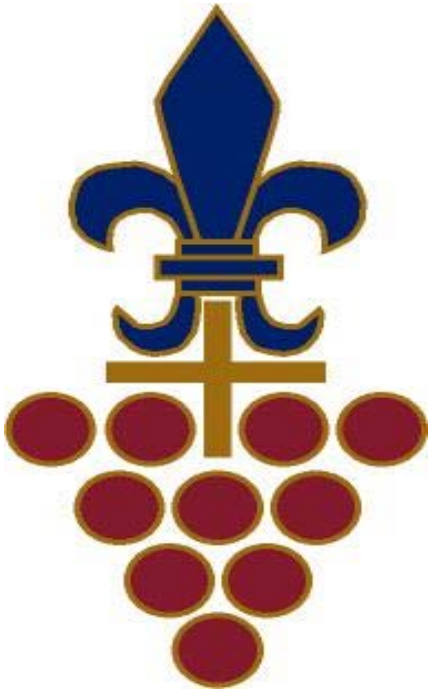
# APPENDIX 32

# STELLENBOSCH MUNICIPALITY

# CREDIT CONTROL AND DEBT COLLECTION BY-LAW 2024/2025

# UNCHANGED

# STELLENBOSCH MUNICIPALITY



# CREDIT CONTROL AND DEBT COLLECTION BY-LAW

Effective from 01 July 2023

## PREAMBLE

To give effect to the Municipality's Credit Control and Debt Collection Policy and/or

to regulate its implementation and enforcement in the Stellenbosch Municipal Area (WC024) in terms of section 156(2) of the Constitution of the Republic of South Africa (Act 108 of 1996) and sections 96 and 98 of the Municipal Systems Act (Act 32 of 2000);

to provide for the collection of all monies due and payable to the Municipality; and

to provide for matters incidental thereto.

# STELLENBOSCH MUNICIPALITY

## CREDIT CONTROL AND DEBT COLLECTION BY-LAW

### TABLE OF CONTENTS

**PAGE**


1. Definitions ..... 1
2. Duty to collect debt ..... 5
3. Applications for provisions of municipal services and service agreements ..... 5
4. Deposits and guarantees ..... 6
5. Accounts and billing ..... 6
6. Restriction or disconnection of supply of services ..... 7
7. Measurement of metered municipal services ..... 7
8. Payments and settlement of amounts due ..... 7
9. Procedures for and matters relating to the recovery of debt ..... 8
10. Rates clearance certificates ..... 9
11. Interest ..... 9
12. Consolidation of accounts ..... 10
13. Agreements with employers ..... 10
14. Indigents ..... 10
15. Right of access to premises ..... 10
16. Process for grievances and queries ..... 11
17. Appeal ..... 11
18. Offences ..... 11
19. Notices and documents ..... 12
20. Authentication of documents ..... 12
21. Certificate of indebtedness ..... 13
22. Conflict of By-laws ..... 13
23. Partial invalidity ..... 13
24. Repeal of By-laws ..... 13
25. Application ..... 13
26. Short title ..... 13

## 1. Definitions

(1) In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 32 of 2000, has that meaning, unless the context, indicates otherwise-

**"account"** means a municipal account rendered specifying an amount or amounts payable for assessment rates, metered services, municipal charges, levies, fees, fines, taxes or any other amount or amounts payable arising from any other liability or obligation due to the Municipality;

**"arrangement"** means a written agreement entered into between the Council and the debtor in terms of which specific repayment parameters are agreed to;

**"arrears"** means any amount due and payable to the Municipality and not paid by the due date;

**"Council"** means the Municipal Council of Stellenbosch Municipality as referred to in section 157 of the Constitution;

"**Credit Control and Debt Collection Policy**" means the Credit Control and Debt Collection Policy adopted by the Council in terms of Section 96 of the Local Government: Municipal Systems Act, 32 of 2000;

**"customer"** means any occupier of any premises to which the Municipality has agreed to supply or is actually supplying services, or if no occupier can be identified or located, the owner of the premises and includes any debtor of the Municipality;

**"day/days"** means calendar days, inclusive of Saturdays, Sundays and public holidays;

**"debtor"** means any person owing money to the Municipality;

**"due date"** in relation to-

(a) *When paying an annual account, that account shall be paid and received by the Municipality in full not later than the date as specified on the account*; and

(b) *when paying a monthly account, that account shall be paid and received by the Municipality in full not later than the date as specified on the account*.

Should such day fall on a Saturday, Sunday, or public holiday the due date shall be the next working day.

**"Electricity By-law"** means the Stellenbosch Municipality: Electricity Supply By-law as promulgated in the *Provincial Gazette*;

**"estimated consumption"** means the deemed consumption of a customer, that was not measured for the specific period, but estimated by taking into account factors that are considered relevant by the Municipality and which may include consumption data for a specific time in its possession and where applicable, having made due allowance where possible for seasonal or other variations which may affect consumption;

**"immovable property"** includes-

(a) an undivided share in immovable property, and

(b) any right in immovable property.

**"Indigent Policy"** means the Indigent Policy adopted by the Council of the Municipality;

"**interest"** means a charge levied on all arrear monies as stipulated in the Municipality's Credit Control and Debt Collection Policy;

**"month"** means a calendar month;

**"monthly average consumption"** means the monthly average consumption in respect of that property calculated on the basis of consumption over the preceding twelve months taking seasonal variances and exceptional circumstances into consideration;

**"Municipality"** means Stellenbosch Municipality (WC024);

**"Municipal Manager"** means the person appointed as such in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000;

"**municipal pay point"** means those payment facilities set out in the Credit Control and Debt Collection Policy;

**"municipal service"** means a "municipal service" as defined in the Systems Act;

**"occupier"** means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes -

(a) any person in actual occupation of those premises;

(b) any person legally entitled to occupy those premises;

(c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;

(d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; or

(e) the owner of those premises.

**"official"** means an "official" as defined in section 1 of the Local Government: Municipal Finance Management Act, 56 of 2003;

**"owner"** means:

(a) a person in whom the legal title to a premises is vested;

(b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, assignee, executor, administrator, judicial manager, liquidator or other legal representative, as the case may be;

(c) in the case where the Municipality is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;

(d) in the case of premises for which a Municipal lease has been entered into, whether the lease is registered or not, the lessee thereof;

(e) the occupier of immovable property occupied under a service servitude or right analogous thereto

(f) in relation to -

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, and without restricting the above, the developer or the body corporate in respect of the common property; or

(ii) a section or unit as defined in the Sectional Titles Act, the person in whose name such section or unit is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

(iii) a right as contemplated in section 25 or 27 of the Sectional Titles Act, the holder of such right.

(g) any legal person including, but not limited to -

(i) a company registered in terms of the Companies Act, 71 of 2008 noting the transitional arrangements as per Schedule 5 of said Act, Trust *inter vivos*, Trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 69 of 1984, a voluntary association;

(ii) any Department of State;

(iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa; and

(iv) any Embassy or other foreign entity; and

(h) a lessee of municipal property who will be deemed to be the owner for the purposes of rendering a municipal account;

(i) Upon any contradiction of this definition to the definition of “owner” as per section 1 of the Rates Act, the Rates Act definition of “owner” shall prevail.

**“paid by the due date”** means actual receipt of the funds paid in the bank account of the Municipality before or on the due date and **“payable by the due date”** shall have a corresponding meaning;

**“person”** means natural and juristic persons, including any state department and

statutory bodies;

**"premises"** includes any piece of land, the external surface boundaries of which are delineated on:

(a) a general plan or diagram registered in terms of the Land Survey Act, 8 of 1997 or in terms of the Deed Registry Act, 47 of 1937; or

(b) a sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Municipality;

and includes any other land and any building or structure above or below the surface of any land;

**"rates"** means the rate imposed on property by the Municipality; including but not limited to the municipal property rate envisaged in section 229(1) of the Constitution of the Republic of South Africa, 108 of 1996;

**"Rates Act"** refers to the Local Government: Municipal Property Rates Act, 2004.

**"Rates Policy"** means the Rates Policy adopted by the Council in terms of section 3 of the Local Government: Municipal Property Rates Act 6 of 2004 and as amended from time to time;

**"responsible person"** means any person other than the owner of an immovable property who is legally responsible for the payment of municipal service charges;

**"service charges"** means the fees levied by the Municipality in terms of its Tariff Policy for any municipal services rendered and includes any penalties, interest or surcharges levied or imposed;

**"service delivery agreement"** means an agreement between the Municipality and an institution or persons provided for in section 76(b) of the Local Government: Municipal Systems Act, 32 of 2000;

**"sundry debtor accounts"** means accounts raised for miscellaneous charges for services provided by the Municipality or charges that were raised against a person as a result of an action by a person and which was raised in terms of the Municipality's policies, By-laws and decisions;

**"Systems Act"** refers to the Local Government: Municipal Systems Act, 2000.

**"tariff"** means any rate, tax, duty and levy or fee which may be imposed by the Municipality for services provided either by itself or in terms of a service delivery agreement;

**"Tariff Policy"** means a Tariff Policy adopted by the Council in terms of section 74 of the Local Government: Municipal Systems Act 32 of 2000;

**"user"** means the owner or occupier of a property in respect of which municipal services are being rendered;

**"working day"** means a calendar day excluding Saturdays, Sundays and public holidays,

(2) The headings and titles in this By-law are for reference purposes only and shall not affect the construction thereof.

(3) In this By-law, 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.

## 2. Duty to collect debt

All debt owing to the Municipality must be collected in accordance with this By-law and the Credit Control and Debt Collection Policy.

## 3. Applications for provisions of municipal services and service agreements

(1) All applications for the provision of Municipal services in respect of any immovable property shall be made by the owner of the said immovable property in writing and on the prescribed form.

(2) The owner of an immovable property in respect of which application for the provision of municipal services has been made, shall prior to the date on which the services are required to be connected, enter into a written agreement with the Municipality on the prescribed form.

(3) The written agreement referred to in subsection (2) shall, amongst others, make provision for the following:

(a) an undertaking by the owner/tenant that he or she will be liable for collection costs including administration fees, interests, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date;

(b) an acknowledgement by the owner/tenant that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account; and

(c) that the onus will be on the owner/tenant to ensure that he or she is in possession of an account before the due date.

(4) The Municipality may, upon the written request of the owner of an immovable property, enter into a written agreement with both the owner and occupier of the immovable property in respect of which application for the provision of municipal services has been made. The agreement shall be on the prescribed form.

(5) The Municipality shall cause a reading of the applicable credit-meters to be taken on the working day preceding the date of occupation of the property so as to facilitate the correctness of the prior and new owner’s accounts.

(6) The Municipality may require owners or occupiers of immovable properties in respect of which municipal services are being rendered, to enter into written agreements with the Municipality in accordance with the form referred to in subsection (2).

## 4. Deposits and guarantees

(1) An applicant for the provision of municipal services may be required to pay a consumer deposit prior to the provision of any municipal services. Payment of the applicable consumer deposit will be the primary means to cover said contract obligation. Any deviation from the payment of the consumer deposit will be directed by the sole discretion and due consideration/approval of an accountant or more senior official in the Municipality's Revenue Department.

(2) The Municipality may, in its sole discretion, and upon written notice to the owner of a property and after the conclusion of the agreement referred to in section 3(2) and subject to subsection (3), either increase or decrease the deposit payable. Deposits/Bank guarantees may be increased by an amount up to three times or more of a monthly average consumption as determined by the Municipality.

(3) The Municipality shall before any decision to increase the deposit, give an owner or responsible person notice of any intention to increase the minimum deposit payable by the owner or responsible person, and shall, in the aforesaid notice, state full reasons for the envisaged increase and allow the owner or responsible person an opportunity to make written representations in this regard.

(4) On termination of the supply of services the amount of such deposit, less any payments due to the Municipality, may be refunded.

(5) The Municipality may, in its sole discretion accept a bank guarantee in lieu of a deposit .

## 5. Accounts and billing

(1) The Municipality shall provide every person who is liable for municipal charges, fees levies, property rates or taxes, with an account in respect of such municipal charges, fees levies, property rates or taxes.

(2) Accounts will be rendered on a monthly basis in cycles of approximately 30 (thirty) days.

(3) All accounts rendered by the Municipality shall be payable before or on the due date as indicated on the account.

(4) Any amount which remains due and payable after the due date shall attract interest as more fully set out in section 11.

(5) Payments shall be deemed to be late unless received on or before the due date.

(6) Electronic payments or payments made through agents must be received and reflected in the municipal bank account on or before the due date.

(7) All accounts shall be payable by the due date regardless of the fact that the person responsible for the payment of the account has not received it and the onus shall be on such person to make the necessary inquiries to obtain a copy of the account before the due date.

## 6. Restriction or disconnection of supply of services

(1) The Municipality may restrict or disconnect the supply of any municipal service in any manner including but not limited to blocking the purchase of electricity on the prepayment system and/or restricting or disconnecting the supply of water if a user of any such service:

(a) fails to make full payment on the due date or fails to make an acceptable arrangement for the repayment of any amount due in respect of an account rendered;

(b) fails to comply with an arrangement;

(c) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 24 of 1936 or any other applicable law but fails conditions of same;

(d) becomes subject to an order granted in terms of section 74 of the Magistrates Court Act, 32 of 1944 but fails adherence thereto.

(2) The Municipality shall, before limiting or discontinuing any municipal services to any premises or user ensure that a fair and equitable procedure is followed, and the Municipality shall provide reasonable notice of its intention to limit or discontinue services and grant the affected person an opportunity to make written representations.

(3) The right to restrict, disconnect or terminate a service pertains to all municipal services and shall not be limited, in the case of arrears, by the fact that payment may have been made in respect of any specific municipal service or the fact that the person who entered into an agreement for the supply of services with the Municipality and the owner are different persons, as the case may be.

(4) After disconnection for non-payment of an account the prescribed fees may be required for payment before reconnection is effected.

## 7. Measurement of metered municipal services

(1) Refer to the Stellenbosch Municipality: Electricity Supply By-law for the purposes of determining the criteria or provisions of any matter related to electricity.

(2) Refer to the Stellenbosch Municipality: Water Services By-law for the purposes of determining the criteria or provisions of any matter related to water.

## 8. Payments and settlement of amounts due

(1) Payments on accounts rendered may be effected at/via approved municipal payment facilities.

(2) The Municipality may at its discretion, designate certain payment methods which will be acceptable to the Municipality.

(3) Any payments made to the Municipality will be allocated by the Municipality entirely within its discretion; provided that any part payment on an account shall be allocated firstly to reduce any penalty charges which may have accrued on the account.

(4) The Municipality will appropriate payments received in respect of any municipal services provided by the Municipality in accordance with the Credit Control and Debt Collection Policy.

(5) Where the amount due and payable to the Municipality has not been paid in full, any lesser amount tendered to and accepted by any municipal official, shall not be deemed to be in final settlement of such an amount unless the Municipality in writing consents to or confirms that such amount is accepted in full and final settlement of a debt.

(6) The acceptance of a lesser payment in full and final settlement shall be in terms of the Irrecoverable Debt Policy.

## 9. Procedures for and matters relating to the recovery of debt

(1) Annual rates and service charges are levied during July of each year and the annual account shall be paid in full not later than the date specified on the account.

(2) Rates and service charges which are paid on a monthly basis shall be paid in full not later than the date specified on the account.

(3) Accounts rendered by the Municipality in respect of electricity and water shall be paid in full not later than the date specified on the account.

(4) Interest on arrears may accrue on all amounts not paid by the due date and where applicable, not received and reflected in the Municipality's bank account on the due date.

(5) In the event of an account not paid in full by the due date, the Municipality shall take the necessary steps including any legal action to collect the arrears in accordance with the debt recovery procedures prescribed in terms of the Credit Control and Debt Collection Policy.

(6) When the Municipality restricts or disconnects the supply of any municipal services in any manner including but not limited to blocking the purchase of electricity on the prepayment system and/or restricting or disconnecting the supply of water in respect of an account which has not been paid by the due date, this shall be done with due regard for any mandatory minimum levels of supply of municipal services.

(7) Any additional charges or costs incurred by or on behalf of the Municipality with regard to the recovery of debt as outlined in this By-law and the Credit Control and Debt Collection Policy including but not limited to legal and administration costs shall be debited to the account of the defaulting debtor. The latter charges may include a revisit of deposits paid.

(8) Owners who concluded arrangements to settle their annual rates accounts on a monthly

basis shall ensure regular payments..

(9) The Municipality may recover outstanding rates after the due date as provided for in sections 28 and 29 of the Local Government: Municipal Property Rates Act, 6 of 2004.

(10) The Municipal Manager may, in order to recover debt, institute the necessary proceedings in a competent court and attach a debtor's movable and immovable property.

(11) In the event that a juristic person including but not limited to a company, close corporation, trust or body corporate in terms of the Sectional Titles Act, 95 of 1986 is liable for the payment of any arrear rates and service charges to the Municipality, the liability of such entity is extended to its directors, members and trustees, as the case may, jointly and severally in their personal capacity.

(12) The Municipality may notwithstanding the above and upon good cause shown, allow any defaulting owner or occupier of a property, to enter into a written agreement for the payment of the outstanding balance by way of instalments, on such terms and conditions as determined by the Credit Control and Debt Collection Policy and when such an agreement has been entered into, all actions against the defaulting owner or occupier of a property in terms of the Credit Control and Debt Collection Policy and in respect of such outstanding balance shall be suspended provided that the terms of this written agreement is strictly complied with.

## 10. Rates clearance certificates

(1) Applications for the issuing of certificates required for the transfer of immovable property in terms of section 118 of the Local Government: Municipal Systems Act, 32 of 2000 must be lodged with the Municipality in the prescribed manner.

(2) The certificate mentioned in subsection (1) will only be issued if all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies, and duties during the 2 (two) years preceding the date of application for the certificate have been fully paid, irrespective of whether such amounts have been accumulated by the owner or not.

(3) Nothing in this section precludes the subsequent collection by the Municipality of any amounts owed to it in respect of such immovable property at the time of transfer.

## 11. Interest

(1) The Municipality may charge and recover interest in respect of any arrears, as prescribed in this By-law and the Credit Control and Debt Collection Policy.

(2) No interest shall be charged on any outstanding amounts in respect of which an arrangement has been made as envisaged in section 9(8) provided that the debtor complies with the terms of the arrangement.

(3) For the purposes of this section the interest shall be calculated for each month for which such arrears remain unpaid, and a portion of a month shall be deemed to be a full month.

## 12. Consolidation of accounts

(1) The Municipality may-

(a) consolidate any separate accounts of a debtor;

(b) credit a payment by a debtor against any account of that debtor;

(c) implement any of the measures provided for in this By-law and the Credit Control and Debt Collection Policy, in relation to any arrears on any of the accounts of such debtor.

(2) The provisions of subsection (1) do not apply where there is a dispute between the Municipality and the debtor referred to in that subsection concerning any specific amount claimed by the Municipality from such debtor.

## 13. Agreements with employers

(1) The Municipal Manager may -

(a) with the consent of a debtor enter into a written agreement with that person's employer to deduct from the salary or wages of that debtor:

(i) any outstanding amounts due by the debtor to the Municipality; or

(ii) such regular monthly amounts as may be agreed; and

(b) provide special incentives for –

(i) employers to enter into such agreements; and

(ii) debtors to consent to such agreements.

## 14. Indigents

An indigent consumer shall be dealt with as prescribed in the Indigent Policy and if required and after reasonable alternatives have been exhausted, processes in terms of the Credit Control and Debt Collection Policy will be implemented.

## 15. Right of access to premises

(1) A duly authorised representative of the Municipality shall for any purpose related to the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time, have access to and enter any premises, request information and carry out any inspection and examination as he or she may deem necessary, and for purposes of reading, installing or repairing any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.

(2) If the Municipality considers it necessary that work needs to be performed to enable an official to perform a function referred to in subsection (1) properly and effectively, it may:

(a) by written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period; or

(b) if in its opinion the situation is a matter of urgency, without prior notice do such work

or cause it to be done at the expense of the owner.

(3) If the work referred to in subsection (2) above is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention has taken place, the Municipality shall bear the expenditure connected therewith together with the expense of restoring the premises to its former condition provided that in the event that it is established that a contravention of this By-law has taken place the owner or occupier shall, in addition to the loss or damage referred to in section 18(2), also be liable for the expenditure connected therewith.

## 16. Process for grievances and queries

(1) An aggrieved person may lodge a grievance or query regarding service charges to the Municipality in writing and which may be on a prescribed form.

(2) The aggrieved person shall clearly state the basis of his or her dissatisfaction and the desired outcome.

(3) The lodging of a grievance or query shall not relieve the aggrieved person of the responsibility to settle the account, provided that the Municipal Manager may, on application in writing and in his or her sole discretion, direct that interim payments may be made pending the finalisation of the grievance or query.

(4) The Municipality shall respond to such grievance or query in writing within 30 (thirty) days from the date of the lodgement of the grievance or query.

## 17. Appeal

(1) A person aggrieved by any decision taken in terms of this By-law and in terms of a power or duty delegated or sub-delegated, may appeal against such decision in terms of section 62 of the Local Government: Municipal Systems Act, 32 of 2000 by giving written notice of the appeal and the reasons to the Municipal Manager within 21 (twenty-one) days of the date of the notification of the decision.

(2) The Municipal Manager shall consider the appeal and confirm, vary, or revoke the decision.

(3) The Municipal Manager must commence with an appeal within 6 (six) weeks and decide the appeal within a reasonable period.

## 18. Offences

(1) Any person who

(a) fails to give the access required by an official in terms of this By-law;

(b) obstructs or hinders an official in the exercise of his or her powers or performance of functions or duties under this By-law;

(c) uses or interferes with Municipal equipment or consumption of services supplied;

(d) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason as determined by the Municipal Manager causes a meter not to properly register the service used;

(e) fails or refuses to give an official such information as he or she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or provides the Municipality or such an official with false or misleading information knowing it to be false or misleading;

(f) fails to comply with the terms of a notice served upon him or her in terms of this By-law;

(g) contravenes or fails to comply with any provision of this By-law -

shall be guilty of an offence and be liable upon conviction to a fine or imprisonment or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Municipality.

(2) Every person committing a contravention or breach of the provisions of this By-law shall also be liable to compensate the Municipality for any expenditure incurred and any loss or damage suffered or sustained by the Municipality in consequence of such breach.

## 19. Notices and documents

(1) A notice or document issued by the Municipality in terms of this By-law, shall be deemed to be duly issued if signed by an official duly authorised by the Council.

(2) If a notice is to be served on a person in terms of this By-law, such service shall be effected by:

(a) delivering the notice to such person personally or to the duly authorised agent of such person or:

(b) by delivering the notice at such person's residence or place of employment to a person apparently not less than 16 (sixteen) years of age and apparently residing or employed there;

(c) if such person has nominated an address for legal purposes, by delivering the notice to such an address; or

(d) by registered or certified post addressed to such person's last known address;

(e) in the case of a body corporate, by delivering it to the registered office or the premises of such a body corporate; or

(f) if service cannot be effected in terms of the aforesaid subsections, by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the premises to which it relates.

## 20. Authentication of documents

(1) Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorised official of the Municipality;

(2) Delivery of a copy of the document shall be deemed to be delivery of the original.

## 21. Certificate of indebtedness

(1) A certificate under the hand of the Municipal Manager certifying the amount due and payable to the Municipality shall be binding upon the debtor; shall be *prima facie* proof of the amount of the debtor's indebtedness and shall be valid as a liquid document against the debtor in any competent court for the purpose of obtaining provisional sentence or judgment against the debtor in respect thereof.

(2) Should the debtor at any time in defence of any action based on this By-law allege that there is no reason or cause for the debtor's obligations to the Municipality or that errors have been made in the calculation of the amount claimed, then the onus of proving such a defence will rest on the debtor.

## 22. Conflict of By-laws

(1) The provisions of the Electricity Supply By-law and Water Services By-law in force immediately before the commencement of this By-law continue in force regarding the application of service tariff matters and insofar as they are not inconsistent with the provisions of this By-law.

(2) Subject to subsection (1), in the event of any conflict between this By-law and any other By-law of the Municipality, this By-law will prevail.

## 23. Partial invalidity

In the event of any one or more of the of the provisions of this By-law being declared invalid by a final and unappealable order, decree or judgment of any court after being found to be inconsistent with any provision of the Constitution of the Republic of South Africa, 108 of 1996, such inconsistency or invalidity shall not affect the remaining provisions of this By-law and this By-law shall be construed as if such provisions had not been inserted.

## 24. Repeal of By-laws

The provisions of any By-laws relating to credit control debt collection by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-law.

## 25. Application

This By-law shall be binding on all persons who own and/or occupy immovable property or any premises within the area of jurisdiction of the Municipality, or to whom a Municipal account is rendered.

## 26. Short title

This By-law is called the Stellenbosch Municipality: Credit Control and Debt Collection By-law.