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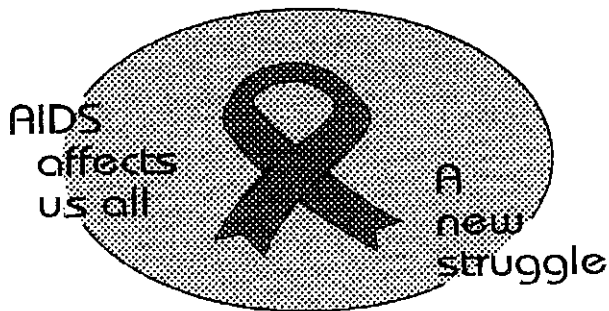
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RUSTENBURG LOCAL MUNICIPALITY

2013-04-16

DIRECTORATE: CORPORATE SUPPORT SERVICES  
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## **LOCAL AUTHORITY NOTICE**

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**LOCAL AUTHORITY NOTICE 407**

### **RUSTENBURG LOCAL MUNICIPALITY**



### **WATER SUPPLY AND WASTE WATER BYLAWS**

**No.2 of 2006**



**RUSTENBURG LOCAL MUNICIPALITY**  
**WATER SUPPLY AND WASTE WATER BYLAWS**  
**No.2 of 2006**



The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the Rustenburg Local Municipality Water Supply and Waste Water By-law which shall come into operation on the date of publication thereof.

**PURPOSE**

To make provision for the Municipality to achieve an effective and efficient water services within its area of operation, to provide for compliance with these by-laws as well as to impose penalties for the breaching of these by-laws.

**Arrangement of sections**

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## CHAPTER I: General provisions

### Part 1: Definitions

**PLEASE NOTE:** *The provisions of Chapter 1 may be incorporated into bylaws that deal with these matters in general, for example Credit Control Bylaws.*

#### Definitions

(1) In these regulations, unless the context otherwise indicates -

- "accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
- "Act" means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
- "approved" means approved by an authorised officer;
- "authorised agent" means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these bylaws;
- "best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
- "borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
- "Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- "commercial purpose" means activity leading to profit gain by the individual or organisation concerned;
- "communal water services work" means a consumer connection through which water services are supplied to more than one person;



- "connecting point"** means the point at which the drainage installation joins the connecting sewer;
- "connecting sewer"** means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;
- "connection pipe"** means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
- "consumer"** means –
- (a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or
  - (b) person that obtains access to water services are provided through a communal water services work;
- "domestic purpose"** means activity relating to normal domestic usage of water resources;
- "drain"** means that portion of the drainage installation that conveys sewage within any premises;
- "drainage installation"** means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting





point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

**"drainage work"**

includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

**"duly qualified sampler"**

means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by an authorised agent;

**"effluent"**

means any liquid whether or not containing matter in solution or suspension;

**"emergency"**

means any situation that poses a risk or potential risk to life, health, the environment or property;

**"environmental cost"**

means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

**"fire hydrant"**

means a potable water installation that conveys water for fire fighting purposes only;

**"fixed quantity water delivery system"**

means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

**"flood level (1 in 50 year)"**

means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

**"flood plain (1 in 50 year)"**

means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

**"high strength sewage"**

means sewage with a strength or quality greater than standard domestic effluent;

**"industrial effluent"**

means effluent emanating from industrial use of water, includes for purposes of these bylaws,



- any effluent other than standard domestic effluent or stormwater;
- "installation work"** means work in respect of the construction of, or carried out on a water installation;
- "main"** means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;
- "measuring device"** means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
- "meter"** means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
- "municipality"** means the water services authority as defined in the Act;
- "occupier"** means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
- "owner"** means -
- (a) the person in whom from time to time is vested the legal title to premises;
  - (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
  - (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

**"person"**

means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

**"pollution"**

means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful -
  - (i) to the welfare, health or safety of human beings;
  - (ii) to any aquatic or non-aquatic organism;

**"premises"**

means 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, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

(c) a register held by a tribal authority;

**"prescribed tariff or charge"**

means a charge prescribed by the municipality;

**"Prepayment for water service"**

means payment for water service through installed pre-paid water meters.

**"public notice"**

means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

**"public water"**

means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

**"sanitation services"**

has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;

**"service pipe"**

means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

**"sewage"**

means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;

**"sewage disposal system"**

means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;

**"sewer"**

means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;



- "standard domestic effluent"** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its authorised agent, but shall not include industrial effluent;
- "stormwater"** means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
- "terminal water fitting"** means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
- "trade premises"** means premises upon which industrial effluent is produced;
- "water fitting"** means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
- "water installation"** means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;
- "water services"** has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
- "water supply services"** has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
- "water supply system"** means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to





be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means an industry which discharges industrial effluent; and

"working day" means a day other than a Saturday, Sunday or public holiday.

Any word or expression used in these bylaws to which a meaning has been assigned in –

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

(3) Any reference in Chapter I of these bylaws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

## Part 2: Application for water services

### Application for water services

2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality or its authorised agent on the prescribed form for such services for a specific purpose and to which such application has been agreed.

(2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of Sub-Section (1) exists.

(3) A municipality or its authorised agent must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and / or charges associated with each level of services.

(4) A consumer must elect the available level of services to be provided to him or her or it.

(5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.

(6) An application agreed to by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and



the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

(7) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these bylaws or until such time as any arrears have been paid.

(8) In preparing an application form for water services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.

(9) An application form will require at least the following minimum information -

- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
- (b) acceptance by the consumer of the provisions of the bylaws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
- (c) Name of consumer;
- (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
- (e) address where accounts will be sent;
- (f) source of income of the applicant;
- (g) name and address of the applicant's employer, where appropriate;
- (h) if water will be supplied, the purpose for which the water is to be used; and
- (i) the agreed date on which the provision of water services will commence.

(10) Water services rendered to a consumer are subject to the provisions of these bylaws and the conditions contained in the relevant agreement.

(11) If a municipality or its authorised agent refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the municipality or its authorised agent will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such water services.



**Special agreements for water services**

3. The municipality or its authorised agent may enter into a special agreement for the provision of water services to -
- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
  - (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality or its authorised agent having jurisdiction in the area in which the premises is situated.

**Part 3: Tariffs and charges****Prescribed tariffs and charges for water services**

4. All tariffs and or charges payable in respect of water services rendered by the municipality or its authorised agent in terms of these bylaws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality -
- by a resolution passed by the Council;
- in accordance with -
- (i) its tariff policy;
  - (ii) any bylaws in respect thereof; and
  - (iii) any regulations in terms of Section (10) of the Act.

**Fixed charges for water services**

5. (1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with -
- (a) its tariff policy;
  - (b) any bylaws in respect thereof; and
  - (c) any regulations in terms of Section (10) of the Act.
- (2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it.

**Part 4: Payment****Payment of deposit**

6. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality or its authorised agent, deposit with the municipality or its authorised agent a sum of money equal to the estimated tariff and or charge for an average month's



water services as determined by the municipality or its authorised agent except in the case of a pre-payment measuring device being used by the municipality or its authorised agent.

(2) The municipality or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

(3) The municipality or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review -

- (a) require that an additional amount be deposited by the consumer; or
- (b) refund to the consumer such amount as may be held by the municipality or its authorised agent in excess of the reviewed deposit.

(4) Subject to Sub-Section (5), an amount deposited with the municipality or its authorised agent in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.

(5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the municipality or its authorised agent in respect of water services rendered to the consumer, the municipality or its authorised agent may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.

(6) No interest shall be payable by the municipality or its authorised agent on the amount of a deposit held by it in terms of this Section.

(7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality or its authorised agent if it has not been claimed within twelve months of the termination of the agreement.

#### **Payment for water services provided**

7. (1) Water services provided by the municipality or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections (4) and (5), for the particular category of water services provided.

(2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

(3) The municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.





(4) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.

(5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges -

- (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
- (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.

(6) A consumer must pay his or her or its account at an approved agent of the municipality or its authorised agent. A consumer shall remain liable for the payment of an account not paid with the municipality, its authorised agent or approved agent.

(7) A municipality or its authorised agent must inform a consumer as to who the approved agents for payment of accounts are.

#### **Prepayment for water services**

8. When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 6 and 7:

- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
- (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
- (c) the Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, a prepayment meter and/or token.



## Part 5: Accounts

### Accounts

9. (1) Monthly or agreed period cycles accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the municipality or its authorised agent.

(2) Failure by the municipality or its authorised agent to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

(3) An account rendered by the municipality or its authorised agent for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.

(4) If payment of an account is received after the date referred to in Sub-Section (3), a late payment charge or interest as may be prescribed must be paid by the consumer to the municipality or its authorised agent.

(5) Accounts will –

(a) show the following –

- (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
- (ii) the measuring or consumption period;
- (iii) the applicable tariff;
- (iv) the amount due in terms of the consumption;
- (v) the amount due and payable for any other service rendered by the municipality or its authorised agent;
- (vi) the amount in arrears, if any;
- (vii) the interest payable on any arrears, if any;
- (viii) the final date for payment;
- (ix) the methods, places and approved agents where payment may be made; and

(b) state that –

- (i) the consumer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount in instalments, at the municipality or its authorised agent's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
- (ii) if no such agreement is entered into the municipality or its authorised agent will limit the water services after sending a final demand notice to the consumer;
- (iii) legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears;
- (iv) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;

