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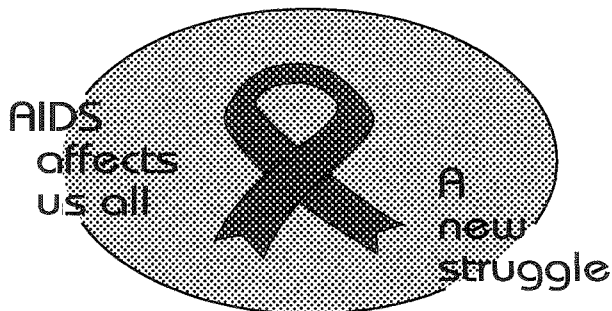
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**PIETERMARITZBURG,**

25 JUNE 2015  
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**MUNICIPAL NOTICE**

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**No. 88**

**25 June 2015**

**THE MSUNDUZI MUNICIPALITY**

**INDIGENT BYLAWS**

## MSUNDUZI LOCAL MUNICIPALITY

### INDIGENT BY-LAWS

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

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#### 1. Definitions

For the purpose of these bylaws, unless the context indicates otherwise, any word or expression to which a meaning has been attached in the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) shall bear the same meaning.

**“Chief Financial Officer”**

means the person defined as such in terms of Section 1 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) or any person duly authorized to act on behalf of such person;

**“Council” or “municipal council”**

means a municipal council referred to in section 18 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and for purposes of this policy, the municipal council of the Municipality of Msunduzi.

**“Credit and Debt Collection Policy”**

means the approved and applicable credit and debt collection policy of the council.

**“Customer”**

means any occupier of any property to which the Municipality has agreed to supply services or already supplies services to, or where there is no occupier, the owner of the property shall be regarded as the occupier.

**“Child Headed Household”**

means a household where both parents are deceased and where all occupants of the property are children of the deceased, are all under the legal age to contract for services, are considered as minors in law by the State and who receive water and/or electricity from one meter.

**“Gross Household Income”**

means the total combined income from all sources, including any social grants of all those in occupation or resident on the property.

**“Indigent”**

means a person who fulfills the criteria as outlined in bylaw 4.

**“Life Line Service”**

means, subject to National norms and applicable legislation, the level of any municipal service that is necessary to ensure human dignity and a reasonable quality of life and which, if not provided, could endanger public health or safety of the environment and for the purpose of these bylaws are restricted to electricity, refuse, sewerage and water services.

**“Municipal account” or billing”**

means the proper and formal notification by means of a statement of account to persons liable for monies levied and indicating the net accumulated balance of the account, specifying charges levied by the Municipality, or any authorised and contracted service provider.

**“Municipality”**

means the Msunduzi Municipality.

**“the Act”**

means the Local Government: Municipal Systems Act No. 32 of 2000

**“the Property”**

means the property to which the monthly consolidated municipal account relates.

## **2. Object of these bylaws**

To provide a framework within which the Municipality implements a lifeline service to indigent households in respect of their municipal accounts, to determine the criteria for qualification of indigent households and to ensure that the criteria referred to in bylaw 4 are applied correctly and fairly to all applicants.

## **3. Determination by Council of indigent income threshold**

The gross household income for qualification as a registered Indigent shall be determined each year by the Council of the Municipality.

## **4. Qualifying criteria for "Applied Indigent" Status**

- (1) Save for the child headed households who are automatically considered indigent, and subject to bylaw 5 below, all other customers seeking indigent status, shall apply annually in writing on the prescribed application form as approved by the Chief Financial Officer and satisfy the Chief Financial Officer of all of the following:
- (a) The total household income shall not exceed the amount approved by Council from time to time in accordance with the provisions of section 3 of these bylaws.
  - (b) The size of the circuit breaker on the property shall not be greater than 20 amperage.
  - (c) The applicant must be a South African citizen or must have legally recognised refugee status.
  - (d) The applicant must not be the registered owner of more than one property.
  - (e) The applicant must be a resident of, and have a registered account with the Municipality, except where a household is situated in informal settlements or rural areas and no accounts are rendered to such a household.
- (2) The granting of indigent status shall lapse at the end of each financial year and the indigent shall make a fresh application by no later than 31 March of every year in respect of each subsequent financial year.
- (3) The Chief Financial Officer shall finalise each application by no later than 30 June of every year and if any current indigent's application is not finalised by this date, the

status of the applicant shall remain as indigent until the notification to the consumer of the Chief Financial Officer's decision.

- (4) The Chief Financial Officer may on good cause shown condone any late applications referred to in subsection (2).
- (5) A tenant or occupier as described in Council Credit Control Policy may apply for indigent status in respect of services and if successful, the landlord shall remain liable for all ownership related charges and taxes.

## **5. Benefits**

- (1) The subsidies below will be funded from the "equitable share" contribution received from National Treasury, plus an amount from the Municipality's own income as budgeted for in the financial year in question. The subsidies will only be granted to qualifying households to the extent that the above mentioned funds are available for allocation.
- (2) Where a municipal account exists, the subsidy amount allocated will be calculated and rounded off to the nearest lower R1, and will be credited into the consumer's municipal account every month and be indicated as such on the account.
- (3) The successful applicants shall qualify for the following benefits in relation to service levels:
  - (a) 100% of the basic charge and MCB Charge for electricity for one service point per month;
  - (b) 100% of the basic charge for one water service point per month ;
  - (c) 100% of the Scale 2 domestic charge for sewerage per month for one service point;
  - (d) 100% of the domestic refuse removal tariff for one service point per month;
  - (e) 60 kWh of free electricity;
  - (f) 6kl of free water to all registered indigent households.

## **6. Property rates**

Each registered indigent household may be subsidized for property rates as provided



for in the annual budget as approved by the Council annually in accordance with its Rates Policy.

**7. Indigent households in retirement centres, Orphanages and Disability centres**

Indigent customers living in retirement centres, orphanages, and disability centres may be eligible to qualify for assistance and support in terms of this policy, subject to the following rules and procedures:

- (1) The onus shall be upon the management body of the relevant centre to apply to the municipality for indigent status in respect of water consumption on behalf of the owners of those units who meet the criteria and conditions for qualification.
- (2) The onus shall be upon the unit owner to apply to the municipality for indigent status in respect of property rates and other service charges.

**8. Death of the indigent**

- (1) Where the indigent is deceased, the heirs of the indigent person must re-apply for indigent status within 2 months following the death of the registered indigent.
- (2) After the death of the indigent, the status quo in respect of the indigent shall remain pending the outcome of the new application referred to in subsection (1).
- (3) Where the heirs are minors, the High Court in its capacity as the upper guardian of minors shall at the instance of any applicant appoint a curator or where practicable the Master as the applicant on behalf of the minors.

**9. Termination of indigent support**

Indigent support shall be terminated under the following circumstances:

- (1) Death of the account holder.
- (2) Upon change of ownership of the property in respect of which the indigent status is granted.
- (3) When the financial circumstances in the indigent household improves in terms of the gross income threshold as prescribed by Council.
- (4) Where the applicant has lied about his/her personal circumstances or has furnished false information regarding indigent status, the following will apply:

- (a) The amount owing to the Municipality shall be recalculated from the date of the granting of the Indigent Status on the basis of approved tariffs and shall apply retrospectively.
- (b) All arrears will become payable immediately.
- (c) Credit control measures in terms of the Council's Credit Control Policy will apply.
- (d) The applicant will not be eligible to apply for indigent support for a period of two years.

#### **10. Appeal**

Any aggrieved person who was not successful in the application for Indigent Status may lodge an appeal to the Municipality in accordance with the provisions of section 62 of the Municipal Systems Act No 32 of 2000.

#### **11. Publication of names of qualifying applicants**

- (1) The Municipality shall, subject to the relevant provisions in the Protection of Personal Information Act No 4 of 2013 and other applicable legislation, be entitled to compile and publish a list of all registered approved indigents.
- (2) Subject to the relevant provisions in the Protection of Personal Information Act and other applicable legislation any person shall have the right to inspect or scrutinize the register of approved Indigents.

#### **12. Current amounts in arrears**

Applicants' whose municipal accounts are in arrears at the time of their application for Indigent Status, will be subjected to the provisions of Credit and Debt Collection policy of the Council.

#### **13. Repeal of previous bylaws**

The Indigent Policy Bylaws published under notice number 90 of 20 September 2012, are hereby repealed.

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# IMPORTANT

## Information

### from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

#### **GPW Business Rules**

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).

