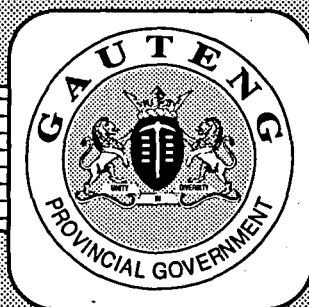


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# **Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant**

Selling price • Verkoopprijs: **R2,50**  
Other countries • Buitelands: **R3,25**

**Vol. 5**

PRETORIA, 8 MARCH 1999  
MAART

**No. 24**

## **GENERAL NOTICES ALGEMENE KENNISGEWINGS**

NOTICE 1602 OF 1999

### **DEPARTMENT OF HOUSING AND LAND AFFAIRS**

**RESIDENTIAL LANDLORD AND TENANT ACT, 1997 (ACT No. 3 of 1997)**

#### **UNFAIR PRACTICES REGULATIONS, 1998**

I, **Dan Mofokeng**, Member of the Executive Council responsible for Housing in the Province of Gauteng, hereby, under section 9 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), make the regulations in the schedule.

Given under my hand at Johannesburg this Second day of March One Thousand Nine Hundred and Ninety-Nine.

**D MOFOKENG**

**MEC: HOUSING AND LAND AFFAIRS**

**SCHEDULE****Definitions**

- 1 In these regulations, any expression or word to which a meaning has been assigned in the Act, shall have the meaning so assigned unless the context otherwise indicates -

*"common property"* in relation to a multi-tenanted dwelling means -

- (a) the land on which the dwelling is situated; and
- (b) those parts of the dwelling not reserved for the exclusive temporary use of any person;

*"lease"* means an agreement between a landlord and tenant, which entitles a tenant to the exclusive use and enjoyment of a dwelling or any portion thereof for residential purposes for a specified period or periods in exchange for the payment of rental and any other expenses relating to the use of the dwelling;

*"sublessee"* means any person who has entered into a lease agreement with a sublessor;

*"sublessor"* means any tenant who has entered into a lease agreement with a sublessee; and

*"the Act"* means the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997).

## Unfair Practice

- 2 Any person who contravenes any provisions of these regulations thereby commit an unfair practice.

## Leases

- 3(1) The rights and duties of a landlord and tenant set out in these regulations apply to a landlord and tenant even if the lease agreement between them has not been reduced to writing.
- (2) These regulations must prevail if there is a conflict between a lease and these regulations.
- (3) A lease must contain at least the following information –
- (a) the full name, physical address, and contact telephone number of the landlord;
  - (b) if the landlord is a natural person, the identity number of the landlord and if the landlord is a juristic person, the company registration number of the landlord;
  - (c) the full name and identity number of the tenant if the tenant is a natural person and if the tenant is a juristic person, the full name and registration number of the tenant;
  - (d) the physical address of the dwelling;
  - (e) the amount of the deposit, if any;
  - (f) the rental payable, and the date, place and to whom such payment shall be made, together with the escalation rate and date(s) of the escalation, if applicable;
  - (g) the duration of the lease and if there is no fixed term, the notice period required for termination;
  - (h) the options to renew the lease and the periods, if any;
  - (i) the purpose for which the dwelling may be used by the tenant;
  - (j) the physical addresses of the landlord and the tenant for service of all notices and court processes; and

- (k) the maximum number of persons entitled to occupy the dwelling.
- (2) A lease agreement must exclude any provision which -
- (a) imposes any penalty for late payment of rent;
  - (b) excludes liability of either party for failing to comply with a duty under the lease, the Act, these regulations, or any other law;
  - (c) except where provided for in these regulations, limits or prevents either party from using the normal rights of recourse against the other because of the other's failure to comply with any duty under the lease, the Act, these regulations or any other law; or
  - (d) precludes either party from being a member of a landlords' or tenants' association or any similar association.

#### **Rights and duties of the landlord and tenant**

##### **4(1) A landlord must -**

- (a) deliver the dwelling to the tenant in a condition fit for the purpose for which it is let;
- (b) take reasonable steps to ensure that a tenant enjoys undisturbed use of the dwelling and that no tenant or other person conducts an activity within a dwelling which is expressly prohibited under the lease, ordinance, health and safety regulation or any other law;
- (c) maintain the common property, if any, in good order and repair;
- (d) maintain the outside of the dwelling, including the walls and the roof, in good order and repair;
- (e) maintain the inside of the dwelling and other structures including all windows, in good order and repair;
- (f) keep and maintain the electrical wiring and general plumbing in good order and repair;
- (g) repair any damage to the dwelling or common area caused by fair wear and tear and any other causes; and
- (h) if the lease has been reduced to writing, stamp the lease and furnish the tenant with a copy thereof within twenty one (21) days of the signature by both landlord and tenant of the lease: provided that a landlord may by agreement with the tenant, recover the costs of the stamp duty from the tenant.

- (2) A tenant must –
- (a) use the dwelling in a proper manner and for the purpose which it is let;
  - (b) maintain the dwelling in a clean, tidy and healthy condition;
  - (c) not allow more than the maximum number of persons specified in the lease to reside in the dwelling;
  - (d) not sublet the property to any other person without the consent of the landlord;
  - (e) maintain sewerage pipes, water pipes and drains used in connection with the dwelling and under the tenant's control free from any obstruction or blockage;
  - (f) refrain from intentionally or negligently damaging the dwelling or common property, if any, and must repair such damage, fair wear and tear excluded, at his or her own cost;
  - (g) return the dwelling in the same condition as he or she received it, fair wear and tear excluded; and
  - (h) submit to the landlord within ten (10) days of taking occupation of the premises a separate list signed by the tenant of any damages to the dwelling. The landlord must sign the list on receipt thereof from the tenant and furnish the tenant with a copy of the signed list.
- (3) In the event of an alleged breach by a tenant and in order to deprive a tenant of access to or full use of a dwelling, a landlord must first –
- (a) give the tenant written notice of the breach;
  - (b) give the tenant seven (7) days in which to remedy the breach; and
  - (c) obtain a valid court order to evict the tenant.

### Deposits

#### 5 landlord must not –

- (1) require a tenant or a prospective tenant, prior to the commencement of any lease, to pay a deposit in excess of the first two (2) months rental, provided that in the event of escalation, a landlord may require a tenant to increase the deposit to the equivalent of two (2) months current rental;

- (2) fail to give to the tenant a receipt for the deposit, if any, which shall contain at least the following information -
  - (a) the name of the tenant;
  - (b) the name of the landlord;
  - (c) the name and signature of the person receiving payment;
  - (d) the address of the dwelling;
  - (e) the amount paid by the tenant; and
  - (f) the date on which payment was made.
- (3) fail to pay interest to the tenant at the end of each year of the lease, on any deposit held for a period of one year or longer from the commencement of the term of the lease;
- (4) fail to hold a deposit in a separate interest-bearing account or provide notice to the tenant of the bank and account number in which a deposit is held by the landlord on behalf of the tenant: provided that a landlord may deduct the bank charges from the interest earned on the deposit and if the interest earned is insufficient a landlord may deduct the bank charges from the capital amount;
- (5) fail to submit to the tenant upon receiving a deposit or within ten (10) days of the commencement of the lease, whichever is the latest, a separate written statement of the present condition of the dwelling;
- (6) fail to furnish to the tenant, within ten (10) days after the tenant has vacated the dwelling an itemised list of the damage to the dwelling, if any, and written proof indicating the actual or estimated cost of repairs necessary to correct such damage;
- (7) fail to return to the tenant the deposit or balance thereof to which the tenant is entitled after deducting the cost of repairs for the damage referred to in subregulation (6), together with interest, within fifteen (15) days after the tenant has vacated the dwelling;
- (8) deduct from a deposit any damage to the dwelling, which was listed in a separate written statement in terms of subregulation (5) and given to the tenant prior to the tenant taking occupation, or any damages listed in a separate statement in terms of regulation 4(2);
- (9) fail, upon transfer of the landlord's interest in a dwelling for which a deposit is held, to transfer such deposit together with any accrued interest for the benefit of the tenant, to the landlord's successor in interest; and
- (10) fail, upon transfer to a landlord of a dwelling for which a deposit is held, to assume liability for the retention and return of such deposit,

- (b) the costs of water, electricity, gas, refuse and sewerage;
  - (c) rentals payable by other tenants, if any;
  - (d) general costs of maintaining the dwelling;
  - (e) risk reserve for maintenance; and
  - (f) return on investment.
- (8) A tenant must not disclose the information provided under subregulation (7) to a third party without the consent of the landlord.

### Conditions, Use and Maintenance

7(1) A landlord must –

- (a) let a dwelling which at the commencement of the lease is in a condition that does not contravene the Act and the regulations, any ordinance, health or safety regulation or any other law;
  - (b) keep and maintain the dwelling in compliance with all ordinances, health or safety regulations or any other law;
  - (c) provide all services agreed to in the lease during the term or any portion of the term of the lease; and
  - (d) effect repairs for which the landlord is responsible for under the lease and as identified during inspections by the landlord or on receipt of a written notice from a tenant to do such repairs, within fourteen (14) days or such further periods as may be agreed between the landlord and tenant.
- (2) A landlord may only enter a dwelling -
- (a) to inspect the dwelling;
  - (b) to make repairs to the dwelling;
  - (c) to show the dwelling to a prospective tenant, purchaser, mortgagee or its agents;
  - (d) pursuant to a court order;
  - (e) if the dwelling appears to have been abandoned by the tenant; or
  - (f) to inspect during the last thirty (30) days of the lease or after the landlord or tenant has given notice to the other of an intention to terminate the lease, for the purpose of determining the amount of damage, if any, to the dwelling which may be the cause of reducing the deposit held by the landlord.

- (3) A tenant must allow a landlord to enter a dwelling for the purposes set out under subregulation (2) provided that such entry is carried out at reasonable times.

### Utility Services

- 8(1) A landlord who is obliged by law or the express or implied terms of a lease to provide water, electricity or gas services to a tenant, must -

- (a) provide such services;
- (b) not cause the non-supply or interrupted supply of a service to a dwelling without a court order, except -
  - (i) in an emergency and provided that such services are resumed immediately after such emergency has ceased;  
or
  - (ii) to do maintenance, repairs or renovations to a dwelling provided that these services are resumed as soon as reasonably possible after such maintenance, repairs and renovations has been done.
- (c) not expose a tenant to the risk of loss of such services by withholding payment to the service provider when such payment becomes due, provided that the tenant has made payment to the landlord of the amounts due for such services.

- (2) A landlord must not -

- (a) charge a tenant for more than the exact services consumed in the tenant's dwelling, if a dwelling is separately metered; or
- (b) fail to comply with any regulation, by-law or any other law regarding the amount to be charged to a tenant for such services, if any, if a dwelling is not separately metered for services.

- (3) If a dwelling is separately metered for such services and payment therefore is to be made to the landlord, the landlord must provide the tenant with a monthly statement, which must contain at least the following information -

- (a) the name of the tenant;
- (b) the name of the landlord;
- (c) the physical address of the dwelling;
- (d) the name, address and telephone number of each service provider;



- (e) the previous and current months' meter readings;
  - (f) the actual consumption for each service and the amounts charged therefore;
  - (g) the total payment due;
  - (h) the date of the next meter reading for each service; and
  - (i) the amount of arrears, if any.
- (4) A landlord must issue a receipt to a tenant upon payment in cash by the tenant for such services which must contain at least the following information -
- (a) the name of the tenant;
  - (b) the name of the landlord;
  - (c) the physical address of the dwelling;
  - (d) the name of the person receiving payment;
  - (e) the amount paid by the tenant;
  - (f) the date on which payment was made; and
  - (g) the period for which payment was made.
- (5) If the landlord has authorised payment for such services into a certain specified bank account of the landlord's and if the tenant pays the service amounts into such bank account, the deposit slip will constitute the tenant's receipt and the landlord will be exempt from complying with the provisions of subregulation (4).

### General Provisions

- 9(1) A landlord or tenant must not -
- (a) make a false representation regarding the official nature of any document;
  - (b) intimidate, discriminate or retaliate against each other for exercising any right under the Act, these regulations, or any other law;
  - (c) refuse to accept any notice lawfully presented or sent to the other;
  - (d) engage in oppressive or unconscionable conduct;

- (e) fail to comply with Board complaint procedures or any agreement concluded -
  - (i) with the Board; or
  - (ii) with each other through the Board's complaint procedures.
- (f) conduct any activity within a dwelling which -
  - (i) is expressly prohibited under the lease, the Act and regulations, any ordinance, health and safety regulation or any other law; or
  - (ii) unreasonably interferes with or limits the rights of any tenant to lawfully use and enjoy a dwelling.
- (g) induce a person to waive his or her rights under the Act, these regulations or any other law, or to withdraw from proceedings before the Board.

(2) The provisions of subregulation (1) do not preclude the parties to a dispute from concluding an agreement to settle a dispute.

(3) Regulation 4(1)(c), (d), (e), (f) and (g) and regulation 7(1)(d) of these regulations shall not apply to a sublessor unless otherwise agreed to in a lease by the sublessor and sublessee.

(4) Criminal proceedings may not be instituted out of a magistrates court under section 12(2) of the Act unless the Board has issued a certificate in the prescribed form, to the effect that a complaint has been lodged with the Board and that the complaint has not been successfully resolved.

(5) Any person who commits an unfair practice shall be guilty of an offence and upon conviction will be liable to a fine or to imprisonment not exceeding three (3) years or to both such fine and imprisonment.

#### **Short title and commencement**

10 These regulations are called the Unfair Practices Regulations, 1998.

## KENNISGEWING 1602 VAN 1999

## DEPARTEMENT VAN BEHUISING EN GRONDSAKE

## WET OP RESIDENSIËLE EIENAARS EN HUURDERS, 1997 (WET 3 VAN 1997)

## REGULASIES OOR ONREGVERDIGE PRAKTYKE

Ek, **Dan Mofokeng**, Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Gauteng-provinsie, bevestig hiermee die regulasies in die skedule, kragtens artikel 9 van die Wet op Residensiële Eienaars en Huurders, (Wet 3 van 1997).

Onderteken te Johannesburg op hierdie Tweede dag van Maart Eenduisend-nege-honderd-nege-en-negentig.

**D MOFOKENG**

**LUR: BEHUISING EN GRONDSAKE**

## SKEDULE

## Definisies

1. In die regulasies beteken enige uitdrukking wat in die Wet omskryf word dieselfde as die betekenis wat die Wet daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk -

**"gemeenskaplike eiendom"** ten opsigte van 'n multi-huurderswoonplek beteken

- (a) die grond waarop die woonplek opgerig is; en
- (b) die dele van die woonplek wat nie gereserveer is vir die eksklusiewe tydelike gebruik van enige persoon nie;

**"huurooreenkoms"** beteken 'n ooreenkoms tussen 'n eienaar en huurder, wat die huurder die reg gee om 'n woonplek of enige gedeelte daarvan eksklusief te gebruik en te geniet vir residensiële doeleindes vir 'n bepaalde tydperk of tydperke in ruil vir die betaling van huur en ander uitgawes wat verband hou met die gebruik van die woonplek;

**"subverhuurder"** beteken enige persoon wat 'n huurooreenkoms aangaan het met 'n subhuurder;

"subhuurder" beteken enige huurder wat 'n huurooreenkoms aangegaan het met 'n subverhuurder; en

"die Wet" beteken die Wet op Residensiële Eienaars en Huurders, 1997 (Wet 3 van 1997).

### **Onregverdigde praktyk**

- 2 Enige persoon wat enige van die voorwaardes van die regulasies oortree en so 'n onregverdigde praktyk bedryf.

### **Huurooreenkoms**

- 3(1) Die regte en pligte van 'n eienaar en huurder wat in die regulasies uiteengesit word, is van toepassing op 'n eienaar en huurder, selfs al is die huurooreenkoms tussen hulle nie skriftelik uiteengesit nie.
- (2) Die regulasies geld in gevalle waar daar 'n konflik ontstaan tussen die regulasies en die huurooreenkoms.
- (3) 'n Huurooreenkoms moet ten minste die volgende inligting bevat -
- (a) die volle name, straatadres en telefoonnommer van die eienaar;
  - (b) die eienaar se identiteitsnommer as die eienaar 'n natuurlike persoon is en die eienaar se registrasienommer as dit 'n maatskappy is;
  - (c) naam en identiteitsnommer as die huurder 'n natuurlike persoon is, en die volle name en registrasienommer as die huurder 'n regspersoon is;
  - (d) die straatadres van die woonplek;
  - (e) die deposito-bedrag indien enige;
  - (f) die huur wat betaalbaar is en die datum, plek en persoon/instansie aan wie die bedrag betaal moet word, met die eskaleringskoers en die datum(s) waarop dit kan eskaleer, indien dit van toepassing is;
  - (g) die duur van die ooreenkoms en hoe lank die kennisgewingstydperk is vir beëindiging van die ooreenkoms as daar nie 'n vaste huurtydperk van toepassing is nie;

- (h) opsies om die ooreenkoms te hernu en die tydperke, indien enige;
- (i) die doel waarvoor die huurder die woonplek mag gebruik;
- (j) die straatadresse van die eienaar en huurder waar alle kennisgewings en hofstukke beteken kan word; en
- (k) die maksimum getal mense wat in die woonplek mag woon.

(4) 'n Huurooreenkoms moet enige voorwaarde uitsluit wat -

- (a) 'n boete hef op laat huurbetalings;
- (b) die aanspreeklikheid uitsluit van enige party wat versuim om te voldoen aan 'n verpligting kragtens die ooreenkoms, die Wet, die regulasies, of enige ander wet;
- (c) enige van die partye keer of verhoed om hom/haar te wend tot die gewone regresreg wat mag geld teen die ander party omdat die ander party versuim het om te voldoen aan enige verpligting kragtens die huurooreenkoms, die Wet, die regulasies of enige ander Wet, tensy daar spesifiek voorsiening gemaak word daarvoor in die regulasies; of
- (d) enige van die partye verhoed om 'n lid te wees van 'n eienaars- of huurdersvereniging of enige soortgelyke vereniging.

### **Regte en pligte van die eienaar en huurder**

4(1) 'n Eienaar moet -

- (a) die woonplek aan die huurder lewer in 'n toestand wat geskik is vir die doel waarvoor dit verhuur word;
- (b) redelike stappe doen om te verseker dat die huurder die woonplek onversteurd kan benut en dat geen huurder of ander persoon 'n aktiwiteit in die woonplek bedryf wat duidelik verbied word in die huurooreenkoms, ordonnansie, gesondheids- en veiligheidsregulasie, of enige ander Wet nie;
- (c) die gemeenskaplike eiendom, indien enige, in stand en heel hou;
- (d) die buitekant van die gebou, insluitend die mure en dak, in stand en heel hou;

- (e) die binnekant van die gebou en alle ander strukture, insluitend vensters, in stand en heel hou;
- (f) die elektriese bedrading en algemene loodgieterswerk in stand en heel hou;
- (g) enige skade aan die gebou en gemeenskaplike eiendom herstel as dit veroorsaak is deur redelike slytasie of ander enige ander oorsake; en
- (h) as dit 'n skriftelike huurooreenkoms is, sorg dat die huurooreenkoms deur die eienaar en huurder onderteken is en binne een-en-twintig (21) dae 'n seël daarop plak en 'n afskrif aan die huurder stuur. Dit is belangrik om daarop te let dat die eienaar volgens ooreenkoms met die huurder, die koste van die seëlregte van die huurder mag verhaal.

(2) 'n Huurder -

- (a) moet die woonplek op 'n behoorlike manier benut vir die doel waarvoor dit verhuur is;
- (b) moet die woonplek op 'n skoon, netjiese en gesonde wyse in stand hou;
- (c) mag nie toelaat dat daar meer mense in die woonplek woon, as die maksimum getal mense wat in die huurooreenkoms vir die eiendom genoem word nie;
- (d) mag nie die eiendom aan enige ander persoon onderverhuur sonder die toestemming van die eienaar nie;
- (e) moet sorg dat die riolering, waterpype en dreineringspype in die woonplek en wat in die woonplek deur die huurder gebruik word, skoon is, nie geblokkeer word nie en dat dit nie verstop word nie;
- (f) mag nie doelbewus, of nalatig skade veroorsaak aan die woonplek of gemeenskaplike eiendom, indien enige, nie en moet sorg dat enige sodanige skade, wat nie redelike slytasie insluit nie, op eie koste herstel word;
- (g) moet die eiendom in dieselfde toestand as wat dit was terugbesorg, hoewel redelike slytasie in ag geneem word;
- (h) moet binne tien (10) dae nadat die huurder ingetrek het, 'n afsonderlike lys verskaf waarin al die bestaande skade aan die

perseel aangeteken is en wat die huurder onderteken het, aan die eienaar verskaf. Die eienaar moet die lys onderteken wanneer dit ontvang word en moet 'n afskrif van die ondertekende lys aan die huurder oorhandig.

- (3) Indien daar beweerde kontrakbreuk voorkom en die huurder verhoed moet word om die woonplek gedeeltelik of ten volle te benut, moet die eienaar eers -
- (a) die huurder skriftelik in kennis stel van die breuk;
  - (b) die huurder sewe (7) dae geleentheid gee om die breuk te herstel; en
  - (c) 'n geldige hofbevel kry om die huurder uit die woonplek te sit.

### Deposito's

5 'n Eienaar kan nie -

- (1) van 'n huurder of voornemende huurder verwag om 'n deposito te betaal wat meer is as die huur vir die eerste twee (2) maande voordat enige huurooreenkoms in aanvang neem nie, maar in geval van 'n huurverhoging, kan die eienaar van die huurder verwag om die deposito te verhoog na die ekwivalent van twee (2) maande se lopende huur;
- (2) versuim om 'n kwitansie vir die deposito, indien enige, te verskaf nie en die kwitansie moet ten minste die volgende inligting bevat -
  - (a) naam van die huurder;
  - (b) naam van die eienaar;
  - (c) naam en handtekening van die persoon wat die betaling ontvang;
  - (d) die adres van die woonplek;
  - (e) die bedrag wat die huurder betaal; en
  - (f) die datum waarop die bedrag betaal is.
- (3) versuim om rente op enige deposito wat vir 'n tydperk van een jaar of langer gehou is na die aanvang van die huurtermyn, te betaal nie;

- (4) versuim om 'n deposito in 'n afsonderlike rente-draende rekening te hou of vir die huurder kennis te gee van die bank en die rekeningnommer waar die deposito deur die eienaar gehou word namens die huurder nie. Die eienaar kan egter enige bankkoste van die rente wat verdien is op die deposito aftrek en as die rente wat verdien is nie genoeg is om dit te dek nie, kan die eienaar die bankkoste van die kapitaalbedrag aftrek;
- (5) versuim om 'n afsonderlike skriftelike verklaring oor die huidige toestand van die woonplek aan die huurder te verskaf nadat die deposito ontvang is of binne tien (10) dae nadat die huurooreenkoms in aanvang geneem het nie;
- (6) versuim om 'n lys waarin skade aan die eiendom uiteengesit is binne tien (10) dae nadat die huurder die eiendom ontruim het te verskaf indien daar enige skade aangerig is nie, met skriftelike bewys van die werklike of geraamde koste om die skade wat so aangemeld word te herstel nie;
- (7) versuim om die deposito of res van die deposito waarop die huurder geregtig is binne vyftien (15) dae nadat die huurder die perseel ontruim het, terug te betaal nadat die herstelkoste vir skade waarna verwys word in subregulasie (6), met rente, afgetrek is;
- (8) enige skade wat in die afsonderlike lys van skade opgeneem is, soos voorsien word in subregulasie (5) en aan die huurder gegee is voordat die huurder ingetrek het, of enige skade wat in die afsonderlike verklaring van skade wat in regulasie 4(2) voorsien word, aftrek nie;
- (9) versuim om die eienaar se belang in 'n eiendom waarop 'n deposito betaal is en gehou word, oor te dra met die opgelope rente tot voordeel van die huurder as die eienaar se belange aan 'n opvolger oorgedra word nie;
- (10) versuim om aanspreeklikheid te aanvaar vir die behoud en terugbetaling van so 'n deposito as die eienaar se belang in 'n eiendom waarvoor 'n deposito betaal is en gehou word oorgedra word nie, ongeag daarvan of die persoon verantwoordelik vir die oordrag die deposito werklik oorgedra het aan die eienaar. Die subregulasie is nie van toepassing as 'n verbandhouer 'n verband oproep of as 'n verbandhouer, wat 'n finansiële instansie is, dit in besit neem nie.

## Huur

- 6(1) 'n Eienaar moet elke keer as 'n huurder die huur betaal 'n kwitansie uitreik vir die betaling en die kwitansie moet ten minste die volgende inligting aandui:
  - (a) naam van die huurder;



- (b) naam van die eienaar;
  - (c) naam en handtekening van die persoon wat die betaling ontvang;
  - (d) die adres van die woonplek;
  - (e) die bedrag wat die huurder betaal;
  - (f) die datum waarop die bedrag betaal is; en
  - (g) die tydperk waarvoor die bedrag betaal is.
- (2) As die eienaar ingestem het dat die huur en ander uitgawes in 'n bepaalde bankrekening betaal moet word en die huurder betaal die bedrag in die eienaar se bankrekening wat so aangedui is, word die depositostrokie beskou as die huurder se kwitansie en die eienaar hoef dan nie te voldoen aan die voorwaardes van subregulasie (1) nie.
- (3) As 'n eienaar versuim om te voldoen aan subregulasie (1), verhoed dit nie die eienaar om regstappe in te stel om huur te vorder as die huurder die huurbedrag per tjek in die eienaar se gespesifiseerde bankrekening betaal en die tjek word nie deur die bank betaal nie.
- (4) 'n Eienaar kan nie die huur meer as een keer elke ses (6) maande verhoog nie.
- (5) 'n Eienaar moet 'n huurder ten minste twee (2) maande skriftelik kennis gee van die voorneme om die huur die verhoog.
- (6) 'n Huurder kan die eienaar skriftelik binne een (1) maand nadat die kennisgewing wat in subregulasie (5) voorsien word, ontvang is in kennis stel dat die huurder die verhoging verwerp. Versuim om dit te verwerp sal beteken dat die verhoging van krag word nadat die tydperk van twee (2) maande verstryk het, tensy die huurder 'n klag by die Raad, wat voorsien word vir mediasie in artikel 9(6) van die Wet, indien onderhewig aan subregulasie (7).
- (7) As 'n klag by die Raad ingedien word vir mediasie, moet die eienaar die volgende inligting voorsien -
- (a) die eiendomsbelasting wat aan die plaaslike owerheid betaalbaar is;
  - (b) die koste van water, elektrisiteit, gas, vullisverwydering en riolering;

- (c) die huur wat deur ander huurders, indien enige, betaalbaar is;
  - (d) algemene koste van die instandhouding van die gebou;
  - (e) risiko-reserwe vir instandhouding; en
  - (f) opbrengs op belegging.
- (8) 'n Huurder mag nie die inligting wat voorsien word onder subregulasie (7) aan 'n derde party bekend maak sonder die toestemming van die eienaar nie.

### **Voorwaardes, gebruik en instandhouding**

#### **7(1) 'n Eienaar moet -**

- (a) sorg dat die woonplek wat verhuur word met die aanvang van die huurooreenkoms in so 'n toestand is dat dit nie op enige wyse 'n oortreding van die Wet en die regulasies, enige ordonnansies, gesondheids- of veiligheidsregulasies of enige ander Wet verteenwoordig nie;
- (b) die gebou so in stand hou dat dit voldoen aan alle ordonnansies, gesondheids- of veiligheidsregulasies, of enige ander Wet;
- (c) alle dienste waarop daar in die huurooreenkoms ooreengekom is verskaf terwyl die ooreenkoms of enige gedeelte daarvan van krag is; en
- (d) enige herstelwerk wat raakgesien word tydens inspeksies, of wat die huurder skriftelik versoek, waarvoor die eienaar volgens die huurooreenkoms verantwoordelik is, binne veertien (14) dae of sodanige ander tydperk waarvoor die eienaar en huurder ooreenkom laat doen.

#### **(2) 'n Eienaar mag net die woonplek betree -**

- (a) om die woonplek te inspekteer;
- (b) herstelwerk te laat doen aan die woonplek;
- (c) om die woonplek aan 'n voornemende huurder, koper, verbandhouer of sy agente, te wys.

- (d) as daar 'n hofbevel uitgereik is dat die woonplek betree mag word;
  - (e) as dit voorkom asof die huurder die woonplek ontruim het; of
  - (f) om die woonplek te inspekteer gedurende die laaste dertig (30) dae van die huurooreenkoms, of nadat die eienaar of verhuurder kennis gegee het van die voorneme om die huurooreenkoms te beëindig, sodat bepaal kan word of daar enige skade aangerig is en indien wel, die omvang daarvan as dit kan aanleiding gee tot 'n vermindering van die deposito wat aan die eienaar betaal is.
- (3) 'n Huurder moet die eienaar toelaat om 'n woonplek te betree vir die doeleindes wat in subregulasie (2) uiteengesit is, mits die betreding op 'n redelike tyd geskied.

### Nutsdienste

- 8(1) 'n Eienaar wat deur die wet of direkte of indirekte bepalings van 'n huurooreenkoms verplig word om water, elektrisiteit of gas te voorsien vir gebruik deur die huurder moet -
- (a) die dienste voorsien;
  - (b) nie veroorsaak dat die dienste nie verskaf word of dat dit gestaak word sonder 'n hofbevel nie, buiten -
    - (i) in 'n noodgeval en mits die dienste herstel word sodra die omstandighede wat die noodgeval veroorsaak het uit die weg geruim is; of
    - (ii) om herstelwerk, instandhoudingswerk of vernuwingswerk aan 'n gebou te doen, mits die dienste so gou as moontlik na die instandhouding, herstelwerk, vernuwingsdienste herstel word;
  - (c) nie die huurder blootstel aan gevaar van verlies van sodanige dienste weens terughouding van betaling aan die diensverskaffer wanneer die dienste betaalbaar is nie, mits die huurder die bedrae wat verskuldig is vir sodanige dienste aan die eienaar betaal het.

(2) 'n Eienaar mag nie -

- (a) 'n hoër bedrag hef vir die dienste as die presiese bedrag wat verskuldig is vir die dienste wat in die huurder se woonplek verbruik is as die lesings vir die huurder se verbruik afsonderlik gelees kan word nie;

(b) of versuim om te voldoen aan enige regulasie, ordonnansie of enige ander wet wat betrekking het op die bedrag wat gehef mag word vir 'n huurder se dienste, indien enige, as die huurder se verbruik nie afsonderlik gelees kan word nie.

(2) As die verbruik van die dienste in 'n woonplek afsonderlik gelees kan word en die bedrag verskuldig word aan die eienaar betaal, moet die eienaar 'n maandstaat aan die huurder verskaf en die staat moet ten minste die volgende inligting bevat -

- (a) naam van die huurder;
- (b) naam van die eienaar;
- (c) die adres van die woonplek;
- (d) die naam, adres en telefoonnommer van elke afsonderlike diensverskaffer;
- (e) die vorige en huidige maande se meterlesings;
- (f) die werklike verbruik van elke diens en die bedrae wat daarvoor gehef is;
- (g) die totale bedrag wat betaalbaar is;
- (h) die datum van die volgende meterlesing vir elke diens; en
- (i) die agterstallige bedrag, indien enige.

(2) 'n Eienaar moet 'n kwitansie uitreik as die huurder 'n bedrag in kontant betaal vir sodanige dienste en die kwitansie moet ten minste die volgende inligting bevat -

- (a) naam van die huurder;
- (b) naam van die eienaar;
- (c) naam en handtekening van die persoon wat die betaling ontvang;
- (d) die adres van die woonplek;
- (e) die bedrag wat die huurder betaal;
- (f) die datum waarop die bedrag betaal is; en

- (g) die tydperk waarvoor die bedrag betaal is.
- (5) As die eienaar ingestem het dat die huur en ander uitgawes in 'n bepaalde bankrekening betaal moet word en die huurder betaal die bedrag in die eienaar se bankrekening wat so aangedui is, word die deposito strokie beskou as die huurder se kwitansie en die eienaar hoef dan nie te voldoen aan die voorwaardes van subregulasie (4) nie.

**Algemene voorwaardes**

9(1) 'n Eienaar of huurder mag nie -

- (a) 'n vals voorstelling maak van die amptelike aard van enige dokument nie;
- (b) mekaar intimideer, teen mekaar diskrimineer, of wraak neem as enige van die partye enige regte kragtens die Wet, die regulasies of enige ander Wet uitoefen nie;
- (c) weier om enige kennisgewing wat die ander party wettig indien of stuur te ontvang nie;
- (d) deelneem aan enige onderdrukkende of gewetenlose optrede nie;
- (e) versuim om te voldoen aan die Raad se klagteprosedures of ooreenkoms wat -
  - (i) met die hulp van die Raad aangegaan is nie;
  - (ii) met mekaar aangegaan is met die hulp van die Raad se klagteprosedures nie.
- (f) enige iets in 'n woonplek doen wat -
  - (i) duidelik deur die huurooreenkoms, die Wet en regulasies, enige ordonnansie, gesondheids- en veiligheidsregulasies, of enige ander Wet verbied word nie;
  - (ii) 'n onredelike invloed het op enige ander huurder om 'n woonplek wettig te gebruik en te geniet, of die regte van so 'n huurder inperk nie;
- (g) 'n persoon aanmoedig om sy/haar regte kragtens die Wet, die regulasies, enige ordonnansie, gesondheids- en veiligheidsregulasies, of enige ander Wet op te gee, of om te onttrek uit prosedures wat by die Raad ingestel is nie.

- (2) Die voorwaardes van subregulasie (1) verhoed nie die partye wat betrokke is by 'n dispuut om 'n ooreenkoms aan te gaan of om 'n dispuut te besleg nie.
- (3) Regulasie 4(1)(c), (d), (e), (f) en (g) en regulasie 7(1)(d) van die regulasies is nie van toepassing op 'n subhuurder tensy daar anders ooreengekom word in 'n huurooreenkoms tussen die subhuurder en subverhuurder nie.
- (4) Kriminele regstappe kan nie by 'n Landdroshof ingestel word kragtens artikel 12(2) van die Wet nie, tensy die Raad 'n sertifikaat, soos dit voorgeskryf is, uitreik waarin gemeld word dat 'n klag by die Raad ingedien is en dat die probleem nie suksesvol opgelos kon word nie.
- (5) Enige persoon wat 'n onregverdige praktyk bedryf is skuldig aan 'n oortreding en kan 'n boete of tronkstraf van hoogstens drie (3) jaar, of 'n boete en tronkstraf opgelê word as die persoon skuldig bevind word.

#### **Kort titel en aanvangsdatum**

- 10 Die regulasies is bekend as die Regulasies oor Onregverdige Praktyke, 1998.

**ISAZISO 1602 KA 1999**

**ISEBE LEZEMICIMBI YEZINDLU NEMIHLABA**

**UMTHETHO 1997 WENDAWO YOKUHLALA, UMPHATHI-NDAWO, KUNYE NOMHLALI (UMTHETHO 3 ka 1997)**

**IMIGAQO NGEZENZO EZINGALINGANIYO**

Mna, Dan Mofokeng, iLungu leSigqeba eSongameleyo esijongene nezeZindlu kwiPhondo le Gauteng, apha, phantsi kwecandelo 13 loMthetho Wezokuhlala phakathi koMphathi-ndawo noMhlali, ka 1997 (Umthetho 3 ka 1997), ndenza imigaqo ephakathi kweliphepha.

Kunikelwe phantsi kwesandla sam eJohannesburg ngalomhla we 2 ku Matshi weWaka elinamakhulu aliThoba anamashumi aliThoba anesiThoba

**D MOFOKENG**

**MEC: KWIMICIMBI YEZINDLU NEYEMIHLABA**

**IPHEPHA**

**Izichazi -magama**

1 Kulemiqathango naliphi na igama apho kunikwe isichazi eMthethweni lizakuba nalonkcazelo eliyinikiweyo ngaphandle nje kokuba inkcazelo yomqolo wonke isitsho okunye -

**"indawo eqhelekileyo"** malunga nendawo ehlala abantu abaninzi itsho ukuthi -

- (a) umhlaba apho isakhiwo eso sime khona, kwakunye
- (b) nezondawo zesakhiwo ezingabekelwanga bucala ukuba zisetyenziswe ngabathile;

**"isivumelwano"** isivumelwano phakathi komphathi-ndawo kunye nomhlali enika umhlali ukukhululeka kokusebenzisa indawo yokuhlala leyo okanye

**"isivumelwano"** isivumelwano phakathi komphathi-ndawo kunye nomhlali enika umhlali ukukhululeka kokusebenzisa indawo yokuhlala leyo okanye ingxenye yayo ukuba ahlale kuyo ithuba elithile yena ekhupha imali yokuhlala apho naziphi ezinye iindleko malunga nokusetyenziswa kwendawo leyo yokuhlala;

**"umhlali womhlali"** ngumntu ongene kwisivumelwano sesesivumelwano kunye nomhlali

**"umhlali ohlalisayo"** ngumhlali ongene kwisivumelwano sesivumelwano kunye nomnye umhlali

**'uMthetho'** kutshiwo Umthetho 1997 weNdawo Yokuhlala Umphathi-Ndawo Nomhlali (Mthetho 3 ka 1997)

### **Isenziwa Esingalunganga**

2 Nabanina owophula nasiphi isilungiselelo zalemigaqo wenza isenziwa esingalinganiyo

### **Isivumelwano**

3(1) Amalungelo kunye nemisebenzi yomphathi-ndawo kunye nomhlali abhalwe apha kulemigaqo abophelela umphathi-ndawo kunye nomhlali nokuba isivumelwano nokuba oku akubhalwanga phantsi:

(2) Le migaqo kufuneka ihambe phambili nokuba kukho ungquzulwano phakathi kwesivumelwano kunye nalemigaqo.

(3) Isivumelwano kufuneka sibe ne -

(a) igama elipheleleyo, idilesi yendawo, kunye nombolo yomnxeba yomphathi ndawo;

(b) ukuba umphathi ndawo ngumntu oqhelekileyo, inombolo yesazisi yakhe kanti ukuba umphathi ndawo ungumntu ngokomthetho, inombolo yokubhaliswa kweshishini elo;

(c) igama elipheleleyo lomhlali kunye nenombolo yesazisi yakhe ukuba umhlali ngumntu oqhelekileyo, kanti ukuba umhlali ngumntu womthetho, igama elipheleleyo kunye nenombolo yobhaliso lweshishini;



- (d) idilesi yendawo leyo;
- (e) amali ebanjwayo ekhutshwayo;
- (f) imali ezakurholwa inyanga nenyanga, umhla indawo, nokuthi izakurholwa kubani, kwakunye nenani ezakuthi inyeke ngayo lemali kwakunye neentsuku zolu nyuko;
- (g) isivumelwano sithatha ixesha elingakanani, ukuba akukho umhla obekiweyo, ixesha lokwazisa ukuthi umhlali uzakuphuma nini;
- (h) indawo yokukwazi ukuhlaziya isivumelwano kwakunye nethuba layo;
- (i) injongo enokusetyensiswa ngayo le ndawo ngumhlali;
- (j) indawo yokuhlala yomphathi ndawo kunye nomhlali ukusebenzisa izazisi zenkundla;
- (k) inani eliphezulu labantu abanokuhlala kuloo ndawo.

(2) Isivumelwano esi kufuneka singabinazo ezi-

- (a) izoyikiso ngokukhupha kade imali yenyanga;
- (b) ikhupha nawuphi na ongene kwisivumelwano ngokungakwazi ukufezekisa umsebenzi okwisivumelwano;
- (c) ngaphandle kokulungiselelwe apha kwimigaqo, inqanda nabanina ukuba asebenzise amalungelo aqhelekileyo okubuyisela omnye komnye ngenxa yokuba omnye engakwazanga ukugcina isivumelana, okanye uMthetho, nalemigaqo, nawuphi na umthetho, okanye;
- (d) ivalela bonke ukuba babengamalungu wombutho wabaphathi okanye abahlali okanye nayiphi esondeleyo.

**Amalungelo nemisebenzi yomphathi-ndawo kunye nomhlali**

4(1) Umphathi-ndawo kufuneka -

- (a) anikeze indawo leyo kumhlali ikwimeko elungile isizathu sayo;

- (b) athabathe amanyathelo okuqinisekisa ukuba umhlali wonwabele ukungaphazanyeswa kwaye akukho mhlali okanye nawuphi na umntu owenza into engavumelekanga phakathi kwendawo yokuhlala ngaphantsi kwesivumelwano, umthetho, ezempilo, nezokhuseleko, okanye nowuphi na umthetho;
- (c) agcine lendawo eqhelekileyo ikwimeko entle nelungileyo, ilungiswa;
- (d) agcine umphandle, kuquka udonga kunye nophahla, zikwimeko entle elungiswayo;
- (e) agcine umphakathi wendlu kwakunye nezinye izinto kuquka ifestile, zikwimeko entle nelungiswayo;
- (f) agcine iintambo zombane kunye nezentsimbi zikwimeko entle kakhulu;
- (g) alungise nawuphi na umonakalo kwisakhiwo eso ebangelwe kukuphela kwezinto ezithile, kwakunye nezinye iimeko;
- (h) ukuba isivumelwano sibhalwe phantsi, shicelela isivumelwano eso uze unike umhlali ikopi yaso kw i ntsuku ezingaphantsi kwezingamashumi amabini ananye emva kokuba nishicele amagama enu nobabini kuxhomekeke ekuthini umphathi uzakuyizusa kwakhona imali yakhe yesitampu.

(2) Umhlali kufuneka -

- (a) asebenzise indawo leyo ngendlela efanelekileyo nangenjongo yayo indawo leyo;
- (b) ayigcine icocekile indawo leyo ikwimeko entle yezempilo;
- (c) angavumeli inani eligqithileyo kwelo elikwisivumelwano bahlale kulo ndlu;
- (d) angaqeshisi ngendawo leyo nakubanina engavumanga umphathi-ndawo;
- (e) agcine iintsimbi zamanzi angcolileyo, nacocekileyo, ezidibene nendawo leyo neziphantsi kolawulo lomhlali zingagwalanga kukungcola;

- (f) ayeke ukwaphula izinto ezikulendawo yokuhlala ekwenza oko esazi iyinjongo yakhe wayneka akulungise konke akophulileyo ngendleko yakhe;
  - (g) abuyisele le ndawo ikwimeko awafika ikuyo, kungaquki ukuguga kwayo; kwakunye;
  - (h) angenise kumphathi-ndawo ngaphantswi kweentsuku ezilishumi (10) engenile apho uluhlu lwezinto ezaphukileyo kwindawo leyo Umphathi kufuneka abhale ibama lakhe kwelo luhlu xa elufumana lusuka kumhlali aze anike umhlali ikopi yoluhlu abhale kulo igama lakhe ukubonisa ukuba uyalwamkela.
- (3) Kwimeko yolophulo lovumelwano ngumhlali nokunqanda umhlali ukuba angakwazi ukuphinda angene asebenzise ngokupheleleyo indawo leyo, umphathi kufuneka kuqala -
- (a) anike umhlali isazisi esibhaliweyo yolulophulo;
  - (b) nika umhlali intsuku ezisixhenxe (7) ukulungisa oko akophulileyo kwisivumelwano; kwaye
  - (c) fumana incwadi yenkundla ekuvumela ukuba umkhuphe umhlali. Imali erholwa ngaphambili.
- 5 Umphathi-ndawo akufuneki -
- (1) afune umhlali ngaphambi kokuqala kwesivumelwano ukuba arhole imali efuneka phambili engaphezulu kwemali ayikhupha ngenyanga ezimbini  
(2) zokuqala, ngaphandle kokuba ekwanyukeni, umphathi-ndawo angafuna ukuba umhlali anyuse lemali ehamba phambili iyokulingana nemali ayikhupha kwiinyanga ezimbini
  - (2) angasileli ukunika umhlali iphepha elibonisayo ukuthi uyikhuphile imali efunekayo ehamba phambili, phepha elo elizakubane zinkcukacha -
    - (a) igama lomhlali
    - (b) igama lomphathi-ndawo;
    - (c) gama nesishicilelo segama salowo wamkela imali leyo
    - (d) idilesi yendawo leyo
    - (e) imali ekhutshwe ngumhlali

- (f) usuku ekhutshwe ngalo le mali
- (3) asilele ukunika umhlali inzala yemali ehamba phambili kwisithuba sonyaka ukuya phambili nyaka ngamnye uphelayo wesivumelwano
  - (4) asilele ukugcine imali ehamba phambili kwiakhawunti enenzala okanye anike umhlali isazisi kumhlali sebhanki nenombolo yeakhawunti apho imali ehamba phambili igcinwe khona ngumphathi eyigcinela umhlali, kuxhomekeka ekuthini umphathi lo uzakutsala iindleko zebhanki ngemali ayigcinileyo yomhlali, kwaye ukuba imali yenzala ayaneli ukukhupha ezindleko, imali le ingatsalwa kwinkunzi eyimali ehamba phambili.
  - (5) asilele ukufaka kumhlali inkcazelo ebhaliweyo yemeko yendawo yokuhlala leyo kwiitsuku ezilishumi (10) kuqale ukusebenza isivumelwano okanye erhole imali ehamba phambili nayiphi eyenzeka kuqala.
  - (6) asilele ukunika umhlali uluhlu lwezinto ezonakeleyo ngaphantsi kweentsuku ezilishumi (10) emva kokuba umhlali eshiyile indawo leyo kwaye echaza ukuba oko konakeleyo kungabiza malini. ukukulungisa.
  - (7) asilele ukunika umhlali imali ehamba phambili okanye okushiyekileyo kuyo ekungeyomhlali emva kokutsala imali azakulungisa ngayo izinto ezonakeleyo kumgaqo ongaphantsi (6), inenzala emva kweentsuku ezilishumi linesihlanu (15) emva kokuba umhlali ephumile kwindawo leyo
  - (8) axhuzule kwimali engaphambili imali yomonakalo kwindawo leyo kuluhlu alufumeneyo ngaphantsi kwemgaqo (5) inikwe umhlali phambi kokuba umhlali aqale ukihlala okanye umonakalo okuluhlu kwiphepha elisecaleni ngmgaqo 4(2)
  - (9) asilele ekuthumeleni kwinzala yomphathi kwindawo apho kubanjwe imali engaphambili ukuthumela lemali ikunye nenzala ukuvuza umhlali kumphathi olandela umphathi okhoyo ngoku kwinzala; kwakunye
  - (10) asilele ekuthumeleni kumphathi-ndawo indawo yokuhlala enokubanjelwa imali engaphambili ukususa ubutyala ngokulandela nokubamba abuyise le mali ingaphambili, kungakhathaliseke nokuba imali leyo ibithunyelwe kumphathi-ndawo ngumthumeli wendawo leyo, kuxhomekeke ekuthini umgaqo awuzuku ngena ndawo kwabo banini bendawo leyo, okuyindawo yokugcina imali.

**Imali yenyanga**

- 6(1) kufuneka umphathi-ndawo akhuphe iphepha elibonisa ukufumana kwakhe imali leyo kumhlali ngemali ayikhuphayo inyanga nganye, phepha elo ekufuneka linolulwazi -
- (a) igama lomhlali
  - (b) igama lomphathi-ndawo
  - (c) igama lalowo ozuza imali leyo
  - (d) idilesi yendawo leyo
  - (e) umhla wokukhutshwa kwemali leyo
  - (f) imali ekhutshiweyo ngumhlali
  - (g) ithuba alikhuphela imali leyo
- (2) Ukuba umphathi-ndawo uqinisekisile ukufumana imali leyo kwakunye nezinye iindleko kwiakhawunti ethile exeliweyo yomphathi-ndawo kwakunye ukuba umhlali uyirhola kuleakhawunti yebhanki, iphetshana elibonisa ukufakwa kwemali ebhankini liqinisekisa ukuyikhupha kwakhe imali yenyanga leyo kwaye umphathi akazukubambeka ukuba alandele umgaqo oku (1)
- (3) Ukusilela komphathi-ndawo ukugcina imigaqo (1) akuzukumnqanda umphathi lo ukufuna intlawulo yakhe kumhlali ukuba umhlali uhlawula ngetsheki engamkelwanga yibhanki.
- (4) Umphathi akufuneki anyuse intlawulo ngaphezu kwexesha elinye kwiinyanga ezintandathu (6)
- (5) Kufuneka umphathi azise umhlali isithuba esingangeenyanga ezimbini xa ezakunyusa intlawulo.
- (6) Kufuneka umhlali azise umphathi ngokubhala ngaphantsi kwenyanga enye (1) ukufumana kwakhe isazisi esikumgaqo (5) ukuthi umhlali uyalukhaba olunyuso, ukusilela kwakhe ukwenza oko kuzakuthatyathwa ngokuthi intlawulo yamkelekile xa kufika ezonyanga ezimbini (2) ngaphandle kokuba umhlali ufaka isikhalazo ngomgaqo(7) neQumrhu lilamle phantsi kwecandelo 9(6) loMthetho.

- (7) Ukuba isikhalazo sifakiwe neQumrhu elo kulamlo, umphathi kufuneka aze nolulwazi -
- (a) imali ayihlawulayo kurhulumente wekhaya;
  - (b) intlawulo yamanzi, umbane, irhasi; inkunkuma, nezangasese;
  - (c) intlawulo yabanye abahlali;
  - (d) iindleko zokuqhuba isakhiwo esi
  - (e) iindleko zokulungisa
  - (f) inzuzo kwelishishini lakhe
- (8) Umhlali akufuneki aludlulise ulwazi kumntu wesithathu engavumanga umphathi-ndawo

### **Imeko, Ukusebenzisa nokuLungisa**

- 7(1) Umphathi ndawo kufuneka
- (a) aqashise ngendawo yokuhlala ekuqaleni kwesivumelwano ekwimeko engophuli umthetho nemiqathango, imimiselo, impilo nokuphepha, nawuphi na umthetho;
  - (b) agcine indawo leyo ikwimeko ehambelana nemimiselo yezempilo nokuphepha, nawuphi na umthetho.
  - (c) Alungiselele zonke iimfuno ekungqinalwene ngazo kwisivumelwano phakathi kwesithuba esithile;
  - (d) alungise zonke izinto ekugqitywe ekuthini azilungise ngaphantsi kwesivumelwano nezibonakeleyo ekuhlolweni ngumphathi okanye ekufumaneni isazisi esibhaliweyo kumhlali ukulungisa ngaphakathi kweentsuku ezilishumi elinesine(14) okanye izithuba ekuvunyelwene ngazo phakathi komphathi nomhlali.
- (2) umphathi angangena kuphela kwindawo yokuhlala
- (a) ukuhlola indawo leyo;
  - (b) ukulungisa okufuna ukulungiswa;

- (c) ukubonisa indawo leyo kulowo ofuna indawo, umthengi;
  - (d) ngokufunwa yinkundla;
  - (e) ukuba kubonakala ibonakala ishiyiwe;
  - (f) ukuhlola emva kweentsuku ezingamashumi amathathu (30) zesivumelwano okanye emva kokuba umphathi okanye umhlali enike isazisi komnye ngenjongo yokuphelisa isivumelwano, ngenjongo yokufumanisa inani lomonakalo kwindawo leyo nto leyo inokwenza ukuba imali eza ngaphambile ihle.
- (3) Kufuneka umhlali avumele umphathi-ndawo ukuba angene kwindawo leyo phakathi kwalemiqathango iku(2) kuxhomekeka nokuthi olungeno lungamaxsha amahle.

### **Iimfuno Zamanzi Nombane**

- 8(1) Umphathi onyanzelekileyo ngokomthetho ukuba anike amanzi, umbane, okanye irhasi kumhlali, kufuneka
- (a) abenazo ezimfuneko;
  - (b) angaphelisi uziso lwezimfuneko kwindawo yokuhlala ngaphandle kwemvume yenkundla, ngaphandle; -
    - (i) kwimeko engxamisisekileyo apho zizakuphinda zifumaneke ezimfuneko ukulungiswa kwalomeko yongxamisiso;
    - (ii) ukwenza ukulungisa kwindawo yokuhlala kuxhomekeka ekuthini ezimfuno zizakuphinda zibekhona kwakamsinyane emva kokugqitywa kokulungiswa.
  - (c) angafaki umhlali kwimeko yokungazifumani ezimfuneko ngokungahlawuli abobanikeza ngezimfuneko xa le ntlawulo ifuneka, kuxhomekeka ekuthini umhlali naye uhlawulile kumphathi.
- (2) Umphathi-ndawo akufuneki -
- (a) ahlawulise umhlali ngaphezulu kwemali afanele ukuyihlawulela ezimfuneko ngokusetyenziswa ngumhlali, ukuba indawo leyo ineyayo intoebonisa ukusetyenziswa kwaloo mfuno; okanye

- (b) asilele ukugcina nawuphi umgaqo, umthetho wendawo, nokuba ngowuphi umthetho ngokunxulumene ne tlawulo ekumhlali ukuba indawo leyo ayahlukanga.
- (3) Ukuba indawo leyo ineyayo yodwa into ebonisa ukusetyenziswa kwezimfuneko, intlawulo inikwa umphathi, umphathi kufuneka anike umhlali lowo iphepha elibonisa ukusetyenziswa kwezimfuneko nguye inyanga nganye, phepha elo ekufuneka libe nolulwazi olufunekayo -
- (a) igama lomhlali;
- (b) igama lomphathi-ndawo;
- (c) idilesi yendawo yokuhlala;
- (d) igama, idilesi nenombolo yomnxeba yalowo othengisa ngemfuno nganye;
- (e) amanani enyanga edlulileyo nawangoku okusetyenziswa kwemfuno leyo;
- (f) inani elibonisa ukusetyenziswa kwemfuno leyo nemali efunekayo;
- (g) intlawulo efunekayo iyonke;
- (h) umhla wokufundwa kokusetyenziswa kwemfuneko; leyo
- (i) imali umhlali asemva ngayo;
- (4) Kufuneka umphathi akhuphe iphetshana kumhlali xa ekhuphe isixa semali ehlawulela ezimfuneko, phetshana elo ekufuneka libe nolulwazi -
- (a) igama lomhlali;
- (b) igama lomphathi-ndawo;
- (c) idilesi yendawo yokuhlala;
- (d) igama lalowo ufumana intlawulo;
- (e) imali ekhutshwa ngumhlali;
- (f) usuku ahlawule ngalo umhlali;
- (g) isithuba sexesha alihlawulelayo.



- (5) Ukuba umphathi-ndawo uvumile ukuba intlawulo yenziwe ebhankini kwiakhawunti ethile yomphathi lowo kwaye umhlali ahlawule kuloo akhawunti yebhanki, iphepha elibonisa ukufakwa kwemali kwibhanki leyo lizakuba lilo iphetshana elibonisa ukuba umhlali uhlawule kwaye umphathi uzakukhululeka kwimigaqo (4).

**Izilungiselelo Eziqhelekileyo**

- 9(1) Umphathi-ndawo okanye umhlali akufuneki -

- (a) aphosise ngokuveza iphepha elingelilo athi lilo elenyani;
- (b) oyikise, acalucalule, aphindezele omnye komnye ngokumela amalungelo akhe;
- (c) asemthethweni, lemigaqo, okanye nayiphi eminye imithetho;
- (d) ale ukwamkela isazisi esinikwa omnye ngomnye ngokomthetho;
- (e) asilele ukwenza oko kufunwa kwiinkqubo zokukhalaza zeQumrhu okanye naluphi uvumelwano ekugqitywe kulo -
  - (i) neQumrhu; okanye
  - (ii) omnye komnye ngemigaqo yeQumrhu yokukhalaza.
- (f) enze nasiphi isenzo phakathi kwendawo yokuhlala esino -
  - (i) esingavumelekanga phantsi kwesivumelwano, komthetho nemigaqo, imimiselo, ezempilo nezokhuseleko, neminye imithetho; okanye
  - (ii) anqande ngokungavumelekanga okanye avalele amalungelo omhlali ukuba ahlale onwabe kwindawo leyo
- (g) anyanzelise umntu ukuba ayeke amalungelo akhe phantsi komthetho, lemigaqo okanye nawuphi omnye umthetho, okanye ayeke izikhalazo zakhe ebezisa kwiQumrhu engethandi.

- (2) Izibonelelo zomgaqo (1) azibavaleli ababandakanyeki ukuba bagqibe isigqibo ukuphelisa ingxabano

- (3) Umgaqo 4(1)(c), (d), (e), (f), no (g) kunye nomgaqo 7(1)(d) yalemigaqo ayisebenzi kulowo ohlala evumelene nomhlali ngaphandle ukuba bange kwisivumelwano phakathi komnye nomnye
- (4) Isindululo sobugwinta akufuneki sithatyathwe ngaphandle kwenkundla kamantyi ngaphantsi kwecandelo 12(2) yoMthetho ngaphandle ukuba iQumrhu likhuphe isiqinisekiso kwifomu emiselweyo ukuba isikhalazo singenisiwe kwiQumrhu kwaye asikwazanga ukusonjululwa.
- (5) Nawuphi na owenza isenzo esingalunganga uzakubane tyala lokwenza okubi kwaye ekunikweni kwakhe isigwebo uzakunikwa isigwebo semali okanye ukuya entilongweni apho angazukuhlala ngaphezulu kweminyaka emithathu okanye kuzo zombini imali kunye nentilongo.

### **Intloko emfutshane kunye nesiqalo**

10 Le migaqo ibizwa ukuba Yimigaqo Yzenzo Ezingalunganga, 1998.

## ISAZISO 1602 KA 1999

**UMNYANGO WEZEZINDLU NEZOMHLABA**

**UMTHETHO WOKUHLALA WOMQASHISI NOMQASHI, 1997 (UMTHETHO Namba 3 ka 1997)**

**IZIQONDISO EZIPHATHELENE NENQUBO ENGAFANELE, 1998**

Mina, Dan Mofokeng, iLungu loMkhandlu elibhekene neZezindlu kuSifundazwe saseGauteng ngalokhu, ngaphansi kwesigaba 9 soMthetho woKuhlala woMqashisi noMqashi, 1997 (uMthetho Namba 3 ka 1997), ngenza lezi ziqondiso kule shejuli.

Zikhishwa ngokwemvume yami eJohannesburg izinsuku zizi 2 ku Matshi kunyaka weNkulungwane eyodwa naMakhulu ayiSishagalolunye naMashumi ayiSishagalolunye neSishagalolunye

**D Mofokeng**

**MEC: WEZEZINDLU NEZEMIHLABA**

**ISHEJULI****Izincazelo**

1 Kulezi ziqondiso, noma iliphi ibinzana lamagama noma igama elinikezwe incazelo ethize kulo Mthetho, lizoba naleyo ncazelo elinikezwe yona ngaphandle uma isimo sikhomba okunye -

**“indawo kawonkewonke”** mayelana nendawo yokuhlala eqashwe ngabaringi lisho -

- (a) umhlaba lapho le ndawo yokuhlala izinze khona; futhi
- (b) lisho lezo zingxenyane zokuhlala amalungelo okuba zisetshenziswe okwesikhashana yinoma umuphi umuntu angagodlwanga;

**“ukuqashisa”** lisho isivumelwane phakathi komqashisi nomqashi, esigunyaza umqashi ukusebenzisa nokuthokozela indawo yokuhlala noma iyiphi ingxenyane elapho ngenhloso yokuhlala isikhathi noma izikhathi ezinqunyiwe ngokuba umqashi athelele le ndawo noma le ndlu imali kanye nezinye izindleko eziphathelele nokuhlala.

**“umqashi oqashe kumqashi”** lisho noma yimuphi umuntu owenza isivumelwane sokuqasha nomqashi oqashisayo;

**“umqashi oqashisayo”** lisho noma yimuphi umqashi owenza isivumelwane sokuqashisa nomqashi oqashe kumqashi;

**“Io Mthetho”** lisho uMthetho woKuhlala woMqashisi noMqashi, 1997 (uMthetho Namba 3 ka 1997).

### **Inqubo engalungile**

- 2 Noma yimuphi umuntu owaphula noma iziphi iziphakamiso zalezi ziqondiso ngalokho wenza inqubo engalungile.

### **Isivumelwane sokuqashisa**

- 3(1) Amalungelo nezibopho zomqashisi nomqashi ezihlelwe kulezi ziqondiso zisebenza kumqashisi nakumqashi ngisho noma isivumelwane sokuqasha phakathi kwabo bobabili sesibhaliwe noma asibhaliwe.
- (2) Lezi ziqondiso kufuze zizebenze uma sekukhona ukungavumelani phakathi kwesivumelwane sokuqashisa nalezi ziqondiso.
- (3) Isivumelwane sokuqashisa kufuze okungenani sibe nale mininingwane elandelayo
- (a) igama nesibongo, ikheli lendawo, kanye nezinombolo zocingo lomqashisi;
  - (b) uma umqashisi kuwumuntu uqobo, inombolo kamazisi wakhe futhi uma umqashisi kuyinto eyenziwe umuntu, inombolo yokubhalisa le nkampani yomqashisi;
  - (c) uma umqashi kuwumuntu uqobo, igama nesibongo kanye nenombolo kamazisi wakhe futhi uma umqashi kuyinto eyenziwe umuntu ngokomthetho, igama eliphelele nenombolo yokubhalisa le nkampani yomqashi;
  - (d) ikheli lendawo yokuhlala;
  - (e) isamba semali eyisibekelo, uma idingeka;
  - (f) imali yokuthelela indlu noma indawo ekhokhwayo, nosuku ekhokhwa ngalo, indawo nomuntu okukhokhwa kuyena lezi zimali, kanye nokukhula kwesilinganiso senzalo nosuku/izinsuku zalokhu kukhula, uma kwenzeka;
  - (g) isikhathi sokusebenza kwesivumelwane sokuqasha futhi uma kungenasikhathi esinqunyiwe, isikhathi esidingekayo ukwazisa ukupheliswa kwesivumelwane sokuqasha;
  - (h) ukuqoka ukuvuselela isivumelwane sokuqasha nezikhathi, uma kuvumelekile;

- (i) inhloso yokusetshenziswa kwendawo yokuhlala umqashi;
- (j) amakheli endawo yomqashisi nomqashi okuthunyelwa kuwo zonke izaziso nezincwadi zenkantolo; futhi
- (k) nenani eliphezulu labantu abangahlala kule ndlu/ndawo eqashiwe.

(2) Isivumelwane sokuqashisa kufanele singafaki noma isiphi isiphakamiso

- (a) esinquma noma iyiphi inhlawulo yokukhokha kamuva imali yokuthelela indawo yokuhlala;
- (b) lo mthetho awubophezeli noma yimuphi kulaba qbalili ekwahlulekeni ukugcina isibophezelo esisesivumelwaneni, eMthethweni, emitheshwaneni noma ngabe yimuphi omunye umthetho;
- (c) ngaphandle uma kuchaziwe kulezi ziqondiso, ezinciphisa noma ezivimbela noma iliphi iqembu ukusebenzisa amalungelo ajwayelekile okuziphephisa kulona omunye ngoba lona omunye ahluleke ukulandela noma isiphi isibopho esikulesi sivumelwane sokuqasha, kulo Mthetho, kulezi ziqondiso noma kunoma imuphi umthetho; noma
- (d) esenqabela noma iliphi iqembu ukuba ilungu lenhlangano yabaqashisi noma yabaqashi noma inhlangano efana nalena.

**Amalungelo nezibopho zomqashisi nomqashi**

4(1) Umqashisi kufanele -

- (a) ethule indawo yokuhlala kumqashi esesimweni esilungele inhloso leyo le ndawo eqashiselwe yona;
- (b) athathe izinyathelo ezifanele ukuqinisekisa ukuba umqashi uthakasela ukusebenzisa okungaphazanyiswa indawo yokuhlala nokuba akukho mqashi noma omunye umuntu owenza isenzo kule ndawo yokuhlala esingavunyelwe ngaphansi kwesivumelwane sokuqashisa, kwesiqondiso somthetho wendawo; wezempilo nesiqondiso sezokuphepha noma-ke umuphi omunye umthetho;
- (c) agcine indawo kawonkewonke, uma ikhona, isesimweni esihle futhi ivuselelwa;
- (d) agcine lingaphandle lendawo yokuhlala, okufaka izindonga

nophahla kusesimweni esihle futhi kuvuselelwa;

- (e) anakekele futhi agcine ingaphakathi lekhaya, nokunye okunjengamawindi, kungcineke kusesimweni;
- (f) anakekele futhi agcine izintambo zikagezi kanye namaphayiphi amanzi kusesimweni esihle futhi kuvuselelwa;
- (g) avuselele konke okoniwe ukuhamba kwesikhathi noma ezinye izimbangela endaweni yokuhlala noma endaweni kawonkewonke; futhi
- (h) uma lesi sivumelwane sokuqashisa sibhalwe phansi, afake isigxivizo kulesi sivumelwano abe esenikeza umqashi ikhophi laso phakathi kwezinsuku ezingamashumi amabili nanye (21) emuva kokusayinwa yibo bobabili umqashisi nomqashi abangene kulesi sivumelwane sokuqashisa; kuphela nje uma umqashisi ngalesi sivumelwane sokuqashisa phakathi kwakhe nomqashi engazithola izindleko zesigxivizo kumqashi.

(2) Umqashi kufanele -

- (a) asebenzise indawo yokuhlala ngendlela efanele nangenhloso yokuqasha;
- (b) agcine indawo yokuhlala ihlanzekile, ibukeka kahle, futhi isesimweni sezempilo;
- (c) angavumeli abantu abangaphezu kwenani elinqunywe isivumelwano sokuqasha ukuhlala kule ndawo yokuhlala;
- (d) angaqashisi futhi impahla kunoma umuphi omunye umuntu ngaphandle kwemvume kamqashisi;
- (e) agcine amaphayiphi okuthwala indle, amaphayiphi amanzi nawokudonsa okungcolile asetshenziswa maqondana nendawo yokuhlala futhi angaphansi kweso lomqashi angabi nanoma ukuphi ukuvimbeleka noma ukugcwala;
- (f) agweme ukona ngenhloso noma ngesiphosiso indawo yokuhlala noma impahla kawonkewonke, uma ikhona, futhi kufanele avuselele lokho okonakele, ukonakala okubangwa ukuhamba kwesikhathi akungeni lapha, ngezindleko zakhe;
- (g) aphindisele kumqashisi indawo yokuhlala ikuleso simo ayithola ikuso, ukonakala okubangwa ukuhamba kwesikhathi akungeni lapha; futhi
- (h) ethule kumqashisi phakathi kwezinsuku ezilishumi (10) emuva kokungena kule ndawo yokuhlala uhla oluseceleni futhi olusayinwe umqashi lwakho konke okonakele kule ndawo yokuhlala. Umqashisi

kufanele asayine loluhla emuva kokulunikezwa umqashi abe esenikeza umqashi ikhophi elisayiniwe lwalolu luhla.

- (3) Uma kwenzeka umqashi ephula umthetho wesivumelwane sokuqasha futhi kuze akwazi ukwenqabela umqashi ukungena noma ukusebenzisa ngokuphelele indawo yokuhlala, umqashisi kufanele kuqala -
- (a) anikeze umqashi isaziso esibhaliwe sokwaphulwa komthetho;
  - (b) anikeze umqashi ithuba eliphakathi kwezinsuku eziyisikhombisa (7) ukulungisa lokho akonile; futhi
  - (c) athole umyalezo osemthethweni wokukhipha umqashi endaweni ayiqashile.

**Imali eyisibekelo (idiphozi)**

**5 Umqashisi kakukafanele -**

- (1) aphoqelegele umqashi noma umuntu ofuna ukuba umqashi, ngaphambi kokuqala ukusebenza kwesivumelwane sokuqashisa, ukukhokha imali eyisibekelo engaphezu komthelo wendawo wezinyanga ezimbili (2) zokuqala, kuphela nje uma kukhona ukukhula kwentela yendawo yokuhlala, umqashisi angaphoqelegele umqashi ukukhulisa imali eyisibekelo elingana nemthelo wamanje wendawo yokuhlala wezinyanga ezimbili (2);
- (2) ahluleke ukunikeza umqashi ilisidi lemali eyisibekelo (idibhozi), elizoba okungenani nale mininingwane elandelayo -
- (a) igama lomqashi;
  - (b) igama lomqashisi;
  - (c) igama nokusayina komuntu owamukela imali eyisibekelo;
  - (d) ikheli lale ndawo yokuhlala; futhi
  - (e) isamba semali ekhokhwe umqashi
  - (f) usuku le mali eyakhokhwa ngalo.
- (3) ahluleke ukukhokhela umqashi inzalo ekupheleni kwangamunye unyaka wesivumelwane sokuqashisa, yanoma iyiphi imali eyisibekelo ebanjiwe isikhathi esingaba unyaka noma ngaphezu kwalokho emuva kokuqala ukusebenza kwesikhathi esinqunyiwe sesivumelwane sokuqashisa;

- (4) ahluleke ukugcina imali yesibekelo ebhukwini eliseceleni elenza inzalo noma azise umqashi ibhangi nenombolo yebhuku lapho imali eyisibekelo igcinwe khona umqashisi esikhundleni somqashi: kuphela nje uma umqashisi engadonsa izindleko zebhangi kwyinzalo eyenziwe imali eyisibekelo futhi uma inzalo etholakele ayanele, umqashisi angadonsa izindleko zebhangi kule mali eyisibekelo;
- (5) ahluleke ukwathula kumqashi emuva kokuthola imali eyisibekelo noma phakathi kwezinsuku eziyishumi (10) emuva kokuqala ukusebenza kwesivumelwane sokuqashisa, noma ikuphi okuze kamuva, isitatimende esibhaliwe esiseceleni sesimo sendawo yokuhlala okwamanje;
- (6) ahluleke ukunikeza umqashi, phakathi kwezinsuku eziyishumi (10) emuva kokuba umqashi esephumile endaweni yokuhlala uhla oluhleliwe lwezinto ezonakele kule ndawo yokuhlala, uma zikhona, kanye nesiqinisekiso esibhaliwe esikhombisa zona ngempela noma isilinganiso sezindleko zokuvuselela ezifanele ukulungisa okonakele;
- (7) ahluleke ukuphindisela kumqashi imali eyisibekelo noma imali esele leyo umqashi anelungelo lokuyithola emuva kokudonsa izindleko zokuvuselela okonakele okushiwo kusiqondiswana (6), kanye nenzalo, phakathi kwezinsuku eziyishumi nanhlanu (15) emuva kokuba umqashi esephumile endaweni ebekade eyiqashile;
- (8) adonse emalini eyisibekelo imali yokukhokhela izindleko zokulungisa okonakele endaweni ebekade iqashiwe, obekuhlelwe kusitatimende esibhaliwe futhi esiseceleni mayelana nesiqondiswana (5) futhi sanikezwa umqashi ngaphambi kokuba angene kule ndawo ayiqashayo, noma konke okonakele okuhlelwe kusitatimende esiseceleni mayelana nesiqondiso 4(2);
- (9) ahluleke, emuva kokwadeluliselwa kwesikhundla sokuba umqashisi wendawo yokuhlala leyo ebanjelwe imali eyisibekelo, ukwadeluliselwa le mali eyisibekelo kanye nenzalo ekhulele umqashi, kulona othatha isikhundla sokuba umqashisi; futhi
- (10) ahluleke, emuva kokwadeluliselwa kwesikhundla sokuba umqashisi wendawo yokuhlala leyo ebanjelwe imali eyisibekelo, ukuthatha umthwalo wokugcina nokuphindisela kumqashisi le mali eyisibekelo, akukhathalekile noma ngempela imali eyisibekelo yadeluliselwa kumqashisi omusha yilowo owadeluliselwa indawo yokuhlala: kuphela nje ukuba lesi siqondiswana angeke sisebenze endaweni okubanjiswe ngayo ebhangi kuze khokhwe isikwelethu noma okwamanje okubanjiswe ngayo ebhangi kuze kukhokhwe isikwelethu.



**Umthelo wendawo eqashiwe**

- (6)(1) Umqashisi kufanele anikeze umqashi ilisidi ngazo zonke izikhathi emuva kokuthelela indawo ayiqashile, ilisidi okungenani kufanele liqukathe le mininingwane elandelayo -
- (a) igama lomqashi;
  - (b) Igama lomqashisi;
  - (c) igama kanye nesignesha ukusayinda yalowo owamukela inkokhelo;
  - (d) ikheli lendawo okuhlalwa kuyo;
  - (e) inani lemali ekhokhwe wumqashi;
  - (f) usuku okukhokhwe ngayo le mali; kanye
  - (g) nobungako besikhathi obulinganwa yile mali ekhokhiwe.
- (2) Kodwa uma ngabe umqashisi enikeze igunya lokuba inkokhelo yerenti kanye neyezinye izindleko ikhokhwe ku-akhawunti yasebhangi elithile lakhe, kanti-ke uma umqashi ekhokha imali yerenti eyikhokhela kuleli bhangi, isilibhu sasebhangi sesizothathwa njengelisidi yomqashi. Kanjalo-ke, umqashi uzokhululeka, akasezukulubandakanyeka kulokhu okuqukethwe emtheshwaneni (1).
- (3) Ukwehluleka komqashi ukuba agcine okuqukethwe emtheshwaneni (1) akumvimbeli (umqashi) ukuba athathe izinyathelo zokuba abuye athole imali yerenti uma ngabe umqashi ekhokha imali yerenti ngesheki ku-akhawunti yomqashi yasebhangi bese kutholakala ukuthi leli sheki alamukeleki.
- (4) Umqashi akufanele ukuba akhuphule irenti amahlandla angaphezu kwesikhathi esisodwa esikhathini esiyizinyanga eziyisithupha.
- (5) Umqashisi kumele anikeze umqashi inothisi yezinyanga ezimbili ebhalwe phansi, eyazisa ngokukhushulwa kwerenti okuzokwenzeka.
- (6) Umqashi kufanele ukuba azise oqashisayo ngokuba abhale phansi uma eyichitha indaba yokukhushulwa kwerenti. Lokhu makwenziwe ngesikhathi esingangenyanga ethole inothisi elingaphansi komtheshwana (5), uma lokhu kungenziwa, sekusho ukuthio ukhuphuka kwerenti kuzothathwa njengento ezoqalisa ukwenzeka lapho isikhathi sezinyanga ezimbili sesiphela, ngaphandle kokuba umqashi afake isikhalazo, kuye ngokomtheshwana (7), asifake kuBhodi elixazululayo ngaphansi kwesigaba 9 (6) soMthetho.

- (7) Uma ngabe kufakwe ukukhononda eBhodini elixazululayo, umqashisi kufanele ukuba anikeze okulandelayo -
- (a) inani lemali eyizintela ekhokhelwa abedolobha;
  - (b) inani lemali yamanzi, ugesi, igesi, imfucumfucu nododi kanye nendle;
  - (c) irenti ekhokhwa ngabanye abaqashi, uma ngabe ikhona;
  - (d) izindleko ezivamile ezisetshenziselwa ukulungisa indawo;
  - (e) imali ebekelwe ukubhekena nezingozi ezingenzeka, okuzolungiswa ngayo, kanye
  - (f) nenzuzo etholakala emalini egcinelwe ukuba izale
- (8) Umqashi akafanele ukuba adalule, komunye umuntu, ulwazi olusemtheshwaneni (7) ngaphandle kwemvume yomqashisi.

#### **Izimo, ukusetshenziswa kanye nokugcinwa kwendawo**

- 7(1) Umqashi kufanele -
- (a) abone ukuthi lapho kuqalwa ukuhlalwa endaweni aqashisa kuyo, kuba yindawo enesimo esingaphikisani noMthetho kanye nemitheshwana ebekiwe, engaphikisani nanoma yisiphi isimiso, imithetho yezempilo noma yokuphepha noma ngabe yimuphi omunye umthetho.
  - (b) agcine indawo ngemfanelo njengoba kumisiwe emithethweni yezempilo noma yokuphepha kanye nakunoma yimiphi eminye imithetho;
  - (c) anikeze zonke izidingo okuvunyelwane ngazo esivumelwaneni, lokhu makwenzeke esikhathini lapho kuqashiswa noma engxenyeni yesikhathi okungesokuqasha, kanti futhi efaka phakathi kunoma iyiphi ingxenye eyisikhathi semvumelwano.
  - (d) alungise izinto okumele zilungiswe nguye njengomqashisi njengoba kuvunyelwene kumvumelwano yokuqashisa Umqashisi kufanele abuye alungise lapho abone konakele khona lapho ehamba ehlola umonakalo, kumele abuye alungise uma ethole isaziso esibhalwe phansi esivele kumqashi odinga ukulungiswa okuthile. Lokhu kumele akwenze ngezinsuku eziyishumi nane (14), noma kuye ngokuthi umqashi nomqashisi bavumelene kanjani.

- (2) Umqashi uzongena endaweni okuhlalwa kuyo kuphela uma -
- (a) ezohlola indawo;
  - (b) ezolungisa okonakele kuleyo ndawo;
  - (c) ezokhomba indawo kumuntu ofuna ukuqasha, ukuthenga, kofuna ukubambisa ngempahla lapho eqasha noma othengisela obambisa ngempahla;
  - (d) ezolungisa udaba lokubizelwa kwakhe enkantolo;
  - (e) indawo yokuhlala isibonakala ishiywe dengwane ngumqashi; noma;
  - (f) ukuzohlola, ezinsukwini zokugcina ezingamashumi amathathu (30) zokuqasha noma ngemuva kokuba umqashisi noma umqashi enikeze isaziso sokuqeda isivumelwano sokuqashisana, uma eze ngoba ezobuka izinga lomonakalo, uma ngabe ukhona, owenzeke endaweni yokuhlala ongadala ukuba kwehliswe imali yediphozi kuleyo ebanjwe gumqashisi.
- (3) Umqashi kumele avumele umqashisi angene endaweni yokuhlala uma lokho kuza kwakhe kuvumelekile mayelana nokulotshwe emtheshwaneni (2), ukuvakasha lokho makwenziwe uma ngabe kwenziwa ngezikhathi ezamukelekile.

### Izinto ezilusizo

- 8(1) Umqashisi oboshezwe ngumthetho noma obophezeleke ngandlela thize esivumelwaneni sokuqasha ukuba afakele umqashi ugesi noma igasi, kufanele -
- (a) anikele ngalolu sizo;
  - (b) angalunqumi lolu sizo noma angaluphazamisi usizo olutholakala endlini ngaphandle kokugunyazwa yinkantolo, ngaphandle kokuba -
    - (i) kunento ephuthumayo kanti lokhu kweyme ekuthini lolu sizo kumele lubuyiselwe masinyane nje uma ukuphuthuma sekwedlulile; noma uma ngabe
    - (ii) kuzolungiswa noma kuzovuselelwa indawo, kuye ngokuthi lolu sizo lubuye luphindwe lubuyiswe ngesikhathi esilingene ngokwamukelekile ngemuva kokuba sekulungisiwe.

(c) umqashi makangafakwa enkingeni noma engcupheni yokulahlekelwa yilolu sizo ngenxa yokuthi abanikeza ngalolu sizo bengakhokhelwanga uma kufanele bakhokhelwe, lokhu kweyeme ekuthini umqashi ukhokhile yini kumqashisi imali yalolu sizo.

(2) Umqashisi akumele -

(a) akhokhise umqashi imali engaphezu kosizo (ugesi noma amanzi) olusethenziswa endlini yoqashile, uma ngabe indlu leyo inemitha emi yodwa; noma

(b) ehluleke ukugcina imithetho ebekiwe, imithetho eminye eseceleni, kanti futhi noma ngabe yimiphi eminye imithetho emayelana nenani okumele likhokhiswe umqashi ekhokhela usizo lolo, uma ikhona, uma ngabe imitha yendlu eqashisiwe ingenamitha ezimele.

(3) Uma ngabe indlu yomqashi inemitha ezimele, kodwa nokho kumele ukuba imali inikezwe umqashisi, umqashisi kufanele ukuba anikeze umqashi isitatimende saleyo naleyo nyanga; lesi sitatimende kufanele ukuba siveze lokhu okulandelayo -

(a) igama lomqashi;

(b) igama lomqashisi;

(c) ikheli lendawo okuhlalwa kuyo;

(d) igama, ikheli, kanye ncingo lwalabo abanikeza usizo lukagesi namanzi;

(e) imiphumela yokufundwa kwemitha kwenyanga edlule kanye neyenyanga ephezulu;

(f) isilinganiso samandla okuyiwona angempela asetshenzisiselwe usizo ngalunye kanye nenani elifunekayo;

(g) Sonke isamba semali okumele ukuba sikhokhwe;

(h) Usuku olulandelayo olubekelwe ukufunda imitha ngokuzayo; kanye;

(i) nenani lemali esisilele emuva, uma ngabe ikhona.

(2) Umqashisi kumele anikeze umqashi ilisidi lapho umqashi eqeda ukukhokhela lolo sizo olunikeziwe, le ilisidi kumele iveze lokhu okulandelayo -

(a) igama lomqashi;

- (b) igama lomqashisi;
  - (c) ikheli lendawo okuhlalwa kuyo;
  - (d) igama lalowo muntu okukhokhwa kuye;
  - (e) inani lemali ekhokhwe umqashi;
  - (f) usuku okukhokhwe ngayo imali; kanye
  - (g) nesikhathi esilinganwa yileyo mali ekhokhiwe.
- (5) Uma ngabe umqashisi ugunyaze ukuba imali mayikhokhwe ku-akhawunti esebhangi lakhe elithize kanti futhi uma ngabe umqashi ekhokha leyo mali kulelo bhangi, isilibhu sediphosi sesizothathwa njenge risidi yomqashi. Kanjalo-ke umqashisi akazulindeleka ukuba alandele izimiso zomtheshwana (4).

#### Izimiso ezejwayelekile

##### 9(1) Umqashisi noma umqashi akufanele -

- (a) alethe amaphepha okungesiwo uma kubhekiswe emaphepheni asemthethweni;
- (b) besabisane, bacwasane noma baxabane ngenxa yokuthi kulandelwe inkambiso efanele eseMthethweni noma ngabe yanoma yimuphi omunye umthetho;
- (c) enqabe ukwamukela inothisi noma iyiphi ethunyelwe komunye ngokusemthethweni.;
- (d) asebenzise indlela yengcindezi noma indlela engatshengisi ukuba nonembeza;
- (e) ehluleke ukugcina izindlela zokukhononda ezifunwa yiBhodi noma ukugcina izivumelwano okuvunyelwane ngazo -
  - (i) neBhodi; noma
  - (ii) nabo bobabili kulandelwa izindlela zeBhodi zokukhononda.
- (f) endaweni yokuhlala akufanele -
  - (i) benze into ebekwe ngokusobala ukuthi ayivumelekile ukuba yenziwe ukuya ngokusesivumelwaneni, eMthethweni, esimiselweni noma ngabe yisiphi, emithethweni yezempilo kanye neyokuphepha noma ngabe yimuphi futhi omunye

umthetho; noma

- (ii) ukuphazamisa, ngaphandle kwesizathu, noma ukunciphisa amalungelo wanoma yimuphi umqashi ukuba ahlale kahle endaweni ahlala kuyo.
- (g) agqugquzele umuntu ukuba ayekele ukwenza okuyilungelo lakhe elikulo Mthetho, noma elikunoma yimuphi umthetho, noma amgqugquzele ukuba ahlehle ekumeni ngaphambi kweBhodi.
- (2) Izimiso ezisemtheshwaneni (1) azibavimbeli labo abanengxabano ethile ukuba bahlangane ukuze baxazulule ingxabano.
- (3) Imithetho 4(1) (c), (d), (e), (f) no (g) kanye nomthetho 7(1) (d) yale mithetho, ayingeni noma ayimfaki oqashwe waseqashisa futhi - ngaphandle kokuba kunemvumelwano esesivumelwaneni phakathi koqashise futhi kanye nalowo amqashisele.
- (4) NgokoMthetho12(2), izinyathelo zobugebengu azizuthathwa uma zingenziwanga enkantolo kamantshi, ngaphandle kokuthi iBhodi linikeze isitifikethi esibhaliwe, esishoyo ukuthi isikhalazo sifakiwe eBhodini kodwa inkinga ayizange ixazululwe ngempumelelo.
- (5) Noma ngabe yimuphi umuntu owenza okungemukeleki uzothweswa icala, lapho eboshwa uzohlawuliswa noma agqunywe ejele iminyaka engevile kwemithathu (3) noma lokhu kwenziwe kokubili, ukuhlawula kanye nokugqunywa ejele.

### **Isihloko esifushane kanye nokuqala ukusebenza**

10 Le mithetho ibizwa Imithetho yeZinqubo Ezingalungile, 1998.

## TSEBISO 1602 WA 1999

## LEFAPHA LA MATLO LE DITABA TSA MOBU

**MOLAO WA BODULO MONGA TULO LE MOHIRI, 1997 (MOLAO WA NOMORO YA 3 WA 1997)**

**MELAWANA YA TSAMAISO E SA LOKANG, 1998**

Nna, **Dan Mofokeng**, Setho sa Lekgotla la Phethahatso le ikarabellang ho tsa Matlo profensing ya Gauteng, ka baka la sena, tlasa karolo ya 9 ya Molao wa Bodulo Monga tulo le Mohiri, 1997 (Molao wa Nomoro ya 3 wa 1997), ke etsa melawana shejuleng.

E saenwe Gauteng ka mohla wa 2 letsatsi la Hlakubele Sekete Makgolo a Robong le Mashome a Robong le metso e Robong.

**D MOFOKENG**

**MEC: MATLO LE DITABA TSA MOBU**

**SHEJULE**

**Ditlhaloso**

1. Melawaneng ena, tlhaloso enngwe le e nngwe kapa lentswe le sebedisitsweng Molaong, le tla ba le tlhaloso e bolelwang ntle le ha feela moelelo o bontsha ka tsela e -

**“Setsha sa bohle”** Setsha sa bohle se bolela tulo ya bodulo moo ho dulang batho ba fapaneng-

- (a) mobung oo ho hlonngweng ntlo teng; le
- (b) dikarolo tsa sebaka sa bodulo tse se nang dibaka tse ikgethang tsa nakwana tse sebediswang ke motho e mong le e mong.

**“Ho hira”** ho bolela tumellano pakeng tsa monga tulo le mohiri, e fang mohiri matla a tshebediso e ikgethang a natefelwa ke sebaka sa bodulo kapa karolo e itseng ya sebaka sa ho dula ka nako e itseng kapa dinako tse itseng a lefa rente le ditshenyehelo tse ding tsa mabapi le tshebediso ya bodulo;

**"Mohiri"** o bolela motho ya fihletseng tumellano ya ho hirisetswa sebaka sa bodulo;

**"Mohirisi"** o bolela mohiri e mong le e mong ya entseng tumellano ya ho hira le mohiri; le

**"Molao"** o bolela Molao wa Bodulo Monga tulo le Mohiri, wa 1997(Molao wa Nomoro ya 3 wa 1997)

### **Tsamaiso e sa lokang**

2. Motho e mong le e mong ya thunthetsang karolo efe kapa efe ya melawana ena ka baka la sena o tla be a entse tsamaiso e sa lokang.

### **Dikhiro**

- 3(1) Ditokelo le mesebetsi tsa monga tulo le mohiri tse hlalositsweng melawaneng ena di sebetsa ho monga tulo le mohiri le ha tumellano ya ho hira pakeng tsa bona e sa ngolwa fatshe.
- (2) Melawana ena e tshwanetse ho phatlatswa haeba ho na le qabang pakeng tsa tumellano ya ho hira le melawana ena.
- (3) Tumellano ya ho hira e lokela ho ba le lesedi le latelang -
- (a) lebitso le felletseng, aterese ya moo o dulang, le nomoro ya mohala ya moo monga tulo a ka fumanwang teng;
  - (b) haeba monga tulo ele motho feela, nomoro ya tokomane ya boitsebiso ya monga tulo mme haeba monga tulo e le motho wa molao, nomoro ya boingodiso ya khampani ya monga tulo;
  - (c) lebitso le felletseng le nomoro ya tokomane ya boitsebiso ya mohiri haeba mohiri e le motho feela mme haeba mohiri ele motho wa molao, lebitso le felletseng le nomoro ya boingodiso ya mohiri;
  - (d) aterese ya moo o dulang;
  - (e) tjhelete ya depositi, haeba e le teng;
  - (f) rente e tliilo lefshwa, mohla, sebaka le hore tefo e tjena e tla fuwa mang, mmoho le sekgahla sa ho potoloha le mohla(mehla) ya ho potoloha, haeba e hlokeha;
  - (g) nako ya ho hira mme haeba ho sena nako e behilweng e tsitsitseng, nako ya tsebiso e batlehang e mabapi le ho fedisa bodulo;



- (h) kgetho ya ho ntjhafatsa tumellano ya ho hira le dinako, haeba di le teng;
- (i) sepheo sa hore mohiri o tliho sebedisa tulo ena ya ho dula bakeng sa eng;
- (j) diaterese tsa bodulo tsa monga tulo le mohiri mabapi le tshebeletso ya ditsebiso tsohle le metjha ya lekgotla la dinyewe; mmoho le
- (k) palo e hodimo ya batho ba dumelletsweng ho dula tulong ena.

(4) Tumellano ya ho hira ha ya tshwanela ho kenyelletsa dikarolo tse -

- (a) sebedisang kotlo efe kapa efe mabapi le ho lefa rente kamora nako;
- (b) sa kenyelletseng boikarabelo ba mokga ofe kapa ofe mabapi le ho hloleha ho ikobela mosebetsi tlasa khiro, Molao, melawana ena, kapa melao e meng;
- (c) ntle le moo di kenyeletswang melawaneng ena, di beha diphelelo kapa di thibela mokga ofe kapa ofe ho sebedisa ditokelo tse tiwaelehileng tsa thuso kgahlanong le tse ding ka baka la ho hloleha ha ba bang ho ikobela mosebetsi ofe kapa ofe tlasa tumellano ya ho hira, Molao, melawana ena kapa molao o mong le o mong; kapa
- (d) thibelang mokga ofe kapa ofe ho ba setho sa beng ba ditulo' kapa, mokgatlo wa bahiri' kapa mokgatlo o mong o tshwanang le ona.

#### **Ditokelo mmoho le mesebetsi ya monga tulo le mohiri**

4(1) Monga tulo o lokela ho -

- (a) fa mohiri sebaka sa ho dula se le maemong a loketseng ho hirisetswa;
- (b) nka dikgato tse utlwahalang ho netefatsa hore mohiri o natefelwa ntle le tshisiso tshebediso ya sebaka sa ho dula le hore ha ho mohiri ofe kapa ofe kapa motho ofe kapa ofe ya etsang dintho tse itseng ka hara bodulo tse sa dumellwang tlasa tumellano ya ho hira, molawana, bophelo le melawana ya polokeho kapa melao e meng le e meng;
- (c) hlokomela setsha sa ho dula, haeba se le teng, se le maemong a matle le ho se lokisa;
- (d) hlokomela bokantle ba tulo ya ho dula, ho kenyeletswa le

mabota le marulelo, a le maemong a matle mme e be e lokiswe;

- (e) hlokomela bokahare ba tulo ya ho dula le dintho tse ding ho kenyeletswa le difensetere tsohle, bo le maemong a matle mme o lokise;
- (f) boloka le ho hlokomela mehala ya motlakase le dipeipi tsa metsi le tsa dikgwerekgwere di le maemong a matle, mme o lokise;
- (g) lokisa tshenyo efe kapa efe e etsahetseng sebakeng sa bodulo kapa sebakeng se tlwaelehileng e etsahetseng feela le ka ho taboha le ka ketsahalo efe kapa efe; le
- (h) haeba tumellano ya ho hira e ngotswe fatshe, empa tumellano eo ya ho hira mme o fe mohiri khopi ya yona nakong ya matsatsi a mashome a mabedi le motso(21) a tshaeno ya monga tulo le mohiri: ha feela monga tulo ka tumellano le mohiri, a ka fumana ditjeho tsa setempe ho tswa ho mohiri.

(2) Mohiri o lokela hore -

- (a) a sebedise tulo ya ho dula ka mokgwa o lokileng le bakeng sa mabaka ao a e hiretseng ona;
- (b) a boloke tulo ena e hlwekile, e le makgethe mme e le maemong a matle a bophelo;
- (c) a se ke a dumella batho ba fetang palo e hodimo e boletsweng tumellanong ya ho hira ho dula sebakeng sena;
- (d) a se ke a hirisetsa motho e mong ntle le tumello ya monga tulo;
- (e) a hlocomele dipeipi tsa dikgwerekgwere, dipeipi tsa metsi le diforo tse sebediswang ho hokela sebaka sa bodulo tse ka tlasa mohiri di hloka tshisiso kapa ho se se di kginang;
- (f) a se ke a senya sebaka sa bodulo ka setsha sa bodulo ba bohle ka boomo kapa ka bohlaswa haeba se le teng, mme o lokela ho lokisa ka ditshenyehelo tsa hae tshenyo e jwalo, ho sa kenyelletswe e iketsahalletseng le ya ho taboha;
- (g) a kgutlise tulo ya ho dula e le maemong ao a a fumaneng e le ho ona, ho sa kenyeletswa tshenyo e iketsahalletseng feela le ya ho taboha; le
- (h) a fe monga tulo nakong ya matsatsi a leshome(10) a se a dula sebakeng seo lenane le ka thoko le saenweng ke mohiri ka tshenyo efe kapa efe e teng sebakeng sa ho dula. Monga tulo o lokela ho saena lenane leo ha a le fumana ho tswa ho mohiri

mme a fe mohiri khopi ya lenane le saenweng.

- (3) Ha ho ka etsahala hore eka ka mohiri o thuntheditse selekane le hore mohiri a thibelwe ho kena sebakeng sena kapa hona ho sebedisa sebaka sena ka ho phethahala, monga tulo o lokela ho etsa sena pele -
- (a) a fe mohiri tsebiso e ngotsweng fatshe ya ho thunthetsa tumellano;
  - (b) a fe mohiri matsatsi a supileng(7) hore a lokise thunthetso eo; mme
  - (c) a fumane lengolo la lekgotla la dinyewe la nnete hore a kgone ho leleka mohiri.

### DiDeposititi

5 Monga tulo ha a lokela ho -

- (1) batla hore mohiri kapa motho eo ho nang le kgonahalo ya hore e ka ba mohiri, pele a qala ho hira, a lefe deposititi ya dikgwedi tse fetang tse pedi(2) tsa pele tsa ho renta, ntle le ha feela nakong ya ho potoloha, monga tulo a ka nna a batla hore mohiri a nyolle deposititi ho lekana le rente ya jwale ya dikgwedi tse pedi(2);
- (2) hlolleha ho fa mohiri resiti ya deposititi, haeba e le teng, e tla ba le lesedi le latelang -
  - (a) lebitso la mohiri;
  - (b) lebitso la monga tulo
  - (c) lebitso le tshaeno ya motho ya amohelang tefo;
  - (d) aterese ya sebaka sa ho dula;
  - (e) tjhelete e lefilweng ke mohiri; le
  - (f) mohla oo tefo eo e entsweng ka ona.
- (3) a hlollehe ho lefa tswala ho mohiri mafelong a selemo sa ho hira, ho deposititi e nngwe le e nngwe eo a e tshwereng nako e ka etsang selemo kapa ho feta ho tloha qalong ya nako ya ho hira;
- (4) a hlollehe ho tshwara deposititi aknaontong e ka thoko e nang le tswala kapa hona ho fana ka tsebiso ho mohiri ya banka le nomoro ya

- akhaonto moo depositi e tshwerweng teng ke monga tulo boemong ba mohiri: ntle le ha feela monga tulo a ka hula diqoso tsa banka ho tswala e fumanweng ho depositi mme haeba tswala e fumanweng e sa lekane monga tulo a ka nna a hula diqoso tsa banka ho tjhelete yohle e teng;
- (5) a hlolehe ho fa mohiri kamora hore a fumane depositi kapa nakong ya matsatsi a leshome(10) a ho qala ho hira, eng kapa eng e tlang pele, tlaleho e ka thoko e ngotsweng ya maemo a jwale a sebaka sa ho dula;
  - (6) a hlolehe ho fa mohiri, nakong ya matsatsi a leshome(10) kamora hore mohiri a tswe sebakeng sa bodulo lenane le hlahisitseng tshenyo yohle sebakeng sa bodulo, haeba e le teng, mmoho le bopaki bo ngotsweng fatshe bo bontshang ditjeho tseo eleng tsona kapa tse lekantsweng tsa ho lokisa ho hlokalang ha tshenyo e tjena;
  - (7) a hlolehe ho kgutlisetsa mohiri depositi ya hae kapa tjhelete e setseng eo eleng ya mohiri kamora hore a hule ditjeho tsohle tsa ho lokisa tshenyo e hlalositweng seratswaneng sa (6), mmoho le tswala , nakong ya matsatsi a leshome le metso e mehlano(15) kamora hore mohiri a tswe sebakeng sa bodulo;
  - (8) a hule ho depositi tshenyo efe kapa efe e etsahetseng sebakeng sa bodulo, e hlalositweng tlalehong e ngotsweng fatshe ho ya ka seratswana sa (5) e neng e fuwe mohiri pele mohiri a dula sebakeng seo, kapa tshenyo efe kapa efe e phatlaladitsweng tlalehong e ka thoko ho ya ka molawana wa 4(2);
  - (9) a hlolehe, nakong ya ho fetiswa ha tswala ya monga tulo ya depositi e tshwerweng ya sebaka sa bodulo ho fetisetsa depositi le tswala efe kapa efe e fumanweng molemong wa mohiri, ho mohlahlami wa monga tulo ho ntse ho nale tswala; le
  - (10) a hlolehe , nakong ya ho fetisetsa ho monga tulo eo ho tshwerweng depositi ya yona ho qala ho jara boikarabelo ba ho boloka le ho kgutlisa depositi e jwalo , ho sa natswe hore depositi ka nnete e fetiseditswe ho monga tulo ke motho ya fetisang tulo ya ho dula :ha feela karolo ena ya molawana ona e sa tlo sebetsa motgajing o kwalwang kapa motgajing o teng, oo eleng banka.

### Ho renta

- 6(1) Monga tulo o lokela ho fa mohiri resiti ha a fumana tjhelete ya ho renta, mme resiti eo e lokela ho ba le lesedi le latelang -
  - (a) lebitso la mohiri;

- (b) lebitso la monga tulo;
  - (c) lebitso le tshaeno ya motho ya amohelang tefo;
  - (d) aterese ya sebaka sa bodulo;
  - (e) tjhelete e lefilweng ke mohiri;
  - (f) mohla oo tefo ena e entsweng ka ona; le
  - (g) nako eo tefo ena e entsweng ka yona.
- (2) Haeba monga tulo a dumelletse tefo ya rente le ditshenyehelo tse ding ho kena akhaontong e itseng ya banka ya hae le haeba mohiri a lefa rente akhaontong eo ya banka, setlankana sa depositi se tla ba le resiti ya mohiri mme monga tulo a ke ke a tlangwa ke serapana sa karolo ya molawana wa (1)
- (3) Ho hloleha ha monga tulo ho latela karolo ya molawana wa (1) ho ke ke ha thibela monga tulo ho ritela nyewe ya ho fumana rente hape haeba mohiri a lefa rente ka tjheke akhaontong e ikgethang ya banka ya monga tulo, mme tjheke eo e qhalwa ke banka e sa lefshwe.
- (4) Monga tulo ha a lokela ho nyolla rente makgetlo a fetang bongwe nakong efe kapa efe dikgweding tse tsheletseng(6)
- (5) Monga tulo o lokela ho fa mohiri bonnyane tsebiso e ngotsweng fatshe ya dikgwedi tse pedi(2) maikemisetsa a ho nyolla rente.
- (6) Mohiri o lokela ho tsebisa monga tulo ka ho ngola fatshe nakong ya kgwedi e le nngwe (1) kamora ho amohela tsebiso tlasa molawana wa (5) hore mohiri o qhella ka thoko nyollo, hoseng jwalo nyollo e tla tswelapele ha dikgwedi tse pedi di feta, ntle le ha feela mohiri a tletleba, ho ya ka karolo ya molawana wa (7), le lekgotla la ho lamola diqabang tlasa karolo ya 9(6) ya Molao.
- (7) Haeba ho entswe tletlebo Lekgotleng la banamodi(medieshene) , monga tulo o lokela ho fana ka lesedi le latelang -
- (a) tjhelete ya ditefello le lekgetho e lefuwang mmasepalal;
  - (b) ditjeho tsa metsi, motlakase, gase, dithole le dikgwerekgwere;
  - (c) rente e lefuwang ke bahiri ba bang, haeba e le teng;
  - (d) ditjeho ka kakaretso tsa ho hlokomela sebaka sa bodulo;
  - (e) molato o behetsweng tlhokomelo; le

- (f) ho kgutliswa ha matsete.
- (8) Mohiri ha a lokela hore a phatlalatsa lesedi leo ho fanweng ka lona tlasa karolo ya molawana wa (7) ho motho wa boraro ntle le tumello ya monga tulo.

### Maemo, Tshebediso le Tlhokomelo

#### 7(1) Monga tulo o lokela hore -

- (a) a hirise sebaka sa bodulo seo qalong ya ho hira se neng se le maemong a sa thunthetseng Molao le melawana, seratswana sefe kapa sefe, molawana wa bophelo kapa wa poloheho kapa molao ofe kapa ofe;
- (b) a boloke le hona ho hlokomela sebaka sa bodulo ho ya ka diratswana tsohle, melawana ya bophelo le poloheho kapa molao ofe kapa ofe;
- (c) a fane ka tshebeletso tseo ho dumellanweng ka tsona tumellanong ya ho hira nakong ya ho hira kapa karolong efe kapa efe ya nako ya ho hira; le
- (d) a lokise dintho tseo monga tulo a jarang boikarabelo ba tsona tlasa tumellano ya ho hira jwalo ka ha e bontshitswe ke monga tulo nakong ya ho hlahloba kapa ha o amohela tsebiso e ngotsweng fatshe ho tswa ho mohiri ho etsa ditokiso tse jwalo, nakong ya matsatsi a leshome le metso e mene(14) kapa dinakong tse ding jwalo ka ha ho dumellanwe le monga tulo le mohiri.

#### (2) Monga tulo a ka nna a kena sebakeng sa bodulo -

- (a) ho hlahloba sebaka sa bodulo;
- (b) ho lokisa sebaka sa bodulo;
- (c) ho bontsha sebaka sa bodulo motho ya ka nnang a hira, moreki, mokadimi wa tjehelete bankeng kapa diangete tsa hae;
- (d) a latele taelo ya lekgotla
- (e) haeba ho bonahala eka mohiri o sile sebaka sa bodulo; kapa
- (f) ho hlahloba nakong ya matsatsi a mashome a mararo(30) a ho hira kapa ka mora hore monga tulo kapa mohiri a fane ka tsebiso ya maikemisetso a ho fedisa tumellano ya ho hira, ka baka la hore ho shejwe tjehelete ya tshenyo, haeba e le teng , ya sebaka sa ho dula e leng sesosa sa hore depositi e tshwerweng ke monga tulo e fokotswe.

- (3) Mohiri o lokela ho dumella monga tulo ho kena sebakeng sa ho dula bakeng sa mabaka a behilweng tlasa karolo ya molawana wa (2) ha feela makeno a tjena a etswa dinakong tse tshwanetseng.

### Ditshebeletso tse sebediswang

- 8(1) Monga tulo ya tlangwang ke molao kapa dipehelo tse tlahelwang kapa tse sebediswang tsa tumellano ya ho hira ho fana ka metsi, motlakase kapa ditshebeletso tsa gase ho mohiri, o lokela hore -
- (a) a fane ka tshebeletso tsena;
  - (b) a se ke a etsa hore ho se be le phepele kapa tshitiso ya phepele ya tshebeletso tsena sebakeng sa bodulo ntle le taelo ya lekgotla, ntle le ha
    - (i) e le ka nako ya tshohanyetso le ha feela ditshebeletso tse jwalo di qalwa hanghang ka mora hore ho fediswe tshohanyetso e jwalo; kapa
    - (ii) a etsa mosebetsi wa ho hlokomela, a lokise kapa a etse diphethoho sebakeng sa bodulo ntle le ha feela tshebeletso tsena di ka qala hape kapelepele ka moo ho ka kgonahalang ka teng kamora hore ho etswe tlhokomelo, ditokiso le diphethoho.
  - (c) a se ke a beha mohiri kotsing ya ho lahlehelwa ke tshebeletso tsena ka ho tshwara tefo ya hae e yang ho motho ya fanang ka tshebeletso eo ha nako ya ho lefa e fihla, ha feela mohiri a lefile monga tulo tjhelete e batlehang bakeng sa tshebeletso e jwalo.
- (2) Monga tulo o lokela hore a se ke a -
- (a) qosa mohiri tjhelete e fetang e batlehang ya ditshebeletso tse sebedisitsweng sebakeng sa mohiri, haeba tlhahlobo ya mithara e etswa ka thoko; kapa
  - (b) a hloleha ho ikobela molawana ofe kapa ofe, karolo ya molao kapa molao ofe kapa ofe mabapi le tjhelete e tlilo qoswa mohiri mabapi le tshebeletso tse tjena, haeba e le teng, haeba tlhahlobo ya mithara ya ditshebeletso tsa sebaka sa bodulo e etswa ka thoko.
- (3) Haeba tlhahlobo ya mithara ya sebaka sa ho dula e etswa ka thoko bakeng sa tshebeletso tse tjena mme ditefello di tlilo fuwa monga tulo, monga tulo o lokela ho fa mohiri tlaleho ya kgwedi le kgwedi, e

lokelang ho ba le lesedi le latelang -

- (a) lebitso la mohiri;
- (b) lebitso la monga tulo;
- (c) aterese ya sebaka sa bodulo;
- (d) lebitso, aterese le nomoro tsa mohala tsa khampani e nngwe le e nngwe e fanang ka tshebeletso;
- (e) dipalo tsa methara tsa kgale le tsa dikgwedi tse sa tswa feta;
- (f) tekanyo ya tshebeletso ka nngwe e sebedisitsweng le ditjhelete tse qositsweng;
- (g) tefello e lokelwang ho lefshwa;
- (h) mohla oo dipalo tse tlang tsa mithara bakeng sa tshebeletso ka nngwe di tlang ho etswa ka ona; le
- (i) tjhelete e kolotwang; haeba e le teng.

(4) Monga tulo o lokela ho fa mohiri resiti ha a qeta ho lefa ka kontane ditshebeletso tse na e tshwanetseng ho ba le lesedi le latelang -

- (a) lebitso la mohiri;
- (b) lebitso la monga tulo;
- (c) aterese ya sebaka sa ho dula;
- (d) lebitso la motho ya amohelang tefo;
- (e) palo ya tjhelete e lefilweng ke mohiri;
- (f) mohla wa letsatsi leo tefo e entsweng ka lona; le
- (g) nako eo tefo e entsweng ka yona.

(5) Haeba monga tulo a dumelletse hore tefo bakeng sa tshebeletso ena e kengwe akhaontong e itseng ya banka ya monga tulo mme le haeba mohiri a lefella ditshebeletso tse na akhaontong e jwalo bankeng, setlankana sa depositi se tla hlahisa resiti ya mohiri mme monga tulo a ke ke a tlangwa ke dikarolo tse molawaneng wa (4)



**Dikarolo tse Akaretsang**

- 9(1) Monga tulo kapa mohiri ha ba lokela hore -
- (a) ba etse bonokwane ka ditokomane;
  - (b) ba tshosane, ba kgethollane kapa ba iphetetse kgahlanong le e mong le e mong mabapi le ho sebedisa tokelo efe kapa efe tlasa Molao, molawana, kapa molao ofe kapa ofe o mong;
  - (c) ba hane ho amohela tsebiso efe kapa efe ya molao kapa e rometsweng ho e mong le e mong;
  - (d) ba amehe boitshwarong bo seng botle ba kगतello le bo fetelletseng;
  - (e) ba hlolehe ho ikobela metjha ya ditletlebo ya Lekgotla kapa tumellano e fihletsweng -
    - (i) le Lekgotla; kapa
    - (ii) pakeng tsa bona ho sebediswa metjha ya ditletlebo ya Lekgotla.
  - (f) ba etsa ntho efe kapa efe ka hara sebaka sa bodulo e -
    - (i) sa dumellwang tlasa tumellano ya ho hira, Molao le melawana, molao(ordinace), molawana wa bophelo le polokeho kapa molao ofe kapa ofe;kapa
    - (ii) itshunyatshunyang le kapa e behang dipehelo ho ditokelo tsa mohiri e mong le e mong tshebedisong e dumelletseng le hona ho natefelwa ke bodulo.
  - (g) qobella motho ho lahla ditokelo tsa hae tlasa Molao, melawana ena kapa molao ofe kapa ofe, kapa ho ikgula ho metjha kapela Lekgotla.
- (2) Dipehelo tsa karolo ya molawana wa (1) ha di thibele mekga e qabaneng ho fihlella tumellano ya ho fedisa qabang.
- (3) Molawana 4(1) (c), (d), (e), (f) le (g) mmoho le molawana 7(1) (d) ya melawana ena e ke ke ya sebetsa ho mohirisi ntle le ha feela ho dumellanwe jwalo tumellanong ya mohirisi le mohiri
- (4) Ho ke ke ha ritelwa nyewe kandle ho lekgotla la mmaseterata tlasa karolo ya 12(2) ya Molao ntle le ha fela Lekgotla le ntshitse setifikeithi ka mokgwa o hlahoswang, ho ya ka hore tletlebo e entswe le Lekgotla le hore tletlebo ha ya rarollwa ka katleho.

- (5) Motho ofe kapa ofe ya etsang tlolo ya molao o tla fumanwa a le molato wa tlolo ya molao mme ha a fumanwa a le molato o tla jara boikarabelo ba faene kapa a hlalhelwe tjhankaneng eseng ka tlase ho dilemo tse tharo(3) kapa a faenwe a be a hlalhelwe tjhankaneng.

**Tokelo ya molao e kgutswanyana mmoho le ho qala**

**10 Melawana ena e bitswa Melawana ya Tlolo tsa Molao ya 1998.**

**NOTICE 1603 OF 1999**

**RESIDENTIAL LANDLORD AND TENANT ACT, 1997 (ACT NO. 3 OF 1997)**

**LANDLORD TENANT DISPUTE RESOLUTION BOARD PROCEDURAL REGULATIONS, 1998**

I, **Dan Mofokeng**, Member of the Executive Council responsible for Housing in the Province of Gauteng, hereby, under section 13 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), make the regulations contained in the schedule.

Given under my hand at Johannesburg this Second day of March One Thousand Nine Hundred and Ninety-Nine.

**D MOFOKENG**

**MEC: HOUSING AND LAND AFFAIRS**

**SCHEDULE**

**Definitions**

1. In these regulations, any expression that is defined in the Act has the same meaning, unless the context otherwise indicates -

**"arbitration"** means a process through which a Board member or any nominee of the Board assists parties to resolve a dispute, and issues a ruling, which is final and binding on the parties;

**"complainant"** means a person who lodges a complaint with the Board, and the complaint falls within the jurisdiction of the Board;

**"mediation"** means a voluntary process in terms of which a Board member or a nominee of the Board assists parties to resolve a dispute, but does not issue a ruling which binds parties;

**"party"** means a person who is participating in mediation, arbitration or any other dispute resolution mechanism provided by the Board;

**"respondent"** means a person against whom a complaint has been lodged with the Board; and

**"unfair practices regulations"** means the unfair practices regulations made under section 9 of the Act.

### Filing complaints

2(1) A landlord or tenant or group of landlords or tenants may lodge a complaint with the Board for a dwelling, which is or was the subject of an agreement between the parties, by filing a written complaint on the form appearing in Schedule RB1.

(2) Complaints must be filed -

- (a) by mail;
- (b) at the Landlord Tenant Information Office within the jurisdiction of the local authority in which the dwelling is situated; or
- (c) at the office of the Board.

### Jurisdiction

3(1) A complaint will be considered to be within the Board's jurisdiction -

- (a) if it concerns a dwelling; and
- (b) if the complaint emanates from the Gauteng Province.

(2) If the complaint is not within the jurisdiction of the Board, the complainant must be -

- (a) notified in writing within thirty (30) days that the Board cannot act on the matter;

- (b) advised that he or she may within thirty (30) days of such notice make a request for the full Board to review the decision on jurisdiction; and
- (c) where possible the complainant will be given an appropriate referral within thirty (30) days.

### **Investigation**

- 4(1) The following steps must be taken in respect of any complaint lodged that falls within the jurisdiction of the Board -
- (a) a file must be opened and a reference number allocated to the complaint;
  - (b) the complainant must be provided with an acknowledgement of receipt containing the reference number;
  - (c) the complainant must be contacted to obtain any additional information required to provide a full and complete description of the matter;
  - (d) a statement must be obtained from the person alleged to have engaged in an unfair practice regarding the complaint;
  - (e) the complaint must be viewed with regard to all the information received; and
  - (f) if necessary an inspector must compile a formal report, after inspecting the premises in respect of which the complaint was lodged.

### **Preliminary Resolution of Disputes**

- 5(1) If all parties to the dispute are willing to attempt informal resolution the matter must be assigned to a staff member who will attempt to mediate the dispute informally.
- (2) Any complaint concerning a matter which falls within the jurisdiction of the Board and which is not resolved informally must be assigned to a Board member for the purpose of making an assessment under section 9(4) of the Act to determine if it can be disposed of summarily.
- (3) The Board member must determine whether -

- (a) the complaint constitutes an unfair practice , violation of the common law or breach of a lease agreement;
  - (b) if the complaint does constitute an unfair practice, whether any relief can be provided to remedy the complaint, through mediation or arbitration or otherwise; and
  - (c) if there is a factual dispute the facts should be viewed in an equitable manner.
- (4) If the Board member determines that the complaint does not constitute an unfair practice or that no relief could be provided he or she shall -
- (a) notify the complainant within thirty (30) days, that the Board will take no action;
  - (b) if possible furnish the complainant with an appropriate referral;
  - (c) advise the complainant that the decision is subject to review by the full Board, which may either affirm the decision of the individual member or reinstate the matter on the docket of the Board, if the complainant so requests within thirty (30) days of such notice; and
  - (d) if the complainant does not request review by the full Board, record the disposition of the matter in the file and the matter shall be closed.

#### **Complaints not informally or summarily disposed of**

- 6 All matters, which are not resolved through preliminary resolution, may be reviewed to determine if further investigation is required prior to submission to mediation or arbitration. If further investigation is required -
- (a) a Board member must attempt to obtain the required information voluntarily, and record all the efforts made to obtain the information in the file;
  - (b) if the information cannot be obtained voluntarily, then a Board member shall issue a subpoena in the prescribed form;
  - (c) a Board member responsible for the investigation of a complaint may subpoena any landlord or tenant or other person who may be able to provide information concerning the complaint in terms of

section 6(e) and (f) of the Act, when the information cannot be obtained by agreement of a landlord, tenant or other person; and

- (d) the subpoena shall be in the form appearing in Schedule RB2, and shall identify with particularity the information sought, and shall specify the date, time and place for the person to appear and give information or provide the books, and or documents.

### **Declaration of a dispute**

- 7(1) If a matter is not dismissed for lack of jurisdiction, or disposed of summarily or settled informally, the Board shall, following the investigation, if any, make a formal determination that a dispute exists and inform the parties within thirty (30) days in writing of its determination.
- (2) Once it has been determined that a dispute exists, the staff member shall enquire from the parties whether they wish to have their dispute resolved through the process of mediation or arbitration. If they choose the latter course, then the matter shall be referred, to the full board or alternatively, to at least three members of the Board for the appointment of an arbitrator. Once an arbitrator has been appointed, the matter shall be processed under the arbitration provisions of these regulations.

### **Mediation**

- 8(1) Matters in which investigations have been completed, and which have not been summarily dismissed, must be assigned to a Board member for mediation. If there is no Board member available to conduct the mediation in a timely manner or if the Chairperson reasonably believes that the mediation will be best conducted by a mediator who is not a member of the Board, then a mediator shall be appointed in terms of Section 6(a) of the Act.
- (2) The mediation hearing shall proceed once the agreement to mediate as appearing in Schedule RB4 has been entered into between the relevant parties.
- (3) The mediation process shall be conducted as follows -
  - (a) the mediator shall explicitly discuss the issue of confidentiality with the parties prior to the commencement of any mediation. If a party request that information be kept confidential either during the course of the mediation or afterwards, and the other parties agree to mediate under those terms, the explicit provisions of the

- confidentiality agreement shall be made part of mediation agreement;
- (b) the mediator shall at the outset inform the parties that he/she merely acts as a facilitator in trying to resolve the dispute between them and that the decision to be arrived at will be the decision of the parties and not his;
  - (c) the mediator will also inform the parties involved that the mediation process will be conducted as follows -
    - (i) each party will be given an opportunity of outlining their case;
    - (ii) each party can at any stage of the proceedings recess into a caucus, in another room or office;
    - (iii) if the respective party does not have any objection thereto, then the mediator shall attend the caucus meeting and make suggestions and proposals; and
    - (iv) if the party in a caucus does not have any objection, then the mediator shall convey any proposal, attitude or indication or suggestion stemming from a caucus meeting to the other party.
  - (d) the mediator shall conduct mediation only in those disputes in which she or he can be impartial with respect to all of the parties and the subject matter of the dispute;
  - (e) the mediator shall disclose to all parties all actual or potential conflicts of interest;
  - (f) the mediator shall not conduct mediation unless the parties, after being informed of any actual or potential conflict, give their consent and the mediator determines that the conflict is not so significant as to cast doubt on the integrity of the process or himself/herself; and
  - (g) if at any time the mediator believes that any party to mediation is unable to understand and participate fully in the proceedings due to mental impairment, emotional disturbance, intoxication, language barriers or other reasons, the mediator shall limit the scope of the mediation, to a level consistent with the parties' ability to participate and /or make a recommendation that the party may obtain appropriate assistance in order to continue with the process, or terminate the mediation process.



- (4) The mediator must attempt to obtain testimony or documents voluntarily, which he or she determines is necessary, from a person not party to the mediation and record all efforts made to obtain the information in the file.
- (5) If the required testimony or documentation cannot be obtained voluntarily, the mediator shall issue a subpoena in the prescribed form in terms of sections 6(e) and (f) of the Act.
- (6) The issuance of the subpoena shall be authorised by the Board member conducting the mediation.
- (7) If a person who is not a member of the Board is conducting the mediation, a request for issuance of a subpoena must be submitted to a member of the Board.
- (8) A mediation process must be completed within thirty (30) days. If however, this is not possible, then the process may be extended beyond thirty (30) day period with the consent of the Board.
- (9) If the parties cannot reach agreement through mediation, then the matter will be referred for arbitration.
- (10) If however, a mediation process has failed because of a wilful, intentional or any other act or omission, which has the effect to prevent, stifle frustrate or abort the process of mediation to take place, then the Board or its members shall issue a certificate appearing in Schedule RB6 to the effect that litigation cannot take place by one party against the other because mediation has not taken place.
- (11) The provisions of subregulation (10) shall also apply if a party fails, refuses or neglects to attend a mediation meeting and/or process.
- (12) The parties may not be coerced in any manner to reach agreement. If the mediation results in an agreement it shall be put in writing and signed by all parties and the mediator and recorded in the file. Before requesting the parties to sign the agreement, the mediator must ensure that each party fully understands the agreement and is entering into it voluntarily.
- (13) If the mediation does not result in an agreement, the mediator shall prepare a report summarising the evidence, and make a determination as to whether the evidence shows that there has been a violation of the unfair practices regulations.
- (14) If the mediator is not a member of the Board the report must be forwarded to a Board member who must review it to determine whether the evidence shows that there has been a violation of the unfair practices regulations.

- (15)(a) If the Board member conducting the mediation determines that there has been no violation of the unfair practices regulations, the complainant must be advised that the matter will be dismissed and further that the decision is subject to review by the full Board if the complainant so requests;
- (b) if the complainant does not request review by the full Board, the individual Board member shall record the disposition of the matter in the file and the matter shall be closed.
- (16)(a) Any party to a matter, which resulted in an agreement through mediation who alleges that another party has failed to comply with the agreement, may seek relief by reporting the allegations to the person who conducted the mediation;
- (b) upon receipt of a report alleging failure to comply with the agreement the mediator shall make inquiries about the person alleged to have breached the agreement. The mediator shall first attempt to resolve the matter informally;
- (c) if the parties to the dispute agree the mediator may conduct further mediation to resolve any dispute regarding compliance with the mediation agreement; and
- (d) if a dispute about compliance with a mediation agreement cannot be resolved informally or through further mediation, the mediator shall refer the matter to the Board for purposes of determining whether enforcement action will be taken in terms of regulation 11.

### **Arbitration**

9. Subject to the laws relating to arbitration –
- (1) The Board may, with the written agreement of the parties, nominate or appoint an arbitrator from its members or under section 6(9) of the Act for the purpose of arbitration, subject to such terms as agreed upon by the parties.
- (2) In determining whether to nominate or appoint an arbitrator the Board shall take into consideration, the nature of the question of law and facts raised in the dispute, the complexity of the dispute and the public interest.
- (3) In order to determine the dispute fairly and quickly, and to deal with the substantial merits of the dispute the arbitration hearings must be held as soon

as practicably possible after the agreement to arbitrate as appearing in Schedule RB5 has been entered into between the relevant parties.

- (4) The Board member or nominee conducting the arbitration hearing may –
- (a) require any party to the arbitration, subject to any legal objection, to make discovery of documents by way of affidavit or by answering interrogatories on oath and to produce such documents for inspection;
  - (b) require the parties to the arbitration to deliver pleadings or statements of claim and defence or require any party to give particulars of his claim or counterclaim, and allow any party to amend his pleadings or statements of claim or defence;
  - (c) require any party to the arbitration to allow inspection of any goods or property involved in the dispute, which is in his possession or under his control; and
  - (d) unless the arbitration agreement otherwise provides –
    - (i) from time to time determine the time when and the place where the arbitration proceedings shall be held or be proceeded with;
    - (ii) administer oaths in the prescribed form to, or take the affirmations of, the parties and witnesses appearing to give evidence;
    - (iii) subject to any legal objection, examine the parties appearing to give evidence in relation to the matters in dispute and require them to produce before the Board all books, documents or things within their possession or power which may be required or called for and the production of which could be compelled on the trial of an action;
    - (iv) subject to any legal objection, examine any person who has been subpoenaed to give evidence and require the production of any book, document or thing which such person has been summoned to produce;
    - (v) with the consent of the parties or on an order of court, received evidence given by affidavit; and
    - (vi) inspect any goods or property involved in the references.

- (5) If the arbitrator determines that the testimony of witnesses or the production of books or documents is necessary to a fair resolution of the matter and that such testimony or books or documents cannot be obtained voluntarily, the arbitrator may apply to the Board for the issuance of a subpoena under the provision of sections 6(e) and (f) of the Act whereby -
- (a) the Board may in its discretion, approve the request and issue the subpoena;
  - (b) prior to the issuance of a subpoena an entry shall be made in the file stating the efforts made to obtain the books, documents or information; and
  - (d) the subpoena shall be in the form prescribed.
- (6) If the parties consent, the arbitrator may suspend the arbitration proceedings and attempt to resolve the dispute through mediation.
- (7) Within fourteen (14) working days of the conclusion of the arbitration proceedings the arbitrator must-
- (a) issue an arbitration award with brief reasons for his or her ruling, signed by the arbitrator;
  - (b) serve a copy of the award on each party to the dispute in the prescribed manner; and
  - (c) file the original of the award with the Board.
- (8) On good cause shown, the Board may extend the period within which the arbitration award and the reasons are to be served and filed.
- (9) The arbitrator may make any appropriate arbitration award in terms of -
- (a) the Act and the regulations prescribed in respect of unfair practices;
  - (b) the provision of the common law to the extent that any particular matter is not specifically addressed in the regulations;
  - (c) the provision of any rental agreement to the extent that it does not constitute an unfair practice; and
  - (d) the need to resolve matters in a practicable and equitable manner.

## **Powers and Function of Inspectors and Technical Advisors**

10(1) Inspectors have the following functions -

- (a) conduct routine building inspections and provide written inspection reports when requested to do so by the Board and staff members;
- (b) trace and contact property owners from information held by the Registrar of Deeds;
- (c) hold consultations with complainants and respondents and record all the information received;
- (d) obtain sworn statements from disputing parties and other parties concerned;
- (e) give evidence, before the Board when requested to do so;
- (f) obtain or examine copies of all books and documents, which may be relevant to a case;
- (g) contact any local authority to determine the amount of arrears in rates and taxes owed in respect of a dwelling;
- (h) investigate the legal status of residents when illegal subletting is alleged to be occurring;
- (i) deliver notices and other documentation to the relevant parties involved in a dispute;
- (j) obtain copies of all receipts in respect of a dwelling, which is the subject of a complaint;
- (k) obtain from any Landlord Tenant Information Office established under the Act, any reports concerning enquiries and complaints received as contemplated under section 6(b) of the Act;
- (l) provide any information and produce any report or other documents concerning an inspection conducted, which may have bearing on any complaint;
- (m) serve subpoenas on any party by handing a true copy to such person personally or where such person could not be found by handing a true copy to a person apparently above the age of 16 years and apparently residing or employed at the place of employment of the therein named person at the place of residence, employment or business of the person therein named who, in the

Board's opinion may be able to provide any information concerning a complaint, to appear before the board as contemplated in section 6(c) of the Act and to produce any book or any other document as the Board may determine;

- (n) assist the Technical Advisor in conducting any preliminary inquiry to provide a complete record of all relevant information acquired through inspections and investigations;
  - (o) submit applications to a Magistrate Court to prosecute when instructed by the Board to do so;
  - (p) deliver written recommendations of the Board to parties against whom action will be taken for non-compliance with unfair practices regulations; and
  - (q) do anything in the reasonable execution of functions and duties required by the Act or the Board.
- (2) The technical advisers perform the following functions -
- (a) receive written complaints, open files and enter the cases on the computerised case record system;
  - (b) review complaints and screen cases in respect of the jurisdiction of the Board and advise complainants accordingly in writing;
  - (c) conduct preliminary enquires and attempt to resolve disputes informally;
  - (d) keep records about the status of matters and their outcomes on the system;
  - (e) assign matters to Board members for resolution;
  - (f) receive and carry out the instructions of Board members and prepare the necessary documentation for the Board;
  - (g) schedule mediation and arbitration and notify parties about the place date and time of such hearings in writing; and
  - (h) record proceedings on mediation and arbitration hearings.

**Enforcement**

- 11(1) The Board or a party may seek enforcement of Arbitration awards under the provisions of Arbitration Act, 1965 (Act No. 42 of 1965) and mediation awards or in the absence of an agreement, enforcement of the unfair practices regulations in terms of section 12(2) of the Act in a court of law.
- (2) If the person who is alleged to have engaged in an unfair practice does not respond to enquiries by the staff of the Board when the complaint is initially lodged or if that person refuses to participate in an effort to resolve the matter, whether through informal settlement, mediation, arbitration or otherwise, the Board may proceed to determine whether there has been a violation of the regulations defining unfair practices.
- (3) Prior to enforcement the Board may review the complaint or mediation agreement and any statements, documents and other relevant information to determine if the matter is ready for prosecution. If the Board determines that additional information is required it may refer the matter for additional investigation in terms of regulation 6 and/or issue a subpoena in terms of section 6(e) and (f) of the Act, and/or administer the oath in the prescribed form contained in Schedule RB3 for the purpose of adducing evidence before the Board in terms of section 6(g) of the Act.
- (4) Following review of the complaint on the mediation agreement and any other relevant material, including information obtained through additional investigation, the Board shall prepare a written recommendation regarding prosecution of the matter, which sets forth the factual and legal basis for further action, if any.
- (5) If the recommendation is to proceed with prosecution, the written recommendation shall be delivered to the party against whom action will be taken, notifying the party that the Board will seek prosecution and providing the party with an opportunity, at a specified date, to appear before the Board and give evidence or present argument regarding the matter.
- (6) If the party against whom action will be taken elects to appear before the Board there shall be a hearing to determine what action the Board will take regarding the recommendation to proceed with prosecution whereby -
  - (a) the complainant and the respondent may give evidence under oath administered under section 6(g) of the Act;
  - (b) the Board acting on its own or at the request of any party, may issue a subpoena under section 6(e) and (f) of the Act to obtain relevant evidence or testimony; and

(c) following the hearing, the Board shall issue a written decision specifying the factual and legal basis for its action.

(7) If the Board decides to proceed with prosecution it shall direct the staff to refer the matter to the relevant prosecuting authority.

### **Delegation of Authority**

12(1) The authority of the Board under sections 6(e), (f) and (g) and 9(4)(a) and (b) of the Act is hereby delegated to individual members of the Board, subject to the following conditions -

(a) no Board members shall act on behalf of the Board on any matter in which the Board member has an interest, as defined in section 5(9) of the Act, or in which there is the potential appearance of a conflict of interest;

(b) all decisions of individual Board members exercising the powers delegated to them shall be subject to review by the full Board at the request of any party or any other member of the Board; and

(c) in any particular matter the chairperson may determine that the authority of the Board will not be delegated to an individual member or that the authority, having been delegated, may be revoked.

(2) The Board, by the delegation of its powers in terms of subregulation (1), is not divested of any of its powers, nor is it relieved of any function or duty that it may have delegated.

### **Short title and Commencement**

13(1) These regulations are called the Landlord and Tenant Dispute Resolution Board Procedural Regulations, 1998.



RB1

**COMPLAINT FORM FOR THE LANDLORD AND TENANT DISPUTE RESOLUTION BOARD**

**FOR OFFICIAL USE**

REFERENCE NO:

**A. PARTICULARS OF COMPLAINANT**

SURNAME: \_\_\_\_\_  
 FORENAMES (S): \_\_\_\_\_  
 NAME OF ASSOCIATION (S): \_\_\_\_\_  
 ID NUMBER: \_\_\_\_\_  
 BUSINESS /RESIDENTIAL ADDRESS: \_\_\_\_\_  
 POSTAL ADDRESS: \_\_\_\_\_  
 BUSINESS TELEPHONE NO: \_\_\_\_\_  
 HOME TELEPHONE NO: \_\_\_\_\_  
 FAX NUMBER: \_\_\_\_\_

**B. DETAILS OF DWELLING**

NUMBER OF UNITS IN BUILDING: (IF APPLICABLE) \_\_\_\_\_  
 NUMBER OF TENANTS LIVING IN THE DWELLING \_\_\_\_\_  
 LOCATION OF DWELLING \_\_\_\_\_

**C. PARTICULARS OF TENANT/LANDLORD COMMITTEE MEMBERS**

NAME:	CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:			
NAME:	CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:			
NAME:	CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:			
NAME:	CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:			
NAME:	CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:			

**D. PART AGAINST WHOM THE COMPLAINT IS LODGED**

<b>NAME OF TENANT/LANDLORD/ASSOCIATION:</b>	
CONTACT TELEPHONE NO:	TEL:
FAX NO:	
PERMANENT RESIDENTIAL ADDRESS:	
POSTAL ADDRESS (IF DIFFERENT):	

**E ADDITIONAL INFORMATION**

<b>NAME OF CARETAKER:</b>	
CONTACT NUMBER:	TEL:
FAX NO:	
<b>NAME OF OWNER OF BUILDING:</b>	
CONTACT NUMBER:	TEL:
FAX NO:	
PERMEMNAT RESIDENTIAL ADDRESS:	
POSTAL ADDRESS:	
<b>NAME OF MANAGING AGENT:</b>	
CONTACT NUMBER:	TEL:
FAX NO:	
<b>NAME OF BOND HOLDER:</b>	
CONTACT NUMBER:	TEL:
FAX:	

**F PERSON/ORGANISATION THAT REFERED THE COMPLAINANT**

NAME:
TEL:
FAX:
REF NO:

**G LIST OF COMPLAINTS/DISPUTES**

1.
2.
3.
4.

**H FINANCIAL STATUS OF BUILDING**

TOTAL ELECTRICITY ARREARS	R
TOTAL WATER ARREARS	R
TOTAL RATES & TAXES OWED TO COUNCIL	R
TOTAL OWED TO THE MANAGING AGENT	R

HAS AN APPLICATION FOR THIS BUILDING BEEN SUBMITTED BEFORE

YES

NO

NAME OF COMPLAINANT: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

<b>FOR OFFICIAL USE</b>
NAME OF MEMBER OF STAFF: _____
SIGNATURE: _____
DATE OF RECEIPT OF COMPLAINT: _____

RB2

**SUBPOENA FOR THE LANDLORD AND TENANT DISPUTE RESOLUTION BOARD**

**FOR OFFICIAL USE**

REFERENCE NUMBER: LT \_\_\_\_\_

HELD AT:

IN THE MATTER BETWEEN :

..... Complainant

and

..... Respondent

TO:

NAME: \_\_\_\_\_

SEX  F

AGE

ADDRESS: \_\_\_\_\_

You are required to appear in person in your capacity as the representative/agent/director/member .....and /or as .....before the Board at .....on the ..... day of .....19 ....., at .....(time). \*in the above mentioned complaint to give evidence or produces books, papers or documents on behalf of .....for the purpose of an investigation, hearing, mediation, arbitration or order and/or to bring with you and then produce to the Board the several books, papers or documents specified in the list hereunder.

Dated at ..... this .....day of ....., 19.....

.....  
BOARD MEMBERS

**LIST OF BOOKS,PAPERS OR DOCUMENTS TO BE PRODUCED**

DATE	DESCRIPTION	ORIGINAL COPY

**PLEASE NOTE:**

1. It is an offence in terms of Section 12 of the Residential Landlord and Tenant Act, 1997 and the Regulations promulgated thereunder not to comply with this Subpoena.
2. If any person so subpoenaed fails to appear or, unless duly excused, to remain in attendance throughout the proceedings before the Board, and in case no lawful excuse for such failure seems to exist, such person may be convicted of an offence and may be liable to a fine.

\* Delete whichever is not applicable

**FOR OFFICIAL USE**

I, the undersigned certify that I have served this subpoena upon the within-named named person by-

*(a) handing a true copy to him/her personally
*(b) handing, as he/she could not be found, a true copy to..... a person apparently above the age of 16 years and apparently residing or employed at the ..... 's place of residence/employment/business.

at .....

The nature, exigency and the consequences of this subpoena was explained to the recipient thereof.

Time:.....Day.....Month.....19.....

Place:.....

Signature of recipient: .....

Signature of official:.....

Full name:.....

Full name:.....

Capacity.....

\* Delete whichever is not applicable

RB3

**OATH/DECLARATION FOR THE LANDLORD AND TENANT DISPUTE RESOLUTION BOARD**

I, \_\_\_\_\_ the undersigned declare under  
oath/state \_\_\_\_\_ hereby  
that \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge and confirmation, the above statement is true, binding, complete and correct.

SIGNATURE OF DECLARER: \_\_\_\_\_

I certify that, before administrating the oath/affirmation, I asked the deponent the following questions and wrote down his/her answers in his/her presence:

1) Do you know and understand the contents of the declaration?

Answer: \_\_\_\_\_

2) Do you have any objection to taking the prescribed oath?

Answer: \_\_\_\_\_

3) Do you consider the prescribed oath as binding on your conscience?

Answer: \_\_\_\_\_

I certify that the deponent has acknowledged that he/she knows and understands the content of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true, so help me God." I truly affirm that the contents of this declaration are true" The signature/mark of the deponent is affixed to the declaration in my presence,

\_\_\_\_\_  
COMMISSIONER OF OATHS

\_\_\_\_\_  
FULL FIRST NAMES AND SURNAME (PRINT)

\_\_\_\_\_  
Designation (RANK) and Area whereby Appointed

PRESENT BUSINESS ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

PLACE: \_\_\_\_\_

\* Delete what is not applicable

RB4

**AGREEMENT TO MEDIATE FOR THE LANDLORD AND TENANT DISPUTE  
RESOLUTION BOARD**

I/We: \_\_\_\_\_ residing at \_\_\_\_\_  
do hereby consent to mediation between My/ Ourselves and the Landlord/Tenant in respect of  
the complaint lodged with the Landlord and Tenant Dispute Resolution Board.

Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_  
(PLEASE PRINT)

WITNESS 1: \_\_\_\_\_

WITNESS 2: \_\_\_\_\_

RB5

**AGREEMENT TO ARBITRATE FOR THE LANDLORD AND TENANT DISPUTE RESOLUTION BOARD**

I/We: \_\_\_\_\_ residing at \_\_\_\_\_  
do hereby consent to arbitration between My/ Ourselves and the Landlord/Tenant in respect of  
the complaint lodged with the Landlord and Tenant Dispute Resolution Board.

Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_  
(PLEASE PRINT)

WITNESS 1: \_\_\_\_\_

WITNESS 2: \_\_\_\_\_



RB6

**CERTIFICATE TO THE MAGISTRATE IN TERMS OF SECTION 9 (6) READ WITH SECTION 4 (b) OF RESIDENTIAL LANDLORD AND TENANT ACT NO 3 OF 1997**

THE MAGISTRATE  
MAGISTRATES COURT

Sir

Re: CERTIFICATE IN TERMS OF SECTION 9(8) OF THE RESIDENTIAL LANDLORD AND TENANT ACT (NO.3 OF 1997) OF THE PROVINCE OF GAUTENG.

IN THE MATTER BETWEEN :

REFERENCE NUMBER:

AND

COMPLAINANT

RESPONDENT

A complaint has been lodged with the Landlord and Tenant Dispute Resolution Board established in terms of the Act mentioned above by the aforesaid Complainant, .....against the said.....

The complaint relates to an unfair practice as defined in the Act and the Regulations promulgated thereunder in that the complaint refers to:

A mediation meeting was called for on..... but it did not materialize as the aforesaid Landlord/Tenant failed to attend the meeting.

Therefore no legal proceedings can be instituted in this matter by the said .....against.....

**Yours faithfully**

CHAIRPERSON:  
LANDLORD TENANT DISPUTE RESOLUTION BOARD

## KENNISGEWING 1603 VAN 1999

**WET OP RESIDENSIËLE EIENAARS EN HUURDERS, 1997 (WET 3 VAN 1997)****REGULASIES OOR DIE PROSEDURE VIR BESLEGTINGSACE TUSSEN EIENAARS EN HUURDERS, 1998**

Ek, **Dan Mofokeng**, Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Gauteng-provinsie, bevestig hiermee die regulasies in die skedule, kragtens artikel 13 van die Wet op Residensiële Eienaars en Huurders, (Wet 3 van 1997).

Onderteken te Johannesburg op hierdie Tweede dag van Maart Eenduisend-negehonderd nege-en-negentig.

**D MOFOKENG****LUR: BEHUISING EN GRONDSACE****SKEDULE****Definisies**

1. In hierdie regulasies beteken enige uitdrukking wat in die Wet omskryf word dieselfde as die betekenis wat die Wet daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk -

**"arbitrasie"** beteken 'n proses waarin 'n lid van die Raad of 'n persoon wat deur die Raad genomineer word, partye bystaan om 'n dispuut te besleg en 'n te besluit neem oor die saak, welke besluit finaal is en alle betrokke partye daartoe verbind;

**"eiser"** beteken 'n persoon wat 'n klag, wat binne die jurisdiksie van die Raad val, by die Raad indien;

**"mediasie"** beteken 'n vrywillige proses waartydens 'n lid van die Raad of 'n persoon wat deur die raad genomineer is, partye bystaan om 'n dispuut te besleg, sonder om 'n besluit te neem wat die partye daartoe verbind.

**"party"** beteken 'n persoon wat deelneem aan die meganismes wat die Raad toepas, soos mediasie, arbitrasie of enige ander meganisme wat toegepas word om dispute te besleg;

**"respondent"** beteken 'n persoon teen wie 'n klag by die Raad ingedien is; en

"regulasies oor onregverdigde praktyke" beteken die regulasies oor onregverdigde praktyke wat in artikel 9 van die Wet uiteengesit word.

### Indien van klagtes

2(1) 'n Eienaar of huurder, of groep eienaars of huurders kan 'n klagte by die Raad indien oor 'n woonplek wat deel vorm of gevorm het van 'n ooreenkoms tussen die partye, deur 'n skriftelike klag in te vul in die vorm wat in Skedule RB1 verskyn;

(2) Klagtes moet -

(a) per pos ingedien word;

(b) ingedien word by die Inligtingskantoor vir Eienaars/Huurders binne die jurisdiksie van die plaaslike owerheid waar die woonplek geleë is; of

(c) ingedien word by die kantore van die Raad.

### Jurisdiksie

3(1) 'n Klag sal beskou word asof dit binne die jurisdiksie van die Raad val -

(a) as dit verband hou met 'n woonplek; en

(b) as die klag in die Gauteng-provinsie ontstaan.

(2) As die klag nie binne die jurisdiksie van die Raad val nie, moet die eiser -

(a) binne dertig (30) dae in kennis gestel word dat die Raad nie in die saak kan optree nie;

(b) in kennis gestel word dat hy of sy binne dertig (30) dae na die kennisgewing die Raad kan versoek om die besluit oor die jurisdiksie te hersien; en

(c) waar moontlik, binne dertig (30) dae 'n toepaslike verwysing kry.

### Ondersoeke

4(1) Die volgende stappe moet gedoen word ten opsigte van enige klag wat ingedien word en binne die jurisdiksie van die Raad val -

(a) 'n lêer moet oopgemaak word en 'n verwysingsnommer moet aan die klag toegeken word;

- (b) 'n eiser moet 'n ontvangsbewys kry waarop die verwysingsnommer aangebring is;
- (c) die eiser moet geraadpleeg word as daar addisionele inligting nodig is om die saak volledig te beskryf en te omskryf;
- (d) 'n verklaring moet verkry word van die persoon wat na bewering onregverdigde praktyke toegepas het soos dit van toepassing is op die klag;
- (e) die klag moet oorweeg word op grond van al die inligting wat ontvang is; en
- (f) indien nodig, moet 'n inspekteur 'n formele verslag opstel oor die saak waaroor die klag ingedien is.

### **Voorlopige beslegting van dispute**

- 5(1) As al die partye wat betrokke is by 'n dispuut gewillig is om die saak te probeer besleg, moet die saak verwys word na 'n lid van die personeel wat sal probeer om die saak informeel te besleg.
- (2) Enige klag wat betrekking het op 'n saak wat binne die jurisdiksie van die Raad val, wat nie op 'n informele wyse besleg kan word nie, moet verwys word na 'n lid van die Raad sodat dit beoordeel kan word op grond van artikel 9(4) van die Wet om te bepaal of dit summier besleg kan word.
- (3) Die lid van die Raad moet bepaal of -
  - (a) die klag betrekking het op onregverdigde praktyke, 'n oortreding van die gemene reg, of kontrakbreuk van 'n huurooreenkoms;
  - (b) enige hulp verleen kan word by wyse van mediasie, arbitrasie of andersins, om die redes vir die klag op te los, as die klag nie betrekking het op 'n onregverdigde praktyk nie; en
  - (c) dit 'n feitelike dispuut is, in welke geval die feite op 'n onpartydige wyse hersien moet word.
- (4) As die lid van die Raad bepaal dat die klag nie betrekking het op 'n onregverdigde praktyk nie, of dat daar nie hulp verleen kan word in die saak nie, moet hy of sy -
  - (a) die eiser binne dertig (30) dae in kennis stel dat die Raad nie enige stappe gaan doen nie;

- (b) die eiser van 'n toepaslike verwysing voorsien, indien nodig;
- (c) die eiser inlig dat die besluit onderhewig is aan hersiening deur die hele Raad, wat die besluit van die individuele lid kan bevestig, of die saak heropen as 'n saak wat die aandag van die Raad behoort te geniet, indien die eiser dit binne dertig (30) dae na die kennisgewing so versoek;
- (d) die wyse waarop die saak hanteer is aanteken en die saak sluit as die eiser nie versoek dat die volle Raad die saak hersien nie; en

#### **Klages wat nie informeel of summier besleg word nie**

6. Alle sake wat nie deur middel van voorlopige resolusies besleg word nie, kan hersien word om te bepaal of 'n verdere ondersoek nodig is voordat dit vir mediasie of arbitrasie verwys word. Indien verdere ondersoek nodig is -
- (a) moet 'n lid van die Raad probeer om die vereiste inligting vrywillig te bekom en alle pogings om die inligting te bekom in die lêer aanteken;
  - (b) moet 'n lid van die Raad 'n subpoena uitreik op die voorgeskrewe wyse, as die inligting nie vrywillig verkry kan word nie;
  - (c) kan 'n lid van die Raad wat verantwoordelik is vir die ondersoek van 'n klag, enige eienaar of huurder of ander persoon wat die inligting kan verskaf oor die saak subpoena kragtens artikels 6(e) en (f) van die Wet as die inligting nie met die instemming van die eienaar, huurder of ander persoon verkry kan word nie; en
  - (d) die subpoena moet uitgereik word in die vorm wat in Skedule RB2 voorgeskryf word, moet aandui watter inligting versoek word en moet aandui op watter datum, tyd en waar die persoon moet verskyn om die inligting te verskaf of om die boeke en/of dokumente te voorsien.

#### **'n Dispuut verklaar**

- 7(1) As 'n saak nie weggewys word op grond van gebrekkige jurisdiksie nie, of as dit nie summier afgewys word of informeel geskik word nie, moet die Raad, na die ondersoek, indien enige, formeel verklaar dat daar 'n dispuut bestaan en albei partye binne dertig (30) dae inlig oor die verklaring.
- (2) Sodra daar bepaal is dat daar 'n dispuut bestaan, moet die personeellid by die partye uitvind of hulle die dispuut wil besleg deur middel van mediasie of arbitrasie. As hulle arbitrasie kies, moet die saak na die volle Raad verwys word, of na ten minste drie lede van die Raad sodat 'n arbiter

aangestel kan word. Sodra 'n arbiter aangestel is, moet die saak verwerk word op grond van die regulasies vir arbitrasie wat hierin uiteengesit word.

### Mediasie

- 8(1) As die ondersoek in 'n saak afgehandel is en die saak is nie summier afgewys nie, moet die saak vir mediasie verwys word na 'n lid van die Raad. As daar nie 'n lid van die Raad beskikbaar is om die mediasie betyds af te handel nie, of as die Voorsitter redelikerwys glo dat die mediasie beter hanteer sal word deur 'n persoon wat nie 'n lid van die Raad is nie, kan 'n bemiddelaar aangestel word kragtens artikel 6(a) van die Wet.
- (2) Die mediasie-verhoor kan voortgaan sodra al die partye ingestem het tot mediasie volgens die voorskrifte wat vervat is in die ooreenkoms wat in Skedule RB4 verskyn.
- (3) Die mediasieproses moet dan soos volg uitgevoer word -
- (a) die bemiddelaar moet die saak van vertroulikheid baie duidelik stel aan al die partye, voordat enige mediasie begin. As 'n party versoek dat die inligting vertroulik gehou word tydens mediasie of daarna en die ander partye stem in tot mediasie met so 'n voorwaarde, moet die vertroulikheidsaspek in die mediasie-ooreenkoms opgeneem word as deel van die ooreenkoms.
- (b) die bemiddelaar moet van meet af die partye inlig dat hy/sy bloot optree as tussenganger en bemiddelaar om te probeer om die dispuut tussen die partye op te los en dat die besluit wat uiteindelik geneem word by die partye berus, nie by die bemiddelaar nie;
- (c) die bemiddelaar moet ook die betrokke partye inlig dat die mediasie-proses soos volg uitgevoer gaan word -
- (i) elke party kry 'n geleentheid om sy/haar/hulle saak te stel
- (ii) elke party kan op enige punt in die prosedure versoek om na 'n ander kantoor of vertrek te verdaag vir koukusdoeleindes;
- (iii) as die onderskeie partye nie beswaar het daarteen nie, kan die bemiddelaar die koukusvergadering bywoon en voorstelle maak of advies gee; en
- (iv) as die party wat koukus nie 'n beswaar het daarteen nie, kan die bemiddelaar enige voorstel, gevoel, aanduiding, of gedagte wat uit die koukus mag spruit, aan die ander party oordra.

- (d) die bemiddelaar moet net sake bemiddel as hy/sy onpartydig kan wees ten opsigte van al die partye en die saak waaroor die dispuut handel;
  - (e) die bemiddelaar moet alle werklike of potensiële sake waaroor daar 'n botsing van belange kan wees blootlê aan al die partye;
  - (f) die bemiddelaar mag nie 'n saak bemiddel tensy die partye, nadat hulle ingelig is van werklike of potensiële botsings van belange, toestem daartoe nie en die bemiddelaar bepaal dat die botsing van belange nie van so 'n wesenlike aard is dat dit die integriteit van die proses of van hom-/haarself kan benadeel nie;
  - (g) as die bemiddelaar ooit voel dat enige party wat deelneem aan die mediasieproses nie die prosedure verstaan of ten volle deelneem daaraan nie op grond van verstandelike gestremdheid, emosionele versteurings, dronkenskap/bedwelmings, taalprobleme of enige ander rede, kan die bemiddelaar die omvang van die mediasie beperk tot 'n vlak wat ooreenstem met al die partye se vermoëns om deel te neem en/of aanbeveel dat die party behoorlike hulp verkry om voort te gaan met die proses, of besluit om die mediasieproses te beëindig;
- (4) Die bemiddelaar moet probeer om die verklarings of dokumente wat nodig geag word op 'n vrywillige grondslag te bekom van persone wat nie partye is in die mediasieproses nie en moet alle pogings om die inligting te bekom in die lêer aanteken.
  - (5) As die verklaring of dokumentasie nie op 'n vrywillige grondslag bekom kan word nie, moet die bemiddelaar 'n subpoena uitreik soos dit uiteengesit is kragtens artikels 6(e) en (f) van die Wet.
  - (6) Die Raadslid wat die saak hanteer moet 'n subpoena goedkeur voordat dit uitgereik kan word.
  - (7) As die mediasie hanteer word deur 'n persoon wat nie 'n lid van die Raad is nie, moet 'n versoek om 'n subpoena uit te reik, ingedien word by 'n lid van die Raad.
  - (8) 'n Mediasieproses moet binne dertig (30) dae afgehandel wees. As dit nie moontlik is nie, kan die proses met die toestemming van die Raad verleng word.
  - (9) As die partye nie deur mediasie instemming bereik nie, moet die saak verwys word vir arbitrasie.
  - (10) As 'n mediasieproses faal op grond van doelbewuste, doelgerigte optrede

- of enige ander optrede of versuim, wat die mediasieproses verhoed, vertraag, versteur of in die wiele ry, kan die Raad of die Raadslede 'n sertifikaat, soos dit uiteengesit is in RB6, uitreik wat aandui dat litigasie nie deur die een party teen die ander ingestel kan word nie, omdat mediasie nie kon plaasvind nie.
- (11) Die voorwaardes van subregulasie (10) is ook van toepassing as 'n party versuim, weier of nalaat om 'n mediasievergadering en/of -prosedure by te woon.
- (12) Die partye kan nie op enige wyse gedwing word om 'n ooreenkoms te bereik nie. As die mediasieproses lei tot 'n ooreenkoms, moet dit skriftelik saamgevat en onderteken word deur al die partye en die bemiddelaar. Dit moet dan so in die lêer aangeteken word. Voordat die partye versoek word om die ooreenkoms te onderteken, moet die bemiddelaar seker maak dat elke party die ooreenkoms ten volle verstaan en dat die partye dit vrywillig aangaan.
- (13) As die mediasieproses nie lei tot 'n ooreenkoms nie, moet die bemiddelaar 'n verslag voorberei waarin die getuienis opgesom word en die bemiddelaar moet bepaal of die getuienis daarop dui dat daar onregverdige praktyke voorgekom het en die regulasies oortree is.
- (14) As die bemiddelaar nie 'n lid van die Raad is nie, moet die verslag aan 'n lid van die Raad gestuur word. Die Raadslid moet dit dan hersien en bepaal of die getuienis daarop dui dat daar onregverdige praktyke voorgekom het.
- (15)(a) As die Raadslid wat die mediasie hanteer bepaal dat daar nie enige oortreding of onregverdige praktyk was nie, moet die eiser van die besluit in kennis gestel word dat die saak afgewys is en dat die besluit deur die volle Raad hersien kan word as die eiser dit so versoek;
- (b) as die eiser nie versoek dat die saak deur die volle Raad hersien word nie, moet die individuele Raadslid die verloop van die saak in die lêer aanteken en die saak sluit.
- (16)(a) As die partye ooreenkom oor 'n saak na 'n mediasieproses, kan enige van die partye hulp versoek op grond van bewerings dat die ander party nie aan die ooreenkoms se vereistes voldoen het nie, deur die beweerde oortreding aan te meld by die persoon wat die mediasie hanteer het;
- (b) sodra die bemiddelaar 'n verslag ontvang waarin beweer word dat daar nie voldoen is aan die ooreenkoms nie, moet die bemiddelaar ondersoek instel na die persoon wat na bewering die vereistes verontagsaam het. Die bemiddelaar moet eers probeer om die saak informeel op te los;



- (c) as die partye wat betrokke is by die dispuut oor die wyse waarop voldoen is aan die mediasie-ooreenkoms instem daartoe, kan die bemiddelaar verder probeer om die dispuut deur mediasie te besleg; en
- (d) as 'n dispuut oor die wyse waarop voldoen is aan die mediasie-ooreenkoms nie informeel of deur verdere mediasie besleg kan word nie, kan die bemiddelaar die saak na die Raad verwys sodat bepaal kan word of enige stappe gedoen moet word om optrede af te dwing kragtens regulasie 11.

### Arbitrasie

#### 9. Onderhewig aan die toepaslike arbitrasie-wetgewing -

- (1) Kan die Raad, met die skriftelike toestemming van die partye, 'n arbiter aanstel of nomineer uit die lede van die Raad of kragtens artikel 6(9) van die Wet vir die doel van arbitrasie, onderhewig aan sodanige bepalings waarvoor die partye ooreengekom het.
- (2) Moet die Raad die aard van die wet en die feite wat gemeld is in die dispuut, asook die kompleksiteit van die dispuut en die openbare belang in ag neem, as bepaal moet word of 'n arbiter genomineer of aangestel moet word.
- (3) Moet die dispuut so regverdig en vinnig as moontlik bepaal word en moet daar so gou as moontlik aandag gegee word aan die substantiewe meriete van dispuut. Daarom moet die arbitrasieverhoor so gou as wat prakties moontlik is gehou word nadat die partye ooreengekom het om 'n arbiter te gebruik, soos dit voorgeskryf word in Skedule RB5.
- (4) Kan die Raadslid of genomineerde persoon wat die arbitrasie lei -
  - (a) van enige van die partye eis, onderhewig aan wettige besware, om inligting bloot te lê oor dokumentasie, deur middel van 'n beëdigde verklaring of deur onder eed verklarings af te lê en deur die betrokke dokumente beskikbaar te stel vir inspeksie;
  - (b) van die partye wat deelneem aan die arbitrasieproses eis om pleitstukke in te dien of verklarings oor eise of verweer af te lê, of van enige van die partye eis om besonderhede van die eis of teeneis in te dien en enige party toelaat om sy/haar pleitstukke of verklarings oor die eis of verweer te wysig;
  - (c) van enige van die partye wat deelneem aan die arbitrasieproses eis om goedere of eiendom wat in sy/haar besit of beheer is en wat

- betrokke is by die dispuut te laat inspekteer; en
- (d) tensy die arbitrasieooreenkoms anders daarvoor voorsiening maak -
- (i) kan van tyd tot tyd bepaal word wanneer en waar die arbitrasieverhoor gehou sal word of sal plaasvind;
  - (ii) kan die voorgeskrewe eed afgelê word, of kan die partye en getuies wat moet verskyn om getuienis af te lê bevestig word;
  - (iii) kan die partye wat moet verskyn om getuienis te lewer, onderhewig aan wettige besware, ondersoek word met betrekking tot die sake waaroor die dispuut handel en kan hulle versoek word om enige boeke, dokumente of goedere in hul besit of waaroor hulle gesag het aan die Raad voor te lê as dit vereis word of nodig is en die versoek om dit voor te lê kan wettig afgedwing word;
  - (iv) kan van enige persoon wat 'n subpoena ontvang het om te getuig, onderhewig aan wettige besware, vereis word om enige boek, dokument of item voor te lê as die dagvaarding die persoon versoek om dit voor te lê;
  - (v) kan getuienis wat per beëdigde verklaring gelewer word aanvaar word, mits die partye daartoe instem of indien dit kragtens 'n hofbevel toegelaat word; en
  - (vi) kan enige goedere of eiendom waarna verwys word in die stukke, geïnspekteer word.
- (5) Kan die arbiter aansoek doen by die Raad dat 'n subpoena uitgereik word kragtens die voorwaardes van artikels 6(e) en (f) van die Wet, as die arbiter voel dat die getuienis van 'n getuie of die lewering van boeke of dokumente nodig is om die dispuut op 'n regverdige wyse te besleg en die getuienis of boeke of dokumente nie vrywillig verskaf word nie en die Raad kan dan -
- (a) na eie goeddunke die versoek goedkeur en die subpoena uitreik;
  - (b) seker maak dat die pogings om die boeke, dokumente of inligting te verkry in die lêer aangeteken is, voordat die subpoena uitgereik word; en

- (c) die subpoena uitreik in die vorm wat voorgeskryf word.
- (6) As die partye instem, kan die arbiter die arbitrasieproses tydelik staak en probeer om die saak deur mediasie te besleg.
- (7) Binne veertien (14) werkdade nadat die arbitrasieprosedures afgesluit is, moet die arbiter -
  - (a) 'n arbitrasiebesluit uitreik met kort redes vir die besluit en die arbiter moet die verklaring onderteken;
  - (b) 'n afskrif van die besluit by elke party wat betrokke was by die dispuut beteken in die vorm wat voorgeskryf word in die regulasies;
  - (c) die oorspronklike besluit by die Raad indien.
- (8) As bewys kan word dat daar genoeg gronde is daarvoor, kan die Raad die tydperk waarbinne die besluit ingedien en die redes daarvoor verskaf moet word, verleng.
- (9) Die arbiter kan enige toepaslike arbitrasiebesluit neem op grond van -
  - (a) die Wet en die regulasies wat voorgeskryf word ten opsigte van onregverdige praktyke;
  - (b) die bepalings van die gemene reg, tot die mate waartoe enige spesifieke saak nie direk in die regulasies bespreek word nie;
  - (c) die bepalings van enige huurooreenkoms tot die mate dat dit nie 'n onregverdige praktyk daarstel nie; en
  - (d) die vereiste om sake op 'n praktiese en regverdige manier op te los.

### **Magte en funksies van inspekteurs en tegniese adviseurs**

10(1) Inspekteurs moet die volgende funksies verrig -

- (a) roetine-ondersoeke van geboue doen en skriftelike inspeksieverslae voorberei indien hulle so versoek word deur die Raad en lede van die personeel;
- (b) op grond van die beskikbare inligting by die Aktekantoor eienaars van eiendom opspoor en met hulle in aanraking kom;

- (c) eisers en respondente ondervra en en al die inligting wat so ontvang word aanteken;
- (d) beëdigde verklarings kry by die partye wat betrokke is by die dispuut en alle ander betrokke partye;
- (e) getuienis aflê voor die Raad as hulle versoek word om dit te doen;
- (f) afskrifte van alle boeke en dokumente verkry of ondersoek as dit verband kan hou met 'n saak;
- (g) enige plaaslike owerheid skakel om te bepaal hoeveel eiendomsbelasting agterstallig is vir enige woonplek;
- (h) ondersoek instel na die wettige status van bewoners as daar beweer word dat eiendom onwettig onderverhuur word;
- (i) kennisgewings en dokumentasie by die partye wat betrokke is by 'n dispuut beteken;
- (j) kwitansies verkry wat betrekking het op 'n woonplek wat die onderwerp is van die dispuut;
- (k) enige verslae verkry oor navrae en klagtes wat ontvang is by enige Inligtingskantoor vir Eienaars en Huurders wat kragtens die Wet gevestig is, soos voorsien word kragtens artikel 6(b) van die Wet;
- (l) enige inligting en enige verslag of ander dokument voorsien wat betrekking het op 'n inspeksie wat gedoen is en wat verband kan hou met enige klag;
- (m) subpoenas beteken op enige party, deur 'n ware kopie persoonlik aan 'n persoon te oorhandig, of as so 'n persoon nie beskikbaar is nie, 'n ware kopie te oorhandig aan 'n persoon wat oënskynlik ouer is as 16 jaar en oënskynlik saam met die persoon woon of in diens is van dieselfde werkgewer as die persoon wat in die subpoena genoem word, op die plek waar die persoon wat so genoem word woon, werk of sake doen, as die persoon na die Raad se mening in staat mag wees om enige inligting wat verband kan hou met 'n klag te voorsien. Die persoon wat in die subpoena genoem word, moet dan voor die Raad verskyn soos voorsien word in artikel 6(c) van die Wet en moet enige boek of ander dokument wat die Raad mag bepaal voorsien;
- (n) die tegniese adviseur bystaan met enige voorlopige ondersoek om 'n volledige rekord van alle betrokke inligting wat verkry is deur

inspeksies en ondersoek te voorsien;

- (o) aansoek vir vervolging by 'n Landdroshof indien as die Raad opdrag gee dat dit gedoen moet word;
  - (p) skriftelike aanbevelings van die Raad lewer aan partye wat vervolgt gaan word op grond van oortredings ten opsigte van onregverdigde praktyke; en
  - (q) enige iets anders doen wat nodig mag wees om funksies en pligte uit te voer wat redelikerwys deur die Raad verwag word.
- (2) Die tegniese adviseurs verrig die volgende funksies -
- (a) ontvang skriftelike klagtes, open lêers, voer gevalle in die gerekenariseerde rekordstelsel in;
  - (b) hersien klagtes en doen sifting van gevalle ten opsigte van die jurisdiksie van die Raad en stel eisers in kennis skriftelik in kennis van besluite;
  - (c) doen voorlopige ondersoek en probeer om dispute informeel te besleg;
  - (d) hou rekords van sake in stand op die stelsel en dui aan hoe sake besleg is;
  - (e) wys sake toe aan lede van die Raad sodat dit besleg kan word;
  - (f) ontvang die instruksies van Raadslede, voer dit uit en berei die nodige dokumentasie voor vir die Raad;
  - (g) doen skedule-mediasie en -arbitrasie en stel partye skriftelik in kennis van die plek, datum en tyd van verhore; en
  - (h) hou 'n rekord van die verrigtinge tydens mediasie- en arbitrasieverhore.

### **Afdwingbaarheid**

- 11(1) Die Raad of 'n party kan versoek dat 'n arbitrasiebesluit afdwinging word kragtens die Arbitrasiewet van 1965, Wet 42 van 1965 en dat mediasiebesluite afdwinging word, of as daar nie 'n ooreenkoms is nie, dat die regulasies oor onregverdigde praktyke in 'n geregshof afdwinging word kragtens artikel 12(2) van die Wet.

- (2) As die persoon wat na bewering betrokke was by onregverdige praktyke nie reageer op navrae van die personeel van die Raad wanneer die aanvanklike klag ingedien word nie, of as die persoon weier om deel te neem aan pogings om die saak te besleg, ongeag daarvan of die pogings in die vorm van informele skikkings, mediasie, arbitrasie of andersins is, kan die Raad voortgaan om te bepaal of enige van die regulasies wat onregverdige praktyke omskryf, oortree is.
- (3) Voordat die Raad dit afdwing, kan die Raad die klag of mediasie-ooreenkoms en enige verklarings, dokumente en ander betrokke inligting hersien om te bepaal of die saak gereed is vir vervolging. As die Raad bepaal dat daar addisionele inligting nodig is, kan die saak verwys word vir verdere ondersoek kragtens regulasie 6 en/of 'n subpoena uitreik kragtens artikel 6(e) van die Wet en/of 'n eedsverklaring versoek soos dit voorgeskryf is in Skedule RB3, om getuienis te lewer of aan te voer voor die Raad kragtens artikel 6(g) van die Wet.
- (4) Nadat die klag ten opsigte van die mediasie-ooreenkoms en enige ander betrokke materiaal, insluitend inligting wat verkry is deur addisionele ondersoeke hersien is, kan die Raad 'n skriftelike aanbeveling voorberei ten opsigte van vervolging in die saak, waarin die feitelike en regsgronde, indien enige, uiteengesit word.
- (5) As aanbeveel word dat voortgegaan moet word met vervolging, moet die skriftelike aanbeveling op die party wat vervolg gaan word beteken word. Dit moet die party in kennis stel dat die Raad regstappe gaan instel en dat die party die geleentheid het om op 'n gegewe datum voor die Raad te verskyn om getuienis te lewer of sy/haar saak te stel.
- (6) As die party wat vervolg gaan word besluit om voor die Raad te verskyn, word 'n verhoor gehou om te bepaal watter stappe die Raad gaan doen ten opsigte van die aanbeveling om voort te gaan met vervolging. Dit kan beteken dat -
- (a) die eiser en die respondent onder eed mag getuig soos voorsien in artikel 6(g) van die Wet;
  - (b) die Raad op sy eie, of op versoek van enige party, 'n subpoena kan uitreik kragtens artikels 6(e) en (f) van die Wet om die betrokke getuienis in te win of aan te hoor; en
  - (c) dat die Raad na die verhoor 'n skriftelike besluit kan uitreik waarin die feitelike en regsgronde vir sy optrede uiteengesit word.

- (7) As die Raad besluit om voort te gaan met vervolging, sal die Raad se personeel opdrag kry om die saak na die betrokke vervolgingsowerheid te verwys.

### **Delegering van gesag**

- 12(1) Die Raad se gesag kragtens artikels 6(e), (f) en (g) en 9(4)(a) en (b) van die Wet word hiermee, onderhewig aan die volgende voorwaardes, gedelegeer aan individuele lede van die Raad -
- (a) geen Raadslede kan namens die Raad optree in enige saak waarby 'n Raadslid 'n belang het, soos dit omskryf word in artikel 5(9) van die Wet, of waar daar potensiële en oënskynlike botsende belange kan wees nie;
  - (b) alle besluite van individuele Raadslede wat die magte wat aan hulle gedelegeer is uitoefen, is onderhewig aan hersiening deur die volle Raad, op versoek van enige party of enige ander lid van die Raad;
  - (c) die Voorsitter kan in enige saak bepaal dat die Raad se gesag nie gedelegeer word aan 'n individuele lid nie, of dat die gedelegeerde gesag herroep moet word;
- (2) die Raad doen nie afstand van enige van sy magte deur dit te deleger soos voorsien word in subregulasie (1) nie en die Raad word ook nie onthef van enige van die funksies of pligte wat so gedelegeer is nie.

### **Kort titel en aanvang**

- 13(1) Die regulasies word die Regulasies vir die Raad op Eienaars en Huurders se Dispuutbeslegtingsprosedures, 1998, genoem.

RB 1

**KLAGVORM VIR DIE RAAD OP EIENAARS EN HUURDERS SE  
DISPUUTBESLEGTINGSPROSEDURES**

**VIR AMPTELIKE GEBRUIK:**

**VERWYSINGSNOMMER:**

**A. BESONDERHEDE VAN DIE EISER**

VAN:

VOORNAAM/VOORNAME:

NAAM VAN VERENIGING(S):

I D NOMMER:

SAKE-/WOON ADRES

POSADRES:

TELEFOONNOMMER (WERK):

TELEFOONNOMMER (HUIS):

FAKSNOMMER:

**B. BESONDERHEDE VAN WOONPLEK**

GETAL EENHEDE IN GEBOU (INDIEN VAN TOEPASSING):

GETAL HUURDERS WAT IN DIE WOONPLEK WOON:

LIGGING VAN WOONPLEK:

**C. BESONDERHEDE VAN EIENAAR-/HUURDERKOMITEELEDE**

NAAM:

TELEFOONNOMMER:

TEL:

FAKS:

WONINGNOMMER:

NAAM:

TELEFOONNOMMER:

TEL:

FAKS:

WONINGNOMMER:

NAAM:

TELEFOONNOMMER:

TEL:

FAKS:

WONINGNOMMER:

NAAM:

TELEFOONNOMMER:

TEL:

FAKS:

WONINGNOMMER:



**D. NAAM VAN HUURDERS-/EIENAARSVERENIGING WAARVOOR DIE KLAG  
HANDEL**

NAAM:	
TELEFOONNOMMER:	TEL:
FAKSNOMMER:	
PERMANENTE WOONADRES:	
POSADRES (AS DIT VERSKIL):	

**E. ADDISIONELE INLIGTING**

OPSIGTER SE NAAM:	
TELEFOONNOMMER:	FAKSNOMMER:
EIENAAR VAN DIE GEBOU SE NAAM:	
PERMANENTE WOONADRES:	
POSADRES:	
NAAM VAN BESTURENDE AGENT:	
TELEFOONNOMMER:	FAKSNOMMER:
NAAM VAN VERBANDHOUER:	
TELEFOONNOMMER:	FAKSNOMMER:

**F. PERSOON/ORGANISASIE WAT DIE EISER VERWYS HET**

NAAM:
TEL:
FAKS:
VERWYSINGSNR

**G. LYS VAN KLAGTES**

1
2
3
4

**H. FINANSIËLE STAND VAN GEBOU**

TOTALE AGTERSTALLIGE ELEKTRISITEITSREKENING	R
TOTALE AGTERSTALLIGE WATERREKENING	R
TOTALE EIENDOMSBELASTING VERSKULDIG AAN RAAD	R
TOTALE BEDRAG VERSKULDIG AAN DIE BESTURENDE AGENT	R

**I. IS DAAR VOORHEEN 'N AANSOEK VIR DIE GEBOU INGEDIEN?**JA NEE NAAM VAN  
EISER: \_\_\_\_\_

HANDTEKENING: \_\_\_\_\_

DATUM: \_\_\_\_\_

**VIR AMPTELIKE GEBRUIK**NAAM VAN  
PERSONEELLID: \_\_\_\_\_

HANDTEKENING: \_\_\_\_\_

DATUM WAAROP DIE KLAG ONTVANG IS: \_\_\_\_\_

RB2

**SUBPOENA VIR DIE RAAD OP EIENAARS EN HUURDERS SE DISPUUTBESLEGTINGSPROSEDURES**

**VIR AMPTELIKE GEBRUIK**

VERWYSINGSNOMMER: LT \_\_\_\_\_

GEHOU TE:

IN DIE SAAK TUSSEN:

\_\_\_\_\_ Eiser

en

\_\_\_\_\_ Respondent

AANDAG:

NAAM: _____		ADRES: _____
GESLAG	<input type="checkbox"/> <input type="checkbox"/>	
OUDERDOM	<input type="checkbox"/>	

U moet persoonlik in eie hoedanigheid of in u hoedanigheid as die verteenwoordiger/agent/direkteur/lid..... en/of as..... verskyn voor die raad by ..... op die ..... dag van.....,om .....\* om die bogenoemde klag te ondersoek, verhoor, vir mediasie, arbitrasie of bevel en/of om enige dokument of boek waaroor u beheer het saam te bring, of om verskeie boeke, papiere of dokumente wat hieronder genoem word saam te bring en te voorsien by die verhoor/vergadering.

Geteken op..... op hierdie .....dag van .....

RAADSLID

**LYS VAN BOEKE, PAPIERE OF DOKUMENTE WAT VOORSIEN MOET WORD**

DATUM	BESKRYWING	OORSPRONKLIKE KOPIE

**LET WEL:**

1. Dit is 'n oortreding kragtens artikel 12 van die Wet op Residensiële Eienaars en Huurders, 1997 en die regulasies wat kragtens die Wet gepromulgeer is om nie te reageer op dié subpoena nie.
2. As u skuldig bevind word, kan 'n boete of tronkstraf van hoogstens drie jaar opgelê word, of 'n boete en tronkstraf opgelê word.

\* Skrap woorde wat nie van toepassing is nie.

**VIR AMPTELIKE GEBRUIK**

Ek, die ondergetekende bevestig dat ek die subpoena beteken het op die persoon wat daarin genoem word deur -

<p>*(a) 'n ware kopie op hom/haar persoonlik te beteken</p> <p>_____</p> <p>*(b) 'n ware te kopie beteken het op _____ 'n persoon wat oënskynlik ouer is as 16 jaar en oënskynlik op dieselfde perseel woon of in diens is van dieselfde werkgewer as _____ omdat hy/sy nie beskikbaar was nie</p>
--

te \_\_\_\_\_

Die aard, dringendheid van die saak en die gevolge van die subpoena is aan die ontvanger verduidelik.

Tyd:..... Dag:.....Maand.....19.....

Plek:.....

Handtekening van ontvanger:..... Handtekening van amptenaar:.....

Volle name:..... Volle name:.....

Hoedanigheid:.....

\* Skrap wat nie van toepassing is nie

RB3

**BEEDIGDE VERKLARING/VERKLARING VIR DIE RAAD OP EIENAARS EN  
HUURDERS SE DISPUUTBESLEGTINGSPROSEDURES**

Ek, \_\_\_\_\_ die ondergetekende verklaar/verklaar hiermee onder eed dat

\_\_\_\_\_

\_\_\_\_\_

Na die beste van my wete en bevestiging is die inligting wat hierbo uiteengesit is waar, bindend, volledige en korrek.

HANDTEKENING VAN DIE VERKLAARDER: \_\_\_\_\_

Ek sertifiseer dat ek die vrae hieronder aan die verklaarder gestel het en dat ek sy/haar antwoorde in sy/haar teenwoordigheid neergeskryf het voordat die eed/verklaring afgelê is.

1). Ken en verstaan u die inhoud van die verklaring?

Antwoord: \_\_\_\_\_

2). Het u enige beswaar om die voorgeskrewe eed af te lê?

Antwoord: \_\_\_\_\_

3). Beskou u die voorgeskrewe eed as bindend op u gewete?

Antwoord: \_\_\_\_\_

Ek sertifiseer dat die verklaarder erken dat hy/sy die inhoud van die verklaring ken en verstaan. Die verklaring het die volgende woorde gesê: Ek sweer dat die inhoud van die verklaring waar is, so help my God. / Ek bevestig dat die inhoud van die verklaring waar is. Die handtekening/merk van die verklaarder is in my teenwoordigheid op die verklaring aangebring.

Ek het vir die verklaarder die volgende vrae gevra en die antwoorde in sy/haar teenwoordigheid neergeskryf.

\_\_\_\_\_

KOMMISSARIS VAN EDE

\_\_\_\_\_

VOLLE NAME

\_\_\_\_\_

Hoedanigheid (Rang) en gebied waar die aanstelling geld

HUIDIGE ADRES: \_\_\_\_\_

\_\_\_\_\_

DATUM: \_\_\_\_\_

PLEK: \_\_\_\_\_

\* Skrap wat nie van toepassing is nie

RB4

**GOORENKOMS TOT MEDIASIE VIR DIE RAAD OP EIENAARS EN  
HUURDERS SE DISPUUTBESLEGTINGSPROSEDURES**

Ek/ons \_\_\_\_\_ woonagtig te  
\_\_\_\_\_ gee hiermee toestemming tot mediasie om die saak  
tussen my/ons en die Eienaar/Huurder soos dit uiteengesit is in die klag wat by  
die Raad op Eienaars en Huurders se Dispuutbeslegtingsprosedures ingedien is.

Onderteken te \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van  
\_\_\_\_\_ 19\_\_\_\_\_

HANDTEKENING:.....NAAM:.....  
(DRUKSKRIF ASSEBLIEF)

GETUIE 1:.....  
GETUIE 2:.....

RB6

**SERTIFIKAAT AAN DIE LANDDROS KRAGTENS ARTIKEL 9(8) WAT SAAM  
MET ARTIKEL 4(b) VAN DIE WET OP RESIDENSIELE EIENAARS EN  
HUURDERS, WET 3 VAN 1997, GELEES MOET WORD**

DIE LANDDROS  
SIVIELE HOF  
LANDDROSHOF

Meneer,

Is. SERTIFIKAAT KRAGTENS ARTIKEL 9(8) VAN DIE WET OP RESIDENSIELE  
EIENAARS EN HUURDERS, WET 3 VAN 1997, VAN DIE GAUTENG-PROVINSIE.

IN DIE SAAK TUSSEN:

EISER

EN

RESPONDENT

'n Klag is by die Raad op Dispute tussen Eienaars en Huurders, wat kragtens die Wet gevestig is, ingedien deur die Eiser, \_\_\_\_\_ teen \_\_\_\_\_, welke partye hierbo genoem word.

Die klag hou verband met onregverdige praktyke soos dit uiteengesit is in die Wet en die Regulasies wat gepromulgeer is kragtens die Wet en die klag verwys na \_\_\_\_\_

Daar is versoek dat 'n mediasievergadering gehou word op \_\_\_\_\_, maar dit het nie plaasgevind nie omdat die Eienaar/Huurder nie opgedaag het nie.

Gevolgtlik kan daar nie enige regstappe gedoen word in die saak tussen die gemelde \_\_\_\_\_ en \_\_\_\_\_ nie.

Vriendelike groete

VOORSITTER  
RAAD OP EIENAARS EN HUURDERS SE DISPUUTBESLEGTINGSPROSEDURES

RB5

**OOREENKOMS TOT ARBITRASIE VIR DIE RAAD OP EIENAARS EN  
HUURDERS SE DISPUUTBESLEGTINGSPROSEDURES**

Ek/ons \_\_\_\_\_ woonagtig te \_\_\_\_\_  
\_\_\_\_\_ stem hiermee in mediasie om die saak tussen my/ons  
en die Eienaar/Huurder soos dit uiteengesit is in die klag wat by die Raad op  
Eienaars en Huurders se Dispuutbeslegtingsprosedures ingedien is.

Onderteken te \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van  
\_\_\_\_\_ 19\_\_\_\_\_

HANDTEKENING: \_\_\_\_\_ NAAM: \_\_\_\_\_  
(DRUKSKRIF ASSEBLIEF)

GETUIE 1: \_\_\_\_\_

GETUIE 2: \_\_\_\_\_



## ISAZISO 1603 KA 1999

**IMITHETHO EKHOKHELA IBHODI ESOMBULULA INGXAKI PHAKATHI KOMQASHI KUNYE NOMQASHWA**

Mna, **Dan Mofokeng**, iLungu leSigqeba eSongameleyo esijongene nezeZindlu kwiPhondo le Gauteng, apha, phantsi kwecandelo 13 loMthetho Wezokuhlala phakathi koMphathi-ndawo noMhlali, ka 1997 (Umthetho 3 ka 1997), ndenza imigaqo ephakathi kweliphepha.

Kunikelwe phantsi kwesandla sam eJohannesburg ngalomhla we 2 ku Matshi weWaka elinamaKhulu aliThoba anamashumi aliThoba anesiThoba

**D MOFOKENG**

**MEC: KWIMICIMBI YEZINDLU NEYEMIHLABA**

**IPHEPHA****linkcazelo-magama**

1. Kulemigaqo, nayiphi intetho echazwe kuMthetho ithetha leyo nto inye, ngaphandle kokuba okutshiwo yintetho iyonke kubonisa -

**"isigqibo esimileyo senkundla"** yinkqubo elithi ngayo ilungu leQumrhu, okanye nabanina otyunjwe liQumrhu elo, lincede ababandakanyeki ekuxazululeni ingxabano, kwaye lichaze nekufuneka kwenziwe, nto leyo ingenakuchithwa ebophelela ababandanyekayo.

**"umkhalazi"** ngumntu ofaka isikhalazo kwiQumrhu, kwaye umkhalazi lowo ephakathi komhlaba omiselweyo weQumrhu elo;

**"ulamlo"** yinkqubo yokubingelela apho ilungu leQumrhu okanye ubani okhethwe liQumrhu eloanceda ababandakanyekayo ekuxazululweni kwengxaki evelileyo, kodwa angakhuphi sigqibo esibophelela ababandanyekayo.

**"umbandakanyeki"** ngumntu othabatha inxaxheba kulamlo, kwisigqibo esimileyo senkundla okanye nakuyiphi inkqubo yokuzama ukuxazulula ingxaki evelileyo emiselwe liQumrhu;

**"umphenduli"** ngulowo ekufakwe isikhalazo ngaye kwiQumrhu; kwakunye

**"imithetho yokunqanda izenziwa ezingalungelelananga"** yimithetho yokunqanda izenziwa ezingalunganga eyenziwe phantsi kwemithetho kwecandelo 9 yoMthetho kaRhulumente.

### Ufakelo lwezikhalazo

2(1) Umphathi wendawo yokuhlala okanye umhlali okanye abaphathi beendawo zokuhlala okanye abahlali bangafaka isikhalazo kwiQumrhu ngokuhlala, ekukuko okanye ekwakukuko okwakuvunyelwene ngako phakathi kwababandakanyeki, ngokufaka isikhalazo esibhaliweyo kwifomu evezwe kwisiCatshulwa RB1.

(2) Izikhalazo kufuneka zifakwe -

- (a) ngeposi;
- (b) kwiOfisi Lolwazi LwabaPhathi NabaHlali ephakathi kwendawo emiselweyo lwabaphathi bomhlaba walapho apho indawo yokuhlala ikhoyo; okanye
- (c) kwi-ofisi yeQumrhu.

### Umhlaba omiselweyo

3(1) Isikhalazo siyakuthatyathwa njengesiphakathi komhlaba omiselweyo weQumrhu elo -

- (a) ukuba linxulumene nendawo yokuhlala; kwakunye
- (b) ukuba isikhalazo siphuma kwiPhondo leGauteng.

(2) Ukuba isikhalazo asikho phakathi komhlaba omiselweyo weQumrhu, umkhalazi kufuneka -

- (a) aziswe ngokubhaliweyo phakathi kweentsuku ezingamashumi amathathu (30) ukuthi iQumrhu alikwazi ukumnceda kwingxaki yakhe;

- (b) achazelwe ukuba angayenza isicelo ngaphakathi kweentsuku ezingamashumi amathathu (30) sesaziso eso sokuba iQumrhu licingisise isigqibo somhlaba omiselweyo; kwaye
- (c) apho kungenzeka, umkhalazi uzakunikelwa kwelinye iQumrhu ngaphakathi kweentsuku ezingamashumi amathathu (30).

### Uphando

- 4(1) Lamanyathelo alandelayo kufuneka ethatyathiwe kwisikhalazo esifakiweyo ngasinye esikumhlaba omiselweyo weQumrhu -
- (a) kufuneka kuvulwe ifayile kunikelwe nenombolo kwisikhalazo eso;
  - (b) umkhalazi kufuneka enikwe isibonisi sokubonisa ukufunyanwa kwaso esinenombolo yesikhalazo eso;
  - (c) umkhalazi kufuneka echukunyusiwe ukufumanisa olunye ulwazi olongezelekileyo olufunekayo ukunika inkcazelo epheleleyo yomcimbi lowo;
  - (d) kufuneka kufunyanwe inkcazelo epheleleyo ebhalwe phantsi kulowo ucingelwa ngokuphatha omnye ngendlela engalunganga malunga nesikhalazo eso;
  - (e) isikhalazo kufuneka sijongwe malunga nolwazi olufumanekileyo lulonke; kwakunye
  - (f) ukuba kuyimfuneko, umhloli kufuneka anike ingxelo emva kokuhlola indawo leyo yokuhlala isikhalazo eso esingayo.

### Ukusonjululwa Kwengxwaba-ngxwaba Kokuqala

- 5(1) Ukuba bonke ababandanyekayo kwingxaki bayavuma ukuzama ukuyisombulula ngendlela engenamimiselo, umcimbi lowo kufuneka unikwe ilungu labasebenzi elizakuzama ukulamla ingxwaba-ngxwaba leyo ngaloo ndlela.
- (2) Nasiphi isikhalazo esimalunga nomcimbi owela kumhlaba omiselweyo weQumrhu esingasonjululwi ngendlela engenamimiselo, kufuneka unikezelwe kwilungu leQumrhu ngenjongo zokufumanisa ulwazi phantsi kwecandelo 9(4) yoMthetho ukufumanisa ukuba ungachithwa ngokufutshane.

- (3) Ilungu leQumrhu kufuneka lifumanisile ukuba -
- isikhalazo siphantsi kwemeko zokungaphathwa lungileyo, ukuhlukumeza umthetho woluntu okanye ukophula isivumelwano sendawo youkuhlala;
  - isikhalazo siphantsi kwemeko zokungaphathwa lungileyo, nokuba kunganikelwa uncedo lokusombulula isikhalazo; ngolamlo okanye ngesigqibo esimileyo senkundla okanye nayiphi enye indlela; kwakunye
- (4) kukho ingxabano esizathu sibambekayo; kufuneka izizathu ezi zijongwe ngendlela eyanelisa ababandakanyeki.
- Ukuba ilungu leQumrhu lifumanisa ukuba isikhalazo asikho phantsi kweemeko zokungaphathwa kakuhle okanye akukho ncedo lifumanekayo, lona uzaku -
- kwazisa ngokubhaliweyo phakathi kweentsuku ezingamashumi amathathu (30) ukuthi iQumrhu alizukuthabatha manyathelo;
  - thumela umkhalazi ngendawo enokumnceda;
  - chazela umkhalazi ukuba isigqibo sisezakujongwa liQumrhu, elinokuqinisa isigqibo esi selungu okanye liphinde lifake umcimbi lo kwiincwadi zeQumrhu ukuba ilungu elo lifuna kanjalo ngokwazisa iQumrhu ngeentsuku ezingamashumi amathathu (30);
  - ukuba umkhalazi akafaki isicelo sokuba isigqibo esi sijongwe liQumrhu iphela, uzakufaka oku kwiincwadi zeQumrhu uze uvalwe lo mcimbi; kwakunye

**Izikhhalazo ezingachithwanga nje ngokufutshane nangendlela engabopheleliyo**

- 6 Yonke imicimbi engasonjululwanga ngendlela engaphambili ingajongwa ukuba ifanele ukuhloliswa ngakumbi phambi kokuba ifakwe kulamlo okanye kwisigqibo esimileyo senkundla. Ukuba kufuneka iphandwe ngakumbi -
- Ilungu leQumrhu kufuneka lizamile ukufumanisa ulwazi okufunekayo ngokuzinikela kwaye libhale phantsi zonke iinzame ezenziweyo ukufumana olulwazi;

- (b) Ukuba ulwazi alufumaneki ngokuzinikela, ilungu leQumrhu lizakukhupha isindululo kwifomu ekhoyo yoko.
- (c) ilungu leQumrhu eliphanda lomcimbi wesikhalazo lingabizela nawuphi umphathi wendawo yokuhlala okanye umhlali okanye nawuphi na umntu onokukwazi ukunika ulwazi malunga nesisikhalazo njengoko kutshiwo kwicandelo 6(e) kunye no (f) lomthetho, xa ulwazi olu lungakwazeki ukufumaneka ngemvume yomphathi-ndawo yokuhlala okanye umhlali okanye nawuphi na omnye umntu; kwakunye
- (d) isinyanzelisi sokufumana ulwazi sizakuba kwifomu evela kwiPhepha RB2, kwaye sizakuveza ngokukodwa ulwazi olufunekayo kwaye sichaze nomhla, ixesha kunye nendawo ukuba lomntu avele aze kunika ulwazi okanye aze neencwadi okanye amaphepha anolulwazi.

### Ukubika ingxabano

- 7(1) Ukuba umcimbi awuchithwanga ngenxa yokungacaci kwendawo emiselweyo, okanye ichithwe ngokufutshane, okanye isonjululwe ngendlela engamiselwanga mthethweni, iQumrhu lizakwenza, emva kophando, isifumaniso esisemthethweni ukuthi ingxabano ikhona, kwaye lazise ababandanyekayo, ngaphakathi kweentsuku ezingamashumi amathathu (30), ngokubhaliweyo ngesifumaniso salo.
- (2) Xa kufumanisekile ukuba inxabano ikhona, ilungu labasebenzi lizakubuzisa kwabo babandanyekayo ukuthi bafuna ukuba ingxabano le isonjululwe ngenkqubo yolamlo okanye ngesigqibo senkundla esimileyo. Ukuba bakhetha le yokugqibela indlela, lo mcimbi uyakunikezelwa kwiQumrhu liphela okanye kumalungu eQumrhu amathathu ubuncinci ukumisela lowo uyakumela inkundla athabathe nesigqibo esimileyo. Xa lo mmeli nkundla emiselwe, umcimbi lo uyakuqhutywa phantsi kwemiqathango yesigqibo esimileyo senkundla efumaneka kulemithetho.

### Ulamlo

- 8(1) Kwimicimbi apho uphando sele lugqityiwe, kwaye ingachithwanga ngandlela zoshwankathelo, kufuneka inikelwe kwilungu leQumrhu ukuze lilamle. Ukuba akukho lungu leQumrhu elikhoyo ukuqhuba ulamlo olu ngexesha elimiselweyo okanye ukuba uMhlali ngaphambili ukholelwa ukuba ulamlo lungaqhutywa ngumlamli ongelilo ilungu leQumrhu, ke ngoko umlamli uzakuchungwa kusetyenziswa imigaqo ekwiCandelo 6(a) yoMthetho.

- (2) Ukuviwa kolamlo kuzakuqhubeka xa isivumelwano solamlo, njengoko sivela kwiPhepha RB4, sithatyathiwe phakathi kwabo babandanyekayo.
- (3) Inkqubo yolamlo izakuqhutywa ngalendlela -
- (a) Umlamli uzakuxoxa ngokucacileyo indaba yokubanesifuba kunye nabo babandanyekayo phambi kokuba kuqale ulamlo. Ukuba omnye kwabo babandanyekayo ucela ukuba ulwazi olu lugcinwe luyimfihlo ekuqhubeni kolamlo okanye emva kwalo, kwaye nabanye ababandanyekayo bevuma ukulamla phantsi kwezo meko, isivumelwano esicacileyo semfihlo le sizakwenziwa inxalenye yesivumelwano solamlo;
  - (b) kwasekuqaleni umlamli uyakwazisa ababandanyekayo ukuba yena usebenza njengomqhubi wentlanganiso ukuzama ukuba kusonjululwe ingxabano phakathi kwabo kwaye isigqibo ekuzakufikelwla kuso, kuzakube kusionqibo sabo babandanyekayo hayi esakhe;
  - (c) umlamli uzakubazisa ababandanyekayo ukuthi inkqubo yolamlo izakuqhutywa ngale ndlela -
    - (i) ilungu ngalinye elibandanyekayo lizakunikezwa ithuba lokubeka izimvo zalo;
    - (ii) ilungu ngalinye elibandanyekayo linethuba, naninina luqhuba ulamlo, lokuphuma liye kwelinye igumbi liyokugqugula malunga nomcimbi I;
    - (iii) ukuba elinye ilungu elibandanyekayo alinasikhalazo malunga noku, umlamli angakwazi ukuba naye angenele intlangano yokugqugula kwaye anike ezakhe izimvo; kwakunye
    - (iv) ukuba ilungu elikugqugulo liyavuma, umlamli uzakunika ingxelo ngokucetyiweyo, ngokwemeko, ngokucingwayo ngokuvele kugqugulo kwelinye ilungu elibandanyekayo;
  - (d) umlamli uzakuqhuba ulamlo kuphela kwiingxabano apho angazukubana mkhethe kuwo onke amalungu abandanyekayo kwakunye nonobangela wengxabano;
  - (e) umlamli uyakuchaza ngokucacileyo kubo bonke ababandanyekayo indawo apho kungabakhona ungquzulwano lwezinto abanomdla kuzo;

- (f) umlamli akazukuqhuba ulamlo ngaphandle kokuba ababandanyekayo, emva kokuba bexelelwe ungquzulwano olunokuvela, banikeze imvume kwaye momlamli afumanise ukuba ungquzulwano alulukhulu ukufaka uthandabuzo kubulumko balenkqubo okanye kuye yena mlamli;
- (g) ukuba nangaliphi na ixesha umlamli ukholelwa ukuba elinye lalamaqela abandanyekayo alikwazi ukuqondisisa kwaye lithabathe inxaxheba ngokupheleleyo kwinkqubo le ngenxa yokuphazamiseka engqondweni, ukuphazamiseka ngokwasempilweni, ukunxila, ukungavani ngolwimi okanye nasiphi na esinye isizathu, umlamli uzakunciphisa ulamlo ukuze kufikelelwe kumgangatho wawo onke amaqela abandanyekayo, kwaye/okanye anike icebo ukuthi ilungu elo lingafumana uncedo olulo ukuze liqhubeke nale nkqubo, okanye kupheliswe inkqubo le yolamlo.
- (4) Umlamli kufuneka azame ukufumanisa ungqino okanye amaphepha ngokuzinikela acingayo ukuba anemfuneko, kumntu ongabandanyekiyo kulamlo kwaye abhale phantsi zonke iinzame ezenziweyo ukufumanisa ulwazi olo kwifayile yesikhalazo eso.
- (5) Ukuba ungqino okanye amaphepha azifumaneki ngokuzinikela, umlamli uyakukhupha isinyanzelisi kwifomu esemthethweni ngokwecandelo 6(e) kwakunye no(f) yomthetho.
- (6) Ukukhutshwa kwesinyanzelisi kuza kukhutshwa ngemvume yelungu leQumrhu eliqhuba ulamlo.
- (7) Ukuba umntu ongelulo ilungu leQumrhu uqhuba ulamlo olu, isicelo sokukhutshwa kwesinyanzelisi kufuneka singenisiwe kwilungu leQumrhu.
- (8) Inkqubo yolamlo kufuneka igqityiwe ngeentsuku ezingamashumi amathathu (30). Ukuba oku akuphumeleli, inkqubo ingandiselwa ixesha elingaphaya kweentsuku ezingamashumi amathathu (30) ngokuvuma kweQumrhu.
- (9) Ukuba amaqela abandanyekayo awakwazi ukufikelela kuvumelwano ngolamlo, umcimbi uyakudluliselwa kwinkqubo yesigqibo senkundla esimiyo.
- (10) Ukuba inkqubo yolamlo isilele ngenxa yesenzo sokuzenzisa, senkani, okanye nasiphi na esinye isenzo okanye ukuphosakala, esinokwenza ukuba kunqandeke, kucimeke, kubambeke okanye kuqhwalale inkqubo yolamlo, iQumrhu okanye amalungu alo azakukhupha isishicilelo esivela kwiPhepha RB6 ukuthi inkqubo yezomthetho ayinakuqhubeka phakathi kwalamalungu abandanyekayo ngenxa yokuba ulamlo alukhange luqhubeke.

- (11) Imimiselo yomthetho ongaphantsi (10) nayo iyakusebenza ukuba omnye wabo babandanyekayo esilela, esala, okanye etyeshela ukuya kwintlanganiso yolamlo okanye inkqubo.
- (12) Ababandanyekayo akufuneki banyanzeliswa ukufikelela kwisivumelwano. Ukuba isiphumo solamlo luvumelwano oko kuzaku bhalwa phantsi kushicilelwe ngabo bonke ababandanyekayo kwakunye nomlali kwaye kubhalwe nakwifayile.
- (13) Ukuba ulamlo alunazo iziphumo zovumelwano, umlamli uzakulungisa ingxelo eshwankathela ubungqina, kwaye atsho ukuba ubungqina obo bubonisa ukuba kube khona ukophulwa kwemithetho yezinto ezenziwayo ezingalunganga.
- (14) Ukuba umlamli akalilo ilungu leQumrhu, ingxelo kufuneka inikezwe ilungu leQumrhu ekufuneka eyifundile ukuze afumanise ukuba ubungqina bubonisa ukuba kubekhona ukophulwa kwemithetho yezinto ezenziwayo ezingalunganga.
- (15)(a) Ukuba ilungu leQumrhu eliqhuba ulamlo lifumanisa ukuba akukhange kubekho lwaphulo lwemithetho yezinto ezenziwayo ezingalunganga, umkhalazi kufuneka acetyiswe ukuba umcimbi lo uzakuchithwa kwaye isigqibo esi sinokujongiswa liQumrhu liphela ukuba umkhalazi ufuna njalo;
- (b) ukuba umkhalazi akaceli ukuba iQumrhu liphela liphinde lijongisise umcimbi, ilungu leQumrhu lizakubhala oku kuchithwa kwalo mcimbi kwifayile uze umcimbi uvalwe.
- (16)(a) Naliphi ilungu kwabandanyekayo kumcimbi ophethe kwisivumelwano ngolamlo elithi elinye ilungu elibandanyekayo alisigcinanga isivumelwano, lingafuna ukukhululeka ngokuxela oku kulowo owaye eqhuba ulamlo;
- (b) ekufumaneni ingxelo yolophulo lwesivumelwano, umlamli uzakubuzisa ngomntu lo ekuthiwa wophule isivumelwano eso. Umlamli uzakuzama ukuba asombulule lo mcimbi ngendlela enganyanzelisiyo;
- (c) Ukuba amaqela kwingxabano ayavuma, umlamli angaqhuba olunye ulamlo ukusombulula ingxabano malunga nokugcina isivumelwano solamlo; kwakunye
- (d) ukuba ingxabano ngokugcina isivumelwano solamlo asikwazi ukusombululeka ngendlela engabopheleliyo okanye ngolamlo



olungaphezulu, umlamli uzakuyidlulisela kwiQumrhu ngeenjongo zokufumanisa ukuba unyanzeliso lungathatyathwa ngokomthetho 11.

**Isigqibo senkundla esimileyo**

9 Siphantsi kwemithetho emalunga nesigqibo senkundla esimiyoy

- (1) Iqumrhu lingakhetha, ngemvume ebhaliweyo yababandanyekayo, okanye linyule umphathi nkundla yesigqibo esimiyoy kumalungu alo okanye phantsi kwecandelo 6(9) yoMthetho, ngeenjongo yokumisela isigqibo esimiyoy, kuxhomekeke kwimimiselo ekuvunyelenwe ngayo ngababandanyekayo.
- (2) Ukufumanisa ukuba kukhethwe okanye kunyulwe umphathi nkundla, iQumrhu liza kujonga ubume bombuzo womthetho kwakunye namanqaku avelileyo kwingxabano, ubunzima bengxabano kwakunye nomdla woluntu ngaphandle.
- (3) Ukuze kufumaniseke ingxabano ngokulinganayo nangokukhawuleza, kwakunye nokumelana neziphumo zengxabano, iintlangano zalenkundla kufuneka zibanjwe kwakamsinyane emva kokungena kwisivumelwano sokufuna isigqibo esimiyoy senkundla ngamaqela onke abandanyekayo njengoko kuvela kwiPhepha RB5.
- (4) Ilungu leQumrhu okanye onyuliweyo ukuqhuba lenkqubo yesigqibo esimiyoy anga -
  - (a) angafuna nawuphi obandanyekayo kwesisigqibo sifunwayo, kuxhomekeke kwizibophelelo zomthetho, ukuba afumanise amaphepha omthetho ngendlela yeaffidavit okanye ngokuphendula imibuzo phantsi kwesifungo kwaye aveze lamaphepha ukuba ahlolwe;
  - (b) afune ababandanyekayo ukuba bazise izicelo nezibhambathiso zobunini kwakunye nabameli okanye afune nawuphi obandanyekayo ukuba anike iinkcukacha zako oko akufunayo, avumele nawuphi obandanyekayo ukuba aguqule izicelo okanye izibhambathiso zobunini okanye zoko akufunayo okanye abameli;
  - (c) afune nawuphi obandanyekayo kwesisigqibo ukuba avume ukuhlolwa kwempahla okanye koko okukokwakhe okunxulumene nengxabano le, okanye okuphantsi kolawulo lwakhe; kwaye
  - (d) ngaphandle kokuba isivumelwano sokufumanisa isigqibo esimileyo senkundla siyavuma -

- (i) amaxesha ngamaxesha afumanise ixesha nanini, kwakunye nendawo apho esisigqibo senkundla esimiyo sizakuqhubeka khona
  - (ii) afakele izifungo zabo babandanyekayo kwakunye namangqina abo azakunika ubungqina kwifomu emiselweyo
  - (iii) ahlole bonke abazakuthabatha inxaxheba malunga nengxabano leyo, kuxhomekeke kwizibophelelo zomthetho kwaye afune ukuba baveze phambi kweQumrhu zonke iincwadi, amaphepha, okanye izinto ezikubo okanye amandla afunekayo okanye abiziweyo, novuliso lwayo olunokunyanzeliswa kwityala ;
  - (iv) kuxhomekeke kwizibophelelo zomthetho, ahlole nawuphi na umntu othe wanyanzeliswa ukuba anike ubungqina okanye aveze incwadi, iphepha, okanye nantonina lomntu ekuthiwe makayiveze;
  - (v) ngokuvuma kwabao ababandanyekayo okanye ngesinyanzeliso senkundla, afumane ubungqina obufunyanwe ngeaffidavit; kwaye
  - (vi) ahlole naziphina iimpahla okanye umhlaba okany izinto eziyinxalenye nengxabano.
- (5) Ukuba umthabathi sigqibo esimiyo ufumanisa ukuba ubungqina bamangqina okanye ukuvezwa kweencwadi okanye amaphepha kubalulekile kwiziphumo esilungileyo salomcimbi kwaye obubungqina okanye ezincwadi okanye lamaphepha konke oku kungafumaneki ngendlela yokuzinikela, umthabathi sigqibo esimiyo angacela iQumrhu ukuba akwazi ukukhupha isinyanzelisi esiphantsi kwezimiselo zecandelo 6(e) kwakunye no (f) zoMthetho apho -
- (a) Iqumrhu ngokubona kwalo lingasivuma isicelo likhuphe isinyanzeliso;
  - (b) phambi kokukhutshwa kwesinyanzelisi, kuya kufakwa kwifayile inkcukacha malunga nokuzama okwenziweyo ukufumanisa iincwadi, amaphepha, okany ulwazi; kwakunye
  - (c) isinyanzelisi siza kuba kwifomu emiselweyo
- (6) Ukuba amaqela abandanyekayo ayavuma, umthathi sigqibo angayimisa lenkqubo yokufumanisa isigqibo esimiyo azame ukusombulula ingxabano ngolamlo.

- (7) Phakathi kweentsuku ezilishumi elinesine (14) zomsebenzi emva kokuphethwa kwale nkqubo yokufumanisa isigqibo esimiyo, umkhuphi siegqibo esimiyo kufuneka -
- (a) akhuphe iphepha elibonisa ukuphethwa kwalenkqubo inezizathu zokuthabatha kwakhe isigqibo esimiyo, kwaye ashicelele ngokubhala,
  - (b) anikeze iphepha elifana neli elingentla kubo bonke ababandanyekayo kwingxabano ngokokumiselweyo, kwaye
  - (c) anikeze iphepha elingentla elililo kwiQumrhu.
- (8) Ngokuhle okubonisiweyo, iQumrhu lingongeza ixesha iziphumo nezizathu ezinokungeniswa ngalo.
- (9) Umwisi sigqibo anganikeza isigqibo -
- (a) ngoko Mthetho nemigaqo emiselweyo ngokwezenziwa ezingalunganga;
  - (b) ngoko mthetho wentlalo kangangokuba nawuphi na umcimbi awuchazwa nga kwimigaqo;
  - (c) imimiselo yovumelwano lwentlawulo yemali yokuhlala engabangi isenziwa esingalunganga; kwakunye
  - (d) nemfuneko yokusombulula imicimbi ngendlela ebonakalayo nelinganayo.

#### **Amandla Nosebenza Kwabahloli NabaCebisi**

10(1) Abahloli banalemisebenzi -

- (a) ukuhlola rhoqo izakhiwo kwaye bafake iingxelo ezibhaliweyo xa becelwe ukuba benze njalo liQumrhu nabasebenzi ;
- (b) baphande bafumanise abanini zindawo ngolwazi oluphuma kuMbhalisi Wemihlaba
- (c) babambe iintlanganiso kunye nabakhalazi nabaphenduli babhale phantsi lonke ulwazi olufumanekileyo;
- (d) bafumanise intetho eziphantsi kwezifungo kwabo baneengxabanokwkunye nababandanyekayo;

- (e) banike ubungqina phambi kweQumrhu xa becelwe njalo;
- (f) bafumane bajonge iikopi zeencwadi okanye amaphepha afunekayo anokubaluncedo kwityala eli;
- (g) baxhulumane nebhunga lalapho ukufumanisa imali esemva kwirhafu nezinye iintlawulo malunga nezindlu;
- (h) baphande ubumi bomthetho babahlali xa kuthiwa kukhona abangahlalanga ngemvume;
- (i) bahambise izazisi namanye amaphepha kwabo babandanyekayo kwingxabano;
- (j) bafumanise iikopi zeerisithi ngokwendawo zokuhlala ekuyinjongo yesikhalazo;
- (k) bafumanise kwiOfisi yaPhathi Nabahlali Bendawo Zokuhlala esemthethweni iingxelo malunga nemibuzo nezikhalazo ezifunyenwe phantsi kwecandelo 6(b) loMthetho;
- (l) anike ulwazi aveze nengxelo okanye amaphepha malunga nokuhlolwa okwenziweyo okunokubane ntsingiselo kwisikhalazo;
- (m) banike izinyanzeliso nakubani ngokubanika ikopi ekuyiyo emnika esandleni okanye apho engenakufumaneka khona lomntu ngokunikezelwa esandleni kwale kopi kumntu oneminyaka engaphezulu kwe 16 ohlala okanye esebenza kuloo ndawo umnini phepha elo asebenza khona, okanye apho ahlala khona ogama lakhe libhaliweyo mntu lowo ngokokubona kweQumrhu angakwazi ukunika ulwazi malunga nesikhalazo, ukuba avele phambi kweQumrhu njengokubhalwe kwicandelo 6(c) loMthetho, kwaye aveze incwadi okanye iphepha njengokufunwa liQumrhu;
- (n) banceda Abacebisi ukufumanisa kuphando lokuqala ukuze banike ingxelo epheleleyo yolwazi olufumanekileyo ngokuhlola nokuphanda;
- (o) banike izicelo kuMantyi ukuze atshutshise xa anikwe umyalelo liqumrhu wokwenza njalo;
- (p) bahambise iziphakamiso zeQumrhu kwabo babandanyekayo abazakuthatyathelwa amanyathelo ngokwenza izinto ezinxamnye nomthetho wezenziwa ezingalunganga; kwakunye

(q) benze nayiphi na into ephantsi kwemicimbi yemisebenzi yabo emiselwe eMthethweni okanye liQumrhu.

(2) Abacebisi bona benza le misebenzi

(a) bafumana izikhalazo ezibhaliweyo, bavule ifayile, baze bafake zonke iinkcukacha kwiinkqubo zekhompnyutha

(b) bajongisisa izikhalazo baze ba jonge amatyala ngokomhlaba omiselweyo weQumrhu baze babhalele abakhalazi ngoko

(c) bazama ukufunisa kuqala baze bazame ukusombulula iingxabano ngokufutshane;

(d) bagcina imigangatho yemicimbi kwiinkqubo zekhompnyutha

(e) badlulisele imicimbi kumalungu eQumrhu ukuze isonjululwe;

(f) bafuna benze imiyalelo yamalungu eQumrhu balungise namaphepha afunwa liQumrhu

(g) bamisela ulamlo, neentlanganiso zesigqibo esimiyo bachazele nababandanyekayo ngendawo, usuku, nexesha apho kuyakuqhutyelwa khona ityala ngokubhaliweyo; kwaye

(h) babhale phantsi okuqhubekayo kulamlo nakwinkqubo yesigqibo esimileyo.

### Unyanzeliso

11(1) Iqumrhu okanye obandanyekayo angafuna unyanzeliso lweSigqibo esimiyo phantsi kwezibonelelo ze Arbitration Act, 1965 (Act No. 42 of 1965) kwakunye nolamlo okanye ekuswelekeni kwesivumelwano, unyanzeliso lwemithetho yenziwa ezingalunganga ngaphantsi kwecandelo 12(2) yoMthetho kwinkundla yomthetho

(2) Ukuba umntu ekuthiwa wenze isenzo esingalungangaakaphenduli kwimibuzo ngabasebenzi beQumrhu xa isikhalazo siqala ukufakwa okanye ukuba lomntu akafuni kuthabatha inxaxheba kwinzame yokusombulula umcimbi lowo akukhathaliseke nokuba yindlela emfutshane, lulamlo, isigqibo esimiyo, okanye nakanjani, iQumrhu lingaqhubeka lifumanise ukuba ingaba kukho ulophulo lwemithetho echaza izenziwa ezingalunganga.

- (3) Phambi konyanzeliso iQumrhu lingajongisisa isikhalazo okanye isivumelwano solamlo kwakunye nezinye isinto kwakunye nolunye ulwazi olunxulumene noku ukufumanisa ukuba umcimbi ulungele utshutshiso. Ukuba iQumrhu libona kufuneka ulwazi olunye lingawunikela lomcimbi ukuba uphandwe kwakhona ngaphantsi kwemigaqo 6 kwaye/okanye bakhuphe isinyanzelisi ngaphantsi kwecandelo 6(e) kwano (f) yoMthetho kwaye/okanye baphathe isifungo kwifomu emiselweyo efumaneka kwiPhepha RB3 ngenjongo zokufumanisa ubungqina phambi kweQumrhu ngaphantsi kwecandelo 6(g) yoMthetho.
- (4) Ukulandela ukujongwa kwesikhalazo kwisivumelwano solamlo kwakunye neyiphi na enye into emalunga noku, kuquka nolwazi olufumaneke kuphando olongezelweyo, iQumrhu lizakulungisa isigqibo laso ngokubhaliweyo ngokutshutshiswa komcimbi lo, eyenza ukuba kungaba khona amanyathelo omthetho nangaphezulu
- (5) Ukuba isigqibo sesokuba kuqhutyekwe notshutshiso, imbono ebhaliweyo izakuthunyelwa kwilungu elibandanyekayo elithatyathelwa amanyathelo lixelelwa ukuba iQumrhu lifuna ukutshutshisa linika ilungu eli ithuba ngomhla othile ukuba livele phambi kweQumrhu linike ubungqina okanye liphike malunga nomcimbi.
- (6) Ukuba ilungu eli likhetha ukuvela phambi kwequmrhu kuzakuba nokuviwa ukufumanisa ukuba iQumrhu lizakuthabatha manyathelo maphi malunga nesigqibo sokutshutshisa apho -
- (a) umkhalazi nommangalelwa banganika ubungqina phantsi kwesifungo phantsi kwecandelo 6(g) yoMthetho;
  - (b) iQumrhu, lithabatha amanyathelo ngokwalo okanye ngokucelwa ngumkhalazi okanye ummangalelwa, lingakhupha isinyanzelisi phantsi kwecandelo 6(e) no(f) yoMthetho ukufumanisa ubungqina ; kwaye
  - (c) kulandela uviwo, iQumrhu lizakukhupha isigqibo esibhaliweyo esichaza inyathelo lalo malunga ngezomthetho.
- (7) Ukuba iQumrhu ligqiba ekutshutshiseni, lizakuxelela umsebenzi walo ukuba linikele lo mcimbi kumandla angawo atshutshisayo.

### **Ukunikela Ngamandla**

- 12(1) Amandla eQumrhu ngaphantsi kwecandelo 6(e), (f), no (g) no 9(4)(a) no(b) oMthetho anikezelwa kumalungu ewodwa eQumrhu, ngaphandle kwezimeko ezilandelayo -

- (a) akukho lungu leQumrhu elizakusebenza limele iQumrhu nakuwuphi umcimbi apho elilungu leQumrhu linomdla, ngokuchazwe kwicandelo 5(9) loMthetho, okanye apho kubonakala kakuhle ukuba kusenokuba khona ukubethabethana kweemfuno;
  - (b) zonke izigqibo zamalungu eQumrhu ezisebenzela esebenzisa amandla abawanikwe liQumrhu zizakuphinda zijongisiswe liQumrhu ngokucelwa ngomnye wababandanyekayo okanye naliliphi ilungu leQumrhu; kwaye
  - (c) kwimeko eyodwa umhlalingaphambili weQumrhu angafumanisa ukuba amandla eQumrhu awazukunikezelwa kwilungu lithile okanye amandla lawo ukuba ebesele enikezelwe angarhoxiswa
- (2) Iqumrhu ngokunikezela amandla alo ngaphantsi komthetho ongaphantsi (1) aliphuncukwanga ngamandla alo, kwaye alilahlekelwanga ngumsebenzi walo ebenokwenzeka liwunikeze omnye.

**Intloko Emfutshane nesiQalo**

13(1) Le mithetho ibizwa ngokuthi Yimithetho Yamanyathelo EQumrhu Yokusombulula Ingxabano Yomhlali Nompothi-Ndawo, 1998.

RB1

**IFOMU YOKUKHALAZA KOMPHATHI-NDAWO NOMHLALI YEQUMRHU  
LEZOSOMBULULO LWENGXAKI**

**YEYOKUSETYENZISWA NGOKWASEMTHETHWENI**

**INOMBOLO YESIKHALAZO:**

**A. IINKCUKACHA NGOMKHALAZI**

IFANI:

AMAGAMA:

IGAMA LOMBUTHO:

INOMBOLO YESAZISI:

IDILESI YOMSEBENZIYA/SEKHAYA:

IDILESI YEPOSI:

INOMBOLO YOMNXEBA YASEMSEBENZINI:

INOMBOLO YOMNXEBA YASEKHAYA:

INOMBOLO YEFAX:

**B. IINKCUKACHA NGENDAWO YOKUHLALA**

INANI LEZINDLWANA KWISAKHIWO (UKUBA LIKHONA):

INANI LABANTU ABAHLALA KWINDAWO LEYO:

INDAWO APHO IKHOYO LENDAWO YOKUHLALA:

**C. IINKCUKACHA ZAMALUNGU EKOMITI YABAHLALI/ABAPHATHI-NDAWO**

IGAMA:

INOMBOLO YOMNXEBA:

INOMBOLO YENDAWO OHLALA KUYO:

IGAMA:

INOMBOLO YOMNXEBA:

INOMBOLO YENDAWO OHLALA KUYO:

IGAMA:

INOMBOLO YOMNXEBA:

INOMBOLO YENDAWO OHLALA KUYO:

IGAMA:

INOMBOLO YOMNXEBA:

INOMBOLO YENDAWO OHLALA KUYO:

IGAMA:

INOMBOLO YOMNXEBA:

INOMBOLO YENDAWO OHLALA KUYO:



**D. IGAMA LOMHLALI/MPHATHI-NDAWO/LOMBUTHO OMANGALELWEYO NGESIKHALAZO**  
**IGAMA:**

INOMBOLO YOMNXEBA:
INOMBOLO YEFAX:
IDILESI EMIYO YENDAWO YOKUHLALA:
IDILESI YEPOSI (UKUBA YAHLUKILE):

**E ULWAZI OLONGEZELWEYO**

<b>IGAMA LOMGCINI-NDAWO:</b> INOMBOLO YOMNXEBA: INOMBOLO YEFAX:
<b>IGAMA LOMNINI WESAKHIWO:</b> INOMBOLO YOMNXEBA: INOMBOLO YEFAX: IDILESI EMIYO YENDAWO YOKUHLALA:
IDILESI YEPOSI:
<b>IGAMA LOMMELI OPHETHEYO:</b> INOMBOLO YOMNXEBA: INOMBOLO YEFAX:
<b>IGAMA LOMBAMBI WOBUNINI-NDAWO:</b> INOMBOLO YOMNXEBA: INOMBOLO YEFAX:

**F UMNTU/UMBUTHO OTHUMELE ISIKHALAZI**

IGAMA:
INOMBOLO YOMNXEBA:
INOMBOLO YEFAX:
INOMBOLO YESIKHALAZO:

**G ULUHLU LWEZIKHALAZO**

1.
2.
3.
4.

**H UBUME BEZEMALI BESAKHIWO ESO**

IMALI ESISEMVA NGAYO KUHLAWULELO LWEZOMBANI IYONKE R

IMALI ESISEMVA NGAYO KUHLAWULELO LWEZAMANZI IYONKE R

IMALI ENGEKAHLAWULWA YEZERHAFU NONCEDO OLUNIKWA NGURHULUMENTE WENDAWO  
LEYO R

IMALI ENGEKAHLAWULWA KUMMELI OPHETHEYO IYONKE R

**I INGABA KUKHE KWAFAKWA ISICELO NGAPHAMBILI NGESAKHIWO ESI NA**EWE HAYI 

IGAMA LOMKHALAZI: \_\_\_\_\_

ISIGXINISISO SEGAMA: \_\_\_\_\_

UMHLA: \_\_\_\_\_

**NGOKUSETYENZISWA NGOKUSEMTHETHWENI**

IGAMA LELUNGU LABASEBENZI: \_\_\_\_\_

ISIGXINISISO SEGAMA: \_\_\_\_\_

UMHLA WOKWAMKELWA KWESIKHALAZO: \_\_\_\_\_

RB2

**ISINYANZELISO SEQUMRHU LEZOSOMBULULO LWENGXAKI PHAKATHI  
KOMPHATHI-NDAWO KUNYE NOMHLALI**

**NGOKUSETYENZISWA NGOKWASEMTHETHWENI**

**INOMBOLO YESIMANGALO/YEFAYILE: LT**

**EBANJELWE E:**

\*Kumcimbi phakathi :

..... Umkhalazi

kunye

..... Nomphenduli

TO:

IGAMA: \_\_\_\_\_

UBUNI

AGE

ADDRESS:

UBUDALA

.....

Uyacelwa ukuba uvele ngobuntu buqu okanye njengommeli/mphathi/ilungu.....kunye/okanye njenge  
.....e .....

\*Kwisikhalazo esitshiwo ngentla ngenjongo yophando, yoviwo, yolamlo, yesigqibo senkundla esimiyo okanye isinyanzelo kwaye/okanye ubonise naliphi iphepha okanye incwadi ephantsi kwaye ilawulwa okanye uze ubonise kuviwo olo/kwintlanganiso, iincwadi eziliqela, amaphepha okanye iincwadana ezitshiwo kuluhlu olungaphantsi apha:

E : ..... NGALOMHLA WE .....KA .....

**ILUNGULEQUMRHU/UNOBHALA**

**ULUHLU LWEENCWADI, AMAPHEPHA, OKANYE IINCWADANA EKUFUNEKA ZIBONISIWE**

UMHLA	INKCAZELO	IKOPI EKUYIYO EYOKUQALA

**QAPHELA:**

1. Kukwaphula umthetho ngokweCandelo 12 loMthetho ka-1997 woMphathi-ndawo noMhlali kwiNdawo yokuHlala kwakunye nemiGaqo emiselwe phantsi komthetho lowo ukungaphumezi esiSinyanzeliso.
2. Ukuba ufunyenwe unetyala ungabaphantsi kokuhlawula okanye uye entilongweni, kungedluli iminyaka emithathu okanye kuzo zombini uhlawulo nentilongo

**\* Cima amagama angafuneki**

**NGOKUSETYENZISWA NGOKWASEMTHETHWENI**

Mna, ogxininisa igama ngaphantsi apha ndiqinisekisa ukuba ndithumele esisinyanzeliso kulo mmtu obiziwe ngaphakathi apha umntu ngendlela -

**\*(a) nikizelo esandleni ikopi ekuyiyo enyanisekileyo kuye ngokwam**

**\*(b) nikezelo esandleni njengoko yena ebengafumaneki, ikopi ekuyiyo enyanisekileyo, ku.....  
ongumntu othi ungaphezulu kweminyaka eyi-16 kwaye othi uhlala okanye usebenza kwindawo yokuhlala/yomsebenzi/ yeshishini ka.....**

e .....

Uhlobo, ubaluleko, neziphumo zesinyanzelisi zichaziwe kulowo owamkela isinyanzeliso esi.

Ixesha:.....Umhla.....Inyanga.....19.....  
Indawo:.....

Isigxininiso segama somamkeli: ..... Isigxininiso segama somnikeli:.....

Igama elipheleleyo:..... Igama elipheleleyo:.....

Njengo.....

**\* Cima oko kungafanelekanga**

RB3

**ISIFUNGO/ISIQINISEKISO KWIQUMRHU LEZOSOMBULULO LWENGXAKI  
ZOMPHATHI NDAWO NOMHLALI KWINDAWO YOKUHLA**

Mna, \_\_\_\_\_ ogxininise igama  
ngaphantsi ndiyaqinisekisa phantsi kwesifungo/ilizwe  
ukuba \_\_\_\_\_

Ngolwazi lwam olupheleleyo nokuqinisekisa, oko kutshiwo ngentla kuyinyani, kubophelela,  
kuphelele kulungile.

ISIGXININISO SEGAMA SOMQINISEKISI: \_\_\_\_\_

Ndiyaqinisekisa ukuba, phambi kokuphathwa kwesifungo/isiqinisekiso, ukuba ndimbuzile  
umqinisekisi lemibuzo ingezantsi kwaye ndabhala phantsi iimpendulo zakhe ekhona:

Uyakwazi ukuqonda okuqulathwe sesisibhambathiso na?

Impendulo: \_\_\_\_\_

Unento ekwalisayo ukuthabatha isifungo esimiselweyo?

Impendulo: \_\_\_\_\_

Ucinga isifungo esimiselweyo siyakubophelela na kuluvo lwakho?

Impendulo: \_\_\_\_\_

Ndiya qinisekisa ukuba umqinisekisi uvumile ukuba uyakwazi ekuqonda okuqulathwe  
sesisibhambathiso. Umqinisekisi utsho lamazwi alandelayo: Ndiyafunga ukuba okuqulathwe  
sesisibhambathiso kuyinyani, ndincede Thixo. / Ndiyavuma ngenyani ukuba okuqulathwe  
sesisibhambathiso kuyinyani Isigxininisi gama/isiqinisekiso somqinisekisi sifakwa ndikhona  
ubuqu.

**UMPHATHI WEZIFUNGO**

**IGAMA ELIPHELELEYO**

**Indawo (ISIGABA) nendawo omiselwe kuyo**

IDILESI YANGOKU: \_\_\_\_\_

UMHLA: \_\_\_\_\_

INDAWO: \_\_\_\_\_

\* Cima okungafunekiyo

RB4

**ISIVUMELWANO SOKULAMLA ENDAWENI YEQUMRHU LEZOSOMBULULO  
LWENGXAKI ZOMPHATHI-NDAWO NOMHLALI**

Mna/Thina: \_\_\_\_\_ sihlala  
e \_\_\_\_\_ apha siyavuma ukulamla phakathi  
Kwam/Thina kwakunye no Mphathi-ndawo/Umhlali malunga nesikhalazo  
esifakwe kwiQumrhu Lezosombululo Lwengxaki yoMphathi-ndawo noMhlali.

Kugxininiswe e: \_\_\_\_\_ ngalomhla we  
\_\_\_\_\_ ka \_\_\_\_\_ 19 \_\_\_\_\_.

ISIGXININISO GAMA: \_\_\_\_\_

IGAMA: \_\_\_\_\_  
(NCEDA BHALA)

INGQINA 1: \_\_\_\_\_

INGQINA 2: \_\_\_\_\_

RB5

**ISIVUMELWANO SOKUFUMANA ISIGQIBO ESIMI EYO SENKUNDLA  
ENDAWENI YEQUMRHU LEZOKUSOMBULULA IINGXABANO PHAKATHI  
KOMPHATHI-NDAWO KUNYE NOMHLALI**

Mna/Thina \_\_\_\_\_ endi/esi hlala e \_\_\_\_\_  
\_\_\_\_\_ ndi/si yavuma ekuthabatheni isigqibo esimiyo  
senkundla esiphakathi Kwam/Kwethu kwakunye noMphathi-ndawo/Mhlali  
kwimeko yesikhalazo esingeniswe kwiQumrhu Lezokusombulula Ingxabano  
Yomphathi-ndawo kunye noMhlali.

Siphawulwe e : \_\_\_\_\_ ngalo mhla \_\_\_\_\_ ka  
\_\_\_\_\_ 19 \_\_\_\_\_.

ISIPHAWULI : \_\_\_\_\_ IGAMA : \_\_\_\_\_  
(NCEDA UCACISE)

INGQINA 1 : \_\_\_\_\_

INGQINA 2 : \_\_\_\_\_

RB6

**ISIQINISEKISO KUMANTYI MALUNGA NECANDELO 9 (8) EFUNDWE  
NECANDELO 4 (b) LOMTHETHO WE 3 KA 1997 WOMPHATHI-NDAWO  
NOMHLALI KWINDAWO YOKUHLALA**

UMANTYI  
INKUNDLA YOMTHETHO  
INKUNDLA KAMANTYI

Mnumzana,

Re: ISIQINISEKISO KUMANTYI MALUNGA NECANDELO 9 (8) EFUNDWE  
NECANDELO 4 (b) LOMTHETHO WE 3 KA 1997 WOMPHATHI-NDAWO  
NOMHLALI KWINDAWO YOKUHLALA KWIPHONDO LE GAUTENG.

KUMCIMBI OPHAKATHI KO :

NO

UMKHALAZI

UMPHENDULI

Isikhalazo sifakiwe kwiQumrhu leeNgxabano zabaPhathi-ndawo nabaHlali emiselwe ngokusemthethweni otshiwo ngentla apha nguMkhalazi otshiwo ngaphambili, ..... esibhekise ku.....

Isikhalazo sibonisa isenziwa esingalunganga njengokuchazwe kuMthetho nemiGaqo engaphantsi koko ukuthi isikhalazo sibhekisa ku

Intlanganisano yolamlo ibibiziwe ngo..... kodwa ayizange iqhubeke njengoko lowo obiziwe ngaphambili uMphathi-ndawo/uMhlali engazange abonakale entlanganisweni.

Ngako oko akukho manyathelo omthetho anokuthatyathwa kulomcimbi ngulo otshiwo ngentla ..... ku.....

Owakho othembekileyo

**UMHLALI NGAPHAMBILI:  
IQUMRHU LEZOSOMBULULO LWEENGXAKI ZOMPETHI-NDAWO NOMHLALI**



## ISAZISO 1603 KA 1999

**UMNYANGO WEZEZINDLU NEZINDABA ZEMIHLABA****UMTHETHO WABANIKAZI BEZINDAWO ZOKUHLALA NABAQASHI, KA-1997 (ACT NO. 3 OF 1997)****IMITHETHO YENQUBO YEBHODI EKUXAZULULWENI KOMBANGO PHAKATHI KOMNINI-NDAWO NOMQASHI, KA-1998**

Mina, u-Dan Mofokeng, iLungu loMkhandu oLawulayo, olawula izindaba eziphathelene nezezindlu kwi-provinsi yaseGauteng, ngaphansi kwesigaba 13 soMthetho Wabanikazi Bezindawo naBaqashi ka-1997, (Act No. 3 of 1997), ngibumba lemitheshwana equkethwe kule-sheduli.

Zikhishwa ngokwemvume yami eJohannesburg izinsuku ziyi 2 ku Matshi kunyaka weNkulungwane eyodwa naMakhulu ayiSishagalolunye naMashumi ayiSishagalolunye neSishagalolunye

**D MOFOKENG****MEC: WEZEZINDLU NEZEMIHLABA****I-SHEDULI****Izincazelo**

- 1 Kulemitheshwana, noma yimuphi umusho ochazwe kuMthetho unencazelo efanayo, ngaphandle-ke uma indikimba yodaba isho enye incazelo: -

**“ukwahlulela”** kusho inqubo lapho ilunga leBhodi, noma umuntu oqokwe yiBhodi, esiza khona amaqembu athile ukuba axazulule inkinga noma umbango wawo, bese ekhipha isinqumo, esizoba ngumnqamula-juqu, futhi esizoba yisibopho kulawo maqembu;

**"ummangali"** ngumuntu ofaka isikhalo eBhodini, futhi naleso sikhalo siwele ezindabeni ezenganyelwe nezilawulwa yiBhodi;

**"ukulamula"** kusho inkambiso engaphoqiwe, lapho ilunga leBhodi, noma umuntu oqokwe yiBhodi, esiza amaqembu anombango ukuba axazulule ingxabano yawo, kodwa-ke lona akakhiphi sinqumo esizoba yisibopho kula maqembu;

**"iqembu"** kusho muntu oyingxenye yalolo daba okulanyulwa kulo, okwehlulelwa kulo, noma olundingidwayo ngenhloso yokuthola isixazululo noma ngayiphi indlela ehlinzekwe yiBhodi;

**"ummangalelwa"** yilowo muntu omangalelwe ngothile eBhodini; bese kuthi

**"imithetho eqaphe inqubo engalungile"** kusho imitheshwana eqaphe ukungahambisi ngendlela efanele, ehlinzekiwe ngaphansi kwesigaba 9 soMthetho..

#### **Ukufakwa kwezikhalo**

- 2(1) Umnini wendawo noma umqashi, noma iqembu labanini-zindawo noma labaqashi, banelungelo lokufaka isikhalo eBhodini mayelana nendawo yokuhlala okwakuvunyelanwe noma okuvunyelanwe ngayo phakathi kwamaqembu, ngokubhala isikhalo lesa efomini elivela ku- Schedule RB1.
- (2) Izikhalo kufanele zithunyelwe -
  - (a) ngeposi;
  - (b) e-Landlord Tenant Information Office esesifundeni esilawulwa ngabaphathi bendawo lapho lesa sakhiwo sikhona; noma
  - (c) ehhovisi leBhodi.

#### **Amandla okwehlulela**

- 3(1) Isikhalo sizothathwa njengesinelungelo lokwehlulelwa yiBhodi - -
  - (a) uma siphathelene nendawo noma isakhiwo sokuhlala; futhi
  - (b) uma isikhalo sivela esifundeni saseGauteng.
- (2) Uma iBhodi ingenalo igunya lokucubungula lesa sikhalo, ummangali kufanele -

- (a) Aziswe ngencwadi zingakedluli izinsuku ezingamashumi amathathu (30) ukuthi iBhodi ayikwazi ukumsiza ngesikhalo sakhe;
- (b) Acesthiswe ukuthi unelungelo lokuthi afake isicelo, zingakapheli izinsuku ezingamashumi amathathu (30) ewutholile lowo mbiko, sokuba iBhodi ephelele ibuye ilucubungule udaba lwesinqumo sayo mayelana namandla ayo okuthatha izinyathelo; bese kuthi
- (c) Uma indlela ikhona, ummangali elulekwe ngendawo angaya kuyo zingakapheli izinsuku ezingamashumi amathathu (30).

### Ukuphenya

4(1) Kufanele kuthathwe lezi zinyathelo ezilandelayo nganoma yisiphi isikhalo esethuliwe esiwela ngaphansi kolawulo lweBhodi -

- (a) kufanele kuvulwe ifayili, bese lesi sikhalo sinikezwe inombolo;
- (b) ummangali kufanele athunyelwe incwadi eshoyo ukuthi sifikile isikhalo sakhe, enaleyo nombolo yesikhalo;
- (c) ummangali kufanele athintwe ukuze kutholakale olunye ulwazi oludingekayo lokwenza incazelo ephelele yalolo daba;
- (d) kufanele kuthathwe isitatimente mayelana nalezi sikhalo kulowo okuthiwa uqhube ngenkambiso engalungile ;
- (e) isikhalo kufanele sihlolwe ngokubheka lonke ulwazi olutholakele; bese kuthi
- (f) uma kudingeka, umhloli kufanele abhale umbiko osemthethweni, ngemuva kokuhlola leyo ndawo okufakwe ngayo isikhalo.

### Imizamo yokuqala yokuxazulula imibango

5(1) Uma onke amaqembu athintekile embangweni ezimisele ukuzama isixazululo esingesona esomthetho, lolo daba kufanele lunikwe isisebenzi esithile esizozama ukulamula umbango ngomoya wobungani .

(2) Noma yisiphi isikhalo esiphathelene nodaba olunelungelo lokudingidwa yiBhodi, futhi olungakwazanga ukuxazululwa ngendlela engeyona yomthetho, kufanele sinikwe ilunga leBhodi ngenhloso yokulufakela

izipopolo ngaphansi kwesigaba 9(4) soMthetho ukuhlola ukuthi kungavuma yini ukuba sisheshe sedluliswe.

- (3) Ilunga leBhodi kufanele libhekisise ukuthi ngabe -
- (a) Isikhalo siyangena yini ngaphansi kwenqubo engalungile, ukwepfulwa komthetho wobuntu, noma ukwepfulwa kwesivumelwano sokuqashiselana;
  - (b) Zikhona yini izaba ezingenziwa, uma ngempela isikhalo siyinqubo engalungile, ukuzama ukusombulula ingxaki, ngendlela yokulamula, ukwehlulela noma ngenye nje; futhi
  - (c) Uma kunombango ngamaqiniso athile, onke amaphuzu kufanele abhekwe ngokulingana.
- (4) Uma ilunga leBhodi libona ukuthi isikhalo asingeni ngaphansi kwenqubo engalungile, noma uma kungekho khambi elitholakalayo lokusiza, kufanele: -
- (a) lazise ummangali zingakadluli izinsuku ezingamashumi amathathu (30) ukuthi iBhodi ingeke ithathe zinyathelo;
  - (b) uma kwenzeka, linike ummangali indawo efanele angedlulela kuyo athole usizo;
  - (c) lazise ummangali ukuthi leso sinqumo sisengabuyekezwa yiBhodi ephelele, okungenzeka iBhodi ivumelane nesinqumo selunga layo, noma ibuyisele lolodaba edokethini yeBhodi, uma ummangali efaka isicelo saloko zingakapheli izinsuku ezingamashumi amathathu (30) azisiwe ngaloko.
  - (d) Uma ummangali engaceli ukuba iBhodi ephelele ibuyekeze isinqumo, ilunga lizobhala efayilini ukuthi udaba luphethiwe, bese sivalwa isikhalo.

### **Izikhalo ezingaxazululekanga ngomoya wobungani, nangokushesha**

- 6 Zonke izikhalo ezingaxazululekanga ngemizamo yokuqala yokulamula, zingabuye zihlolisiwe ukuze kubonwe ukuthi ngabe kusadingeka ziphenywe kabanzi na ngaphambi kokuba zethulwe kubehluleli noma kubalamuli. Uma kusadingeka olunye uphenyo -
- (a) Ilunga leBhodi lingazama ukuthola lonke ulwazi oludingekayo ngaphandle kwempopo, libhale efayilini yonke imizamo eliyenzayo yokuthola lolo lwazi;

- (b) uma lololwazi lungatholakali ngaphandle kwempoqo, ilunga leBhodi lingakhipha isamanisi (subpoena) ngefomu elenzelwe loko;
- (c) ilunga leBhodi elengamele uphenyo ngesikhalo linegunya lokuthumela isamanisi kunoma yimuphi umnini wendawo, umqashi noma omunye nje umuntu ongahle akwazi ukwethula ubufakazi mayelana nesikhalo ngokwemibandela yesigaba 6(e) no (f) soMthetho, uma lobobufakazi bungatholakali ngokwesivumelano somninindawo, umqashi noma omunye umuntu; futhi-ke
- (d) isamanisi (subpoena) lizoba sefomini elivelayo ku- Schedule RB2, futhi lizocacisa lolo lwazi oludingekayo, futhi lizosho usuku, isikhathi nendawo lapho lowomuntu kuzodingeka avele khona ukuzokwethula ulwazi, noma ethule amabhuku noma izincwadi ezithile.

### Ukumenyezelwa kombango

- 7(1) Uma isikhalo singazange sichithwe ngenxa yokuthi asiweli ngaphansi kwamandla eBhodi, uma singaxazululwanga ngokushesha, noma singaxazululekanga ngendlela engeyona yomthetho, kuzothi ngemuva kophenyo, uma lube khona, iBhodi izobe seyenza isinqumo esisemthethweni sokuthi ngempela ukhona umbango, bese yazisa amaqembu ngokuwabhalela izincwadi, mayelana nalesosinqumo, zingakadluli izinsuku ezingamashumi amathathu (30).
- (2) Uma sekuvunyelwene ngokuthi ukhona umbango, isisebenzi esikhethiwe sizobuza amaqembu ukuthi ngabe afisa ukuba umbango wawo uxazululwe ngendlela yokulamula noma yokwahlulela na. Uma amaqembu ekhetha ukwehlulelwa, udaba seluzokwedluliselwa eBhodini ephelele noma, kumalunga okungenani amathathu eBhodi, ukuze kukhethwe umahluleli. Uma umahluleli eseqokiwe, udaba seluzodingidwa ngokulandela imibandela yemithetho yokwehlulela.

### Ukulamula

- 8(1) Izikhalo esezenzelwe uphenyo lwaphethwa, ezingaxazululekanga ngokushesha, kufanele zethulwe kwilunga leBhodi ukuze lilamule. Uma lingekho ilunga leBhodi elingengamela ukulamula ngesikhathi, noma uma uSihlalo ebona ukuthi udaba kufanele lulanyulwe ngumuntu ongelona ilunga leBhodi, uzokhethwa loyomlamuli ngokulandela imibandela yesigaba 6(a) soMthetho.

- (2) Isigcawu sokulamula sizoqhubeka uma sekwenziwe isivumelwano sokulamula phakathi kwamaqembu athintekayo, njengoba simisiwe ku-SCHEDULE RB4.
- (3) Uhlelo lokulamula luzoqhutshwa ngalen dlela elandelayo: -
- (a) Umlamuli uzoludingida ngokucophelela udaba lobumfihlo baloludaba, namaqembu athintekayo kulo, ngaphambi kokuqala noma yikuphi ukulamula. Uma kukhona iqembu elicela ukuba udaba lolu lugcinwe luyimfihlo ngenkathi lusadingidwa noma ngemuva kwalokho, bese kuthi namanye amaqembu avume ukulanyulwa ngaphansi kwalemibandela, imigomo ecacile yesivumelwano sobumfihlo izokwenziwa ingxenye yesivumelwano sokulamula;
  - (b) Umlamuli uzowatshela zisuka nje amaqembu ukuthi yena uzoba ngumncedisi nje emzamweni wokuxazulula umbango phakathi wawo, nokuthi isinqumo okuzofinyelelwa kuso kuzoba yisinqumo samaqembu, hhayi esakhe;
  - (c) Umlamuli uzowazisa futhi amaqembu ukuthi uhlelo lokulamula luzoqhutshwa ngalendlela elandelayo: -
    - (i) lelo naleloqembu lizonikwa ithuba lokubeka enkundleni udaba lwalo;
    - (ii) kunoma yisiphi isigaba sokudingidwa kwaloludaba, lelo naleloqembu lizoba nelungelo lokumisa umhlangano, licele ukuyohleba lilodwa, kwelinye ikamelo noma ihhovisi;
    - (iii) uma leloqembu livuma, umlamuli angangena kuloyomhlangano wokuhleba waleloqembu anike izeluleko neziphakamiso; futhi-ke
    - (iv) uma leloqembu elisahleba livuma, umlamuli uzodlulisa noma yisiphi isiphakamiso, uvo noma inhloso evela kulomhlangano wokuhleba akuse kwelinye iqembu.
  - (d) umlamuli uzoqhuba uhlelo lokulamula kuleyomibango lapho ezokwazi khona ukungakhethi hlangothi emaphuzwini athinta onke amaqembu nasengqikithini yombango;
  - (e) umlamuli uzowabekela obala onke amaqembu onke amaphuzu azodala noma angahle adale ukungqubuzana kwemibono;

- (f) umlamuli ngeke aluqale uhlelo lokulamula ngaphandle uma amaqembu, ngemuva kokuchazelwa ngamaphuzu angahle noma azongqubuzana ngawo, enika imvume yawo, nalapho umlamuli enquma ukuthi ukushayisana kwemibono akubalulekile kangangoba kungahle kukhinyabeze isithunzi sohlelo lonke noma isithunzi sakhe, futhi
- (g) uma, noma ngasiphi isikhathi phakathi nohlelo, umlamuli ekholwa ukuthi kuneqembu elithile kulombango elingakwazi ukuqondisisa nokubamba iqhaza ngokugcwele exingxoxweni ngenxa yokuthikamezeka engqondweni, ukuthunazeka emoyeni, ukudakwa, ukungaluqondi kahle ulimi noma ezinye izizathu, umlamuli uzobeka indikima yezingxoxo esigabeni lapho kuzoba lula khona emaqenjini ukuba akwazi ukubamba iqhaza abe yingxenye ngokuphelele, noma-ke enze isiphakamiso sokuthi leloqembu linikwe ithuba lokuthola usizo oludingekayo ukuze likwazi ukuqhubeka nodaba, noma umlamuli aluqede uhlelo lokulamula.
- (4) Umlamuli kufanele azame, ngaphandle kokuphoqa, ukuthola bonke ubufakazi noma izincwadi ezithile abona ukuthi ziyadingeka, kuloyomuntu ongekho kuloluhlelo lokulamula, bese ebhala efayilini yonke imizamo yakhe yokuthola lololwazi.
- (5) Uma lobobufakazi noma layowmaphepha adingekayo engatholakali ngesihle, umlamuli uzokhipha isamanisi elisefomini elenzelwe loko ngokwemibandela yesigaba 6(e) no (f) soMthetho.
- (6) Ukukhishwa kwesamanisi kuzogunyazwa yilunga leBhodi elengamele ukulamula.
- (7) Uma uhlelo lokulamula lwenganyelwe ngumuntu ongesilona ilunga leBhodi isicelo sokukhishwa kwesamanisi kufanele sinikwe illunga leBhodi.
- (8) Uhlelo lokulamula kufanele luphethwe zingakadluli izinsuku ezingamashumi amathathu (30). Kodwa uma loko kungenzeki, uhlelo lungaqhutshwa isikhathi esevile ezinsukwini ezingamashumi amathathu (30) ngemvume yeBhodi.
- (9) Uma amaqembu ehluleka ukufika esivumelwaneni ngohlelo lokulamula, udaba seluzokwedluliselwa ekwehlulelweni.
- (10) Kodwa-ke, uma uhlelo lokulamula lwehluleka ngenxa yesenzo samabomu, esiyinhloso noma esingolunye uhlobo, noma isenzo sokufihla okuthile, okuthi lesosenzo sibe nomphumela wokuvimba, ukuthunaza

noma ukubhunts-hisa izingxoxo zokulamula, iBhodi, noma amalungu ayo, azokhipha isitifiketi esikhona ku-Schedule RB6 esibalula ukuthi iqembu elithile lingeke lise elinye enkantolo ngoba uhlelo lokulamula aluzange luqhutshwe.

- (11) Umbandela womtheshwana (10) nawo uzosetshenziswa uma iqembu elithile lehluleka, lenqaba noma lingakugqizi qakala ukuya emhlanganweni noma ohlelweni lokulamula.
- (12) Amaqembu akufanele aphoqwe nganoma iyiphi indlela ukuba afike esivumelwaneni. Uma uhlelo lokulamula luphetha ngesivumelwano, sizobhalwa phansi sisayinwe yiwo wonke amaqembu nangumlamuli, bese sibhalwa futhi efayilini. Ngaphambi kokucela amaqembu ukuba asayine, umlamuli kufanele aqiniseke ukuthi lelo nalelo qembu liyasiqondisisa isivumelwano, nokuthi iqembu lihambisana naso ngaphandle kwempoqo.
- (13) Uma uhlelo lokulamula lunngaphethi ngesivumelwano, umlamuli uzolungisa umbiko lapho ezobhala ngamafuphi bonke ubufakazi, bese enquma ukuthi ngabe ubufakazi buyakhombisa yini ukuthi yephuliwe imithetho eqaphe ukuqhuba ngendlela engalungile.
- (14) Uma umlamuli engelona ilunga leBhodi, loyombiko kufanele wethulwe elungeni leBhodi elizowubhekisisa bese linquma ukuthi ubufakazi buyakhombisa yini ukuthi yephuliwe imitheshwana eqaphe ukuqhuba ngendlela engalungile.
- (15)(a) Uma ilunga leBhodi eliqhuba uhlelo lokulamula linquma ukuthi akwepfulwanga mithetho eqaphe ukungqhubi ngendlela elungile, ummangali kufanele atshelwe ukuthi isikhalo sakhe sizochithwa, atshelwe futhi nokuthi lesosinqumo singacutshungulwa yiBhodi ephelele uma ummangali ecela.
- (b) uma ummangali engaceli ukuthi isikhalo sakhe sihloliswe yiBhodi ephelele, lelolungu leBhodi lizoqopha phansi ukuthi udaba luphethwe kanjani, bese luvalwa lonke udaba.
- (16)(a) Noma yiliphi iqembu elithintekile odabeni olwaxazululwa ngesivumelwano ohlelweni lokulamula, elikhononda ngokuthi elinye iqembu lehlulekile ukulandela isivumelwano esasayinwa, lingathola usizo ngokubikela loyowmuntu owayengamele ukulamula;
- (b) uma ethola umbiko othi kukhona ongasilandeli isivumelwano, umlamuli uzophenya ngalowomuntu okuthiwa wephule isivumelwano. Umlamuli uzoqala ngokuzama ukuxazulula inkinga ngaphandle kokuya esigcawini.



- (c) Uma amaqembu athintekile embangweni evuma, umlamuli angabuye enze olunye uhlelo lokulamula ukuxazulula ingxabano mayelana nokulandelwa kwesivumelwano esathathwa ekulamuleni; futhi
- (d) Uma ingxabano mayelana nokulandelwa kwesivumelwano esathathwa ekulamuleni ingaxazululeki ngaphandle kwesigcawu noma ngemuva kokunye ukulamula, umlamuli uzokwedlulisa udaba luye eBhodini ngenhloso yokuba kunqunywe ukuthi zingathathwa yini izinyathela zokuphoqa ngokwemibandela yomthetho 11.

### Ukwehlulela

9 Kwenziwa ngokulandela imithetho elawula ukwehlulela –

- (1) Ibhodi, ngesivumelwano esibhalwe phansi samaqembu, ingaphakamisa igama lomuntu, noma iqoke umehluleli phakathi kwamalunga ayo noma ngaphansi kwesigaba 6 (9) somthetho, ngenhloso yokwehlulela, okuzolandela imibandela avumelene ngayo amaqembu.
- (2) Ekunqumeni ukuthi kungaphakanyiswa igama lomuntu noma kuvele kukhethwe umuntu ozoba ngumahluleli, iBhodi izocabanga ngesimo sephuzu lomthetho namaphuzu avelayo embangweni, ubunzima bombango nokuthinteka komphakathi.
- (3) Ukuze kuxazululwe umbango ngokugculisayo nangokushesha, nokubhekisisa amaphuzu abalulekile ombango, izigcawu zokwehlulela kufanel zibanjwe ngokushesha uma isivumelwano sokwehlulela, njengoba simisiwe ku-Sheduli RB5, sesenziwe namaqembu athintekayo.
- (4) Ilunga leBhodi, noma loyo oqokelwe ukwehlulela –
- (a) angadinga ukuba noma yiliphi iqembu elisembangweni, ngaphandle-ke uma kukhona isikhalo sangokomthetho, ukuba libike ngezincwadi ezithile, ngokweza i-affidavit (incwadi efungelwe) noma ngokuphendula imibuzo ngaphansi kwesifungo bese lethula lezozincwadi ukuba zihlolwe;
- (b) angafuna ukuthi amaqembu abangayo ethule izicelo noma izitatimende zawo zokumangala nezokuphikisa, noma adinge noma yiliphi iqembu ukuba lethule imininingwane yalo yesimangalo noma yokuzivikela, abuye avumele noma yiliphi iqembu ukuba lichibiyele inkulumo yalo yokumangala noma yokuzivikela;
- (c) angadinga noma yiliphi iqembu elisembangweni ukuthi livume ukuba kuhlolwe noma yiziphi izimpahla noma indawo ethintekayo

embangweni, okungaba yizimpahla ezikuye noma indawo ephethwe nguye; futhi-ke,

- (d) ngaphandle kokuba uma isivumelwano sokwehlulela simise ngenye indlela -
- (i) unegunya lokunquma isikhathi nendawo lapho kuzobanjelwa khona umhlangano wokwahlulela;
  - (ii) afungise, efomini elenzelwe loko, noma emukele iziqiniseko zamaqembu kanye nofakazi abazovela phambi kwesigcawu sokwahlulela;
  - (iii) ngaphandle-ke uma kunesikhalo sangokomthetho, umehluleli angawahlolisisa amaqembu azonika ubufakazi mayelana nodaba olungumbango, awacele ukuba bethule ebhodini onke amabhuku, izincwadi noma izinto ezikubona noma ezilawulwa yibo ezingahle zidingeke noma zibizwe, futhi okungenzeka ukuthi zonke lezozinto zidingeke ngempopo lapho inkundla isidingida udaba;
  - (iv) ngaphandle-ke uma kunesikhalo sangokomthetho, umehluleli angahlola noma ngubani obizwe ngesamanisi ukuba azokwethula ubufakazi, afune ukuba kwethulwe noma yiliphi ibhuku, incwadi noma into okuthiwe lowomuntu makayethule;
  - (v) ngemvume yamaqembu noma ngezwi lenkantolo, umehluleli angabemukela ubufakazi obethulwa ngesifungo esenziwe esisemthethweni; abuye
  - (vi) ahlöle noma iyiphi impahla noma indawo ethintekayo ebufakazini.
- (5) Uma umehluleli ebona ukuthi ubufakazi bomuntu noma ukwethulwa esigcawini kwamabhuku noma izincwadi kuyafuneka ukuze udaba luxazululeke ngokugculisayo, bese kutholakala ukuthi lobobufakazi noma amabhuku noma izincwadi azitholakali ngesihle, umehluleli angafaka isicelo eBhodini ukuba kukhishwe isamanisi ngaphansi kwezimiso zezigaba 6(e) no (f) zoMthetho, lapho -
- (a) iBhodi, uma ibona kufanele, ingasivuma leso sicelo kukhishwe isamanisi;

- (b) kuzobhalwa khona efayilini ngaphambi kokukhishwa kwesamanisi, kuchazwe yonke imizamo yokuthola amabhuku, izincwadi noma ulwazi; futhi-ke
- (c) isamanisi lizokwenziwa efomini elifanele .
- (6) Uma amaqembu evuma, umehluleli angakumisa ukwehlulela, azame ukuxazulula umbango ngendlela yokulamula.
- (7) Zingakapheli izinsuku zokusebenza eziyishumi nane (14) uphethiwe umhlangano wokwehlulela, umehluleli kufanele: -
- (a) akhiphe isinqumo sokwehlulela, nezizathu ezimenze afinyelele kuleso sinqumo, esisayinwe ngumehluleli;
- (b) anike lelo nalelo qembu ebelisembangweni ikhophi yaleso sinqumo ngokulandela imigomo emisiwe; bese
- (c) egcina incwadi yoqobo yesinqumo eBhodini.
- (8) Uma ibona kunesizathu esifanele, iBhodi ingaselula isikhathi okufanele ukuthi kukhishwe ngaso isinqumo, kanti izizathu zaloko kufanele zethulwe bese zigcinwa efayilini.
- (9) Umehluleli angakhipha noma yisiphi isinqumo sokwehlulela ngokulandela imibandela --
- (a) yoMthetho kanye nemitheshwana emisiwe mayelana nokuqhuba ngendlela engalungile;
- (b) yezihlinzeko zomthetho woluntu uma kwenzeka ukuthi kumbe kunodatshana olungacaciswanga kahle emithethweni;
- (c) yezihlinzeko zanoma yisiphi isivumelwano sokuqashiselana ukuze kucace ukuthi akuqhutshwanga yini ngenkambiso engalungile; kanye
- (d) yesidingo sokuxazulula udaba ngendlela efanele nengavuni hlangothi.

**Amandla nomsebenzi wabahloli nama-Technical Advisors****10(1) Abahloli benza lemi elandelayo -**

- (a) ukuhlolwa okuvamile kwamabilidi bese bethula imibiko ebhaliwe yokuhlola kwabo uma becelwe yiBhodi kanye nezisebenzi ;
- (b) ukuthungatha nokuxhumana nabanikazi bezindawo ngokusebenzisa ulwazi olugcinwe kuMbhali wamatayitela (registrar of Deeds);
- (c) ukubamba izingxoxo zokubonisana nabamangali nabamangalelwa bese bebhala phansi lonke ulwazi abalutholile;
- (d) ukuthola izitatimende ezifungelwe kulabo abasembangweni nalabo abathintekayo;
- (e) bethule ubufakazi ngaphambi kweBhodi uma becelwa;
- (f) ukuthola bese behlola amakhophi awo wonke amabhuku nezincwadi, okungahle kuthinteke embangweni;
- (g) ukuthintana nabalawuli bendawo (local authority) ukuthola ukuthi ngabe malini ekweledwayo kuma-rates nama-taxes kule siza noma isakhiwo sokuhlala esisodabeni;
- (h) ukuphenya ngesimo sabaqashi sangokomthetho, uma ngabe kukhalwa ngokuthi kuqashiswa n'gendlela engekho emthethweni ;
- (i) ukudiliva amanonthisi nezinye izincwadi kulabo abathintekayo odabeni lombango;
- (j) ukuthola amakhophi awo wonke amarisidi aphantelene nendawo yokuhlala ethintekayo embangweni;
- (k) ukuyofuna kunoma iyiphi i-Landlord Tenant Information Office esungulwe ngaphansi koMthetho, imibiko emayelana nemibuzo nezikhalo ezatholakala ezihambisana nezihlinzeko zesigaba 6(b) soMthetho;
- (l) ukwethula noma yiluphi ulwazi nokuletha noma yimiphi imibiko noma ezinye izincwadi mayelana nokuhlola abakwenzile, okungahle kube nesisindo esikhalweni;
- (m) ukunika amasamanisi kunoma yiliphi iqembu ngokwethula ikhophi yoqobo kulowomuntu ezandleni, noma-ke uma lowo muntu

engazange atholakale, kunikwe lekhophi yo qobo kumuntu ongaphezulu kweminyaka engu-16, futhi ohlala noma osebenza endaweni lapho lowomuntu obhalwe kwisamanisi esebenza khona, noma lapho ehlala khona, noma ebhizinisini yakhe lomuntu obhalwe kwisamanisi, kanti lowomuntu ozonikwa lelisamanisi kuzoba ngumuntu ozokwazi, ngokubona kweBhodi, ukunika olunye ulwazi mayelana nesikhalo, ukuvela phambi kweBhodi ngokwezihlinzeko zesigaba 6(c) soMthetho futhi ethule noma yimaphi amabhuku noma izincwadi ezingadingwa yiBhodi;

- (n) ukusiza i-Technical Advisor uma ibambe noma yikuphi ukuphenya kokuqala ukuze inike umbiko ogcwele ngalo lonke ulwazi olusemqoka olutholakale uma kuhlolwa nalapho kuphenywa;
- (o) ukufaka izicelo enkantolo yeMantshi ukuba iqule icala uma iBhodi icela ukuba enze lokho;
- (p) ukudiliva izincomo ezibhalwe phansi zeBhodi eziya kulawo meqembu azothathelwa izinyathelo uma engayithobeli imithetho eqaphe inkambiso engalungile; abuye
- (q) enze noma yini engumsebenzi ofanele ngokwezidingo zoMthetho noma iBhodi.

(2) Ama-Technical Advisors enza lomsebenzi olandelayo: -

- (a) Ukwemukela izikhalo, ukuvula amafayili bese bebhala amacala ohlelweni lwe-computer lokubhalisa amacala;
- (b) Ukucubungula izikhalo bahlole namacala ukuthi ngabe asemandleni eBhodi yini, bese bazisa abamangali ngaloko ngokubabhalela izincwadi;
- (c) Ukwenza ukuphenya kokuqala bazame nokuxazulula imibango ngendlela engeyona yomthetho;
- (d) Ukugcina amarekhodi ngesimo sodaba kanye nemiphumela yalo kwi-computer;
- (e) Ukwaba izikhalo kumalunga eBhodi ukuba azixazulule;
- (f) Ukwemukela nokwenza imiyalo yeBhodi, balungisele iBhodi izincwadi ezidingekayo;

- (g) Bahlele izikhathi zemihlangano yokulamula noma yokwahlulela, bazise amaqembu athintekayo ngosuku nesikhathi salemihlangano ngokuwabhalela izincwadi; babuyee
- (h) Bakuqophe phansi konke okuqhubekayo emihlanganweni yokulamula neyokwahlulela.

### Ukuphoqa

- 11(1) Ibhodi noma iqembu elithile lingacela ukuphoqeelwa kwesinqumo ngaphansi kwemibandela yoMthetho Wokwahlulela, 1965 (Act no. 42 of 1965), kanye nezinqumo zokulamula, noma-ke uma kungazange kwenziwe isivumelwano, kucelwe ukuba kuphoqeelwe imithetho eqaphe inkambiso engeyona elungile ngokwemibandela yesigaba 12 (2) soMthetho enkantolo yomthetho.
- (2) Uma umuntu okuthiwa wephule imithetho eqaphe inkambiso engalungile engaphenduli uma isisebenzi seBhodi senza uphenyo lapho sisandofakwa isikhalo, noma uma lowo muntu engafuni ukuzimbandakanya emizamweni yokuxazulula udaba, noma ngabe yimizamo yokuxazulula ngokungaphandle komthetho, ukulamula, ukwehlulela, noma enye indlela, iBhodi ingaqhubeka nokuhlola ukuthi ngabe yephuliwe yini imithetho eqaphe inkambiso engalungile.
- (3) Ngaphambi kokusebenzisa ukuphoqa, iBhodi ingahlolisisa isikhalo, noma isivumelwano sokulamula kanye nezitatimente, izincwadi nolunye ulwazi olufanele, ukuze ibheke ukuthi ngabe udaba lufanele yini ukusiwa enkantolo yomthetho. Uma iBhodi inquma ukuthi kudingeka ulwazi oluthe xaxa, ingalwedlulisa udaba ukuba luyophenywa ngokuthe xaxa ngokulandela umthetho 6, ibuye/noma ikhiphe isamanisi ngokulandela isigaba 6(e) no (f) soMthetho, ibuye/noma ishicilele isifungo efomini elifanele eliku-Schedule RB3 ngenhloso yokuyeza ubufakazi ngaphambi kwebhodi ngokwesigaba 6(g) soMthetho.
- (4) Ngemuva kokucutshungulwa kwesikhalo mayelana nesivumelwano sokulamula nobunye ubufakazi obufanele, sekuhlangene nobufakazi obutholakale lapho sekuhlolisiswa ngokuthe xaxa, iBhodi izolungisa isiphakamiso esibhalwe phansi ngokusiwa kodaba enkantolo, ekanti lesosiphakamiso sizoba yisisekelo sangokomthetho nesinamaqiniso esingaholela ekuqhutshweni kwecala, uma kuba khona.
- (5) Uma lesosiphakamiso kungesokuthi kuqhutshekwe necala enkantolo, lesosiphakamiso esibhalwe phansi sizonikwa lowo muntu ozomangalelwa, aziswe ukuthi iBhodi izovula icala enkantolo, naye lomuntu anikwe ithuba, ngosuku oluzokhethwa, ukuba avele phambi kweBhodi azokwethula

ubufakazi noma azobeka awakhe amagama aphikisayo mayelana nodaba.

- (6) Uma lomuntu othathelwa izinyathelo ekhetha ukuvela ngaphambi kweBhodi, kuzoba nesigcawu lapho kuzobhekwa khona ukuthi iBhodi izothatha ziphi izinyathelo mayelana nesiphakamiso sokudlulisela icala enkantolo, lapho:-
  - (a) Ummangalelwa nommangali benganika khona ubufakazi ngaphansi kwesifungo esenziwe ngokwesigaba 6(g) soMthetho;
  - (b) IBhodi, ngokuzenzela, noma ngokucelwa ngelinye lamaqembu abangayo, ingakhipha khona isamanisi ngaphansi kwesigaba 6(e) no (f) soMthetho ukuze ithole ubufakazi obudingekayo; bese kuthi
  - (c) Ngemuva kwesigcawu lesa, iBhodi izokhipha isinqumo esibhalwe phansi esicacisa izizathu zayo zangokomthetho zokuthatha izinyathelo.
- (7) Uma iBhodi inquma ukuqhubeka nokusa icala enkantolo izotshela isisebenzi ukuba sedlulisele udaba kumlawuli ofanele wezomthetho .

#### **Ukunikezwa kwamandla.**

- 12(1) Amandla eBhodi ngaphansi kwezigaba 6(e), (f) no (g) kanye no 9(4) (a) no(b) zoMthetho azonikezwa amalunga eBhodi ngawodwana , ngokuthobela imibandela elandelayo:-
  - (a) alikho ilunga leBhodi elivunyelwe ukusebenza egameni leBhodi kunoma yiluphi udaba okutholakala ukuthi lelolunga leBhodi linophawini othile kulo, njengoba kuchaziwe esigabeni 5 (9) soMthetho, noma odabeni okubonakala sengathi kungahle kube khona ukushayisana ngemibono ngezizathu ezithile;
  - (b) zonke izinqumo ezithathwa ngamalunga eBhodini ngokusebenzisa amandla ethweswe wona zizobuyekwezwa yiBhodi ephelele uma kucela noma yiliphi iqembu, noma elinye ilunga leBhodi;
  - (c) kunoma yiluphi udaba, uSihlalo anganquma ukuthi amandla eBhodi anganikezwa ilunga elithile, noma-ke, uma lelo lungu seliwanikiwe, lephucwe wona.
- (2) Ibhodi-ke, ngokwaba amandla ayo ngokomtheshwana (1), akusho ukuthi isiphucwe yona amandla, futhi ayiyekisiwe ukwenza noma yimuphi umsebenzi okungenzeka ukuba seyiwethwese ilunga elithile.

**Isihloko esifisha nesiqalo (Short title and Commencement)**

**13(1) Le mithetho ibizwa ngokuthi ngama-Landlord and Tenant Dispute Resolution Board Procedural Regulations, 1998.**



RB1

**IFOMU LESIKHALO LEBHODI YOKUXAZULULA IMIBANGO PHAKATHI KWABANINI-NDAWO NABAQASHI**

**OKUQONDENE NABAPHATHI**

REFERENCE NO:

**A. IMINININGWANE YOMMANGALI**

ISIBONGO:

IGAMA/AMAGAMA :

IGAMA LE(ZI)NHLANGANO:

INOMBOLO YEPASI:

IKHELI LASEMSEBENZINI/LASEKHAYA:

IKHELI LEPOSI:

UCINGO (LWASEMSEBENZINI):

UCINGO (EKHAYA):

INOMBOLO YE-FAX:

**B. IMINININGWANE YESAKHIWO**

ISIBALO SAMAYUNITHI EBHILIDINI: (UMA SIKHONA)

ISIBALO SABAQASHI ABAHLALA ESAKHIWENI

INDAWO ESIKUYO ISAKHIWO

**C. IMINININGWANE YOMQASHI/AMALUNGU EKOMITI YABANININDAWO**

IGAMA::

INOMBOLO YOKUXHUMANA:

INOMBOLO YESAKHIWO:

IGAMA,;

INOMBOLO YOKUXHUMANA:

INOMBOLO YESAKHIWO:

IGAMA:

INOMBOLO YOKUXHUMANA:

INOMBOLO YESAKHIWO:

IGAMA:

INOMBOLO YOKUXHUMANA:

INOMBOLO YESAKHIWO:

IGAMA:

INOMBOLO YOKUXHUMANA:

INOMBOLO YESAKHIWO:

**D. IGAMA LOMQASHI/UMNININDAWO/INHLANGANO EMANGALELWE**

IGAMA:

INOMBOLO YOCINGO:

INOMBOLO YE-FAX :

IKHELI LASEKHAYA:

IKHELI LEPOSI (UMA LEHLUKILE):

**E. OLUNYE ULWAZI**

IGAMA LOMQAPHI WESAKHIWO:

INOMBOLO YOKUXHUMANA:

INOMBOLO YE-FAX:

IGAMA LOMNIKAZI WEBHILIDI:

INOMBOLO YOKUXHUMANA:

INOMBOLO YE-FAX :

IKHELI LASEKHAYA:

IKHELI LEPOSI:

IGAMA LE-AGENT EPHETHE:

INOMBOLO YOKUXHUMANA:

INOMBOLO YE-FAX:

IGAMA LOPHETHE IBHONDI:

INOMBOLO YOKUXHUMANA:

I-FAX:

**F. UMUNTU/INHLANGANO EDLULISELE UMMANGALI LAPHA**

IGAMA:

UCINGO:

I-FAX:

REF NO:

**G. UHLA LWEZIKHALO**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**H. ISIMO SESIKWELEDU SEBHILIDI**

ISIKWELEDU ESISEMUVA SIKAGESI	R
ISIKWELEDU ESISEMUVA SAMANZI	R
IMALI YAMA-RATES & TAXES EKWELEDWA IKHANSELA	R
ISAMBA ESIKWELEDWA I-AGENT EPHETHE	R

**I SIKE SAFAKWA ISICELO SALELIBHILIDI PHAMBILINI?**

YEBO

CHA

IGAMA LOMMANGALI: \_\_\_\_\_

UKUSAYINA: \_\_\_\_\_

USUKU: \_\_\_\_\_

**FOR OFFICIAL USE**

IGAMA LOMUNTU OSEBENZAYO: \_\_\_\_\_

ISAYINI: \_\_\_\_\_

USUKU ESITHOLWE NGALO ISIKHALO: \_\_\_\_\_

RB2

ISAMANISI LEBHODI EXAZULULA UMBANGO PHAKATHI  
KOMNININDWAWO NABAQASHI

FOR OFFICIAL USE

INOMBOLO YECALAYEFAYILI: LT \_\_\_\_\_

EGCINWE E:.....

Odabeni oluphakathi kuka:

..... Ummangali

no ..... Ummangalelwa

IGAMA: \_\_\_\_\_

UBULILI

UBUDALA

IMINYAKA

IKHELI: \_\_\_\_\_

Kufanele uzovela uzimele wena noma ngokwesikhundla sakho sokuba yinxusa/yi-agent/ngumqondisi/ilunga .....no/noma njengo .....e  
.....\*mayelana nesikhalo esibhalwe ngenhla ngenhloso yokuba kuphenywe, kuhlalwe esigcawini, kulanyulwe, kwehlulelwe noma kugcinwe ukuthula, ubuye/noma wethule noma yiziphi izincwadi noma amabhuku angakuwena, noma uze nawo futhi uwethule emhlanganweni/ekulamuleeni lamabhuku, amaphepha noma izincwadi ezibalwe kulolu hla olungenzansi.

IBHALWE E..... NGOSUKU LOMHLAKA .....KU .....

ILUNGA LEBHODI/IHHOVISI LUKASIBA

**UHLA LWAMABHUKU, AMAPHEPHA NOMA IZINCWADI OKUFANELE ZETHULWE**

USUKU	UHLOBO	NGEYOQOBO	YIKHOPHI

**QAPHELA:**

1. Kuwukwephula umthetho, ngaphansi kwesigaba 12 soMthetho Waban kazi naBaqashi, ka-1997, kanye nemitheshwana eshaywe ngaphansi kwawo, ukungenzi njengokwemiyalo yaleli samanisi.
2. Uma utholwa unecala ungahlawuliswa noma uvalelwe ejele isikhathi esingekwe seqe iminyaka emithathu, noma uhlawuliswe ubuye uvalelwe ejele.

**\*Susa amagama angasebenzi**

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Mina engisayine ngenzansi ngiyaqinisekisa ukuthi ngiyisile kumuntu obhalwe ngaphakathi isamanisi:-

-(a) ngokumnika ezandleni ikhophi yoqobo

\*(b) ngokudiliva ikhophi yoqobo, ngoba ngehlulekile ukumthola, ngayinika u.....okungumuntu obukeka engaphezulu kweminyaka engu-16 futhi okubukeka ehlala noma esebenza lapho kuhlala khona/kusebenza khona/kusebhizinisini lika.....

e.....  
 .....

Isimo, ukuphuthuma nemiphumela yaleli samanisi ngikuchazile kuo muntu engiyishiye kuye.

Isikhathi:.....Usuku.....Inyanga.....19.....Indawo:

.....

Ukusayinda yomemukeli: .....Ukusayinda yesithunywa:.....

Igama eligcwele:..... Igama eligcwele:.....

Isikhundla.....

**\* Cisha loko okungasebenzi**

RB3

**ISIFUNGO/ISIFAKAZISO SEBHODI EXAZULULA IMIBANGO PHAKATHI  
KWABANINI BEZINDAWO NABAQASHI**

Mina, \_\_\_\_\_ osayine ngenzansi,  
ngiyafunfa/ngiyafakaza \_\_\_\_\_ ngalokhu  
ukuthi \_\_\_\_\_

Ngolwazi lwami oluphelele nangesiqiniseko, lesitatimente esingenhla siyiqiniso elimsulwa, siyabopha, siphela futhi siyiqiniso.

ISAYINI YOMFUNGI: \_\_\_\_\_

Ngiyaqinisekisa, ngaphambi kokumfungisa/ukumqinisekisa, ngambuza umfungiswa imibuzo ebhalwe ngenzansi, ngazibhala phansi izimpendulo zakhe, engibhekile:

Uyakwazi, futhi uyakuqondisa okuqukethwe kulesi sifungo?

Impendulo: \_\_\_\_\_

Kukhona ukwenqaba onakho ngokwenza lesi sifungo?

Impendulo: \_\_\_\_\_

Ubona lesisifungo njengento eyisibopho kunembeza wakho?

Impendulo: \_\_\_\_\_

Ngiyaqinisekisa ukuthi ufakazi uvumile ukuthi uyakwazi futhi uyakuqondisa okuqukethwe yilesi sifungo. Ufakazi uzosho la mazwi alandelayo: Ngiyafunga ukuthi okuqukethwe yilesi sifungo kuyiqiniso, iNkosi ingisize / Ngiyaqinisekisa ukuthi okuqukethwe yilesi sifungo kuyiqiniso. Isayini/uphawu lukafakazi lubekwe esifungweni ngikhona, ngambuza ufakazi imibuzo elandelayo ngazibhala phansi izimpendulo zakhe ebhekile.

\_\_\_\_\_  
UKHOMISHANI WEZIFUNGO (COMMISSIONER OF OATHS)

\_\_\_\_\_  
IGAMA ELIPHELELE

\_\_\_\_\_  
Isikhundla, nendawo okhethwe kuyo

IKHELI LAMANJE: \_\_\_\_\_

USUKU : \_\_\_\_\_

INDAWO : \_\_\_\_\_

\_\_\_\_\_  
\* Cisha okungasebenzi

RB4

**ISIVUMELWANO SOKULAMULA SEBHODI YOKUXAZULULA IMIBANGO PHAKATHI KWABANIKAZI BEZINDAWO NABAQASHI**

Mina/Thina: \_\_\_\_\_ enghlala/esihlala  
 e \_\_\_\_\_ ngalokhu siyavuma ukuba kulanyulwe phakathi  
 kwami/kwethu kanye nomnini-ndawo/noMqashi mayelana nesikhalo esifakwe eBhodini  
 yokuxazulula imibango phakathi kwaBanini bezindawo nabaQashi .

Kusayinwe e: \_\_\_\_\_ ngomhlaka \_\_\_\_\_ ku  
 \_\_\_\_\_ 19 \_\_\_\_\_ .

UKUSAYINDA \_\_\_\_\_

IGAMA: \_\_\_\_\_  
 (PHRINTA)

UFAKAZI 1: \_\_\_\_\_

UFAKAZI 2: \_\_\_\_\_

RB5

**ISIVUMELWANO SOKULAMULA PHAKATHI KOMQASHISI NOMQASHI,  
IBHODI LOKUXAZULULA IMIBANGO**

Mina/Thina: \_\_\_\_\_ engihlala/esihlala e \_\_\_\_\_  
ngalokhu siyavuma ukuba kulanyulwe phakathi kwami/kwethu kanye noMnini-ndawo/noMqashi  
mayelana nesikhalo esifakwe eBhodini yokuxazulula imibango phakathi kwaBanini bezindawo  
nabaQashi.

Kusayinwe e: \_\_\_\_\_ ngomhlaka \_\_\_\_\_ ku  
\_\_\_\_\_ 19 \_\_\_\_\_.

UKUSAYINDA: \_\_\_\_\_ IGAMA: \_\_\_\_\_  
(PHRINTA)

UFAKAZI 1: \_\_\_\_\_

UFAKAZI 2: \_\_\_\_\_



RB6

**ISITIFIKETI SIKAMANTSHI NGOKWESIGABA 9 (8), SIFUNDWA NESIGABA 4(b) SOMTHETHO ONGUNOMBOLO 3 WABANIKAZI BEZINDAWO NABAQASHI, KA-1997**

THE MAGISTRATE CIVIL COURT  
MAGISTRATES COURT

Mnumzane,

Mayelana: ISITIFIKETI NGOKWESIGABA 9(8) SOMTHETHO ONGUNOMBOLO 3 WABANIKAZI BEZINDAWO NABAQASHI KA-1997 WEPHROVINSI YASE-GAUTENG.

ODABENI PHAKATHI KUKA :

UMMANGALI

NO

UMMANGALELWA

Kufakwe isikhalo eBhodini Yombango Phakathi kwabaNikazi bezindawo nabaQashi, eyasungulwa ngokwemibandela yoMthetho obhalwe ngenhla, ngummangali obhalwe ngenhla, u.....emangalela u.....

Isikhalo siphathelene nenkambiso engalungile njengoba kuchaziwe eMthethweni naseMitheshwaneni ebalulwe ngaphansi kwawo, ngokuthi isikhali simayelana .....

Umhlangano wokulamula wabizwa ngomhlaka..... Kodwa awuzange ube khona ngenxa yokuthi uMninindawo/uMqashi osheshiwo ngenhla wehlulekukufika.

Ngakho-ke alikwazi ukufakwa icala lomthetho ngalolu daba yilowo osheshiwo u.....emangalela u.....

Ozithobayo

Usihlalo

IBHODI YOKUXAZULULA IMIBANGO YABANIKAZI BEZINDAWO NABAQASHI IKHELI

## TSEBISO 1603 WA 1999

## LEFAPHA LA MATLO LE DITABA TSA MOBU

**MOLAO WA BODULO MONGA TULO LE MOHIRI, 1997 (MOLAO WA NOMORO YA 3 WA 1997)**

**MELAWANA YA METJHA YA LEKGOTLA LA DITHAROLLO TSA QABANG PAKENG TSA MONGA TULO LE MOHIRI**

Nna, Dan Mofokeng, Setho sa Lekgotla la Phethahatso se ikarabellang ho tsa Matlo profensing ya Gauteng, ka baka la sena, tlasa karolo ya 13 ya Molao wa Bodulo Monga tulo le Mohiri, 1997 (Molao wa Nomoro ya 3 wa 1997), ke etsa melawana e shejuleng.

E saenwe Gauteng kgweding ya 2 mōhla wa la Hlakubele Sekete Makgolo a robong le Mashome a robong le metso e robong.

**D. MOFOKENG**

**MEC: MATLO LE DITABA TSA MOBU**

## SHEJULE

## Ditlhaloso

1. Melawaneng ena, tlhaloso efe kapa efe e hlalositsweng Molaong ena e na le tlhaloso e tshwanang, ntle le ha moelelo o ka hlalosa ka tse a e nngwe -

"**bonamodi (Abitreishene)**" e bolela motjha oo setho sa Lekgotla kapa motho ya kgethilweng ke Lekgotla ho thusa mekga ho rarolla qabang ya yona, mme ho fanwe ka kahlolo, eo eleng ya makgaolakang e tlamang ho mekga ena;

"**motletlebi**" o bolela motho ya tlalehang tletlebo le Lekgotla, mme tletlebo eo e wela tlasa puso ya Lekgotla;

"**bonamodi (medieshene)**" e bolela morero wa boithaopo moo setho sa Lekgotla kapa motho ya kgethilweng ke lekgotla hore a thuse mekga ho rarolla qabang, empa ha a fane ka kahlolo e tlamang mekga ka bobedi;

"**mokga**" o bolela motho ya nang le seabo ho bonamodi (medieshene) kapa mokgwa ofe kapa ofe wa ho fedisa diqabang o entsweng ke Lekgotla;

**“motho ya ipuellang”** ke bolela motho eo motletlebi a kentseng tletlebo le lekgotla teng; le

**“Melawana ya Tsamaiso e sa lokang”** e bolela melawana ya tsamaiso e mpe e entsweng tlasa karolo ya 9 ya Molao.

**Ho hlahlela tletlebo**

2(1) Monga sebaka kapa mohiri kapa sehlopha sa beng ba dibaka kapa bahiri ba ka nna ba kenya tletlebo Lekgotleng mabapi le bodulo, eleng taba eo ho dumellanweng ka yona pakeng tsa mekga e mmedi, ka ho ngola tletlebo foromong e hlahellang Shejuling ya RB1.

(2) Ditletlebo di lokela ho tlatswa-

- (a) ka poso;
- (b) Kantorong ya Lesedi ya Monga tulo le Mohiri ka tlasa puso ya mmasepala sebakeng seo ho nag le sebaka sa bodulo; kapa
- (c) kantorong ya Lekgotla.

**Puso**

3(1) Tletlebo e tla lekolwa ho ya ka ho wela pusong ya Lekgotla -

- (a) haeba e amana le bodulo; le
- (b) haeba tletlebo e etsahetseng Profensing ya Gauteng.

(2) Haeba tletlebo e sa wele tlasa puso ya Lekgotla, motletlebi o lokela hore -

- (a) tsebiswe ka ho ngollwa nakong ya matsatsi a mashome a mararo(30) hore Lekgotla le ke ke la nka kgato tabeng ena;
- (b) eletswe hore a ka etsa kopo nakong ya matsatsi a mashome a mararo(30) a fumane tsebiso e jwalo ya hore Lekgotla lohle le lekodisise qeto ena tlasa puso ena; le
- (c) moo ho hlokahalang motletlebi o tla fuwa nako ya ho shebisisa sena nakong ya matsatsi a mashome a mararo(30)

**Patlisiso**

4(1) Ho tshwanetse hore ho nkwe dikgato tse latelang mabapi le tletlebo efe

kapa efe e etswang tlasa puso ya Lekgotla -

- (a) ho tshwanetse hore ho bulwe faele mme tletlebo e abelwe nomoro ya boitsebiso;
- (b) motletlebi o tshwanetse ho fuwa resiti ya kamohelo e nang le nomoro ya boitsebiso;
- (c) ho tshwanetse hore ho buisanwe le motletlebi hore ho fumanwe lesedi lefe kapa lefe la tlatsetso le hlokehang ho fana ka tlhaloso e felletseng ka taba ena;
- (d) ho tshwanetse hore ho fumanwe tlaleho ho motho yeo ho bolelwang hore eka ka ke yena ya amehang tsamaisong e sa lokang e mabapi le tletlebo;
- (e) ho tshwanetse hore tletlebo e lekolwe ho latela lesedi lohle le fumanweng ; mme
- (f) haeba ho hlokahala mohlahlubi o tshwanetse ho etsa tlaleho ya semmuso kamora hore a hlahlobe moaho ho latela ka moo tletlebo e entsweng ka teng.

#### **Tharollo ya ho qala ya Diqabang**

- 5(1) Haeba mekga yohle e amehang ho qabang e rata hore e ka leka ho rarolla qabang ena eseng ka semmuso taba ena e ka nna ya fetisetswa ho setho se tla leka ho namola qabang ena eseng semmuso.
- (2) Tletlebo e nngwe le e nngwe e mabapi le taba e welang tlasa puso ya Lekgotla mme ebile e sa rarollwe semmuso e lokelwa ho fetisetswa ho setho sa Lekgotla mabapi le hore se etse tekolo tlasa karolo ya 9(4) ya Molao ho sheba hore e ka rarollwa hanghang.
- (3) Setho sa Lekgotla se lokela ho nka qeto hore -
  - (a) tletlebo e mabapi le tsamaiso e sa lokang , thunthetso ya molawana o seng dibukeng tsa molao kapa ho thunthetswa ha tumellano ya ho hira;
  - (b) ana tletlebo ke nnete e mabapi le tsamaiso e sa lokang , hore ho ka se be le tharollo e tla fedisa tletlebo, ka medieshene kapa kapa abitreishene kapa ka tsela e nngwe; le
  - (c) ana ke qabang ya nnete e nang le dintlha dintlha di lokelwa ho shejwa ka mokgwa o tshwanang.

- (4) Haeba setho sa lekgotla se nka qeto ya hore tletlebo eo ha e wele tlasa tsamaiso e sa lokang kapa hore ha ho tlhapiso eo ho ka fanwang ka yona- yena o tla -
- (a) tsebisa motletlebi nakong ya matsatsi a mashome a mararo(30), hore Lekgotla le ke ke la nka kgato;
  - (b) haeba ho hlokahala ae motletlebi sebaka moo a ka shebisisang taba ena hape;
  - (c) eletsa motletlebi hore qeto e entswe ho latela tekodisiso ya Lekgotla le felletseng, le ka netefatsang qeto ya motho ka mong kapa la kgutlisetsa taba eo dokheteng ya Lekgotla, haeba motletlebi a kopa jwalo nakong ya matsatsi a mashome a mararo(30) a tsebiso eo;
  - (d) haeba motletlebi a sa kope tekolo e tla etswa ke Lekgotla lohle, rekoto ya taba e qheletsweng ka thoko e faeleng e tla kwalwa; mme

**Ditletlebo tse sa rarollwang eseng ka molao kapa hanghang**

- 6 Ditaba tsohle, tse sa rarollwang ho ya ka tharollo ya ho qala, di ka nna tsa lekodisiswa hape ho nka qeto hore ho sa hlokeha hore ho etswe dipatlisiso pele di fetisetswa ho medieshene kapa abitreishene. Haeba ho sa hlokeha dipatlisiso tse ding -
- (a) setho sa Lekgotla se lokela ho leka ho fumana lesedi le hlokehang ka boithaopo, mme le ngodise diteko tsohle tse entsweng ho fumana lesedi le faeleng;
  - (b) haeba lesedi le ke ke la fumanwa ka boithaopo, setho sa Lekgotla se tla lokela ho fana ka samane ka mokgwa o hlalositsweng;
  - (c) setho sa Lekgotla se ikarabellang ho dipatlisiso tsa tletlebo se ka nna sa romela samane ho monga tulo kapa mohiri kapa ho motho e mong ya ka kgonang ho fana ka lesedi le mabapi le tletlebo ho ya ka karolo 6(a) le (f) ya Molao, nakong eo lesedi le sa fumanweng ho ya ka tumellano ya monga tulo, mohiri kapa motho e mong; le
  - (d) samane ena e tla ba jwalo ka e ho Shejule RB2 mme e tla hlahisa lesedi leo ho buawang ka lona, mme e tla hlahisa mohla, nako le sebaka tsa motho ya tla hlahella mme e fane ka lesedi kapa e fane ka dibuka, le kapa ditokomane.

**Phatlalatso ya qabang**

- 7(1) Haeba taba e sa qhalwe ka baka la tlhokeho ya puso, kapa e sa qhalwe hanghang kapa e sa rarollwe semmuso, Lekgotla le tla, ho latela dipatlisiso, haeba di le teng, etsa qeto ya semmuso ya hore ho na le qabang mme le tsebise mekga nakong ya matsatsi a mashome a mararo (30) ka ho ngola qeto ya lona.
- (2) Ha ho se ho nkilwe qeto ya hore qabang e teng, mosebetsi o tla botsa mekga hore ana e lakatsa hore qabang ya yona e rarollwe ka tsela ya bonamodi(medieshene), kapa bonamodi(abitreishene). Haeba e kgetha kgetho ya bobedi, taba ena e tla fetisetswa, ho Lekgotla le felletseng kapa e iswe sebakeng se seng, bonnyane ho ditho tse tharo tsa Lekgotla hore ho kgethwe monamodi(abitreitha). Ha abitreitha e se e kgethilwe, taba ena e tla sebetswa tlasa karololwana tsa bonamodi(abitreishene) tsa melawana ena.

**Bonamodi(Medieshene)**

- 8(1) Ditaba moo dipatlisiso di phethetsweng ho tsona, tse sa qhalwang hanghang, di lokela ho iswa ho setho sa Lekgotla mabapi le bonamodi(medieshene). Haeba ho sena setho sa Lekgotla le tla kgona ho etsa mediëshene(bonamodi) ka nako e itseng kapa haeba Modulasetulo a kgolwa hore (medieshene)bonamodi e tla ba bona bo lokileng mme bo etswe ke (medietha)monamodi eo eseng setho sa Lekgotla, mme ka hoo(medietha) monamodi o tla kgethwa ho ya ka Karolo6(a) ya Molao.
- (2) Bopaki ba (medieshene)bonamodi bo tla tswelapele ha tumello ya hore ho be le bonamodi e hlahellang ho Shejule RB4 e fihletswe pakeng tsa mekga e amehang.
- (3) Motjha wa (medieshene)bonamodi o tla etswa ka tsela e latelang -
- (a) (medietha)monamodi o tla hlalose tsa mekga ka ho hlaka ka taba ka ho tshwarelwa ha dintho sephiri pele ho qalwa ka(medieshene) bonamodi.Haeba mekga e kopa hore lesedi le bolokwe ele sephiri ka nako ya ha ho mametswe (medieshene)bonamodi kapa hamorao, mme mekga e meng e tla dumela ho tshwara bonamodi tlasa dipehelo tseo, dikarolo tse hlakileng tsa tumellano ya ho tshwarwa ha ditaba sephiring e tla etswa tumellano ya bonamodi(medieshene);
- (b) Monamodi (medietha)o tla re qalong a tsebise mekga hore yena ke mohokahanyi mabapi le ho leka ho rarolla qabang pakeng tsa bona le hore qeto e tla fihlelwa e tla ba qeto ya mekga eseng ya hae;

- (c) (medietha) Monamodi o tla tsebisa hape mekga e amehang hore motjha wa bonamodi o tla tshwarwa ka tsela e latelang -
- (i) mokga ka mong o tla fuwa monyetla wa ho hlalosa taba ya ona;
  - (ii) mokga ka mong o ka nna ka wa tshwara khokhase phapusing e nngwe kapa kantorong ka nako ya phomolo kamora hore ho mamelwa bopaki;
  - (iii) haeba mekga e amehang e sena seo e se qhelelang ka thoko, monamodi (medietha) e tla kenela dikhokhase mme e fane ka ditshisinyo; mme
  - (iv) haeba mekga e khokhaseng e sa qhelele seo ka thoko, monamodi o tla fetisetsa ditshisinyo, maikutlo, kapa matshwao kapa ditshisinyo tse tla hlaha ho tswa dikopanong tsa khokhase ho mekga e meng.
- (d) monamodi o tla tshwara bonamodi ho diqabang feela tseo yena a ke keng a kgetha lehlakore ho ya ka mekga yohle le taba eo qabanweng ka yona;
- (e) monamodi o tla bolella mekga yohle dintlha tseo eleng tsona kapa tseo ba sa utlwaneng ka tsona;
- (f) monamodi a ke ke a tswelopele ka bonamodi ntle le ha feela mekga, kamora hore e tsebiswe ka dintlha tseo e leng tsona kapa tseo e ka nnang ba qabane ka tsona, e fane ka tumello mme monamodi a nke qeto ya hore qabang ena ha e bohlokwa ho e na le hore ho be le pelaelo ka seriti sa motjha kapa yena; mme
- (g) haeba ka nako e nngwe monamodi(medietha) o kgolwa hore mokga ofe kapa ofe o keneng bonamoding ha o kgone ho utlwisisa le ho ba le seabo ha ho mamelwa bopaki ka baka la ho se tsitse kelellong, ho tshwenyeha moyeng, ho ba tlasa tshusumetso ya tahi, ho kginwa puong kapa mabaka a itseng, monamodi o tla kgina bonamodi ho fihlela boemong bo itseng, ho ba boemong bo tsitsitseng le bokgoni ba mekga ho ba le seabo le /kapa ho etsa tshisinyo ya hore mokga o ka nna wa fumana tshehetso e itseng hore o tswelopele ka motjha, kapa o fedise motjha wa bonamodi.
- (4) Monamodi o lokela ho leka ho fumana bopaki kapa ditokomane ka boithaopo, tseo yena kapa yena a ka nkang qeto e hlokahalang, ho motho eo eseng karolo ya bonamodi mme a ngole diteko tsohle tse entsweng ho fumana lesedi faeleng.

- (5) Haeba bopaki bo batlehang kapa ditokomane bo ka se fumanwe ka boithaopo, monamodi o tla fana ka samane e hlolositsweng ho ya ka karolo ya 6(e) le (f) ya Molao.
- (6) Tiisetso ya samane e tla dumellwa ke setho sa Lekgotla se etsang bonamodi.
- (7) Haeba motho eo eseng setho sa Lekgotla o etsa bonamodi, kopo ya tiisetso ya samane e lokela ho fuwa setho sa Lekgotla.
- (8) Motjha wa bonamodi o lokela ho phethelwa nakong ya matsatsi a mashome a mararo(30). Haeba seo se sa kgonahale, motjha o ka nna wa feta matsatsi a mashome a mararo(30) ka tumello ya Lekgotla.
- (9) Haeba mekga e sa kgone ho fihlella tumellano ka bonamodi(medieshene), taba eo e tla fetisetswa ho abitreishene(bonamodi).
- (10) Haeba ho sa le jwalo , motjha wa bonamodi(medieshene) o hlolehile ka baka la ho ikemisetsa, ka maikemisetsa kapa ka kgato e nngwe kapa e qobilweng, e batlang ho thibela,ho nyahamisa kapa ho tlohela motjha wa bonamodi ho etsahala, Lekgotla kapa ditho tsa lona ba tla fana ka setifikheiti se hlahellang Shejuleng ya RB6 tabeng ya hore ha ho mokga o tla kgona ho nka kgato ya molao kgahlanong le o mong hobane bonamodi(medieshene) bo sa ka ba ba teng.
- (11) Dikarolo tsa melawana (10) di tla sebetsa le haeba mokga o hloleha ,o hana kapa o iphapanya ho kenela kopano ya bonamodi le /kapa motjha.
- (12) Mekga e ke ke ya qobellwa ka mokga ofe kapa ofe ho fihlella tumellano. Haeba sephetho sa bonamodi e ba tumellano se tla ngolwa fatshe mme se saenwe ke mekga yohle le monamodi(medietha) mme se rekhotwe faeleng. Pele mekga e koptjwa ho saena tumellano, monamodi o lokela ho netefatsa hore mokga ka mong o utlwisisa hantle tumellano mme o kena ho yona ka boithaopo.
- (13) Haeba bonamodi(medieshene) bo sa fihlelle tumellano, monamodi(medietha) o tla hlophisa tlaleho e kgutsufaditseng bopaki, mme a nke qeto hore ana bopaki bo bontsha hore ho bile le ho thunthetswa ha molawana wa tsamaiso e sa lokang.
- (14) Haeba monamodi(medietha) e se setho sa Lekgotla tlaleho e tla tshwanela ho fetisetswa ho setho sa Lekgotla seo se lokelang ho e lekola hore se nke qeto ya hore ana bopaki bo bontsha hore ho bile le ho thunthetswa ha melawana ya tsamaiso e sa lokang.
- (15)(a) haeba setho sa Lekgotla se etsang bonamodi se nka qeto ya hore ha ho a ba le ho thunthetswa ha melawana ya tsamaiso e



sa lokang, motletlebi o lokelwa ho eletswa hore taba eo e tllilo qhalwa le hore qeto e etswa ho ya ka tekolo e entsweng ke Lekgotla le fellelseng haeba motletlebi a kopa seo;

- (b) haeba motletlebi a sa kope tekodisiso e etswang ke Lekgotla le fellelseng , setho ka seng sa Lekgotla se tla ngodisa ho qhalwa ha taba ena faeleng mme taba ena e kwalwe.
- (16) (a) Mokga ofe kapa ofe o amehang tabeng e itseng , e bakileng hore ho be le tumellano ka thuso ya bonamodi o tlalehang hore e ka ka mokga o mong o hlolehile ho ikobela tumellano, o ka nna wa batla tharollo ka ho tlaleha menyenyetsi eo ho motho ya neng a namola;
- (b) monamodi ha a fumanā tlaleho ya menyenyetsi ya ho hloleha ho ikobela tumellano o tla etsa diphuputso ka motho eo ho tlalehwang ka yena hore o thuntheditse tumellano. Monamodi o tla qala ka ho leka ho rarolla taba ena eseng semmuso;
  - (c) haeba mekga e amehang ho qabang e ka dumela monamodi a ka nna a etsa bonamodi bo bong ho rarolla qabang efe kapa efe e mabapi le ho se ikobele tumellano ya bonamodi; mme
  - (d) haeba qabang mabapi le ho se ikobele tumellano ya bonamodi e ka se rarollwe eseng semmuso kapa ka bonamodi bo bong, monamodi o tla e fetisetsa ho lekgotla ka sepheo sa hore ho nkwe qeto ya hore ana ho nkwe kgato ya ho kenya tshebetsong tumellano eo ho ya ka molawana wa 11.

### **Bonamodi(abitreishene)**

9 Ho ya ka melao e amanang le bonamodi(abitreishene) -

- (1) Lekgotla le ka nna, ka tumellano e ngotsweng ya mekga, la thonya kapa beha monamodi (abitreitha) ho tswa ho ditho tsa lona kapa tlasa karolo 6(9) ya Molao mabapi le bonamodi , ho ya ka dipehelo tseo ho dumellanweng ka tsona ke mekga.
- (2) Mabapi le ho nka qeto ya hore ana ho kgethwe kapa ho behwe monamodi Lekgotla le lokela ho nka qeto , mokgwa wa molao le dintlha tse hlalisitsweng ho qabang, ho rarahana ha qabang le ditabatabelo tsa setjhaba.
- (3) Hore ho nkwe qeto ntle le leeme ka potlako ka qabang, le ho sebetsana le dintlha tse ntle tsa qabang bopaki ba bonamodi bo lokela ho tshwarwa kapelepele ka moo ho ka kgonahalang ka teng kamora hore ho fihlellwe tumellano pakeng tsa mekga e tshwanetseng jwalo ka ha e hlahella Shejuleng ya RB5.

- (4) Setho sa Lekgotla kapa motho ya kgethilweng ho tsamaisa bonamodi a ka nna a -
- (a) batla mokga ofe kapa ofe ho ba teng bonamoding, ho emela ho qhella ka thoko ha molao ho hong le ho hong, ho fumana ditokomane ka mokgwa wa bopaki kapa ka ho araba dipotso tse botswang ha o nka kano le ho hlahisa ditokomane tse jwalo bakeng sa ho hlahlojwa;
  - (b) a batla mekga e bonamoding ho tlisa boipiletso kapa ditlaleho tsa ho tletleba le tsa tshireletso kapa ho batla hore mokga ofe kapa ofe o fane ka dintlha tsa tlaleho kapa tlaleho e phepetsang, le hona ho dumella mokga ofe kapa ofe ho etsa diphethoho ho boipiletso kapa ho ditlaleho tsa ho tletleba kapa tshireletso;
  - (c) a batla hore mokga ofe kapa ofe o bonamoding o dumelle hore ho be le hlahlobo ya thepa kapa leruo le amehang ho qabang, e leng ho yena kapa tlasa taolo ya hae; le
  - (d) ntle le ha tumellano ya bonamodi e fana ka -
    - (i) ho tloha nako le nako e nka qeto ka nako eo le sebaka moo tsamaiso ya bonamodi e tllong ho tshwarelwa teng kapa ho tswelapele teng le;
    - (ii) ho tsamaisa dikano ka mokgwa o hlahositsweng ho , kapa ho nka tiisetso ya, mekga le dipaki tse hlahellang ho fana ka bopaki.
    - (iii) ho latela molao ofe kapa ofe o qhellwang ka thoko, hlahloba mekga e hlahellang ho fana ka bopaki ho ya ka dintlha tseo ho qabanweng ka tsona mme o batle hore di hlahiswe kapelo Lekgotla dibuka tsohle, ditokomane kapa dintho tseo ba di tshwereng kapa matla a ka nnang a batlwa kapa a bitswa le tlhahiso ya e ka nnang ya qobellwa ke nyewe ya kgato;
    - (iv) ho ya ka ho qhellwa ka thoko ho ka bang teng , hlahloba motho ofe kapa ofe ya rometsweng samane ho tla fana ka bopaki mme o be o batle tlhahiso ya buka efe kapa efe, tokomane kapa ntho eo motho eo a rometsweng samane ya hore a e hlahise;
    - (v) ka tumello ya mekga kapa taolo ya lekgotla la dinyewe, ho fumanwe bopaki ka afidaviti; le
    - (vi) hlahloba thepa efe kapa efe kapa leruo le amehang tabeng ena.

- (5) Haeba monamodi a nka qeto ya hore bopaki ba paki kapa tlhahiso ya dibuka kapa ditokomane e ya hlokahala bakeng sa tharollo e se nang leeme ya taba ena le hore bopaki bo tjena kapa dibuka kapa ditokomane di keke tsa fumanwa ka boithaopo, monamodi a ka nna a etsa kopo ho Lekgotla ya tiisetso ya samane tlasa karolwana ya karolo ya 6(e) le (f) ya Molao moo -
- (a) Lekgotla le ka nnang ka tjhebo ya lona , ananela kopo mme le ntshe samane;
  - (b) pele ho ntshwa samane ho tla kengwa dintlha tse itseng faeleng moo ho hlalotswang diteko tse entsweng tsa ho fumana dibuka , ditokomane kapa lesedi; le
  - (c) Samane e tla ba ka mofuta o hlalositsweng.
- (6) Haeba mekga e dumela, monamodi(abitreitha) a ka nna a fanyeha tsamaiso ya bonamodi mme a leke ho rarolla qabang ena ka bonamodi (medieshene),
- (7) Nakong ya matsatsi a leshome le metso e mene(14) a mosebetsi wa ho phethela tsamaiso ya bonamodi(abitreishene) monamodi(abitreitha) o lokela ho -
- (a) ntsha kgau ya bonamodi ka mabaka a makgutswanyane bakeng sa kahlolo ya hae e saenweng ke monamodi;
  - (b) fa mekga ka bobedi e amehang ho qabang khopi ya kgau ka mokgwa o hlalositsweng;
  - (c) kenya kgau ya mantlha faeleng ya Lekgotla.
- (8) Mabapi le boitshwaro bo botle bo bontshitsweng, Lekgotla le ka nna la eketsa nako ya ho ntshwa ha kgu mme mabaka a lokelwa ho ntshwa mme a faelwe.
- (9) Monamodi(abitreitha) a ka nna a etsa kgau ya bonamodi e tshwanetseng ho ya ka dipehelo tsena -
- (a) Molao le molawana o hlalositsweng mabapi le tsamaiso e sa lokang;
  - (b) ho sebediswa ha molao o seng dibukeng ho fihlela ho etsahala hore taba e itseng ha ya rarollwa hantle ho ya ka molawana;
  - (c) tshebediso ya tumellano ya ho renta ho fihlela ho etsahala hore e sa wele tlasa tsamaiso e sa lokang; le

- (d) tlhokeho ya ho rarolla ditaba ka mokgwa o sebetsang o lekanang.

### **Matla le Mesebetsi ya bohlahlubi mmoho le Baeletsi ba tegniki**

#### **10(1) Bahlahlubi ba na le mesebetsi e latelang -**

- (a) ba hlahloba meaho le hona ho fana ka ditlaleho tse ngotsweng tsa dihlahlobo ha ba kopilwe ho etsa jwalo ke Lekgotla kapa setho;
- (b) ho batlana le ho ikopanya le monga tulo ho ya ka lesedi le tswang ho Registra Deeds;
- (c) tshwara dikopano le batletlebi le batho ba ipuellang mme ba hatise lesedi lohle le fumanwang;
- (d) ho fumana ditlaleho tse entsweng tlasa kano ho tswa ho mekga e qabanang ka bobedi mmoho le ho mekga e amehang;
- (e) ho fana ka bopaki , kapela Lekgotla ha ba koptjwa ho etsa jwalo;
- (f) ho fumana kapa ho hlahloba dikhopi tsohle tsa dibuka le ditokomane , tse ka nnang yaba di tsamaisana le nyewe ena;
- (g) ho ikopanya le bahlanka ba ka sehlohong ho nka qeto hore tjelete ya rente e kolotwang bodulong le lekgetho(rates and taxes) ke bokae;
- (h) ho fuputsa maemo a molao a baahi hore ho hirisetsa batho ba bang ho sa dumellwang ho etsahala neng;
- (i) tlisa ditsebiso le ditokomane tse ding ho mekga e tshwanetseng e amehang ho qabang ena;
- (j) ho fumana dikhopi tsa diresiti tsa budulo, ho etsahalang ka baka la tletlebo;
- (k) ho fumana ho tswa ho Kantoro e nngwe le e nngwe ya Lesedi la Monga Tulo le Mohiri e thehilweng ho ya ka Molao, ditlaleho dife kapa dife tse amanang le dipotso mmoho le ditletlebo tse amohetsweng jwalo ka ha ho ne ho lebelletswe tlasa karolo ya 6(b) ya Molao;
- (l) ho fana ka lesedi mme o be o hlahise tlaleho e nngwe le e nngwe kapa ditokomane tse ding le tse ding tse mabapi le hlahlobo, e ka nnang ya amana le tletlebo;

- (m) ho fana ka disamane ho mokga ofe kapa ofe ka ho fana ka khopi ya mantlha ho motho eo ka bowena kapa ha motho eo a sa fumanwe khopi e fuwe motho e mong yeo dilemo tsa hae di leng kahodimo ho 16 mme ebile a dula kapa a hirilwe sebakeng sa motho ya hlalositsweng moo a dulang , a sebetsang kapa kgwebong ya motho ya bolestweng eo ho ya ka mohopolo wa Lekgotla a ka nna a fana ka lesedi mabapi le tletlebo, ho hlahella kapela lekgotla jwalo ka ha ho bolelwa karolong ya 6(c) ya Molao le ho hlahisa buka kapa tokomane efe kapa efe ho latela qeto ya Lekgotla;
  - (n) ho thusa Moeletsi wa Tegniki ho etsa dipatlisiso tsa pele ho fana ka rekoto e felletseng ya lesedi lohle le tshwanetseng le fumanweng ho bahlahubi le dipatlisiso;
  - (o) ho fana ka dikopo Lekgotleng la Mmaseterata ho fana ka kotlo ha ele taelo e ntshitsweng ke Lekgotla hore e etswe;
  - (p) ho tlisa ditshisinyo tse ngotsweng tsa Lekgotla ho mekga eo ho tllong ho nkwa kgato kgahlanong le ona mabapi le ho se latele melawana ya tsamaiso e sa lokang;
  - (q) ho etsa ntho e nngwe le e nngwe ha ba etsa mosebetsi o batlwang ke Molao kapa Lekgotla.
- (2) Baeletsi ba tegniki ba etsa mesebetsi e latelang -
- (a) ba amohela ditletlebo tse ngotsweng, ba bula difaele mme ba kene dinyeweng tseo ho sebediswang mokgwa wa ho rekota wa khomphutha;
  - (b) lekola ditletlebo mme ba shebe dinyewe ho ya ka puso ya Lekgotla mme ba eletse motletlebi hantle ka ho mo ngolla;
  - (c) ba etsa diphuputso tsa pele mme ba leke ho rarolla qabang ena eseng semmuso;
  - (d) boloka direkoto tsa maemo a ditaba le sephetho sa tsona khophuteng;
  - (e) fetisetsa ditaba ho ditho tsa Lekgotla ho etsa qeto;
  - (f) fumana le hona ho phethisa ditaello tsa ditho tsa Lekgotla le ho lokisa ditokomane tse hlokehang bakeng sa Lekgotla;
  - (g) ho etsa shejule ya medieshene le abitreishene mme ba ntano tsebisa ka ho ngola mekga ka sebaka mohla le nako moo ho tla mamelwa bopaki; le

(h) hatisa tsamaiso ya medieshene le abitreishene.

### Ho kenya tshebetsong

- 11(1) Lekgotla kapa mokga le ka nna la tseka hore le fuwe kgau ya abitreishene tlasa karolwana ya Molao wa Abitreishene wa 1965(Molao wa Nomoro ya 2 wa 1965) mmoho le kgau ya medieshene kapa ha ho se na tumellano , ho kengwe molawana wa tsamaiso e sa lokang wa karolo ya 12(2) ya Molao lekgotleng la dinyewe.
- (2) Haeba motho yeo ho tlalehwang hore o entse tsamaiso e sa lokang a sa arabe dipotso tse entsweng ke mosebetsi wa Lekgotla ha ho qalwa ka tletlebo kapa haeba motho eo a hana ho ba le seabo tekong ya ho rarolla taba ena hore ke ka tharollo eo eseng ya semmuso, medieshene, abitreishene kapa tsela e nngwe, Lekgotla le ka nna la tswelapele ho nka qeto ya hore ho bile le ho thunthetsa ha melawana e hlahosang tsamaiso e sa lokang.
- (3) Pele sena se kena tshebetsong Lekgotla le ka nna la lekola tletlebo kapa tumellano ya bonamodi mme tlaleho efe kapa efe , ditokomane le lesedi le leng ho nka qeto haeba taba ena e loketse kotlo. Haeba Lekgotla le nka qeto ya hore ho sa hlokeha lesedi la tlatsetso le ka nna la fetisetsa taba ena hore e fuputswe hape ho ya ka molawana wa 6 le/kapa le ntshe samane ho ya ka karolo 6(e) le (f) ya Molao, le /kapa le tsamaiso kano ka mokgwa o hlahositsweng o teng Shejuleng RB3 ka sepheo sa ho hlahisa bopaki ka pela Lekgotla ho ya ka karolo 6(g) ya Molao.
- (4) Ho ya ka tekolo ya tletlebo ho tumellano ya bonamodi le thepa e nngwe le e nngwe e tshwanetseng, ho kenyeletswa le lesedi le fumanweng ho ya ka diphuputso tsa tlatsetso, Lekgotla le tla hlophisa tshisinyo e ngotsweng mabapi ho rarolla taba ena , e phatlalatsang dintlha tseo eleng tsa nnete le tsa molao mabapi le ho nkwa ha kgato e nngwe.
- (5) Haeba tshisinyo e lokela ho tswelapele ka kotlo, tshisinyo e ngotsweng e tla lokela ho tlišwa ho mokga oo ho tlišong ho nkwa kgato kgahlanong le ona, mme mokga o tsebiswa hore Lekgotla le tlišo batla ho beha kotlo mme mokga o fuwa monyetla, ka mohla o itseng, ho hlahella kapela Lekgotla mme o fane ka bopaki kapa o fane ka phehisano mabapi le taba ena.
- (6) Haeba mokga oo ho tlišong ho nkwa kgato kgahlanong le ona o kgetha ho hlaha ka pela Lekgotla ho tliša mamelwa bopaki ho nka qeto ya hore Lekgotla le tliša nka kgato efe mabapi le tshisinyo ya ho tswelapele ka kotlo -
- (a) motletlebi mmoho le moqusuwa ba ka nna ba fana ka bopaki

tlasa kano e tsamaiswang ho ya ka karolo ya 6(g) ya Molao;

- (b) Lekgotla ka bolona kapa ka kopo ya mokga ,le ka nna la ntsha samane tlasa karolo 6(a) le (f) ya Molao hore le fumane bopaki bo tshwanetseng; le
  - (c) ho latela bopaki , Lekgotla le tla ntsha qeto e ngotsweng moo le hlalosang dintlha tseo eleng tsona le tsa molao tse mabapi le qeto ya lona.
- (7) Haeba Lekgotla le nka qeto ya ho tswelapele ka kotlo le tla laela basebetsi ho fetisetsa taba ena ho motjhotjhisi ya tshwanetseng.

### Ho fetiswa ha Matla

12(1) Matla a Lekgotla tlasa karolo 6(e), (f) le (g) le 9(4)(a) le (b) a Molao a fetisetswa ho ditho ka bonngwe tsa Lekgotla, ho latela maemo a latelang -

- (a) ha ho setho sa Lekgotla se tla nka kgato boemong ba Lekgotla tabeng efe kapa efe moo setho sa Lekgotla se nang le thahasello, jwalo ka ha ho hlalositse karolong ya 5(9) ya Molao, kapa moo ho nang le kgonahalo ya hore ho ka ba le qabang ya ditabatabelo;
  - (b) diqeto tsohle tse entsweng ke ditho ka bonngwe moo di sebedisang matla ao di a fuweng di tla lekolwa hape ke Lekgotla le tletseng ka kopo ya mokga ofe kapa ofe kapa setho sefe kapa sefe sa Lekgotla; mme
  - (c) tabeng e itseng modulasetulo a ka nna a nka qeto hore matla a Lekgotla a ke ke a fetisetswa ho setho ka seng kapa hore matla le ha a se a fetisitswe a ka nna a amohuwa.
- (2) Lekgotla, ka matla ao le a filweng ho latela molawana wa (1) ha le nkelwe matla a lona, kapa ha le nkelwe mosebetsi wa lona kapa mosebetsi oo le ka beng le o filwe.

### Tokelo ya molao e kgutswanyane le ho Simolla

13(1) Melawana ena e bitswa Metjha ya Melawana ya Lekgotla la Tharollo ya Qabang ya Monga Tulo le Mohiri , 1998.

RB1

**FOROMO YA TLETLEBO YA LEKGOTLA LA THAROLLO YA  
DITLETLEBO YA MONGA TULO LE MOHIRI**

**BAKENG SA TSHEBEDISO YA SEMMUSO FEELA**

**NOMORO YA BOITSEBISO:**

**A. DINTLHA TSA MOTLETLEBI**

FANE:
MABITSO A PELE:
LEBITSO LA MOKGATLO (MEKGATLO):
NOMORO YA ID:
ATERESE YA KGWEBO/BODULO:
ATERESE YA POSO:
NOMORO YA MOHALA YA KGWEBO:
NOMORO YA MOHALA YA LAPENG:
NOMORO YA FAX:

**B. DINTLHA TSA TULO**

PALO YA DIUNITI MOAHONG: (HAEBA HO HLOKAHALA)
PALO YA BAHIRI BA DULANG MOAHONG
SEBAKA SA BODULO

**C. DINTLHA TSA DITHO TSA KOMITI YA MOHIRI/MONGA TULO**

LEBITSO: NOMORO EO O KA FUMANWANG HO YONA      MOHALA:      FAXE NOMORO YA TULO
LEBITSO: NOMORO EO O KA FUMANWANG HO YONA      MOHALA:      FAXE NOMORO YA TULO
LEBITSO: NOMORO EO O KA FUMANWANG HO YONA      MOHALA:      FAXE NOMORO YA TULO
LEBITSO: NOMORO EO O KA FUMANWANG HO YONA      MOHALA:      FAXE NOMORO YA TULO



**D. MOKGA OO HO ENTSWENG TLETLEBO KG AHLANONG LE ONA**

LEBITSO LA MOHIRI/MONGA TULO/MOKGATLO:
DINOMORO TSA MOHALA MOO O KA FUMANWANG TENG:
NOMORO YA FAXE:
ATERESE YA BODULO YA KA NAKO TSOHLE:
ATERESE YA POSO(HAEBE E FAPANE):

**E. LESEDI LA TLATSETSO**

LEBITSO LA MOHLOKOMEDI: NOMORO MOO A KA FUMANWANG TENG:	MOHALA:
FAXE:	
LEBITSO LA MONGA MOAHO: NOMORO MOO A KA FUMANWANG TENG:	MOHALA:
FAXE:	
ATERESE YA BODULO YA KA NAKO TSOHLE:	
ATERESE YA POSO:	
LEBITSO LA AGENTE YA TSAMAISO: NOMORO MOO A KA FUMANWANG TENG:	MOHALA:
FAXE:	
LEBITSO LA MONGA BONTO: NOMORO MOO A KA FUMANWANG TENG:	MOHALA:
FAXE:	

**F. MOTHO/MOKGATLO BO ROMETSENG MOTLETLEBI**

LEBITSO:
MOHALA:
FAXE:
NOMORO YA BOITSEBISO:

**G. LENA LE LA DITLETLEBO/DIQABANG**

1.
2.
3.
4.

**H. MAEMO A DITJHELETE A MOAHO**

SEKOLOTO SOHLE SA MOTLAKASE	R
SEKOLOTO SA METSI OHLE	R
DITJEO TSOHLE MMOHO LE LEKGETHO TSE KOLOTWANG LEKGOTLA	R
TJHELETE YOHLE E KOLOTWANG AGENTE YA TSAMAISO	R

**I. ANA KOPO YA MOAHO ONA E SE E KILE YA ETSWA PELE NA**EE TJHE 

LEBITSO LA MOTLETLEBI: \_\_\_\_\_

TSHAENO : \_\_\_\_\_

MOHLA: \_\_\_\_\_

**BAKENG SA TSHEBEDISO YA KANTORONG :**

LEBITSO LA MOSEBETSI: \_\_\_\_\_

TSHAENO: \_\_\_\_\_

MOHLA OO HO FUMANWENG RESITI YA TLETLEBO: \_\_\_\_\_

RB 2

**SAMANE YA LEKGOTLA LA THAROLLO YA QABANG YA MONGA TULO  
LE MOHIRI**

**BAKENG SA TSHEBEDISO YA KANTORONG FEELA**

**NOMORO YA BOITSEBISO: LT**

E TSHWARETSWE:

TABA PAKENG TSA :

..... MOTLETLEBI

..... LE ..... MOQUSUWA

HO:

LEBITSO: _____	
BONG	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ATERESE
DILEMO	<input type="checkbox"/> <input type="checkbox"/>

O koptjwa ka baka la sena ho hlahella ka bowena kapa o le moemedi/ agente/molaodi/setho .....le/kapa jwalo ka.....kapela Lekgotla sebakeng ena.....ka la.....letsatsi la.....19.....sebakeng sena(nako). \*Ka baka la tletlebo e boletsweng kahodimo ho tla fana ka bopaki kapa ho hlahisa dibuka, dipampiri kapa ditokomane boemong ba .....mabapi le patlisiso, bopaki, bonamodi kapa ka taelo le/kapa o tlise mme o be o hlahisetse Lekgotla dibuka tse mmalwa , dipampiri kapa ditokomane tse hlahositsweng lenaneng le ka tlase.

Mohla..... wa la .....letsatsi la..... 19.....

.....  
SETHO SA LEKGOTLA

**LENANE LA DIBUKA, DIPAMPIRI KAPA DITOKOMANE TSE LOKELWANG HO NTSHWA**

<b>MOHLA</b>	<b>TLHALOSO</b>	<b>KHOPI YA MANTLHA</b>

**HLOKOMELA HLE:**

1. Ke tlolo ya molao ho ya ka Karolo 12 ya Molao wa Monga Tulo le Mohiri, wa 1997 le melawana e kenyeleditsweng ho ona hore e se ke ya tsamaisana le Samane.
2. Haeba motho ofe kapa ofe ha a ka hloleha ho tla kgotla a fuwe samane kapa, ntle le ha feela a tlohelletswe, ho kenela bopaki nakong eo ho tshwerweng bopaki kapela Lekgotla, le nakong eo ho se nang kopo ya tshwarelo bakeng sa ho hloleha ho tla, motho ya jwalo a ka nna a fumanwa a le molato wa tlolo ya molao mme a ka nna a faenwa.

\* Hlakola tse sa kenyeletsweng

**BAKENG SA TSHEBEDISO YA OFISING**

Nna , ya saeneng ka tlase ke netefatsa hore ke ntshitse samane ena ho e romela ho motho eo lebitso la hae le hlahellang ho yona

* (a) ho mo fa khopi ya nnete ka bonna
* (b) ho fana ka khopi ya nnete jwalo ka ha a ne a sa fumaneha ho..... motho eo e kang o kahodimo ho dilemo tse 16 mme e ka ka o dula kapa o hirilwe sebakeng sena.....'sebaka sa bodulo/mosebetsi/ kgwebo

Sebakeng.....

.....

Maemo, tshohanyetso le ditlamorao tsa samane ena di hlaloseditswe moamohedi wa sena.

Nako:.....Mohla.....Kgwedi.....19.....

Sebaka.....

Tshaeno ya moamohedi:.....

Tshaeno ya mohlanka:.....

Lebitso le felletseng:.....

Lebitso le felletseng:.....

Maemo.....

\* Hlakola tse sa hlokahaleng

RB3

**KANO/KANANELO YA LEKGOTLA LA THAROLLO YA QABANG YA MONGA TULO LE MOHIRI**

Nna, \_\_\_\_\_ ya saenneng ka tlase ke phatlalatsa tlasa kano/mmuso hore

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Ka tsebo ya ka e batsi le netefatso, tlaleho e kahodimo e ke nnete, e a tlama, e felletse mme ebile e nepahetse.

TSHAENO YA MOPHATLALATSI: \_\_\_\_\_

Nna ke netafatsa hore, pele ho tsamaiso ya kano/kananelo, Ke botsitse moqusuwa dipotso tse latelang mme ka ngola dikarabo tsa hae a le teng:

1) Ana o tseba le hona ho utlwisisa dikahare tsa phatlalatsa ena?

Karabo: \_\_\_\_\_

2) Ana o hanana le ho nka kano e hlahositsweng na?

Karabo: \_\_\_\_\_

3) Ana o nka kano ena e hlahositsweng e le e tlamang mohopolong wa hao?

Karabo: \_\_\_\_\_

Nna ke netefatsa hore moqosuwa o ananetse hore o a tseba ebile o a utlwisisa dikahare tsa phatlalatsa ena. Moqusuwa o buwa mantswa ana : "Ke ikana hore dikahare tsa phatlalatsa ena ke nnete, Modimo nthuse."/ "Ke netefatsa ele ka nnete hore dikahare tsa phatlalatsa ke nnete." Tshaeno/letshwao la moqusuwa le mamaretswa ho phatlalatsa ke le teng.

\_\_\_\_\_  
MOKHOMESHENARA YA NKISANG KANO

\_\_\_\_\_  
MABITSO A HO QALA A PELE MMOHO LE FANE(PRINTA)

\_\_\_\_\_  
Boemo mosebetsing(MAEMO) le Sebaka moo a kgethilweng

\_\_\_\_\_  
ATERESE YA JWALE YA KGWEBO \_\_\_\_\_

\_\_\_\_\_  
MOHLA: \_\_\_\_\_

\_\_\_\_\_  
SEBAKA: \_\_\_\_\_

\* Hlakola tse sa hlokeheng

RB 4

**TUMELLO YA HO NAMOLA YA LEKGOTLA LA THAROLLO YA QABANG  
PAKENG TSA MONGA TULO LE MOHIRI**

Nna/Rona: \_\_\_\_\_ dulang \_\_\_\_\_  
\_\_\_\_\_ re dumella bonamodi pakeng tsa Nna/Rona le Monga  
tulo/Mohiri ho ya ka tletlebo e entsweng ho Lekgotla la Tharollo ya Qabang  
pakeng tsa Monga tulo le Mohiri.

E saennwe: \_\_\_\_\_ ka la \_\_\_\_\_ Letsatsi  
la \_\_\_\_\_ 19 \_\_\_\_\_

TSHAENO: \_\_\_\_\_ LEBITSO: \_\_\_\_\_  
(PRINTA)

PAKI 1: \_\_\_\_\_

PAKI 2: \_\_\_\_\_

RB5

**TUMELLANO YA HO NAMOLA YA LEKGOTLA LA THAROLLO YA QABANG YA MONGA TULO LE MOHIRI**

Nna/Rona: \_\_\_\_\_ dulang \_\_\_\_\_  
 \_\_\_\_\_ re dumella bonamodi pakeng tsa Nna/Rona le Monga tulo/Mohiri ho ya ka tletlebo e entsweng ho Lekgotla la Tharollo ya Qabang pakeng tsa Monga tulo le Mohiri.

E saennwe: \_\_\_\_\_ ka la \_\_\_\_\_ Letsatsi  
 la \_\_\_\_\_ 19 \_\_\_\_\_

TSHAENO: \_\_\_\_\_ LEBITSO: \_\_\_\_\_

(PRINTA)

PAKI 1: \_\_\_\_\_

PAKI 2: \_\_\_\_\_

RB 6

**SETIFIKHEITE SA MASETERATA HO LALELA PEHELO YA KAROLO 9(8) E BALWANG LE KAROLO 4(b) YA MOLAO WA BODULO MONGA TULO LE MOHIRI NOMORO YA 3 YA 1997**

MASETERATA  
LEKGOTLA LA MASETERATA

Mohlomphehi,

Re: SETIFIKHEITE HO YA KA KAROLO YA 9(8) SA MOLAO WA BODULO MONGA TULO LE MOHIRI WA 1997 NOMORO YA 3 YA 1997 WA PROFENSI YA GAUTENG.

KGANG E PAKENG TSA :

NOMORO YA  
BOITSEBISO:

MOTLETLEBI

LE

MOIKARABELI

Ho entswe tletlebo ho Lekgotla la Tharollo ya Qabang pakeng tsa Monga tulo le Mohiri le thehilweng ho ya ka Molao o hlalositweng kahodimo ke Motletlebi ya boletsweng,

.....kgahlanong le ya boletsweng.....

Tletlebo e mabapi le tsamaiso e sa lokang jwalo ka ha e hlaloswa Molaong le Molawaneng o hlalositweng ka tlase moo tletlebo e leng kgahlano le:

Ho ile ha bitswa kopano ya bonamodi bakeng sa.....empa ha e aka yaba teng ka ha Monga tulo/Mohiri ba sa ka ba ba teng kopanong.

Ka hoo ha ho kgato tsa molao tse lokelwang ho nkwa ka taba ena e seng e boletsw

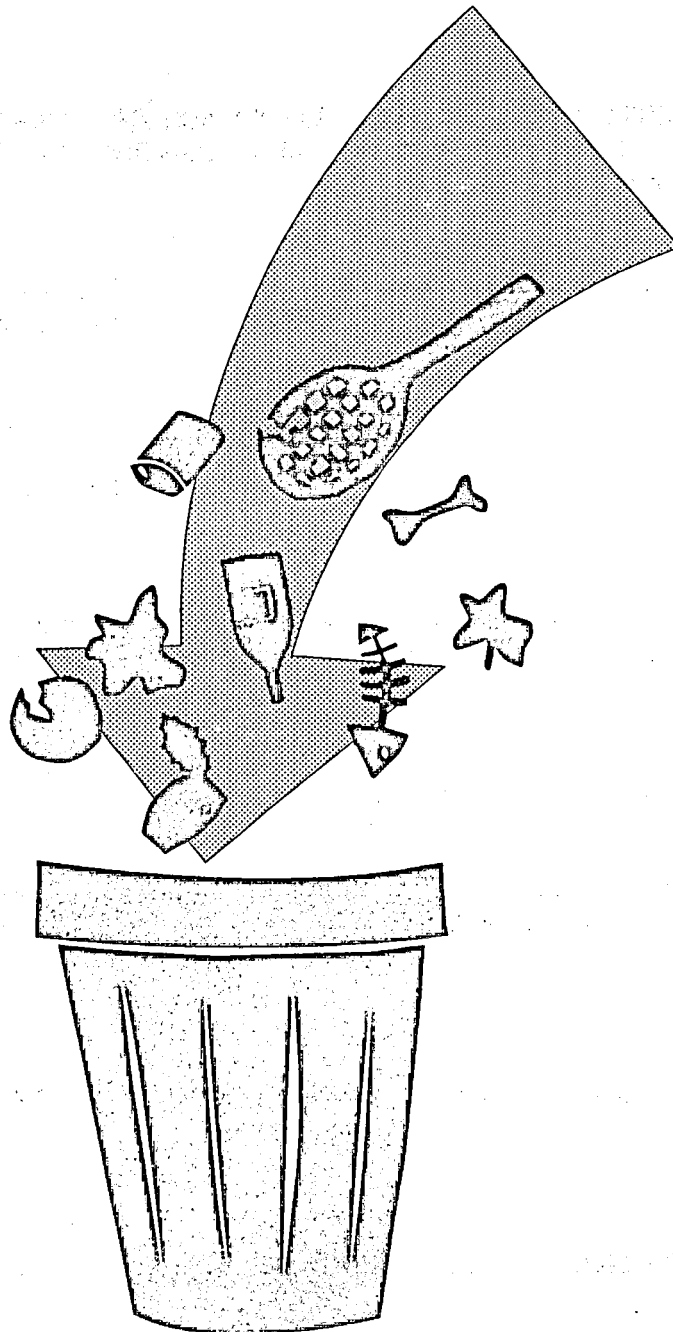
.....kgahlanong le.....

Wa hao ya tshepahalang

MODULASETULO:  
LEKGOTLA LA THAROLLO YA QABANG YA MONGA TULO LE MOHIRI



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Department of Environment Affairs

## Save a drop — and save a million

**W**ater conservation is very important to the community and industry to ensure their survival. So save water!



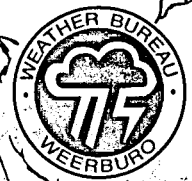
## Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



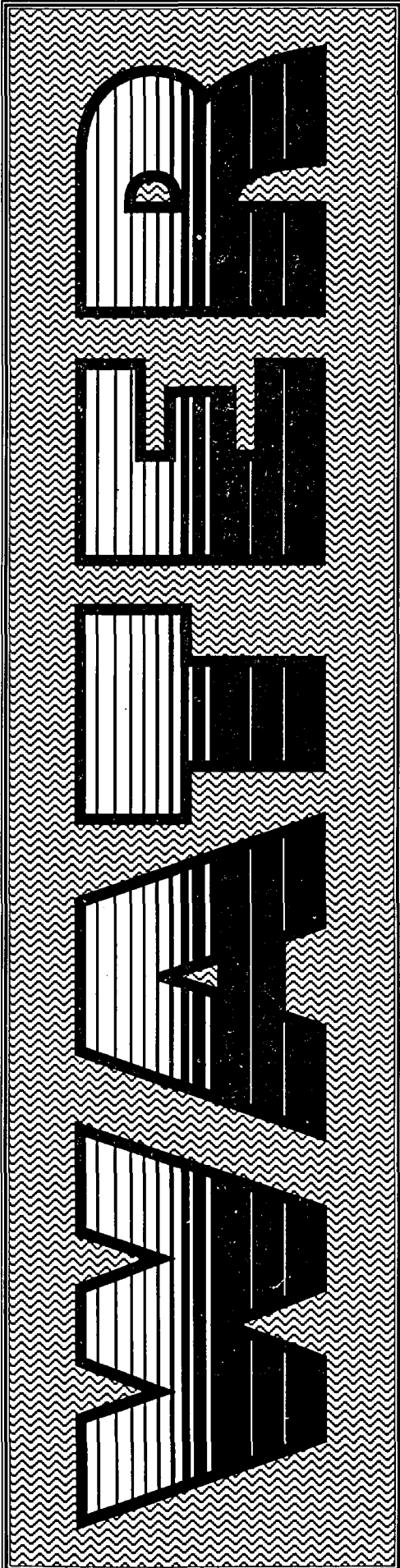
# THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



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DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME



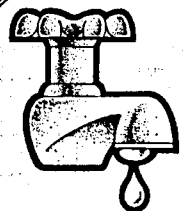
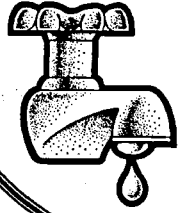
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**DON'T**

**WASTE**

**IT!**



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