

MARULENG LOCAL MUNICIPALITY



DRAFT

LIMPOPO BUSINESS REGISTRATION BY-LAW

The council of Maruleng local Municipality has in terms of section 156 of the constitution, 1996, (Act No. 108 of 1996) and Limpopo Business Registration Act , 2003 (Act No.5 of 2003) read in conjunction with section 11(3) of the local Government: Municipal system Act (Act No.32 of 2000), made following by-law

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1. DEFINITION

“**Business regulator**” means business regulator in terms of Limpopo Business regulation Act, 2003 (Act No.5 of 2003)

“**Committee**” established in terms of Maruleng Local Municipality by-law

“**The Act**” means the Limpopo Business Registration Act , 2003 (Act No.5 of 2003)

“**Court**” means a magistrate court as refereed to in section 166(d) of the constitution, 1996, having jurisdiction in the area in which the pound is situated

“**Gazette**” means the official Provincial Gazette

“**Municipality**” mean Maruleng local municipality established in terms of section 155(6) of the constitution, 19996, and established by and under section 11 and 12 of the Local Government

2. PURPOSE OF THE BY-LAW

The purpose of this by-law is to regulate, administer and monitor business registration in Maruleng Local Municipality

3. APPOINTMENT AND COMPOSITION OF THE COMMITTEE

- a) The Municipal Manager of the municipality must establish a committee of at least 5 people to oversee the business registration center
- b) The Municipal Manager must designate atleast five officials to form part of the committee and must appoint from the committee 2 persons to serve as chairpersons and deputy chairperson
- c) The Municipal Manager may opt other persons as may be necessary to assist the committee
- d) A person co-opted may not vote at any meeting of the committee
- e) The Municipal Manager must submit a report to council on the performance of the business registration center on quarterly bases

4. TERMS OF REFERENCE OF THE COMMITTEE

- a) The committee must ensure that the business registration complies with the by-law and other related legislation
- b) The committee must play an oversight role on the registration, management and monitoring of the business registration
- c) The committee must recommend to the municipal manager for appointment of expertise and capacity from other government institutions when there is a need.
- d) The committee, through the chair person must report to the Municipal Manager on monthly bases

5. MEETINGS OF THE COMMITTEE

- a) The committee must meet at least once a month
- b) The chairperson of the committee
 - i. must determine time, date and venue of the meetin
 - ii. must give notice of meetings at least 5days prior to meeting
 - iii. must use a method of communication agreed upon by the committee unless the Municipal Manager decides otherwise

6. CONDUCT OF COMMITTEE MEMBERS

- a) Members of the committee must
 - i. Sign a declaration of interest in every meeting and it must be recorded
 - ii. Treat all information distributed to them and discussed in meetings as confidential.
 - iii. Must recuse himself/herself from the meeting for any conflict of interest and allow the committee to take a decision whether to allow the member to participate in the meeting or not
- b) Distribution of information must only done by the chairperson or her/his delegation.
- c) The chairperson shall report any misconduct to the Municipal Manager with a reasonable time.

7. APPOINTMENT OF BUSINESS ADMINISTRATION OFFICERS

- a) The Municipal Manager must appoint a business registration officer/s who will implement the business registration by-law
- b) The business registration officer must already be within the establishment of the municipality at the point of his/her appointment as a business registration officer
- c) The business registration officer must report to their internal supervisor as per their municipal/unit institutional structure.
- d) The business registration must compile a report on all business registration and submit to their respective supervisor.

8. APPOINTMENT OF INSPECTORS

- a) The Municipal Manager must appoint an inspector/s
- b) The appointment of the building inspector will follow the appointment processes of the municipality.
- c) The appointed inspectors must be appointed in line with section 8(1) of the Act with a certificate that must be in the format of form 7

9. FUNCTIONS OF THE INSPECTOR

- a) The inspector issuing an admission of guilt; or
- b) Notice to appear in court
in terms of the Act must do so in the format of form 8
- c) The inspector must forward a copy of the notice in terms of sub-regulation (2) to the clerk of the court

10. ADMINISTRATIVE CAPACITY

- a) The Municipal Manager may request capacity through IGR and appoint expertise as per his/her discretion.

11. REGISTRATION OF BUSINESS

- a) A person who must register a business in terms of section 10 of the Act must lodge an application in a format of form 1, accompanied by-
 - i. Documents specified in form 1; and
 - ii. Proof that the prescribed application fees were paid
- b) Where an application in terms of sub-regulation (1) has been lodged with the business regulation Centre and the committee is satisfied that the applicant has complied with the requirement of section 10(4) of the Act the business registration center must issue the applicant with a business certificate in the format of form 2
- c) A person who must renew a business regulation certificate in terms of section 10(5) of the Act must lodge an application for the renewal of a business registration certificate in the format of form 3 with proof that the prescribed renewal fees were paid; or
- d) Wishes to extend the validity of a business registration certificate in terms of section 10(6) of the Act must lodge an application for extension in the format of format of form 4 with proof that the prescribed extension fees are paid.

12. TRANSFER OF BUSINESS REGISTRATION CERTIFICATE

- a) When the owner of a registered business alienates that business, the new owner must lodge an application in the format of format of form 5 to transfer the business registration certificate.
- b) Where an application in terms of sub-regulation (1) has been lodged and the committee is satisfied that the applicant has complied with the requirements of the Act, the business registration center must issue out a certificate.
- c) A certificate issued in terms of sub-regulation (2), must have the same certificate number as the certificate that was previously issued by the business registration center

13. ALTERATION OF BUSINESS INTERESTS

- a) When the controlling interest of a business is altered, the person in control of that business must within 21 days, notify the business registration center thereof.

14. BUSINESS REGISTER

- a) The Business regulator and Business registration center must keep and maintain a business registration register in the format of format 6 of businesses registration register in the format of form 6 of business registered in the Maruleng municipality and in the province
- b) When a business that is registered in terms of this by-law-
 - i. Changes the name or address; or
 - ii. Ceases to operate for whatever reason,
 the person in control of the business must within 21 working days after such a change or ceasing of the operation, notify the business Registration Centre
- c) The business registration center must on a monthly bases submit a report to the business regulator , detailing any transfers, alteration of business interest or amendments made to the register

15. APPEAL

- a) A person aggrieved by the business Registration centre must within thrity days of being notified of such decision,
- b) The Business registration centre may in good cause shown condone the late lodging of an appeal
- c) An appeal in terms of this by-law must include the following:
 - i. A copy of the application for the Busines registration certificate
 - ii. A written statement on the grounds of appeal;
 - iii. The notice sent in terms of section 10(7)(a) of the Act; and
 - iv. Any other information which is relevant to appeal

16. OFFENCES AND PENALTIES

- a) A person must who-

- i. Submits incorrect information on a form in terms of this by-law
- ii. Refuses or fails to comply with any lawful demands by an inspector,
- iii. Refuses or fails without just cause to answer any question which an inspector has put to him/her in the exercise of the powers of an inspector;
- iv. Makes a statement to the inspector which is false or misleading knowing it to be false or misleading
- v. Hinders or obstruct an inspector in the exercise, carrying out or performing of his or her duties, powers of functions; or
- vi. Falsely holds himself or herself out to be an inspector;
is guilty of an offence and is liable upon conviction to a fine or imprisonment.

17. COMPLIANCE WITH OTHER LAWS

All applications must be in compliant with SPLUMA By-law and Land Use Management Scheme of Maruleng Local Municipality.

18. SHORT TITLE AND COMMENCEMENT

This By-law is called the Business Registration By-law and shall come into operation on the date of publication in the provincial gazette