

03 March 2026

Mr B Phutiagae
Municipal Manager
Tswaing Local Municipality
Cnr De Larey & Government Street
Delareyville
2770

Dear Mr Phutiagae

Urgent Intervention Required — Unlawful Electricity Disconnections in Respect of Disputed Accounts

AfriForum Sannieshof branch is a properly established community-based civil rights organisation with a constitution which acts on behalf of minority groups.

It has come to our attention that Tswaing Local Municipality is planning to **disconnect electricity supply to businesses and households that have valid disputes registered against municipal accounts** in the Sannieshof area. We write to advise you that any such disconnections would be unlawful, unconstitutional, and contrary to South African municipal law unless the disputes have first been properly resolved.

Legal Position

- 1. Local Government: Municipal Systems Act 32 of 2000 (the “Systems Act”)**
 - **Section 102(1)** allows a municipality to **implement debt collection and credit control measures**, including the disconnection of electricity, for arrear accounts.
 - **Section 102(2)** provides a clear statutory prohibition:

“Subsection (1) does not apply where there is a dispute between the municipality and a person ... concerning any specific amount claimed by the municipality from that person.”
This means that **no credit control measures, including electricity disconnection, may be implemented while a valid dispute under section 102(2) remains unresolved.**

- 2. Consumer Rights / Dispute Resolution**
 - Disputes must be lodged in accordance with the municipality’s credit control and debt collection policy, and thereafter properly investigated and resolved before any punitive actions are taken.
- 3. Constitutional Duty to Provide Basic Services**
 - Municipalities have a constitutional obligation to ensure the provision of basic services such as electricity, and any interruption of such services must be lawful, procedurally fair, and consistent with the law.
- 4. Judicial Precedent**
 - Courts have confirmed that municipalities cannot lawfully interrupt electricity supply while a bona fide dispute exists regarding the account amounts, and have interdicts in place to protect consumers where this has occurred.

June 2024

Address: 58 Union Avenue, Kloofsig, Centurion • **Tel.:** 086 10 200 30

Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr W.G. Human, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.

Registration number: 2005/042861/08 • **NGO number:** 054 - 590

Examples include recent urgent orders preventing local municipalities from proceeding with disconnections where valid disputes were in place.

Municipality's Obligations

- Before implementing disconnections, the Municipality must:
 1. Ensure that each affected customer has **validly lodged a dispute** in accordance with **section 102(2)** of the Systems Act and its own policy.
 2. **Investigate and resolve the dispute to finality** before considering any credit control measures.
 3. Provide **advance written notice** of intention to disconnect *and* give the affected party an opportunity to be heard.
 4. Comply with all its own credit control bylaws and procedures.

Demand

In light of the foregoing, AfriForum hereby demands that Tswaing Local Municipality:

1. **Immediately refrains from disconnecting electricity** for any household or business that has lodged a valid account dispute which remains unresolved.
2. **Complies strictly with section 102(2) of the Systems Act**, and any applicable credit control by-laws, by **completing the dispute resolution process before implementing any disconnections**.
3. Provide AfriForum with written confirmation — within **7 (seven) calendar days** — that no further disconnections will take place in respect of unresolved disputes.

Please regard this letter as a **formal notice of objection** to any planned disconnections affecting persons or businesses with unresolved disputes.

Should the Municipality fail to comply with its statutory obligations, AfriForum will not hesitate to pursue all legal remedies available, including urgent court relief and an application for costs on the attorney-and-client scale. This is the second letter written to the municipality without any response on this matter.

Yours faithfully,

Kind regards

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