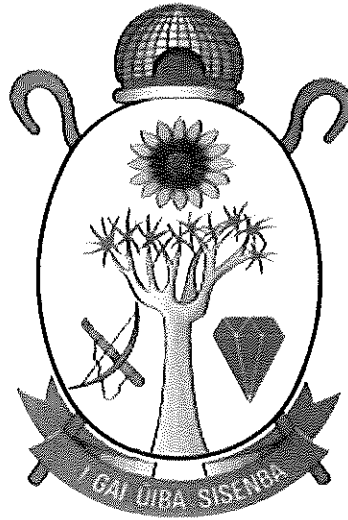


NAMA KHOI MUNICIPALITY



WRITING OFF OF IRRECOVERABLE DEBT POLICY

2023/24

VERSION 1

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1 PREAMBLE

- 1.1 To ensure that household customers with no or lower income are not denied a reasonable service and that the Municipality is not financially burdened with non-payment of services, the Council approved a revised Indigent Policy.
- 1.2 However, the Council is faced with a significant amount of outstanding debt and the continuous defaulting by certain customers who can afford to pay for services. To deal with this, the Council also approved a revised Credit Control and Debt Collection Policy.
- 1.3 Despite strict enforcement of the above policies, the Council is continuously confronted by circumstances requiring the possible writing off of irrecoverable debt.
- 1.4 Such circumstances need to be catered for through a policy on the writing-off of irrecoverable debt, in order to allow for the valid termination of debt collection procedures as contemplated in section 109(2) of the Local Government: Municipal Systems Act 32 of 2000.

2 PURPOSE

- 2.1 The purpose of this Policy is to –
 - (a) ensure that the principles and procedures for writing off of irrecoverable debt are formalised;
 - (b) provide for incentive schemes to appropriately encourage account holders to settle all or a stated percentage of arrears; and
 - (c) provide for rationalisation of the Municipality's debtors accounts and financial records by the writing off of debts that are considered irrecoverable.

3 SCOPE OF APPLICATION

- 3.1 This Policy applies to all administrations within the defined boundaries of the Nama Khoi Municipality and all customers of such administrations.
- 3.2 This Policy is applicable until such time as it is reviewed and any revisions to this Policy approved by Council.
- 3.3 The Municipality reserves the right to differentiate between different categories of customers, debtors, services or service standards when applying this Policy. The

Municipality will in the application of this Policy avoid unfair discrimination as contemplated in the Constitution.

4 LEGISLATIVE AND POLICY FRAMEWORK

The legislative and policy framework for this Policy includes –

- Constitution of the Republic of South Africa Act, 1996
- Deeds Registry Act 47 of 1937
- Electricity Regulation Act 4 of 2006
- Local Government: Disciplinary Regulations for Senior Managers, 2010
- Local Government: Municipal Demarcation Act 27 of 1998
- Local Government: Municipal Finance Management Act 56 of 2003
- Local Government: Municipal Property Rates Act 6 of 2004
- Local Government: Municipal Structures Act 117 of 1998
- Local Government: Municipal Systems Act 32 of 2000
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Nama Khoi Municipality Credit Control and Debt Collection Policy
- Nama Khoi Municipality Delegation Policy
- Nama Khoi Municipality Indigent Support Policy
- Nama Khoi Municipality Property Rates Policy
- Nama Khoi Municipality Tariff Policy
- Nama Khoi Municipality Tariffs, Credit Control and Debt Collection By-Law

5 DEFINITIONS

In this Policy, unless the context dictates otherwise, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act 32 of 2000 has that meaning, unless the context indicates otherwise, and –

“account” means an account rendered specifying charges for municipal services provided by the Municipality, or any authorised and contracted service provider, and which account may include assessment rates levies;

“annual budget” means the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget;

“annually” means once every financial year;

“arrangement” has meaning ascribed to it in the Credit Control and Debt Collection Policy;

“arrears” means those rates and service charges that have not been paid by the due date and for which no arrangement has been made;

“basic municipal services” means municipal services necessary to ensure an acceptable and reasonable quality of life, which service, if not provided, would endanger public health or safety or the environment;

“calendar year” means 12 consecutive months of a financial year;

“Chief Financial Officer” means the person appointed as the Chief Financial Officer of the Municipality;

“Council” means the Municipal Council of Nama Khoi Municipality established in terms of section 157(1) of the Constitution;

“credit control” means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services;

“customer” means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying municipal services, or if no occupier can be identified or located, then the registered owner of the premises and includes any customer of the Municipality;

“day” means calendar day, inclusive of Saturdays, Sundays and public holidays;

“Disciplinary Regulations for Senior Managers” means the Local Government: Disciplinary Regulations for Senior Managers, 2010;

“due date” in relation to –

- (a) rates due in respect of any immovable property, means –
 - (i) the 30th day of September of the financial year for which such rate is made, in the case where rates are levied on an annual basis;
 - (ii) the date for payment indicated on the account, in the case where rates are levied on a monthly basis; or
 - (iii) any other date determined by Council in terms of a public notice in the Provincial Gazette; and

- (b) service charges due in respect of any immovable property, means the date for payment indicated on the account, provided that the due date for any service charges means the 25th day of each month. September in the case where service charges are levied annually; and
- (c) should such day fall on a Saturday, Sunday or public holiday the due date is the next working day;

“financial year” means the period starting from 1 July in any year and ending on 30 June of the following year;

“household” means a registered owner or tenant with or without children who reside on the same premises;

“immovable property” also includes –

- (a) an undivided share in immovable property, and
- (b) any right in immovable property;

“indigent” means any household or category of households, earning a combined gross income, as determined by the Municipality annually in terms of a social and economic analysis of its area, which qualifies for rebates or remissions, support or a services subsidy: Provided that child support grants are not included when calculating such household income;

“indigent customer” means the head of an indigent household –

- (a) who applied for and has been registered as an indigent customer in terms of this Policy; and
- (b) who applied for indigent support in terms of this Policy on behalf of all members of his or her household;

“indigent support subsidy scheme” means the structured scheme for the provision of indigent support subsidies to qualifying indigent customers in terms of this Policy;

“local community” in relation to the Municipality –

- (a) means that body of persons comprising –

- (i) the residents of the Municipality; the rate payers of the Municipality;
 - (ii) the rate payers of the Municipality;
 - (iii) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
 - (iv) visitors and other people residing outside the Municipality, who, because of their presence in the Municipality, make use of services or facilities provided by the Municipality; and
- (b) includes, more specifically, the poor and other deprived sections of such body of persons;

“month” means one of twelve months of a calendar year;

“Municipal Manager” means the Municipal Manager contemplated in section 54A of the Local Government: Municipal Systems Act 32 of 2000;

“Municipal Property Rates Act” means the Local Government: Municipal Property Rates Act 6 of 2004;

“municipal services” means services provided either by the Municipality or by an external agent on behalf of the Municipality in terms of a service delivery agreement;

“Municipal Systems Act” means the Local Government: Municipal Systems Act 32 of 2000;

“municipal tariff” means a tariff for services which the Municipality may set for the provision of a service to the local community and may include a surcharge on such service, and **“tariff”** has a corresponding meaning;

“Municipality” means the Nama Khoi Municipality;

“municipal area” means the geographic area, determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998 as the municipal area pertaining to the Municipality;

“occupier” means any person who occupies, controls or resides on any premises, or any part of any premises without regard to the title under which he or she so occupies it;

“person” means a natural and juristic person, including any department of state, statutory bodies or foreign embassies;

“premises” includes any piece of land, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of the Land Survey Act 8 of 1977 or in terms of the Deeds Registry Act 47 of 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act 95 of 1986, and which is situated within the area of jurisdiction of the Municipality;

“prescribed” means prescribed by this Policy and where applicable by Council or the Municipal Manager;

“property” means 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;

“public holiday” means any day that is a public holiday in terms of the Public Holidays Act 36 of 1994;

“ratepayer” means a person who is liable to the Municipality for the payment of –

- (a) rates on property in the Municipality;
- (b) any other tax, duty or levy imposed by the Municipality; and/or
- (c) fees for services provided either by the Municipality or in terms of a service delivery agreement;

“rates” means municipal rates on property envisaged in section 229(1) of the Constitution read with the Local Government: Municipal Property Rates Act 6 of 2004 and the Local Government: Municipal Finance Management Act 56 of 2003;

“rebate” in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Local Government: Municipal Property Rates Act 6 of 2004 on the amount of the rate payable on the property;

“registered owner” means the person, natural or juristic, in whose name the property is registered in terms of the Deeds Registry Act 47 of 1937;

“service charges” means the fees levied by the Municipality in terms of the Tariff Policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of this Policy;

“service delivery agreement” means an agreement between the Municipality and an institution or person contemplated in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000; and

“sewerage charges” means service charges in respect of the provision of sewerage collection and treatment of infrastructure.

6 PRINCIPLES

- 6.1 This Policy must be read with the Credit Control and Debt Collection Policy.
- 6.2 Any action performed in terms of this Policy must comply with the Credit Control and Debt Collection Policy, Municipal Finance Management Act, Municipal Systems Act and other related legislation.
- 6.3 The Municipality must ensure that all avenues contemplated in the Credit Control and Debt Collection Policy are utilised to collect outstanding debt.
- 6.4 The objective to write off irrecoverable debt is to have a debt book that does not reflect irrecoverable debt.
- 6.5 Before any debt is written off, it must be proved that the debt has become irrecoverable. Irrecoverable debt is defined as debt where all reasonable and cost effective steps have been taken by the Municipality to recover such debt as provided for in Credit Control and Debt Collection Policy and where such debt is considered irrecoverable in terms of this Policy.
- 6.6 Irrecoverable debt write-offs must be considered in terms of the following:
 - (a) Cost benefit: When it becomes too costly to recover a debt and the chances of collecting such debt are remote, a write off must be considered; and
 - (b) Time value of money: When the older a debt becomes, the more difficult and costly it becomes to collect and it is therefore imperative that a proper system of credit control is implemented and maintained to avoid debt reaching the stage of becoming too expensive to recover.

- (c) Reason for debt: A distinction must be made between customers who cannot afford to pay rates and tariffs, and customers who do not want to pay for rates and tariffs.

6.7 Debt may only be written off if the required financial provisions therefor exist in the municipal budget and/or reserves.

6.8 The Municipality must maintain an audit trail with reasons in every instance where a claim is abandoned and debt is written off as irrecoverable debt.

7 AUTHORITY TO ABANDON CLAIMS AND WRITE OFF IRRECOVERABLE DEBT

7.1 There are certain circumstances, that allow for the valid termination of debt collection procedures as permitted in terms of section 109(2) of the Municipal Systems Act.

7.2 The categories of debt that may qualify to be written off as irrecoverable debt by the Council in terms of this Policy are provided in clause 13.

7.3 The Council may write off a debt or portion thereof, provided that the Council is satisfied that –

- (a) the debt or portion thereof is irrecoverable or that it will be in the best interest of the Municipality to accept part payment of the debt in full and final settlement; and

- (b) that the writing off of such debt is in accordance with this Policy, the Credit Control and Debt Collection Policy and the Municipal Finance Management Act.

7.4 Notwithstanding the above, the Council is under no obligation to write off any particular debt and always maintains sole discretion to do so.

8 DELEGATION TO WRITE OFF IRRECOVERABLE DEBT

8.1 The Council delegates its power to write off irrecoverable debt, up to an amount determined by Council annually, to the Municipal Manager, provided that –

- (a) such delegation must be performed in terms of the Delegation Policy as contemplated in clause 17; and

- (b) nothing prohibits Council to write off irrecoverable debt in terms of this Policy on its own initiative.

8.2 The writing off of any irrecoverable debt exceeding the amount contemplated in clause 8.1, must be considered and decided upon by Council.

9 PROCEDURE TO WRITE OFF IRRECOVERABLE DEBT

9.1 As rates are in principle deemed to be recoverable in all instances, an application to write off rate debt must be presented as an individual item to the Chief Financial Officer for review.

9.2 In respect of an application to write off any other debt, a schedule indicating the customer account number, the customer's name, the physical address in respect of which the debt was raised, the erf number, the amount per account category (if applicable), as well as the steps taken to recover the debt and a reason to write off the amount, must be compiled and submitted to the Chief Financial Officer for review.

9.3 The Chief Financial Officer must –

- (a) review and consider every amount to be written off individually and on its own merits; and
- (b) submit the application and his or her recommendation to the Municipal Manager.

9.4 The Municipal Manager must consider the application, and if –

- (a) he or she is of the opinion that the debt is irrecoverable and should be written off in terms of this Policy; and
- (b) his or her opinion corresponds with the recommendation of the Chief Financial Officer,

such debt must be written off by the Municipal Manager.

9.5 In the event that the Municipal Manager's opinion differs from the recommendation of the Chief Financial Officer, the application must be submitted to the Executive Mayor for his or her consideration and decision.

9.6 The Municipal Manager must submit a comprehensive report detailing account holders particulars, account numbers, addresses, amounts written off and the reasons for writing off such debt to Council on an annual basis.

10 COMMITTEE TO MONITOR IMPLEMENTATION OF POLICY

- 10.1 Council must establish and appoint a committee to monitor the implementation of this Policy.
- 10.2 The committee consists of the members of the Finance Committee.
- 10.3 The committee must meet at least annually to review the report contemplated in clause 9.6 and any related matters.
- 10.4 The quorum for the committee is 50% of the members plus one.
- 10.5 Formal minutes of committee meetings must be prepared and submitted to the Council.
- 10.6 The Municipal Manager must submit any resolution taken by the committee to Council.

11 AUDIT TRAIL AND REGISTER OF DEBT WRITTEN OFF

- 11.1 The Chief Financial Officer must ensure that an audit trail with reasons is available for every instance where debt is written off as irrecoverable debt.
- 11.2 In this regard, the Chief Financial Officer must maintain a register of debt that have been written off which must be available for presentation to the Audit Committee.
- 11.3 Such register must contain details of debt written off, the authority for writing off such debt and details on any subsequent action to reinstate and recover.
- 11.4 To prevent unauthorised journal entries relating to irrecoverable debt, the recording function is restricted and no journal adjustments may take place on the debtors' module without specific written approval by the Chief Financial Officer.
- 11.5 In order to provide further assurance of the validity of the accounting information of debtors' accounts, an independent reconciliation between approved adjustments and actual adjustment must be performed every time after approval and processing and Irrecoverable Debts Written Off journal entries.
- 11.6 The Chief Financial Officer must also perform an annual analytical review of debtors' accounts to ensure that bad debts are written off in a timely manner.

12 PROVISION FOR IRRECOVERABLE DEBTS IN ANNUAL BUDGET

12.1 When providing for irrecoverable debts in an annual budget, consideration must be given to any doubt as to the collectability of debts and the potential of a current debt to deteriorate and become irrecoverable.

13 CATEGORIES OF DEBT THAT MAY BE CONSIDERED FOR WRITING OFF AS IRRECOVERABLE DEBT

The following categories of debt may be considered for writing off as irrecoverable debt in terms of this Policy:

13.1 DEBT IN TERMS OF WHICH ALL NOTIFICATION AND DEBT COLLECTION AND LEGAL AVENUES HAVE BEEN EXHAUSTED

13.1.1 Where all reasonable notifications and cost effective debt collection and legal avenues have been exhausted to recover a debt, such debt may be considered to be written off as irrecoverable debt.

13.2 BALANCES TOO SMALL TO WARRANT FURTHER ENDEAVOURS

13.2.1 Any debt less than an amount determined by Council annually may, after having followed basic debt collection procedures, be considered too small to warrant further collection endeavours and may be considered to be written off as irrecoverable debt.

13.3 DEBT IN TERMS OF WHICH THE COST TO COLLECT WARRANTS NO FURTHER ACTION

13.3.1 Debt in terms of which the cost to collect, taking into account the cost benefit principle, warrants no further action, may be considered to be written off as irrecoverable debt.

13.4 INSOLVENCY OF A DEBTOR AND INSOLVENT DECEASED ESTATES

13.4.1 Where a debtor becomes insolvent the Municipality must ensure that a creditor's claim is timeously registered. Any amount not being recovered due to insufficient funds, or if there is a risk of a contribution being made to an insolvent estate, may, after notification, be considered to be written off as irrecoverable debt.

13.4.2 In case of death of the debtor, a creditor's claim must be timeously registered against the deceased's estate. Any amount not being recovered due to

insufficient funds, or if there is a risk of a contribution being made to a deceased estate, may, after notification, be considered to be written off as irrecoverable debt.

13.5 DEBT THAT HAS PRESCRIBED

13.5.1 Where it is proven that debt has prescribed, such debt must be written off as irrecoverable debt.

13.6 UNTRACEABLE DEBTORS

13.6.1 Where a debtor is untraceable or cannot be identified so as to proceed with further debt collection procedures, or where a debtor has emigrated leaving no assets of value to cost effectively recover outstanding debt, such debt may be considered to be written off as irrecoverable debt.

13.6.2 Debt written off in the above instances automatically results in the debtor being reported to the credit bureau by the Municipality.

13.7 DEBT IMPOSSIBLE TO BE PROVEN AS OUTSTANDING

13.7.1 Where it is not possible to prove a debt as outstanding, such debt may be considered to be written off as irrecoverable debt.

13.8 DEBT RULED AS NOT RECOVERABLE

13.8.1 Where a court has ruled that a claim is not recoverable, such debt must be written off as irrecoverable debt.

13.9 DEBT DUE TO MUNICIPAL ERROR

13.9.1 Where debt is due to an irreconcilable administrative error by the Municipality, such debt must be written off as irrecoverable debt.

13.10 BALANCES ON FINAL ACCOUNTS TOO SMALL TO RECOVER

13.10.1 Where a final account has been submitted to and paid by a customer and the remaining balance after finalisation of any final readings and other administrative costs results in a balance of R500,00 or less, such account must be forwarded once to the customer for payment.

13.10.2 Where such account is not paid by the respective customer within a period of 60 days, such debt may be considered to be written off as irrecoverable debt.

13.11 SPECIAL ARRANGEMENTS IN ORDER TO OBTAIN A RATES CLEARANCE CERTIFICATE

13.11.1 The Municipality may, in terms of the Credit Control and Debt Collection Policy, not issue a rates clearance certificate on any property unless all outstanding amounts are paid to date.

13.11.2 However, due to the possible inefficiency of the Municipality to successfully recover debt, it might be possible that a property have accumulated such a significant outstanding balance over time that it may not be within the ability of the prospective new owner to pay such an amount in order to obtain a certificate.

13.11.3 Where such circumstances prevail, the prospective new owner may apply to the Municipal Manager for relief of such outstanding debt or a portion thereof in order to obtain a certificate.

13.11.4 In reviewing such an application, the Municipal Manager must ensure that –

- (a) all reasonable debt collection procedures have been exhausted in order to recover the outstanding amount from the current owner;
- (b) the prospective buyer of the property is not in a financial position to settle the outstanding amount before a certificate may be issued; and
- (c) it is not in the interest of the Municipality and/or the community to withhold a certificate before the outstanding debt as provided for in section 118 of the Municipal Systems Act is paid.

13.11.5 If the Municipal Manager is of the opinion that the application complies with the provisions above, the debt may be considered to be written off as irrecoverable debt, after which a certificate may be issued.

13.12 DEBT OF PREVIOUS PROPERTY OWNERS OLDER THAN TWO YEARS

13.12.1 After the transfer of a property, any outstanding debt on the previous owner's account older than two years may be considered to be written off as irrecoverable debt.

13.13 ARREARS AND DEBT ACCUMULATED PRIOR TO THE DATE OF REGISTRATION AS AN INDIGENT CUSTOMER

13.13.1 Upon registration of a customer as an indigent customer, the arrears and debt accumulated by such customer prior to the date of registration may be written off as irrecoverable debt if provided for in the Indigent Support Policy.

13.13.2 Such debt may only be written off once during ownership of the property concerned.

13.13.3 The writing off of such debt is subject to the restrictive conditions imposed in terms of the Credit Control and Debt Collection Policy before the Municipality may issue a rates clearance certificate for the property concerned to be sold.

13.13.4 The management of arrears and debt accumulated by a customer after his or her registration as an indigent customer is excluded from this provision and is regulated in terms of the Indigent Support Policy and Credit Control and Debt Collection Policy.

13.14 IRRECOVERABLE DEBT NOT OTHERWISE CATERED FOR IN THE POLICY

13.14.1 Notwithstanding the categories contemplated above, the Council may on application consider the writing off of irrecoverable debt in other meritorious cases, provided that the principles contemplated in clause 6 are adhered to.

13.14.2 The particulars of each such case must be reviewed and considered by the Chief Financial Officer and Municipal Manager as contemplated in clause 9, after which the Municipal Manager must obtain the written approval of the Executive Mayor before such debt may be written off as irrecoverable debt.

14 SPECIAL INCENTIVES FOR HOUSEHOLD CUSTOMERS IN TERMS OF THE CREDIT CONTROL AND DEBT COLLECTION POLICY

14.1 Notwithstanding the provisions –

- (a) for writing off of irrecoverable debt outlined above; and
- (b) the provisions of the Credit Control and Debt Collection Policy,

a debtor may enter into a written agreement with the Municipality to repay any outstanding and due amount to the Municipality under the following conditions:

- (i) The outstanding balance, costs and any interest thereon must be paid in regular and consecutive monthly instalments;
- (ii) The current monthly amount must be paid in full; and
- (iii) The written agreement must be signed on behalf of the Municipality by a duly authorised officer.

14.2 In order to determine the monthly instalments, a comprehensive statement of assets and liabilities and income and expenditure must be provided by the debtor and reviewed by a finance official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the customer (i.e. the amount may not exceed 25% of his or her gross income), taking into account that payment of the monthly current account is a prerequisite for concluding such an agreement.

14.3 Due to ineffective implementation of the credit control measures in the past, certain household customers may have accumulated significant arrear amounts and these customers are not in a position to pay off such debt in full together with their current monthly accounts. In order to improve the current payment levels, the Municipality may resolve to implement special incentives to address arrear debt older than three years. The incentives must be based on a write-off limitation. Such incentive must be considered on the following basis:

- (a) Any incentive offered must be on the basis of a payment and not at a zero offer.
- (b) If a debtor pays 50% of the total costs excluding interests, other collection charges and taxes, such debtor may receive the 50% as a write-off based on a Council resolution within such specified period as determined by Council.
- (c) If the arrears are not older than three years, the debt is due and payable and the interest written back applies as an incentive.
- (d) If the arrears exceed three years, only the debt older than three years will be considered for the incentive referred to in clause 14.3(b).

14.4 To encourage customers to pay off arrear debt, the Council may enter into a once-off arrangement, with a household customer only, to pay off his or her arrear debt over a period of time in terms of specific incentives. The main aim of such an agreement is to

promote full payment of the current account and to address the arrears on a consistent basis.

14.5 Writing off any debt in terms of such an agreement must be strictly in accordance with the provisions of the Credit Control and Debt Collection Policy.

14.6 The levying of interest on arrear accounts must immediately be suspended upon signing of a debt agreement. This allows a debtor to see progress on his or her account as continued payments will reflect a decrease on the balance.

14.7 As long as the agreement is honoured, no further interest may be added. However, in case of default, the suspended amount must be reversed and interest must again be levied from the date of default.

14.8 Where a debtor pays 50% or more on the principal portion of his or her arrear account or settles the principal portion of the arrear account in full through a once-off payment, all interest penalties on arrear amounts must be written off immediately.

14.9 The incentive only applies to debtors with arrear balances older than three years.

14.10 Where an arrangement is made to pay off the principal portion of an arrear amount in instalments, such instalments must be determined on the outstanding amount excluding arrear interest. Such an arrangement must be honoured for at least a six-month consecutive period, whereafter interest on arrear amounts must be written off on a monthly basis. Such arrangement implies that, upon payment of the final instalment, all interest on arrear amounts will have been written off.

14.11 Where a debtor fails to honour his or her arrangement without prior consultation with and approval of the Municipality, the interest incentive and/or the 50% incentive amount must be reinstated and added to the original debt amount.

14.12 The purpose of the above incentives is to instil a sense of pride to those customers who are not able to pay off their arrears, whilst extending service delivery, creating jobs and alleviating poverty and at the same time reducing the debtors book and enhancing the financial viability and image of the Municipality.

15 MISCONDUCT

15.1 If there is evidence of any misconduct, dishonesty or intentional wrongdoing with regard to any provision of this Policy by a municipal staff member, the Municipality must

institute disciplinary proceedings in terms of the disciplinary procedure in the collective agreement or the Disciplinary Regulations for Senior Managers, as the case may be.

16 CONFLICT

16.1 In the event of a conflict between this Policy and the Credit Control and Debt Collection Policy or the Tariffs, Credit Control and Debt Collection By-Law, the latter prevails.

17 DELEGATIONS

17.1 The delegation of any power, function or duty provided for in this Policy must be performed in terms of the Delegation Policy.

18 RESPONSIBILITY FOR IMPLEMENTATION

18.1 The Municipal Manager accepts overall responsibility for the implementation of this Policy.

19 MONITORING AND EVALUATION

19.1 The Committee contemplated in clause 10 oversees and monitors –

- (a) the implementation and enforcement of this Policy; and
- (b) the performance of the Municipal Manager in implementing this Policy.

20 REVIEW AND AMENDMENTS

20.1 The Council –

- (a) must review this Policy on an annual basis and table the reviewed Policy for approval as part of the annual budget process in terms of section 17(1)(e) of the Municipal Finance Management Act; and
- (b) may amend this Policy during the course of any specific year.

21 EFFECTIVE DATE

21.1 This Policy becomes effective upon approval thereof by the Council.

22 POLICY APPROVAL

Authorised by Municipal Manager:

Signature:

Date:

Recommended by Portfolio Committee on Finances:

Signature:

Date:

Approved by Council:

Signature: 

Date: 01 July 2023