Johannesburg, South Africa

Credit Control and Debt Collection By-law, 2004

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Credit Control and Debt Collection By-law, 2004
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Johannesburg
South Africa

Credit Control and Debt Collection By-law, 2004

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The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Credit Control and Debt Collection By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

Chapter 1
Definitions and application

1. Definitions

In these By—laws any word or expression to which a meaning has been assigned in the

Act bears the same meaning, and unless the context otherwise indicates —

"**account**" means a notification by means of a statement of account to a person liable for payment of any amount for which he or she is liable to pay the Council in respect of the following :

(a) Electricity consumption based on a meter reading or estimated consumption or availability fees;

(b) water consumption based on a meter reading or estimated consumption or availability fees;

(c) refuse removal and disposal;

(d) sewerage services and sewer availability fees;

(e) rates;

(f) interest; and

(g) miscellaneous and sundry fees and collection charges;

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

"**arrears**" includes collection charges and interest in respect of the principal amount in arrears;

"**authorised official**" means any official or agent of the Council who has been authorised by it to administer, implement and enforce the provisions of these By—laws;

"**availability fee**" means a fee as contemplated in sections 81(1), 83(1)(c) and 141(b) of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), or any other law;

"**by-law**" means a by—law adopted and promulgated by the Council;

"**City Manager**" means —

(a) the person appointed by the Council as the Municipal Manager in terms of section 82 of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or

(b) in relation to a service provider referred to in paragraph (d) of the definition of "Council", the chief executive officer of that service provider.

"**collection charges**" means charges which may be recovered by the Council in terms of section 75A of the Act, and includes —

(a) the cost of reminding customers of arrears;

(b) the cost of the termination, restriction and reinstatement of municipal services;

(c) the costs of any notice rendered, sent or delivered in terms of these By-laws;

(d) the costs and administration fees contemplated in section 22;

(e) all legal costs, including attorney and client costs, incurred in the recovery of arrears; and

(f) any commission and other expenses relating to the recovery of arrears payable by the Council to any person or partnership.

"**Council**" means —

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000, as amended, exercising its legislative and executive authority through its municipal council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By—laws has been delegated or sub—de|egated, or an instruction given, as contemplated in section 59 of the Act; or

(d) a service provider fulfilling a responsibility under these By—laws, assigned to it in terms of section 81 (2) of the Act, or any other law,

as the case may be;

"**customer**" means any occupier of premises to which the Council has agreed to provide or is actually providing any municipal service, or if there is no occupier, the owner of the premises concerned;

"**fee**" means a fee prescribed for or in respect of any municipal service;

"**municipal service**" means any or all of the services specified in subparagraphs (i) to (iv), inclusive, of section 2(1)(b);

"**occupier**" means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies;

"**owner**" —

(a) in relation to a property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of "property", means a person in favour of whom the right is registered;

(c) in relation to a right referred to in paragraph (c) of the definition of "property", means a person in favour of whom the right is registered or to whom it was granted in terms of any law; and

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure,

and includes a person who the Council may for the purpose of these By—laws regard as the owner of a property in the following cases:

(i) A trustee, in the case of a property in a trust, but excluding state trust land in relation to rates contemplated in the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004);

(ii) an executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or the owner of which is in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose favour a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

(vii) a lessee, in the case of a property that is registered in the name of the Council and is let by it; or

(viii) a buyer, in the case of a property that was sold by the Council and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

"**Policy**" means the Credit Control and Debt Collection Policy adopted by the Council;

"**prescribed**" means prescribed by the Council from time to time, by resolution;

"**premises**" means any piece of land, with or without any building or structure thereon, the external surface boundaries of which are delineated on —

(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986),

which is situated within the area of jurisdiction of the Council;

"**property**" means -

(a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

(b) a right registered against immovable property in favour of a person, excluding a mortgage bond registered against the property;

(c) a land tenure right registered in favour of a person or granted to a person in terms of any law; or

(d) public service infrastructure;

"**rates**" means a municipal rate on property levied in terms of the Local Government : Municipal Property Rates Act, 2004 (Act No. 6 of 2004), or any prior law; and

"**working days**" means every day, other than a Saturday, Sunday or public holiday.

2. Application of By-laws

(1) These By-laws only apply in respect of amounts of money due and payable to the Council for —

(a) rates;

(b) fees and surcharges on fees in respect of the following municipal services :

(i) The provision of water and the availability thereof;

(ii) refuse removal and disposal;

(iii) sewerage and the availability thereof; and

(iv) electricity consumption and the availability thereof;

(c) interest which has or will accrue in respect of any amount of money due and payable or which will become due and payable to the Council in regard to rates and municipal services; and

(d) collection charges;

(2) These By-laws also apply to any municipal service provided through pre-paid meters, in so far as the By-laws may be relevant.

Chapter 2
Service agreements and terms and conditions of the provision of municipal services

3. Provision of municipal services to applicants

(1) No municipal service may be provided to any applicant, unless and until —

(a) application for the service has been made in writing on a form substantially similar to the form prescribed;

(b) any information and documentation required by the Council have been furnished;

(c) a service agreement, in a form substantially similar to the form of agreement prescribed, has been entered into between the customer and the Council; and

(d) an amount equal to the amount prescribed, in cash or a bank cheque, has been deposited as security or other acceptable security, as prescribed, has been furnished.

(2) If an applicant for a municipal service is an existing customer of the Council in respect of any other municipal service in respect of which any amount is in arrears

(i) such arrears must be paid; or

(ii) an agreement for payment of the arrears in terms of section 21 must have been entered into and payment in terms thereof must not be in arrears,

before an application for a new service in terms of this section may be considered.

(3) The Council may at any time require a customer to increase a deposit paid or security furnished in terms of subsection (1)(d);

(4) No interest is payable on any amount deposited in terms of subsection (1)(d) or (3).

4. General terms and conditions for the provision of municipal services

The general terms and conditions for the provision of any municipal service set out in a service agreement contemplated in section 3(1)(c) are deemed to be incorporated in these By-laws and apply to the provision of such service to any customer.

5. Estimated consumption

The Council may have an estimate made of the consumption of water or electricity for any relevant period if —

(a) no meter reading could be obtained in respect of the period concerned; or

(b) no meter has been installed to measure the consumption on the premises concerned,

and the customer concerned is liable for payment of the prescribedfee in respect of such estimated consumption.

6. New service agreements and deposits or security by existing customers

(1) Any existing customer, or the trustee, liquidator, judicial manager or curator of such customer, may be required by the Council to enter into a new service agreement to replace an existing agreement of the customer concerned, and to pay a deposit or furnish security contemplated in section 3, notwithstanding the fact that a service agreement was previously entered into in respect of the municipal service concerned and the provisions of section 3(3) apply in respect of such new agreement.

(2) The provisions of section 3(4) apply to a deposit referred to in subsection (1).

7. Termination of service agreements

(1) Subject to the provisions of sections 13 and 21 —

(a) a customer may terminate an agreement for the provision of any municipal service by notice in writing of not less than seven working days to the Council, of his or her intention to do so;

(b) the Council may, subject to compliance with the provisions of these By-laws and any other applicable law, by notice in writing of not less than 14 working days, to a customer, terminate his or her agreement for the provision of the municipal service concerned, if the customer —

(i) has not used the municipal service during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement; or

(ii) has failed to pay any prescribedfee or arrears clue and payable in respect of the municipal service concerned; or

(iii) has made an arrangement with another services provider to provide the municipal service concerned to the customer; or

(iv) has vacated the premises to which the agreement concerned relates.

(2) A customer to whom notice has been given in terms of subsection (1)(b), may within the period of 14 working days referred to in that subsection, make written representations to the Council why the agreement concerned should not be terminated and if such representations are unsuccessful, either wholly or in part, the agreement concerned may only be terminated if the decision on such representations justifies it.

Chapter 3
Account Administration

8. Accounts

(1) Accounts must be rendered and administered in accordance with the Policy, other prescribed requirements and any other law.

(2) The Council may, in accordance with the provisions of section 102 of the Act —

(a) consolidate any separate accounts of a customer liable for payments in terms of these By—laws to the Council;

(b) credit any payment by such customer against any account of that customer; and

(c) implement any of the debt collection and credit control measures provided for in these By—laws in relation to any arrears on any of the accounts of a customer.

(3) The amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will, subject to the provisions of section 19(1), be allocated in reduction of the consolidated debt in the order prescribed.

(4) (a) Any amount paid by a customer in excess of an existing debt may be held in credit for the customer in anticipation of future rates and fees for municipal services or for the purposes contemplated in section 14(b).

(b) No interest is payable on any amount contemplated in paragraph (a).

9. Account information

Accounts must contain at least the following —

(a) the consumption or estimated consumption of water and electricity as determined for the measuring or consumption period;

(b) the measuring or consumption period for water and electricity;

(c) the amount due based on the measured or estimated consumption;

(d) the amount due and payable for any other municipal service;

(e) the amount in arrears, if any;

(f) the interest payable on any arrears, if any;

(g) collection charges insofar as they may be relevant;

(h) the final date for payment; and

(i) the methods, places and approved agents where payment may be made.

10. Account administration

The Council must, subject to the provisions of section 5, endeavour to ensure —

(a) accurate metering of consumption at fixed intervals with the minimum delay between service connection and first and subsequent rendering of accounts;

(b) accurate and up-to-date information in accounts;

(c) accurate monthly accounts with the application of the appropriate and correct prescribed fees, rates and other related amounts due and payable;

(d) the timely dispatch of accounts;

(e) adequate provision and the efficient operation of facilities for payment throughout the municipal area;

(f) the appointment of agents to accept payments on behalf of the Council; and appropriate hours of business in order to facilitate account payments.

11. Queries or complaints in respect of accounts

(1) A customer may lodge a query or complaint in respect of the accuracy of any amount due and payable in terms of an account rendered to him or her in terms of these By-laws.

(2) A query or complaint must be lodged with the Council before or on the due date for payment specified in the account concerned, or as soon as reasonably possible thereafter.

(3) If a query or complaint contemplated in subsection (1), is lodged —

(a) before the due date for payment specified in the account concerned, an amount at least equal to the average amount that was due and payable in respect of rates or the municipal service concerned, as specified in the accounts for the preceding three months which are not in dispute, must be paid by the customer concerned before or on such due date; or

(b) after the due date for payment specified in the account concerned, such query or complaint must if the full amount in dispute has not been paid, be accompanied by at least the amount contemplated in paragraph (a); and

(c) before or after the due date for payment specified in the account concerned, the customer concerned must pay the full amount of any account, insofar as it relates to rates or the municipal service concerned, rendered in respect of a subsequent period, before or on the due date for payment specified in such account, except insofar as that account may incorporate the amount in dispute.

(4) An authorised official must register the query or complaint and provide the customer with a reference number.

(5) The Council must -

(a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was received; and

(b) inform the customer, in writing, of its decision as soon as possible after conclusion of the investigation, instructing that any amount found to be due and payable must, subject to the provisions of section 21, be paid within 21 days from the date on which the customer is notified thereof, unless an appeal is lodged within that period in terms of subsection (6) or section 12.

(6) A customer may, subject to the provisions of section 12, lodge an appeal with the City Manager in terms of section 62 of the Act against a decision referred to in subsection (5), within 21 days of the date of the notification of the decision.

(7) The Council must inform the customer concerned in writing of the decision on the appeal, instructing that any amount found to be due and payable, must be paid within seven days from the date on which the customer is notified thereof.

12. Appeals against decision by service providers on queries and complaints

[Some parts of Section 12 are not clear in the original source document. Please take care with this section.]

(1) If a decision contemplated in section 11(5) has been made in respect of municipal service provided by a service provider referred to in paragraph (d) in the definition of Council in section 1, a customer may lodge an appeal against the decision by giving written notice of the appeal and reasons to the chief executive officer of the service provider concerned, within 21 days of the date of notification of the decision.

(2) The chief executive officer must promptly submit the appeal to the app? appeal authority specified in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke a decision, but no such variation or revocation may detract from any rights that have accrued as a result of the decision.

(4) If an appeal is against a decision taken by —

(a) a staff member, other than the chief executive officer, the chief executive officer is the appeal authority;

(b) the chief executive officer or any committee of the service provider -

(i) the board of directors of the service provider; or

(ii) a committee of directors who were not involved in the ? concerned and appointed by the board of directors for this ? is the appeal authority.

(5) An appeal authority contemplated in subsection (4), must commence appeal within 42 days after submission of the appeal and decide the appea? a reasonable period.

(6) A service provider must comply with the provisions of section 11(7).

13. Arrear accounts

[Some parts of Section 13 are not clear in the original source document. Please take care with this section.]

(1) If a customer fails to pay an amount due and payable for any municipal ser? rates on or before the due date for payment specified in the account conc? final demand notice may be sent to the customer.

(2) A final demand notice referred to in subsection (1), must contain the followi

(a) the amount in arrears and any interest payable, and a statement that p must be made within 14 days of the date of the final demand notice;

(b) that the customer may in terms of section 21, within the period conte in paragraph (a), conclude a written agreement with the Council for p of the arrears in instalments;

(c) that if no such agreement is entered into within the period stipulated in paragraph (b), the municipal service concerned may be terminated or restricted and that legal action may be instituted for the recovery of any amount in arrear without further notice;

(d) that the customer's name may be made public, and may be listed with a credit bureau in terms of section 20(1)(a);

(e) that the account may be handed over to a debt collector or attorney for collection;

(f) that proof of registration as an indigent person in terms of section 23 and any other documentation required by the Council must be furnished to the Council on or before the date for payment contemplated in paragraph (a);

(g) that an indigent person referred to in paragraph (f) is only entitled to benefits relating to municipal services as stipulated in the Council's policy relating to the supply of municipal services to indigent persons; and

(h) that the customer has an opportunity to make representations in writing on any matter referred to in a final demand notice within the period of 14 days contemplated in paragraph (a).

14. Action to secure payment

The Council may, in addition to the normal civil legal steps to secure payment of any arrears , take the following action to secure payment of such amount :

(a) The termination or restriction of the provision of any municipal service in terms of section 15; and

(b) the allocation of the whole or a portion of a payment of an account, or the whole or a portion of a pre—payment for future accounts as contemplated in section 8(4)(a), as payment for arrear municipal service fees or rates, in terms of section 19.

15. Power to terminate or restrict provision of municipal services

(1) For the purposes of subsection (2), a final demand notice means a notice contemplated in sections 11(5)(b), 11(7), 12(6) and 13(1).

(2) Subject to the provisions of subsection (4), the Council may terminate or restrict the provision of water or electricity, or both, whichever service is relevant, in terms of the termination and restriction procedures prescribed or contained in any law, to any premises if the customer in respect of the municipal service concerned

(a) fails to make full payment of arrears specified in a final demand notice sent to the customer concerned, before or on the date for payment contemplated in sections 11(5)(b), 11(7), 12(6) or 13(1), whichever is applicable, and no circumstances have arisen which require the Council to send a further final demand notice to that customer in terms of any of those sections, and the customer —

(i) fails to enter into an agreement in terms of section 21, in respect of the arrears concerned before termination or restriction of the service concerned; or

(ii) fails to submit written proof of registration as an indigent person in terms of section 23, before such termination or restriction;

(b) fails to pay any instalment payable in terms of an agreement referred to in paragraph (a)(i) before or on the due date;

(c) fails to comply with any condition or provision in respect of the supply of electricity or water, as the case may be, imposed by the Council;

(d) obstructs the efficient provision of electricity or water to another customer;

(e) provides electricity or water to a person who is not entitled thereto or permits such provision to continue;

(f) causes a situation relating to electricity or water which, in the opinion of the Council, is dangerous or constitutes a contravention of any applicable law, including the common law;

(g) in any way reinstates the provision of a previously terminated or restricted electricity or water service;

(h) is placed under provisional sequestration, provisional liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) or is subject to an administration order granted in terms of section 74 of the Magistrates Court Act, 1944 (Act No. 32 of 1944), and there is a failure to enter into a new service agreement within 14 days of the Council requiring such service agreement in terms of section 6.

(3) The Council may send a termination notice or a restriction notice to a customer informing him or her —

(a) that the provision of the municipal service concerned will be, or has been terminated or restricted on the date specified in such notice; and

(b) of the steps which can be taken to have the municipal service concerned reinstated.

(4) Any action taken in terms of subsections (2) and (3) is subject to compliance with -

(a) sections 3 and 4 of the Water Services Act, 1997 (Act No. 108 of 1997), if the provision of water is involved;

(b) the relevant provisions of the Electricity Act, 1987 (Act No. 41 of 1987), if the provision of electricity is involved;

(c) the relevant provisions of the Health Act, 1977, (Act No. 63 of 1977), and any regulations made in terms of that Act; and

(d) the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), in so far as it is applicable.

16. Reinstatement of municipal services

(1) The Council must reinstate full levels of provision of any electricity or water service terminated or restricted in terms of section 15 after ~

(a) the full amount of arrears has been paid; or

(b) an agreement for payment of the arrears contemplated in paragraph (a) has been entered into in terms of section 21; or

(c) the full amount of arrears in respect of any agreement entered into in terms of section 21, and any increased deposit, have been paid, or any additional security required has been provided,

and any other condition of the Policy that the Council may consider appropriate, has been complied with.

(2) Any reinstatement in terms of subsection (1) may only be done after an authorised official has issued a written certificate of authorisation to the effect that every applicable condition contemplated in subsection (1) has been complied with and that the municipal service concerned may be reinstated.

17. Interest

All arrears in respect of accounts for rates and municipal services bear interest at a rate prescribed.

18. Collection charges

Collection charges, prescribed where relevant, may be levied against a customer in respect of any relevant action taken in terms of, or for the purposes of, these By-laws.

19. Full and final settlement of an amount

(1) The Council may appropriate monies received in respect of any debt contemplated in these By-laws at its sole discretion, unless the customer otherwise instructs in writing.

(2) If any amount due and payable to the Council in terms of these By-laws has not been paid in full, any lesser amount tendered to and accepted by any employee of the Council, does not constitute payment in full and final settlement of the full amount, unless the lesser amount was accepted in full and final settlement in writing, under a power delegated or sub-delegated to such employee in terms of section 59 of the Act or by a service provider contemplated in paragraph (d) of the definition of ”Council”.

20. Accounts outstanding after the due date

(1) If an account for assessment rates or any municipal service is rendered to a customer and remains unpaid, wholly or in part, for more than 14 days after the due date for payment stipulated in the account concerned —

(a) the defaulting customer's name may be made public, and may be listed with a credit bureau; and

(b) may be handed over to a debt collector or an attorney for collection.

(2) A customer is liable for any interest and collection charges and, in addition, payment of a higher deposit or the provision of additional security if required by the Council.

(3) No action taken in terms of this section may be suspended or withdrawn, unless the arrears and a higher deposit, if required by the Council, have been paid in full or additional security has been provided, if so required.

21. Agreements for the payment of arrears in instalments

(1) A customer with positive proof of identity or a person authorised, in writing, by such customer, may, subject to the approval of the Council, enter into an agreement in a form substantially similar to a form prescribed, for the payment of arrears in instalments.

(2) The amount due and payable by a customer in terms of an agreement contemplated in subsection (1), constitutes a consolidated debt and any payment made by a customer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order prescribed, unless the customer otherwise instructs in writing.

(3) A customer may be required to arrange a debit order for the payment of arrears in respect of which an agreement, contemplated in subsection (1), has been entered into.

(4) Subject to the provisions of subsection (5), no agreement for the payment of arrears may allow for a period of payment of longer than 24 months.

(5) (a) The Council may allow a period of payment in excess of 24 months for the payment of arrears, but not exceeding a period of 60 months, if special circumstances which the customer could not reasonably have prevented or avoided, prevail and which, in the opinion of the Council, warrant a longer period of payment.

(b) Documentary proof of any special circumstances as contemplated in paragraph (a), must be furnished by a customer on request by the Council.

(6) The Council must, in exercising its discretion in terms of subsection (5), have regard to a customer's —

(a) credit record;

(b) electricity and water consumption;

(c) ability to afford the proposed instalments, taking into account the customer's financial situation;

(d) level of service;

(e) previous breaches of agreements for the payment of arrears in instalments; and

(f) any other relevant factor.

(7) A copy of an agreement contemplated in subsection (1), must, on request, be furnished to the customer concerned.

(8) If a customer fails to comply with an agreement contemplated in subsection (1), the total arrears, and payment of a higher deposit if required by the Council, will immediately become due and payable, and additional security, if so required, must be provided, without further notice.

(9) If a customer fails to comply with an agreement contemplated in subsection (1), entered into after receipt of a termination or restriction notice for water or electricity services, or both, as the case may be, the municipal service concerned may be terminated or restricted without further notice, in addition to any other action taken, or which may be taken, against the customer concerned.

(10) No customer is permitted to enter into an agreement contemplated in subsection (1), if that customer has failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides.

(11) Once an agreement contemplated in subsection (1), has been concluded, the amount in arrears must be reflected as a current amount, and no further interest may be added.

22. Dishonoured cheques

If any payment is made to the Council by a negotiable instrument, and such negotiable instrument is dishonoured, the Council may levy costs and administration fees against the account of the defaulting customer at a prescribed rate.

Chapter 4
Indigent persons

23. Registration as indigent person

(1) A person who wishes to receive assistance in terms of the Council's policy for the provision of municipal services to indigent persons, must make application for registration as an indigent person on a prescribed form at any of the Council's offices.

(2) An application in terms of subsection (1), must be considered by the Council which must adhere to the principles of transparency, equity, consistency, non-discrimination, accessibility, empathy, integrity, confidentiality and objectivity during the evaluation process.

(3) An applicant, contemplated in subsection (1), must, at the request of the Council, furnish any further information to enable the Council to arrive at a decision and the Council may, for the purpose of properly evaluating the application, conduct any investigation which it considers appropriate.

(4) An applicant must be informed that he or she will automatically be disqualified from receiving any assistance contemplated in subsection (1), and be liable to-

(a) refund the amount of any such assistance received from the Council, if the application or information contemplated in subsection (3), contains any false information; and

(b) prosecution if any false information as contemplated in paragraph (a) is furnished by the applicant.

(5) If the Council finds an applicant to be indigent, such applicant is entitled to assistance in terms of the policy referred to in subsection (1), and his or her personal particulars must be recorded in a prescribed register of indigent persons.

(6) The position of every indigent person so recorded, must be reviewed annually by an authorised official in accordance with the directives of the Council.

(7) A successful applicant must be informed in writing that he or she must immediately notify the Council when his or her indigent status has changed.

Chapter 5
Miscellaneous

24. Council's right of access to premises

The Council may exercise its right of access to premises in terms of section 101 of the Act through the City Manager or any authorised official or any duly appointed agent of the Council, authorised thereto in writing.

25. Preservation of rights consequent on non-compliance

A failure by the Council to render an account in terms of section 8(1), to send a final demand notice contemplated in section 15(1) or to comply with any other provision of these By-laws does not in any way

affect the liability of any person to pay any amount due and payable to the Council as contemplated in these By-laws, nor the Council's right to recover such amount.

26. Transmission of documentation

Subject to the provisions of any law, if in terms of or for the purposes of these By-laws any written communication must or may be rendered, sent or delivered —

(a) by the Council to any person, such communication must be —

(i) delivered by hand —

(aa) to that person's domicilium citandi et executandi, as stipulated in an agreement entered into in terms of section 3(1)(c) or 6(1) or 21(1); or

(bb) in the absence of such agreement, to that person's most recently recorded address; or

(cc) to the premises concerned in respect of which rates are levied or any municipal service is provided, whichever is relevant; or

(ii) sent by post to the address referred to in subparagraph (i)(aa) or (bb), whichever is applicable, or to the address of the premises contemplated in subparagraph (i)(cc).

(b) by any person to the Council, such communication must be —

(i) delivered by hand to —

(aa) the Council's domicilium citandi et executandi stipulated in the agreement contemplated in paragraph (a)(i)(aa); or

(bb) another address, if the Council has in writing furnished such an address to the person concerned; or

(ii) sent by post to the address referred to in subparagraph (i)(aa) or, in the circumstances contemplated in subparagraph (i)(bb), to the address contemplated in that subparagraph.

27. Prima facie evidence of documentation

For the purposes of the recovery of any amount due and payable to the Council in terms of these By-laws —

(a) a copy of any relevant account ; and

(b) an extract from the Council's records relating to the quantity of consumption or provision of any municipal service and the period of provision of such service,

certified by an authorised official as being correct, constitute prima facie evidence of the information contained in such documents.

28. Repeal

The By-laws specified in the Schedule are hereby —

(a) repealed; and

(b) amended

to the extent indicated.

29. Conflicting laws

If there is any conflict between a provision in these By-laws and a provision of any other by-law of the Council, the provisions of these By-laws prevail.

30. Short title

These By-laws are called the Credit Control and Debt Collection By-laws, 2004.

Schedule

Repealed By-Laws

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice No 835 in Gauteng Provincial Gazette Extraordinary dated 21 May 2004	Water Services By-laws	1. Sections 9(3), 9A, 9B, 9C, 9D; 2. In section 10 delete the expression "9A, 9B, 9C and 9D".; 3. In section 11 delete the expression "9A, 9B, 9C, 9D".