

# BA-PHALABORWA MUNICIPALITY



## UNKNOWN DEPOSIT BY-LAW

2026-2027

## DEFINITION

**Council** - means a Municipal Council established in Section 18 of the Municipal Structures Act and referred to in Section 157 (1) of the Constitution.

**Creditor** - means a person to whom money is owed by the Municipality.

**Primary Bank Account** - means a bank account referred to in section 8(1) of the Municipal Finance Management Act. "Register" means the official register kept receipting all unclaimed deposits.

**Municipality** - Refers to Ba-Phalaborwa Municipality

**Arrears** - means the debt that is overdue after missing one or more required payments.

**Customer** - means the owner of property or premises, liable to the council for payment of municipal account.

**Deposit** - means a determinable amount payable by a customer on application for municipal services, to be withheld by the municipality from the date of opening of an account until the date of termination thereof, which amount will be refunded to the customer on termination of the consumer account within the discretion of the Municipality, provided that the customer does not have any other outstanding accounts with the Municipality.

**Financial Year** - means the Municipal financial year commencing on 1st July and ending at 30 June of the following year

**Owner** - means registered owner of the property; liable to pay all outstanding amounts of the property

**Refund** - means to return or pay back money, repayment, or of a balancing account, appropriation of the deposit held by the Municipality.

## LEGISLATIVE FRAMEWORK

The Local Government Municipal Finance Act, 56 of 2003, 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 consistence with section 95 of the Municipal Systems Act (MSA) and the municipality's Credit Control and Debt Collection By-law and the requirements of section 104(1)(d) of the MSA.

## **ADOPTION AND IMPLEMENTATION OF UNKNOWN DEPOSIT POLICY**

The council shall adopt and implement an Unknown Deposit Policy for unclaimed deposit made to the municipality for Municipal Service with the provisions of the Local Government: Municipal Systems Act, 32 of 2000, the Local Government Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.

## **ENFORCEMENT OF UNKNOWN DEPOSIT POLICY**

The Council's Unknown Deposit policy shall be enforced through the Unknown Deposit By-Law and further enforcement mechanism stipulated in the Council's Unknown Deposit policy.

## **AVAILABILITY OF BY-LAWS**

[a] A copy of these by-laws shall be included in the municipalities Municipal Code as required in terms of section 15 of the Municipal Systems Act, No 32 of 2000 and shall be displayed on the official website of the municipality;

[b] A copy of these by-laws shall be available for inspection at the municipal offices at all reasonable times;

## **SHORT TITLE AND COMMENCEMENT**

This By-Law is called the Unknown Deposit By-law of the Ba-Phalaborwa Local Municipality and shall come to force and effect upon promulgation in the government gazette.

### **By-law Approval**

By law was formulated by Budget and treasury Management in consultation with the Treasury.

### **Review and amendment of the by-law**

- This by law must be reviewed periodically in order to ensure continued alignment with the MFMA, applicable regulations, National Treasury guidance, audit findings and the operational needs of the municipality.
- In addition to periodic review, the municipality must review this by law where:
- Legislative or regulatory amendments affect assets Management processes;
- Audit findings or oversight recommendations indicate weaknesses in assets management;
- Institutional changes require clarification of roles, procedures or reporting lines; or
- Practical implementation challenges reveal gaps or ambiguities in the Policy.

- The Council must approve any amendment to this by law following consideration of a formal submission setting out the reasons for the amendment, the proposed changes and the implications for financial governance and oversight.
- Until amendments are approved by Council, the existing provisions of
- this by law remain binding on all officials and councillors.

**ADOPTION BY THE COUNCIL**

Resolution NO: <b>461/26</b>	Approved date: <b>27 MAY 2026</b>
Effective Date <b>01 July 2026</b>	Review date: <b>Annually</b>

**AUTHORITY**



**MUNICIPAL MANAGER  
MS MOKOBI ST**



**COUNCIL SPEAKER  
MR. NO MABUNDA**