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GENERAL NOTICE

NOTICE 292 OF 2009

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO.6 OF 2004): AMENDMENT OF THE MUNICIPAL PROPERTY RATES REGULATIONS, 2006

The Minister of Provincial and Local Government intends amending the Municipal Property Rates Regulations as published in Government Notice No. R. 1036 of 18 October 2006, as set out in the Schedule. The amendments are hereby published for public comment in accordance with section 84 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004). Any person wishing to comment on the proposed amendment is invited to submit written comments to:

The Director-General
Attention: Ms Veronica Mafoko
Department of Provincial and Local Government
Private Bag X804
PRETORIA
0001

Comments may be faxed to (012)334-4811 or emailed to mpra@dplg.gov.za

No comments, which are received after 25 March 2009 will be considered.

SCHEDULE

Amendment of the Municipal Property Rates Regulations (hereinafter referred to as the "Regulations")

1. The Arrangement of Regulations is hereby amended by the addition of the following Chapter after Regulation 11 of Chapter 11:

"CHAPTER 12

FRAMEWORK FOR CONDONATION OF NON-COMPLIANCE WITH PROVISIONS OF THE ACT

12. Framework contemplated in section 80 of the Act.
13. Short title"

2. The Regulations are hereby amended by the insertion of the following new Chapter 12 after regulation 11:

CHAPTER 12

FRAMEWORK FOR CONDONATION OF NON-COMPLIANCE WITH PROVISIONS OF THE ACT

Framework contemplated in section 80

12(1) An MEC for local government may, within the framework set out hereunder, condone the non-compliance with a provision of the Act requiring any act to be done within a specified period or permitting any act to be done only within a specified period, having regard to -

(a) the fair and effective administration of the Act (good governance);

(b) the merits of each case (reasonableness)

(c) the institutional, financial and other matters having a bearing on the capacity of the municipality to discharge its duties in relation to the implementation of the Act,
(d) whether the municipality is progressively making improvements on matters of compliance related to the meeting of timeframes in terms of the Act, including where applicable, the fulfilment of previously imposed conditions by the MEC; or
(e) any other matter that is considered relevant and is not inconsistent with the provisions of the Act

(2)An application for condonation for the submission of a valuation roll after the period referred to in regulation 3(1), must be made where possible, as soon as the municipality becomes aware that it will fail to comply with the provisions of the period for the submission of a valuation roll. Such application must reach the MEC not later than 90 days before the date of implementation of the valuation roll.

(3)The condonation of an MEC for the late submission of a valuation roll to the Municipal Manager must not result in the provisions of section 32(1)(a) of the Act not being complied with.

ISAZISO SIKAWONKEWONKE

NOTICE 292 OF 2009

UMNYANGO WOHULUMENI BEZIFUNDAZWE NABEZINDAWO

UHULUMENI WEZINDAWO: UMTHETHO KAMASIPALA WENTELA YOBUNINIMHLABA WEZ-2004 (UMTHETHO ONGUNOMBOLO 6 WEZI-2004): UKUCHITSHIYELWA KWEMITHETHOMIGOMO KAMASIPALA YENTELA YOBUNINIMHLABA YEZI-2006

UNgqongqoshe wezohulumeni bezifundazwe nabezindawo uhlongoza ukuchibiyela Imithethomigomo yezentela yobuninimhlaba njengalokhu ishicilelwe Esazisweni sikaHulumeni esingunombolo R. 1036 sangomhla 8 kuMfumfu 2006, njengalokhu kubekwe kuSheduli. Izichibiyelo zishicilelelwa ukuze umphakathi uphawule ngazo njengalokhu kulawula isigaba sama-84 soHulumeni beziNdawo: uMthetho kaMasipala Wentela yoBuninimhlaba wezi-2004 (uMthetho ongunombolo 6 wezi-2004). Noma yimuphi umuntu ofisa ukuphawula ngokuchibiyela okuhlongozwayo uyamenywa ukuba athumele imibono yakhe kuleli kheli elilandelayo:

Mqondisi-Jikelele
Ku : Ms Veronica Mafoko
Department of Provincial and Local Government
Private Bag X804
PRETORIA
0001

Imibono ingathunyelwa ngefeksi enombolweni ethi (012)334-4811 noma ekhelini le-email elithi mpra@dplg.gov.za

Imibono eyemukelwe sekwedlule umhla zingama 25 March 2009 ngeke icutshungulwe.

ISHEDULI

Ukuchitshiyelwa kweMithethomigomo yoMasipala Yentela yoBuninimhlaba (ebuye yaziwe "ngeMithethomigomo")

2. Ukuhleleka kweMithethomigomo kuyachitshiyelwa ngokwengeza lesi Sahluko esilandelayo emva koMthethomgomo we-11 weSahluko se-11.

"ISAHLUKO SE-12

UHLAKA LOKUXOLELA ABANGALANDELANGA IZIMISO ZOMTHETHO

12. Uhlaka njengalokhu lukhonjiswe esahlukweni sama-80 soMthetho.
13. Isihloko ngokufingqiwe"

2. IMithethomigomo iyachitshiyelwa ngokufaka iSahluko se-12 emva komthethomgomo we-11:

ISAHLUKO SE-12

UHLAKA LOKUXOLELA ABANGALANDELANGA IZIMISO ZOMTHETHO

Uhlaka njengalokhu lukhonjiswe esigabeni sama-80

12 (1) UMphathiswa (MEC) wohulumeni bezindawo, ngokusebenzisa uhlaka oluhlelwe ngezansi, angaxolela abangalandelanga izimiso zoMthetho ezilawula ukuthi noma yini okumele yenziwe kumele yenziwe ngesikhathi esinqunyiwe noma avumele noma yini okumele yenziwe kuphela ngaleso sikhathi esinqunyiwe, ngokubheka

(a) ukusingathwa koMthetho ngokungenzeleli nangempumelelo (ukuphatha okuqotho);

(b) ukubheka isimo ngasinye (ukufaneleka);
(c) ukubheka isakhiwo, ezezimali kanye nezinye izindaba ezihlobene namandla kamasipala okwenza imisebenzi yawo ehlobene nokuphunyeleliswa koMthetho.
(d) Mayelana nokuthi umasipala isimo sakhe sokwenza ngcono ezindabeni zokulandela izimiso ezisemthethweni okuthintene nokugcina isikhathi esibekiwe njengalokhu kulawula uMthetho, kuhlanganisa, uma kunokwenzeka, nokugcina izimiso zesikhathi esedlule ezibekwe ngu-MEC;

Noma

(2) kumele kufakwe isicelo sokuxolelwa (uma kunesidingo) sokuthunyelwa kukasomqulu wohlu lwezihlaziyo emva kwesikhathi esibalulwe kumthethomgomo 3(1), masishane nje ngesikhathi umasipala ebona ukuthi ngeke akwazi ukuhlangabezana nezimiso zesikhathi sokuthunyelwa kohlu lwezihlaziyo. Izicelo ezinjalo kumele zifinyelele ku-MEC zingakapheli izinsuku ezingama-90 ngaphambi kokuqaliswa kohlu lwezihlaziyo

(3) Ukuxolela kuka-MEC okubhekiswe kuMenenja kaMasipala kokuthunyelwa kohlu lwezihlaziyo (valuation roll) ezisalelwe yisikhathi akumele kudale ukuthi izinhlinzeko zesigaba sama-32 (1)(a) zingalandelwa.