



MossRates NPC / Representativity, Legal Standing

Mossel Bay Ratepayers Association <info@mossrates.co.za>

2 April 2026 at 10:54

To: "Prins, Niel" <nprins@mosselbay.gov.za>

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Dear Ms Prins

We refer to your numerous emails, external legal correspondence, and related communications dated 25 March 2026 addressed to MossRates NPC, the contents of which have been noted.

We respond as follows:

1. MOI and Constitution

MossRates NPC is a duly registered Non-Profit Company (Registration No. 2025/800784/08), incorporated in terms of the Companies Act 71 of 2008.

At the time of incorporation, the organisation had no members. Registration as an NPC without members (CoR 15.1C) was therefore factually correct and legally compliant. Any alternative approach would have been irregular.

The Constitution was drafted in anticipation of the organisation's operational phase. Since incorporation, MossRates has successfully established a membership base and is in the process of lodging the required amendment (CoR 15.2) with CIPC to formalise this position.

We reject the assertion that MossRates lacks proper constitution or legal standing. An NPC without members is a lawful juristic entity governed by its directors. Subsequent organisational development does not invalidate its existence or its right to engage with the Municipality.

2. Representativity

MossRates acts in coordination with, and represents the interests of, multiple civic bodies, including:

- Dana Bay Ratepayers Association
- Groot Brak Ratepayers Association
- AfriForum
- Mossel Baai Grondeienaars Vereeniging
- Grootbrak Heights Ratepayers Association.

We decline to disclose individual member identities due to legitimate concerns regarding victimisation.

In law, representativity is not a prerequisite for civic participation. Section 5 of the Municipal Systems Act guarantees every ratepayer the right to participate in municipal governance. The imposition of informal thresholds or verification requirements as a condition for engagement is unlawful and constitutes administrative gatekeeping.

3. Rule 37 Deputation

Your refusal of our Rule 37 deputation request is noted.

Rule 37 expressly permits “an individual or a deputation” to address Council. It does not require:

- formal organisational status;
- membership verification; or
- any representativity threshold.

The directors of MossRates, as registered representatives of a juristic entity and as ratepayers, clearly qualify.

The refusal of this deputation is therefore inconsistent with both the wording and intent of Rule 37.

4. Pattern of Non-Engagement

This matter cannot be viewed in isolation.

It forms part of a sustained pattern of:

- non-response to substantive ratepayer correspondence;
- procedural deflection into technical or legal processes;
- reliance on external legal positioning to avoid engagement; and
- denial of participatory platforms to organised civic structures.

This pattern is consistently reported across multiple associations and individual ratepayers within Mossel Bay.

We record further that no substantive engagement has been received from either:

- The Executive Mayor
- The Office of the Premier
- The Municipal Manager

despite prior escalations on matters of governance concern.

5. Substantive Governance Concerns

For clarity, MossRates’ engagement is directed at material governance issues, including:

- bulk water security risks and planning assumptions
- use of Capital Replacement Reserve (CRR) funds for development-related infrastructure
- tariff structures and cost transparency
- oversight of municipally linked entities
- infrastructure investment alignment with resource constraints.

These are not administrative queries, they are matters of public interest requiring direct engagement.

6. Request for Remedial Action

We formally request:

1. Reconsideration and approval of the Rule 37 deputation
2. Direct engagement on the substantive issues raised
3. Cessation of procedural barriers to lawful ratepayer participation.

Continued refusal to engage is not sustainable within a constitutional framework of participatory governance.

7. Reservation of Rights

MossRates remains committed to structured and lawful engagement.

However, the continued absence of response and the use of procedural mechanisms to avoid engagement are formally recorded as governance concerns requiring escalation.

All rights are reserved.

Yours faithfully

Board of Directors
MossRates
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