MSINGA MUNICIPALITY

2021/2022
BAD DEBT WRITE OFF POLICY

1. INTRODUCTION

The Council of uMsinga Local Municipality resolves in terms of section 97 (1) (d)(ii) of the Local Government: Municipal Systems Act, Act 32 of 2000 as amended and the Local Government Municipal Finance Management Act section 64 (f) to adopt the following as the policy on writing off the bad debts as irrecoverable and the impairment of debtors.

2. PREAMBLE

The Municipal Finance Management Act (MFMA) Act 56 of 2003, aims to modernize budget and financial management practices in municipality in order to maximize the capacity of the municipality to deliver services to all residents, customers and users. It also gives effect to the principles of transparency as required by sections 215 and 216 of the constitution.
The Council of the municipality in adopting this policy on writing off bad debts recognizes its responsibilities as set out in chapter 9 of the Local Government Municipal Systems Act, Act 32 of 2000 as amended.

3. VISION

The vision of the policy is to ensure that the debtors of the municipal Council are not over stated in the books of the Council:

- to ensure any long outstanding debt is evaluated in order to determine the possibility of realizing such income as revenue.
- to ensure that where it is evident that a particular debt cannot be turned into a revenue such debt be procedurally regarded as irrecoverable.
- to ensure that the Council of the municipality makes enough provision for bad debts in the budget.
- to ensure that outstanding monies which have been outstanding for a long time after all attempts have been made in terms of recovering them should then be written off.

4. STATEMENT

This policy aims to set down principles for the implementation of the writing off of bad debts and the provision for doubtful debt.

5. OBJECTIVES

The objectives of this policy are to provide for:

- the identification of bad debts during the course of the financial year.
- the writing off of bad debts at least three months before the end of the financial year on approval by the Council.
- the proper delegation of powers to the chief financial officer to write off bad debts up to a certain amount.

- the proper provision for doubtful debt.

6. IDENTIFICATION OF IRRECOVERABLE DEBTS

When the municipality identifies customers, whose debts appear to be irrecoverable even after the whole credit control and debt collection process has been followed in terms of trying to obtain payment, then such accounts should be regarded as irrecoverable.

Once the debt is regarded as irrecoverable during the course of the year it must be grouped with others so that at the latest by April every year the report should serve before the Council in order to write off the irrecoverable debts.

7. WRITING OFF OF IRRECOVERABLE DEBTS

Where debts are identified as being irrecoverable, the process of writing off will be treated as follows:

7.1 Criteria for Irrecoverable debt

Debt will only be considered as irrecoverable if it complies with the following criteria:

(a) all reasonable notifications and cost-effective legal avenues have been exhausted to recover a specific outstanding amount; or

(b) any amount equal to or less than R500.00 or as determined by Council from time to time, will be considered too small, after having followed basic checks, to warrant further endeavours to collect it can be written off without submission to Council; or

(c) the cost to recover the debt does not warrant further action; or

(d) the amount outstanding is the residue after payment of a dividend in the rand from an insolvent estate; or

(i) there is a danger of a contribution;

(ii) no dividend will accrue to creditors; or

(e) A deceased estate has no liquid assets to cover the outstanding amount following the final distribution of the estate; or

(i) where the estate has not been reported to the Master and there are no assets of value to attach; or

(f) It has been proven that the debt has prescribed; or

(g) The debtor is untraceable or cannot be identified so as to proceed with further action; or

(i) the debtor has emigrated leaving no assets of value to cost effectively recover Councils claims; or

(h) It is not possible to prove the debt outstanding; or

(i) a court has ruled that the claim is not recoverable; or

(i) the outstanding amount is due to an irreconcilable administrative error by the Municipality; or

(j) Expenditure incurred, in respect of internal accounts raised in the name of the Msinga local Municipality, in any previous financial year; or

(k) If an offer of full and final settlement is confirmed in writing by the municipal Manager in terms of the Msinga local Municipality: Credit Control and Debt Collection By-law; or

(l) All arrears may be written off to bad debts where Council: -

(i) expropriates any property; or

(ii) purchases any property in terms of item 10 (1) (f); or

(m) All arrears may be written off to bad debts where a property has been forfeited to the State in terms of the Prevention of Organized Crime Act 121 of 1998; or

(i) where the occupiers have been evicted from Council, Provincial or State properties due to criminal activities; or

(n) Through supporting the housing Section related debt management processes and in instances where a debtor has applied for and been granted a housing indigent grant in terms of the Housing Indigent Policy, all debt related to that property for that debtor (excluding capital debt of home ownership units), up to the date of granting of indigent status will be written back. Such write back will occur only once for any debtor, thereby allowing for a once off rehabilitation, where after the debtor will immediately be subject to the Customer Care, Credit Control & Debt Collection policy should the account again fall into arrears; or

(o) Where the Senior Manager Infrastructure advises the CFO that a housing debtor has been granted a housing indigent grant such debtors rates, services and sundry debt related to that property for that debtor shall be written off once; or

(p) Where registered non-profit organizations or public benefit organizations would, except for being in arrears on their Municipal accounts, qualify to receive a rates rebate, in terms of the Rates Policy, will, with effect from the date of qualification, have all their arrears written off, thus ensuring that they meet all the criteria to receive the rates rebate and;

(i) this assistance will only be granted once to an organization subject to the condition that an electricity prepayment meter must be installed, where applicable;

(ii) should the Municipal Manager become aware that the focus of the organization has changed, or its financial position has improved or its registration as a non-profit organization or public benefit organization has lapsed or terminated within three years after the arrears were written-off, such arrears will become payable with immediate effect.

7.2 Amounts equal to or lower than amounts delegated to the Chief Financial Officer (CFO) by Council resolution from time to time

The CFO must prepare a report within the delegated powers of the CFO containing the following:

- consumer details;
- irrecoverable amount broken down by service;
- details on credit and debt collection processes followed to recover the debt;
- reasons that led to debt being identified as being irrecoverable;
- confirmation that all available avenues to recover debt have been exchanged; and
- confirmation that further actions would be fruitless and not cost effective

The report of the Revenue Accountant must be scrutinized by the Assistant Manager Revenue and Debt Collection and recommended the writing off to the CFO for consideration.

Upon approval by the CFO, the credit control section will draw a Msinga cheque against the debt impairment provision vote in the income and expenditure ledger and process it against the relevant debtors account.

The CFO must annually prepare a reconciliation of debt impairment accounts/votes with supporting documentation to be submitted to the budget office by no later than 20 July of each year to be retained for audit purposes.

7.3 Amounts exceeding the CFO delegated authority

The CFO must prepare a report in excess of the CFO delegated powers containing the following:

- consumer details;
- irrecoverable amount broken down per service;
- details on credit and debt collection processes followed to recover the debt;

- reasons that led to debt being identified as being irrecoverable;

- confirmation that all available avenues to recover debt have been exchanged; and

- confirmation that further actions would be fruitless and not cost effective.

The report of the Revenue Manager must be scrutinized by the CFO and recommends the writing off to the Executive Committee for consideration. The final report to the Executive Committee must be signed off by the CFO.

Upon approval by the Executive Committee, the credit control section will draw a Msinga cheque against the debt impairment provision votes in the income and expenditure ledger and process it against the relevant debtor's account.

The CFO must annually prepare a reconciliation of debt impairment accounts/votes with supporting documentation to be submitted to the budget office by no later than 20 July of each year to be retained for audit purposes.

7.4 Specific debt write offs

The CFO may submit a report to the Executive Committee from time to time for specific uncollectable debt transactions such as:

- liquidations in terms of section 89 of the Insolvency Act, Act 24 of 1936;

- erven brought back by Council;

- outstanding debts that are older than two (2) years that cannot be recovered during the transfer of immovable property as in terms of section 118 (1)(b) of the Systems Act, Act 32 of 2000; and/or

- for a specific debt category

The report for specific debt-write offs must contain the following:

- customer details;

- reason for specific debt write offs;

- amount to be written off broken down per service; and

- confirmation that further actions would be fruitless and not cost effective.

The report of the Revenue Manager must be scrutinized by the CFO and recommend the writing off to the Executive Committee for consideration.

The final report to the Executive Committee must be signed off by the CFO. Upon approval by the Executive Committee, the credit control section will draw a Msinga cheque against the debt impairment provision votes in the income and expenditure ledger and process it against the relevant debtor's account.

The CFO must annually prepare a reconciliation of debt impairment accounts/votes with supporting documentation to be submitted to the budget office by no later than 20 July of each year to be retained for audit purposes.

8. RECOVERY OF IRRECOVERABLE DEBTS

Should there be a payment in respect of the account which has already been written off, such monies must be allocated to the specific vote number designed for the recovery of irrecoverable debts.

9. SUNDRY MATTERS

Council may from time to time implement an incentive scheme which may entitle writing off of certain debts.

10. IMPAIRMENT OF DEBTORS (PROVISION FOR DOUBTFUL DEBT)

Consumer debtors (accounts receivable), long term receivables and other debtors are stated at cost, less a provision for bad debt.

Significant financial difficulties of the debtor and default or delinquency in payments or all debt outstanding for more than 210 days are considered indicators to determine that debtors are impaired.

Impairment of debtors (provision for doubtful debt) is recognised as an expense in the statement of financial performance. When an under recovery occurs during the financial year an additional contribution for impairment is made at year end.

In the assessment for impairment the following methodology:

10.1 Debtors

Debtors are evaluated at each reporting date and impaired as follows:

Percentage of debt provided

Category Debt	As irrecoverable
Credit Balances	Zero
In-active accounts	100%

Hand over accounts to debts collectors	100%
Hand over accounts to power of attorneys	100%
Approved indigents	100%
Formal arrangement of arrear debt	100%
Payment percentage below 95%	100%
Payment percentage above 95%	Zero

10.2 Sundry debtors

Sundry debtors may be assessed individually for impairment, when necessary, to ensure that no evidence exists that these debtors are recoverable.

11. SHORT TITLE

This policy shall be called the Writing Off of Irrecoverable Debts and Impairment of Debtors Policy.

12. VALIDITY OF THE POLICY

21.1 This Policy is adopted and approved by the Full Council of Umsinga Municipality on their meeting that was held via zoom on the 26th of May 2021 and will be valid as from the 1st of July 2021 to 30th of June 2022.

MV NTANZI
DIRECTOR: CORPORATE SERVICES **07/06/2021**

SL SOKHELA
MUNICIPAL MANAGER **07/06/2021**