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GENERAL NOTICE

NOTICE 46 OF 2007

**THULAMELA
LOCAL
MUNICIPALITY**

THULAMELA LOCAL MUNICIPALITY RATES POLICY

1

PROPERTY RATES POLICY

Thulamela Municipality hereby in terms of Section 13 of the Local Government Structures Act, (Act 32 of 2000), as amended, read together with Section 156 of the Constitution of the Republic of South Africa of 1996, as amended, publishes the following Property Rates Policy which has been accordingly approved by Council for public comment.

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PRE-AMBLE

WHEREAS Section 96(a) of the Local Government Municipal Systems Act, No.32 of 2000 (hereinafter referred to as the ("**Systems Act**"), obliges Thulamela Local Municipality (hereinafter referred to as ("**Municipal Council**") to collect all money that is due and payable to it, subject to the provisions of that Act and any applicable legislation, including the Local Government: Municipal Property Rates Act No. 6 of 2004 (hereinafter referred to as the ("**Act**").

WHEREAS the Act makes it compulsory for municipalities to adopt a policy consistent with it on levying of rates on ratable properties within the Municipal Council's area of jurisdiction.

NOW THEREFORE the following is adopted as the Rates Policy of Municipal Council (hereinafter referred to as ("**this Policy**") as set out hereunder.

1. DEFINITIONS

For the purpose of this Policy any word or expression to which a meaning has been assigned in the act shall bear the same meaning in this Policy and unless the context indicates otherwise:-

"Account" means any account rendered for municipal rates and other services provided by the Municipal Council;

"Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), as amended from time to time.

"Applicable charges" means the rate, charge, tariff, flat rate or subsidy determined by the Municipal Council;

"Base Interest Rate" means prime rate;

- “Category of properties”** means a category of properties determined according to the use of the property, permitted use of the property, or the geographical area in which the property is situated,
- “Category of owners”** means a category of owners that may include indigent owners, owners dependent on pensions or social grants for their livelihood, owners temporarily without income, owners of property situated in an area affected by disaster, owners with property where the market value is below a certain value determined by the municipal and owners of agricultural property who are *bona fide* farmers;
- “Commercial customer”** means any customer other than household and indigent customers, including without limitation, business, government and institutional customers;
- “Customer”** means a person who owns property within the area of jurisdiction of the Municipal Council;
- “Defaulter”** means a customer who owes the Municipal Council in respect of rates and taxes for a period not exceeding 45 (forty five) days from the date of account;
- “Exemption”,** in relation to the payment of rates, means an exemption from the payment of rates, granted by the Municipal Council;
- “Interest”** means a levy equal to service levies and is calculated at a rate determined by The Municipal Council on all service levies in arrears;
- “Household customer”** means a customer that occupies a dwelling, structure or property primarily for residential purposes;
- “Household”** means a traditional family unit consisting of a maximum of 08 (eight) persons (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);

- “Indigent Customer”** means a household customer qualifying and registered with the Municipal Council as an indigent in accordance with the Indigent Policy of the Municipal Council and who has been exempted from paying rates in terms of this Policy;
- “Land reform beneficiary”**, in relation to a property, means a person who acquired the property through the Provision of Land and Assistance Act, 1993 (Act No.126 of 1993); or the Restitution of Land Rights Act, 1994 Act No. 22 of 1994); and a person who holds the property subject to the Communal Property Associations Act, 1996 (Act No. 28 of 1996); or a person who holds or acquires property in terms of such other land tenure reform legislation as may, pursuant to section 25(6) and (7) of the Constitution, be enacted after the Act has taken effect;
- “Market value”**, in relation to a property, means the amount a property would have realized if sold on the date of valuation in the open market by a willing seller to a willing buyer;
- “Municipality”** means the Thulamela Local Municipality or its successors-in-title;
- “Municipal Council”** means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);
- “Municipal Manager”** means the person appointed by the Municipal Council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person-
- (a) acting in such position; and
 - (b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

- “Multiple purposes”**, in relation to a property, means the use of a property for more than one purpose;
- “Occupier”** means any person in actual occupation of the land or premises without regard to the title under which he/she occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;
- “Owner”** means-
- (a) the person who from time to time is vested with the legal title to the premises;
 - (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
 - (c) in any case where the Municipal Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
 - (d) in the case of premises for which a lease agreement of 30 (thirty) years or longer has been entered into, the lessee thereof;
 - (e) in relation to-
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1996 (Act No. 95 of 1996), the developer or the body corporate in respect of the common property,
or

- (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person, or
- (f) a person occupying land under a register held by a tribal authority;
- (g) any legal person including but not limited to:-
 - (i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), Trust *inter vivos*, Trust *mortis causa*, a Close Corporation registered in terms of the Close Corporation Act, 1984 (Act No. 69 of 1984), or a Voluntary Association;
 - (ii) any Department of State;
 - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
 - (iv) any Embassy or other foreign entity.

“Newly ratable property” means any ratable property on which property rates were not levied before the end of the financial year preceding the date on which the Property Rates Act took effect, excluding:-

- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the *Gazette* where the phasing-in of a rate is not justified;

- “Permitted use”,** in relation to a property, means the limited purposes for which the property may be used in terms of any restrictions imposed by a condition of title, a provision of a town planning or land use scheme, any legislation applicable to any specific property or properties or any alleviation of any such restrictions;
- “Person”** means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary associations or trust;
- “Ratable property”** means property on which a Municipal Council may levy a rate, excluding property fully exempted from the levying of rates;
- “Rebate”,** in relation to a rate payable on a property, means a discount granted on the amount of the rate payable on the property;
- “Reduction”,** in relation to a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount.

PART 1: IMPLEMENTATION OF THE POLICY

2. OBJECTIVES OF THIS POLICY

2.1. The objectives of this Policy are to:-

- 2.1.1. ensure certainty and clarity as to the amounts payable in respect of the property rates towards its community in terms of service delivery;
- 2.1.2. contribute towards accountability of the Municipal Council;
- 2.1.3. contribute towards financial sustainability of the Municipal Council;
- 2.1.4. provide for overdue interests on rates;

3. PURPOSE OF THIS POLICY

- 3.1. This policy shall be implemented by those officials whose duties relate to the rendering of accounts and collection of money payable to the Municipal Council in respect of rates, and who have contracts with members of the public in relation to payment to the Municipal Council for rates (hereinafter referred to as the "Officials").
- 3.2. The Municipal Council shall, as part of its annual operating budget, impose a Cent amount in the Rand on the market value of all ratable immovable property recorded in the valuation roll and supplementary valuation roll/(s) of the municipality. Ratable property shall include all land and buildings, rights of way, easements and servitudes and shall exclude any bonds registered against the property.
- 3.3. Poverty alleviation and the burden of rates on the poor must be the primary consideration of the Municipal Council with the determination of the rate tariff. The Municipal Council should also consider the cost and maintenance of the services it is rendering to the community, as well as services that do not generate any income from the Municipal Council.

4. CATEGORIES OF RATABLE PROPERTIES

- 4.1. The Municipal Council shall levy different rates for different categories of ratable properties. Properties listed below are properties that the Municipal Council has sole discretion to levy rates:-
- 4.1.1 Residential properties;
 - 4.1.2 Industrial properties;
 - 4.1.3 Business and commercial properties;
 - 4.1.4 Farm properties used for agricultural purposes, residential purposes, industrial purposes, business purposes and commercial purposes;
 - 4.1.5 State-owned properties;
 - 4.1.6 Municipal properties;
 - 4.1.7 Public service infrastructure;
 - 4.1.8 Privately owned towns serviced by the owner;
 - 4.1.9 Formal and informal settlements;
 - 4.1.10 Communal land;
 - 4.1.11 State trust land;
 - 4.1.12 Properties acquired through the Provision of the Communal Land and Assistance Act, 1993 (Act No. 126 of 1993), the Restitution of Land Act, 1994 (Act No 22 of 1994) or which is subject to the Communal Property Associations Act, 1996 (Act No. 28 of 1996);
 - 4.1.13 Protected areas;
 - 4.1.14 Properties on which national monuments are proclaimed.

PART 2: APPLICABLE CHARGES

5. APPLICABLE CHARGES FOR RATES

5.1. All applicable charges payable in respect of rates or any additional charges or interests will be set by the Municipal Council in accordance with:-

5.1.1. its Rates and Tariff policy;

5.1.2. any Policy in respect thereof; and

5.1.3. any regulations in terms of national or provincial legislation

5.2 Applicable charges may differ between different categories of properties, customers, infrastructure requirements and geographic areas.

6. AVAILABLE CHARGES FOR RATES

The Municipal Council may, in addition to the tariffs or charges prescribed for by Council, levy a monthly fixed charge, annual fixed charge or once –off fixed charge where categories of properties are available.

7. EXEMPTIONS, REBATES AND REDUCTIONS

7.1. The Municipal Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, exempt specific category of owners of properties, or to the owners of specific category of properties, apply a rebate on or a reduction in the rates payable in respect of those properties.

7.2. The Municipal Manager may in implementing the exemptions, rebates or reductions, differentiate between types of household customers, types and levels of properties, geographical areas and socio-economic issues.

7.3. Public notice in terms of clause 7.1 above must contain at least the following details applicable to a specific exemption:-

7.3.1 the household customers that will benefit from the exemptions;

7.3.2 the type, level and quantity of municipal service that will be exempted;

7.3.3 the areas within which the exemptions will apply;

7.3.4 the rate (indicating the level of exemption);

7.3.5 the method of implementing the exemption; and

7.3.6 any special terms and conditions that will apply to the subsidy.

7.4. Determination of any possible exemptions, rebates or reductions will be considered annually as part of the budget process of the Municipal Council.

7.5. The exemption mentioned in clause 7.1 above may at any time, after reasonable notice, be withdrawn or altered in the sole discretion of the municipal Council.

7.6. All exemptions, rebates and reductions projected for any financial year shall be reflected in the municipality's annual budget for that financial year as:-

7.6.1 Income on the revenue side;

7.6.2 Expenditure on the expenditure side.

7.7. The Municipal Council shall further grant the following exemptions for different categories of properties:-

7.7.1 The first R15 000 of the market value of residential properties used for multiple purposes of which one or more components are used for residential purposes, where, in the case of residential properties, the properties referred to shall be vacant or improved properties and shall be zoned as residential and

where, in the case of properties used for multiple purposes and of which one or more components are used for residential purposes, the first R15 000 shall be applicable to the property as a whole, provided that one or more components of the property are used for residential purposes. In addition, this section / clause shall be applicable to all residential properties in villages and to other towns where no town planning scheme is in place.

- 7.7.2 The first 30% of the market value of public service infrastructure where such infrastructure refers to infrastructure such as public roads, railway lines, Telkom and similar communication networks, electricity networks and water infrastructures.
- 7.7.3 Protected areas, where these areas refer to nature reserves, botanical gardens or national parks provided that the specific area/s is/are declared as a "Protected area" in the Register or Protected Area to be compiled and updated by the department of Environmental Affairs and Tourism.
- 7.7.4 Mineral rights, where mineral rights refer to structures under the surfaces of the earth related to mineral extraction.
- 7.7.5 Property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds.
- 7.7.6 Properties registered in the name of and primarily used for religious purposes, including the official residence occupied by the officiating office bearer. The exclusion from rates shall lapse if the property:-
- 7.7.6.1. is disposed of by the religious community owning it;
 - 7.7.6.2. is no longer used primarily as a place of worship by a religious community;
- 7.7.7 Referring to the official residence, is no longer used as an official residence. //

7.7.8 When the exclusion from rates of the property used as an official residence lapses, the religious community owning the property becomes liable for the rates that would have been payable on the property during the period of 01 (one) year preceding the date on which the exclusion lapses. The amount for which the religious community shall then become liable for, shall be regarded as rates in area and the applicable interests shall be levied and shall be payable to the municipality.

7.8. Commercial properties will not qualify for exemptions.

8. PHASING IN OF RATES

- 8.1. The rates to be levied on newly ratable property shall be phased in equally over a period 03 (three) financial years.
- 8.2. The rates to be levied on newly ratable property belonging to a land reform beneficiary or hi/her heirs, shall be phased in over a period of 03 (three) financial years, which three years shall commence after the exclusion period of ten years following the date on which the title was registered in the name of the beneficiary or his/her heirs at the Registrar of Deeds, has lapsed.
- 8.3. The rate levied on newly ratable property owned and used by organizations conducting specified public benefit activities and registered in terms of the Income Tax Act for those activities, shall be phased in equally over a period of 04 (four) financial years.
- 8.4. The phasing-in rebate on the above-mentioned properties shall be as follows:-
 - 8.4.1. First year: 75% of the rate for that year otherwise applicable to the property;
 - 8.4.2. Second year: 50% of the rate for that year otherwise applicable to the property; and

8.4.3. Third year: 25% of the rate for that year otherwise applicable to the property.

8.5. No rates shall be levied on newly ratable properties that are owned and used by organizations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. Thereafter, the phasing-in rebate on these properties shall be as indicated in paragraph 8.4 above.

9. SPECIAL RATING AREAS

9.1. The Municipal Council may from time to time, levy a special rate in its budget and by resolution of the Municipal Council, in certain areas within the boundaries of the municipality.

9.2. Before determining a special rating area, the municipality shall:

9.2.1. consult the community on the proposed boundaries of the area;

9.2.2. inform the community regarding the proposed improvement or upgrading to be effected in the area; and

9.2.3. obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate.

9.3. An additional rate, as will be depicted in the annual budget, shall be levied on the properties in the identified area, for the purpose of raising funds for improving or upgrading of the specified area.

9.4. The Municipal Council may differentiate between categories of properties when levying the additional special rate.

9.5. The Municipal Council shall establish separate accounting and other record-keeping systems for the identified areas.

9.6. The Municipal Council shall establish a committee, composed of representatives from the specific area, to act as a consultative and advisory forum. This committee shall be a sub-committee of the ¹³

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ward committee/s in the area. Gender representation shall be taken into consideration with the establishment of the committee.

10. AUTHORITY TO RECOVER ADDITIONAL COSTS AND FEES

10.1. The Municipal Council has the authority to, notwithstanding the provisions of any other clause / section contained in this policy, recover any additional costs incurred in respect of implementing this Policy against the account of the consumer, including, but not limited to:-

10.1.1 all legal costs, including Attorney and own client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer, and/or

10.1.2 the average costs incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail, letter or otherwise.

PART 3: PAYMENT

11 LIABILITY FOR AND RECOVERY OF RATES

11.1 The owner of a property shall be liable for the payment of the rates levied on the property.

11.2 Joint owners of a property shall be jointly and severally liable for the payment of the rates levied on the property.

11.3 In the case where an agricultural property is owned by more than one owner in undivided shares and these undivided shares were allowed before the commencement date of the Subdivision of Agricultural Land Act, 1970, Act No. 70 of 1970, the Municipal Council shall hold any joint owner liable for all the rates levied in respect of the agricultural property concerned or hold any joint owner only liable for that portion of rates levied on the property that represents that joint owner's undivided share in the property.

11.4 Rates levied on property in sectional title schemes, shall be payable by the owner of each unit. The Municipal Council may, depending on the circumstances, have an agreement with the Body Corporate to collect rates on its behalf as its agents.

11.5 Rates levied on property in sectional title schemes, where the Body Corporate is the owner of any specific sectional title unit, shall be payable by the Body Corporate.

12 METHODS FOR DETERMINING AMOUNTS DUE AND PAYABLE

12.1 The Municipal Council must in respect of municipal rates prepare a valuation roll every 04 (four) years and supplementary roll every 06 (six) months, subject to sub-clause (2).

12.2 The first valuation roll prepared in terms of the Act, shall take effect from the start of the financial year following completion of the public inspection period.

13 FULL AND FINAL SETTLEMENT OF AN ACCOUNT

13.1 Where an account is not settled in full, any lesser amount tendered to and accepted shall not be deemed to be in full and final settlement of such an account.

13.2 Sub-clause(1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the Municipal Manager or the delegated official made such acceptance in writing.

PART 4: ACCOUNTS

14 ACCOUNTS

14.1 Accounts will be tendered monthly to customers at the address last recorded with the municipality. The customer may receive more than one account for different properties owned by that customer if they are located in separate areas.

- 14.2 Failure to receive or accept an account does not relieve a customer of the obligation to pay any amount due and payable.
- 14.3 The municipality must, if administratively possible, issue a duplicate account to a customer on request.
- 14.4 Accounts must be paid not later than the last date for payment specified in such account, which date will be at least 21 (twenty one) days after the date of the account.
- 14.5 Accounts will:-
- 14.5.1 reflect at least all information contained in the Credit Control Policy of the Municipality

15 CONSOLIDATED DEBTS

- 15.1 If one account is rendered for more than one property provided 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 be allocated in reduction of the consolidated debt in the following manner:-
- 15.1.1 towards payment of the current account;
- 15.1.2 towards payment of the arrears; and
- 15.1.3 towards payment of interests.
- 15.2. If an account is rendered for only one property any payment made by a customer of an amount less than the total amount due, will be allocated in the following order:-
- 15.2.1. towards payment of the current account;
- 15.2.2. towards payment of arrears; and
- 15.2.3. towards payment of interests.

- 15.3. A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

PART 5: ARREARS

16. ARREARS

- 16.1. If a customer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the customer, within 07 (seven) working days of arrears accruing.
- 16.2. Failure to deliver or send a final demand notice within 07 (seven) working days does not relieve a customer from paying arrears.

17. CONSOLIDATED ARREARS

- 17.1. If one account is rendered for more than one property all arrears 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 be allocated in reduction of the consolidated debt in the following order:-
- 17.1.1. towards payment of the current account;
 - 17.1.2. towards payment of the arrears;
 - 17.1.3. towards payment of the interests; and
 - 17.1.4. towards costs incurred in taking relevant action to collect amounts due and payable.

18. INTERESTS

- 18.1. Interests may be levied on arrears at the prevailing interest rate or at a rate prescribed by the Municipal Council from time to time.

19. ACCOUNTS 40 (FORTY) DAYS IN ARREARS

19.1. Where an account rendered to a customer remains outstanding for more than 40 (forty) working days, the municipality may:-

19.1.1 institute legal action against the customer for the recovery of the arrears; and

19.1.2 hand the customer's account over to a debt collector or an attorney for collection.

19.2 A customer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the Municipal Council from time to time.

20 GENERAL

20.1 No action taken in terms of this clause/section due to non-payment will be suspended or withdrawn, unless the arrears, any interests thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit payable are paid in full.

PART 6: AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

AGREEMENTS

20.2 The following agreements for the payment of arrears in installments may be entered into:-

20.2.1 an Acknowledgement of Debt;

20.2.2 a Consent to Judgment; or

20.2.3 an Emoluments Attachment Order.

- 20.3 Only customers with a positive proof of identity or persons duly authorized, in writing as a representative of a customer, will be allowed to enter into an agreement for the payment of arrears in installments.
- 20.4 No customer will be allowed to enter into an agreement for the payment of arrears in installments where that customer failed to honour a previous agreement for the payment of arrears in installments.
- 20.5 The municipality must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in installments.

21 CLAIM ON RENTAL FOR RATES IN ARREARS

The municipality may apply to Court for the attachment of any rent, due in respect of ratable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

22 RATES PAYABLE ON MUNICIPAL PROPERTY

- 22.1 The lessee of municipal property is responsible for the payment of any general rates payable on the property for the duration of the lease, as if the lessee is the owner of such property.
- 22.2 The municipality may elect to include the rates in respect of municipal property in the rent payable by the lessee, instead of billing separately as in the case of owners of properties.

23 AVAILABILITY OF POLICY

- 23.1 A copy of this Policy shall be included in the municipality's Municipal Code as required in terms of legislation.
- 23.2 The municipality shall take reasonable steps to inform customers of the contents of the credit control Policy.

23.3 A copy of this Policy shall be available for inspection at the municipal offices at all reasonable times.

23.4 A copy of this Policy may be obtained against payment of R10-00 per person from the municipality.

24 CONFLICT OF LAW

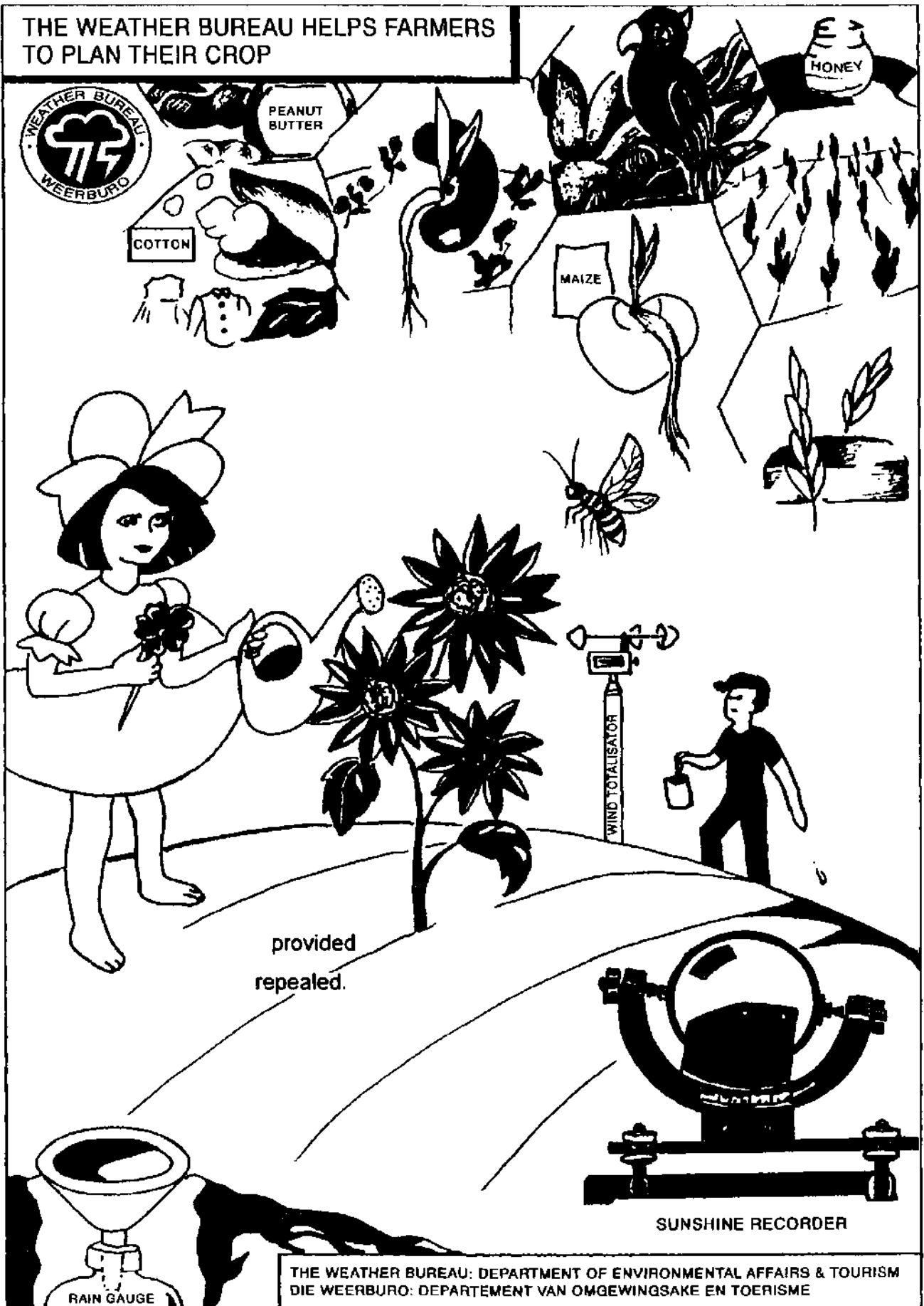
24.1 When interpreting a provision of this Policy, any reasonable interpretation which is consistent with the purpose of the Act, the interpretation of the Act must be preferred over any alternative interpretation which is inconsistent with that purpose.

24.2 If there is any conflict between this Policy and any other Policies of the Municipal Council, this Policy will prevail.

25 REPEAL OF EXISTING MUNICIPAL RATES POLICY

The provisions of any Policy relating to rates by the municipality are hereby repealed insofar as they relate to matters provided for in this Policy; provided that such provisions shall be deemed not to have been repealed in respect of any such Policy which has not been repealed and which is not repugnant to this Policy on the basis as determined by the relevant Policy.

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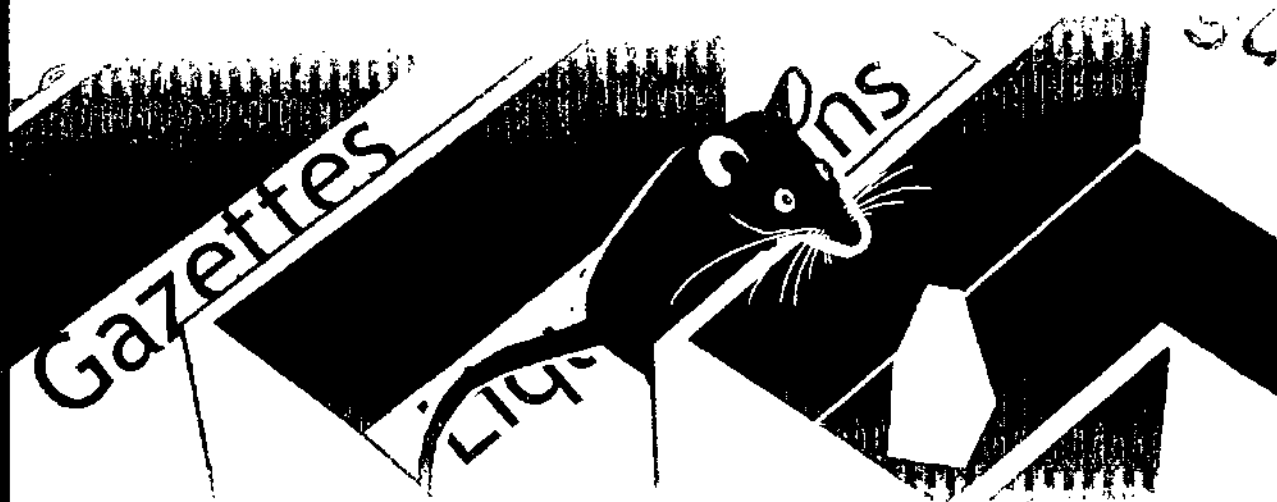
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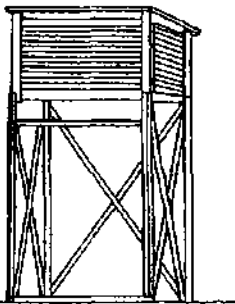
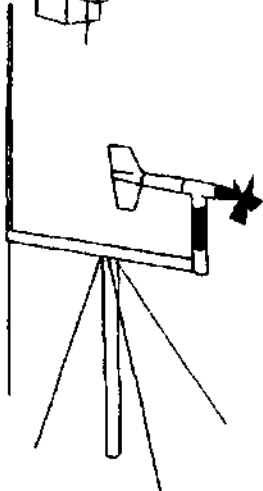
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Wetlands are wonderlands!

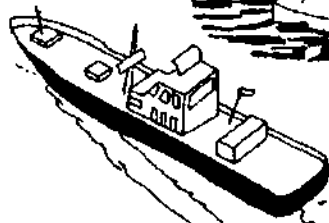
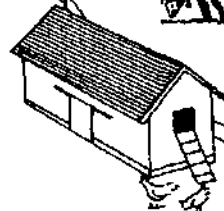
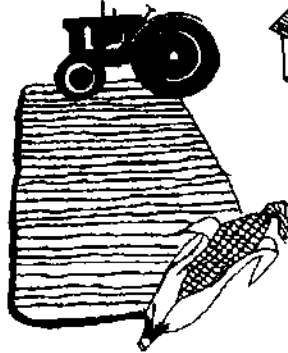
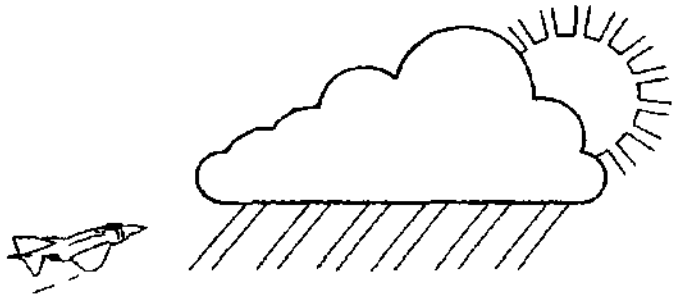


Department of Environmental Affairs and Tourism

SA WEATHER BUREAU SA WEERBURO



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