

**BA-PHALABORWA LOCAL MUNICIPALITY**



**DRAFT DEPOSIT & REFUND POLICY  
2024/25**

## 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 Ba-Phalaborwa 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 Ba-Phalaborwa municipality (section 104(1) d).

### DEFINITIONS

**“Municipality”** refers to Ba-Phalaborwa 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 Ba-Phalaborwa 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 as adopted by Ba-Phalaborwa Municipal council in terms of section 96(b) of the Municipal Systems Act 2000 as amended,

**“Deposit”** an amount paid by customer, 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 s year starting at 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 service /account,

**“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, a person who does not have South African Bar-coded identity book issued by South African Department of Home Affairs.

**“Refund”** to return money, repayment, or of balancing account, 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 municipality charges and withhold 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/cheque 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 or cheque 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 the criteria set by the Chief Financial Officer from time to time.

No new account shall be opened on a stand which has an outstanding balance due to the municipality. The balance shall be paid in full or on arrangement prior the account can be opened.

## **4. AMOUNT OF DEPOSIT**

The minimum amount of deposit which is equivalent to estimate of customer's average monthly utility bill for service will be set annually with the review of the policy. The deposit may vary according to the credit worthiness or the risk as determined by council.

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

The municipality may classify customers in terms of their credit risk profile into three groups;

- Good Customers – Customer with a good credit record and pose no credit risk to the municipality,
- Moderate Customers – Customers with a moderate credit record and pose a credit risk to the municipality, and

- Bad Customers – Customers with a bad credit record and pose a significant risk to the municipality.
- Foreign Customer – deposit can be different to the one on the table on the merit and approval of the Chief Financial Officer.
- Only the Chief Financial Officer has the right to approve the amount other than in the policy.

The security deposit will accordingly vary according to credit rating of the customer as assessed by the municipality. Apart from the grouping above the municipality will categorise the customer type as hereunder and the minimum amount payable:

<b>DEPOSIT TARIFFS</b>		
<b>Category</b>	<b>Approved 2022/23</b>	<b>Approved 2023/24</b>
Domestic Town - Metered Customers	2,472	2,600.00
Domestic Town - Prepaid metered Customers	1,440	1,700.00
Domestic Townships - Metered Customers	1,440	1,700.00
Business / industrial- Metered Customers	4,090	6,000.00
Business/ industrial - Prepaid electricity metered Customers	2,472	3,500.00
Government - Metered Customers	4,091	4,500.00
Foreigners Domestic- Metered Customers	4,091	4,500.00
Foreign Business/Other - Metered Customers	6,178	7,200.00
Foreign Agriculture		3,200.00
Agriculture Properties	2,080	2,200.00
Rental deposit - to be equivalent to one month rent	Equivalent to one monthly rent	Equivalent to one monthly rent

The deposits above may still vary on the merit approved by the Chief Financial Officer, and may be adjusted based on the consumption pattern

## 5. REVISION OF DEPOSIT

The municipality may at its sole discretion increase the deposit by not less than 10% of the approved deposit as per the approved tariff list of the current year. The deposit may be increased on the following grounds:

- If the consumer `s account is regularly in arrears, paid after due date.
- If the consumer s account is regularly in arrears and the average account if far more than the deposit.
- If the consumer `s service supply is regularly restricted or disconnected.
- When the debtor apply for extension of time to settle account.

- When payments by direct/negotiable instrument is dishonoured.
- If and when the debtor poses a payment risk to the municipality.
- When there is an increase in consumption of services.
- When reviewing the tariffs for the new financial year or such time when the municipality deems it necessary at its sole discretion.
- The municipality may increase the deposit up to or any 12 months' average usage.

That for the financial year 2024/25 all the deposits be reviewed in terms of this policy (schedule) along with the proposed revenue enhancement strategy.

## **6. INTEREST**

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

## **7. ALLOCATION OF PAYMENTS**

Should the municipality increase the deposit as in the revision of deposit above, the amount paid shall first be allocated to the deposit and then other services as per the municipality's credit control and debt collection policies and by-laws.

This sequence of allocation shall be followed notwithstanding any instruction to the contrary given by the account holder.

## **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 councils, or in the absence of the person the death certificate of such person. Guarantees will only be released upon the full settlement of the outstanding debt to council and the notice of such is made to the municipality.

Where the customer does not complete the termination of service agreement form, services are disconnected by the application of the new customer, it remains the responsibility of such person to claim their deposits.

The municipality may appropriate a customer's deposit on any account related to that customer. Where a tenant has absconded leaving a debt on a property, an additional deposit equal to the debt on the property, may be raised on the tenant's new account.

## **9. UNECONOMIC REFUNDS**

Where the municipality deem uneconomic to refund a certain amount to be decided annually by council, such amounts will be consolidated and forfeited, if considerable paid over to charity or the organisation of choice 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. REFUNDS ON TERMINATED ACCOUNTS BY THE ACCOUNT HOLDER**

- Credits accounts shall only be refunded upon the receipts of the application in line with the approved requirements.
- On application and subject to all other accounts being fully paid the applicant will be refunded credit on the terminated account.
- It remains the responsibility of the Consumer/Owner whose account is terminated to ensure that a credit balance on the account is claimed back and to follow up on any deposits or refund applied for held by the Municipality.
- Ba-Phalaborwa Municipality shall not be liable for non-payment of claimed deposits or credit balance due to outstanding supporting documents and information required for the purposes of processing the refund.
- Phalaborwa Municipality reserves the right to forfeit unclaimed credit account after 3 years subject to all avenues being exhausted to notify the customer of his/her credit.

## **11. REFUNDS APPLICATION OTHER THAN THE ACCOUNT HOLDER**

- In the event of the death of the account holder who has entered into a service agreement and paid a deposit, application for a refund of a deposit or credit balance shall only be considered upon the submission of the following documents:
  - A written request for the refund by the Executor of the deceased estate;
  - A certified copy of the court appointment of the executor; and
  - A certified death certificate of the deceased account holder
- Original letter from the Conveyancers stating who must be refunded the credit on the account since they handled the transfer of the property in case of property transfers.

## **12. REFUNDS OTHER THAN TERMINATED ACCOUNTS**

- Credits on terminated accounts shall only be refunded unless if the payment was erroneously paid into the wrong account.
- Error on the amount paid (i.e. the account has been overpaid)
- The Municipality reserves the right to charge administration fees for any claims made against payment erroneously made into the Municipality bank account or paid extra against the active account.

### **13. 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.

### **14. SHORT TITLE AND COMMENCEMENT**

This policy will be known as the deposit policy of Ba-Phalaborwa Municipality and shall commence on the date of adoption by municipal council resolution.