

## CHAPTER 4

AMENDMENT OF LOCAL GOVERNMENT: MUNICIPAL PROPERTY  
RATES ACT, 2004

## Amendment of section 1 of Act 6 of 2004

24. Section 1 of the Local Government: Municipal Property Rates Act, 2004 (in this Chapter referred to as the Property Rates Act), is hereby amended—

(a) by the substitution for the definition of “land tenure right” of the following definition:

“**‘land tenure right’** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No. 11 of 2004);”; and

(b) by the substitution for paragraph (j) of the definition of “public service infrastructure” of the following paragraph:

“(j) **[rights of way, easements and servitudes]** a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i);”.

## Amendment of section 3 of Act 6 of 2004

25. Section 3 of the Property Rates Act is hereby amended—

(a) by the substitution in subsection (3) for paragraph (e) of the following paragraph:

“(e) identify **[and quantify in terms of cost to the municipality]** and **[any benefit to the local community]** provide reasons for—

(i) exemptions**[, rebates and reductions]**;

(ii) **[exclusions referred to in section 17(1)(a), (e), (g), (h) and (i)]** rebates; and

(iii) **[rates on properties that must be phased in terms of section 21]** reductions;”; and

(b) by the substitution in subsection (3) for paragraph (g) of the following paragraph:

“(g) take into account the effect of rates on organisations conducting specified public benefit activities and registered in terms of the Income Tax Act for tax **[reductions]** exemptions because of those activities, in the case of property owned and used by such organisations for those activities;”.

## Amendment of section 7 of Act 6 of 2004

26. Section 7 of the Property Rates Act is hereby amended by the substitution in subsection (2)(a) for subparagraph (ii) of the following subparagraph:

“(ii) public service infrastructure **[owned by a municipal entity]**;”.

## Amendment of section 9 of Act 6 of 2004

27. Section 9 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following subsection:

“(a) a purpose corresponding with the permitted use of the property**[, if the permitted use of the property is regulated]**;”.

## Amendment of section 15 of Act 6 of 2004

28. Section 15 of the Property Rates Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“**[All exemptions, rebates and reductions projected for a financial year]** Projections regarding revenue to be forgone for a financial year in relation to subsection (3)(b) must be reflected in the municipality’s annual budget for that year as—”.

## Act No. 19, 2008

LOCAL GOVERNMENT LAWS  
AMENDMENT ACT, 2008**Amendment of section 17 of Act 6 of 2004**

**29.** Section 17 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) on those parts of a special nature reserve, national park or nature reserve within the meaning of the **[Protected Areas Act] National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)**, or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 2004 (**Act No. 10 of 2004**), which are not developed or used for commercial, business, agricultural or residential purposes;”.

**Amendment of section 19 of Act 6 of 2004**

**30.** Section 19 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:

“(a) different rates on residential properties, except as provided for in sections **[11(1)(b)] 11(2)**, 21 and 89;  
(b) a rate on a category of non-residential properties that exceeds a prescribed ratio to the rate on residential properties determined in terms of section **[1]11(1)(a)**: Provided that different ratios may be set in respect of different categories of non-residential properties.”.

**Amendment of section 20 of Act 6 of 2004**

**31.** Section 20 of the Property Rates Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, with the concurrence of the Minister of Finance and by notice in the *Gazette*, set an upper limit on the percentage by which—  
(a) rates on **[properties] property categories** or a rate on a specific category of properties may be increased; or  
(b) the total revenue derived from rates on all property categories or a rate on a specific category of properties may be increased.”.

**Amendment of section 46 of Act 6 of 2004**

**32.** Section 46 of the Property Rates Act is hereby amended—

(a) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) **[The value of any] Any** building or other immovable structure under the surface of the property which is the subject matter of any mining authorisation or mining right defined in the **[Minerals Act, 1991 (Act No. 50 of 1991)] Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)**;”;

(b) by the substitution in subsection (3)(b) for the words preceding subparagraph (i) of the following words:

“**[the value of]** any equipment or machinery which, in relation to the property concerned, is immovable property, excluding—”; and

(c) by the deletion of subsection (5).

**Act No. 19, 2008**LOCAL GOVERNMENT LAWS  
AMENDMENT ACT, 2008**Amendment of section 78 of Act 6 of 2004**

**33.** Section 78 of the Property Rates Act is hereby amended—

- (a) by the deletion in subsection (1) of the word “or” at the end of paragraph (e), the addition of the word “or” at the end of paragraph (f) and the addition to that subsection of the following paragraph: 5  
     “(g) of which the category has changed;”; and
- (b) by the deletion in subsection (4) of the word “or” at the end of paragraph (c), the addition of the word “or” at the end of paragraph (d) and the addition to that subsection of the following paragraph: 10  
     “(e) the date on which the change of category referred to in subsection (1)(g) occurred.”.

**Amendment of section 86 of Act 6 of 2004**

**34.** Section 86 of the Property Rates Act is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:

- “(c) wilfully gives information in an objection in terms of section 50(1)(c) or in an appeal in terms of section [48] 54 which is false in any material respect;” 15

**Amendment of Part 1 of Schedule to Act 6 of 2004**

**35.** Part 1 of the Schedule to the Property Rates Act is hereby amended—

- (a) by the insertion of the following row after row number 1:  
     “1A. Valuation Ordinance, 1944 (Ordinance No. 26 of 1944) The whole.”; and 20
- (b) by the deletion of row number 26.

**CHAPTER 5****MISCELLANEOUS MATTERS****Repeal of laws**

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**36.** The laws specified in the first column of the Schedule are hereby repealed to the extent indicated in the second column of the Schedule.

**Short title**

**37.** This Act is called the Local Government Laws Amendment Act, 2008.