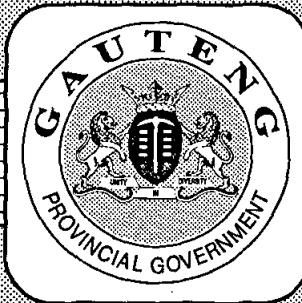


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GENERAL NOTICE • ALGEMENE KENNISGEWING

NOTICE 1611 OF 1998

GAUTENG LOCAL AUTHORITIES RATING ORDINANCE AMENDMENT BILL, 1998

To make provision for the separate valuation and rating 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 determined 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 (xxiii)(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 determined in terms of sections 9(4), 9(5) or 9(7);";

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

"(xxiiiA) "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(6):

- "(7) 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:

- (a) determine the improved value, the site value and the value of improvements on the property as a whole in accordance with the provisions of subsections (1) and (2); and
- (b) determine the respective values pertaining to each unit in accordance with 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 a sectional title unit, the extent of the land concerned; and
- (ii) by the insertion of the following subsection after subsection (3) :
- "(3A) 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 section number;
- (b) the participation quota as depicted in the sectional title register; and
- (c) the name of the owner"; and
- (iii) by the substitution for the figures "(1), (2) and (3)" at the end of subsection (4) of the figures "(1), (2) and (3) and 3(A)".
- (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(7)."
2. This Bill shall be called the Gauteng Local Authorities Rating Ordinance Amendment Bill, 1998.

EXPLANATORY MEMORANDUM

1. BACKGROUND

- 1.1 In Terms of existing provisions of the Local Authorities Rating Ordinance, 1986, 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, requests have been received that the Provincial Government review the position with regard to the ratability of sectional title units.

2. PURPOSE OF BILL

- 2.1 The purpose of the Bill is to make provision of 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. CONSULTATIVE MEASURES AND IMPACT

- 3.1 Extensive consultations with various bodies such as the National Council of Valuers, Local Governments and other Departments have already been completed.
- 3.2 The Department of Housing has pointed that pensioners who purchased units in sectional title schemes are especially vulnerable in the present circumstances.
- 3.3 The effect of the proposed Bill will be monitored by local governments in the normal course of their duties and the City Council of Pretoria has already taken administrative steps which are in accordance with the provisions of the Bill.

4. CLAUSE-BY-CLAUSE DESCRIPTION

4.1 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 ratable property.

4.2 Clause 1(2)

In terms of this clause the shares which the owner of a sectional title unit holds in other parts of a building and in the land will become ratable.

4.3 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 property reference to the Act.

4.4 Clause 1(4)

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

4.5 Clause 1(5)

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

4.6 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.

4.7 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.

4.8 Clause 2

This clause contains the title of the proposed Bill.

KENNISGEWING 1611 VAN 1998**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) bepaal 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 (xii)(a) deur die volgende te vervang:

"(a) behoudens die voorwaardes van subartikel (b), die persoon op wie se naam die betrokke grond geregistreer is; (xxiii(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 ingevolge artikel 9(4),9(5) of 9(7) bepaal is; (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(6) in te voeg:

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

- (a) 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
- (b) die onderskeie waardes met betrekking tot elke eenheid in ooreenstemming met die deelnemingskwota vir elke eenheid, soos dit kragtens die Deeltitelwet, 1986, geregistreer is."

(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 volgende subartikel na subartikel (3) in te voeg:

"(3A) 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 van die artikel;
- (b) die deelnemingskwota soos in die deeltitelregister weergegee; en
- (c) die naam van die eienaar; en

(iii) deur die syfers "(1)", "(2)" en "(3)" aan die einde van subartikel (4) deur die syfers "(1)", "(2)", "(3)", en "3(A)" te vervang.

(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 tydperk 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 aanbring 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(7) bedoel word."

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

VERDUIDELIKENDE MEMORANDUM

1. AGTERGROND

- 1.1 Ingevolge die bestaande bepalings van die Ordonnansie op Eiendomsbelasting van Plaaslike Besture, 1986, 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. KONSULTASIEMAATREëLS EN IMPAK

- 3.1 Daar was reeds uitgebreide konsultasies met verskillende liggeme soos die Nasionale Waarderingsraad, plaaslike regerings en ander departemente.
- 3.2 Die Departement Behuising het daarop gewys dat pensioentrekkers wat eenhede in deeltitelskemas gekoop het, veral in die huidige omstandighede kwesbaar is.
- 3.3 Die uitwerking van die voorgestelde Wetsontwerp sal deur plaaslike regerings in die loop van hulle normale pligte gemonitor word en die Stadsraad van Pretoria het reeds administratiewe stappe gedoen wat in ooreenstemming met die bepalings van die Wetsontwerp is.

4. BESKRYWING, KLOUSULE VIR KLOUSULE**4.1 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.

4.2 Klousule 1(2)

Ingevolge hierdie klousule word die aandele wat 'n eienaar van 'n deeltiteleenheid in ander dele van 'n gebou en in die grond het, belasbaar gemaak word.

4.3 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 nodig vir behoorlike verwysing na die Wet."

4.4 Klousule 1(4)

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

4.5 Klousule 1(5)

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

4.6 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 gegronde moet word, daar slegs beswaar teen die waardering van 'n deeltitelskema in sy geheel aangeteken mag word.

4.7 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.

4.8 **Klousule 2**

Hierdie klousule bevat die titel van die voorgestelde Wetsontwerp.

NOTICE 1611 OF 1998

ISIZULU

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

Ukumisela ukuklelisa ngokwahlukana kweziqinti zemihlabo, ebhaliswe ngokoMthetho weziQinti zemiHlabo ka 1986 (Sectional Titles Act, 1986), nezikhalazo ngalokho kuklelisa 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 nelimisewe esigabeni 9 (i)(a) noma inani eliphuculiwe nelimisewe 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 (xxiii)(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 libhekewa esigabeni 9(1)(b) noma inani lesitende elimisewe kanjalo ngokwesigaba 9(4), 9(5) noma 9(7);";

(v) ngokufakelela lesisigatshana 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 kwesigatshana (xxxiv):

"(xxxiv A) "uhlelo lobunikazi beziqinti" kusho uhlelo lwentuthuko njengoba luchazwe eMthethweni weziQinti zemiHlaba ka 1986; kanye

"(xxxiv B) "isiqinti somhlaba sendawo kusho isiqliqinti 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, kuqlanganisa 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 kwesigaba 9(6):

"(7) Uma kuklanywa iziqinti ohlelwani lwemihlaba nebhaliswe kwi rejista yeziqinti ngokulandela uMthetho weziQinti zemiHlaba ka 1986, umklami uyo:

- (a) bhekela inani eseliphuculiwe, inani lesitende kanye nenani lokuphuculwa kwaleyo mpahla yonke ngokulandela izimiselo zezigatshana (1) kanye no (2); kanye
- (b) bhekela inani lesiqinti ngasinye ngokuhambisana namanani

esibalo sobamba iqhaza esiqintini 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) nokujobelela isigatshana esilandelayo emva kwesigatshana (3):

"(3A) 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 yesigaba;
- (b) isibalo sokubamba iqhaza njengoba ibhalwe kwirejista yeziqinti; kanye
- (c) negama lomnikazi"; kanye

(iii) ngokuchibiyela izinombolo "(1)", "(2)" no "(3)" ekupheleli kwesigatshana (4) sezinombolo "(1)", "(2)", "(3)" no "3(A)".

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

"13(1) Umnikazi noma omunye umuntu obhekelelwwe esigabeni 12, angasifaka isicelo sokukhalaza efomini emiselwe nangendlela ebhekewo laho kanye nangezikathi lapho umqulu wemiklamo wesikhashana uyovulelwu ukuhlolwa ngumphakathi, ukuhlola lowo mqulu nokukhipha lokho akudingayo kwo ngezikathi zokusebenza; kuya ngokuthi umnikazi waleso siqinti somhlaba angakhalazela ukuklanywa kwalolonke uhlelo lwezinqinti zomhlaba."

(7) Ngokuchibiyela isigaba 15(14) esilandelayo:

"15(14) Ibhodi yokuklarma iyocwaninga zonke izikhalaazo kanti ingalwenza ushintsho noma isichibiyelo emqulwini wesikhashana wemiklamo ngokuphathelene nempahla okufanele ithelelwwe nokukhalazwa ngayo; kuya ngokuthi uma leyo mpahla esohlelwani lweziqinti zemihlaba ingaguqlwa, ukuklanywa kwazo zonke iziqinti neziyingxene zohlelo lweziqinti, kungaguqlwa ngendlela ebhekewo yisigaba 9(7)."

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 1986, 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 lokuthelelwakweziqinti zomhlaba zeningi.

2. INJONGO YOMTHETHOSIVIVINYO

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

3. AMAPHUZU OKUBONISANA KANYE NOMPHUMELA

- 3.1 Ukubonisana okunzulu nezinhlaka eziningi njengoMkhandlu kaZwelonke wabaKlami bamanani, oHulumeni baseKhaya kanye neminye imiNyango sekuphuthuliwe.
- 3.2 UMnyango wezeZindlu usushilo ukuthi abahola impesheni abathenga iziqinti ezinklelweni zobunini, basengozini ezimweni ezikhona njenganje.
- 3.3 Umphumela walo Mthethosivivinyo ophakanyisiwe uzoqashelwa ngawo Hulumeni baseKhaya emsebenzini wabo wansukuzonke kanti uMkhandlu weDolobha lasePitoli sewuvele uzithathile izinyathelo zezokuphetha ezihambisana nalo Mthethosivivinyo.

4. UKUCHAZWA KWESIGABA NGESIGABA**4.1 Isigaba 1(1)**

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

4.2 Isigaba 1(2)

Ngokwalesi sigaba isabelo esingahlukanisiwe umnikazi siqinti anaso kwenye ingxenyenye yesakhiwo nasemhlabeni naso sizotheliswa.

4.3 Isigaba 1(3)

Isigaba 51(1) soMthetho weziQinti zemiHlaba 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 siyadingeuka ukuze kubhekiselwe eMthethweni.

4.4 Isigaba 1(4)

Lesi sigaba simisela ukuklanywa kweziqinti ngesibalo sababambe iqhaza esiqintini ngasinye.

4.5 Isigaba 1(5)

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

4.6 Isigaba 1(6)

Njengoba ukuklanywa kweziqinti kuzomiselwa ekuklanyweni kweziqinti zohlelo lwemihlaba lonke kanye nesibalo sababambe iqhaza esiqintini ngasinye, lesi sigaba simisela ukuba izikhalaizo zingenziwa ngokuklanywa kohlelo lonke lweziqinti zomhlaba.

4.7 Isigaba 1(7)

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

4.8 Isigaba 2

Lesi sigaba siqukethe igama laloMthethosivivinyo ohlongozwayo.

SEPEDI**NOTICE 1611 OF 1998**

**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 araganego ya bong karolo bja thoto yeo e ngwaditsitšwego 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 tše.

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 fetošwa, ka mokgwa wo o latelago:

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

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

"(xii) "boleng bjao bo kaonefadiršwego" mabapi le mabu goba tokelo mabung, go ra boleng bjo bo kaonefadiršwego, bjo bo umakilwego karolong ya 9(1)(a) goba boleng bjo bo kaonefadiršwego bjo bo kgonthišwago 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 (xxiii)(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) "boleng bja setsha" ge o amanywa le mabu goba tokelo mabung, o ra boleng bja setsha bjale ka ge o ukangwa karolong 9(1)(b) goba boleng bja setsha ka moo bo kgontshišwago go ya ka karolo 9(4), 9(5) goba 9(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 tšhelelwā

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 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 gwa bewa lereo "karolo 51(3)" legatong la lona";

(4) Ka go oketša ka karolwana ye e latelago i morago ga karolo 9(6):

"(7) 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:

(a) 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

(b) kgonthiša boleng bja sekgo se sengwe le se sengwe go ya ka kabelo ya go kgatha tema ya sekgo 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 sekgo sa bong ka karolo, bogolo bja mabu ao a angwago;"; le

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

"(3A) 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 hhalositšwego 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 sekgo se sengwe le se sengwe:

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

(iii) ka gore sebakeng sa dinomoro "(1)", "(2)" le "(3)" mafelelong a karolwana (4), go bewe dinomoro "(1)", "(2)", "(3)" le "3(A)."

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

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

mokgwa wo o hhaloswago 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 dintilha go lona lebakeng la mošomo; go hlokomele 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 hlokomele 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 hlokomele 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 tšeо 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(7)."

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, 1986 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 tseyal 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 araganego 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. MAGATO A DITHERIŠANO LE KHUETŠO

- 3.1 Ditherišano tše di tseneletšego le mekgatlo ye e fapafapanego ya go swana le Lekgotla la Setšhaba la Baedi, Mebušo ya Selegae le Dikgoro tše dingwe di šetše di rumilwe.
- 3.2 Kgoro ya Kabo ya Dintlo e hlalositše gore batšofadi bao ba rekilego dintlo ka dikema tša bona ka karolo ba kotsing ya go jabetšwa mabakeng a bjale.
- 3.3 Khuetšo ya Molaokakanywa wo o ukangwago e tla hlapetšwa ke mebušo ya selegae ge e dutše e tšwela pele ka mešomo ya yona, gomme Lekgotla la

Toropokgolo la Tshwane le šetše le tšere magato a taolo ao a sepelelanago le ditaelo tša Molaokakanywa wo.

4. TLHALOSO YA TEMANA KA TEMANA

4.1 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 tšhelelw.

4.2 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 tla thoma go tšhelelw.

4.3 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.

4.4 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.

4.5 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.

4.6 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.

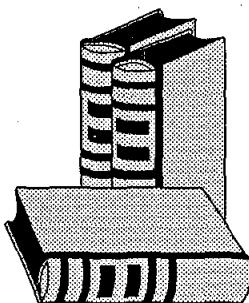
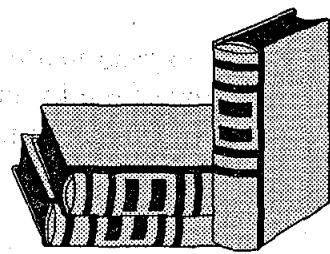
4.7 Temana 1(7)

Ge kgano yeo e dirilwego kgahlanong le kelo ya sekao 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.

4.8 Temana 2

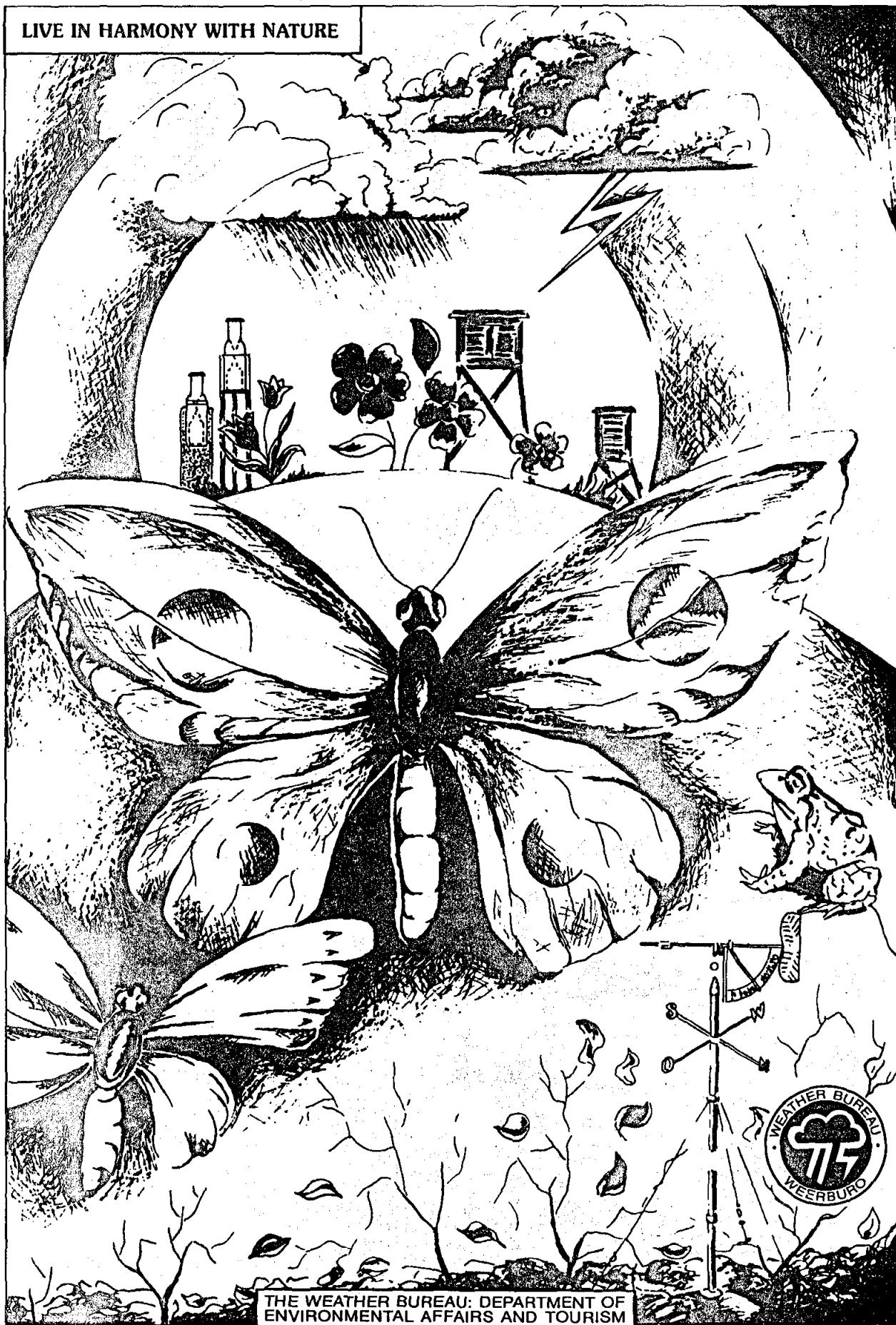
Temana ye e na le hlogo ya Molaokakanywa wo o ukangwago.

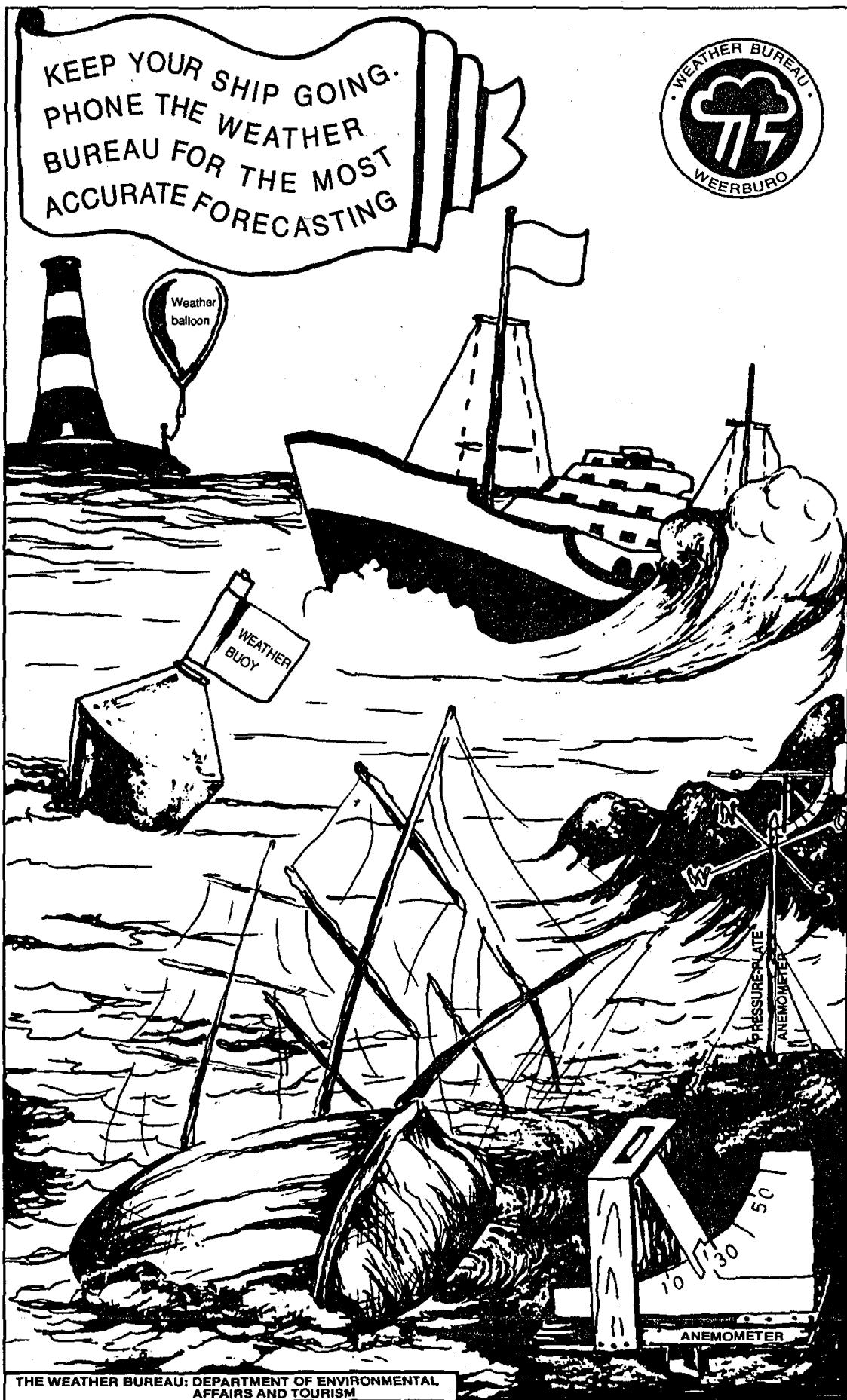
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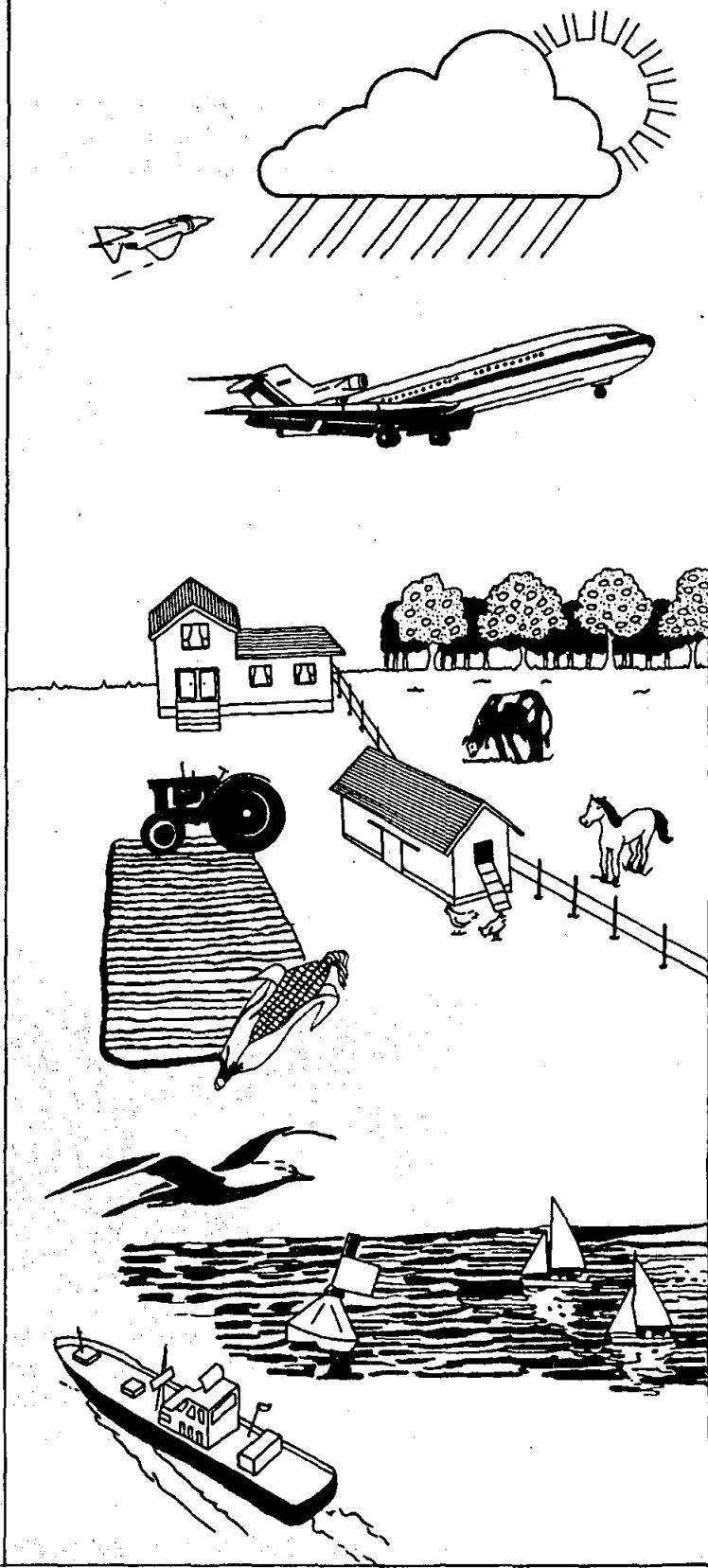
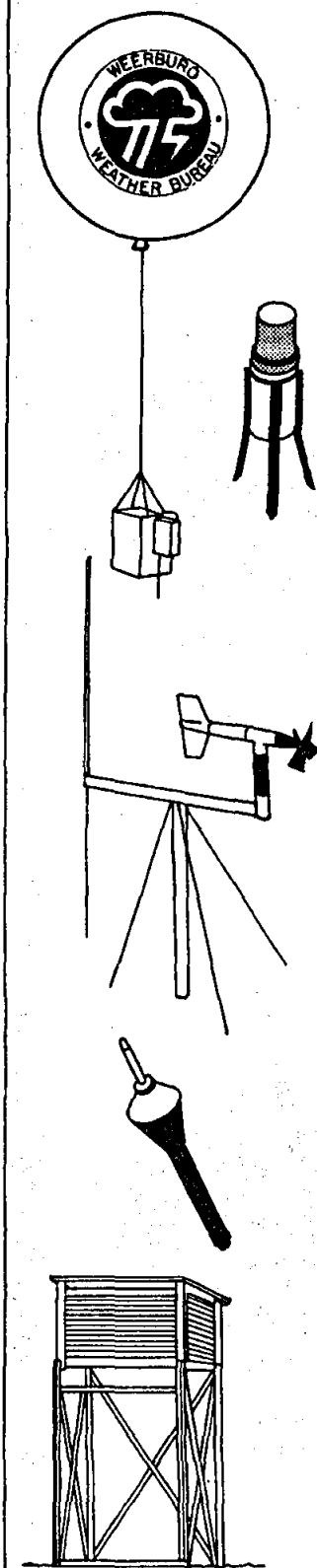
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