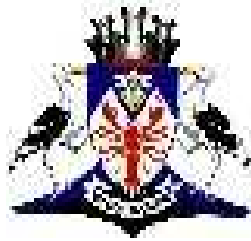


WEST COAST DISTRICT MUNICIPALITY

PROPERTY RATES POLICY



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WEST COAST DISTRICT MUNICIPALITY

PREAMBLE

WHEREAS section 3 of the Local Government: Municipal Property Rates Act, 2004 (No6 of 2004) determines that a municipality must adopt a rates policy consistent with this Act.

NOW THEREFORE the following policy on the levying of property rates is accepted.

OBJECTIVE

1. In developing and adopting this rates policy, the council has sought to give effect to the sentiments expressed in the preamble of the Property Rates Act, namely that:
 - (a) the Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;
 - (b) there is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfil its developmental responsibilities;
 - (c) revenues derived from property rates represent a critical source of income for municipalities to achieve their constitutional objectives, especially in areas neglected in the past because of racially discriminatory legislation and practices; and
 - (d) it is essential that municipalities exercise their power to impose rates within a statutory framework which enhances certainty, uniformity and simplicity across the nation, and which takes account of historical imbalances and the burden of rates on the poor.

DEFINITIONS

2. In this policy, unless the context indicates otherwise—

“agricultural purpose”, in relation to the use of a property, excludes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;

“annually” means once every financial year;

“category” –

- (a) in relation to property, means a category of property determined in terms of section 8 of the Act;
- (b) in relation to owners of property, means a category of owners determined in terms of section 15 (2) of the Act;

“district management area” means a part of a district municipality which in terms of section 6 of the Municipal Structures Act has no local municipality and is governed by that municipality alone;

“district municipality” means the West Coast District Municipality;

“exclusion”, in relation to a municipality’s rating power, means a restriction of that power as provided for in section 17 of the Act;

“exemption”, in relation to the payment of a rate, means an exemption granted in terms of section 15 of the Act;

“financial year” means the period starting from 1 July in a year to 30 June of the next year;

“local community”, in relation to a municipality—

- (a) means that body of persons comprising—
 - (i) the residents of the municipality;
 - (ii) the ratepayers 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.
- (b) Includes, more specifically, the poor and other disadvantaged sections of such body of persons.

“local municipality” means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality;

“market value”, in relation to a property, means the value of the property determined in accordance with section 39 of the Act;

“multiple purposes”, in relation to a property, means the use of a property for more than one purpose;

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

“municipality”—

- (a) as a corporate entity, means a municipality described in section 2 of the Municipal Systems Act; and
- (b) as a geographical area, means a municipal area demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

“municipal manager” means a person appointed in terms of section 82 of the Municipal Structures Act;

“newly rateable property” means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date;

“occupier”, in relation to a property, means a person in actual occupation of a property whether or not that person has a right to occupy the property;

“owner”—

- (a) in relation to property referred to in paragraph (a) of the definition of “property”, means—
 - a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered; or

- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:
- (i) A trustee, in the case of a property in a trust excluding state trust land;
 - (ii) an executor or administrator, in the case of a property, in a deceased estate;
 - (iii) a trustee or liquidator, in the case of a property, in an insolvent estate or in liquidation;
 - (iv) a judicial manager, in the case of a property, in the estate of a person under judicial management;
 - (v) a curator, in the case of a property, in the estate of a person under curatorship;
 - (vi) an usufructuary or other person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
 - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
 - (viii) a buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

“permitted use”, in relation to a property, means the limited purposes for which the property may be used in terms of –

- (a) any restrictions imposed by –
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;

“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;

“property register” means a register of properties referred to in section 23 of the Act;

“rate” means a municipal rate on property envisaged in section 229(1)(a) of the Constitution;

“rateable property” means property on which a municipality may in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

“rebate”, in relation to a rate payable on a property, means a discount on the amount of the rate payable on the property;

“reduction”, in relation to a rate 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” means property included in a valuation roll in terms of section 41 (2) of the Act as residential;

“the Act” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

- (2) In this policy, a word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

PURPOSE OF THE POLICY

3. The purposes of the policy are:-

- (1) To comply with the provisions section 3 of the Act.
- (2) To determine criteria to be applied for-
 - a) the levying of differential rates for different categories of properties;
 - b) exemptions;
 - c) grants and rebates; and
 - d) rate increases.
- (3) Determine or provide criteria for the determination of:-
 - a) categories of properties for the purpose of levying different rates; and
 - b) categories of owners of properties for categories of properties, for the purpose for the granting of exemptions, rebates and reductions.
- (4) Determine how the municipality's powers must be exercised in relation to multi purpose properties.
- (5) Identify and quantify to the municipality in terms of cost and benefit to the community-
 - a) exemptions, rebates and reductions;
 - b) exclusions; and
 - c) rates on properties that must be phased in.
- (6) Take into account the effect of rates on the poor.
- (7) Take into account the effect of rates on organisations conducting public benefit activities.
- (8) Take into account the effect of rates on public service infrastructure.
- (9) Determine measures to promote local economic and social development.
- (10) Identify all rateable property that is not rated.

POLICY PRINCIPLES

- 4. (1)** The council shall as part of each annual operating budget component impose a rate in the rand on the market value of all rateable property as recorded in the municipality's valuation roll and supplementary valuation roll. Rateable property shall include any rights registered against such property, with the exception of a mortgage bond.

- (2) The council pledges itself to limit each annual increase as far as practicable to the increase in the consumer price index over the period preceding the financial year to which the increase relates, except when the approved integrated development plan of the municipality provides for a greater increase.
- (3) The council shall, in imposing the rate for each financial year, take proper cognisance of the aggregate burden of rates and service charges on representative property owners, in the various categories of property ownership, and of the extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region.
- (4) The council shall further, in imposing the rate for each financial year, strive to ensure that the aggregate budgeted revenues from property rates, less revenues forgone and less any contributions to the provision for bad debts, equal at least 25% (twenty five percent) of the municipality's aggregate budgeted net revenues for the financial year concerned. By doing so, the municipality will ensure that its revenue base and the collectability of its revenues remain sound.
- (5) All ratepayers, in a specific category, as determined by council from time to time, will be treated equitably.
- (6) Rates will be raised in proportion to the improved value of the property.
- (7) The rates tariff will be based on the value of all rateable properties and the amount required by the municipality to balance the operating budget after taking in account profits generated on trading and economic services and the amounts required to finance exemptions, rebates and grants in-aid of rates as approved by council from time to time.
- (8) Trading and economic services will be ringfenced and tariffs and service charges calculated in such a manner that the income generated covers the cost of the services or generates a profit.
- (9) Property rates will be used to finance community and subsidised services and not used to subsidise trading and economic services.
- (10) Profits on trading and economic services can be used to subsidise community and subsidised services.
- (11) The provision for working capital for community and subsidised services must be equal to the non-payment of rates during the previous financial

year and must not include any working capital provision relating to trading and economic services.

- (12) The income base of the municipality will be protected by limiting exemptions, grants and rebates as set out in this policy.

CLASSIFICATION OF SERVICES AND EXPENDITURE

- 5.** (1) The Chief Financial Officer shall, subject to the guidelines provided by the National Treasury and Mayoral Committee of the Council, make provision for the following classification of municipal services:-

(a) ***Trading services***

- (i) Water.
- (ii) Electricity.
- (iii) Holiday resorts.

(b) ***Economic services***

- (i) Refuse removal.
- (ii) Sewerage disposal.

(c) ***Community services***

- (i) Air pollution.
- (ii) Fire fighting services.
- (iii) Local tourism.
- (iv) Municipal planning.
- (v) Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned to them under the Constitution or any other law.
- (vi) Stormwater management system in built-up areas.
- (vii) Trading regulations.
- (viii) Fixed billboards and the display of advertisements in public places.
- (ix) Cemeteries.
- (x) Control of public nuisances.
- (xi) Control of undertakings that sell liquor to the public.

- (xii) Township development.
- (xiii) Facilities for accommodation, care and burial of animals.
- (xiv) Fencing and fences.
- (xv) Licensing of dogs.
- (xvi) Licensing and control of undertakings that sell food to the public.
- (xvii) Local amenities.
- (xviii) Local sport facilities.
- (xix) Municipal parks and recreation.
- (xx) Municipal roads.
- (xxi) Noise pollution.
- (xxii) Pounds.
- (xxiii) Public places.
- (xxiv) Street trading/street lighting.
- (xxv) Traffic and parking.
- (xxvi) Building control.
- (xxvii) Licensing of motor vehicles and transport permits.
- (xxviii) Nature reserves.

(d) ***Subsidised services***

- (i) Health and ambulance.
- (ii) Libraries and museums.
- (iii) Proclaimed roads.

(2) Trading and economic services must be ringfenced and financed from service charges while community and subsidised services will be financed from rates.

Categorisation of expenditure

(3) Expenditure will be classified in the following categories.

- (i) Salaries, wages and allowances.
- (ii) Bulk purchases.
- (iii) General expenditure.
- (iv) Repairs and maintenance.
- (v) Capital charges (interest and redemption)/depreciation.
- (vi) Contribution to fixed assets.
- (vii) Contribution to funds-

- (a) bad debts.
- (b) working capital; and
- (c) statutory funds.
- (viii) Contribution to reserves.
- (ix) Gross expenditure.
- (x) Less charge-out.
- (xi) Net expenditure.
- (xii) Income.
- (xiii) Surplus/Deficit.

Cost Centres

- (4) Cost centres will be created to which the costs associated with providing the service can be allocated-
 - (a) by Department;
 - (b) by Section/service; and
 - (c) by Division/service.
- (5) The classification of expenditure each with a unique vote will be applied to all cost centres.

CATEGORIES OF PROPERTY

6. (1) Properties will be categorised as follows:-

- (a) Residential properties.
- (b) Industrial properties.
- (c) Business and commercial properties.
- (d) Farm properties used for-
 - (i) agricultural purposes;
 - (ii) other business and commercial purposes;
 - (iii) residential purposes; or
 - (iv) other than (i) to (iii).
- (e) Farm properties not used for any purpose.
- (f) Small holdings used for-
 - (i) agricultural purposes;
 - (ii) residential purposes;
 - (iii) industrial purposes;
 - (iv) business and commercial purposes; or
 - (v) other than (i) to (iv).

- (g) State-owned properties.
- (h) Municipal properties.
- (i) Public service infrastructure.
- (j) Privately owned towns serviced by the owner.
- (k) Formal and informal settlements.
- (l) Communal land as defined in the Communal Land Rights Act.
- (m) State trust land.
- (n) Properties-
 - (i) acquired through Provision of Land and assistance Act, 1993 (No. 126 of 1993) or the Restitution of Land Rights Act, 1994 (No. 22 of 1994); or
 - (ii) subject to the Communal Property Associations Act, 1996 (No. 28 of 1996).
- (o) Protected areas.
- (p) National monuments
- (q) Properties owned by public benefit organisations (Part 1 of the Ninth Schedule).
- (r) Properties used for multiple purposes.

CATEGORIES OF OWNERS

- 7. (1)** For the purpose of this policy and in terms of section 15(2) of the Act the following categories of owners will be recognised-
- (a) indigent owners;
 - (b) owners dependent on pensions or social grants for their livelihood;
 - (c) owners temporarily without income;
 - (d) owners of property situated within an area affected by-
 - (i) a disaster within the meaning of the Disaster Management Act, 2002 (No. 57 of 2002);
 - (ii) any other serious adverse social or economic conditions;
 - (e) owners of residential properties with a market value lower than an amount determined by the municipality; or
 - (f) owners of agricultural properties who are *bona fide* farmers.

LIABILITY FOR RATES

8. Method and time of payment

- (1) The Municipality will recover the rate levied in periodic instalments of equal amounts in twelve months.
- (2) The instalment is payable on or before the 15th day of every month, following the month in which it has been levied.
- (3) Interest will be charged at 1% above the prime interest rate for any late payments received.

Annual Payment Arrangements

- (4) By prior arrangement with the municipality the rate may be paid in a single amount before 30 September of the year it is levied in, however, application must be submitted before 31 May for this option.

- (4.2) A Municipality may recover owners rates on (a) a monthly basis (12 payments) or (b) less payments, as agreed with the Council, as stipulated in Section 26 of the Act or (c) annually, before 30 September, as may be agreed by the owner of the property.

- (5) The Director of Financial Services will consider any applications after 30 June.

Recovery of arrear rates from tenants, occupiers and agents

- (6) If an amount due for rates levied in respect of a property is unpaid after the day determined, the municipality may recover the amount in whole or in part from a tenant or occupier of the property.
- (7) The amount the municipality might recover from the tenant or occupier of the property is limited to the amount of the rent or other money due and payable by the tenant or occupier to the owner of the property.
- (8) Any amount the municipality recovers from the tenant or occupier of the property may be set off, by the tenant or occupier, against any money owed by the tenant or occupier to the owner.
- (9) The municipality may recover the amount due for rates from an agent of the owner after it has given written notice to that agent or person.

- (10) The amount the municipality may recover from the agent or other person is limited to the amount of that rent received by the agent or person, less the commission due to that agent or person.
- (11) Less the commission due to that agent or person, subject to the Estate Agents Act, 1976 (Act No. 112 of 1976).
- (12) The agent or other person must, on request by the municipality, furnish the municipality with a written statement specifying all payments for rent on the property received by that agent or person during a period determined by the municipality.

Interim Valuation Debits

- (13) In the event that a property has been transferred to a new owner and an Interim Valuation took place, the previous owner as well as the new owner will jointly and separately be held responsible for the settling the interim rates account.

Ownership

- (14) Properties, which vest in the Municipality during developments, i.e. open spaces and roads should be transferred at the cost of the developer to the Municipality.
- (15) Until such time, rates levied will be for the account of the developer.

Clearance Certificate

- (16) Rates Clearance Certificates will be valid till 30 June, if monies paid in full until such a date.
- (17) However, should attorneys request to extend the certificate for 120 days beyond this date, and this extension of time surpasses the date of 30 June the new year's rates become payable in full.

Levying of rates on property in sectional title schemes

- (18) A rate on property, which is subject to a sectional title scheme, will be levied on the individual sectional title units in the scheme.

CRITERIA TO BE APPLIED FOR THE PURPOSE OF LEVYING DIFFERENT RATES FOR CATEGORIES OF PROPERTIES

- 9(1) With the exception of agricultural properties all other categories will pay the same rate in the rand as determined by the municipal council from time to time.
- (2) The rate payable by agricultural properties will be equal to twenty five percent (25%) of the rate payable by other rate payers. The reduction will be calculated as follows:
- (a) a 12, 5% reduction due to the fact that the municipality does not provide municipal roads;
 - (b) a 12, 5% reduction due to the fact that the municipality does not provide sewerage services;
 - (c) a 12, 5% reduction due to the fact that the municipality does not provide electricity services;
 - (d) a 25 % reduction due to the fact that the municipality does not provide water services;
 - (e) a 12, 5% reduction due to the fact that the municipality does not provide refuse removal services;

EXEMPTIONS

Categories of properties

- 10.(1) Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.
- (2) Owners of the following categories of properties may apply for the exemption of property rates subject to producing a tax exemption issued by the South African Revenue Services (SARS).
- (a) The following Public Benefit Organisations (welfare and humanitarian), may apply for exemption of rates *before 31 May* where:-
 - (i) rateable property is registered in the name of an institution or organisation which, in the opinion of the Council, performs welfare and humanitarian work as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (Act No 58 of 1962);
 - (ii) the care or counselling of, or the provision of education programmes relating to, abandoned, abused, neglected, orphaned of homeless children;

- (iii) the care or counselling of poor and needy persons where more than 90 per cent of those persons to whom the care or counselling are provided are over the age of 60;
- (iv) the care or counselling of, or the provision of education programmes relating to, physically or mentally abused and traumatised persons;
- (v) the provision of disaster relief;
- (vi) the rescue or care of persons in distress;
- (vii) the provision of poverty relief;
- (viii) rehabilitative care or counselling or education of prisoners, former prisoners and convicted offenders and persons awaiting trial;
- (ix) 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 programmes;
- (x) conflict resolution, the promotion of reconciliation, mutual respect and tolerance between the various peoples of South Africa;
- (xi) the promotion or advocacy of human rights and democracy;
- (xii) the protection of the safety of the general public;
- (xiii) the promotion or protection of family stability;
- (xiv) the provision of legal services for poor and needy persons;
- (xv) the provision of facilities for the protection and care of children under school-going age of poor and needy parents;
- (xvi) the promotion or protection of the rights and interest of, and the care of, asylum seekers and refugees;
- (xvii) community development for poor and needy persons and anti-poverty initiatives, including:
 - (a) the promotion of community-based projects relating to self-help, empowerment, capacity building, skills development of anti-poverty;
 - (b) the provision of training, support or assistance to community based projects contemplated in item (a); or
 - (c) 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 on such conditions as may be prescribed by the Minister by way of regulation; and

(xix) the promotion of access to media and a free press.

(b) Public Benefit Organisations (cultural), where:-

- (i) rateable property is registered in the name of Boy Scouts, Girl Guides, Sea Scouts, Voortrekkers or any other organisation which, in the opinion of the Council, is similar or any rateable property let by the Council to any of the said organisations; or
- (ii) rateable property is utilised for the promotion, establishment, protection, preservation or maintenance of areas, collection or buildings of historical or cultural interest or national monuments or national heritage sites, museums, including art galleries, archives and libraries.

(c) Public Benefit Organisations (sport), where:-

- (i) sports grounds are used for the purpose of amateur and any social activities which are connected to such sport with the exception of sport grounds of public or private schools .

(d) Public Benefit Organisations (conservation, environmental and animal welfare), where:-

- (i) rateable property is registered in the name of an organisation or institution that is engaged in the conservation, rehabilitation or protection of the natural environment, including flora and fauna; or
- (ii) rateable property is registered in the name of an institution or organisation which has as its exclusive objective the protection, including the rehabilitation or prevention of ill-treatment, of animals or birds.

(e) Public Benefit Organisations (health care), where:-

- (i) rateable property is registered in the name of an institution or organisation which has as its exclusive objective the health care or counselling of needy, terminally ill, severe physical or mental disable and HIV/AIDS-affected persons or patients;
- (ii) the provision of health care services to poor and needy persons;

- (iii) the care of counselling of terminally ill persons or persons with a severe physical or mental disability, and the counselling of their families in this regard;
 - (iv) the prevention of HIV infection, the provision of preventative and education programmes relating to HIV/AIDS;
 - (v) the care, counselling or treatment of persons afflicted with HIV/AIDS, including the care or counselling of their families and dependants in this regard;
 - (vi) the provision of blood transfusion, organ donor or similar services; and
 - (vii) the provision of primary health-care education, sex education or family planning.
- (3) Properties used for:
- (a) maintaining the welfare of war veterans and registered in the name of a trustee or trustees or any organisation.
 - (b) Agricultural, where:-
 - (i) rateable property is registered in the name of an agricultural society affiliated to or recognised by the South African Agricultural Union, which is used for the purposes of such a society; or
- (4) To correct imbalances of the past all residential and informal properties with a market value of less than R50 000 are exempted from paying rates. The R15 000 impermissible rates contemplated in terms of section 17(1)(h) of the Act is included in the R50 000 amount.

Categories of owners

- (5) To correct in balances of the past all owners of residential and informal properties with a market value of less than R50 000 are exempted from paying rates.

REBATES

Categories of properties

11. (1) The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of

jurisdiction, based on its Local, Social and Economic Development Policy. The following criteria will apply:-

- (a) job creation in the municipal area;
 - (b) social upliftment of the local community; and
 - (c) creation of infrastructure for the benefit of the community.
- (2) Rebates must be phased out within five years from the date that the rebate was granted for the first time in terms of the policy.
- (3) Rebates will be granted on application (*on or before 31 May*) subject to:
- (a) A business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality as stated in section 11(2) are going to be met.
 - (b) A continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives.
 - (c) An assessment by the municipal manager indicating that the company qualifies.
 - (d) A Council resolution.
- (4) The municipality shall grant rebates subject to the fulfilment of the conditions to Public Benefit Organisations (education and development) based on section 17(1)(a) of the Act.
- (a) Public Benefit Organisations (education and development) where:
 - (i) rateable property is registered in the name of an educational institution established, declared or registered by or under any law;
 - (ii) the provision of education by a “school” as defined in the South African Schools Act, 1996, (Act No. 84 of 1996);
 - (a) the provision of “higher education” by a “higher education institution” as defined in terms of the Higher Education Act, 1997, (Act No. 101 of 1997);

- (b) “adult basic education and training”, as defined in the Adult Basic Education and Training Act, 2000, (Act No 52 of 2000), including literacy and numeracy education;
- (c) “further education and training” provided by a “public further education and training institution” as defined in the Further Education and Training Act, 1998, (Act No. 98 of 1998);
- (d) training for unemployed persons with the purpose of enabling them to obtain employment;
- (e) the training or education of persons with a severe physical or mental disability;
- (f) the provision of bridging courses to enable educationally disadvantaged persons to enter a higher education institution as envisaged in subparagraph (iii);
- (g) the provision of educare or early childhood development services for preschool children;
- (h) training of persons employed in the national, provincial and local spheres of government, for purposes of capacity building in those spheres of government;
- (i) the provision of school buildings or equipment for public schools and educational institutions engaged in public-benefit activities contemplated in subparagraphs (ii) to (ix);
- (j) career guidance and counselling services provided to persons for purposes of attending any school or higher education institution as envisaged in subparagraphs (ii) and (iii);
- (k) the provision of hostel accommodation to students of a public benefit organisation, institution , board of body;
- (l) programmes addressing needs in education provision, learning, teaching, training, curriculum support, governance, whole school development, safety ad security at schools, pre-schools or educational institutions as envisaged in subparagraphs (ii) to (ix);
- (m) educational enrichment, academic support, supplementary tuition or outreach programmes for the poor and needy; and

- (n) the provision of scholarships, bursaries and awards for study, research and teaching on such conditions as may be prescribed by the Minister by way of regulations in the Gazette.
- (5) Rebates will be subject to the following conditions:
- (a) all applications must be addresses in writing to the municipality;
 - (b) a SARS tax exemption certificate must be attached to all applications; and
 - (c) the chief financial officer or his delegate must approve all applications.

Categories of owners

- (6) Owners that meet the following criteria may apply for a rebate in terms of a sliding scale as determined by council from time to time:
- (a) the property must be registered in the name of the applicant;
 - (b) the owner must at least be 65 years if the owner is a male or 60 years if the owner is a female;
 - (c) the owner must occupy the property;
 - (d) in the case of a semi detached house of which a section is rented out the rebate will only apply to the portion occupied by the owner.
 - (e) the age requirement contemplated in 9(6)(b) will not apply if the owner is a disabled person in receipt of a disability pension or a person retired earlier for medical reasons.
- (7) Applicant must supply the following details on the relevant application form:
- (a) personal details of the applicant;
 - (b) postal address of applicant;
 - (c) erf or lot number as indicated in the municipal valuation records of the property for which the application is made;
 - (d) a detailed description of the purpose of which the relevant property is being used; and
 - (e) any other details required by the municipality required from time to time.

- (8) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- (9) Applications contemplated in paragraph 9(7) must be accompanied by the following detail:
 - (a) a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - (b) sufficient proof of income of the owner and his/her spouse;
 - (c) an affidavits from the owner;
 - (d) if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - (e) if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.

REDUCTIONS

Categories of property

12. (1) A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolition or floods.
- (2) The reduction will be in relation to the certificate issued for this purpose by the municipal valuator.

Categories of owners

- (3) All categories of owners can apply for a reduction in the tax payable as described in section 10(1).

RATE INCREASES

13. (1) The municipality will consider increasing rates annually during the budget process.
- (2) Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- (3) Relating to community and subsidised services:-
 - (a) The following annual adjustments will be made:-
 - (i) All salary and wage increases as agreed at the National Bargaining Council.

- (ii) An inflation adjustment for general expenditure, repairs and maintenance and contributions to funds.
 - (iii) Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- (4) Extraordinary expenditure not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- (5) All increases in the property rates will be communicated to the local community in terms of the council's policy on community participation.

MULTI PURPOSE PROPERTIES

- 14.** (1) Property tax on properties used for multiple purposes will be levied on the permitted use as defined in section 9(1)(a) of the Act.
- (2) Properties used for multiple purposes, other than those referred to under residential properties above, shall be rated on the value assigned to each component, and shall receive the rebate applicable to such component.

COSTS OF EXEMPTIONS, REBATES, REDUCTIONS, PHASING IN OF RATES AND GRANTS-IN-LIEU OF RATES

- 15.** (1) During the budget process the Chief Financial Officer must inform council of all the costs associated with the suggested exemptions, rebates, reductions, phasing in of rates and grant-in-lieu of rates .
- (2) Provisions must be made on the operating budget –
- (a) the full potential income associated with property rates; and
 - (b) the full costs associated with exemptions, rebates, reductions, phasing in of rates and grants-in-lieu of rates.

REGISTER OF PROPERTIES

- 16.** (1) The Chief Financial Officer must draw up and maintain a register of properties as contemplated as section 23 of the Act.

NOTIFICATION OF RATES

- 17.** (1) The council will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.
- (2) A notice stating the purport of the council resolution, date on which the new rates shall become operational and invitation for objections will be displayed by the municipality at places installed for that purpose.

CORRECTION OF ERRORS AND OMISSIONS

- 18.** (1) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (2) In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

FREQUENCY OF VALUATIONS

- 19.** (1) The municipality shall prepare a new valuation roll every 4 (four) years and supplementary valuation rolls whenever necessary, as contemplated in section 78(1) of the Act.

SHORT TITLE

- 20.** (1) This policy is the Property Rates Policy of the West Coast District Municipality.

LEGAL REQUIREMENTS: Synopsis of Act 6 of 2004

A paraphrase – and in some instances an abridgement – of the key requirements of the Local Government: Property Rates Act no. 6 of 2004 is attached as an annexure A to this policy for ease of reference.

LEGAL REQUIREMENTS:

ANNEXURE “A”

CAUTIONARY NOTE

This paraphrase is not meant to cover the complete contents of the Property Rates Act, but is focused rather on those requirements which are immediately relevant to a municipality's rates policy. Thus the section dealing with transitional arrangements has been omitted, and so have most of the provisions dealing with the valuation process.

SECTION 2: POWER TO LEVY RATES

A metropolitan or local municipality may levy a rate on property in its municipal area. A district municipality may lease a rate on property within the district management area.

A municipality must exercise its power to levy a rate on property subject to Section 229 and any other applicable provisions of the Constitution, the provisions of the Act, and the rates policy and by-laws it must adopt in terms of this Act.

SECTION 3: ADOPTION AND CONTENTS OF RATES POLICY

The council of a municipality must adopt a policy consistent with the Act on the levying of rates on rateable property in the municipality.

Such a rates policy will take effect on the effective date of the first valuation roll prepared by the municipality in terms of the present Act, and such policy must accompany the municipality's budget for the financial year concerned when that budget is tabled in the council in terms of the requirements of the Municipal Finance Management Act.

A rates policy must:

- treat persons liable for rates equitably;
- determine the criteria to be applied by the municipality if it:
 - levies different rates for different categories of property;
 - exempts a specific category of owners of properties, or the owners of a specific category of properties, from payment of a rate on their properties;

- grants to a specific category of owners of properties, or to the owners of a specific category of properties, a rebate on or a reduction in the rate payable in respect of their properties; or
- increases rates;
- determine or provide criteria for the determination of categories of properties for the purposes of levying different rates, and categories of owners of properties, or categories of properties, for the purpose of granting exemptions, rebates and reductions;
- determine how the municipality's powers in terms of Section 9 must be exercised in relation to properties used for multiple purposes;
- identify and quantify in terms of cost to the municipality and any benefit to the local community, exemptions, rebates and reductions; exclusions; and rates on properties that must be phased in in terms of Section 21;
- take into account the effect of rates on the poor and include appropriate measures to alleviate the rates burden on them;
- take into account the effect of rates on organisations conducting specified public benefit activities and registered in terms of the Income Tax Act for tax reductions because of those activities, in the case of property owned and used by such organisations for those activities;
- take into account the effect of rates on public service infrastructure;
- allow the municipality to promote local, social and economic development; and
- identify, on a basis as may be prescribed, all rateable properties in a municipality that are not rated in terms of Section 7.

When considering the criteria to be applied in respect of any exemptions, rebates and reductions on properties used for agricultural purposes, a municipality must take into account:

- the extent of services provided by the municipality in respect of such properties;
- the contribution of agriculture to the local economy;
- the extent of which agriculture assists in meeting the service delivery and development obligations of the municipality; and
- the contribution of agriculture to the social and economic welfare of farm workers.

Any exemptions, rebates or reductions granted and provided for in the rates policy adopted by a municipality must comply and be implemented in accordance with a national framework that may be prescribed after consultation with organised local government.

No municipality may grant relief in respect of the payment of rates to:

- a category of owners of properties, or to the owners of a category of properties, other than by way of an exemption, rebate or reduction as provided for in its rates policy and granted in terms of Section 15 of the present Act; or
- the owners of properties on an individual basis.

SECTION 4: COMMUNITY PARTICIPATION

Before a municipality adopts its rates policy, the municipality must follow the process of community participation envisaged in Chapter 4 of the Municipal Systems Act; and comply with the following requirements, as set out below.

The municipal manager of the municipality must:

- conspicuously display the draft rates policy for a period of at least 30 days at the municipality's head and satellite offices and libraries, and, if the municipality has an official website or a website available to it, on that website as well; and
- advertise in the media a notice stating that a draft rates policy has been prepared for submission to the council, and that such policy is available at the various municipal offices for public inspection, and (where applicable) is also available on the relevant website; and inviting the local community to submit comments and representations to the municipality within a period specified in the notice, but which period shall not be less than 30 days.

The council must take all comments and representations made to it into account when it considers the draft rates policy.

SECTION 5: ANNUAL REVIEW OF RATES POLICY

The council must annually review, and – if needed – amend its rates policy. Any amendments to the rates policy must accompany the municipality's annual budget when it is tabled in the council in terms of the Municipal Finance Management Act.

When the council decides to amend the rates policy, community participation must be allowed for as part of the municipality's annual budget process.

SECTION 6: BY-LAWS TO GIVE EFFECT TO RATES POLICY

A municipality must adopt by-laws to give effect to the implementation of its rates policy, and such by-laws may differentiate between different categories of properties, and different categories of owners of properties liable for the payment of rates.

SECTION 7: RATES TO BE LEVIED ON ALL RATEABLE PROPERTY

When levying rates a municipality must levy such rates on all rateable property in its area, but it is nevertheless not obliged to levy rates on:

- properties of which the municipality itself is the owner;
- public service infrastructure owned by a municipal entity;
- rights registered against immovable property in the name of a person;
- properties in respect of which it is impossible or unreasonably difficult to establish a market value because of legally insecure tenure attributable to past racially discriminatory laws or practices.

The requirement to levy rates on all rateable properties does not prevent a municipality from granting exemptions from rebates on or reductions in rates levied.

SECTION 8: DIFFERENTIAL RATES

A municipality may in terms of the criteria set out in its rates policy levy different rates for different categories of rateable property, and these categories may be determined according to the:

- use of the property;
- permitted use of the property; or
- geographical area in which the property is situated.

Categories of rateable property that may be determined include the following:

- residential properties
- industrial properties
- business and commercial properties
- farm properties used for:
 - agricultural purposes
 - other business and commercial purposes
 - residential purposes
 - purposes other than those specified above
- farm properties not used for any purpose
- smallholdings used for:
 - agricultural purposes
 - residential purposes
 - industrial purposes
 - business and commercial purposes
 - purposes other than those specified above
- state owned properties
- municipal properties
- public service infrastructure
- privately owned towns serviced by the owner
- formal and informal settlements
- communal land
- state trust land
- properties acquired through the provision of Land Assistance Act 1993 or the Restitution of Land Rights Act 1994 or which is subject to the Communal Property Associations Act 1996
- protected areas
- properties on which national monuments are proclaimed
- properties owned by public benefit organisations and used for any specific public benefit activities
- properties used for multiple purposes.

SECTION 9: PROPERTIES USED FOR MULTIPLE PURPOSES

A property used for multiple purposes must, for rates purposes, be assigned to a category determined by the municipality for properties used for:

- a purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- a purpose corresponding with the dominant use of the property; or
- multiple purposes, as specified in Section 8 above.

A rate levied on a property assigned to a category of properties used for multiple purposes must be determined by:

- apportioning the market value of the property, in a manner as may be prescribed to the different purposes for which the property is used; and
- applying the rates applicable to the categories determined by the municipality for properties used for those purposes to the different market value apportionments.

SECTION 10: LEVYING OF RATES ON PROPERTY IN SECTIONAL TITLE SCHEMES

A rate on a property which is subject to a sectional title scheme must be levied on the individual sectional title units in the scheme, and not on the property on a whole.

SECTION 11: AMOUNT DUE FOR RATES

A rate levied by a municipality on property must be stated as an amount in the rand:

- on the market value on the property;
- in the case of public service infrastructure, on the market value of the public service infrastructure less 30% of that value;
- in the case of property to which Section 17(1)(h) applies, on the market value of the property less the amount stated in that section (note the section concerned deals with the requirement that the first R15 000 of the market value of certain properties is not rateable).

SECTION 12: PERIODS FOR WHICH RATES MAY BE LEVIED

In levying rates, a municipality must levy the rate for a financial year. A rate lapses at the end of the financial year for which it was levied.

The levying of rates forms part of the municipality's annual budget process, and the municipality must therefore annually, at the time of its budget process, review the amount in the rand of its current rates in line with the annual budget for the next financial year.

SECTION 13: COMMENCEMENT OF RATES

A rate becomes payable as from the start of the particular financial year, or 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 the resolution levying the rates, is approved by the provincial executive in terms of section 26 of the Municipal Finance Management Act.

SECTION 14: PROMULGATION OF RESOLUTIONS LEVYING RATES

A rate is levied by a municipality by a resolution passed by the council with a supporting vote of a simple majority of its members.

The resolution levying the rates must be promulgated by publishing the resolution in the Provincial Gazette.

Whenever a municipality passes a resolution to levy rates, the municipal manager must, without delay, conspicuously display the resolution for a period of at least 30 days at the municipality's head and satellite offices and libraries, and if the municipality has an official website or a website is available to it, on that website as well; and advertise in the media a notice stating that the resolution levying the property rates has been passed by the council, and that the resolution is available at the municipality's head and satellite offices as so forth.

SECTION 15: EXEMPTIONS, REDUCTIONS AND REBATES

A municipality may in terms of the criteria which it has set out in its rates policy:

- exempt a specific category of owners of properties, or the owners of a specific category of properties, from payment of the rate levied on their property; or
- grant to a specific category of owners, or to the owners of a specific category of properties, a rebate on or a reduction in the rates payable in respect of their properties.

In granting exemptions, reductions and rebates in respect of owners or categories of properties, a municipality may determine such categories in accordance with Section 8 of the present Act, and when granting exemptions, reductions or rebates in respect of categories of owners of properties, such categories may include:

- indigent owners;
- owners dependent on pensions or social grants for their livelihood;
- owners temporarily without income;
- owners of property situated within an area affected by a disaster or any other serious adverse social or economic conditions;
- owners of residential properties with a market value lower than an amount determined by the municipality; and
- owners of agricultural properties who are bona fide farmers.

The municipal manager must annually table in the council:

- a list of all exemptions, reductions and rebates granted by the municipality during the previous financial year; and
- a statement reflecting the income which the municipality has forgone during the previous financial year by way of such exemption, reductions and rebates, exclusions referred to in the Act, and the phasing in discount granted in terms of Section 21.

All exemptions, reductions and rebates projected for a financial year must be reflected in the municipality's annual budget for that year as income on the revenue side and expenditure on the expenditure side.

SECTION 16: CONSTITUTIONALLY IMPERMISSIBLE RATES (ABRIDGED)

In terms of the Constitution a municipality may not exercise its power to levy rates on property in a manner that materially and unreasonably prejudices national economic policies, economic activities across its boundaries, or the national mobility of goods, services, capital and labour.

If a rate on a specific category of properties, or a rate on a specific category of properties above a specific amount in the rand, is materially and unreasonably prejudicing any of the matters referred to above, the Minister of Provincial and Local Government may, by notice in the gazette, give notice to the relevant municipality that the rate must be limited to an amount in the rand specified in the notice.

SECTION 17: OTHER IMPERMISSIBLE RATES (ABRIDGED)

A municipality may not levy a rate on:

- the first 30% of the market value of public service infrastructure;
- any part of the seashore;
- any part of the territorial waters of the Republic;
- any islands of which the state is the owner;
- those parts of a special nature reserve, national park or nature reserve or national botanical garden which are not developed or used for commercial, business, agricultural or residential purposes;
- mineral rights;
- property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses 10 years from the date on which such beneficiary's title was registered in the office of the registrar of deeds;
- the first R15 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll to a category determined by the municipality for residential purposes or for properties used for multiple purposes, provided one or more components of the property are used for residential purposes;
- a property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community which is occupied by an office bearer of that community and who officiates at services at that place of workshop.

(The remainder of this Section deals with situations where the various exemptions lapse).

SECTION 18: EXEMPTION OF MUNICIPALITIES FROM PROVISIONS OF SECTION 17

A municipality may apply in writing to the Minister for Provincial and Local Government to be exempted from applying the exemptions granted in respect of the first 30% of the market value of public infrastructure, the exemptions on nature reserves, national parks and national botanical gardens, the exemption on property belonging to land beneficiaries, and the exemption applying to the first R15 000 of the market value of residential and mixed use property, if the municipality can

demonstrate that such exclusions are compromising or impeding its ability or right to exercise its powers or perform its functions within the meaning of the Constitution.

SECTION 19: IMPERMISSIBLE DIFFERENTIATION

A municipality may not levy:

- different rates on residential properties (except where transitional arrangements apply or where some of the properties are newly rateable);
- a rate on non-residential properties that exceeds a prescribed ratio to the rate on residential properties;
- rates which unreasonably discriminate between categories of non-residential properties; and
- additional rates, except as provided for in Section 22.

SECTION 20: LIMITS ON ANNUAL INCREASES OF RATES

The Minister of Provincial Local Government may, with the concurrence of the Minister of Finance and by notice in the gazette, set an upper limit on the percentage by which rates on properties or a rate on a specific category of properties may be increased. Different limits may be set for different kinds of municipalities or different categories of properties.

The Minister may, on written application by a municipality, and on good cause shown, exempt such municipality from a limit set in terms of the foregoing.

SECTION 21: COMPULSORY PHASING IN OF CERTAIN RATES

A rate levied on newly rateable property must be phased in over a period of three financial years. Similarly, a rate levied on property owned by a land reform beneficiary must, after the exclusion period has lapsed, be phased in over a period of three financial years.

A rate levied on a newly rateable property owned and used by organisations conducting specified public benefit activities must be phased in over a period of four financial years.

The phasing in discount on a property must:

- in the first year, be at least 75% of the rate for that year otherwise applicable to that property;

- in the second year, be at least 50% of the rate for that year otherwise applicable to that property, and;
- in the third year, be at least 25% of the rate for that year otherwise applicable to that property.

No rate may be levied during the first year on newly rateable property owned and used by organisations conducting specified public benefit activities. Thereafter the phasing in discount shall apply as for other newly rateable property except that the 75% discount shall apply to the second year, the 50% to the third year, and the 25% to the fourth year.

A rate levied on newly rateable property may not be higher than the rate levied on similar property or categories of property in the municipality.

SECTION 22: SPECIAL RATING AREAS (ABRIDGED)

A municipality may by a resolution of its council determine an area within that municipality as a special rating area, levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area, and differentiate between categories of properties when levying such additional rate.

For determining such a special rating area, the municipality must undertake a prescribed process of consultation with the local community, and obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate.

The levying of an additional rate may not be used to reinforce existing inequities in the development of the municipality, and any determination of a special rating area must be consistent with the objectives of the municipality's IDP.

SECTION 23: REGISTER OF PROPERTIES

The municipality must draw up and maintain a register in respect of all properties situated within that municipality, dividing such register into a part A and a part B.

Part A of the register consists of the current valuation roll of the municipality, including any supplementary valuation rolls prepared from time to time.

Part B of the register specifies which properties on the valuation roll or any supplementary valuation rolls are subject to:

- an exemption from rates in terms of Section 15 of the present Act;
- a rebate on or a reduction in the rate in terms of Section 15;
- a phasing in of the rate in terms of Section 21; and
- an exclusion referred to in Section 17.

The register must be open for inspection by the public during office hours, and if the municipality has an official website or a website available to it, the register must also be displayed on that website.

The municipality must at regular intervals, but at least annually, update part B of the register.

SECTION 24: PROPERTY RATES PAYABLE BY OWNERS

A rate levied by a municipality on property must be paid by the owner of the property.

Joint owners of a property are jointly and severally liable for the amount due for rates on that property.

In the case of agricultural property owned by more than one owner in undivided shares, the municipality must consider whether in the particular circumstances it would be more appropriate for the municipality to hold any one of the joint owners liable for all rates levied in respect of the agricultural property, or to hold any joint owner only liable for that portion of the rates levied on the property that represent that joint owner's undivided share in the agricultural property.

SECTION 25: PAYMENT OF RATES ON PROPERTY IN SECTIONAL TITLE SCHEMES

The rate levied by a municipality on a sectional title unit is payable by the owner of the unit.

The municipality may not recover the rate on such sectional title unit, or any part of such rate, from the body corporate controlling the sectional title scheme, except when the body corporate itself is the owner of any specific sectional title unit.

SECTION 26: METHOD AND TIME OF PAYMENT

A municipality must recover a rate on a monthly basis, or less often as may be prescribed in terms of the Municipal Finance Management Act, or annually, as may be agreed to with the owner of the property.

If the rate is payable in a single annual amount, it must be paid on or before a date determined by the municipality. If the rate is payable in installments, it must be paid on or before a date in each period determined by the municipality.

SECTION 27: ACCOUNTS TO BE FURNISHED

A municipality must furnish each person liable for the payment of a rate with a written account specifying:

- the amount due for rates payable;
- the date on or before which the amount is payable;
- how the amount was calculated;
- the market value of the property;
- if the property is subject to any compulsory phasing in discount in terms of Section 21, the amount of the discount, and
- if the property is subject to any additional rate in terms of Section 22, the amount due for additional rates.

The person liable for payment of the rates remains liable for such payment whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, that person must make the necessary enquiries from the municipality.

SECTION 28: RECOVERY OF RATES IN ARREARS FROM TENANTS AND OCCUPIERS

If an amount due for rates levied in respect of a property is unpaid by the owner of the property after the date determined for payment by the municipality, the municipality may recover the amount in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier. The municipality may recover an amount only after it has served a written notice on such tenant or occupier.

The amount that the municipality may recover from the tenant or occupier is limited to the amount of the rent or other money due or payable, but not yet paid, by such tenant or occupier to the owner of the property.

SECTION 29: RECOVERY OF RATES FROM AGENTS

A municipality may recover the amount due for rates on a property in whole or in part from the agent of the owner, if this is more convenient for the municipality, but only after the municipality has served a written notice on the agent in this regard.

The amount that the municipality may recover from the agent is limited to the amount of any rent or other money received by the agent on behalf of the owner, less any commission due to the agent.

SECTION 30: GENERAL VALUATION AND PREPARATION OF VALUATION ROLLS

A municipality intending to levy a rate on property must cause a general valuation to be made of all properties in the municipality, and must prepare a valuation roll of all properties in terms of such valuation.

All rateable properties in a municipal area must be valued during such general valuation, including all properties fully or partially excluded from rates in terms of Section 17 of the present Act. However, if the municipality does not intend to levy rates on its own property, on public service infrastructure owned by a municipal entity, on rights in properties, and on properties in respect of which it is impossible or unreasonably difficult to establish a market value because of legally insecure tenure resulting from past racial discrimination, the municipality is not obliged to value such properties as part of the valuation process.

A municipality may also apply to the Minister for exemption from the obligation to value properties excluded from rates in terms of Section 17 if the municipality can demonstrate that the valuation of such properties is too onerous for it, given its financial and administrative capacity.

Properties which have not been valued, because of any of the foregoing considerations, must nevertheless be included in the valuation roll.

SECTION 31: DATE OF VALUATION

For the purposes of a general valuation a municipality must determine a date that may be not more than 12 months before the start of the financial year in which the valuation roll is to be first implemented.

The general valuation must reflect the market values of properties in accordance with market conditions which apply as at the date of the valuation, and in accordance with any other applicable provisions of the present Act.

SECTION 32: COMMENCEMENT AND PERIOD OF VALIDITY OF VALUATION ROLLS (ABRIDGED)

A valuation roll takes effect from the start of the financial year following completion of the public inspection period required by the present Act, and remains valid for that financial year or for one or more subsequent financial years, as the municipality may decide, but in total not for more than four financial years.

Section 32(2) provides for the extension of the period of validity of the valuation roll by the MEC for Local Government, but only up to a period of five financial years, and only in specified circumstances.

SECTION 46: GENERAL BASIS OF VALUATION (ABRIDGED): CHAPTER 5 VALUATION CRITERIA

The market value of a property is the amount the property would have realised if sold on the date of valuation in the open market by a willing seller to a willing buyer.

SECTION 47: VALUATION OF PROPERTY IN SECTIONAL TITLE SCHEMES

When valuing a property which is subject to a sectional title scheme, the valuer must determine the market value of each sectional title unit in the scheme.

SECTION 77: GENERAL: UPDATING OF VALUATION ROLLS

A municipality must regularly, but at least once a year, update its valuation roll by causing a supplementary valuation roll to be prepared, or the valuation roll itself to be amended.

