

Knysna, South Africa

## Credit Control, Debt Collection and Indigent Support

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## Knysna South Africa

### Credit Control, Debt Collection and Indigent Support By-law, 2008

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Under of section 156 of the [Constitution of the Republic of South Africa, 1996](#) and section 98 of the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#)), the Knysna Municipality, enacts as follows-

#### 1. Definitions

For the purposes of this By-law, unless the context otherwise indicates-

**"account holder"** means any person who is due to receive a municipal account for services and includes a user of pre-paid electricity or water;

**"agent"** in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to collect income in respect of the property on behalf of the owner; or
- (b) to effect payments in respect of the property on behalf of the owner;

**"annual budget"** means the budget approved by the Municipality for any particular financial year, and includes any adjustments to such budget;

**"applicant"** means a person who applies for municipal services;

**"billing"** means invoicing by municipal account to an account holder of all municipal services and charges;

**"consumer"** means the occupier of any premises to which the Municipality has agreed to supply or is supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with the Municipality for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises, and "domestic consumer" or "domestic user" of municipal services means the person or household to which municipal services are rendered in respect of residential property;

**"credit control"** means all the functions relating to the collection of amounts owing to the Municipality;

**"due date"** means the date specified as such on a municipal account for any charges payable and which is the last day allowed for the payment of such charges;

**"interest"** means an amount calculated at a rate determined by the Municipality on a municipal account in arrears;

**"month"** means any one of the 12 months of a calendar year;

**"municipal account"** means an account rendered on which is billed an amount or amounts payable to the Municipality for rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation;

**"Municipality"** means the Municipality of Knysna established in terms of section 12 of the Municipal Structures [Act, 117 of 1998](#), Provincial Notice 409 dated 28 August 2000 and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof 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, agent or employee;

**"municipal manager"** means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 ([Act 117 of 1998](#));

**"municipal services"** means all municipal services and charges for which payment is required by the Municipality;

**"occupier"** means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes-

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- (e) the owner of those premises;

**"officer"** means an employee of the Municipality or any other person who is specifically authorised thereto by the Municipality to perform any act, function or duty in terms of, or exercise any power under this By-law;

**"person"** includes a legal person and an organ of state;

**"policy"** means the Council's Credit Control Policy;

**"tampering"** means any unauthorised interference with the Municipality's supply, seals and metering equipment and "tamper" has a corresponding meaning;

**"unreliable customer"** includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payments due to the Municipality or who tampers or interferes with metering equipment, seals or the supply of municipal services; and

## 2. Purpose of this By-law

The purpose of this By-law is-

- (a) To comply with the provisions of section 75A of the Municipal Systems [Act, 32 of 2000](#);
- (b) to give effect to the Council's credit control and debt collection policy, its implementation and enforcement, as required by section 98 of the Municipal Systems [Act, 32 of 2000](#); and
- (c) to give effect to the duty imposed by section 96 of the Municipal Systems Act to collect all money that is due and payable to the Council.

## 3. Municipal manager responsible officer

The Municipal Manager-

- (a) is responsible to the Executive Mayor for the implementation and enforcement of the provisions of this By-law;
- (b) must, for the purposes of paragraph (a) establish effective administrative processes and procedures to collect monies that are due and payable to the municipality and to report to council at regular intervals.

#### 4. Differentiation between consumers and exemption

- (1) In accordance with the principles embodied in the [Constitution](#) and the provisions of sections 74(3) and 75 of the Local Government: Municipal Systems Act, 2000, the Municipality may differentiate between different categories of users and consumers in regard to account holders, customers, debtors, taxes, services, service standards and other matters, however, such differentiation must at all times be reasonable, and must be fully disclosed in each annual budget.
- (2) The Municipality may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of this By-law, subject to any conditions it may impose, if the application or operation of that provision would be unreasonable, however the Municipality may not grant exemption from any section of this By-law that may result in-
  - (a) the wastage or excessive consumption of water or electricity;
  - (b) the evasion or avoidance of water or electricity restrictions;
  - (c) significant negative effects on public health, safety or the environment;
  - (d) the non-payment for services;
  - (e) the installation of pipes and fittings which are not acceptable in terms of the Municipality's prescribed standard; or
  - (f) any Act, or any regulation made under it, not being complied with.
- (3) The Municipality may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

### Chapter 1

#### Supply of municipal services and debt collection mechanisms

#### 5. Application for supply of municipal services and service agreements

- (1) Any application for any supply of services to any premises must be made at the municipal offices at least four working days prior to the service being required and must comply with the conditions determined by the Municipal Manager or his or her nominated officer.
- (2) After the commencement of this By-law only the owner of a property or his or her duly authorised agent on his or her behalf may apply for municipal services to be supplied to a property.
- (3) No services will be supplied unless and until a service agreement in the format prescribed by the municipality has been entered into and a deposit provided for in [section 7](#) has been paid.

#### 6. Credit screening

- (1) The Municipality may require of an applicant to submit information and documentary proof so as to enable the Municipality to bring its records up to date and to assess the creditworthiness of the applicant, and the Municipality reserves the right to call for an affidavit in support of any required information.
- (2) For the purposes of determining the creditworthiness of an account holder the Municipality may make use of the service of a credit bureau, or any other agency or means as the Municipal Manager or his or her nominated officer may determine from time to time.

## 7. Deposits

- (1) On approval of the application and before the service is made available, the Municipality may require the applicant-
  - (a) to deposit for municipal services with the Municipality a sum of money;
  - (b) to provide security of an approved type; or
  - (c) to agree to special conditions regarding payment of the municipal account, and monies so deposited with the Municipality will serve as security and working capital.
- (2) The Municipality reserves the right to review from time to time the amount of deposits and in its sole discretion vary the amount of such deposits.
- (3) The Municipality may, upon receipt of a written application, consider relaxation of the conditions pertaining to deposits as set out in subsections (1) and (2).
- (4) On termination of the supply of services, the amount of such deposit, plus interest, as determined by the Municipality from time to time, less any payments due to the Municipality, must be refunded to an account holder.

## 8. Billing and payment

- (1) The account holder must, until services are terminated, before the due date pay all amounts due to the Municipality as reflected in the municipal account, and the onus is on the account holder to verify the accuracy of each account.
- (2) An account holder will receive an account on which the due date for settlement of the total amount owing is reflected and such account will be rendered monthly in cycles of approximately 30 days.
- (3) Payment must be received on or before the close of business on the due date, unless payments are made to third parties in terms of [Section 8\(4\)](#).
- (4) Payment made via any of the service providers appointed by the Municipality to receive payments on its behalf, should be made at least four working days prior to the due date to enable the payment to be processed, and interest will accrue if the Municipality processes payment after the due date.
- (5) Where the account holder effects payment of an account via a service provider four working days or more before the due date and such service provider fails to furnish the Municipality with the relevant payment details, such service provider may be held liable for all charges incurred by the Municipality to recover an arrear amount erroneously reflected on the account of the account holder, as well as for interest charges.
- (6) The Municipality may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, and may render an account to an account holder for the quantity of metered services so estimated.
- (7) If an account holder is dissatisfied with an account rendered for services supplied by the Municipality, such account holder may, prior to the due date stipulated therein object to the account, setting out reasons for such dissatisfaction.
- (8) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#)), the account holder must notwithstanding such dispute make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the dispute arising after taking into account interest as well as the annual amendments of the Municipality's tariffs, provided that the provisions contained in this subsection are communicated in writing to the account holder.



- (9) An error or omission in any account or failure to render an account does not relieve the account holder of the obligation to pay by the due date.
- (10) An account holder is not entitled to a reduction of the amount payable for metered services that are lost due to a default in the meter, until such time as the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, provided that if a meter is found to comply with system accuracy requirements, the cost of conducting any such tests will be recovered from the account holder.
- (11) The Municipality may-
  - (a) consolidate any separate accounts of an account holder due to the Municipality; and
  - (b) credit any payment by an account holder against any debt of that account holder in accordance with the Knysna Municipality: Credit Control Policy and Procedures.
- (12) The owner of property may enter into an agreement with the Municipality in terms of which payment for rates is made annually, in which case payment must be made on or before the date determined by the Municipality.

## 9. Termination of service agreement

- (1) Termination of the service agreement must be in writing to the other party of the intention to do so.
- (2) Where a property is sold, an owner may terminate a service agreement by giving the Municipality not less than four working days' notice in writing.
- (3) The Municipality may, by notice in writing of not less than 14 working days, advise an account holder of the termination of the agreement for a supply of municipal services if-
  - (a) the account holder has not consumed any water or electricity during the preceding six months, or has vacated the property and has not made satisfactory arrangements for the continuation of the agreement;
  - (b) the account holder has committed a breach of this By-law and has failed to rectify such breach; or
  - (c) the Municipality cannot continue to supply the account holder with municipal services, as in terms of an arrangement with another authority supplying municipal services such authority must in future supply municipal services to the account holder.

## 10. Arrangements for payments

- (1) Should an account holder, before any of the steps have been taken in terms of [Section 11](#), not be able to pay the municipal account in full, the account holder may approach the Municipality with the aim of making arrangements to settle the account over an extended period of time and in accordance with the Policy.
- (2) An account holder referred to in subsection (1) must enter into a written agreement with the Municipality to repay the outstanding amount under the conditions and on a basis determined in the Policy.
- (3) In instances where arrangements for payment have been made the Municipality may:-
  - (a) review the deposit;
  - (b) require of an account holder to pay by means of a stop order or debit order;
  - (c) require of an account holder to convert to a pre-paid metering system; or

- (d) require any other form of security, including personal suretyship by the directors or members of a company, closed corporation, trust or body corporate.

## 11. Interest on overdue municipal accounts

- (1) The Municipality may charge or recover interest at a determined interest rate in respect of any arrear amounts due and payable to the Municipality.
- (2) Irrespective of the reason for non-payment, or where an arrangement has been made in terms of [section 10](#), interest accrues if an account is in arrears.
- (3) Interest is calculated monthly according to the interest rate approved by the Municipality, and a portion of a month is regarded as a month.
- (4) Interest is payable if payment is not received on the due date or as provided for in [section 8\(4\)](#).

## 12. Debt collection mechanisms

- (1) Where appropriate, the Municipality must at all times, and in terms of the Policy, attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date-
  - (a) delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
  - (b) informing the account holder verbally, in writing, telephonically, or by electronic means of the overdue amount and the impending disconnection or restriction of services;
  - (c) disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
  - (d) debiting the municipal account of the account holder with all relevant fees or penalties approved by the Municipality.
- (2) Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored-
  - (a) the Municipality has the right to take whatever action is required in terms of this By-law, and the account holder is responsible for the relevant fees or charges or damages caused;
  - (b) the Municipality may refuse to supply services for a period determined by the Municipality from time to time; and
  - (c) in the instance of the use of a pre-paid meter, the Municipality may cease further vending of pre-paid services.
- (3) Where a duly authorised officer of the Municipality has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection becomes payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.
- (4) The Municipality may use any one or more of the following mechanisms to secure full payment of any amounts owing to it-
  - (a) restricting or denying the sale of pre-paid services to an account holder, or disconnecting any pre-paid metering system of an account holder, who is in arrears with other services;
  - (b) requiring of the account holder to convert to another metering system;

- (c) allocating a portion of any pre-paid payment to other debts;
  - (d) releasing debtor information to a credit bureau;
  - (e) publishing a list of account holders who remain in default;
  - (f) withholding payment of a grant-in-aid and subject to the provisions of [section 24](#), excluding the account holder from the tender process;
  - (g) withholding payment on contracts for settlement of the municipal account;
  - (h) reviewing and altering the conditions of the service agreement;
  - (i) instituting legal proceedings for the recovery of the debt;
  - (j) classifying the account holder as an unreliable customer;
  - (k) using the services of external debt collection specialists or agencies;
  - (l) insisting on conversion to pre-paid metering at the cost of the account holder; or
  - (m) employing any other methods authorised by the Municipality from time to time to recover arrear amounts.
- (5) The cost of collection, where applicable, is for the account holder's account.

### 13. Metering equipment and metering of services

The Municipality may introduce various types of metering equipment and may encourage an account holder to convert to a system which is preferred by the Municipality.

### 14. Prepayment metering

- (1) The prepayment metering system is the Municipality's preferred metering system for domestic and certain business account holders and after commencement of this By-law, and where possible and applicable, prepayment meters must be installed for all new connections.
- (2) Arrear debts of consumers with prepayment meters will be dealt with in terms of the Policy.
- (3) No refund of the amount tendered for the purchase of electricity or water credit is given at the point of sale after initiation of the process by which the prepayment meter token is produced;
- (4) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer;
- (5) When an account holder vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter is made to the owner by the Municipality;
- (6) The Municipality is not liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens;
- (7) Where an account holder is indebted to the Municipality for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality; and
- (8) The Municipality may appoint vendors for the sale of credit for prepayment meters and does not guarantee the continued operation of any vendor.

### 15. Resale of water or electricity

- (1) No account holder who is supplied with metered services in terms of this By-law may sell or supply water or electricity, supplied to the account holder's premises under an agreement with

the Municipality, to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit or suffer such resale or supply to be made, unless provision has been made therefore in a special agreement or unless prior permission from the Municipality to do so has been obtained.

- (2) If the Municipality grants the permission referred to in subsection (1), it may stipulate the maximum price at which the water or electricity may be sold and impose such other conditions as it may deem fit.
- (3) Permission referred to in subsection (1) may be withdrawn at any time.
- (4) Where water or electricity is resold for use on the same premises, such resale must be in accordance with the tariff and subject to such conditions as the Municipality may decide.

## **Chapter 2**

### **Indigence relief measures and other support**

#### **16. Requirements for indigence relief**

- (1) To qualify for indigence relief, the following requirements must be met-
  - (a) The applicant must be an account holder;
  - (b) the applicant must, before a date determined by the Municipality, apply annually, or at such intervals as determined by the Municipality from time to time, to be granted the status as a poor household, and for these purposes must-
    - (i) complete and sign the prescribed forms; and
    - (ii) provide any other documentation as may be required by the Municipality from time to time;
  - (c) the applicant or a member of his or her household may not be the owner of more than one residential property and he or she must occupy the property; and
  - (d) the collective household income may not exceed the amount determined by the Municipality on an annual basis.
- (2) In the case of a tenant-
  - (a) the tenant must apply in person and may qualify for electricity, water and sewerage charges only, for which charges he or she must receive a municipal account; and
  - (b) the person receiving the rent payable by the tenant whether on the person's own account or as agent for any other person entitled thereto or interested therein, is responsible for rates and refuse charges.
- (3) In the instance where the account holder is deceased, the existing accounts of the household will continue under the indigence relief measures, on condition that only the surviving spouse or dependent children may apply and provided further that such application for the continuance of the indigence relief measures is submitted within 3 months of the date of death.
- (4) For the purposes of subsection (1)(c) vacant land does not qualify as a property.

#### **17. Credit given**

- (1) Households that qualify for indigence relief measures may receive a rebate for some or all of the following, as determined by the Municipality from time to time-
  - (a) A quantity of electricity;
  - (b) a quantity of water;

- (c) refuse removal charges;
  - (d) sewerage charges;
  - (e) rates; or
  - (f) any other service fees, taxes or charges over and above the rendered services.
- (2) The Municipality has the right to visit the property mentioned in [section 16\(1\)\(c\)](#) at any reasonable time for the purposes of auditing an application.
- (3) The normal rates, fees and charges and the requirement to pay an account will apply should a household account exceed the credit given.

## **18. Committee for debtors support**

- (1) The Municipality may establish a Committee for Debtors Support to allow for input by councillors in legal matters that have reached the sale-in-execution stage as a result of non-payment of rates and service charges.
- (2) All cases that reached the sale-in-execution stage in the legal process will be referred to the Committee for Debtors Support.
- (3) The work of the Committee for Debtors Support will be guided by the principles set out in the Policy.

## **19. Application for social rebate**

The Municipality may upon receipt and consideration of written applications from those who qualify in terms of the Knysna Municipality Indigent Support Policy, grant a social rebate to persons receiving a government pension, government disability pension or government old age pension.

## **20. Rate deferment**

The Municipality may grant a rate deferment to pensioners, provided that the conditions set out in the Rates Policy are complied with.

# **Chapter 3 Enforcement**

## **21. The Municipality's powers to restrict or disconnect supply of services**

The Municipality may, over and above the provisions of any other provisions in this By-law restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises if-

- (a) an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 ([Act 37 of 1944](#)), in respect of an account holder;
- (b) an account holder of any service fails to comply with a condition of supply imposed by the Municipality;
- (c) an account holder obstructs the efficient supply of electricity, water or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which is dangerous or a contravention of relevant legislation; or

- (f) an account holder is placed under provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 ([Act 24 of 1936](#)).

## **22. Tampering, unauthorised connections and reconnections, and improper use**

- (1) The Municipality reserves the right to monitor the service network for signs of tampering or irregularities and may do so in terms of the Policy as well as any other manner reasonably required to detect signs of tampering or irregularities.
- (2) No person may 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.
- (3) Where prima facie evidence exists of an account holder or any person having contravened subsection (2), the Municipality has the right to disconnect the supply immediately and without prior notice to the account holder, and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.
- (4) Where an account holder or any person has contravened subsection (2) and such contravention has resulted in the meter recording less than the true consumption, the Municipality has the right to recover from the account holder the full cost of his or her estimated consumption.

## **23. Clearance certificate**

To effect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate, which certificate is obtainable from the Municipality, upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 ([Act 32 of 2000](#)) being met.

## **24. Tenders and grants-in-aid**

- (1) The Municipality may require that each tender submitted to the Municipality must be accompanied by a certificate from the Municipality stating that the proposed supplier is not indebted to the Municipality for any arrear amount reflected on the municipal account.
- (2) Should a proposed supplier be so indebted, the Municipality may disallow the tender.
- (3) The Municipality may only consider a tender once the proposed supplier has made satisfactory arrangements to pay the outstanding amount by means of instalments, or has settled all arrear amounts in full.
- (4) The Municipality may in the conditions of the contract, provide for the deduction from moneys owed to the supplier in order to settle any outstanding amount.
- (5) Payment of any grants-in-aid approved by the Municipality may be withheld pending payment of any outstanding municipal account, or pending an agreement between the Municipality and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

## **25. Power of the Municipality to recover costs**

- (1) Where a bank dishonours any payment made to the Municipality, the Municipality may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.
- (2) All legal costs, including attorney-and-client costs incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 ([Act 32 of 1944](#)), must be levied against the arrears account of the account holder.

- (3) For any action taken in demanding payment from an account holder or reminding an account holder that payments are overdue, a fee will be levied against the municipal account of the account holder in terms of the Municipality's tariff provisions.

## 26. Prima facie evidence

A certificate reflecting the amount due and payable to the Municipality, signed by an authorised municipal officer of the Municipality, is upon mere production thereof prima facie evidence of the indebtedness of the person mentioned in it.

## 27. Abandonment of bad debts, and full and final settlement of account

- (1) Before terminating the debt collection procedure in any individual instance, the Municipality must-
  - (a) ensure that all debt collection mechanisms as provided for in [section 12](#) have been utilised where reasonable;
  - (b) maintain an audit trail; and
  - (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments.
- (2) The Municipality may in writing accept a lesser amount in full and final settlement of an amount due should it be in the interest of the Municipality.
- (3) Where the amount due and payable to the Municipality has not been paid in full, any lesser amount tendered to and accepted by any municipal employee, except the municipal manager or the municipal manager's delegate, shall not be deemed to be in full and final settlement of such an amount.

## 28. Power of entry and inspection

- (1) A duly authorised representative of the Municipality may for any reason related to the implementation or enforcement of this By-law at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.
- (2) If the Municipality considers it necessary for work to be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may-
  - (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
  - (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention has taken place, the Municipality must bear the expense connected therewith together with that of restoring the premises to their former condition.

## 29. Authentication and service of orders, notices and other documents

- (1) An order, notice or other document requiring authentication by the Municipality must be signed by the municipal manager or by a duly authorised officer of the Municipality, such authority being conferred by resolution of the Municipality or by a By-law or regulation, and when issued by the Municipality in terms of this By-law is deemed to be duly issued if it is signed by an officer authorised by the Municipality.



- (2) An order, notice or other document requiring authentication by the Municipality must be sufficiently signed by an authorised official.
- (3) Any notice or other document that is served on a person in terms of this By-law is regarded as having been served when it is served in accordance with section 115(1) of the Local Government: Municipal Systems Act, [Act 32 of 2000](#).
- (4) Service of a copy shall be deemed to be service of the original.
- (5) 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.

## Chapter 4

### Miscellaneous provisions

#### 30. Right of appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, [Act 32 of 2000](#) to the municipal manager within 21 days of the date of the notification of the decision.

#### 31. Offences and penalties

A person is guilty of an offence and liable upon conviction to a period not exceeding six months of community service or a fine or a combination of the aforementioned if he or she-

- (a) fails to give access required by an officer in terms of [section 28](#);
- (b) obstructs or hinders an officer in the exercise of his or her powers or the performance of functions or duties under this By-law;
- (c) uses or interferes with the Municipality's equipment for consumption of services supplied;
- (d) fails or refuses to give the Municipality or an officer such information as the Municipality or the officer may reasonably require for the purpose of exercising powers or functions under this By-law, or gives the Municipality or the officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of this By-law; or
- (f) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason determined by the municipal manager causes a meter not to register the services used properly, and the person shall furthermore be charged for usage of electricity or water, as the case may be.

#### 32. Transitional provision

A person who has been the owner of property within the Municipality before the commencement of this By-law must, if required by the Municipality and within a period determined by the Municipality, after the commencement of this By-law, enter into a new service agreement with the Municipality in terms of which such owner undertakes to be solely responsible for any municipal charges relating to each of such owner's properties, failing which the supply of services to the property may be discontinued.

#### 33. Saving provisions and repeal

The provisions of any By-laws adopted by the Knysna Municipality or its legal predecessors disestablished in terms of section 3(1) of [Provincial Notice 409 of 2000](#) dated 28 August 2000, and in force immediately before the commencement of this By-law are hereby repealed as far as they relate to matters provided



for in this By-law, including By-laws promulgated by any of the administrative units of the former Local Authorities now incorporated in the Knysna Municipality.

#### **34. Short title and commencement**

This By-law may be cited as the Knysna Municipality Credit Control, Debt Collection and Indigent Support By-laws and come into operation upon publication in the Provincial Gazette.