

Hessequa, South Africa

Tariff

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Hessequa South Africa

Tariff By-law, 2016

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Under the provisions of section 156 of the [Constitution of the Republic of South Africa, 1996](#) the Hessequa Municipality, enacts as follows:-

1. 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 –

“**Constitution**” means the [Constitution of the Republic of South Africa, 1996](#);

“**Customer Care and Revenue Management By-Law**” means the municipality’s Customer Care and Revenue Management By-Law as required by sections 96(b), 97 and 98 of the Systems Act;

“**municipality**” means the Municipality of Hessequa, established in terms of Section 12 of the Municipal Structures [Act, 117 of 1998](#), and includes any political structure, political office bearer, councillor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**municipality’s tariff policy**” means a tariff policy adopted by the municipality;

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

“**tariff**” means fees, charges, or any other tariffs levied by the municipality in respect of any function or service provided by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates [Act, 6 of 2004](#); and

“**tariff policy**” means the tariff policy as amended by the municipality from time to time.

2. Principles and objectives

- (1) Section 229(1) of the [Constitution](#) authorizes a municipality to impose:
 - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - (b) if authorized by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act a municipality may:
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- (3) In terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management [Act, 53 of 2003](#) and any other applicable legislation.

- (4) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

3. Adoption and implementation of tariff policy

- (1) The municipality must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management [Act, 53 of 2003](#) and any other applicable legislation.
- (2) The municipality will not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. Contents of tariff policy

The tariff policy will, inter alia:

- (a) apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality's annual budget;
- (b) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;
- (c) specify the manner in which the principles referred to in [section 4\(2\)](#) are to be implemented in terms of the tariff policy;
- (d) specify the basis of differentiation, if any, for tariff purposes between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;
- (e) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Customer Care and Revenue Management By-Law.

5. Implementation and enforcement of tariff policy

- (1) The policy shall apply to all tariffs determined by the municipality during the annual budget process; provided that the municipality may determine tariffs during the course of a financial year when –
 - (a) a new service is introduced;
 - (b) no tariff for an existing service has previously been imposed; or
 - (c) it is necessary to correct a tariff already imposed.
- (2) Payment of tariffs shall be enforced through this by-law, the Credit Control and Debt Collection By-law and any other enforcement mechanisms determined by the municipality.

6. Offences and penalties

A person who fails to comply with the provisions of this by-law commits an offence and is on conviction liable for the payment of a fine or a term of imprisonment.

7. Repeal

The Property Rates By-law promulgated in Province of the Western Cape Provincial Gazette Extraordinary 7406 on 19 June 2015 is hereby repealed.

8. Short title and commencement

This by-law is called the Hessequa Municipality Tariff by-law and will commence and will become effective on 1 July 2016.