

Bergvriër, South Africa

## Property Rates

Legislation as at 8 June 2012

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## Property Rates

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# Bergrivier South Africa

## Property Rates By-law, 2012

Published in Western Cape Provincial Gazette 7003 on 8 June 2012

**Commenced on 1 July 2012**

*[This is the version of this document from 8 June 2012 and includes any amendments published up to 12 April 2024.]*

### 1. Preamble

- (1) Section 229(1) of the [Constitution](#) authorises a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the Municipality.
- (2) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the Municipality.
- (3) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- (4) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

### 2. Interpretation

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and, unless the context otherwise indicates:

"**Municipality**" means Bergrivier Municipality;

"**Bergrivier Rates Policy**" means a rates policy adopted by the Bergrivier Municipality in terms of this by-law;

"**Constitution**" means the [Constitution of the Republic of South Africa](#);

"**Credit Control and Debt Collection By-Law and Policy**" means Bergrivier Municipality's Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"**Property Rates Act**" means the Local Government: Municipal Property Rates [Act, 6 of 2004](#);

"**rate**" or "rates" means a municipal rate on property as envisaged in section 229 of the [Constitution](#).

### 3. Adoption and implementation of rates policy

- (1) The Municipality shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable property in the Municipality.
- (2) The Municipality shall not be entitled to levy rates other than in terms of a valid rates policy.

### 4. Contents of rates policy

The Municipality's rates policy shall, *inter alia*:

- (1) Apply to all rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget;

- (2) Comply with the requirements for:
  - (a) The adoption and contents of a rates policy specified in terms of section 3 of the Property Rates Act;
  - (b) The process of community participation specified in section 4 of the Property Rates Act;
  - (c) The annual review of a rates policy specified in terms of section 5 of the Property Rates Act;
- (3) Specify any further principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Municipality may wish to adopt;
- (4) Include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Laws and Policy.

## **5. Enforcement of rates policy**

The Municipality's rates policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the Municipality's rates policy.

## **6. Repeal of by-law**

Repeal of Property Rates By-Law amended on 3 June 2011 Provincial Gazette 6879.

## **7. Operative date**

This By-Law shall take effect on 1 July 2012.