
GOVERNMENT NOTICE

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

No. R. 468

30 April 2009

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO.6 OF 2004): AMENDMENT OF THE MUNICIPAL PROPERTY RATES REGULATIONS, 2006

Under sections 80 and 83 of the Local Government Property Rates Act, 2004 (Act No. 6 of 2004), I, Sicelo Shiceka, hereby amend the Municipal Property Rates Regulations as published in Government Notice No. R. 1036 of 18 October 2006, as set out in the Schedule.

SCHEDULE

Amendment of the Municipal Property Rates Regulations as published in Government Notice No. R. 1036 of 18 October 2006 (hereinafter referred to as the "Regulations")

1. The Arrangement of Regulations is hereby amended by the addition of the following Chapter after Regulation 11 of Chapter 11:

"CHAPTER 12

FRAMEWORK FOR CONDONATION OF NON-COMPLIANCE WITH PROVISIONS OF THE ACT

12. Framework contemplated in section 80 of the Act.
13. Short title"

2. The Regulations are hereby amended by the insertion of the following new Chapter 12 after regulation 11:

CHAPTER 12

FRAMEWORK FOR CONDONATION OF NON-COMPLIANCE WITH PROVISIONS OF THE ACT

Framework contemplated in section 80

- 12(1)An MEC for local government may, within the framework set out hereunder, condone the non-compliance with a provision of the Act requiring any act to be done within a specified period or permitting any act to be done only within a specified period, having regard to -

- (a) the fair and effective administration of the Act ;
- (b) the merits of each case
- (c) the institutional, financial and other matters having a bearing on the capacity of the municipality to discharge its duties in relation to the implementation of the Act,
- (d) whether the municipality is progressively making improvements on matters of compliance related to the meeting of timeframes in terms of the Act, including where applicable, the fulfilment of previously imposed conditions by the MEC;
- (e) any other matter that is considered relevant and is not inconsistent with the provisions of the Act.

(2) An application for the condonation for the submission of a valuation roll after the period referred to in regulation 3(1), must be made where possible, as soon as the municipality becomes aware that it will fail to comply with the provisions of the period for the submission of a valuation roll. Such application must reach the MEC not later than 90 days before the date of implementation of the valuation roll, except applications for condonation for the submission of a valuation roll that is to be implemented on 1 July 2009.

(3) The condonation by an MEC for the late submission of a valuation roll to the Municipal Manager must not result in the provisions of section 32(1)(a) of the Act not being complied with.

(4) Any condonation by an MEC in terms of section 80 of the Act read with this regulation may not be construed as condonation or justification of any expenditure that may be considered as fruitless and wasteful expenditure incurred by a municipality in the course of performing its powers and functions in terms of this Act or any other legislation.