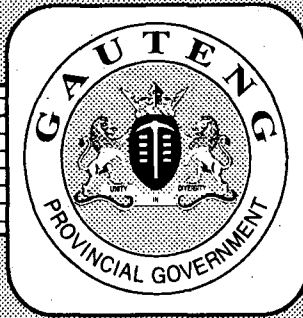


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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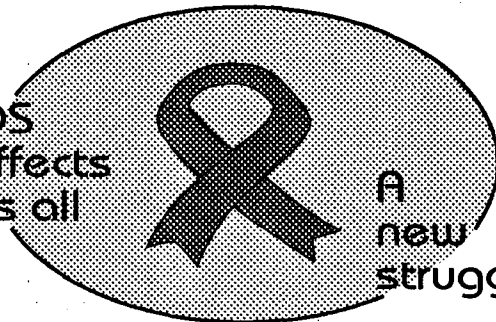
Vol. 7

**PRETORIA, 2 MARCH
MAART 2001**

No. 25

We all have the power to prevent AIDS

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affects
us all



A
new
struggle

Prevention is the cure

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HELPLINE**

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 1385 OF 2001

DEPARTMENT OF HOUSING

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

UNFAIR PRACTICES AMENDMENT REGULATIONS, 2000

The Member of the Executive Council responsible for housing has under section 9 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), made the amendment regulations in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Amendment of regulation 2 of the Unfair Practices Regulations, 1998

1. Regulation 2 of the Unfair Practices Regulations, 1998 (in these regulations referred to as "the Regulations") is hereby amended by the substitution for regulation 2 of the following regulation:

"2 Any person who contravenes any provision[s] of these regulations thereby commits an unfair practice."

Amendment of regulation 3 of the Regulations

2. Regulation 3 of the Regulations is hereby amended by the substitution for sub regulation (1) of the following paragraph:

"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."

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is hereby amended -

(a) by the substitution for sub regulation (1)(a) of the following paragraph:

"(a) deliver the dwelling to the tenant in a condition fit for the purpose for which it is let, and in so doing ensure that windows, doors, cupboards, stoves, taps, sanitary ware, carpets, tiles, electrical fittings, toilet cistern and other similar fittings are in good order and repair;"; and

(b) by the deletion of sub regulation (1)(e).

Amendment of regulation 5 of the Regulations

4. Regulation 5 of the Regulations is hereby amended -

(a) by the substitution for the enacting clause of the following enacting clause:

"A landlord must not -";

(b) by the substitution for sub regulation (3) of the following paragraph:

"(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]** by the landlord on behalf of the tenant;"; and

- (c) by the substitution for sub regulation (4) of the following paragraph:

"(4) fail to hold a deposit in **[a separate]** an interest-bearing account which interest may not be less than the rate applicable to a savings account with a financial institution and fail to **[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];**".

Substitution of regulation 6 of the Regulations

5. The following regulation is hereby substituted for regulation 6 of the Regulations:

"Rentals

6(1) A landlord must issue a receipt to a tenant upon each payment of rental, which receipt must 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;
- (f) the date on which payment was made; and
- (g) the period for which payment was made.

(2) If the landlord has authorised the payment of rental and other expenses into a certain specified bank account of the landlord's and if the tenant pays the rental 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 sub regulation (1).

(3) A landlord's failure to comply with sub regulation (1) shall not preclude the landlord from instituting proceedings to recover the rental if the tenant pays the rental by cheque into the landlord's specified bank account, and such cheque is dishonoured for non-payment.

(4) A tenant must pay the rental due under the lease.

(5) A landlord must give a tenant at least 2 (two) months written notice of an intention to increase the rental.

(6) A tenant must notify the landlord in writing within 1 (one) month of receipt of the notice under sub regulation (5) that the tenant wishes to contest the increase, failing which the increase will be deemed to take effect when the 2 (two) month period expires, unless the tenant lodges a complaint, subject to sub regulation (7), with the Board for mediation under section 9(6) of the Act.

(7) If a complaint has been lodged with the Board for mediation, the landlord must provide the following information:

- (a) the amount of rates and taxes payable to the local authority;
- (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 sub regulation (7) to a third party without the consent of the landlord."

Amendment of regulation 9 of the Regulations

6. Regulation 9 of the Regulations is hereby amended -

- (a) by the substitution for sub regulation (1) of the following paragraph:

"(1) A landlord or tenant or representative of a landlord or tenant must not -";

- (b) by the deletion of sub regulation (4); and

- (c) by the substitution for sub regulation (5) of the following paragraphs:

"(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 3 (three) years or to both such fine and imprisonment, and the court convicting such a person may in addition to any sentence impose the following punishments upon such a person:

- (i) to make payment of compensation to any person or persons who suffered damages as a result of such an unfair practice on or before a date determined by the court and such an order shall have the effect of a civil judgement in favour of the person or persons in whose favour it was made; or
- (ii) to carry out any specific act to remedy an unfair practice on or before a date determined by the court."

Short title

7. These regulations are called the Unfair Practices Amendment Regulations, 2000.

KENNISGEWING 1385 VAN 2001**GAUTENG-PROVINSIE****DEPARTEMENT VAN BEHUISING****WET OP RESIDENSIËLE VERHUURDERS EN HUURDERS, 1997 (WET 3 VAN 1997)****WYSIGINGSREGULASIES OP ONREGVERDIGE PRAKTYKE, 2000**

Die Lid van die Uitvoerende Raad verantwoordelik vir behuising, wysig hiermee die regulasies in die skedule kragtens artikel 9 van die Wet op Residensiële Verhuurders en Huurders, 1997 (Wet 3 van 1997).

SKEDULE**ALGEMENE VERDUIDELIKING:**

[] **Woorde in tussen tekshakies wat donker gedruk is, dui op gedeeltes wat nou weggelaat word uit die bestaande artikels.**

 Woorde wat onderstreep is, dui op gedeeltes wat nou bygevoeg word by bestaande artikels.

Wysiging van regulasie 2 van die Regulasies op Onregverdige Praktike.

1. Regulasie 2 van die Regulasies op Onregverdige Praktike van 1998 (wat hierna die "Regulasies" genoem word) word hiermee gewysig deur regulasie 2 te vervang met die volgende regulasie:

"2 Enige persoon wat enige voorwaarde[s] van die regulasies oortree en so 'n onregverdige praktyk bedryf.

Wysiging van regulasie 3 van die Regulasies

2. Regulasie 3 van die regulasies word hiermee gewysig deur regulasie (1) te vervang met die volgende paragraaf:

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 [huur]ooreenkoms tussen hulle nie skriftelik uiteengesit nie.

Wysiging van regulasie 4 van die Regulasies

3. Regulasie 4 word hiermee gewysig -
- (a) deur subregulasie (1)(a) te vervang met die volgende paragraaf:
 "(a) lewer die woning aan die huurder in 'n toestand wat geskik is vir die doel waarvoor dit verhuur word en om in die proses seker te maak dat vensters, deure, kaste, stowe, krane, badkamertoerusting, matte, teëls, elektriese toebehore, toiletbak en ander soortgelyke toebehore in 'n goeie en heel toestand is"; en
- (b) deur subregulasie (1)(e) te skrap.

Wysiging van regulasie 5 van die Regulasies

4. Regulasie 5 word hiermee gewysig: -
- (a) deur regulasie 5 te vervang met die volgende regulasie:
 " 'n Eienaar kan nie -"
- (b) deur subregulasie (3) te vervang met die volgende paragraaf:
 (3) versuim van die eienaar om rente op enige deposito wat namens die huurder gehou is [wat vir 'n tydperk van een jaar of langer gehou is na die aanvang van die huurtermyn, te betaal nie] aan die huurder te betaal aan die einde van die huurtermyn nie;
- (c) deur subregulasie (4) te vervang met die volgende paragraaf:
 (4) versuim om 'n deposito in 'n [afsonderlike] rente-draende rekening, welke rente nie minder mag wees as die koers wat geld vir spaarrekeninge wat by finansiële instansies nie, te hou en te versuim om [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 rente op die rentedraende rekening mag nie minder wees as die rente wat betaalbaar is op 'n spaarrekening by 'n finansiële instansie 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];

Wysiging van regulasie 6 van die Regulasies oor onregverdige praktyke

5. Die volgende regulasie vervang hiermee regulasie 6 van die regulasies:
- 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 Huurder moet die huur wat verskuldig is kragtens die huurooreenkoms betaal.
- (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 bevraagteken. Versuim om dit te bevraagteken 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 in die gebou, 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.

Wysiging van regulasie 9 van die Regulasies oor onregverdige praktyke

6. Regulasie 9 van die regulasies word hiermee gewysig: -
- (a) deur subregulasie (1) van die volgende paragraaf te vervang met die volgende paragraaf:
“(1) ’n eienaar of huurder of verteenwoordiger van ’n eienaar of huurder kan nie –”;
 - (b) deur die hele regulasie (4) te skrap: en
 - (c) deur subregulasie (5) te vervang met die volgende regulasie:
- (4) 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. Verder kan die hof wat die persoon skuldig bevind aan die oortreding, enige van die volgende strawwe oplê:
- (i) te beveel dat kompensasie aan enige persoon of persone wat skade gely het as gevolg van die onregverdige praktyk en dat die skadevergoeding op of voor 'n datum wat deur die hof bepaal word betaal moet word. Die gevolg van so 'n bevel is dat dit 'n siviele vonnis is ten gunste van die persoon in wie se guns dit bepaal is; of
 - (ii) te beveel dat enige spesifieke daad gedoen moet word om die onregverdige praktyk uit die weg te ruim en dat dit op of voor 'n datum wat deur die hof vasgestel sal word, gedoen moet word.

Kort titel

7. Die regulasies is bekend as die Regulasies oor Onregverdige Praktyke, 2000.

NOTICE 1385 OF 2001**ISIFUNDAZWE SASE-GAITENG****UMNYANGO WEZEZINDLU**

UMTHETHO OPATHELENE NABUNIKAZI KANYE NABAHLALI ENDAWENI YOKUHLALA, 1997 (UMTHETHO ONGUNOMBOLO 3 KA 1997)

IMITHESHWANA EYIZICHIBIYELO ZOKWENZA OKUNGAFANELEKILE, 2000

Ilunga loMkhandlu oThatha izinqumo elibhekele ezezindlu ngaphansi kwesigaba 9 somthetho ophathelene nobanikazi kanye nabahlali endaweni yokuhlala, 1997 (uMthetho ongunombolo 3 ka 1997), lenza imitheshwana eyizichibiyelo kuSheduli.

ISHEDULI**AMANOTHI OKUCHAZA NGOKUVAMILE**

[] Amagama abhalwe ngokukhulu afakwa kobakaki abayisikwele akhombisa okushiye kulokho kumthetho okhona njengamanje.

— Amagama adwetshwelwe ngomugqa omkhulu akhombisa okufakiwe kumthethe okhona njengamanje.

Ukuchitshiyelwa komtheshwana 2 wemithetho yokwenza okungafanelekile, 1998

1. Umtheshwana 2 wemithetho wokwenza okungafanelekile, 1998 (kulemitheshwana ebizwa ngokuthi "iMitheshwana) lapha iyachitshiyelwa ngokuthi kususwe umtheshwana 2 womtheshwana olandelayo:

"2 Noma imuphi umuntu ophula isimiso [izimiso] zalemitheshwana ngaleyo ndlela wenza okungafanele."

Ukuchitshiyelwa komtheshwana 3 weziqondiso

2. Umtheshwana 3 wemitheshwana lapha uyachitshiyelwa ngokuthi kususwe isiqondiswana (1) sepharagrafu elandelayo:

“3(1) Amalungelo kanye nemisebenzi yomnikazi ndawo kanye nomhlali njengoba kubekiwe kumitheshwana esebenza kumnikazi kanye nomhlali endaweni ngisho noma ngabe ilizi[isivumelwano] phakathi kwabo ingabhaliwe phansi.”

Ukuchitshiyelwa komtheshwana 4 weziqondiso

3. Umtheshwana 4 wemitheshwana lapha uyachitshiyelwa –

- (a) ngokususwa komtheshwana ongaphansi (1)(a) wepharagrafu elandelayo:

(a) nikezela ngendawo kumqashi ibe ikulesi simo esifanelekile kulenhloso oyiqashisela yona, futhi uma wenza njalo qiniseka ukuthi amafasitela, iminyango, amakhabethe, izitofu, ompompi, okokuthuthwa kwendle, okhaphethi, amathayizi, ukufakelwa kukagesi, ukuxhunywa kwetholiyethi kanye nokunye okufakelwe okufana nalokho ukuthi kusesimeni esihle kanye nokunye ukuvuselela;; futhi

- (b) ngokuthi ususe umtheshwana ongaphansi (1)(e)

Ukuchitshiyelwa komtheshwana 5 weziqondiso

4. Umtheshwana 5 wemitheshwana lapha uyachitshiyelwa -

- (a) ngokususa isigaba esibekayo salesi sigaba esibekayo esilandelayo:

“A umnikazi ndawo kufanele anga -”

- (b) ngokususa umtheshwana ongaphansi (3) wepharagrafu elandelayo:

“(3) ukuhluleka ukukhokha inzalo koqashile ekupheleni [kwalowo nalowo nyaka] kwelizi, kunoma iyiphi imali eyidiphozithi ebanjiwe [isikhathi esingangonyaka owodwa noma ngaphezulu kusukela ekuqaleni kwesikhathi selizi] ngumnikazi wendawo eyibambela umqashi;”; futhi

- (c) ngokususa umtheshwana ongaphansi (4) walamapharagrafu alandelayo:

"(4) ukuhluleka ukubamba isibambiso [kwehlukene] ku-akhawunti efaka inzalo leyonzalo engeke ibengaphansi kwesilinganiso esisebenza ku-akhawunti yokonga nesikhungo sezezimali futhi ukuhluleka [noma] ukunikezela ngesaziso sebhangе kanye nenombolo ye-akhawunti idiphozithi egcinwe kuyo ngomnikazi wendlu eyigcinela umqashi [inqobo nje uma umnininimuzi engakhipha imali ebizwa ibhange kunzalo etholakala kumali efakiwe futhi uma inzalo etholakele ingenele umnininimuzi angakhipha imali ebizwe ibhange kumali yonke ekhona];"

Ukususwa kwemitheshwana 6 yemitheshwana

5. Lemitheshwana elandelayo lapha isuselwa kumtheshwana 6 wemitheshwana:

"Irenti

6(1) Umnininimuzi kufanele akhiphe irisidi kumqashi ngaso sonke isikhathi uma ekhokha irenti, ekuthi leyo risidi kufanele okungenani ibenalemininingwane elandelayo-

- (a) igama lomqashi;
- (b) igama lomnininimuzi;
- (c) igama kanye nokusayina komuntu okhokhelwayo;
- (d) ikheli lalapho uhlala khona
- (e) inani elikhokhwa ngumqashi;
- (f) usuku okwakhokhwa ngalo; kanye
- (g) nesikhathi ekwakhokhwa ngaso.

- (2) Uma umnininimuzi egunyaze ukukhokhelwa kwerenti kanye nezinye izindleko kuleyo akhawunti ethile yomnininimuzi kanye nokuthi umqashi ukhokha irenti kuleyo akhawunti yasebhange, isiliphu sediphozithi sizokwenza irisidi yomqashi futhi umnininimuzi uzokhululeka ekutheni ahambisane nalezo zimiso zalowo mthetho ongaphansi (1)

- (3) Ukuhluleka komnimumuzi ukuba ahambisane nomthetho ongaphansi (1) angeke kuvimbele umnimumuzi ukuba afake icala lokuthola irenti uma umqashi ekhokha irenti ngesheke ku-akhawunti ethile yasebhange yomnimumuzi, futhi lelosheke lingavunywa.
- (4) Umqashi kufanele akhokhe irenti efanelekile ngokusho kwelizi.
- (5) Umnimumuzi kufanele anikeze umqashi okungenani izinyanga ezimbili (2) zesaziso esibhaliwe sezinhloso zokukhuphula irenti.
- (6) Umqashi kufanele azise umnimumuzi ngokubhalwe phansi kusasele inyanga ngesaziso esingaphansi komtheshwana (5) ukuthi umqashi ufisa ukuphikisana nokukhuphuka kwemali, uma ehluleka ukwenza lokho ukukhuphuka kwemali kuzothathwa ngokuthi kwamukelwe uma kuphela isikhathi sezinyanga ezimbili (2), ngaphandle uma kungukuthi umqashi ufaka isikhalazo, ngokusho komtheshwana (7), neBhodi yokulamula ngaphansi kwesigaba 9(6) soMthetho.
- (7) Uma isikhalazo sesifakiwe neBhodi yokulamula, umnimumuzi kufanele anikezele ngaleminingwane elandelayo:
- (a) inani lamareyithi kanye nezintela okukhokhwa kumasipala wendawo;
 - (b) izindleko zamanzi, zikagesi, zegesi, ukulahlwa kododi kanye nokuthuthwa kwendle;
 - (c) imali yerenti ekhokhwe abanye abaqashi, uma ikhona;
 - (d) izindleko ezivamile zokugcina indawo isesimeni esifanelekile;
 - (e) ubucayi obugcinelwe ukugcina indlu ikahle, kanye nokuzuziwe kumali ebikade itshaliwe.
- (8) Umqashi akufanele aveze imininingwane enikeziwe ngaphansi komtheshwana ophansi (7) komunye umuntu ngaphandle kokuvuma komnimumuzi."

Ukuchibiyelwa komtheshwana 9 wemitheshwana

6. Umtheshwana 9 wemitheshwana lapha uyachibiyelwa-

- (a) ngokususa umtheshwana ongaphansi (1) walepharagrafu elandelayo:

"(1) Umnimumuzi noma umqashi noma ommele oyedwa kumnimumuzi noma umqashi kufanele-"

- (b) asuse umtheshwana (4); futhi

(c) asuse umtheshwana (5) wamapharagrafu alandelayo:

"(5) Noma imuphi umuntu owenza okungafanele uzoba necala futhi uma selimlahlile wagwetshwa kuzomele akhokhe inhlawulo noma aboshwe ejele isikhathi esingeqi eminyakeni emithathu (3) noma akuthole kokubili kube inhlawulo kanye nokuboshwa, futhi inkantolo ngesikhathi igweba lowomuntu ukwengeza kunoma isiphi isigwebo siletha ukujeziswa kulowo muntu:

(1) owenza inkokhelo yembuyekezo kunoma imuphi umuntu noma abantu abalinyalelwa ngenxa yalokhu kwenza okungafanele noma ngaphambi kosuku olunqunywe inkantolo futhi lowomyalelo uzokuba nomphumela ekugwebeni umuntu noma labobantu okuyibona ebebesizwa; noma

(2) oqhuba noma imuphi umthetho othile wokulungisa ukungenzingokufanele ngosuku noma ngaphambi suku olunqunywe inkantolo."

Isihlokwana esifushane

7. Lemitheshwana ibizwa ngokuthi isichibiyelo semitheshwana yokwenza ngokungafanele, 2000.

NOTICE 1385 OF 2001

PROFENSE YA GAUTENG

KGORO YA KAGO YA DINTLO

MOLAO WA MONGNAGA WA BODULO LE BOHIRI, 1997
(MOLAO WA 3 WA 1997)

**MELAWANA YEO E FETOTŠWEGO YA TIRIŠO YEO E SA
LOKAGO, 2000**

Molekgotlaphethišo yoo a nago le maikarabelo a kago ya dintlo, ka fase ga Molao wa Monyenaga wa Bodulo le Bohiri, 1997 (Molao wa 3 wa 1997), o dirile diphetogo tša melawana ka gare ga Šetulo.

ŠETULO

Tsebišo ya tlhalošo ka kakaretšo:

[] Mantšu ao a ngwadilwego ka mašakaneng a sekwere a laetša ditlogelo go tšwa melaong yeo e beilwego.

_____ Mantšu ao a thaletšwego ka mothalo wo mokoto a laetša ditlhomelo go tšwa melaong yeo e beilwego

Phetošo ya molawana wa 2 wa Melawana ya Tirišo yeo e sa Lokago, 1998

1. Molawana wa 2 wa Melawana ya Tirišo yeo e sa Lokago (ka gare ga melawana ye e bitšwago "Melawana") ka mo e a fetošwa ka go bea bakeng sa molawana wa 2 wa molawana wo o latelago:

"2 Motho yo mongwe le yo mongwe yoo a tloago (di)taolelo tše dingwe le tše dingwe tša melawana ye ka gona gona o dira tiro yeo e sa lokago"

Phetošo ya molawana wa 3 wa Melawana

2. Molawana wa 3 wa Melawana ka gona o fetošwa ka go tloša karolo ya molawana (1) wa temana ye e latelago:

"3(1) Ditokelo le mešomo ya mongnaga le mohiri tšeo di ngwadilwego ka melawaneng ye e diragala go mongnaga le mohiri le ge e le gore [tumelelano] ya go hiriša magareng ga bona e šetše e ngwadilwe"

Phetošo ya molawana wa 4 wa Melawana

3. Molawana wa 4 wa Melawana ka gona o fetošwa:

- (a) ka go tloša karolo ya molawana (1)(a) ya temana ye e latelago"

"(a) go fa bodulo go mohiri ka maemo ao a kgahlišago go ya ka mabaka ao ahirišwago, ka go dira bjalo go kgonthišiša gore mafesetere, mamati, dikhapoto, ditofa, dithepe, dithoto tša go hlweka, dikhapete, ditlabakelo tša mohlakase, tanka ya meetse a ka ntlwaneng le ditlabakelo tše dingwe di maemong a lokilego gomme le go lokišwa;" gomme

- (b) ka go phumola karolo ya molawana (1)(e)

Phetošo ya molawana wa 5 wa Melawana

4. Molawana wa 5 wa Melawana ka gona o a fetošwa

- (a) ka go tloša lefokwana leo le beilwego semolao bakeng sa le le latelago la go bewa semolao:

"Mongnaga ga a swanela";

- (b) ka go tloša karolo ya molawana (3) wa temana ye e latelago "3" go palelwa ke go lefa mašokotšo/tswalo go mohiri mafelolo a **[ngwaga wo mongwe le wo mongwe]** tšhelete ya go hira, ka peeletšo ya ye nngwe le ye nngwe yeo e swerwego **[sebaka sa ngwaga o tee goba go feta go tloga mathomo a kotara ya go hira]** ka mongnaga a emetše mohiri; le

- (c) ka go tloša karolo ya molawana (4) wa temana ye e latelago:

"4" go palelwa ke go ntšha peeletšo ka gare ga tšhupaletlotlo la go ba le mašokotšo ye e **[aroganego]** yeo mašokotšo a yona a sa swanelago go ba ka fase ga tekanyo yeo e amanago le tšhupaletlotlo-polokelo ya sehlongwa sa matlotlo le go palelwa ke [goba] go tsebiša mohiri dinomoro tša panka le tša tšhupaletlotlo tšeo peeletšo e swerwego ke mongnaga bakeng sa mohiri [: ntle

le ge mongnaga a ka ntšha melato ya panka go tšwa go mašokotšo ao a hweditšwego go tšhelete ya peeletšo gomme ge tšhelete yeo e hlaela mongnaga a ka goga melato ya panka go tšwa go tšhelete ya letlotlo];"

Tlošo ya molawana wa 6 wa Melawana

5. Molawana wo o latelago ka gona o beilwe bakeng sa molawana wa 6 wa Melawana:

"Ditšhelete tša go hira

6(1) Mongnaga o swanetše go fa mohiri resiti go tefo ye nngwe le ye nngwe ya go hira, gomme resiti yeo e swanetše go ba le tshedimošetšo ye e latelago-

- (a) leina la mohiri;
- (b) leina la mongnaga;
- (c) leina le tshaeno ya motho yoo a amogelago tefo;
- (d) aterese ya bodulo;
- (e) tšhelete yeo e lefilwego ke mohiri
- (f) tšatšikgweri leo tefo e dirilwego; le
- (g) nako yeo tefo e diriwego ka yona.

- (2) Ge e le gore mongnaga o file tumelelo ya gore tefo ya go hiriša le ditshenyegelelo tše dingwe di swanetše go lebišwa akhaontong ya panka ye itšego ya mongnaga, le ge e le gore mohiri o lefa tšhelete ya go hira ka akhaontong ya panka yeo, setlankana sa polokelo e tla ba rasiti ya mohiri gomme monganaga o tla tthaolwa go dumelelana le ditaelelo tša molawana wa (1).
- (3) Ge mongnaga a ka palelwa ke go dumelelana le karolo ya molawana wa (1) go ka se thibele monganaga go hloma dikgato tša semoalo go hwetša tšhelete ya go hira ge mohiri a lefa tšhelete ya go hira ka tšheke ka gare ga akhaonto ya panka ya mongnaga yeo e laeditšwego; gomme akhaonto yeo e ganne go amogelwa go se lefelwe.
- (4) Mohiri o swanetše go lefa tšhelete ya go hira yeo e kolotwago ka fase ga go hiriša
- (5) Mongnaga o swanetše go fa mohiri dikgweri tše ka bago tše 2 (pedi) tsebišo ya go ngwalwa ka ga maikemišotšo a gagwe a go nameletša tšhelete ya go hiriša.

- (6) Mohiri o swanetše go tsebiša mongnaga ka go ngwala ka gare ga kgwedi e 1 (tee) ya go amogela tsebišo ka fase ga karolo ya molawana wa (5) gore mohiri rata go ganana le koketšo, ge a ka palelelwa ke go dira bjalo koketšo e tla tšewa e thomile ge sebaka sa dikgwedi tše 2 (pedi) se fedile, ntle le ge mohiri a tsenya ngongorego, malebana le karolo ya molawana wa (7), le Boto ya poelanyo ka fase ga karolo 9(6) ya Molao
- (7) Ge ngongorego e tsentšwe le Boto mabapi le poelanyo, mongnaga o swanetše go fana ka tshedimošetšo ye e latelago:
- (a) tšhelete ya metšhelo yeo e swanetšego go lefela mmušo selegae
 - (b) ditshenyegelo tša meetse, motlakase, gase, matlakala le kelatšhila;
 - (c) tšhelete ya go hira yeo e lefago ke bahiri ba bangwe; ge e ba go na le tše dingwe
 - (d) ditshenyegelo-kakaretšo tša go hlokomela bodulo;
 - (e) dikotsi tšeo di beetšwego go hlokomela; le
 - (f) dipoelo tša dipeeletšo
- (8) Mohiri ga a swanela go tsebagatša tshedimošetšo yeo e filwego ka fase ga molawana (7) go wararo ntle le tumelano ye mongnaga"

Phetošo ya molawana wa 9 wa Melawana

6. Molawana wa 9 wa Melawana ka gona o fetošwa


- (a) ka go tloša karolo ya molawana (1) wa temana ye e latelago:
"(1) Mongnaga goba mohiri goba moemedi wa mongnaga goba mohiri ga a swanela go - "
- (b) ka go tloša karolo ya molawana wa (4); le
- (c) ka go tloša karolo ya molawana wa (5) wa ditemana tše di latelago:
"(5) Motho yo mongwe le yo mongwe yoo a dirago ditiro tša go se loke o tla bonwa molato gomme ka morago ga go ahlolwa o tla swanela ke go lefa tefišo goba a išwa kgolegong mengwaga ye e sa fetego ye 3 (meraro) goba

bobedi e lego tefišo le go išwa kgolegong; gomme kgorotsheko yeo e ahlola go motho yo bjalo godimo ga kahlolo e ka laela motho yo njalo dikotlo tše di latelago;

- (i) go dira ditefopušetšo go motho goba batho bao ba kwišitšwego bohloko ka baka la tirišo ye bjalo ya go se loke goba pele ga tšatšikgwedi leo le beilwego ke kgorotsheko le gore taelo ye bjalo e tla ba le sephetho sa kahlolo ya selegae ka go rerelela le maotho goba batho bao go rererela go dirilwego go bona; goba
- (ii) go phethagatša tiro ye nngwe le ye nngwe go fokotša tiro ya go se loke go goba pele ga tšatšikgwedi leo le beilwego ke kgorotsheko"

Thaetlele ye kopana

7. Melawana ye e bitšwa Melawana-phetošwa ya Ditiro tše sa lokago, 2000



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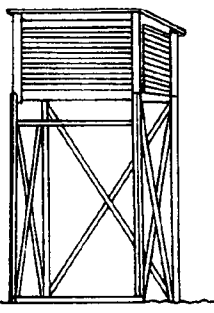
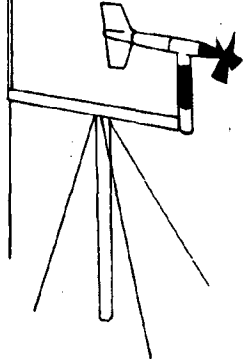
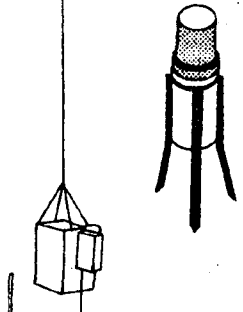
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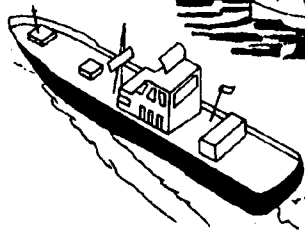
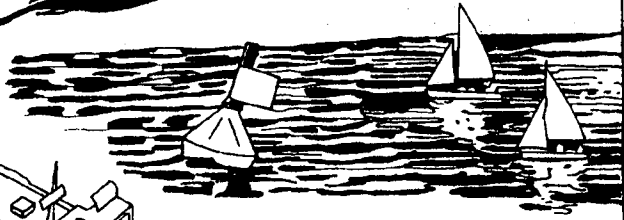
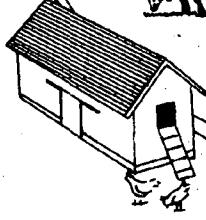
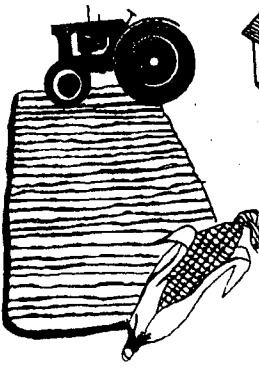
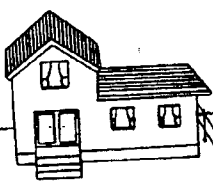
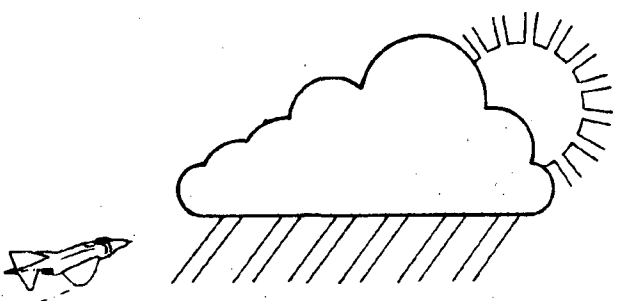
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