**WINNIE MADIKIZELA MANDELA  
LOCAL MUNICIPALITY**



**ELECTRICITY BY-LAW**



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## CHAPTER 1

### DEFINITIONS

**(1) In this by laws 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 mater installation electrician as the case may be;

“**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:

- (a) Any occupier thereof or any other person with whom the municipality has contracted to supply or is actually supplying electricity thereat; or
- (b) 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
- (c) 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 a set of nominal voltage levels that are used in power systems of Bulk transmission of electricity in the range of 44kV<22kV (SABS 1019)

“**low voltage**” means a 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 DC voltage of 1500V. (SABS 1019)

“**the law**” means any applicable laws, 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 1kV<44kV (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 a sum total of the kW input ratings of all the individual motors connected to an installation.

“**municipality**” means Winnie Madikizela Mandela Local Municipality, a municipality established in terms of the laws or legal entity duly authorized by the municipality to provide an electricity service within the jurisdiction of Winnie Madikizela Mandela 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 of any person entitled thereto or interested therein; or
- (d) Any person in control of such premises or responsible for the management thereof, and included 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(fifty) years, whether the lease is registered or not, the lessee thereof, or

(ii) Beneficially occupied under the 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 authorized 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 authorized 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 Occupational Health and Safety Act, 1993(Act No. 29 of 1993), as amended;

“**SANS Codes**” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as defined in Regulation No.1373 published in Government Gazette 24002, dated 08 November 2002 in terms of the Standard Act, 1993(Act No. 29 of 1993) or as may be published in the future in terms of that Act.

“**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;

“**tariffs**” means the municipality’s tariff of charges for the supply of electricity, and

“**token**” means the essential element of a payment metering system used to transfer information from a point of sale for electricity credit to a payment meter and vice versa;

“**voltage**” means the root-mean-square value of electrical potential between conductors;

## **2. OTHER ITEMS**

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 No.41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act No.85 of 1993), as amended;

## **CHAPTER 2**

### **GENERAL CONDITIONS OF SUPPLY**

#### **3. PROVISION OF ELECTRICITY SERVICES**

Only the municipality shall supply or contract for the supply of electricity within the jurisdiction of the municipality.

#### **4. SUPPLY 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.

#### **5. SERVICE OF NOTICE**

(i) 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 acknowledgment of the posting thereof from the postal service is obtained;
- d) If that persons address in the Republic is unknown, when it has been served on that persons agent or representative in the Republic in the manner provided by paragraphs (a), (b), (c), or
- e) If that person 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.
  1. When any notice or other document must be authorized 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.
  2. 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 managers office.

#### **6. 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 the terms.

#### **7. APPLICATION FOR SUPPLY**

- 1) Application for the supply of electricity shall be mad 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 a year shall be regarded as an application for a temporal supply of electricity and shall be considered at the discretion of the municipality or any duly authorized official of the municipality, which may specify any special conditions to be satisfied in such a case.

#### **8. PROCESSING OF REQUESTS FOR SUPPLY**

Applications for the supply of electricity will be processed and the supply made available within the period stipulated in NRS 047.

#### **9. WAYLEAVES**

- 1) Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare of 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 a person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case maybe, authorizing 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 costs 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.

#### **10. 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 mains 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 municipality constructs, erects, 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 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 of law.
- 3) 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 municipality or under the control or management notice of the proposed work and the date on which it proposes to commence such work.

#### **11. 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 authorized or required to be done by 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) 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 municipality is authorized 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 authorized 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) 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 consequences of the existence of a state of war or the occurrence of any calamity, emergency, or disaster.

## **12. REFUSAL OR FAILURE TO GIVE INFORMATION**

No person shall refuse or fail to give information as may be required of him/her by any duly authorized official from the municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

## **13. REFUSAL OF ADMITTANCE**

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the municipality in the performance of his duty under this By-law or any duty connected therewith or relating thereto.

## **14. 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 in a manner .

## **15. ELECTRICITY TARIFFS AND FEES**

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

## **16. 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.

## **17. 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, rennet 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 authorized 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 reconnected.

#### **18. 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.

#### **19. RESALE OF ELECTRICITY**

- 1) Unless otherwise authorized by the Municipality, no person shall sell or supply electricity, supplied to his/her 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. Where municipal approval is given for the resale of electricity, such resale shall be subject to the conditions laid down in the Electricity Act, 1987 (Act No. 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 I 1(3)(a) of the Electricity Act, 1987 (Act No. 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 mast furnish such person with such information as may be necessary to enable him/her to determine whether the administration costs are fair and reasonable.



## **20. 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 14 (fourteen) 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 Bylaw, within 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 fall registration of Consumption by the meter, the electricity supply may be physically removed from those premises.

## **21. NON-LIABILITY OF 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, rising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

## **22. 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.

## **23. 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 arty damages which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

## **24. SEALS OF THE MUNICIPALITY**

The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorized official of the Municipality, and non-person not being an official of the

Municipality duly authorized thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper with such seals or locks.

#### **25. 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 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.

#### **26. 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—Temptation 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 unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom;

(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 trees 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.

### **27. 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.

### **28. UNAUTHORISED CONNECTIONS**

No person other than a person specifically authorized 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,

### **29. 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 subsequent reconnection of the 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.

### **30. 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.

### **31. 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 the consumer by such termination.

### **32. 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.

### **33. 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 authorized 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).

### **34. MEDIUM AND LOW VOLTAGE SWITCH 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 authorized Official of the Municipality and installed by or under the supervision of any duly authorized 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 the any other equipment required by the Municipality or any duly authorized official of the Municipality.

### **35. SUBSTATION ACCOMMODATION**

- (1). The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorized 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.
- (2). 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.

### **36. 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 be requested and 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 medium or 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.

### **37. 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.

### **38. 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.

### **39. 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 sale, efficient operation and management of the supply of electricity.

## **CHAPTER 3**

### **SERVICE PROVIDERS**

#### **40. AGREEMENT ASSIGNMENT**

- 1) The municipality may, subject to its responsibilities under section 81 of the Systems Act, discharge any of its obligations under section 5 of these Bylaws by entering into a service delivery agreement with a service provider or service providers.
- 2) the municipality under these Bylaws whenever the assignment is required to enable the service provider to discharge an obligation under its Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any right or power enjoyed by service delivery agreement.
- 3) If a municipality has entered into a •service delivery agreement with a service provider, it must publish a notice in the Provincial Gazette for the province in which it is situated listing which rights and powers of the municipality under which provisions of these Bylaws have been signed to the service provider.
- 4) Where the term "municipality" appears in a provision of these Bylaws listed in the notice in subsection (3) it shall be read as "service provider" in that provision

#### **41. CUSTOMER CHARTER**

(1). Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and must —

- a) accord with the provisions of these Bylaws;
- b) be accessible to the public;
- c) establish the conditions of supplying the service; and
- (d). provide for the circumstances in which electricity services may be limited.

## **CHAPTER 4**

### **RESPONSIBILITIES OF CONSUMERS**

#### **42. CONSUMER TO ERECT AND MANTAIN 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 tithe, shall be provided and erected and maintained and kept in good order by the Consumer at this own expense and in accordance with this Bylaw and the Regulations.

#### **43. 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-too reimburse it-for-any-expense-to which-it-may-be-put in connection with a fault in the electrical installation.

#### **44. DISCONTINUANCE OF USE OF SUPPLY**

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least 2 (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 2 (two) fall working days after such notice has been given.

#### **45. CHANGE OF OCCUPIER**

- (1). A consumer vacating any premises shall give the Municipality not less than 2 (two) full working days' notice in writing of his intention to dis-continue using the electricity supply, fazing 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 Ely-law, and if he/she fails to make application for an electricity supply within 10 (ten) working r days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for

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the electricity supply from the date of occupation till such time as the supply is so disconnected.

- (3). Where premises are fitted with prepayment 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 tai-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.



**46. 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 5****SPECIFIC CONDITIONS OF SUPPLY****47. 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 authorized 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 mm (copper or copper equivalent), and all



conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorized 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 mistier and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarial 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 conductor 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 1,5m) throughout their length-

#### **48. METERING ACCOMMODATION**

(1). The consumer shall, if required by the Municipality or any duly authorized official of the Municipality, provide accommodation in an approved position, the meter beard 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 port to which free restricted access shall he 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 this 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 6**

### **SYSTEMS OF SUPPLY**

#### **49. LOAD REQUIREMENTS**

- 1) Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as out in applicable standard specification.
- 2) Where the estimated load, calculated in terms of the safety standard, does not exceed 15kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorized official of the Municipality.
- 3) 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 authorized official of the Municipality.
- 4) 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 of 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 a 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 authorized 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:

(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 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 phasing, where applicable.

## **CHAPTER 7**

### **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 rate 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 60(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 Uncles of shops and fiats, 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 authorized 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) here of, is found to be within the 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
  - (a) in the case of a credit meter, adjust the account rendered;
  - (b). in the case of prepayment meters,
    - i. render and account where the meter has been under-registering, or
    - ii. issue a flee token where the merchants 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 a forth said 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 mariner as provided for in the applicable specifications.
- (6). When an adjustment is, made to the electricity consumption registered on a meter in terms of subsections (2) or (3), such adjustment shall either be based on the percentage error of the meter 'as determined by the 'rest 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 adjustment is made contemplated in subsection (6), the adjustment may not exceed a period of six (6) months preceding the date on which the metering equipment was found to be inaccurate. The application of slits section does not bar a consumer from claiming back over payment 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 shalt-be borne by the consumer-
- (9). 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, up the consumer in such notice to provide it with reasons in writing, if any, within 21 (twenty-one) days or such longer period as the Municipality may permit why his or 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).

©. 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 therefore, 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)(1), 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, metering 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 6 (six) months preceding the date on which the error in the accounts was discovered; and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period 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 made liable for 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 8**

### **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 authorized 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 authorized 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 authorized 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 tantamount to any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in a 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 9**

### **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 10**

### **ADMINISTRATIVE ENFORCEMENT PROVISIONS**

#### **61. APPOINTMENT OF AUTHOURISED OFFICIALS**

(1). The municipality must appoint authorized officials vested with the power to exercise the powers of an authorized official under these Bylaws and to discharge the municipality's right of access to premises in terms of section 101 of the Systems Act.

(2). An authorized official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and has no powers of arrest in respect of any offence created in these Bylaws.

(3). In appointing an authorized official, the municipality must have regard to —

- a) a person's technical understanding and experience of matters related to electricity services; and
- b) any other factor that may be relevant to supervision and enforcement of these Bylaws, whether technical or administrative.

(4). An authorized official may be an employee of the municipality or any service provider of the municipality.

(5). Upon appointment, authorized officials must be issued with a means of identification by the municipality which must state the name and function of the authorized official, and must include a photograph of the officer.

(6). An authorized official, acting within the powers vested in him by these Bylaws, is required to present identification on demand by any member of the public.

### **Part II: power of Authorized officials**

#### **62. RIGHT OF ADMITTANCE TO INSPECT, TEST OR DO MAINTENANCE WORK**

(1). An authorized official may, by notice in writing served on the owner or occupier of any property, require the owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to the authorized official for the purpose of-

- a) doing anything authorized or required to be done by the municipality under these By-law or any other law;
- b) inspecting and examining any service mains and anything connected with it;
- 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 this connection;
- d) ascertaining whether there is or has been a contravention of the provisions of these By-law or any other law, and
- e) enforcing compliance with the provisions of these Bylaws or any other law.

(2). Notwithstanding subsection (1), an authorized official who has reasonable grounds to suspect that harm or damage to property may arise or has arisen as a result of the electricity supply to premises, or in any way related with the provision of electricity services, the authorized official may, without notice, enter and search any affected

premises and take any action necessary to prevent the harm or damage to property including disconnecting the system in terms of section 15.

(3). Any action under this section, including subsection (2), must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

### **63. REFUSAL OR FAILURE TO GIVE INFORMATION**

- 1) In order to monitor or enforce compliance with these Bylaws, an authorized official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require any person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, in any matter to which these Bylaws relate and require that the disclosure be made on oath or affirmation.
- 2) An authorized official may be accompanied by an interpreter and any other reasonably required to assist the authorized official in conducting the inspection.
- 3) An authorized official must, on request by a person requested to give information, provide his identification as an authorized official.
- 4) No person shall refuse or fail to give such information as may be reasonably and lawfully required of him by any authorized official or render any false information to any such official regarding any electrical installation work completed or contemplated.

### **64. REFUSAL OF ADMITTANCE**

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any authorized official in the performance of his duty under these Bylaws or of any duty connected with or relating to these By-laws,



**Part III: administrative penalties**

**65. ESTABLISHMENT OF AN ADMINISTRATIVE PENALTY SYSTEM**

- 1) The municipality may establish an administrative penalty system in terms of this Chapter.
- 2) A decision to establish administrative penalty system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than three (3) months from the date of its publication.

**66. INFRINGEMENT NOTICES**

1. If a municipality has established an administrative penalty system, an authorized official may issue an infringement notice to any person who commits an offence listed in Column A of Schedule 3.
2. The infringement notice must
  - a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served
  - b) state the particulars of the infringement;
  - c) specify the amount of the penalty payable in respect of that infringement designated in Column B of Schedule 3;
  - d) specify the place where the penalty may be paid; and
  - e) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he or she may
    - (i). pay the penalty; or
    - (ii). inform the municipality in writing at an address set out in the notice that he or she elects to be tried in court on a charge of having committed an offence in terms of Chapter 11 of these By-laws.
- (3). If it appears to the authorized official that an alleged offence cannot be adequately punished by the payment of the administrative penalty then the authorized official may refrain from accepting the administrative penalty and may take proceedings against the alleged offender in an appropriate Court in terms of Chapter 11 of these By-laws.

**67. TRIAL**

If a person who elects to be tried in court in terms of subsection 68(e)(ii) notifies the municipality of his election, the authorized official must within ten (10) calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in order to secure the attendance and prosecution of the accused, in which event the infringement notice must be cancelled.

**68. WITHDRAWAL OF INFRINGEMENT NOTICE**

(1). Within one year after the infringement notice has been issued an authorized official may, whether or not the penalty has been paid, withdraw an infringement notice on

the basis that new information has been received by the municipality Or on any other good cause, by-

- a) sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn; and
- b) providing reasons to the municipal manager for the withdrawal of the infringement notice.

(2). Where an infringement notice is withdrawn after the penalty has been paid, the amount shall be refunded.

**69. INFRINGEMENT NOTICE NOT AN ADMISSION**

**Payment of a penalty shall not be regarded as an admission** for the purposes of any proceedings, whether civil or criminal

**CHAPTER 11****JUDICIAL ENFORCEMENT PROVISIONS****70. OFFENCES**

(1) Subject to subsection (2), any person who

- a) contravenes or fails to comply with any provisions of these Bylaws, other than a provision relating to payment for electricity services;
- b) fails to comply-with any notice or order issued or condition imposed in terms of or for the purposes of these Bylaws;
- c) fails to comply with any lawful Instruction given in term-is of or for the purposes of these Bylaws; or
- d) who obstructs or hinders any authorized representative or employee of the municipality in the execution of his s duties under these Bylaws; is guilty of an offence and liable on conviction to a fine not exceeding 20 000.00 or in default of payment to imprisonment for a period not exceeding twenty four (24) months and in the case of any continued offence, to a further fine not exceeding R100 or in default of payment, to imprisonment not exceeding one (1) day for every day during the continuance of such offence after a written notice has been issued by the municipality and served on the person concerned requiring- e discontinuance of such an offence.

(2). No person shall be liable to improvements if he/she is unable to afford to pay a fine, and shall instead be liable to a period of community service.

(3). Any person committing a breach of the provisions of these Bylaws shall be liable to recompense the municipality for any loss or damage suffered or estimated by it in consequence of the breach.

## **CHAPTER 12**

### **GENERAL**

#### **71. SERVICE OF DOCUMENTS AND PROCESS**

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of electricity services, the address of the owner of the premises to which electricity services are provided is the place where service of documents and process shall be-made.

#### **72. SERVICE OF NOTICES**

(1). Any notice, order or other document that is served on any person in tents of these Bylaws =St, subject to the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be served personally, falling which, it may regard as having duly been served—

- a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently sixteen (16) years.
- b) 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 either personally or in the manner provided by paragraphs (c), or (d) or
- c) if that person's address and the identity or the address of his 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; or
- d) subject to section 73, if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing it to the addresses last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or-other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2). When any notice or other document "Must be authorized 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 documents as the owner, occupier or holder of the property or right 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.

(4). Any legal process is effectively and sufficiently serviced on the service provider when it is delivered to the managing director or a-person in attendance at the managing director's office.

### **73. 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.

## **CHAPTER 13**

### **REPEAL OF BY-LAWS**

#### **74. REPEAL OF BY-LAWS**

The By-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1: Provided that the repeal of such Bylaws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those Bylaws.

#### **75. DATE OF COMMENCEMENT**

This by-law shall be called Electricity by- law and shall take effect from the date of proclamation in the Provincial Gazette.

# WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



## CREDIT CONTROL AND DEBT COLLECTION BY LAW

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## 1. PREAMBLE

Whereas s152(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 s153(a) of the Constitution provides that a municipality must structure its administration, budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community;

And whereas s195(1) of the Constitution provides that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including: the promotion of the efficient, economic and effective use of resources;

the provision of services impartially, fairly, equitably and without bias; and

The fact that people's needs must be responded to.

And whereas s4(1) of the Local Government: Municipal Systems Act 32 of 2000 ('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 s5(1)(g), read with (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 debtors, pay promptly for service fees, surcharges on fees, other taxes, levies and duties imposed by the municipality;

And whereas s6(2)(c), (e) and (f) of the Systems Act provides that the administration of a municipality must take measures to prevent corruption; give members of a local community full and accurate information about the level and standard of municipal services that they are entitled to receive; and inform the local community about how the municipality is managed, and of the costs involved and the persons in charge;

And whereas Chapter 9, s95, 96, 97, 98, 99 and 100 of the Systems Act provides for Customer Care Management, Debt Collection responsibility of the municipality, contents of the policy and by-laws that give effect to the policy, supervisory authority and implementing authority.

The Credit Control and Debt Collection By-Law of the Winnie Madikizela Mandela Local Municipality is hereby adopted by Council.

## 2. PURPOSE

It is vital to the long-term financial viability of the Winnie Madikizela Mandela Local Municipality that it collects the revenues (such as service charges, rates and taxes) due to it for services rendered. In terms of s96 of the Systems Act, a municipality:

- must collect all money that is due and payable to it subject to this Act and any other applicable legislation; and
- for this purpose, must adopt, maintain and implement a credit control and debt collection By-Law, which is consistent with rates and tariff policies and complies with the provisions of this Act. This means that appropriate credit control and debtors' mechanisms must be maintained. The services provided by the Winnie Madikizela Mandela Local Municipality include electricity, refuse removal and other municipal services.

## 3. DEFINITIONS

Act	The Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended from time to time
Arrangement	A written agreement entered into between the municipality and the debtor where specific repayment arrangements are agreed to
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	Person or entity legally appointed by the Council to act or to fulfil a duty on its behalf
Accounting Officer	The person appointed as Accounting Officer in terms of s82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and include any person acting in that position or to whom authority was delegated
CFO	The person appointed as the Chief Financial Officer of the municipality, or his or her nominee
Council	The Municipal Council (as referred to in s157 of the Constitution) of the Winnie Madikizela Mandela Municipality established by part 7 of provincial notice 80, dated 27 September 2000
Credit control	All the functions relating to the collection of monies owed by ratepayers and the users of municipal services
Customer	Any occupier of any premises to which the municipality has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the municipality
Defaulter	Any person who owes the municipality arrear monies in respect of rates and/or service charges



Engineer	The person in charge of the civil/infrastructure/technical and/or electrical department of the municipality
Equipment	A building or other structure, pipe, pump, wire, cable, meter, engine or any accessories
Implementing authority	Means the Accounting Officer or his or her nominee, acting in terms of s100 of the Systems Act
Interest	A charge levied with the same legal priority as service fees and calculated at a rate determined by the municipality from time to time on all arrear monies
Municipal account	An account rendered specifying charges for services provided by the municipality, or any authorised and contracted service provider, and/or assessment rates levies
Municipality	Refers to Winnie Madikizela Mandela Local Municipality
Municipal services	Those services provided by the municipality, such as, inter alia: -the supply of electricity, refuse removal and other municipal services for which services charges are levied
Occupier	Any person who occupies any property or part thereof, without regard to the title under which he or she occupies the property
Owner	<p>The person in whom from time to time is vested the legal title to premises</p> <p>In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative</p> <p>In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon</p> <p>In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof</p> <p>In relation to: A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986 (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property; or A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person</p> <p>Any legal person including but not limited to: i) A company registered in terms of the Companies Act,</p>

	<p>1973 (Act 61 of 1973), a trust, a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a voluntary association;</p> <p>ii) Any department of State; any Council of Board established in terms of any legislation applicable to the Republic of South Africa;</p> <p>iii) Any Embassy or other foreign entity</p>
Premises	<p>Includes any piece of land, the external surface, boundaries of which are delineated on:</p> <p>-A general plan or diagram registered in terms of the Land Survey Act, 1927 (9 of 1927), or in terms of the Deed Registry Act, 1937 (47 of 1937); or</p> <p>-A sectional plan registered in terms of the Sectional Titles Act, 1986 (95 of 1986), which is situated within the area of jurisdiction of the Council;</p>
Supervisory authority	Means the Mayor of the Municipality or his or her nominee, acting in terms of s99 of the Systems Act
<i>Billing Date</i>	<i>Means the date upon which the monthly statement is generated and debited to the customer's account.</i>
<i>Business premises</i>	<i>Means premises utilised for purposes other than residential and excludes the following:-</i>
<i>Indigent debtor</i>	<p><i>Means:-</i></p> <p><i>(a) the head of an indigent household:-</i></p> <p><i>(i) who applied for and has been declared indigent in terms of Council's Indigent Support Policy for the provision of services from the municipality; and</i></p> <p><i>(ii) who makes application for indigent support in terms of Council's Indigent Support Policy on behalf of all members of his or her household;</i></p> <p><i>(b) orphaned minor children duly represented by their legal and/or de facto guardians.</i></p>

## 4. SCOPE AND OBJECTIVE OF THE BYLAW

- 4.1. This By-law applies to the municipality's area of jurisdiction and is only applicable to the ratepayers of Winnie Madikizela Mandela Local Municipality area, who are excluded from the assistance to the poor / indigent policy of the municipality as determined or revised from time to time by council.
- 4.2. The objectives of the Credit Control and Debt collection By-Law are as follows: -
  - 4.2.1. Ensuring that household pay for the basic services that they are afforded by the municipality
  - 4.2.2. Ensuring that the municipality is able to provide services as approved in its annual budget or its annual Integrated Development Program (IDP) and
  - 4.2.3. Ensuring that the non-payment of services is minimised.

## 5. PRINCIPLES

- 5.1. The administrative integrity of the municipality must be maintained at all costs. The democratically elected Councillors are responsible for policy making, while it is the responsibility of the Accounting Officer to ensure the implementation of the policies.
- 5.2. All customers must complete an official application form, formally requesting the municipality to connect them to service supply lines. Existing customers may be required to complete new application forms from time to time, as determined by the Accounting Officer.
- 5.3. A copy of the application form, conditions of services and extracts of the relevant Council's credit control and debt collection By-Law and by-laws must be handed to every customer on request at such fees as may be prescribed by Council.
- 5.4. Upon change of ownership, the municipality must advise the new owner in writing that the relevant policies are available at the municipality for their perusal.
- 5.5. All relevant billing is to be accurate, timeous and understandable.
- 5.6. The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 5.7. The customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.
- 5.8. Enforcement of payment must be prompt, consistent and effective.
- 5.9. Incentives and disincentives may be used in collection procedures as determined by Council from time to time.

- 5.10. The collection process must be cost-effective.
- 5.11. Results will be regularly and efficiently reported by the Accounting Officer and the Mayor.
- 5.12. Application forms will be used to, inter alia, categorise customers according to credit risk and to determine relevant levels of services and deposits required.
- 5.13. Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.

## 6. DUTIES AND FUNCTIONS

### 6.1. Duties and functions of Council

- 6.1.1. To approve a budget consistent with the needs of communities, and residents.
- 6.1.2. To impose rates and taxes and to determine service charges, fees, penalties and the interest rate on arrear debt to finance the budget.
- 6.1.3. To facilitate sufficient funds to give access to basic services for the poor.
- 6.1.4. To provide for a bad debt provision, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the municipality.
- 6.1.5. To set an improvement target for debt collection, in line with acceptable accounting ratios and the ability of the Implementing Authority.
- 6.1.6. To approve a reporting framework for credit control and debt collection.
- 6.1.7. To consider and approve by-laws to give effect to the Council's policy.
- 6.1.8. To monitor the performance of the Mayor (Supervising Authority) regarding credit control and debt collection.
- 6.1.9. To revise the budget should Council's targets for credit control and debt collection not be met.
- 6.1.10. To take disciplinary and/or legal action against Councillors, officials and agents who do not execute Council policies and by-laws, or act improperly in terms of such policies.
- 6.1.11. To approve a list of attorneys/agents or 3rd parties appointed that will act for Council in all legal matters relating to debt collection.
- 6.1.12. To delegate the required authority to monitor and execute the credit control and debt collection By-Law to the Mayor and Accounting Officer and/or Service Provider respectively.

6.1.13. To provide sufficient capacity in the Municipality's Finance Department for credit control and debt collection alternatively to appoint a Service Provider, or debt collection agent.

6.1.14. To assist the Accounting Officer in the execution of his or her duties, if and when required.

6.1.15. To provide funds for the training of staff.

## 6.2. Duties and functions of the Mayor

6.2.1. To ensure that Council's budget, cash flow and targets for debt collection are met and executed in terms of the policy and relevant by-laws.

6.2.2. To monitor the performance of the Accounting Officer in implementing the policy and by-laws.

6.2.3. To review and evaluate the policy and by-laws in order to improve the efficiency of Council's credit control and debt collection procedures, mechanisms and processes.

6.2.4. To report to Council.

## 6.3. Duties and functions of the Accounting Officer

6.3.1. To implement good customer care management systems.

6.3.2. To implement Council's credit control and debt collection By-Law. To install and maintain an appropriate accounting system.

6.3.3. To bill customers.

6.3.4. To demand payment on due dates.

6.3.5. To raise penalties and interest for defaults, as determined by Council from time to time.

6.3.6. To appropriate payments received. To collect outstanding debt.

6.3.7. To provide different payment methods.

6.3.8. To determine credit control and debt collection measures.

6.3.9. To determine all relevant work procedures for, inter alia, public relations, arrangements, disconnections of services, summonses, attachments of assets, sales in execution, write-off of debts, sundry debtors and legal processes.

6.3.10. To instruct attorneys to proceed with the legal process (i.e. attachment and sale in execution of assets, emolument attachment orders, etc.).

6.3.11. To set performance targets for staff.

6.3.12. To appoint staff to execute Council's policy and by-laws in accordance with Council's staff policy.

6.3.13. To delegate certain functions to heads of departments. To determine control procedures.

6.3.14. To monitor contracts with service providers in connection with credit control and debt collection.

6.3.15. To report to the Mayor.

#### 6.4. Duties and functions of Communities, Ratepayers and Residents

6.4.1. To fulfil certain responsibilities, as brought about by the privilege and or right to use and enjoy public facilities and municipal services.

6.4.2. To pay service fees, rates on property and other taxes, levies and duties imposed by the municipality.

6.4.3. To observe the mechanisms and processes of the municipality in exercising their rights.

6.4.4. To allow municipal officials access to their property to execute municipal functions at a time that is agreeable by the consumer and municipal officials.

6.4.5. To comply with the by-laws and other legislation of the municipality. To refrain from tampering with municipal services and property.

#### 6.5. Duties and functions of Councillors

6.5.1. To hold regular ward and community meetings.

6.5.2. To adhere to and convey Council policies to residents and ratepayers. To adhere to the Code of Conduct for Councillors.

6.5.3. Ward Committees and Councillors will act in terms of roles and functions as approved by Council.

### 7. AREA OF APPLICATION

7.1. This By law and policy applies throughout the demarcated area of Winnie Madikizela Mandela Municipality, where the municipality is providing services and/or charges rates and taxes on property.

## 8. APPLICATION FOR SERVICES

- 8.1. Consumers who require a service must, ten (10) days prior to taking occupation of the premises, apply on a prescribed form for the provision municipal service/s.
- 8.2. The application for the provision of municipal service must be made by the registered owner of the immovable property.
- 8.3. The municipality will render the first account after the first meter reading cycle to be billed following the date of signing the service agreement.
- 8.4. Consumers who illegally consume services without this agreement will be subject to punitive action as determined by Council from time to time.
- 8.5. All applicants for municipal services maybe be screened for credit-worthiness and may subsequently be grouped into high, medium and low risk.

## 9. CUSTOMER SERVICE AGREEMENTS

- 9.1. Customer service agreements are those agreements that will be from time to time be entered into between the customer and the municipality for the supply of municipal services.
- 9.2. The contents of the agreement include this policy as well as:
- 9.3. An undertaking by customers:
  - that they are liable for the costs of collection, including any administration fees, penalties for late payment, legal costs, interest, disconnection fees and reconnection fees;
  - that any alleged non-receipt of an account does not stop the collection process;
  - that they may be required to agree that any service rendered by the municipality may be used for credit control purposes to recover arrear debt outstanding.
- 9.4. An undertaking by Council:
  - that it will deliver accounts to customers; and
  - that it will inform customers that they are required to request statements in the event that they do not receive an account.

## 10. DEPOSITS AND GUARANTEES

- 10.1. The deposits are payable when new customers sign-on and when existing customers move to a new supply address. Guarantees are only permitted for

businesses and only under circumstances as determined by Council from time to time.

- 10.2. Based on the risk assessment customers must pay different amounts of consumer deposit and guarantees which shall be determined by Council from time to time.
- 10.3. Irregular payment for services, default on existing payment arrangement and theft of the
- 10.4. Municipal service/s may result in the customer having to pay an additional deposit.
- 10.5. 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
- 10.6. The municipality will not be liable to pay any interest on the deposits.

## 11. ACCOUNTS AND BILLING

- 11.1. Customers will receive one consolidated bill for all services and rates to a property, which is situated within the boundaries of the Municipality unless upon a written request by the account holder.
- 11.2. Accounts are produced in accordance with the meter reading cycles.
- 11.3. An account will be rendered each month in cycles of approximately 30 days.
- 11.4. The Municipality will undertake to have the accounts posted (email, SMS) or hand delivered to all consumers. It is the responsibility of the customer to notify the municipality of the change of the postal address, failure to do so will not relieve the customer of his/her obligations in terms of the service agreement.
- 11.5. However non-receipt of an account does not prevent interest charges and debt collection procedures. In the event of non-receipt of an account, the onus rests on the account holder to obtain a free copy of the account, before the due date.
- 11.6. Accounts must be paid on the due date as indicated on the account. Interest on arrears will accrue after due date if the account remains unpaid irrespective of the reason for non-payment.
- 11.7. Payments for accounts must be received on or before the due date at a Municipal pay-point by the close of business. In the case of any electronic payments or payments via agents, the money must be received in the municipal bank account on or before the due date and not later than the close of business.



- 11.8. Consumers will be notified of their unpaid accounts prior to the commencement of the debt collection process.
- 11.9. Non-payment of the account will result in debt collection action in terms of section 15 of this policy.

## 12. METERING OF CONSUMABLE SERVICES

- 12.1. The municipality may introduce various metering equipment and customers may be encouraged to convert to a system preferred by the municipality.
- 12.2. Customers who default (fail to pay by a due date) may be required by the municipality to convert to another metering system.
- 12.3. Prepayment metering is the preferred installation for all new domestic and where applicable as determined by the technical services, business accounts.
- 12.4. Meters (credit) will be read monthly. Should circumstances prevent reading, the Municipality is entitled to estimate a reading that is within reason comparable to past consumption.
- 12.5. A customer is responsible for ensuring access to metering equipment at a time that is agreeable by the consumer and the municipal officials and will accept any cost incurred to ensure access (such as relocating the meter) if satisfactory access is not possible.
- 12.6. Voluntary readings:
  - 12.6.1. These will be permitted in order for the municipality to obtain any final reading should the customer move to another supply address.
  - 12.6.2. Customers may be liable for a fee to cover the costs of obtaining a reading if no advance warning is given. Special arrangements should be made with the Municipality to obtain a reading.
  - 12.6.3. The Municipality is entitled to make suitable adjustments to the readings should the debtor fail to ensure that a final reading is obtained.
  - 12.6.4. An audit reading during the normal reading cycles must be obtained once every six months. If a special audit reading becomes necessary this will be done at the cost of the consumer.
  - 12.6.5. The customer may elect to supply voluntary readings subject to compliance with the rules. The Chief Financial Officer may, however, cancel the voluntary reading convenience if the customer fails to ensure the audit reading is obtained or if the customer fails to render readings on two consecutive occasions.

12.6.6. Routine or special maintenance of metering equipment will be communicated to the customer. The meter replacement advice will indicate the removal reading.

### 13. VALUATION OF PROPERTIES

All properties within the boundaries of Winnie Madikizela Mandela Municipality are to be valued in terms of the legislation, applicable to the valuation of properties for the purpose of levying property rates.

### 14. CUSTOMER ASSISTANCE PROGRAMMES

These are programmes that the municipality has designed to assist customers meet their obligations, such as:

- i) Rates rebates;
- ii) Arrangements for settlement;
- iii) Payment of rates by instalments;
- iv) Indigent assistance scheme; and
- v) Free basic services.
- vi) Discounting for settlement of accounts
- vii) Early payment discount on annual billing accounts

#### 14.1. Rebates on Rates

Rebates on rates may be granted by Council in terms of the municipality's Rates Policy.

#### 14.2. Arrangements for Settlement

##### a) Residential Households

*A debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions: -*

- *The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly instalments;*
- *The current monthly amount must be paid in full; and*
- *The written agreement has to be signed on behalf of the Municipality by a duly authorised officer.*
- *The agreement will be compliant with the requirements of the National Credit Act.*

*In order to determine monthly instalments a comprehensive statement of assets and liabilities of the debtor must be compiled by a treasury official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the consumer, considering that payment of the monthly current account is a prerequisite for concluding an arrangement.*

*The municipality may from time to time introduce incentive schemes to improve the debt collection rate.*

*A consumer who cannot pay their arrear debt may enter into an arrangement to pay the account over an extended period of time.*

*During the time of the debt collection process, but before the debt is handed over to the attorneys a consumer may enter into an arrangement to payoff arrear debt.*

*No arrangements will be entertained by attorneys on a debt that has been handed over for legal collection.*

*The municipality will entertain only one arrangement with a consumer to payoff arrear debt. Failure to abide by the arrangement will result in the: -*

- o the arrangement being terminated with immediate effect; and*
- o the outstanding balance shall immediately become due and payable;*

*The consumer by signing the arrangement agreement to payoff arrear debt acknowledges the following: -*

- o that the debt is owed to the municipality.*
- o that on default of the arrangement agreement, interest on arrears will be charged on the amount due, electricity supply will be disconnected to the property of the consumer or the consumer will be blocked from the purchase of electricity on the prepayment system, and legal proceedings will be instituted to collect the debt.*
- o that the consumer will be liable for all costs, which includes legal costs on an attorney client basis incurred to collect the debt.*

**b) *Arrangement by Staff and Councillors***

*All staff joining the municipality must within thirty (30) days sign an agreement to pay arrears.*

*All existing staff and Councillors who have not entered into an agreement to pay arrears must do so within thirty (30) days of the approval of this policy by council.*

*The repayment period for both Councillors and staff is not to exceed twelve (12) months.*

*All agreements with Councillors must not exceed the expiry date of the term of office.*

**c) *Arrangements by businesses***

*At the date of the arrangement a minimum of 50% of the capital arrear debt must be paid immediately.*

*After the payment of 50% of the capital arrear debt the balance of the debt which includes the capital amount and interest must be paid over a 3 to 6 months period on an interest free basis provided payments are made monthly by the due date and all conditions of the signed agreement are met.*

*The total monthly instalment must include the current monthly charges plus the amount to payoff arrear debt.*

*Arrangement by businesses to payoff arrear debt will only be entertained for debt on which debt collection actions have been taken and which actions are in an advanced stage.*

*Failure to maintain the arrangement will result in interest being reversed and full debt collection being implemented, with no possibility of reprieve.*

*Any arrangement outside of the foregoing must be approved by the Municipal Manager. This function cannot be delegated.*

#### 14.3. Payment of Rates by Instalments

Owners must pay the property rates in equal monthly instalments over a period of 12 months.

Interest shall accrue on all monthly rates accounts if they are not paid by the due date as indicated on the account.

Legal action will be taken to recover outstanding debt in terms of the relevant Council Resolution.

#### 14.4. Indigent Assistance Scheme

- An account holder may apply to the municipality, in the prescribed manner, to be declared indigent provided that the following conditions apply:
- That the gross household income must not exceed the poverty threshold value as determined by Council from time to time.
- All successful indigents are to be displayed on the public notice board.
- That the municipality may inspect the property occupied by the applicant and in respect of which municipal services are rendered to assess the merits of the application.
- Any aggrieved person who was not successful in the application to be regarded as indigent may lodge an appeal to the Chief Financial Officer within a period of ten (10) days from the date on which the aforesaid decision has been communicated to him/her.

#### 14.5. Free Basic Services

- The municipality will provide free basic services to domestic indigent customers, on a monthly basis in quantities as determined from time to time as per the indigent policy.

#### 14.6. Discounting for settlement of account

- The accounting officer may determine from time to time ways and means to promote and encourage settlement of accounts through various discounting measures as per council resolution on those proposed settlement offers to the municipal council.
- The municipality may consider to grant a discount on interest billed with the maximum of up to 50% as an encouragement to settle the outstanding debt and bring the account to be up to date, on condition
- The interest was not billed within that particular financial year (i.e. the interest must be of previous financial year of the year in question).
- That the discount is within the outstanding amount on interest charged on the account That the account will be settled and become outstanding within 60 days.

### 15. COMMUNICATION

- 15.1. The Credit Control and Debt Collection By-Law will be available on municipal website and be gazetted on the government gazette.
- 15.2. Councillors must from time to time, address ward committees and community meetings on the contents of the By-Law and any amendments thereto.

### 16. PAYMENT FACILITIES AND METHODS

- 16.1. Municipal payment and enquiry facilities will be maintained subject to acceptable levels of activity when compared to the operational costs.
- 16.2. The Accounting Officer or his or her designate has the discretion to open and close offices as required.
- 16.3. The consumer acknowledges that any agent used for transmitting payments to the municipality is at the risk and cost of the consumer. In addition, the consumer must consider the transfer time of the particular agent.
- 16.4. *Account payments may be made to municipal cashier office pay point/s, by stop/debit order.*
- 16.5. The municipality shall actively monitor the effectiveness of pay facilities, methods and convenience for consumers.
- 16.6. Penalties will be levied on any direct deposits that do not bear a reference number.
- 16.7. Payments received in respect of rates and service charges will be allocated by the municipality entirely within its discretion, on the account of the debtor.

## 17. ENQUIRIES AND APPEALS

- 17.1. The enquiries office at the municipality's service centre may be contacted for all account enquiries
- 17.2. Any resident or consumer who may feel aggrieved concerning his or her account may address a grievance to the Chief Financial Officer or visit any Customer Care Office provided by the municipality.
- 17.3. A customer who has lodged an enquiry is not relieved of the responsibility to maintain regular payment of the account.
- 17.4. An interim payment similar to the average account for the preceding three (3) months must be paid by the due date pending finalisation of the enquiry.
- 17.5. Failure to make a payment will result in debt collection action being instituted against the customer.
- 17.6. *Depending on the nature of the enquiry and the resources available, the enquiry must receive a response within seven (7) days.*
- 17.7. *If a customer has received a response and is still not convinced that the account is correct, the customer may lodge an appeal to the Accounting Officer for the resolving of the dispute.*
- 17.8. *Such an appeal should receive response within fourteen (14) working days failing which the customer should be notified in writing of the reasons for the delay.*
- 17.9. *Officials and Councillors of the Municipality are obliged to pay outstanding debt.*

## 18. TENDERING FOR BUSINESS

- 18.1. The Supply Chain Management Policy and tendering conditions of the municipality will include the following:
- When issuing an invitation to tender for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate that the bidder obtain from the municipality a certificate stating that all relevant municipal accounts owing by the bidder and/or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for payment of any arrears.
  - No tender will be allocated to a person/contractor until a suitable arrangement for the repayment of arrears, has been made. No further debt may accrue during contract period.
  - A condition allowing the municipality to deduct any moneys owing to the municipality from contract payments.

## 19. DISCONNECTION / RESTRICTION OF SERVICES

The Chief Financial Officer is authorised to institute these mechanisms without exception and with the intention of debt reduction and debt management

- Issue warning letters of disconnection of services for all debt outstanding beyond the declared date of overdue of account as per the billing date.
- Implement disconnection to all consumer accounts with debt outstanding beyond 30 days to 60 days for all services charges and property rates.

## 20. DEBT COLLECTION

20.1. The Chief Financial Officer is authorised to institute these mechanisms without exception and with the intention of proceeding until the debt is collected.

The following mechanisms are to be used to collect debt:

- Charging of interest and penalties on arrear debt, as determined by Council from time to time.
- Disconnection/restriction of metered services for all overdue rates and service charges between over 90 days
- Barring debtors with outstanding debt from purchasing prepaid services.
- Allocating a portion of any payment for prepaid services to arrear debt. Insisting that prepaid services be installed at the cost of the debtor.
- Emolument attachment orders on employees' salaries.
- Withholding of rates clearance certificates under certain conditions. (refer to s118 of the Systems Act)
- Recovery of rates from tenants
- Handover of debt that is beyond 90 days to debt collectors
- Legal process, including the attachment and sale of goods or immovable property. Withholding payments of grants-in-aid.
- Withholding payment on contracts or deducting from contract payments any moneys owing to the municipality.

20.2. Any other method authorised by Council from time to time.

20.3. The Accounting Officer or a delegated Senior Manager may authorise that an amount be written-off if the costs to recover the debt will far exceed the outstanding balance.



## 21. THEFT AND FRAUD

- 21.1. The municipality does not condone theft and fraud of municipal services and will monitor the service networks for signs of tampering or irregularities.
- 21.2. The Council may approve specific penalties and distinguish between cases of vandalism and theft.
- 21.3. Subsequent acts of tampering may lead to a refusal to supply certain services for determined periods.
- 21.4. Fraudulent access to or theft of municipal services after a disconnection or restriction in lieu of the implementation of this By-Law shall be regarded as criminal offence.

## 22. REPORTING AND PERFORMANCE MANAGEMENT

- 22.1. The Chief Financial Officer shall report monthly to the Municipal Manager in a suitable format in terms of s71 of the Municipal Financial Management Act 56 of 2003, to enable the Accounting Officer to report to the Mayor as supervisory authority in terms of s99 of the Systems Act, read with s100(c). This report shall contain particulars on:
  - Cash collection statistics, showing high-level debt recovery information (numbers of customers; enquires; arrangements; default arrangements; increase or decrease of arrear debtors' balances). Where possible, the statistics should ideally be divided into wards, business (commerce and industry), domestic, state, institutional and other relevant categories.
  - If in the opinion of the Chief Financial Officer, the municipality will not achieve cash receipt income equivalent of the income projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Accounting Officer who will, if he agrees with the Chief Financial Officer, immediately move for an adjustment of the budget according to realistically realisable income levels.
- 22.2. The Mayor as supervisory authority shall, at intervals of three (3) months, report to Council as contemplated in s99(c) of the Systems Act.

## 23. INCOME COLLECTION TARGET

The long-term target is a debtor turnover ratio of 45 days, that is, debtors are expected to pay for services on average in a month and a half.

## 24. APPLICATION AND REVIEW OF THE BY-LAW

The Council reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying this By-Law. The Council will on application of the credit control and debt collection By-Law avoid discrimination as



forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution. This By-Law shall be reviewed annually during the compilation of the budget.

## **25. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Winnie Madikizela Mandela Local Municipality: Credit Control and Debt Collection By Law and takes effect from the date of publication notice in the Provincial Gazette.

**PROVINCIAL NOTICE 1136 OF 2025**

Buffalo City Metropolitan Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

ERF 2859, EAST LONDON (17 OBSERVATORY PLACE, BUFFALO FLATS).

Under Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions C. (e – h (i-iv)) in Deed of Transfer No. T16172/1998 applicable to Erf 2859 East London are hereby removed.

**PROVINCIAL NOTICE 1137 OF 2025**

PROVINCIAL GOVERNMENT GAZETTE NOTICE

28 January 2025

**Nelson Mandela Bay Municipality (Eastern Cape)****REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF SECTION 71 OF THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2023 (ACT 16 OF 2013):****ERF 32, Framesby, Gqeberha, Port Elizabeth, Eastern Cape**

Under Section 47 of the SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions 6(a); 6(b); 6(c) AND 6(d) AS CONTAINED IN TITLE DEED NO. T10876/2024 applicable to Erf 32, Framesby are hereby removed.

Yours faithfully,

SIngram Plans (Pty) Ltd

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 1319 OF 2025****Buffalo City Metropolitan Municipality (EASTERN CAPE)**

**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 6832 EAST LONDON (7 Lukin Road, Selborne)**

Under Section 47(1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law of 2016, and upon instructions by the Local Authority, notice is hereby given that Conditions B. (1-5) in Deed of Transfer T 4293/2018, applicable to Erf 6832 East London, are hereby removed.

**LOCAL AUTHORITY NOTICE 1320 OF 2025****Nelson Mandela Bay Municipality (EASTERN CAPE)**

**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 103, CHARLO, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B. 2. (a – d). and B. 2. (f). contained in Deed of Transfer No. T27215/46067/2006 and any subsequent deed applicable to Erf 103, Charlo is hereby removed.

**LOCAL AUTHORITY NOTICE 1321 OF 2025****Buffalo City metropolitan Municipality (EASTERN CAPE)****Removal of Restrictions and Permanent Departure for the relaxation of Building Lines in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 11953 EAST LONDON (10 TAIT ROAD, BAYSVILLE)**

In terms of the provision of Section 95 of the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law pertaining to the Spatial Planning and Land Use Management Act No.16 of 2013, application for the relaxation of the lateral building line from 2.0m to 0m adjacent to Erf 11952 East London, the relaxation of the lateral building line from 2.0m to 0m adjacent to Erf 11954 East London, the relaxation of the rear building line from 2,0m to 0m adjacent to Erf 11944 East London in order o permit 'as built' veranda's, shade port, storeroom, water tanks and braai area, the proposed permanent departure to permit 2 street access points and the proposed permanent departure to permit a swimming pool that is 1,8m deep and 1,2m away from the rear boundary adjacent to Erf 11944 Eat London is hereby approved.

In terms of Section 95 of the Spatial Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law of 2016, approval is hereby granted for the removal of restrictive title conditions C. (a), (b), (c), (d), (e) & D. (j) pertaining to Deed of Transfer T2695/2010 of Erf 11953 are hereby removed.

## LOCAL AUTHORITY NOTICE 1322 OF 2025

**AMAHLATHI LOCAL MUNICIPALITY****PUBLIC NOTICE CALLING FOR THE INSPECTION OF THE VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government Municipal Property Rates Act, of 2004 (Act No.6 of 2004), hereafter referred to as the "Act", that the Valuation Roll for the financial period 1 July 2025 to 30 June 2029 is open for public inspection at the municipal offices listed below, **from 17 February 2025 to 17 April 2025.**

In addition, the valuation roll is available on the municipal website: **[www.amahlathi.gov.za](http://www.amahlathi.gov.za)**

An invitation is hereby made in terms of Section 49 (1)(a)(ii) of the Act that any owner of the property or the other person who so desires should lodge and objection with the municipal manager in respect of any matter reflected in, or omitted from, the valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50 (2) of the Act an objection must be in relation to a specific individual property and not against the valuation roll as such. The form for the lodging of an objection is obtainable at the following municipal offices:

**Municipal Office in Cathcart**  
**Municipal Office in Keiskammahoek**  
**Municipal Office in Kei Road**  
**Municipal Office in Stutterheim**

Please note the office hours are Monday to Friday, **08:00 to 16h00.**

The completed forms must be returned to the following address by **Registered mail** to  
**The Municipal Manager**  
**12 Maclean Street**  
**Private Bag X4002**  
**Stutterheim, 4930**

For enquiries, please contact Andisa Mnyakama on 043 683 5080 / 79 or email to [AMnyakama@amahlathi.gov.za](mailto:AMnyakama@amahlathi.gov.za)

**Dr Zamuxolo Shasha**  
**Municipal Manager**

**UMASIPALA WASE-AM AHLATHI MUNICIPALITY****UBIZO LOKUHLOLA UMQULU WOKUBHATALISA IMIHLABA**

Abahlali bayaziswa ngokugunyaziswe ngumthetho sisekelo 49(1) (i)(ii) nakwisigaba 78(2) somthetho iLocal Government Municipality Property Rates Act 2004 (Act No.6 of 2004), ophathelene nokukalwa kweemali zerhafu ezihlalelwa imizi, obizwa nge Municipal Property Rates Act 2004 okokuba abo banqwenela ukuhlola uluhlu lonyaka mali oqala kunyaka 2025 ukuya kunyaka 2029 noqulathe amanani erhafu yezindlu nezakhiwo (**General**) bangakwenza oku ngokuhambela amasebe kamasipala Amahlathi Local Municipality ukusukela ngomhla **we 17<sup>th</sup> February 2025 ukuya kumhla we 17<sup>th</sup> April 2025** kwi Ofisi zakwaMasipala ngamaxesha omsebenzi.

**Municipal Office in Cathcart**  
**Municipal Office in Keiskammahoek**  
**Municipal Office in Kei Road**  
**Municipal Office in Stutterheim**

Kumenywa bonke abanikazi bemihlaba, izakhiwo ukanti nabani na ofuna ukufaka isikhalazo ngokomthetho sisekelo wenzwe kwisigaba 49(i)(ii) nakwisigaba 78(2) salomthetho ukuba bazokufaka izikhalazo ezimayelana nomhlaba, isakhiwo okanye indlu eqondene nawe, okanye eqondene noyhile hayi uluhlu lwamanani erhafu yezindlu nezakhiwo zonke. Oluluhlu luyafumaneka kulamasebe kamasipala alandelayo: Financial Department

IFomu yokufaka isikhalazo ifumanela kwiOfisi enkulu kamasipala eRevenue Section. Le fomu iyagcwaliswa ibuyiselwe ngesandla okanye ithumele ngeposi ebhaliweyo kule dilesi: The Municipal Manager, Amahlathi Local Municipality ngamaxesha omsebenzi ukusukela ngo 08h00-16h00 ngoMvulo ukuya kuLwesine nango 08h00 -16h00 ngooLwezihlanu.

Izikhalazo ezifikise sele udlulile umhla obekelwe izikhalazo azisayi kwamkelwa.

Ngeminye imibuzo neenkukacha mayela noluhlelo angaqhakamshelana noAndisa Mnyakama ku 043 683 5080 / 5079 okanye email ku [AMnyakama@amahlathi.gov.za](mailto:AMnyakama@amahlathi.gov.za)

**Dr Zamuxolo Shasha**  
**Municipal Manager**

**LOCAL AUTHORITY NOTICE 1323 OF 2025****BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 885 GONUBIE : REMOVAL OF RESTRICTIONS**

Under Section 47(1) of the Spatial Planning and Land Use Management Act, No 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 885 Gonubie, conditions B.b) and C. (1. And 2.) found in Deed of Transfer No. T 27969/2023, pertaining to Erf 885 Gonubie, are hereby removed.

**LOCAL AUTHORITY NOTICE 1324 OF 2025**

EASTERN CAPE PROVINCE  
Kouga Municipality (EC 108)

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)****ERF 683 JEFFREYS BAY**

Notice is hereby given that the Municipal Planning Tribunal on 29 August 2024, removed Conditions C.6.(b) from Title Deed No. T24946/2016, applicable to Erf 683 Jeffreys Bay in terms of Section 108 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016.

**LOCAL AUTHORITY NOTICE 1325 OF 2025****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 507, SUNRIDGE PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. 4., C. 5. (a – d) contained in Deed of Transfer No. T18930/2022 and any subsequent deed applicable to Erf 507, Sunridge Park is hereby removed.

**LOCAL AUTHORITY NOTICE 1326 OF 2025****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013  
(Act 16 of 2013)****ERF 208, FERNGLEN, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.2. and B. 5. (a -d). contained in Deed of Transfer No. T28527/97 and any subsequent deed applicable to Erf 208, Fernglen is hereby removed.

**LOCAL AUTHORITY NOTICE 1327 OF 2025****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013  
(Act 16 of 2013)****ERF 60, MILL PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. (a – e). contained in Deed of Transfer No. T46067/2016 and any subsequent deed applicable to Erf 60, Mill Park is hereby removed.

**LOCAL AUTHORITY NOTICE 1328 OF 2025****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013  
(Act 16 of 2013)****ERF 183, MANGOLD PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. 5. and 6. (a – d). contained in Deed of Transfer No. T84597/94 and any subsequent deed applicable to Erf 183, Mangold Park is hereby removed.









## Closing times for **ORDINARY WEEKLY** **2025** EASTERN CAPE PROVINCIAL GAZETTE

The closing time is **15:00 sharp** on the following days:

- 27 December, Friday for the issue of Monday 06 January 2025
- 06 January, Monday for the issue of Monday 13 January 2025
- 13 January, Monday for the issue of Monday 20 January 2025
- 20 January, Monday for the issue of Monday 27 January 2025
- 27 January, Monday for the issue of Monday 03 February 2025
- 03 February, Monday for the issue of Monday 10 February 2025
- 10 February, Monday for the issue of Monday 17 February 2025
- 17 February, Monday for the issue of Monday 24 February 2025
- 24 February, Monday for the issue of Monday 03 March 2025
- 03 March, Monday for the issue of Monday 10 March 2025
- 10 March, Monday for the issue of Monday 17 March 2025
- 14 March, Friday for the issue of Monday 24 March 2025
- 24 March, Friday for the issue of Monday 31 March 2025
- 31 March, Thursday for the issue of Monday 07 April 2025
- 07 April, Monday for the issue of Monday 14 April 2025
- 11 April, Friday for the issue of Monday 21 April 2025
- 17 April, Thursday for the issue of Monday 28 April 2025
- 24 April, Thursday for the issue of Monday 05 May 2025
- 05 May, Monday for the issue of Monday 12 May 2025
- 12 May, Monday for the issue of Monday 19 May 2025
- 19 May, Monday for the issue of Monday 26 May 2025
- 26 May, Monday for the issue of Monday 02 June 2025
- 02 June, Monday for the issue of Monday 09 June 2025
- 09 June, Monday for the issue of Monday 16 June 2025
- 13 June, Friday for the issue of Monday 23 June 2025
- 23 June, Monday for the issue of Monday 30 June 2025
- 30 June, Monday for the issue of Monday 07 July 2025
- 07 July, Monday for the issue of Monday 14 July 2025
- 14 July, Monday for the issue of Monday 21 July 2025
- 21 July, Monday for the issue of Monday 28 July 2025
- 28 July, Monday for the issue of Monday 04 August 2025
- 04 August, Friday for the issue of Monday 11 August 2025
- 11 August, Monday for the issue of Monday 18 August 2025
- 18 August, Monday for the issue of Monday 25 August 2025
- 25 August, Monday for the issue of Monday 01 September 2025
- 01 September, Monday for the issue of Monday 08 September 2025
- 08 September, Monday for the issue of Monday 15 September 2025
- 15 September, Monday for the issue of Monday 22 September 2025
- 19 September, Friday for the issue of Monday 29 September 2025
- 29 September, Monday for the issue of Monday 06 October 2025
- 06 October, Monday for the issue of Monday 13 October 2025
- 13 October, Monday for the issue of Monday 20 October 2025
- 20 October, Monday for the issue of Monday 27 October 2025
- 27 October, Monday for the issue of Monday 03 November 2025
- 03 November, Monday for the issue of Monday 10 November 2025
- 10 November, Monday for the issue of Monday 17 November 2025
- 17 November, Monday for the issue of Monday 24 November 2025
- 24 November, Monday for the issue of Monday 01 December 2025
- 01 December, Monday for the issue of Monday 08 December 2025
- 08 December, Monday for the issue of Monday 15 December 2025
- 12 December, Friday for the issue of Monday 22 December 2025
- 18 December, Thursday for the issue of Monday 29 December 2025

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 Tel. (040) 635-0052.