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CONTENTS

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LOCAL AUTHORITY

Swartland Municipality: Adoption of the Amendment of the Swartland Municipality Municipal Spatial Development Framework	2
Swartland Munisipaliteit: Aanvaarding van die Wysigings van die Swartland Munisipaliteit Munisipale Ruimtelike Ontwikkelings-raamwerk	2
Swartland Municipality: Resolution Levying Property Rates for the Financial Year 1 July 2025 to 30 June 2026	3
Swartland Municipality: Tariff By-law	5
Swartland Munisipaliteit: Tariefverordening	7

SWARTLAND MUNICIPALITY**TARIFF BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Swartland Municipality hereby enacts as follows:-

Table of Contents

1. Preamble
2. Interpretation
3. Adoption and implementation of the tariff policy
4. Contents of the tariff policy
5. Application and enforcement of the tariff policy
6. Repeal
7. Short title and commencement

1. PREAMBLE

- (1) Section 229(1) of the Constitution authorises a municipality to impose:
 - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - (b) if authorised by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act, a municipality may:
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- (3) In terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (4) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

2. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context otherwise indicates –

“Municipal Finance Management Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“municipality” means the Swartland Municipality and includes any delegated official or service provider of the Municipality;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

“tariff policy” means the Swartland Municipality tariff policy adopted by the council of the municipality in terms of this by-law.

3. ADOPTION AND IMPLEMENTATION OF THE TARIFF POLICY

- (1) The municipality must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (2) The municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. CONTENTS OF THE TARIFF POLICY

The municipality's tariff policy shall, *inter alia*: –

- (a) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality may wish to adopt;
- (b) specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- (c) specify the basis of differentiation, if any, for tariff purposes between different categories of consumers, service providers, services and service standards as long as such differentiation does not amount to unfair discrimination;
- (d) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-law and Policy.

5. APPLICATION AND ENFORCEMENT OF THE TARIFF POLICY

- (1) The tariff policy shall apply to all tariffs determined by the municipality during the annual budget process; provided that the municipality may determine tariffs during the course of a financial year when –
 - (a) a new service is introduced;
 - (b) no tariff for an existing service has previously been imposed; or
 - (c) it is necessary to correct a tariff already imposed.
- (2) Payment of tariffs shall be enforced through this by-law, the Credit Control and Debt Collection By-law and any other enforcement mechanisms determined by the municipality.

6. REPEAL

The Tariff By-law published in Provincial Gazette Extraordinary 7402 on 12 June 2015 is hereby repealed.

7. SHORT TITLE AND COMMENCEMENT

This by-law shall be known as the Tariff By-Law of Swartland Municipality and shall become effective on 1 July 2025.

SWARTLAND MUNISIPALITEIT

TARIEFVERORDENING

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Swartland Munisipaliteit soos volg: -

Inhoudsopgawe

1. Aanhef
2. Uitleg
3. Aanvaarding en implementering van die tariefbeleid
4. Inhoud van die tariefbeleid
5. Toepassing en afdwinging van die tariefbeleid
6. Herroeping
7. Kort titel en inwerkingtrede

1. AANHEF

- (1) Artikel 229(1) van die Grondwet magtig 'n munisipaliteit:
 - (a) om eiendomsbelasting en bobelasting op gelde vir dienste deur of namens die munisipaliteit verskaf, op te lê; en
 - (b) indien deur nasionale wetgewing daartoe gemagtig, om ander belastings, heffings en regte op te lê.
- (2) Ingevolge artikel 75A van die Stelselswet mag 'n munisipaliteit:
 - (a) gelde, kostes of tariewe hef en invorder ten opsigte van enige funksie of diens van die munisipaliteit; en
 - (b) invorderingsgelde en rente op enige uitstaande bedrag invorder.
- (3) Kragtens artikel 74(1) van die Stelselswet, moet 'n munisipale raad 'n tariefbeleid aanvaar en implementeer vir die heffing van gelde vir 'n munisipale diens wat deur die munisipaliteit self of deur middel van diensleweringsooreenkomste verskaf word, en wat voldoen aan die bepalings van die Stelselswet, die Munisipale Finansiële Bestuurswet en enige ander toepaslike wetgewing.
- (4) Kragtens artikel 75(1) van die Stelselswet, moet 'n munisipale raad verordeninge aanneem om die implementering en afdwinging van sy tariefbeleid te bevorder.
- (5) Ingevolge artikel 75(2) van die Stelselswet mag verordeninge wat aanvaar word ingevolge subartikel 75(1) tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde en geografiese gebiede onderskei solank sodanige onderskeid nie neerkom op onbillike diskriminasie nie.

2. UITLEG

In hierdie verordening geld die Engelse teks en in die geval van enige teenstrydigheid met die Afrikaans teks, tensy die konteks anders aandui, beteken –

“Munisipale Finansiële Bestuurswet” die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet Nr. 56 van 2003)

“munisipaliteit” die Swartland Munisipaliteit en sluit enige gedelegeerde amptenaar of diensverskaffer van die munisipaliteit in;

“**Stelselswet**” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet Nr. 32 van 2000);

“**tariefbeleid**” die tariefbeleid van die Swartland Munisipaliteit soos deur die raad van die munisipaliteit aanvaar ingevolge hierdie verordening.

3. AANVAARDING EN IMPLEMENTERING VAN DIE TARIEFBELEID

- (1) Die munisipaliteit moet ‘n tariefbeleid aanvaar en implementeer vir die heffing van gelde vir ‘n munisipale diens wat deur die munisipaliteit self of deur middel van diensleweringsooreenkomste gelewer word, wat aan die bepalings van die Stelselswet, die Munisipale Finansiële Bestuurswet en enige ander toepaslike wetgewing voldoen.
- (2) Die munisipaliteit is nie geregtig om tariewe op te lê behalwe ingevolge ‘n geldige tariefbeleid nie.

4. INHOUD VAN DIE TARIEFBELEID

Die munisipaliteit se tariefbeleid moet, onder andere: –

- (a) die beginsels ingevolge artikel 74(2) van die Stelselswet weerspieël en enige verdere beginsels spesifiseer vir die oplegging van tariewe wat die Munisipaliteit mag aanvaar;
- (b) die wyse uiteensit waarop die beginsels waarna in artikel 74(2) verwys word ingevolge die tariefbeleid geïmplementeer moet word;
- (c) die grondslag uiteensit vir onderskeid, indien enige, vir tariefdoeleindes tussen die verskillende kategorieë verbruikers, debiteure, diensverskaffers, dienste en diensstandaarde, solank sodanige onderskeid nie op onbillike diskriminasie neerkom nie;
- (d) sodanige verdere toepassingsmeganismes, indien enige, wat die munisipaliteit mag oplê, bykomend bepaal tot daardie vervat in die Kredietbeheer- en Skuldinvorderingsverordening.

5. TOEPASSING EN AFDWINGING VAN DIE TARIEFBELEID

- (1) Die tariefbeleid sal van toepassing wees op alle tariewe wat deur die munisipaliteit bepaal word tydens die jaarlikse begrotingsproses, met dien verstande dat die munisipaliteit gedurende die loop van ‘n finansiële jaar tariewe kan bepaal indien –
 - (a) ‘n nuwe diens ingevoer word;
 - (b) geen tarief vir ‘n bestaande diens voorheen gehef is nie; of
 - (c) dit nodig is om ‘n reeds vasgestelde tarief reg te stel.
- (2) Betaling van tariewe sal afdwing word deur middel van hierdie verordening, die Kredietbeheer- en Skuldinvorderingsverordening, en enige ander afdwingingsmeganismes wat deur die munisipaliteit bepaal word.

6. HERROEPING

Die Tariefverordening gepubliseer in Buitengewone Provinsiale Koerant 7402 van 12 Junie 2015 word hiermee herroep.

7. KORT TITEL EN INWERKINGTREDE

Hierdie verordening sal bekend staan as die Tariefverordening van Swartland Munisipaliteit en sal op 1 Julie 2025 in werking tree.