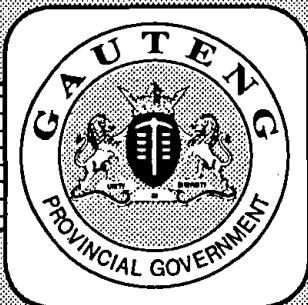


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

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GENERAL NOTICE

NOTICE 663 OF 1998

DEPARTMENT OF DEVELOPMENT PLANNING AND LOCAL GOVERNMENT

GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL, 1998

In terms of rule 132 (1) (ii) of the Standing Rules of the Provincial Legislature the Gauteng Local Authorities Rating Ordinance Amendment Bill, 1998 is hereby published for general information.

The proposed Amendment Bill will clarify and improve the rating of sectional title units and the collection of rates payable in respect of such units. Full details are obtainable at the office of the undersigned.

Any person or organisation wishing to comment thereon, may lodge his or her written comments with me within fourteen (14) days from the date of publication hereof by—

(a) posting it to:

The MEC for Development Planning and Local Government
Private Bag X86
MARSHALLTOWN
2107

or

(b) delivering it to:

17th Floor
Corner House
Corner of Commissioner and Sauer Streets

or

(c) Fax to: (011) 355-5401/2.

S. SHICEKA, MEC
Development Planning and Local Government

Annexure "A"**GAUTENG LOCAL AUTHORITIES RATING ORDINANCE
AMENDMENT BILL, 1998**

To make provision for the separate valuation of sectional title units, registered in terms of the Sectional Titles Act, 1986, for objections to such valuations and the recovery of rates and taxes from the owners of such units.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

1. The Local Authorities Rating Ordinance, 1977, is hereby amended as follows:

(1) By the amendment of section 1 as follows:

(i) by the substitution for subsection (xii) of the following:

"(xii) "improved value" in relation to land or a right in land, means the improved value referred to in section 9(1)(a) or the improved value deemed to be such in terms of section 9(7);";

(ii) by the substitution for subsection (xiv) of the following:

"(xiv) "land" means any land registered under separate title, including a sectional title unit, and includes the dominium therein, whether in full or diminished form, and any improvements in, on or under such land;";

(iii) by the substitution for subsection (xxxiii)(a) of the following:

"(a) subject to the provisions of subsection (b), the person in whose name the land concerned is registered;";

(iv) by the substitution for subsection (xxxv) of the following:

"(xxxv) "site value" in relation to land or a right in land, means the site value as contemplated in section 9(1)(b) or the site value deemed to be such in terms of section 9(4), (5) or (7);";

(v) by the insertion of the following subsection after subsection (xxii):

"(xxiii)"participation quota" means a participation quota as defined in the Sectional Titles Act, 1986;";

(vi) by the insertion of the following subsections after subsection (xxxiv):

"(xxxiv A) "sectional title scheme" means a development scheme as defined in the Sectional Titles Act, 1986; and

"(xxxiv B) "sectional title unit" means a unit as defined in the Sectional Titles Act, 1986;"

- (2) By the substitution for section 4 of the following:

"Rateable property

4. Subject to the provisions of section 5 and the provisions of any other law relating to the levying of a rate by a local authority on immovable property, a local authority may, in accordance with the provisions of this Ordinance, levy a rate or rates on the following property:
- (a) land, including land or any portion of land which is the property of a local authority and which is let by it;
 - (b) any right in land;
 - (c) any improvements in, on or under land or pertaining to any right in land;
 - (d) any share in land in respect of which a sectional title register has been opened in terms of the Sectional Titles Act, 1986; and
 - (e) any share in improvements in, on or under land or pertaining to any right in land in respect of which a sectional title register has been opened in terms of the Sectional Titles Act, 1986."
- (3) By the substitution for the term "section 51(1)" in section 9(1) of the term "section 51(3);"
- (4) By the addition of the following subsection after section 9(7):
- "(8) When valuing units in a sectional title scheme which have been registered in a sectional title register in terms of the Sectional Titles Act, 1986, a valuer shall:

- (i) determine the improved value, the site value and the value of improvements of the property as a whole in accordance with the provisions of subsections (1) and (2); and
 - (ii) determine the respective values pertaining to each unit by dividing the values determined in terms of subsection (i) by the participation quota of each unit as registered in terms of the Sectional Titles Act, 1986."
- (5) By the amendment of section 10 as follows:
- (i) by the substitution for subsection (1)(b) of the following:

"(1)(b) in the case of a land or a right in land which is not sectional title unit, the extent of the land concerned;"
 - (ii) by the renumbering of subsection (4) to read (5); and
 - (iii) by the insertion of the following subsection after subsection (3):

"(4) When the property concerned is a sectional title scheme, registered as such in terms of the Sectional Titles Act, 1986, the particulars as described in subsections (1)(a), (1)(b), (1)(c), (1)(d) and 1(e) shall be reflected in the valuation roll in respect of the property as a whole, and the following additional particulars with respect to each unit:
 - (a) the number;
 - (b) the participation quota as depicted in the sectional title register; and
 - (c) the name of the owner."
- (6) By the substitution for section 13(1) of the following:
- "13(1) An owner or other person referred to in section 12 may, in the form prescribed, lodge an objection of the nature and in the manner contemplated therein and may, during the period which the provisional valuation roll shall lie for inspection, inspect such roll and make extracts therefrom during normal office hours; provided that an owner of a sectional title unit may only object to the valuation of the sectional title scheme concerned as a whole."
- (7) By the substitution for section 15(14) of the following:

"15(14) A valuation board shall consider every objection and may make any alteration or amendment to the provisional valuation roll in respect of the rateable property to which such objection relates; provided that in the event of the valuation of property in a sectional title scheme being altered, the valuation of all units, which form part of the sectional title scheme concerned, shall be altered accordingly in the manner as contemplated by section 9(8)."

2. This Bill shall be called the Gauteng Local Authorities Rating Ordinance Amendment Bill, 1998.

Annexure "B"**EXPLANATORY MEMORANDUM****1. BACKGROUND**

- 1.1** In terms of existing provisions of the Local Authorities Rating Ordinance, 1977, rates in respect of sectional title units are recovered from the body corporate of a sectional title scheme.
- 1.2** Sectional title schemes are valued as a whole for this purpose and the owner of each unit contributes towards the rates and other costs pertaining to a sectional title scheme on the basis of a participation quota which is registered with the Registrar of Deeds.
- 1.3** When the owner of a unit fails to make contributions and rates are not paid a local authority can therefore only act against the body corporate and may eventually execute against the property as a whole. The property of all other unit owners are in such an event at risk.
- 1.4** Especially in view of the fact that the Sectional Titles Act, 1986, does contemplate the separate valuation of, and recovery of rates due in respect of, sectional title units, request have been received that the Provincial Government review the position with regard to the rateability of sectional title units.

2. PURPOSE OF BILL

- 2.1** The purpose of the Bill is to make provision for the separate valuation of sectional title units and to provide for the recovery of rates due in respect of such units from the respective owners.

3. CLAUSE-BY-CLAUSE DESCRIPTION**3.1 Clause 1(1)**

This clause contains definitions and additions to certain definitions, in order to clarify the provisions of the Bill and to include sectional title units as rateable property.

3.2 Clause 1(2)

In terms of this clause the undivided share which the owner of a sectional title unit holds in other parts of a building and in the land, known as common property will become rateable.

3.3 Clause 1(3)

Section 51(1) of the Sectional Titles Act, 1986, provides that, subject to section 51(3), the land and buildings in a sectional title scheme must be valued as if they belong to one owner. Section 51(3) contemplates the separate valuation of units and the amendment is necessary for proper reference to the Act.

3.4 Clause 1(4)

This clause provides for the determination of the value of units according to the participation quota of each unit.

3.5 Clause 1(5)

This clause regulates the particulars to be included in valuation rolls in order to make provision for sectional title units.

3.6 Clause 1(6)

As the valuation of units are to be based on the valuation of a sectional title scheme as a whole and the participation quota of each unit, this clause provides that objections may therefore only be made against the valuation of a sectional title scheme as a whole.

3.7 Clause 1(7)

If an objection raised against the valuation of a specific unit in terms of clause 6 is upheld, it will affect the valuation of all other units in a scheme and proper provision for such an event is made in this clause.

3.8 Clause 2

This clause contains the title of the proposed Bill.

ALGEMENE KENNISGEWING

KENNISGEWING 663 VAN 1998

DEPARTEMENT ONTWIKKELINGSBEPLANNING EN PLAASLIKE REGERING

DIE GAUTENG WYSIGINGSWETSONTWERP OP DIE ORDONNANSIE OP EIENDOMSBELASTING VAN PLAASLIKE BESTURE, 1998

Kragtens reël 132 (1) (ii) van die Staande Reëls van die Provinciale Wetgewer word die Gauteng Wysigingswetsontwerp op die Ordonnansie op Eiendomsbelasting van Plaaslike Besture, 1998, hierby vir algemene inligting gepubliseer.

Die voorgestelde Wysigingswetsontwerp helder die belasting van deeltiteleenhede en die insameling van belastings wat op sodanige eenhede betaalbaar is, op en verbeter dit. Volledige besonderhede kan van die kantoor van die ondergetekende verkry word.

Enigemand of enige organisasie wat kommentaar daarop wil lewer, kan sy of haar skriftelike kommentaar binne veertien (14) dae vanaf die datum van publikasie hiervan aan my voorlê deur—

(a) dit te pos aan:

Die LUR vir Ontwikkelingsbeplanning en Plaaslike Regering
Privaatsak X86
MARSHALLTOWN
2107
of

(b) dit af te lewer op die:

17de Verdieping
Corner House
hoek van Commissioner- en Sauerstraat
JOHANNESBURG
of

(c) dit te faks na (011) 355-5401/2.

S. SHICEKA, LUR

Ontwikkelingsbeplanning en Plaaslike Regering

DEPARTEMENT ONTWIKKELINGSBEPLANNING EN PLAASLIKE REGERING

DIE GAUTENG WYSIGINGSWETSONTWERP OP DIE ORDONNANSIE OP EIENDOMSBELASTING VAN PLAASLIKE BESTURE, 1998

Ten einde voorsiening te maak vir die afsonderlike waardering van deeltiteleenhede wat kragtens die Wet op Deeltitels, 1986, geregistreer is, vir besware teen sodanige waarderings en die verhaling van eiendomsbelasting op eienaars van sodanige eenhede.

Die Gauteng Provinciale Wetgewer VERORDEN SOOS VOLG:

1. Die Ordonnansie op Eiendomsbelasting van Plaaslike Besture, 1977, word hierby soos volg gewysig:
 - (1) Deur artikel 1 soos volg te wysig:
 - (i) Deur subartikel (xxxv) deur die volgende te vervang:
"(xxxv) "verbeterde waarde" met betrekking tot grond of 'n reg in grond, die verbeterde waarde in artikel 9(1)(a) genoem of die verbeterde waarde wat kragtens artikel 9(7) as sodanig geag word; (xii)";
 - (ii) deur subartikel (xvii) deur die volgende te vervang:
"(xvii) "grond" beteken enige grond wat kragtens afsonderlike titels geregistreer is, 'n deeltiteleenheid inbegrepe, en omvat die eiendomsreg daarin, hetsy in volle of verminderde vorm, en enige verbeteringe in, op of onder sodanige grond; (xiv)";
 - (iii) deur subartikel (xxix)(a) deur die volgende te vervang:
"(a) behoudens die voorwaardes van subartikel (b), die persoon op wie se naam die betrokke grond geregistreer is; (xxxiii(a)";
 - (iv) deur subartikel (xxxiii) deur die volgende te vervang:
"(xxxiii) "terreinwaarde" met betrekking tot grond of 'n reg in grond, die terreinwaarde soos in artikel 9(1)(b) beoog of die terreinwaarde wat as sodanig, ingevolge artikel 9(4),(5) of (7) geag word; (xxxv)";
 - (v) deur die volgende subartikels na subartikel (xi) in te voeg:
 - "(xia) "deelnemingskwota" 'n deelnemingskwota soos in die Wet op Deeltitels, 1986, omskrywe (xxiii)";
 - "(xib) "deeltiteleenheid" 'n eenheid soos in die Wet op Deeltitels, 1986, omskrywe; (xxxivB)";

"(xic) "deeltitelskema" 'n ontwikkelingskema soos in die Wet op Deeltitels, 1986, omskrywe; (xxxivA);"

(2) Deur artikel 4 deur die volgende te vervang:

"Belasbare eiendom"

4. Behoudens die bepalings van artikel 5 en die bepalings van enige ander wet wat betrekking het op die heffing van 'n belasting deur 'n plaaslike bestuur op vaste eiendom, mag 'n plaaslike bestuur, kragtens die bepalinge van hierdie Ordonnansie 'n belasting of belastings op die volgende eiendom hef:

- (a) grond, insluitende grond of enige gedeelte van grond wat die eiendom van 'n plaaslike bestuur is en wat deur die plaaslike bestuur verhuur word;
- (b) enige reg in grond;
- (c) enige verbeterings in, op of onder grond of wat met enige reg in grond in verband staan;
- (d) enige aandeel in grond ten opsigte waarvan 'n deeltitelregister kragtens die Wet op Deeltitels, 1986, geopen is; en
- (e) enige aandeel in verbeterings in, op of onder grond of wat in verband staan met enige reg in grond ten opsigte waarvan 'n deeltitelregister kragtens die Wet op Deeltitels, 1986, geopen is."

(3) Deur die term "artikel 51(1)" in artikel 9(1) te vervang deur die term "artikel 51(3)";

(4) Deur die volgende subartikel na artikel 9(7) in te voeg:

"(8) Wanneer eenhede in 'n deeltitelskema wat kragtens die Wet op Deeltitels, 1986 in 'n deeltitelregister geregistreer is, gewaardeer word, bepaal die waardeerdeer -

- (i) die verbeterde waarde, die terreinwaarde en die waarde van verbeterings op die eiendom as 'n geheel kragtens die bepalings van subartikels (1) en (2); en
- (ii) die onderskeie waardes met betrekking tot elke eenheid deur die waardes wat kragtens subartikel (i) bepaal is, te deel deur die deelnemingskwota van elke eenheid, soos geregistreer kragtens die Wet op Deeltitels, 1986."

(5) Deur artikel 10 soos volg te wysig:

- (i) deur subartikel (1)(b) soos volg te vervang:

"(1)(b) in die geval van grond of 'n reg in grond wat nie 'n deeltiteleenheid is nie, die grootte van die betrokke grond;"

(ii) deur die nommers te verander sodat subartikel (4) subartikel (5) lui; en

(iii) deur die volgende subartikel na subartikel (3) in te voeg:

"(4) Wanneer die betrokke eiendom 'n deeltitelskema is wat as sodanig kragtens die Wet op Deeltitels, 1986, geregistreer is, word die besonderhede soos beskryf in subartikels (1)(a), 1(b), (1)(c), (1)(d) en (1)(e) op die waarderingslys ten opsigte van die eiendom as 'n geheel en die volgende bykomende besonderhede ten opsigte van elke eenheid weerspieël:

- (a) die nommer;
- (b) die deelnemingskwota soos in die deeltitelregister weergegee; en
- (c) die naam van die eienaar."

(6) Deur artikel 13(1) deur die volgende te vervang:

"13(1) 'n Eienaar of enigiemand anders waarna daar in artikel 12 verwys word, mag in die vorm wat voorgeskryf word, beswaar maak oor die aard en manier wat daarin bedoel word en mag, gedurende die typerk wat die provinsiale waarderingslys ter insae lê, sodanige waarderingslys gedurende gewone kantoorure besigtig en uittreksels daaruit maak; op voorwaarde dat 'n eienaar van 'n deeltiteleenheid slegs beswaar mag maak teen die waardering van die betrokke deeltitelskema in die geheel."

(7) Deur artikel 15(14) deur die volgende te vervang:

"15(14) 'n Waarderingsraad oorweeg elke beswaar en kan enige verandering of wysiging in die voorlopige waarderingslys aangebring ten opsigte van die belasbare eiendom waarop die beswaar betrekking het; op voorwaarde dat, in 'n geval waar die waardering van eiendom in 'n deeltitelskema verander word, die waardasie van al die eenhede wat deel van die betrokke deeltitelskema uitmaak, dienooreenkomsdig verander word volgens die manier wat in artikel 9(8) bedoel is."

2. Hierdie Wetsontwerp heet die Gauteng Wysigingswetsontwerp op die Ordonnansie op Eiendomsbelasting van Plaaslike Besture van 1998.

VERDUIDELIKENDE MEMORANDUM**1. AGTERGROND**

- 1.1 Ingevolge die bestaande bepalings van die Ordonnansie op Eiendomsbelasting van Plaaslike Besture, 1977, word belasting op deeltiteleenhede op die regspersoon van 'n deeltitelskema verhaal.
- 1.2 Deeltitelskemas word vir belastingdoeleindes in hulle geheel gewaardeer en die eienaar van elke eenheid dra tot die belasting en ander koste by wat op 'n deeltitelskema betrekking het, op grond van 'n deelnemingskwota wat by die Registrateur van Aktes geregistreer is.
- 1.3 Wanneer die eienaar van 'n eenheid in gebreke bly om bydraes te maak en die belastings nie betaal word nie, kan 'n plaaslike bestuur dus net teen die regspersoon optree en uiteindelik die eiendom in die geheel uitwin. In so 'n geval is die eiendom van al die ander eienaars van eenhede ook in gevaar.
- 1.4 Veral met die oog op die feit dat die Wet op Deeltitels, 1986, wel die afsonderlike waardering van deeltiteleenhede en die verhaling van belasting wat op afsonderlike eenhede verskuldig is, beoog, is versoek ontvang dat die Provinciale Regering die posisie met betrekking tot die belasbaarheid van deeltiteleenhede moet hersien.

2. DOEL VAN DIE WETSONTWERP

- 2.1 Die doel met die Wetsontwerp is om voorsiening te maak vir die afsonderlike waardasie van deeltiteleenhede en om eiendomsbelasting wat op sulke eenhede verskuldig is, van die onderskeie eienaars te verhaal.

3. BESKRYWING, KLOUSULE VIR KLOUSULE**3.1 Klousule 1(1)**

Hierdie klousule bevat woordomskrywings en toevoegings tot woordomskrywings wat die bepalings van die Wetsontwerp ophelder en deeltiteleenhede as belasbare eiendom daaraan toevoeg.

3.2 Klousule 1(2)

Ingevolge hierdie klousule word die eienaar van 'n deeltiteleenheid se onverdeelde aandeel in ander dele van 'n gebou en in die grond wat die gemeenskaplike eiendom is, belasbaar gemaak.

3.3 Klousule 1(3)

Artikel 51(1) van die Wet op Deeltitels, 1986, lui dat die grond en geboue in 'n deeltitelskema, behoudens die bepalings van artikel 51(3), gewaardeer moet word as sou hulle aan een eienaar behoort. Artikel 51(3) beoog die afsonderlike waardasie van eenhede en hierdie wysiging is dus nodig om die Ordonnansie behoorlik in ooreenstemming met die Wet op Deeltitels te bring.

3.4 Klousule 1(4)

Hierdie klousule maak voorsiening vir die bepaling van die waarde van eenhede ooreenkomsdig die deelnemingskwota van elke eenheid.

3.5 Klousule 1(5)

Hierdie klousule reguleer die besonderhede wat in waarderingslyste opgeneem moet word om vir deeltiteleenhede voorsiening te maak.

3.6 Klousule 1(6)

Hierdie klousule maak daarvoor voorsiening dat, aangesien die waardering van eenhede op die waardering van 'n deeltitelskema in sy geheel en die deelnemingskwota van elke eenheid gegrond moet word, daar slegs beswaar teen die waardering van 'n deeltitelskema in sy geheel aangeteken mag word.

3.7 Klousule 1(7)

As 'n beswaar wat teen die waardering van 'n spesifieke eenheid ingevolge klousule 6 geopper is, gehandhaaf word, affekteer dit al die ander eenhede in die skema, en daarom word daar in hierdie klousule behoorlik voorsiening vir sulke gevalle gemaak.

3.8 Klousule 2

Hierdie klousule bevat die titel van die voorgestelde Wetsontwerp.

TSEBIŠO-KAKARETŠO

TSEBIŠO 663 WA 1998

KGORO YA PEAKANYO YA TLHABOLLO LE MMUŠO WA SELEGAE

MOLAOKAKANYWA WA GAUTENG WA DIPUŠO TŠA SELEGAE WA PHETOŠO YA MOLAO WA PROBENTSHE WA KELO YA DITHOTO, 1998/(GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL, 1998)

Go ya ka molawana 132 (1) (ii) wa Melao ya Tshepedišo ya Lekgotla-Theramelao la Probentshe, go phatlalatšwa mo, Molaokakanywa wa Gauteng wa Dipušo tša Selegae wa Phetošo ya Molao wa Probentshe wa Kelo ya Dithoto, 1998, go fa tshedimošo ya kakarešo.

Molaokakanywa wa Phetošo wo o šišinywago, o hlaloša le go kaonefatša kelo ya dithoto tše di dirišwago ka karolwana ya bong, le go kgoboketšwa ga metšhelo ya dithoto tša mohuta woo. Dintlha ka bottlalo di hwetšwa ka kantorong ya yo a saennego ka tlase.

Motho mang goba mang, goba mokgatlo, wo o nyakago go ntšha maikutlo ka ga molaokakanywa wo, o ka mpha dikakanyo tša wona tše di ngwadilwego, lebakeng la matšatši a lesome-nne (14) go tloga letšatšing la phatlalatšo ya molaokakanywa wo, ka—

(a) posting it to:

The MEC for Development Planning and Local Government
 Private Bag X86
 MARSHALLTOWN
 2107
goba

(b) go di iša go:

Lebato la 17
 Corner House
 Magahlanong a Mekgoba ya Commisioner le Sauer
 JOHANNESBURG
goba

(c) ka go romela fekese go (011) 355-5401/2.

S. SHICEKA, LELOKO LA LEKGOTLA-PHETHIŠI

Peakanyo ya Tlhabollo le Mmušo wa Selegae

**MOLAOKAKANYWA WA GAUTENG WA DIPUŠO TŠA SELEGAE
WA PHETOŠO YA MOLAO WA PROBENTSHE WA KELO YA
DITHOTO, 1998**

(GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL, 1998)

Go kgonagatša kelo ye e aroganego ya bong karolo bja thoto yeo e ngwaditšitšwego go ya ka Molao wa Bong bja Dithutho ka Karolo, 1986, (Sectional Titles Act, 1986), gore dikgano tša dikelo tše di tšweletšwe le go hwetša metšhelo le makgetho go tšwa go beng ba dithoto.

Lekgotla theramelao la Gauteng le **BEYA MOLAO** wo ka tsela ye e latelago:

1. Molao wa Probentshe wa Kelo ya Dithoto tša Dipušo tša Selegae, 1977, (The Local Authorities Rating Ordinance, 1977), o fotošwa, ka mokgwa wo o latelago:

(1) Ka go fotošwa ga karolwana 1 ka mokgwa wo o latelago:

(i) ka go beya se se latelago sebakeng sa karolwana (xii):

"(xii) "boleng bjao bo kaonefaditšwego" mabapi le mabu goba tokelo mabung, go ra boleng bjo bo kaonefaditšwego, bjo bo umakilwego karolong ya 9(1)(a) goba boleng bjo bo kaonefaditšwego bjo bo bonwago bo le seemong seo, go ya ka karolo 9(7);";

(ii) ka go beya se se latelago sebakeng sa karolwana (xiv):

"(xiv) "mabu" e ra mabu afe goba afe ao a ngwadišitšwego ka tlase ga bong bjo bo araganego, go akaretšwa thoto ya go ba le bong bja karolwana, gomme e akaretša bong bja mabu ao, go sa šetšwe gore e ba bjo bo tletšego goba bjo bo fokoditšwego, le dikaonefatšo dife goba dife ka gare, goba ka tlase ga mabu ao;";

(iii) Ka go beya se se latelago sebakeng sa karolwana ya (xxxiii)(a):

"(a) go ya ka ditaelo tša karolwana (b), motho yo mabu ao a angwago a ngwadišitšwego ka yena;";

(iv) Ka go beya se se latelago sebakeng sa karolwana (xxxv):

"(xxxv) "mohola wa setsha" ge o amanywa le mabu goba tokelo mabung, o ra mohola wa setsha bjale ka ge o ukangwa karolong 9(1)(b) goba mohola wa setsha ka moo o bonwago go ya ka karolo 9 (4), (5) goba (7);";

(v) ka go tsenya karolwana ye e latelago morago ga karolwana (xxiii):

"(xxiiiA) "kabelo ya go kgatha tema" e ra kabelo ya go kgatha tema bjale ka ge e hhalositšwe Molaong wa Bong bja Dithoto ka Karolo, 1986;";

(vi) ka go tsenya karolwana ye e latelago, morago ga karolwana (xxxiv):

"(xxxiv A) "sekema sa bong karolo bja dithoto" ke sekema sa tlhabollo bjale ka ge se hhaloswa Molaong wa Bong bja Dithoto ka Karolo, 1986; le

"(xxxiv B) "sekgao sa bong bja karolo" ke sekgao bjale ka ge se hhaloswa ke Molao wa Bong bja Dithoto ka Karolo, 1986;"

(2) Ka go beya se se latelago sebakeng sa karolo 4:

"Thoto yeo e swanelwago ke go tšhelelwa

4. Go ya ka ditaelo tša karolo 5 ya le ditaelo tša molao ofe goba ofe wo mongwe wo o lego mabapi le go beelwa kelo ya motšhelo ke pušo ya selegae thotong yeo e sa šuthišegego, pušo ya selegae e ka re, go ya ka ditaelo tša Molao wo wa Probentshe, wa beya kelo ya motšhelo dithotong tše di latelago:

- (a) mabu, go akaretšwa mabu goba karolo efe goba efe ya mabu ao e lego thoto ya pušo ya selegae le gona a hirišitswe ke yona;
- (b) tokelo efe goba efe mabung;
- (c) dikaonefatšo dife goba dife ka mabung goba ka tlase ga mabu goba seo se amago tokelo efe goba efe mabung;
- (d) kabelo efe goba efe mabung yeo e buletšwego registara ya bong karolo go ya ka Molao wa Bong bja Dithoto ka Karolo, 1986; le
- (e) kabelo efe goba efe dikaonefatšong ka gare ga mabu goba ka tlase ga mabu, goba seo se amanago le tokelo efe goba mabung, yeo e buletšwego registara ya bong karolo, go ya ka Molao wa Bong bja Dithoto ka Karolo, 1986."

(3) Ka go tloša lereo "karolo 51 (1)" karolong 9(1) gomme gwä bewa lereo "karolo 51(3)" legatong la lona";

(4) Ka go tsenya karolwana ye e latelago morago ga karolo 9(7):

"(8) Ge dikgao di elwa sekemeng sa bong ka karolo, seo se ngwadišitšwego registareng ya bong ka karolo go ya ka Molao wa Bong bja Dithoto ka Karolo, 1986, motho yo a elago o tla:

- (i) kgonthiša boleng bjo bo kaonefaditšwego, boleng bja setsha le boleng bja dikaonefatšo tša thoto ka moka go ya ka ditaelo tša dikarolwana (1) le (2); le go
- (ii) kgonthiša boleng bja sekao se sengwe le se sengwe ka go arola boleng bjo bo kgonthišitšwego go ya ka karolwana (i) ka kabelo ya go kgatha tema ya sekao se sengwe le se sengwe bjale ka ge se ngwadišitšwe go ya ka Molao wa Bong bja Dithoto ka Karolo, 1986."

(5) Ka go fetola karolo 10 ka mo go latelago:

(i) ka go beya tše di latelago sebakeng sa karolwana 1(b):

"(1)(b) ge e le mabu goba tokelo mabung ao e sego sekao sa bong ka karolo, bogolo bja mabu ao a angwago;" ;

(ii) ka go ngwalwa gape ga nomoro ya karolwana (4) gore e be (5); le

(iii) go tsenya karolwana ye e latelago morago ga karolwana (3):

"(4) Ge thoto yeo e angwago e le sekema sa bong ka karolo, gomme e ngwadišitšwe bjale go ya ka Molao wa Bong bja Dithoto ka Karolo, 1986, dintlha tše di hlalositswego karolwaneng (1)(a), (1)(b), (1)(c), (1)(d) le (1)(e) di tla laetšwa lenaneong la kelo ya thoto yeo ka moka mmogo le dintlha tše di latelago tša tlaleletšo mabapi le sekao se sengwe le se sengwe:

- (a) nomoro;
- (b) kabelo ya go kgatha tema bjale ka ge e laetšwa registareng ya bong ka karolo; le
- (c) leina la mong."

(6) Ka go tsenya se se latelago karolong 13(1):

"13(1) Mong goba motho yo mongwe yo a hlalositswego karolong 12 a ka re foromong yeo e laetšwego, a tšweletša go se kwane le sebopego le

mokgwa wo o hlaloswago ka moo, gomme a ka re lebakeng leo lenaneo la lebakanyana la kelo ya thoto le sa beilwego gore le hlahlobje, a hlahloba lenaneo leo gomme a ntšhe dintlha go lona lebakeng la mošomo; go hlokamelwe gore mong sekao sa bong karolo bja thoto a ka gana feela sekema seo se angwago sa kelo, ge se tšewa ka moka ga sona."

- (7) Ka go tsenya se se latelago sebakeng sa karolo 15(14):

"15(14) Boto ya dikelo e tla hlokomela kgano efe goba efe gomme e ka dira phetogo efe goba efe lenaneong la lebakanyana la dikelo mabapi le thoto yeo e swanelegago go ka lefelwa motšhelo, yeo kgano yeo e lego ka ga yona; go hlokamelwe gore lebakeng la ge thoto e elwa, ge kelo ya thoto yeo e lego sekemeng sa bong ka karolo e ka felotwa, kelo ya dikgao ka moka tšeou e lego karolo ya sekeme sa bong ka karolo, seo se angwago, e tla fetolwa ka maleba go ya mokgwa woo o ukangwago ke karolo 9(8)."

2. Molaokakanywa wo o tla bitšwa Molaokakanywa wa Gauteng wa Dipušo tša Selegae wa Phetošo ya Molao wa Probentshe wa Kelo ya Dithoto, 1998.

MEMORANDAMO WA DITLHALOSO

1. BOTŠO

- 1.1 Go ya ka ditaelo tše di lego gona tša Molao wa Probentshe wa Kelo ya Dithoto tša Dipušo tša Selegae, 1977, dikelo tša dikgao tša bong ka karolo di hwetšwa sekemeng sa bong bja dithoto ka karolo.
- 1.2 Dikema tša bong bja dithoto ka karolo di elwa ka moka morerong wo, gomme mong wa sekgao se sengwe le se sengwe o ntšha seabe go lefela metšhelo le ditshenyagalelo tše dingwe tše di amanago le sekema sa bong ka karolo motheong wa kabelo ya go kgatha tema yeo e ngwadišitšwego go Mongwadiši wa Dithoto.
- 1.3 Ge mong wa sekgao a sa ntšhe seabe sa gagwe gomme metšhelo e sa lefelwe, pušo ya selegae e ka re ka lebaka leo, ya tšeya magato kgahlanong le sekema, gomme e ka re mafelelong ya fa kahlolo ka ga thoto yeo ka moka ga yona. Thoto ya batho ba bangwe ka moka, bao e lego beng ba dikgao, e kotsing lebakeng leo.
- 1.4 Kudukudu ka lebaka la taba ya gore Molao wa Bong bja Dithoto ka Karolo, 1986, o ukama go aroganya kelo le go hwetšwa ga ditefelo tša metšhelo yeo e swanetšego go lefelwa dikgao tše dingwe tša bong ka karolo, go amogetšwe dikgopelo tša gore Mmušo wa Probentshe o lebelediše leswa maemo a, mabapi le tshwanelego ya go lefelwa motšhelo ga dikgao tša bong ka karolo.

2. MORERO WA MOLAOKAKANYWA

- 2.1 Morero wa Molaokakanywa wo ke go kgonagatša kelo yeo e aroganego ya dikgao tša bong bja dithoto ka karolo, le go kgonagatša go hwetšwa ga ditefelo tša metšhelo yeo e swanetšego go lefelwa dikgao tše go tšwa go beng ba tšona.

3. TLHALOSO YA TEMANA KA TEMANA

3.1 Temana 1(1)

Temana ye e na le ditlhaloso, le dikoketšo tša ditlhaloso tše dingwe, gore e hlalose ditaelo tša Molaokakanywa wo ka mo go kwalago lw go akaretša dikgao tša bong ka karolo bjale ka thoto yeo e swanelegago go ka tšhelelwā.

3.2 Temana 1(2)

Go ya ka temana ye, kabelo yeo e sa arolwago, yeo mong wa sekgao sa bong

ka karolo a nago le yona ka dikarolong tše dingwe tša moago le ka mabung, e lego yeo e tsebjago bjale ka thoto ya mehleng, e tla thoma go tšhelelwa.

3.3 Temana 1(3)

Karolo 51(1) ya Molao wa Bong bja Dithoto ka Karolo, 1986, e laela gore go ya ka karolo 51(3), mabu le moago sekemeng sa bong ka karolo, di swanetše go elwa bjale ka ge e ka ke tša mong o tee. Karolo 51(3) e ukama kelo ye e aroganego ya dikgao gomme phetošo e a nyakega gore Molao woo o kwišišege gabotse.

3.4 Temana 1(4)

Temana ye e kgonagatša go kgonthišwa ga boleng bja dikgao go ya ka kabelo ya go kgatha tema ga sekgao se sengwe le se sengwe.

3.5 Temana 1(5)

Temana ye e sepediša dintlha tše di swanetše go akaretšwa mananeong a kelo gore go dirwe dikgonagatšo tša dikgao tša bong ka karolo.

3.6 Temana 1(6)

Ka ge kelo ya dikgao e swanetše go bewa motheong wa kelo ya sekema sa bong ka karolo ka moka le ka kabelo ya go kgatha tema ya sekgao se sengwe le se sengwe, temana ye e kgonagatša gore dikgano di ka begwa feela kgahlanong le sekema sa bong ka karolo, ka moka.

3.7 Temana 1(7)

Ge kgano yeo e dirilwego kgahlanong le kelo ya sekgao se itšego go ya ka temana 6 e ka amogelwa, e tla ba le khuetšo kelong ya dikgao tše dingwe ka moka sekemeng, gomme go dirilwe kgonagatšo ya maleba ya lebaka le le bjale, temaneng ye.

3.8 Temana 2

Temana ye e na le hlogo ya Molaokakanywa wo o ukangwago.

ISAZISO SIKA WONKE-WONKE**IZAZISO 663 KA 1998****UMNYANGO WOKUHLELELA EZENTUTHUKO NOHULUMENI BASEKHAYA****UMTHETHOSIVIVINYO WASEGAUTENG KA 1998 WOKUCHIBIYELA UMTHETHO WEZINTEL A ZOHULUMENI
BASEKHAYA (GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL, 1998)**

Ngokomthetho 132 (1) (ii) wemithetho emiyo yesiShayamthetho saseGauteng, uMthethosivivinyo waseGauteng ka 1998 wokuChibiyela uMthetho weZintela zoHulumeni baseKhaya, ushiclelw ukwazisa umphakathi.

LoMthethosivivinyo oyisichibiyelo ohlongozwayo uzocacisa futhi uphucule ukuhlelw kweziqinti zemihlabo zezindawo kanye nokuqoqwa kwezintela okufanele zikhokhwe ngalezo ziqinti. Iminingwane egcwele lyatholakala ehhovisi lobhalwe ezenzansi.

Noma ngubani noma yiypihl Inhlango ethanda ukuphawula ngalokhu kufanele Inikezele ngalezo zimvo ngokubhalwe ezinsukwini eziyishumi nane kusukela osukwini lokushiclelw kwalomthetho:

(a) ungawuposela lapha:

The MEC for Development Planning and Local Government
Private Bag X86
MARSHALLTOWN
2107

noma

(b) uyidilive lapha:

17th Floor
Corner House
Corner of Commissioner and Sauer Streets

noma

(c) uyithumele ngefeksi (011) 355-5401/2.

S. SHICEKA, UMPHATHISWA**Ezokuhlelela Intuthuko Kanyo noHulumeni baseKhaya**

UMTHETHOSIVIVNYO WASEGAUTENG KA 1998 WOKUCHIBIYELA
UMTHETHO WEZINTEL A ZOHULUMENI BASEKHAYA
(GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL,
1998)

Ukumisela ukukleliswa ngokwahlekana kweziqinti zemihlaba, ebhaliswe ngokoMthetho weziQinti zemiHlaba ka 1986 (Sectional Titles Act, 1986), nezikhalazo ngalokho kukleliswa kanye nokutholakala kwezinkokhelo nezintela kubanikazi balezo ziqinti zomhlaba.

KUFANELE UMISWE yiSishayamthetho sesiFunda saseGauteng ngalendlela elandelayo:

1. UMthetho weZintela woHulumeni baseKhaya ka 1977 uyachitshiyelwa lapha kanje:

(1) Ngokuchibiyela iSigaba 1 ngalendlela:

(i) ngokuchibiyela isigatshana (xii) ngalokhu okulandelayo:

"(xii) "inani eliphuculiwe" ngokuphathelene nomhlaba noma nelungelo lomhlaba, kusho ukuthi inani eliphuculiwe nelimiselwe esigaben 9 (i)(a) noma inani eliphuculiwe nelibonakala kanjalo ngokwesigaba 9(7);";

(ii) ngokuchibiyela isigatshana (xiv) ngalokhu okulandelayo:

"(xiv) "umhlaba" usho noma yimuphi umhlaba obhaliswe ngelinye itayitela, kuhlanganisa nesiqinti somhlaba sendawo, kanti kuhlanganisa nokuhlala lapho ngokugcwele noma ngokungagcwele, kanye nanoma ukwenza ngcono okwenziwe lapho kulowo mhlaba;";

(iii) ngokuchibiyela isigatshana (xxxiii)(a) ngalokhu okulandelayo:

"(a) ngokuhambisana nezimiselo zesigatshana (b), umuntu ogama lakhe kubhaliswe ngalo lowo mhlaba;";

(iv) ngokuchibiyela isigatshana (xxxv) ngalokhu okulandelayo:

"(xxxv) "inani lesitende" ngokuphathelene nomhlaba noma ilungelo lomhlaba, kusho inani lesitende njengoba libhekewi esigaben 9(1)(b) noma inani lesitende elibonakala kanjalo ngokwesigaba 9(4), (5) noma (7);";

(v) ngokufakelela lesigatshana esilandelayo emva kwesigatshana (xxiii):

"(xxiiiA) "inani lokubamba iqhaza" kusho inani lokubamba iqhaza njengoba kuchazwe eMthethweni weziQinti zemiHlaba ka 1986;";

- (vi) ngokujobelela lezi zigatshana ezilandelayo emva kwasigatshana (xxxiv):
- "(xxxiv A) "uhlelo lobunikazi beziqinti" kusho uhlelo lwentuthuko njengoba luchazwe eMthethweni weziQinti zemiHlaba ka 1986; kanye
- "(xxxiv B) "isiqinti somhlaba sendawo kusho isiqinti njengoba sichaziwe eMthethweni weziQinti zemiHlaba ka 1986;"
- (2) Ngokuchibiyela isigaba 4 salokhu okulandelayo:
- "Impahla enokutheliswa**
4. Ngokubhekela izimiselo zesigaba 5 kanye nezimiselo zanoma yimuphi omunye umthetho ophathelene nokumiswa kwentela ngumkhandlu wokuphatha empahleni engagudluki, umkhandlu wokuphatha ungayishaya intela noma izintela, ngokulandela loMthetho, kulezi zimpahla ezilandelayo:
- (a) umhlaba, kuLanganisa nomhlaba noma ingxenye yomhlaba eyimpahla yomkhandlu wokuphatha noqashise ngawo;
 - (b) nganoma yiliphi ilungelo emhlabeni;
 - (c) kunoma yikuphi ukuphuculwa kulowo mhlaba noma ngokuphathelene nelungelo lomhlaba;
 - (d) kunoma yisiphi isabelo somhlaba ngokuphathelene nokuvulwa kwerejista ngohambisana noMthetho weziQinti zemiHlaba ka 1986; kanye
 - (e) nanoma yisiphi isabelo ekuphuculweni komhlaba noma ngokuphathelene nelungelo lomhlaba ngokumayelana nerejista evulwe ngokubhekela uMthetho weziQinti zemiHlaba ka 1986."
- (3) Ngokuchibiyela igama elithi "isigaba 51(1)" esigabeni 9(1) segama "isigaba 51(3);"
- (4) Ngokwengezelela isigatshana esilandelayo emva kwasigaba 9(7):
- "(8) Uma kuklanywa iziqinti ohlelwani lwemihlabi nebhaliswe kwi rejista yeziqinti ngokulandela uMthetho weziQinti zemiHlaba ka 1986, umklami uyo:
- (i) bhekela inani eseliphuculiwe, inani lesitende kanye nenani lokuphuculwa kwaleyo mpahla yonke ngokulandela izimiselo zezigatshana (1) kanye no (2); kanye
 - (ii) bhekela inani lesiqinti ngasinye ngokwehlukanisa amanani abhekelwe ngokwesigatshana (i) ngesibalo sokubangama iqhaza

esiqinintini ngasinye njengoba sibhaliswe ngokoMthetho weziQinti zemiHlaba ka 1986."

(5) Ngokwesichibiyelo sesigaba 10 ngendlela elandelayo:

- (i) ngokuchibiyela isigatshana (i)(b) ngokulandelayo:
"(1)(b) lapho umhlaba noma ilungelo lomhlaba okungesiso isiqinti somhlaba ngokumayelana naleyo ndawo;" ;

- (ii) ngokubhala kabusha inombolo yesigaba (4) ukuba ifundeke ibe ngu (5); kanye

- (iii) nokujobelela isigatshana esilandelayo emva kwesigatshana (3):

"(4) Uma leyo mphahla iyingxene yohlelo lweziqinti zomhlaba, ibhaliswe kanjalo ngokoMthetho weziQinti zemiHlaba ka 1986, imininingwane njengoba ichazwe esigatshaneni (1)(a), (1)(b), (1)(c), (1)(d) kanye no (1)(e), iyovezwa emqulwini wemiklamo yempahla yonke kanti imininingwane yokugcwalisa elandelayo ngokuphathelene nesiqinti ngasinye:

- (a) inombolo;
- (b) isibalo sokubamba iqhaza njengoba ibhalwe kwirejista yeziqinti; kanye
- (c) negama lomnikazi."

(6) Ngokuchibiyela isigaba 13(1) yalokhu okulandelayo:

"13(1) Umnikazi noma omunye umuntu obhekelelw esigaben 12, angasifaka isicelo sokukhalaza efomini emiselwe nangendlela ebhekew laho kanye nangezikhathi lapho umqulu wemiklamo wesikhashana uyovulelwa ukuhlolwa ngumphakathi, ukuhlola lowo mqlu nokukhipha lokho akudingayo kuwo ngezikhathi zokusebenza; kuya ngokuthi umnikazi waleso siqinti somhlaba angakhalazela ukuklanywa kwalolonke uhlelo lwezinqinti zomhlaba."

(7) Ngokuchibiyela isigaba 15(14) esilandelayo:

"15(14) Ibodi yokuklama iyocwaninga zonke izikhala kanti ingalwenza ushintsho noma isichibiyelo emqulwini wesikhashana wemiklamo ngokuphathelene nempahla okufanele ithelelw esohlelweni lweziqinti zemihlaba ingaguqlwa, ukuklanywa kwazo zonke iziqinti neziyingxene zohlelo lweziqinti, kungaguqlwa ngendlela ebhekew yisigaba 9(8)."

2. LoMthethosivivinyo uyobizwa ngoMthethosivivinyo waseGauteng ka 1998 wokuChibiyela uMthetho weZintela zoHulumeni baseKhaya.

IMEMORANDAMU YOKUCHASISA

1. ISIZINDA

- 1.1 Ngokwezimiselo ezikhona njengamanje zoMthetho weZintela woHulumeni baseKhaya ka 1977, izintela ngokuphathelene neziqinti zomhlaba zezindawo zithathwa enhlanganweni yohlelo lweziqinti zomhlaba.
- 1.2 Izinhlelo zeziqinti zomhlaba ziklanywa zonke ngokufanayo ukwenzela lomsebenzi kanti umnikazi wesiqinti ngasinye ukhokhela intela nezinye izindleko ngokuphathelene nohlelo ngokwesibalo sababambe iqhaza nesibhaliswa kuMbali wamaTayitela.
- 1.3 Uma umnikazi wesiqinti ehluleka wukunikelela nezintela zingakhokhwa, umkhandlu wokuphatha ungathathela izinyathelo inhlangano yabanikazi kanti ungayidla yonke leyo mpahla. Impahla yabo bonke abanye abanikazi ziqinti kungenzeka zibe sengcupheni.
- 1.4 Ikakhulukazi uma kubhekela uMthetho weziQinti zemiHlaba ka 1986 nokuvumayo ukwehlukanisa kokuklanywa nokutholwa kwezintela ngokuphathelene neziqinti zemihlaba, izicelo sezitholilwe zokuthi uHulumeni wesiFunda abuyekeze udaba lokuthelelwa kweziqinti zomhlaba zeningi.

2. INJONGO YOMTHETHOSIVIVINYO

- 2.1 Injongo yaloMthethosivivinyo ngkubhekela ukuklanywa ngokwahlukana kweziqinti zomhlaba zeningi nokumisela ukutholwa kwezintela okufanele zikhokhwe kubanikazi bazo.

3. UKUCHAZWA KWESIGABA NGESIGABA

3.1 Isigaba 1(1)

Lesi sigaba siqukethe izichasiso kanye nezijobelelo kwezinye izichasiso ukuze kucaciswe izimiselo zoMthethosivivinyo kanye nokuhlanganisa iziqinti zemihlaba zeningi njengempahla ethelelwayo.

3.2 Isigaba 1(2)

Ngokwalesi sigaba isabelo esingahlukanisiwe umnikazi siqinti anaso kwenye ingxenye yesakhiwo nasemhlabeni nesaziwa ngempahla ehanganyelwe, naso sizotheliswa.

3.3 Isigaba 1(3)

Isigaba 51(1) soMthetho weziQinti zemiHlabo ka 1986 simisela ukuthi, ngokubhekela isigaba 51(3), umhlaba nezakhiwo zohlelo lweziqinti kufanele kuklanywe ngokuthi kunomnikazi oyedwa. Isigaba 51(3) sibhekela ukwehlukaniswa kweziqinti kanti isichibiyelo siyadinge ka ukuze kubhekiselwe eMthethweni.

3.4. Isigaba 1(4)

Lesi sigaba simisela ukuklanywa kweziqinti ngesibalo sababambe iqhaza esiqintini ngasinye.

3.5 Isigaba 1(5)

Lesi sigaba siphatha imininingwane okufanele ifakwe emiqulwini yokuklama ukuze kubhekkelwe iziqinti zemihlabo.

3.6 Isigaba 1(6)

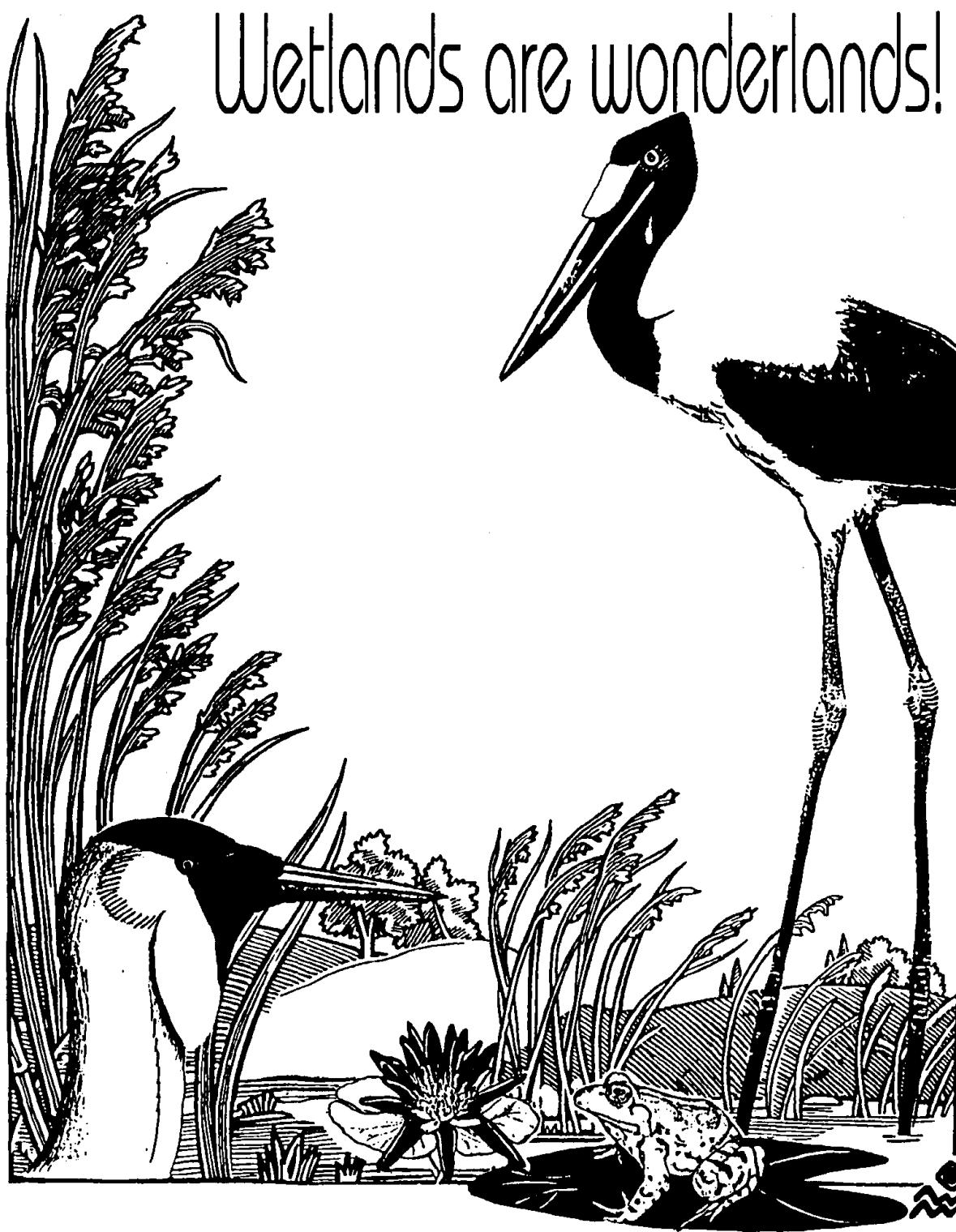
Njengoba ukuklanywa kweziqinti kuzomiselwa ekuklanyweni kweziqinti zohlelo lwemihlabo lonke kanye nesibalo sababambe iqhaza esiqintini ngasinye, lesi sigaba simisela ukuba izikhalazo zingenziwa ngokuklanywa kohlelo lonke lweziqinti zomhlabo.

3.7 Isigaba 1(7)

Uma ukukhalaza okwenziwe ngokuklanywa kwesiqinti esithile ngokwesigaba 6, kuphumelela, kuyothinta ukuklanywa kwazo zonke iziqinti ohlelweni kanti lokhu kubhekkelwe ngokuyikho kulesisigaba.

3.8 Isigaba 2

Lesisigaba siqukethe igama laloMthethosivivinyo ohlongozwayo.

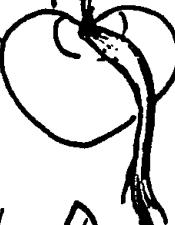


Department of Environmental Affairs and Tourism

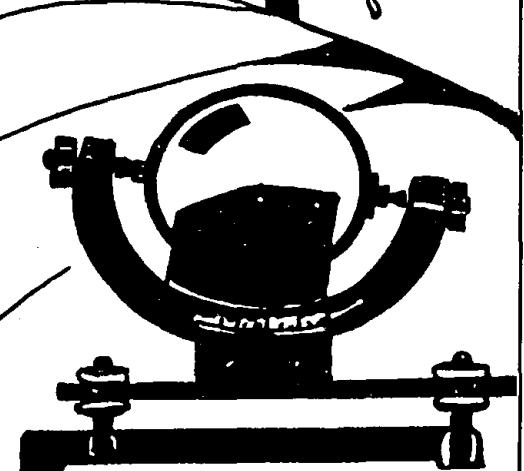
THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



MAIZE



WIND TOTALISATOR



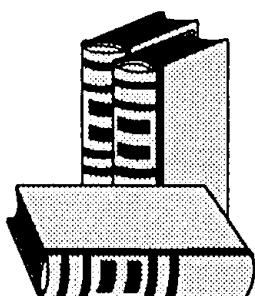
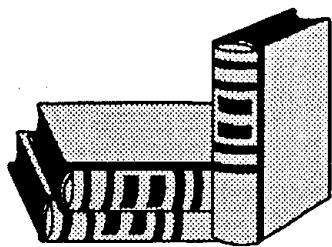
SUNSHINE RECORDER



RAIN GAUGE

THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOURISME

*Waar is die meeste weerkundige
inligting in die hele Suid-Afrika
beskikbaar?*



*Where is the largest amount of
meteorological information in the
whole of South Africa available?*

Departement van Omgewingsake en Toerisme
Department of Environmental Affairs and Tourism

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