



**MUNISIPALITEIT / MUNICIPALITY  
BEAUFORT-WES(T)**

**Notice no. 140/2007**



[As amended by Notice no. 76/2009 :  
Provincial Gazette 6635 dated 12 June 2009]  
[As amended by Notice no. 60/2011 :  
Provincial Gazette 6682 dated 17 June 2011]  
[As amended by Notice no. 83/2019 :  
Provincial Gazette 8128 dated 19 July 2019]

The Council of the Municipality of Beaufort West publishes the sub-jointed by-law relating to the Rates Policy By-Law of the Municipality of Beaufort West for general notice.

**RATES POLICY BY-LAW**

Arrangement of Sections

1. Definitions
2. Levying of rates on all rateable property
3. The rate amount
4. The base
5. Rates levied for a financial year
6. Commencement of rates.
7. Differential rates
8. Properties used for multiple purposes.
9. Exemptions, reductions and rebates
10. Liability for rates
11. Method and time of payment.
12. Accounts
13. Outstanding rates

**Preamble**

**Whereas** section 229 of the Constitution gives the municipality the right to impose rates on property;

**Whereas** this right is restated in section 4(1)(c) of the Systems Act and in section 2 of the Property Rates Act;

**Whereas** the municipality must exercise its power to levy rates on property subject to section 229 and any other applicable provisions of the Constitution, the provisions of the Property Rates Act and the rates policy it must adopt in terms of that act;

**Whereas** the Property Rates Act excludes certain properties from rating in the national interest;

**Whereas** the Property Rates Act requires the municipality to implement a transparent and fair system of exemptions, reductions and rebates through its rating policy;

**Whereas** section 3 of the Property Rates Act obliges the municipality to adopt a rates policy that is consistent with the Property Rates Act;

**Whereas** rates are the most important source of revenue for the municipality and the municipality must levy and collect rates payable by its ratepayers;

**Whereas** the municipality must in terms of section 6 of the Property Rates Act adopt a by-law to give effect to the implementation of its rates policy;

**And whereas** the by-laws may differentiate between-

- (a) different categories of properties; and
- (b) different categories of owners of properties liable for the payment of rates

**Now therefore** the municipality adopts the following -

## **BY- LAW**

### **1. Definitions**

In this by-law, unless the context indicates otherwise, all words not defined in hereunder will have a similar meaning as defined in the Property Rates Act.

**“agricultural property”** means a property zoned and utilised as such;

**“commercial property”** means a property zoned for commercial purposes, and includes any property of a different zoning but in respect of which the Council has approved the use for commercial purposes in terms of the provisions of town planning legislation;

**“Constitution”** means the Constitution of the Republic of South Africa, Act No 108 of 1996;

**“Council”** means the municipal council of the municipality;

**“Credit Control By-law”** means the municipality’s Credit Control and Debt Collection Policy By-law, published in the Provincial Gazette;

**“effective date”**, means -

- (a) in relation to a valuation roll, means the date on which the valuation roll takes effect ; or
- (b) in relation to a supplementary valuation roll, means the date on which a supplementary valuation roll takes effect;

**“exemption”** means a discharge of the liability to pay rates on property granted by a municipality in terms of section 15 of the Property Rates Act;

**“industrial property”** means a property zoned for industrial purposes and **“industrial”** has a similar meaning;

**“Municipal Finance Management Act”** means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

**“Minister”** means the Cabinet member responsible for local government;

**“market value”**, in relation to a property, means the value of the property determined in accordance with section 46 of the Property Rates Act;

**“month”** means a calendar month, and more specifically:-

- (a) in reference to a number of months from a specific date, a calendar month commencing on that date or the same date of any subsequent month, and
- (b) in any other context, a month of the calendar, that is, one of the 12 months of the calendar, and **“monthly”** has a similar meaning.

**“municipality”** means the Municipality of Beaufort-West;

**“municipal area”** means the geographical area, of the municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**“municipal manager”** means the person appointed by the council in terms of the Structures Act;

**“newly rateable property”** means any rateable property on which property rates were not levied before the end of the 2004/2005 financial year, 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 where the phasing-in of a rate is not justified;

**“policy”** means the Council’s rates policy from time to time approved by Council and **“rates policy”** has the same meaning.

*[As amended by Notice no. 83/2019 : Provincial Gazette 8128 dated 19 July 2019]*

**“prescribe”** means prescribe by the minister by regulation;

**“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 the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure;

**“Property Rates Act”** means the Local Government: Municipal Property Rates Act, Act 6 of 2004 and **“Act”** has a corresponding meaning;

**“public benefit activity”** means-

- (a) any welfare and humanitarian activity listed in Part A of Schedule 2;
- (b) any health care activity listed in Part B of Schedule 2; or
- (c) any education and development activity listed in Part C of Schedule 2

**“public benefit organisation”** means any organisation—

- (a) which is a company formed and incorporated under section 21 of the Companies Act, No. 61 of 1973, or a trust or an association of persons;
- (b) of which the sole object is carrying on one or more public benefit activity where-
  - (i) all such activities are carried on in a non-profit manner and with an altruistic or philanthropic intent; and
  - (ii) no such activity is intended to directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation, otherwise than by way of reasonable remuneration payable to that fiduciary or employee, and
- (c) where-
  - (i) each such activity carried on by that organisation is for the benefit of, or is widely accessible to, the general public at large, including any sector thereof (other than small and exclusive groups);
  - (ii) each such activity carried on by that organisation is for the benefit of, or is readily accessible to, the poor and needy; or
  - (iii) that organisation is at least 85% funded by donations, grants from any organ of state or any foreign grants.

**“public service infrastructure”** means infrastructure, owned by or otherwise under the control of an organ of state, of the following kinds-

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i);

**“rateable property”** means property on which the municipality may levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Property Rates Act;

**“rebate”**, means a discount on the amount of rates payable in respect of rates on property, granted in terms of section 15 of the Property Rates Act;

**“reduction”**, in relation to rates 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;

**“residential property”** in addition to the definition of the Act, means a property zoned for residential purposes, and “residential purposes” has a similar meaning, but excludes a residential property in respect of which the Council has granted approval for the property to be utilised for purposes other than residential in terms of applicable town planning legislation;

**“Sectional Titles Act”** means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

**“sectional title scheme”** means a scheme defined in section 1 of the Sectional Titles Act;

**“sectional title unit”** means a unit defined in section 1 of the Sectional Titles Act;

**“small holding”** means a property zoned for primarily residential purposes in conjunction with farming on a small scale, and utilised as such;

**“state-owned properties”** mean those properties within the municipal area the ownership of which vests in the state and is registered in the name of or in favour of the state, but do not include public infrastructure;

**“Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); **“this by-law”** includes the policy,

**“this by-law”** also means the schedules,

**“zoned”** means the land use rights attached to a property in terms of the applicable town planning scheme regulations.

## **2. Levying of rates on all rateable property**

- (1) Subject to subsection (2) the municipality will levy rates on all rateable property in the municipal area, in accordance with the policy.
- (2) The municipality does not levy rates on -
  - (a) property of which it is the owner and which is not subject to a lease;
  - (b) public service infrastructure owned by a municipal entity;
  - (c) a right registered against immovable property in the name of a person;
  - (d) property in respect of which it is impossible or unreasonably difficult to establish a market value because of legally insecure tenure resulting from past racially discriminatory laws or practices; or
  - (e) properties referred to in section 17 of the Property Rates Act.
- (3) A rate on property which is subject to a sectional title scheme is levied on the individual sectional title units in the scheme and not on the property as a whole

## **3. The rate amount**

- (1) Subject to subsections (2), (3) and (4) the rate amount is calculated by multiplying the market value of the property, as reflected in the valuation roll or updated valuation roll, by a cent amount in the Rand.

- (2) In the case of public service infrastructure, a rate will not be levied on the first 30% of the market value of public service infrastructure or such lower percentage as the minister may determine; provided that the Council will annually consider whether it is in a position to increase said percentage.
- (3) In the case of residential property, a rate will not be levied on the first R15 000 of the market value of the property or on such other amount as the minister may determine.
- (4) Notwithstanding the provisions of section 2(2), the council will annually consider whether, in respect of properties with a market value below a prescribed valuation level, it will levy a uniform fixed amount per property, instead of a rate determined in terms of subsection (1).

#### **4. The base**

The base used for the levying of a rate on property is the market value of property as reflected in the municipality's valuation roll or any adjustments or additions made to the valuation roll.

#### **5. Rates levied for a financial year**

- (1) The cent amount in the Rand is reviewed annually as part of the budget process.
- (2) A rate on property is levied for a financial year on, either an annual or monthly basis.
- (3) If an adjustment in the valuation of a property, as a result of an adjustment to the valuation roll, affects the amount due for rates payable on that property, the rates payable on that property will be recalculated and levied with effect from the effective date.
- (4) Where an addition has been made to a valuation roll the rates payable on that property will be levied with effect from the effective date.
- (5) A rate levied for a financial year may be increased during a financial year only as provided for in section 28 (6) of the Municipal Finance Management Act.

#### **6. Commencement of rates.**

A rate becomes payable -

- (a) as from the start of a financial year;
- (b) if the municipality's annual budget is not approved by the start of the financial year, as from such later date when the

municipality's annual budget, including a resolution levying rates, is approved by the provincial executive in terms of section 26 of the Municipal Finance Management Act; or

- (c) as from the effective date in the circumstances contemplated in sub-sections (3) and (4) of section 5.

## **7. Differential rates**

- (1) The municipality levies different rates for different categories of rateable property, as set out in the policy.
- (2) The municipality levies the different rates referred to in subsection (1), subject to the provisions of section 19 of the Property Rates Act.

## **8. Properties used for multiple purposes.**

A property used for multiple purposes is, for rates purposes, assigned to a category or categories as set out in the policy.

## **9. Exemptions, reductions and rebates**

The municipality will grant exemptions from, rebates on or reductions in rates, as set out in the policy.

## **10. Liability for rates**

- (1) The owner of property is liable for the payment of rates levied by the municipality on such property rate levied by a municipality.
- (2) Joint owners of a property are jointly and severally liable for the amount due for rates on that property.

## **11. Method and time of payment.**

- (1) A rate is payable -
  - (a) on a monthly basis; or
  - (b) annually, as may be agreed to with the owner of the property.
- (2) A rate payable must be paid on or before the date stipulated on the account rendered by the municipality.

## **12. Accounts**

- (1) A written account will be furnished to each person liable for the payment of a rate.
- (2) A person is liable for the payment of a rate is, whether or not that person has received a written account in terms of subsection (1). If a



person has not received a written account, that person must make the necessary enquiries from the municipality.

### **13. Outstanding rates**

- (1) The Municipal Manager must in terms of the Credit Control By-law act against a person liable for the payment of a rate, if such person fails to pay a rate on or before the date referred to in section 11(2).
- (2) All persons who have submitted false information and/or false affidavits and or failed to notify the Municipality of any amended use of properties owned by them will have the exemptions, rebates or reductions withdrawn with effect from the date of the incident in question and interest raised as provided for in the Municipality's Credit Control and Debt Collection By-Law. The Municipality may take further appropriate action against them.
- (3) All applications for exemptions, rebates or reductions will require the applicant's municipal accounts to have been paid up to date or the conclusion of a suitable arrangement with the Municipality as provided for in the Municipality's Credit Control and Debt Collection By-Law and Policy. Should there be a default on the arrangements, all the rebates, exemptions or reductions granted will be reversed with effect from the date on which the relevant application(s) was granted.
- (4) Any late applications or deviations from the ownership, registration or usage requirements of this Policy must be motivated to the Chief Financial Officer (CFO) or his/her nominee and will be dealt with in the sole discretion of the CFO or his/her nominee, taking into account any factors which he/she deems to be relevant, including, but not limited to considerations of fairness and equity.

*[As amended by Notice no. 60/2011 : Provincial Gazette 6682 dated 17 June 2011]*

## **SCHEDULE 1**

*[As amended by Notice no. 76/2009 : Provincial Gazette 6635 dated 12 June 2009]*

*[Deleted by Notice no. 60/2011 : Provincial Gazette 6682 dated 17 June 2011]*

*[Deleted by Notice no. 83/2019 : Provincial Gazette 8128 dated 19 July 2019]*

## **SCHEDULE 2**

### **Part A: Welfare and Humanitarian Activities**

- (a) The care or counselling of, or the provision of education programmes relating to, abandoned, abused, neglected, orphaned or homeless children.
- (b) The care or counselling of poor and needy persons where more than 90 % of those persons to whom the care or counselling are provided are over the age of 60.

- (c) The care or counselling of, or the provision of education programmes relating to, physically or mentally abused and traumatized persons.
- (d) The provision of disaster relief.
- (e) The rescue or care of persons in distress.
- (f) The provision of poverty relief.
- (g) Rehabilitative care or counselling or education of prisoners, former prisoners and convicted offenders and persons awaiting trial.
- (h) The rehabilitation, care or counselling of persons addicted to a dependence-forming substance or the provision of preventative and education programmes regarding addiction to dependence-forming substances.
- (i) Conflict resolution, the promotion of reconciliation, mutual respect and tolerance between the various peoples of South Africa.
- (j) The promotion or advocacy of human rights and democracy.
- (k) The protection of the safety of the general public.
- (l) The promotion or protection of family stability.
- (m) The provision of legal services for poor and needy persons.
- (n) The provision of facilities for the protection and care of children under school-going age of poor and needy parents.
- (o) The promotion or protection of the rights and interests of, and the care of, asylum seekers and refugees.
- (p) Community development for poor and needy persons and anti-poverty initiatives, including—
  - (i) the promotion of community-based projects relating to self-help, empowerment, capacity building, skills development or anti-poverty;
  - (ii) the provision of training, support or assistance to community-based projects contemplated in item (i); or
  - (iii) the provision of training, support or assistance to emerging micro enterprises to improve capacity to start and manage businesses, which may include the granting of loans.
- (q) The promotion of access to media and a free press.

### **Part B: Health Care Activities**

- (a) The provision of health care services to poor and needy persons.
- (b) The care or counselling of terminally ill persons or persons with a severe physical or mental disability, and the counselling of their families in this regard.
- (c) The prevention of HIV infection, the provision of preventative and education programmes relating to HIV/AIDS.
- (d) The care, counselling or treatment of persons afflicted with HIV/AIDS, including the care or counselling of their families and dependants in this regard.
- (e) The provision of blood transfusion, organ donor or similar services.
- (f) The provision of primary health care education, sex education or family planning.

### **Part C: Education and Development Activities**

- (a) “Adult basic education and training”, as defined in the Adult Basic Education and Training Act, Act No. 52 of 2000, including literacy and numeracy education.
- (b) Training for unemployed persons with the purpose of enabling them to obtain employment.
- (c) The training or education of persons with a severe physical or mental disability.