

*Statutory Instrument No. 6 of 1981*

**TOWNSHIPS ACT**  
(Cap. 40:02)

**TOWN COUNCILS (AMENDMENT) REGULATIONS, 1981**  
(Published on 6th February, 1981)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Citation
2. Insertion of new regulation 79A Cap. 40:02 (Sub. Leg.)
3. Amendment of regulation 80 of principal Regulations
4. Amendment of regulation 85 of principal Regulations

IN EXERCISE of the powers conferred on the Minister of Local Government and Lands by section 3 of the Townships Act, the following Regulations are hereby made

1. These Regulations may be cited as the Town Councils (Amendment) Regulations, 1981. Citation

2. The Town Councils Regulations (hereinafter referred to as "the principal Regulations") are hereby amended by inserting, immediately after regulation 79 thereof, the following new regulation — Insertion of new regulation 79A

79A. (1) The town treasurer shall be the collector of rates and shall sue for and recover all rates which are due and payable to the council. Cap. 40:02 (Sub. Leg.)

"Enforcement of payment of rates" (2) Where the owner of any property fails to pay the rates or any part thereof owing in respect of such property after the expiration of three months from the time fixed under regulation 78 for the payment of the rates, the collector shall cause a written notice of demand to be served on that owner to pay the amount stated in the notice within fourteen days after service thereof.

(3) Where a person makes default in payment of rates after the expiration of the time specified in subregulation (2), the collector shall cause to be published in the Gazette, or in a newspaper circulating in the area, the name of that person and the amount of the rates owing by him.

(4) The collector shall, as soon as is reasonably practicable after the publication of the name of a defaulting rate payer in accordance with subregulation (3), apply to a magistrate for a summary warrant for the recovery from such defaulter, or from any property belonging to him wheresoever situate, of the amount of the rates owing by him and any interest accruing in respect thereof in accordance with regulation 84.

(5) The magistrate shall, after the expiration of fourteen days from the date of receipt of the application and verification of such return, grant the warrant.

(6) A warrant granted in accordance with the provisions of this regulation shall contain every authority and be executed in all respect as if it were a writ of execution against property issued out of the magistrate's court, and the bailiff of the court

in executing the warrant shall conform to such rules and make such charges as are for the time being applicable to a writ of execution of such court.”.

Amendment  
of  
regulation 80  
of principal  
Regulations

3. Regulation 80 of the principal Regulations is hereby amended by substituting for subregulation (1) thereof the following new subregulation

—  
“ (1) Notwithstanding the provisions of section 79A, any rates assessed in accordance with the preceding provisions of these Regulations and unpaid after the expiration of the notice for the payment of such rates shall be recoverable at the suit of the council in the magistrate’s court for the district in which the council area is situated, whether the person liable for the payment of the rates is resident within the jurisdiction of such court or not.”.

Amendment  
of  
regulation 85  
of principal  
Regulations

4. Regulation 85 of the principal Regulations is hereby amended by substituting for the word “ten”, which appears therein, the word “twelve”.

MADE this 23rd day of January, 1981.

L.M. SERETSE,  
*Vice-President and  
Minister of Local Government and Lands.*

*L2/7/99 IV*