Kannaland, South Africa

Tariff

Legislation as at 23 July 2021

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Tariff

Contents

1. Preamble 1

2. Interpretation 1

3. Objective 2

4. Adoption and implementation of the Tariff Policy 2

5. Contents of the Tariff Policy 2

6. Enforcement of the Tariff Policy 2

7. Repeal 2

8. Interpretation 2

9. Operative date 3

Kannaland
South Africa

Tariff By-law, 2021

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[Repealed by Tariff on 7 July 2022]

Notice is given in terms of section 75(1) of the Municipal Systems Act 32 of 2000 that the following Tariffs By-law was approved by the Kannaland Municipal Council on 6 July 2021.

1. Preamble

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 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 Municipal Finance Management Act 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 section 75(1) of the Systems Act 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.

2. Interpretation

"**Constitution**" means the Constitution of the Republic of South Africa.

"**Credit Control and Debt Collection Policy**" means the Municipality's Customer Care, Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

"**Finance Management Act**" means the Local Government: Municipal Finance Management Act, (Act 53 of 2003).

"**Municipality**" means the Kannaland Municipality (WC041).

"**Systems Act**" means the Local Government: Municipal Systems Act, (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: Property Rates Act, (Act 6 of 2004).

"**Tariff List**" means the list of the Tariffs applicable and in respect of any function or service provided by the Municipality. This list is approved by Council during the annual budget process.

"**Tariff Policy**" means the Tariff Policy adopted by the Municipality in terms of this By-Law.

3. Objective

The objective of this By-Law is to give effect to the implementation of the Tariff Policy as contemplated in section 74(1) of the Systems Act.

4. Adoption and implementation of the 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 Municipal Finance Management Act and any other applicable legislation.
2. The Municipality shall not be entitled to impose tariffs other than in terms of the valid Tariff Policy.

5. Contents of the Tariff Policy

The Municipality's Tariff Policy shall, *inter alia*:

1. Apply to all the tariffs (as per the Tariff List) 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 paragraph 4(2) above are to be implemented in terms of the Tariff Policy.
4. Specify the basis of differentiation, if any, for tariff purposes between the different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.
5. Include such further enforcement mechanism, if any, as the Municipality may wish to impose in addition to those contained in the Customer Care, Credit Control and Debt Collection Policy.

6. Enforcement of the Tariff Policy

The Tariff Policy shall be enforced through the Customer Care, Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Municipality's Tariff Policy.

7. Repeal

The provisions of any by-laws relating to Tariffs by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

8. Interpretation

This By-Law must be read in conjunction with the Tariff Policy.

9. Operative date

This By-Law is the Tariff By-Law of Kannaland Municipality and shall take effect on the date on which it is published in the *Provincial Gazette*.