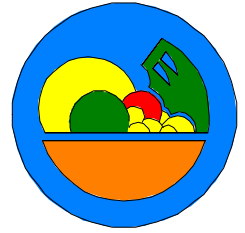




**GREATER TZANEEN MUNICIPALITY  
GROTER TZANEEN MUNISIPALITEIT  
MASIPALA WA TZANEEN  
MASEPALA WA TZANEEN**



**CONSUMER DEPOSIT POLICY**

<b>Policy Number:</b>	<b>Approved Date: 2024 03 27</b>
<b>Council Resolution:</b> E/C 2024 03 18 ; C 2024 03 27	<b>Review Date: 2024 03 18</b>
<b>Effective Date: 1 July 2024</b>	

*Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.*

# CONSUMER DEPOSIT POLICY

## 1. PREAMBLE AND DEFINITIONS

### PREAMBLE

**Whereas Section 96(a)** of the Local Government: **Municipal Systems Act, No 32** of 2000 (hereinafter referred to as the “MSA”), obliges the municipality to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

**And whereas** Section 96(b) of the Systems Act requires the Greater Tzaneen Municipality to adopt, maintain and implement a credit control and debt collection policy, which is consistent with its rates and tariff policies and complies with the provisions of the Act; and whereas Section 97(1) of the Systems Act stipulates what a credit control and debt collection policy must provide for ;

And in terms of the **Municipal Finance Management Act (MFMA)** , 2003 (Act No. 56 of 2003) sections 62 and 64 require the effective management of the municipality’s revenue;

The municipality require protection that service rendered will be paid for by the customer therefore it is equally appropriate that council adopt the deposit policy of Greater Tzaneen municipality (section 104(1) d).

## DEFINITIONS

**“Municipality”** refers to Greater Tzaneen Municipality,

**“Customer”** means the owner or occupier of the property or premises, liable to the council for payment of municipal account or part thereof,

**“Council”** means the municipal council of Greater Tzaneen municipality in terms of section 18 of Municipal Structures act and or section 157(1) of the Constitution,

**“Credit Control and Debt Collection Policy”** means the credit control and debt collection policy as adopted by Greater Tzaneen Municipal council in terms of section 96(b) of the Municipal Systems Act 2000 as amended,

**“Deposit”** an amount paid by consumer, to be withheld by the municipality from the opening of an account till termination, and will be refunded on termination provided as prescribed by this policy and the customer does not owe the municipality on other accounts.

**“Financial Year”** means the municipality financial year starting on the 1<sup>st</sup> July and ending at 30 June of the following year.

**“Service agreement”** means a form to be completed by customer when applying for municipal services.

**“Termination of service”** means the form to be completed by the customer as a notice of closing the municipal account.

**“arrears”** means the debt that is overdue after missing one or more required payments.

**“Foreigner”** a person who comes from a foreign country and does not have a South African Bar-coded identity book issued by South African Department of Home Affairs.

**“Refund”** to return money, repayment of credit balance on account, or appropriation of deposit held by the municipality.

## **2. OBJECTIVES**

Section 64 of the Municipal Finance Management Act (MFMA) requires the Accounting officer of a municipality to take all reasonable steps to ensure that the municipality has and maintains effective revenue collection systems consistency with section 95 of the Municipal Systems Act (MSA) and the municipality’s credit control and debt collection policy and the requirements of section 104(1)d of MSA. As such the municipal service charges must be covered by a consumer deposit and this policy must provide for the management of such consumer deposit.

## **3. FORM OF DEPOSIT**

The deposit shall be in the form of cash/eft deposit. Irrevocable bank guarantees will only be accepted after an application is made stating all reasons why deposit cannot be made in the form of cash/eft and is approved by the Chief Financial Officer.

Deposits are payable on opening of accounts and will be held until the account is closed/terminated. At the time of registration as a customer, a deposit will be required based on tariff as set in the budget for the applicable financial year.

When transfer of property took place the new consumer account may be charged the deposit to the account and not required to pay upfront due to the process of opening an account in case of property transfer.

Pre-paid consumers will only be required to pay for water deposit.

## **4. AMOUNT OF DEPOSIT**

The minimum amount of deposit per category will be set annually with the review of the budget.

Deposit will be due and payable on registration of new consumers and or upon the movement of existing consumer to a new address.

## **5. REVISION OF DEPOSIT**

Deposits will be set at the minimum deposit at the time of opening an account. The minimum initial deposit will be determined with the budget report according to the tariff policy.

Owners/occupier accounts deposit will remain with the current deposit as any shortfall will be recovered when property is sold and clearance is required, no risk posed to the municipality for owners/occupier accounts.

Tenant accounts with arrears has no justification for deposit review as the deposit adjustment will only inflate our debt book with no subsistence as the deposit will be applied once the account is closed.

## **6. INTEREST**

The municipality will not pay any interest on deposits. All deposits paid shall not be regarded as being in payment of account due to the municipality, and as such will be held by the municipality as security until the account is closed(service terminated) and fully settled.

## **7. REFUND OF DEPOSIT**

On the termination of the service agreement, the deposit held by the municipality shall be refunded to the debtor upon the submission of all the required information, provided that the customer has paid the account in full,

-if the account has not being paid in full, the deposit will be applied to any outstanding amounts owed by the customer, and any credit remaining will be refunded to the customer.

- If the deposit is not sufficient to cover the amount due, the customer shall remain liable and notice to that effect shall be given to the client to settle the account after which debt collection shall apply.

The municipality cannot be held responsible for not refunding the deposit that is not claimed, or paid out on time due to outstanding documents.

It remains the responsibility of the consumers to claim and follow up on the deposits held by the municipality.

## **8. UNCLAIMED DEPOSIT**

Only deposits which have been claimed by the customer will be refunded and these deposits will only be refunded to customers who can positively identify themselves as persons who have signed the agreement with Council, or in the event that the customer passed away, the death certificate of such person. Guarantees will only be released upon the full settlement of the outstanding debt to Council and notice of such is made to the municipality.

Where the customer does not complete the termination of service agreement form, services will be disconnected when application is made by a new owner/consumer. It remains the responsibility of the previous occupant to claim their deposit.

The municipality may appropriate a consumer deposit on any account related to that customer.

## **9. UNECONOMIC REFUNDS**

The municipality may deem it uneconomical to refund up to a certain amount decided by Council and such amounts will be consolidated and forfeited, and if considerable it may be paid over to charity by the Mayor of the municipality or set off against provision for bad debts.

Where the customer has another account with the municipality Credit can be

transferred between accounts, same where the account is in arrears (Section 102(1) of the Municipal Systems Act)

## **10. IMPLEMENTATION AND REVIEW**

Council has discretion power to amend any clause, stipulation or tariff embodied in the deposit policy in the interest of the parties concerned.

## **11. PROCEDURES**

New Consumer complete application for services. Property transfer new owner will be automatically liable for services and deposit charged directly to the new account holder.

Deposit payable based on the minimum deposit amount as determined annually during the budget process for the following category of owners:

Flats- electricity only ,

Flats – electricity and water,

Residential and agricultural properties – single phase and 3 phase

Businesses – single and 3 phase

Pre paid electricity users (Water deposit) minimum as determined annually during budget process

## **12. SHORT TITLE AND COMMENCEMENT**

This policy will be known as the consumer deposit policy of Greater Tzaneen Municipality and shall commence on 1 July 2024.

Review March 2024