

Drakenstein, South Africa

Tariff

Legislation as at 28 June 2013

FRBR URI: /akn/za-wc023/act/by-law/2013/tariff/eng@2013-06-28

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PDF created on 19 April 2024 at 08:26.

Collection last checked for updates: 12 April 2024.

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Tariff

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Drakenstein South Africa

Tariff By-law, 2013

[Published in Western Cape Provincial Gazette 7144 on 28 June 2013](#)

Commenced on 1 July 2013

[This is the version of this document from 28 June 2013 and includes any amendments published up to 12 April 2024.]

WHEREAS section 229(1) of The [Constitution of the Republic of South Africa](#), No 108 of 1996 authorises a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality; and, if authorised by national legislation, other taxes, levies and duties.

AND WHEREAS section 75A of the Local Government: Municipal Systems [Act, No 32 of 2000](#), authorises a municipality to levy and recover fees, charges or tariffs in respect of any function or services of the municipality; and, to recover collection charges or interest on any outstanding amount.

AND WHEREAS section 74(1) of the Systems Act requires from a municipal council to 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, No 56 of 2003](#) and any other applicable legislation.

AND WHEREAS section 75(1) of the Systems Act, requires from a municipal council to adopt a by-law to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS section 75(2) of the Systems Act, determines that the by-law adopted may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiations does not amount to unfair discrimination;

NOW THEREFORE be it enacted by the municipal council of the Municipality of Drakenstein as follows:

1. Interpretation

In this By-Law, the English text prevails in the event of any conflict with the Afrikaans or Xhosa texts, and, unless the context otherwise indicates -

"**Constitution**" means The [Constitution of the Republic of South Africa](#), No 108 of 1996;

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

"**Municipality**" means the Drakenstein Municipality;

"**Systems Act**" means the Local Government: Municipal Systems [Act, No 32 of 2000](#);

"**Tariff**" means fees, charges, or any other tariff 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, No 6 of 2004](#); and

"**Tariff policy**" means a tariff policy adopted by the Municipality in terms of this by-law.

2. Adoption and implementation of tariff policy

- (1) The Municipality shall 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, No 53 of 2003](#) and any other applicable legislation.

- (2) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

3. Contents of tariff policy

The Municipality's tariff policy shall, *inter alia* -

- (1) Apply to all tariffs imposed by the Municipality pursuant to the adoption of the Municipality's annual budget;
- (2) 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;
- (3) Specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- (4) 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; and
- (5) Include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy.

4. Enforcement of tariff policy

The Municipality's tariff policy shall be enforced through the Customer Care, Credit Control, Debt Collection and Indigent Support By-Law and Policy and any further enforcement mechanisms stipulated in the Municipality's tariff policy.

5. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

6. Short title

This By-Law shall be called the Tariff By-Law of the Drakenstein Municipality, 2013

7. Operative date

This By-Law shall take effect on 1 July 2013.