

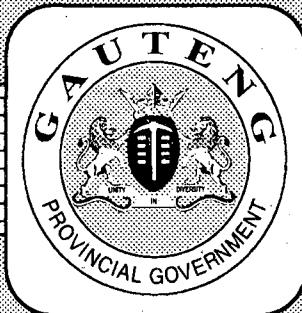
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THE PROVINCE OF
GAUTENG



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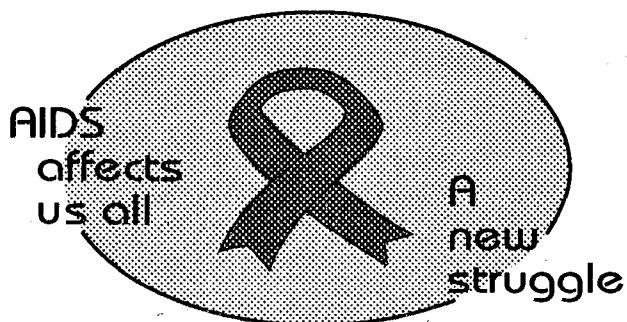
Vol. 7

PRETORIA, 18 APRIL 2001

No. 59

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We all have the power to prevent AIDS



AIDS

HELPLINE

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DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE

NOTICE 2265 OF 2001

DEPARTMENT OF HOUSING

GAUTENG HOUSING ACT, 1998
(ACT NO. 6 OF 1998)

TRANSFER OF RESIDENTIAL PROPERTIES ADJUDICATION REGULATIONS, 2000

The Member of the Executive Council responsible for Housing has under section 24C of the Gauteng Housing Act, 1998 (Act No. 6 of 1998), as amended, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Gauteng Housing Act, 1998 (Act No. 6 of 1998), retains that meaning, and in addition -

"**Adjudicator**" means a person who has been appointed in terms of section 24B of the Act as a member of the adjudication panel;

"**appeal adjudicator**" means a person who has been appointed in terms of section 24B of the Act as a member of the appeal panel;

"claimant" means a person who has lodged a claim with the Province for a state-financed residential property;

"disputed properties" are state-financed residential properties which cannot be transferred because of disputes with regard to the identity of the transferees without such disputes having been adjudicated, and includes but is not limited to affected sites as defined in section 1 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988);

"legal co-ordinator" means the person appointed by the Department to co-ordinate the adjudication process;

"legal representation" means representation by a person who is a practising advocate or attorney or a candidate attorney with the right of appearance; and

"township manager" means the municipal official appointed by a municipality to deal with the administration of residential properties in a township or area within the jurisdiction of the municipality concerned.

Purpose of the Regulations

2. The purpose of these regulations is to establish transparent, efficient, fair and uniform adjudication and appeal procedures that are legally binding on the parties concerned.

Notice of Adjudication Hearing

3. (1) The Department shall inform a claimant of the date and venue of an adjudication or appeal hearing by notice as appearing in Schedule 1 to these regulations.

(2) The Department is obliged to serve the notice referred to in sub regulation (1) on a claimant by:-

- (a) the delivery of the notice to the claimant personally;
- (b) in the absence of the claimant, the delivery of the notice to a person apparently not less than 21 years of age at the address furnished by the claimant in the claim form; or
- (c) in the absence of the claimant or other person referred to in paragraph (b), by leaving the notice at such address -
 - (i) in the post box; or
 - (ii) in the absence of a post box, affixing it to the front door of the premises.

(3) If a claimant is not known at the address referred to in sub regulation (2)(b) and the Department is unable to locate such claimant

through reasonable means, the Department shall publish a notice in one newspaper circulating nationally to inform such claimant: -

- (a) that an adjudication hearing will be held on a specified date and place;
- (b) of the description and locality of the property concerned; and
- (c) of the rights of the claimant as listed in the notice contained in Schedule 1 of these regulations.

(4) Every notice referred to in this regulation must be served on the claimant at least 14 days before the date of the intended hearing.

Powers and Functions of Adjudicators

4. (1) Adjudicators are vested with the following powers and functions: -

- (a) to adjudicate matters and make findings relating to disputed state-financed residential properties;
- (b) to call witnesses to give evidence if deemed necessary for the resolution of the dispute; and
- (c) to summons witnesses by serving a notice, as appearing in Schedule 2 to the regulations, to give evidence or produce documents in disputed matters.

(2) Adjudicators must ensure that all parties to disputes are fully informed by a provincial officer or any other designated person about the adjudication process, prior to the commencement of proceedings, including:

- (a) that two (or more) people have lodged conflicting claims for the particular property and that a dispute exists which must be resolved through adjudication;
- (b) that the Department has appointed independent legal practitioners to adjudicate disputes, in an objective, fair and transparent manner;
- (c) that each claimant has the right to legal representation;
- (d) that the procedure ensures that claimants who are not legally represented are not disadvantaged in any way; and
- (e) that the following persons may attend the hearings: -
 - (i) an interpreter to assist a claimant;
 - (ii) the chairperson of the local committee of the area or his/her nominee;

- (iii) the claimant;
- (iv) legal representatives of the claimant; and
- (v) members of the public.

(3) Adjudicators must place on record that this preliminary explanation has been given to all parties to the dispute.

Powers and Functions of Appeal Adjudicators

5. (1) Appeal adjudicators are vested with all the powers and functions of adjudicators as contained in regulation 4.

(2) Appeal adjudicators are vested with the following additional powers and functions: -

- (a) to hear appeals emanating from adjudication hearings;
- (b) to determine whether further evidence should be heard or not; and
- (c) to confirm or to overturn findings of adjudicators and replace it with new findings.

Role and Functions of Municipalities

6. (1) Municipalities must establish local committees, which are responsible for:

- (a) the approval and finalisation of undisputed claims for transfer; and
- (b) the referral of cases involving disputed properties for adjudication.

(2) Municipalities must submit and clarify property files and records pertaining to a disputed property situated within the area of jurisdiction of the municipality concerned to the adjudication hearing.

(3) Municipalities are required to accept the findings of the adjudication process and to act in terms thereof.

Procedure for Conducting Proceedings

7. Adjudication hearings must be conducted according to the following procedure: -

- (a) the adjudicator must introduce himself/herself, as well as any other official present to the claimants;
- (b) the adjudicator must inform claimants that they may give evidence themselves, call witnesses, and produce

- documentary evidence to prove that they are the owner of the property in dispute;
- (c) the evidence given at the hearing must be given under oath or affirmation and must be recorded;
- (d) a document purporting to be a transcript of such proceedings shall have the same legal force and effect as such original record: Provided that if such transcript is not available because of a malfunction of the recording equipment or some other reason all evidence in the dispute must be reheard *de novo* when the matter is referred to appeal;
- (e) a party shall not question or cross-examine any other party to the dispute in question or a witness called by any party, but the adjudicator shall proceed inquisitorially to ascertain the relevant facts, and to that end he/she may question any party or witness at any stage of the proceedings: Provided that the adjudicator may in his/her discretion permit any party to put a question to any other party or any witness;
- (f) after all the evidence of the claimants has been given, the adjudicator may at his/her discretion require the township manager to give evidence in order to clarify certain documents or notes in the municipality property files or records;
- (g) an adjudicator may require the chairperson of the local committee referred to in regulation 6 to give evidence with regard to the case;
- (h) after the completion of evidence, the parties or their legal representatives may address the adjudicator on the merits of the case;
- (i) after all the evidence has been given the matter must be postponed to enable the adjudicator to prepare judgement;
- (j) at least 10 (ten) days before the date to which the matter has been postponed the adjudicator shall submit a written judgement covering the following aspects to the legal co-ordinator:
- (i) property description and case number;
 - (ii) identification of parties;
 - (iii) evidence given;
 - (iv) credibility of witnesses;
 - (v) facts found proven;
 - (vi) legal position;
 - (vii) equity; and
 - (viii) finding.

- (k) the legal co-ordinator shall peruse the judgement and ensure that all procedural requirements have been complied with and return the judgement to the adjudicator;
- (l) any instruction by the legal co-ordinator regarding a proposed judgement shall not affect any discretionary findings by an adjudicator and may only deal with procedural matters;
- (m) if the legal co-ordinator identifies a procedural problem, the legal co-ordinator must, within 5 days after receipt of the judgement from the adjudicator, return the judgement to the particular adjudicator for rectification or for the hearing of further evidence;
- (n) on the return date the adjudicator shall give judgement and make copies of the judgement available to the parties;
- (o) the adjudicator shall, as part of the judgement, inform the parties to the dispute of their rights of appeal against the judgement;
- (p) if any of the parties decides to withdraw a claim at the start of a hearing or a settlement is reached between the parties, the adjudicator must place it on record. The adjudicator must in addition prepare a written document setting out the settlement and all the parties to the dispute must sign the written settlement; and
- (q) a settlement is final and binding on the parties and no appeal shall be entertained based on a settlement.

Judgement in Absence of Parties

8. Adjudications may be finalised in the absence of a party: Provided that the adjudicator is satisfied that: -

- (a) the matter has been postponed at least once due to the absence of a party;
- (b) there was proper service of the notice of adjudication on the absent party in terms of regulation 3; and
- (c) all other available evidence, oral as well as documentary, has been obtained and that a justifiable judgement can be made.

Appeal Hearings

9. (1) An appeal may be lodged within 30 days of the adjudication ruling in the form of the notice of appeal as appearing in Schedule 3 to the regulations.

(2) If a disputed property has not been registered a late submission of an appeal may be condoned.

(3) The Department shall ensure that both the appellant and respondent are notified of the appeal hearing in the same manner as prescribed in regulation 3. A copy of the notice of appeal must be served on the respondent simultaneously with the notice of the hearing.

(4) The parties to an appeal may make submissions to the appeal adjudicators and the appeal adjudicators may at their discretion allow evidence to be heard after which the matter must be postponed for judgement.

(5) At least 10 (ten) days before the date to which the matter has been postponed the appeal adjudicator shall submit a written judgement covering the following aspects to the legal co-ordinator:

- (i) property description and case number;
- (ii) identification of parties;
- (iii) evidence given;
- (iv) credibility of witnesses;
- (v) facts found proven;
- (vi) legal position;
- (vii) equity; and
- (viii) finding.

(6) The legal co-ordinator shall peruse the judgement and ensure that all procedural requirements have been complied with and return the judgement to the appeal adjudicator.

(7) Any instruction by the legal co-ordinator regarding a proposed judgement shall not affect any discretionary findings by an appeal adjudicator and may only deal with procedural matters.

(8) If the legal co-ordinator identifies a procedural problem, the legal co-ordinator must, within 5 days after receipt of the judgement from the appeal adjudicator, return the judgement to the particular adjudicator for rectification or for the hearing of further evidence.

(9) If any of the parties decides to withdraw a claim at the start of an appeal hearing or a settlement is reached between the parties, the appeal adjudicator must place it on record. The appeal adjudicator must in addition prepare a written document setting out the settlement and all the parties to the dispute must sign the written settlement.

(10) An appeal may be finalised in the absence of the respondent, after proper notice of the hearing has been given and if a transcript of the hearing a quo as well as the property file is available: Provided that if a respondent appears before judgement is made, submissions or evidence given by him or her may be heard.

(11) If the appellant is absent at the appeal hearing, after proper notice of the hearing has been given, the appeal may be struck off. This has the effect of confirming the ruling appealed against.

(12) After an appeal has been struck off, the appellant may apply for re-instatement of the appeal by means of an application for condonation explaining the reasons for non-appearance and reasonable prospects of success on appeal: Provided that re-instatement will only be considered if the disputed property concerned has not been registered in the name of the successful party or within 30 days of the appeal being struck off, whichever is the sooner.

(13) Three appeal adjudicators shall adjudicate appeal hearings.

(14) Appeal adjudicators must decide the appeal on the evidence given at the adjudication hearing: Provided that new evidence may be allowed in exceptional circumstances.

(15) Appeal adjudicators must ensure that the parties are informed that if any of the parties still feels aggrieved after the appeal hearing, such a party may apply to the High Court to set the findings of the appeal hearing aside.

(16) The appeal proceedings must be recorded.

General Provisions

10. (1) A claimant shall not intimidate or induce another party to give false evidence.

(2) No person shall disrupt the proceedings at an adjudication or appeal hearing.

(3) Any person who is summoned to appear at a hearing in terms of regulation 4 and who fails without sufficient cause to attend such hearing, or fails to give evidence or to produce any record, book, or other document in his or her possession or custody or under his or her control when lawfully required to do so, or who fails to remain in attendance until excused from further questioning by an adjudicator or appeal adjudicator is guilty of an offence.

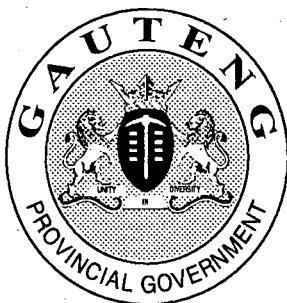
(4) Any person who contravenes the provisions of these regulations is guilty of an offence and liable on conviction to a fine not exceeding R500, 00 (five hundred rand) or to imprisonment for a period not exceeding 6 (six) months.

(5) The provisions of these regulations do not preclude the claimants from reaching an agreement prior to an adjudication hearing: Provided that such an agreement shall be reduced to writing, signed by the parties concerned and confirmed by an adjudicator.

(6) These regulations bind the Province.

Short Title

11. These regulations are called the Transfer of Residential Properties Adjudication Regulations, 2000.



SCHEDULE 1

PROPERTY:**TOWNSHIP:****CASE No.:****IN THE MATTER BETWEEN:**

NOTICE OF ADJUDICATION HEARING

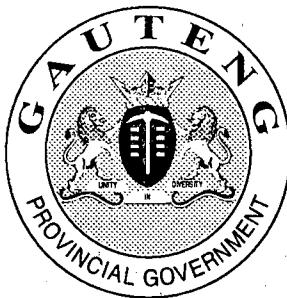
You are hereby notified that the dispute with regard to the above matter will be heard at the following venue and on the specified date and time:

VENUE:**DATE:****TIME:****Please note the following:**

1. Please ensure that you and any witnesses who you wish to call do attend the above-mentioned hearing, as non-attendance on your part may result in a finding being made in your absence.
2. Claimants may produce any documents that will support their cases.
3. Claimants who wish to exercise their right to have legal representation **SHOULD ENSURE THAT THEIR ATTORNEY OR ADVOCATE IS AVAILABLE** on the date of the hearing.

REGISTRAR: HOUSING BUREAU

RECEIVED COPY HEREOF ON THIS DAY OF 20....



SCHEDULE 2

SUMMONS (Regulation 4(1)(c))

CASE NO.:

In the matter between:

PROPERTY: TOWNSHIP:

TO:

you are required to appear in person at (*place*)
on (*date*) at (*time*) and thereafter to
remain in attendance until excused by the adjudicator conducting the
inquiry in order to testify under oath or affirmation in regard to all matters
within your knowledge relating to the rights of any person to the above-
mentioned site.

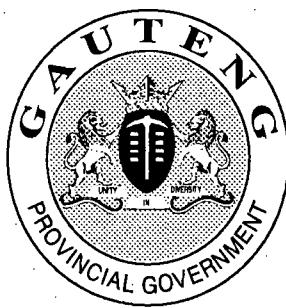
You are further required to bring with you and to produce the following to
the said adjudicator

- (a)
- (b)
- (c)

Should you fail to comply with this summons you may, on conviction, be
liable to a fine not exceeding R500, 00 (five hundred rand) or to
imprisonment for a period not exceeding 6 (six) months.

Dated at this day of 20...

ADJUDICATOR



SCHEDULE 3

NOTICE OF APPEAL (Regulation 8)

CASE NO.

PROPERTY:

PARTIES:

NAME: CLAIM NUMBER APPELLANT

AND

NAME: CLAIM NUMBER RESPONDENT

I hereby appeal against the finding made by (adjudicator) on in the dispute with regard to the proposed ownership of the above property.

GROUNDS OF APPEAL:

.....
.....
.....
.....

NEW EVIDENCE REQUIRED?

YES

NO

IF YES:

1. STATE NAMES OF WITNESSES

.....
.....

2. REASONS WHY SUCH EVIDENCE WAS NOT GIVEN AT THE ADJUDICATION HEARING:

.....
.....
.....
.....
.....
.....
.....

APPEAL NOTED: **DATE:**

REGISTRAR

APPEAL FEE PAID: **RECEIPT NO.**

DATE:

OR

LETTER OF LOCAL AUTHORITY ATTACHED:

ANNEXURE B**Extracts from the Growth and Development Sub-Committee Meeting of 29 November 2000.****3. TRANSFER OF RESIDENTIAL PROPERTIES ADJUDICATION REGULATIONS, 2000. (MEC: MASHATILE)**

The Sub-Committee resolved:

- i. that the Memorandum be adopted on the basis that before it is submitted to the Executive Council, it must be checked for specific requirement if it should be submitted to the Executive Council.

KENNISGEWING 2265 VAN 2001**GAUTENG-PROVINSIE****DEPARTEMENT VAN BEHUISING****GAUTENGSE BEHUISINGSWET, 1998****(WET 6 VAN 1998)****TOEWYSINGSREGULASIES VIR DIE OORDRAG VAN RESIDENSIËLE EIENDOMME,
2000**

Die lid van die Uitvoerende Raad verantwoordelik vir Behuising het die regulasies in die skedule kragtens artikel 24C van die Gautengse Behuisingswet van 1998 (Wet 6 van 1998), soos gewysig, voorberei.

Skedule**Definisies**

1. In die regulasies het enige uitdrukking wat in die regulasies gebruik word dieselfde as die betekenis wat die Gautengse Behuisingswet van 1998 (Wet 6 van 1998) daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk en verder geld die volgende betekenisse:

"Toewyser" beteken 'n persoon wat aangestel is as 'n lid van die toewysingspaneel kragtens artikel 24B van die Wet;

"Appèltoewyser" beteken 'n persoon wat aangestel is om op te tree as lid van die appèlpaneel kragtens artikel 24B van die Wet;

"Eiser" beteken 'n persoon wat 'n eis ingedien het by die provinsie vir residensiële eiendom wat deur die staat finansier word;

"eiendomme onder dispuut" beteken residensiële eiendom wat deur die staat gefinansier word, maar nie oorgedra kan word nie omdat daar 'n dispuut is oor die identiteit van die persoon/persone aan wie dit oorgedra moet word, voordat die dispuut gestuur is vir beoordeling. Dit sluit persele in wat omskryf word in artikel 1 van die Wet op die Omskakeling van Sekere Regte na Huurpag of Eienaarskap van 1988 (Wet 81 van 1988);

"regskoördineerder" beteken die persoon wat aangestel is deur die Departement om die toewysingsproses te koördineer;

"regsverteenwoordiging" beteken verteenwoordiging deur 'n persoon wat 'n praktiserende advokaat of prokureur, of kandidaatprokureur met verskyningsbevoegdheid, is;

"township-bestuurder" beteken die munisiale beampte wat aangestel is deur 'n munisipaliteit om die administrasie van residensiële eiendom in 'n township of gebied binne die jurisdiksie van die betrokke munisipaliteit te hanteer.

Doel van die regulasies

2. Die doel van die regulasies is om die deursigtige, doeltreffende, regverdig en eenvormige toewysings- en appèlprosedures wat wettig is en die partye daartoe verbind te vestig.

Kennisgewing van toewysingsverhoor

3. (1) Die Departement sal 'n eiser per kennisgewing wat in Skeduele 1 tot die regulasies opgeneem is inkennis stel van die datum en plek waar 'n toewysings- of appèlverhoor gehou gaan word.

(2) Die departement is verplig om die kennisgewing waarna verwys word in subregulasie (1) soos volg te beteken op 'n eiser:-
 - (a) die kennisgewing persoonlik af te lewer by die eiser;
 - (b) as die eiser nie beskikbaar is nie, die kennisgewing te beteken op 'n persoon wat skynbaar nie jonger is as 21 jaar nie, by die adres wat deur die eiser op die eisvorm ingevul is; of
 - (c) as die eiser of ander persoon waarna verwys word in paragraaf (b) nie beskikbaar is nie, die kennisgewing by sodanige adres te laat:-
 - (i) in die posbus; of
 - (ii) as daar nie 'n posbus is nie, die kennisgewing teen die voordeur van die perseel vas te sit.

- (3) As 'n eiser nie bekend is by die adres waarna verwys word in subregulasie (2)(b) nie en die Departement kan nie daarin slaag om sodanige eiser redelikerwys op te spoor nie, sal die Departement 'n kennisgewing in een koerant wat nasionaal gesirkuleer word publiseer om sodanige eiser in kennis te stel:-
- (a) dat 'n toewysingsverhoor op 'n bepaalde datum en plek gehou sal word;
 - (b) van die beskrywing en ligging van die betrokke eiendom;
 - (c) van die regte van die eiser soos dit uiteengesit word in die kennisgewing wat vervat is in Skedule 1 tot die regulasies.
- (4) Elke kennisgewing waarna verwys word in die regulasie moet ten minste 14 dae voor die datum van die beplande verhoor op die eiser beteken word.

Magte en funksies van die toewysers

4. (1) Toewysers het die volgende magte en funksies:-
- (a) die toewysing van sake en bevindinge wat betrekking het op residensiële eiendom wat deur die staat gefinansier word, waaroor daar 'n dispuut bestaan;
 - (b) kan getuies roep om getuenis te lewer as dit nodige geag word om 'n dispuut te besleg; en
 - (c) kan getuies dagvaar deur kennisgewing te beteken, soos dit opgeneem is in Skedule 2 van die regulasies, om bewys te lewer of om dokumente tydens dispuutsake voor te lê;
- (2) Toewysers moet seker maak dat alle partye wat betrokke is by 'n dispuut volledig ingelig word oor die toewysingsproses deur 'n provinsiale beampte of ander toegewese persoon, voordat die verrigtinge begin. Dit behels onder andere die volgende:
- (a) dat twee (of meer) mense teenstrydige eise ingedien het vir die betrokke eiendom en dat 'n dispuut wat besleg moet word deur ondersoek na die saak;

- (b) dat die Departement onafhanklike regspraktisyns aangestel het om die dispuut te besleg op 'n onpartydige, billike en deursigtige wyse;
 - (c) dat elke eiser die reg het op regsverteenvoerdiging;
 - (d) dat die prosedure seker maak dat die eisers wat nie wettiglik verteenwoordig word nie, nie op enige wyse benadeel word nie;
 - (e) dat die volgende persone die verhoor mag bywoon:-
 - (i) 'n tolk om 'n eiser by te staan;
 - (ii) die voorsitter van die plaaslike komitee van die gebied of sy/haar genomineerde;
 - (iii) die eiser;
 - (iv) regsverteenvoerdigers van die eiser; en
 - (v) lede van die publiek.
- (3) Toewysers moet dit op rekord plaas dat die saak vooraf aan alle partye tot die dispuut verduidelik is.

Magte en funksies van appèltoewysers

5. (1) Appèltoewysers het al die magte en funksies van toewysers, soos dit in regulasie 4 uiteengesit is.
- (2) Appèltoewysers het die volgende addisionele magte en funksies:-
- (a) om die appèl wat spruit uit die toewysingsverhoor aan te hoor.
 - (b) om te bepaal of verdere getuienis aangehoor moet word of nie;
 - (c) om die bevindinge van die toewysers te bevestig of van die hand te wys en te vervang met nuwe bevindinge.

Rol en funksies van munisipaliteit

6. (1) Municpaliteit moet plaaslike komitees saamroep en die komitees is dan verantwoordelik vir die volgende:
- (a) die goedeurig en finalisering van eise om oordrag wat nie in dispuut is nie; en
 - (b) verwysing van sake wat betrekking het op eiendom waарoor daar 'n dispuut is.
- (2) Munispaliteit moet eiendomsieërs en -rekords wat betrekking het op 'n bepaalde eiendom in die gebied wat binne die jurisdiksie van die municipaliteit val, waарoor daar 'n dispuut is indien en uiteensit.
- (3) Municpaliteit moet die bevindinge van die toewysingsproses aanvaar en daarvolgens optree.

Procedure vir die verhoorverrigtinge

7. Toewysingsverhore moet soos volg verloop:-
- (a) die toewyser moet homself/haarself en die ander amptenare aan die eisers voorstel;
 - (b) die toewyser moet alle eisers in kennis stel dat hulle self kan getuig, getuies inroep en dokumentêre bewys kan lewer dat hulle die eienaar(s) is van die eiendom waарoor die dispuut handel.
 - (c) die getuienis wat by die verhoor gelewer word, moet onder eed of bekragtiging gelewer word en moet aangeteken word;
 - (d) 'n dokument wat betrekking het op 'n transkripsie van die verrigtinge het dieselfde regsfafwingbaarheid en krag as sodanige oorspronklike rekord; met dien verstande dat alle getuienis in 'n saak weer de novo aangehoor moet word as so 'n transkripsie nie beskikbaar is weens die foutiewe werking van die opnametoerusting of ander rede nie en die saak verwys word na appèl;
 - (e) 'n party kan nie enige ander party tot die betrokke dispuut of getuie wat deur 'n ander party geroep is ondervra of onder kruisverhoor neem nie, maar die toewyser kan vrae vra om die

betrokke feite te bepaal en daarom kan hy/sy enige party of getuie op enige stadium van die verrigtinge ondervra, met dien verstande dat die toewyser na eie goeddunke mag toelaat dat enige van die partye 'n vraag vra aan enige ander party of getuie;

- (f) nadat al die getuenis van die eisers aangehoor is, kan die toewyser na eie goeddunke vereis dat die township-bestuurder getuenis lewer om sekere dokumente of aantekeninge in die municipale eiendomslêers uit te klaar;
- (g) 'n toewyser kan vereis dat die voorsitter van die plaaslike komitee waarna verwys word in regulasie 6, getuenis moet lewer in die saak;
- (h) nadat die getuenis aangehoor is, kan die partye of hulle regsvtereenwoordigers die toewyser toespreek oor die meriete van die saak;
- (i) nadat al die getuenis gelewer is, moet die saak uitgestel word om die toewyser kans te gee om sy/haar uitspraak voor te berei;
- (j) die toewysers moet ten minste 10 (tien) dae voor die datum waarop uitspraak gelewer moet word (uitsteldatum) 'n skriftelike verslag indien by die regskoördineerder. Die verslag moet verwys na die volgende aangeleenthede:
 - (i) beskrywing van eiendom en die saaknommer;
 - (ii) identiteit van die partye;
 - (iii) getuenis wat gelewer is;
 - (iv) geloofwaardigheid van die getuies;
 - (v) die feite wat bewys is;
 - (vi) die regsposisie
 - (vii) gelykheid; en
 - (viii) bevinding.

- (k) die regskoördineerder moet die uitspraak nagaan en seker maak dat voldoen is aan alle vereistes ten opsigte van die prosedure. Daarna moet die uitspraak terugbesorg word aan die toewyser.
- (l) enige opdrag van die regskoördineerder, met betrekking tot 'n voorgestelde uitspraak, raak nie enige diskresionêre bevindinge van 'n toewyser nie en kan hoogstens betrekking het op sake wat te make het met die prosedure;
- (m) as die regskoördineerder 'n prosedureprobleem opspoor, moet die regskoördineerder binne 5 (vyf) dae nadat die uitspraak ontvang is, die uitspraak terugstuur aan die betrokke toewyser sodat dit reggestel kan word, of sodat addisionele getuienis aangehoor kan word;
- (n) op die datum van die uitspraak, moet die toewyser sy uitspraak lewer en kopieë maak vir die partye;
- (o) die toewyser moet as deel van die uitspraak die partye tot die dispoot inlig oor hulle reg van appèl teen die uitspraak;
- (p) as enige van die partye besluit om 'n eis te onttrek wanneer die verhoor begin of as geskik word tussen die partye, moet die toewyser dit aanteken. Die toewyser moet verder 'n skriftelike dokument met inligting oor die skikking voorberei en alle partye tot die dispoot moet die skriftelike skikking onderteken; en
- (q) 'n Skikking is finaal en verbind die partye daartoe. Geen appèl kan aangeteken word in geval van 'n skikking nie.

Uitspraak as partye nie teenwoordig is nie.

8. As 'n party nie teenwoordig is nie, kan die toewysing gefinaliseer word, mits die toewyser tevrede is dat:
 - (a) die saak ten minste een keer uitgestel is omdat een van die partye nie teenwoordig was nie;
 - (b) die kennisgewing van die toewysing behoorlik beteken is op die party wat nie teenwoordig is nie, soos vereis deur regulasie 3; en
 - (c) alle ander beskikbare getuienis, mondeliks, sowel as dokumentêr verkry is en 'n regverdigbare uitspraak gelewer kan word.

Appèlverhore

9. (1) Appèl kan binne 30 dae na 'n toewysingsuitspraak aangeteken word in die vorm van 'n kennisgewing van appèl, soos dit in Skedule 3 van die regulasies opgeneem is;
- (2) As 'n eiendom waaroor 'n dispuut handel nie geregistreer is vir belasting nie, kan appèl aangeteken en oorweeg word;
- (3) Die Departement moet seker maak dat die persoon wat appèl aanteken en die respondent op die manier wat voorgeskryf is in regulasie 3 in kennis gestel word van die appèlverhoor. 'n Afskrif van die kennisgewing van appèl moet gelyktydig op die respondent beteken word met 'n kennisgewing van die verhoor.
- (4) Die partye tot 'n appèlverhoor kan inligting indien by die appèltoewysers en die appèltoewysers kan na eie goeddunke toelaat dat getuienis aangehoor word, waarna die saak uitgestel moet word vir uitspraak.
- (5) Die appèltoewysers moet ten minste 10 (tien) dae voor die datum waarop uitspraak gelewer moet word (uitsteldatum) 'n skriftelike verslag indien by die regskoördineerde. Die verslag moet verwys na die volgende aangeleenthede:
 - (i) beskrywing van eiendom en die saaknommer;
 - (ii) identiteit van die partye;
 - (iii) getuienis wat gelewer is;
 - (iv) geloofwaardigheid van die getuies;
 - (v) die feite wat bewys is;
 - (vi) die reg sposisie
 - (vii) gelykheid; en
 - (viii) bevinding.
- (6) die regskoördineerde moet die uitspraak nagaan en seker maak dat voldoen is aan alle vereistes ten opsigte van die prosedure.

Daarna moet die uitspraak terugbesorg word aan die appèltoewyser.

- (7) enige opdrag van die regskoördineerder, met betrekking tot 'n voorgestelde uitspraak, raak nie enige diskresionêre bevindinge van 'n appèltoewyser nie en kan hoogstens betrekking het op sake wat te make het met die prosedure;
- (8) as die regskoördineerder 'n procedureprobleem opspoor, moet die regskoördineerder binne 5 (vyf) dae nadat die uitspraak ontvang is, die uitspraak terugstuur aan die betrokke appèltoewyser sodat dit reggestel kan word, of sodat addisionele getuenis aangehoor kan word;
- (9) as enige van die partye besluit om 'n eis te onttrek wanneer die verhoor begin of as geskik word tussen die partye, moet die appèltoewyser dit in die rekords aanteken. Die appèltoewyser moet verder 'n skriftelike dokument met inligting oor die skikking voorberei en alle partye tot die dispuum moet die skriftelike skikking onderteken;
- (10) 'n Appèl kan afgehandel word as die respondent nie teenwoordig is nie, mits behoorlik kennis gegee is van die verhoor en mits 'n a quo-transkripsie van die verhoor, asook die eiendomslêer beskikbaar is, met dien verstande dat getuenis aangehoor en bewysstukke aanvaar moet word as die respondent opdaag voordat uitspraak gelewer is;
- (11) As die persoon wat appèl aangeteken het nie teenwoordig is nadat behoorlik kennis gegee is van die verhoor nie, kan die appèl geskrap word. Die gevolg van so 'n stap is dat die uitspraak teen die saak waaroor die appèl handel, gelewer word;
- (12) Nadat 'n appèl geskrap is, kan die persoon wat appèl aangeteken het aansoek doen om die appèl te herstel. Dit word gedoen deur middel van 'n aansoek wat verduidelik hoekom die persoon nie die appèlverhoor bygewoon het nie, met redelike vooruitsigte van die appèlsaak, met dien verstande dat die herstel van die appèl net oorweeg sal word as die eiendom waaroor die dispuum handel nog nie in die naam van die suksesvolle party geregistreer is nie, of dat dit binne 30 dae nadat die appèl geskrap is gedoen word, welke ookal die vroegste is;
- (13) Drie appèltoewysers verhoor appèlverhore;

- (14) Appèltoewysers moet uitspraak lewer op grond van die bewyse wat ingedien word by die appèlverhoor, met dien verstande dat nuwe getuienis toegelaat kan word in buitengewone omstandighede;
- (15) Appèltoewysers moet seker maak dat die partye ingelig word as enige van die partye steed gegrief voel na die appèlverhoor. So 'n party kan by die Hoërhof aansoek doen om die uitspraak van die appèlverhoor ter syde te laat stel. Die appèlverrigtinge moet opgeneem word.

Algemene voorwaardes

10. (1) 'n Eiser mag nie die ander party intimideer of vals getuienis lewer nie.
- (2) Geen persoon mag die verrigtinge by 'n toewysingsverhoor of appèlverhoor ontwrig nie.
- (3) Enige persoon wat gedagvaar word om by 'n verhoor te getuig kragtens regulasie 4 en versuim om sonder goeie rede op te daag by die verhoor, of wat vals getuienis lewer, of versuim om getuienis te lewer of om boeke of dokumente onder sy of haar beheer of in sy of haar besit voor te lê, of wat versuim om by die verhoor te bly totdat hy of sy deur 'n toewyser of appèltoewyser verskoon word van verdere ondervraging, is skuldig aan 'n oortreding.
- (4) Enige persoon wat die voorwaardes van die regulasies oortree is skuldig aan 'n oortreding en kan vervolg word. Met skuldigbevinding kan die persoon 'n boete van hoogstens R500 (vyfhonderd rand) of tronkstraf van hoogstens 6 (ses) maande opgelê word.
- (5) Die voorwaardes van die regulasies verhoed nie die eisers om 'n ooreenkoms te bereik voordat die saak besleg word tydens 'n verhoor nie, met dien verstande dat so 'n ooreenkoms skriftelik sal wees en onderteken word deur al die betrokke partye. Dit moet ook bevestig word deur die toewyser.
- (6) Die regulasies verbind die Provincie daar toe.

Kort titel

11. Die regulasies is bekend as die Toewysingsregulasies vir die oordrag van residensiële eiendomme van 2000.



Skedule 1

Datum
Eiendom

Township

Saaknr

In die saak tussen:

KENNISGEWING VAN TOEWYSINGSVERHOOR

U word hiermee in kennis gestel dat die dispuut ten opsigte van bogenoemde saak op die volgende datum, tyd en plek besleg sal word:

PLEK
DATUM
TYD

Let asseblief op die volgende:

1. Maak seker dat u en enige van u getuies wat u wil roep die bogenoemde verhoor bywoon. Versuim om dit by te woon, sal beteken dat die uitspraak in u afwesigheid teen u gelewer sal word. Eisers kan enige dokumente wat hulle saak steun indien.
2. Eisers wat hulle reg wil uitoefen, is geregtig op regsverteenvoordiging en **MOET SEKER MAAK DAT HULLE PROKUREUR OF ADVOKAAT BESKIKBAAR IS** op die dag van die verhoor.

REGISTRATEUR: BEHUISINGSKANTOOR

ONTVANG AFSKRIF HIERVAN OP DIE . . . DAG VAN 20



Skedule 2

Dagvaarding
(Regulasie 4(1)(c))

Saaknr

In die saak tussen:

EIENDOM

TOWNSHIP

AAN:

u word versoek om persoonlik te verskyn by (plek) op (datum), om (tyd) en om daarna die verhoor by te woon totdat die toewyser wat die verhoor waarneem u verskoon, sodat u onder eed of na bekragtiging na die beste van u wete getuienis kan lewer met betrekking tot alle sake wat verband hou met die regte van enige van die persone wat betrokke is by die saak oor die bogenoemde perseel.

U moet verder die volgende saambring en aan die betrokke toewyser voorlê:

- (a)
- (b)
- (c)

As u die dagvaarding verontagsaam kan u na skuldigbevinding aanspreeklik wees vir 'n boete van hoogstens R500 (vyfhonderd rand) of tronkstraf van hoogstens 6 (ses) maande.

Uitgerek op hierdie dag van 20 . . .

Toewyser

**Skedule 3**

Kennisgewing van appèl
(Regulasie 8)

EIENDOM**SAAKNR****PARTYE**

NAAM: **EISNOMMER**
PERSOON WAT APPÈL AANTEKEN

EN

NAAM **EISNOMMER**
RESPONDENT

Ek teken hiermee appèl aan teen die bevinding van (toewyser)
 oor in die dispuut oor die voorgestelde eienaarskap van die
 bogenoemde eiendom.

GRONDE VIR APPÈL**NUWE BEWYSE/GETUIENIS NODIG****JA****NEE****INDIEN DIE ANTWOORD "JA" IS:****1. NOEM DIE NAME VAN GETUIES****2. NOEM REDES HOEKOM SODANIGE GETUIENIS NIE GELEWER IS
 TYDENS DIE TOEWYSINGSVERHOOR NIE.****APPÈL AANGETEKEN****DATUM****REGISTERATEUR**

APPèLGELD BETAAL

KWITANSIENOMMER

DATUM

OF

BRIEF VAN PLAASLIKE OWERHEID AANGEHEG

NOTICE 2265 OF 2001
PROFENSE YA GAUTENG

KGORO YA KAGO YA DINTLO

**MOLAO WA GAUTENG WA KAGO YA DINTLO WA 1998
(MOLAO 6 WA 1998)**

MELAWANA YA KAHLOLO YA 2000, KA GA TŠHUTHIŠO YA BODULO LE DITHOTO

Leloko la lekgotla la khuduthamaga leo le swaraganego le kago ya dintlo ka tlase ga karolo 24C ya molao wa kago ya dintlo wa Gauteng, 1998 (Molao 6 wa 1998), wo o kaonafaditšwego se dirile molao mo sketulong.

SKETULO

Ditthaloso

1. Mo melawaneng ye, ka ntle ga ge kamano ye e šupa ka tsela ye nngwe, lentšu goba tlhagišo yeo e šupjago ka molao wa Gauteng wa kago ya dintlo (molao 6 wa 1998), e tla thekga tlhaloso, gape

"Moahlodi" re ra motho yo a kgethilwego go ya ka karolo 24B ya Molao bjalo ka phanele ya kahlolo

"moahlodi wa boipiletšo" re ra motho yo a kgethilwego go ya ka karolo ya 24B ya molao bjalo ka leloko la Phanele ya boipiletšo.

"Mmaki" re ra motho yoo a ipelaetšago ka go baka le Profense ka lefelo la bodulo leo le lefelwago ke mmušo;

"Thoto yeo e bakwago" ke mafelo a bodulo ao a lefelwago ke mmušo ao a ka se kgonego go fetišwa ka lebaka la dingangišano mabapi le boitšhupo bja batho bao e fetišetšwago go bona, ka ntle ga gore dingangišano tše di ahlolwe, di be di akaretše le ge e se gore di tla lekanyetšwa go ditsha tše di angwago go ya ka tlhaloso ya karolo 1 ya mpshafatšo ya Ditokelo tše dingwe molaong wa kontraka ya khiro goba bong (molao 81 wa 1988);

"mokopanyi wa semolao" rera motho yo a kgethilwego ke kgoro go kopanya tshepedišo ya tsheko

"kemelo ya senolao" re ra kemelo ka motho yoo a itekago go tša boemedi goba ramolao goba nkgetheng wa ramolao yo a nago le tokelo ya go iponagatša,

"Ramotse" re ra mohlankedi wa mmasepala yo a kgethilwego ke mmasepala go šoma ka taolo ya bodulo motseng goba lefelong leo le laolwago ke mmasepala yoo.

Morero wa melawana

2. Mohola wa melawana ye ke go aga tsheko ye kaone, ye botse ye e bonagalago le kahlolo ye e swanago le ditshepedišo tša boipiletšo tše di tlemago semolao diphathi tše di amegago.

Tsebišo ya tsheko

3. (1) Kgoro e tla begela mmaki ka letšatši le lefelo la tshekelo goba la boipeletšo ka tsebišo bjale ka ge e tšwelela go sketulo 1 go melawana yeo.
- (2) Kgoro e gapeletšega go fetišetša tsebišo yeo e boletšwego molawaneng (1) go mmaki ka:-
 - (a) go iša tsebišo go mmaki ka sebele;
 - (b) ge mmaki a se gona, tsebišo e tla fiwa motho yo a sego ka tlase ga mengwaga ye masomepedi tee atereseng yeo e filwego ke mmaki ka foromong ya gagwe ya go baka, goba
 - (c) Ge mmaki goba motho yo go bolelwago ka yena temaneng ya (b) a se gona, go ka tlogelwa tsebišo atereseng yeo –
 - (i) ka lepokisaneng la poso, goba
 - (ii) ge go sena lepokisana la poso, le ka kgomaretšwa lemating la ka pele la moago.
- (3) Ge mmaki a sa tsebje mo atereseng yeo go bolelwago ka yona molawaneng (2)(b) le kgoro e sa kgone go hwetša mmaki yoo ka mokgwa wo o swanetšego, kgoro e tla phatlalatša tsebišo yeo go ye nngwe ya dikuranta tše di phatlalatšwago setšhabeng go lemoša mmaki yoo:-
 - (a) gore tsheko e tla swarwa ka letšatši le itšego le lefelong le itšego.
 - (b) ka ga tlhalošo le lefelo la thoto yeo go bolelwago ka yona, le
 - (c) ka ga ditokelo tša mmaki tše di le go lenaneong la ditsebišo la sketulo 1 la melawana ye.

- (4) Tsebišo ye nngwe le ye nngwe yeo go bolelwago ka yona mo melawaneng ye e swanetše go fiwa mmaki matšatši a lesomenne pele ga letšatši la tsheko.

Maatla le mehola ya baahlodi

4. (1) Baahlodi ba filwe maatla le mehola ye e latelago:-
- (a) go ahloa melato le go tšweletša dipelo tša dinyakišo tše di sepelelanago le madulo a go lefelwa ke mmušo ao a bakwago;
 - (b) go bitša dihlatsa go tlo fa bohlatse ge go nyakega gore go tle go tšewe sephetho ka ga ngangišano; le
 - (c) go fa dihlatsa ditagafala ka go ba tsebiša go ya ka moo go tšwelelago ka gona go sketulo 2 melawaneng, go fa bohlatse goba go tšweletša mangwalo a melato ya ngangišano.
- (2) Baahlodi ba swanetše go kgonthiša gore diphathi ka moka tša ngangišano di tsebišitše ka botlalo ke mohlankedwa Profense goba motho yo mongwe yo a kgethilewego ka ga tshepedišo ya tsheko, pele go thongwa ka tshepedišo, go tsenyeletša le:
- (a) ge batho ba ba bedi goba go feta ba dirile pego ya go bakwa ga thoto ye e itšego le gore ngangišano e gona e bile e swanetše go ahloa ka go sekwa.
 - (b) le gore kgoro e kgethile bašomedi ba molao bao ba ikemetšego go ahloa ka mokgwā wa maleba, bonnate le ponagalo.
 - (c) gore mmaki yo mongwe le yo mongwe o na le ditokelo tša go hwetša kemelo ya semolao.
 - (d) gore tshepedišo e tla kgonthiša gore babaki bao ba sa emelwago semolao ga ba boetšwe morago le ga tee, le
 - (e) gore batho ba ba latelago ba ka tsenela tsheko:-
- (i) tololi ga hlaosetša mmaki;
 - (ii) modulasetulo wa komiti ya selegae wa tikologo goba yo a ikgethetšego yena;
 - (iii) Mmaki;
 - (iv) baemedi ba semolao ba mmaki; le

(v) maloko a setšhaba.

- (3) Baahlodi ba swanetše go ngwala pego gore thaloso ya mathomo e filwe diphathi ka moka tše di bakago.

Maatla le Mehola ya Baahlodi ba Boipiletšo

5. (1) Baahlodi ba boipiletšo ba filwe maatla le mehola ya baahlodi yeo e lego go molawana 4.
- (2) Baahlodi ba boipiletšo ba filwe maatla a kokeletšo le mehola ya tše di latelago:-
- (a) go kwa boipiletšo bjo bo tšwago tshekong;
 - (b) go bontšha ge eba bohlatse bjo bongwe bo ka kwewa goba aowa; le
 - (c) go netefatša goba go fetoša dipolo tša baahlodi le go bea dipolo tše mpsha legatong la tšona.

Mehola le karolo yeo e tšewago ke BoMmasepala

6. (1) Bommasepala ba swanetše go hloma dikomiti tša segae tše di tla ba go le maikarabelo:
- (a) tumelelo le go tšeа sephetho go bakeng ka ntle ga dingangišano le go šuthiša, le
 - (b) go fetišetša melato yeo e amanago le dithoto tša go bakwa ka go sekwa.
- (2) Bommasepala ba swanetše go tliša le go hhalosa tshekong, difaele tša dithoto le pego mabapi le thoto yeo e lwelwago yeo e lego lefelong leo le lego maatlataolong a mmasepala wa tshekišo.
- (3) Bommasepala ba swanetše gore ba amogele dipolo tša tshepedišo ya tsheko le go kgatha tema go yona.

Tsela ya go sepediša Tsheko

7. Tsheko e swanetše go sepedišwa ka tsela ye e latelago:-
- (a) Moahlodi o swanetše go itsebiša, le mohlanked yo mongwe le yo mongwe yo a le go gona go emela babaki o swanetše go itsebiša.
 - (b) Moemedi o swanetše go lemoša babaki gore ba tla fa bohlatse ka bobona, a bitše dihlats, le go tšweletša mangwalo a

bohlatse go šupa gore ke beng ba thoto ye e bakwago.

- (c) Bohlatse bjo bo filwego tshekong bo swanetše bo fiwe ka tlase ga kano goba tiišetšo bo be bo ngwalwe.
- (d) Lengwalo leo le tla bego le ngwalolotšwe go tshepedišo ye bjalo le tla ba le maatla a semmušo le sephetho go swana le pego ya mathomo: ge ele gore lengwalo leo ga le gona ka mabaka a go se šome gabotse ga metšene ya go gatiša goba mabaka a mangwe, bohlatse bjomle mo ngangišanong bo tla kwewa gape ge molato o išitšwe kgorong ya boipiletšo,
- (e) Phathi e ka se kgone go botšiša goba go botšiša phathi ye nngwe ye e le go dingangišanong goba hlatse ya bitša hlatse ye nngwe, eupša moahlodi a ka tšwelapele ka go nyakiša go netefatša dintlha tša maleba go fihla moo a ka botšišago phathi ye nngwe le ye nngwe goba hlatse ka nako ye nngwe le ye nngwe ya tshepedišo, ge ele gore moahlodi ka go šomiša boikgopolele bja gagwe a ka dumelela phathi ye nngwe go botšiša phathi ye nngwe goba hlatse dipotšišo.
- (f) Ka morago ga gore bohlatse ka moka bja babaki bo kwewe, moahlodi ka boikgopolelo bja gagwe a ka nyaka Ramotse go tlo fa bohlatse go hlatse a mangwe a mangwalo goba dingwalwa tša ka gare ga difaele tša dithoto tša Mmasepala.
- (g) Moahlodi a ka nyaka Modulasetulo wa komiti ya selegae yo go boletšwego ka yena molawaneng wa 6 go fa bohlatse mabapi le molato.
- (h) Ge go feditšwe go fa bohlatse, diphathi goba baemedi ba tšona ba semolao ba ka bolela le moahlodi ka ga bohlokwa bja molato.
- (i) Morago ga ge go filwe bohlatse ka moka molato o ka bušetšwa morago go kgontšha moahlodi go lokiša kahlolo;
- (j) Matšatši a lesome pele ga letšatši leo molato o bušeditšwego morago go lona moahlodi o tla tliša kahlolo yeo e ngwadilwego yeo e akaretšago makala a a latelago go mokgokaganyi wa semolao:
 - (i) tlhaloso ya dithoto le nomoro ya molato;
 - (ii) boitšhupo bja diphathi;
 - (iii) bohlatse bjo bo filwego;
 - (iv) botshephegi bja dihlatse;
 - (v) makala ao a itšhupilego;

(vi) maemo a semolao;

(vii) go se hlaole; le

(viii) dipoelo.

(k) mokgokaganyi wa semolao o tla badišiša kahlolo le go kgonthiša gore dinyakwa tša tshepedišo di fihleletšwe le go bušetša kahlolo go moahlodi.

(l) Taelo ye nngwe le ye nngwe ya mokgokaganyi wa semolao mabapi le kahlolo ye e akantšwego, e ka se ame dipoelo tša tlhokomedišo tša moahlodi, di ka hlokamelana fela le tshepedišo ya melato.

(m) Ge mokgokaganyi wa semolao a tšebiša bothata tshepedišong, mokgokaganyi wa semolao o swanetše gore mo matšatšing a mahlano morago ga go hwetša kahlolo go tšwa go moahlodi; a bušetše kahlolo go moahlodi yoo go lokiša goba go kwa bohlatse bjo bongwe.

(n) Ka tšatši leo go boiwago ka lona moahlodi o tla fa kahlolo le go direla diphathi tše di lego gona dikhophi tša kahlolo.

(o) Moahlodi bjalo ka seripa sa kahlolo o tla tšebiša diphathi tše di bakago ka ditokelo tša bona tša boipiletšo kgahlanong le kahlolo.

(p) Ge ye nngwe ya diphathi e phetha ka go gogela tteleimi morago mathomong a tsheko goba go fihleletšwe kwano magareng ga diphathi tše pedi, moahlodi o swanetše go lokiša lengwalo leo le hlałosago kwano ye e fihleletšwego, gape Diphathi ka moka tše di bakago di swanetše go saenela kwano yeo.

(q) Kwano e feletše, e phethagetše gape e tlema diphathi ka moka e bile ga go boipiletšo bjoo bo ka amogelwago bo theilwe godimo ga kwano.

Kahlolo tlhokegong ya diphathi

8. Tsheko e ka fetšwa le ge diphathi di se gona, ge e le gore moahlodi gokgotsofatšwa ke gore:

(a) molato o kile wa busetšwa morago ga tee ka lebaka la gore phathi ye nngwe e se gona;

(b) go bile le kamogetšo ya makgonthe ya tsebišo ya tsheko go phathi yeo e se go gona go ya ka molawana 3, gape

(c) Bohlatse bjo bo lego gona ka moka bja molomo le bja go ngwalwa bo

hweditšwe, le gore go ka dirwa kahlolo ye e swanetšego.

Tsheko ya boipiletšo.

9. (1) Boipiletšo bo ka dirwa gareng ga matšatši a masometharo a kahlolo ka tsela ya tsebišo ya boipiletšo bjalo ka ge e tšwelela go sketulo 3 sa melawana.
- (2) Ge thoto yeo e bakwago e sa ngwadišwa, dikgopelo tša boipiletšo ka morago ga nako di ka fetišwa.
- (3) Kgoro e tla netefatša gore moipiletši le moiphetoledi ba tsebišitšwe ka tsheko ya boipiletšo ka mokgwa wo o bontšhitšwego go molawana 3. khophi ya tsebišo ya boipiletšo e tla amogetšwa moiphetoledi ka nako e tee le tsebišo ya tsheko.
- (4) Diphathi tša boipiletšo di ka dira dikgopelo go baahlodi ba boipiletšo, le baahlodi ba boipiletšo ba ka šomiša boikgopelelo bja bona go dumelela gore bohlatse bo ka kwewa morago ga moo molato wa suthišetšwa morago go ahlolwa.
- (5) Matšatši a lesome pele ga letšatši leo molato o bušeditšweng morago go lona moahlodi o tla tliša kahlolo yeo e ngwadilwego yeo e akaretšago makala a a latelago go mokgokaganyi wa semolao:
 - (i) tlhaloso ya dithoto le nomoro ya molato;
 - (ii) boitšhupo bja diphathi;
 - (iii) bohlatse bjo bo filwego;
 - (iv) botshephegi bja dihlatse;
 - (v) makala ao a itšhupilego;
 - (vi) maemo a semolao;
 - (vii) go se hlaole; le
 - (viii) dipolo
- (6) mokgokaganyi wa semolao o tla badiša kahlolo le go kgonthiša gore dinyakwa tša tshepedišo di fihleletšwe le go bušetša kahlolo go moahlodi.
- (7) Taelo ye nngwe le ye nngwe ya mokgokaganyi wa semolao mabapi le kahlolo ye e akantšwego e ka se arne dipolo tša tlhokomedišo ka moahlodi gape di ka hlokamelana le tshepediso ya melato.
- (8) Ge mokgokaganyi wa semolao a tsebiša bothata tshepedišong, mokgokaganyi

wa semolao o swanetše gore mo matšatšing a mahlano morago ga go hwetša kahlolo go tšwa go moahlodi; a bušetše kahlolo go moahlodi yoo go lokiša goba go kwa bohlatse bjo bongwe.

- (9) Ge ye nngwe ya diphathi e phetha ka go gogela tleleimi morago mathomong a tsheko goba go fihleletšwe kwano magareng ga diphathi tše pedi, moahlodi wa boipiletšo o swanetše go lokiša lengwalo leo le hlalosago kwano ye e fihleletšwego , gomme. Diphathi ka moka tše di bakago di swanetše go saenela kwano yeo.
- (10) Boipiletšo bo ka fihla mafelelong ka ntle ga go ba gona ga moipoleledi, morago ga gore a fiwe tsebišo ya mmakgonthe ya molato le ge sengwalwa sa tsheko sa nako yeo, le difaele tša dithoto di le gona: Ntle le ge e le gore moiphetoledi o tšwelela pele ga ge kahlolo e dirwa gona kgopelo goba bohlatse bjo a bo filego bo ka kwelwa.
- (11). Ge moipiletši a sa iponagatše tshekong, ka morago ga go fiwa tsebišo ye e swanetšego, boipiletšo bo ka phumulwa.
- (12). Morago ga ge boipiletšo bo phumutšwe, moiphetoledi a ka dira kgopelo ya go tsošološwa ga boipiletšo ka mokgwa wa lengwalo la kgopelo ya phetišo leo le hlalosago mabaka a go se iponagatše tshekong le tsebo ye e kgodišago ya go ka atlega boipiletšong le gore go tsošološwa ga boipiletšo go ka lebeledišwa fela ge phahlo yeo e bakwago e se ya ngwadišwa ka leina la phathi yeo e fenyago goba magareng ga matšatši a lesometharo a go phumulwa ga molato, go ya ka nako yeo e lego kgauswi.
- (13) Baahlodi ba bararo ba boipiletšo ba tla ahlola tshekong ya boipiletšo.
- (14) Baahlodi ba boipiletšo ba swanetše go tšeа sephetho sa boipiletšo godimo ga bohlatse bjoo bo filwego tshekong: ge bohlatse bjo boswa bo ka amogelwa mo mabakeng a itšego.
- (15) Baahlodi ba boipiletšo ba swanetše go kgonthiša gore diphathi di tsebištšwe gore ge ye nngwe ya tšona e ka kwa e šitetswe morago ga tsheko, phathi yeo e ka dira kgopelo go kgorokgolo ya tsheko go beela dipelo tša tsheko ka thoko. Tshepedišo ya tsheko e swanetšwe go ngwalwa.

KAKARETŠO

10. (1) Mmaki a ka se tšošetše goba a huetša phathi ye nngwe go fa bohlatse bja maaka.
- (2) Ga go motho yo a tla šitišago tshepedišo kahlolong goba tshekong.
- (3) Motho yo mongwe le yo mongwe yo a bileditšwego go tšwelela tshekong go ya ka molawana 4 le yo a šitwago ka ntle ga mabaka ao a lekanego go tšwelela tshekong yeo, goba a šitwa go fa bohlatse goba go

tšweletša pego ye nngwe goba puku goba lengwalo le lengwe le lengwe leo a le swerego goba a nago nalo goba a le laolago, ge a laelwa ke molao go dira seo, goba a šitwa go fela a tsenela tsheko go fihlela a lokollwa go sekišweng ke molaodi goba moahlodi wa boipiletšo, o na le molato.

- (4) Motho yo mongwe le yo mongwe yo a tshelago taelo ya molawana wo o na le molato e bile o swanelwa ke kotlo ya tefo yeo e sa fetego R500,00 (diranta tše makgolo a mahlano) goba go dula kgolegong nako ye e sa fetego dikgwedi tše tshelelago.
- (5) Ditaelo tša melawana ye ga di thibele babaki go fihlelela kwano pele ga ,tsheko ntle le ge kwano yeo e ka tlišwa ka mokgwa wa go ngwalwa le go saenwa ke diphathi tše di amegago tša tiišetšwa ke moahlodi.
- (6) Melawana ye e tlema profense.

Lengwalobohlatse le le kopana

- 11. Melawana ye e bitšwa melawana ya kahlolo ya 200, ka ga tšhuthišo ya bodulo le dithoto.

SKETULO 1

Tšatšikgwedi:

THOTO:

MOTSETOROPO:

NOMORO YA MOLATO:

MOLATO GARE GA:

TSEBIŠO YA TSHEKO

O tsebišwa fa gore ngangišano mabapi le taba ya ka godimo e tla sekelwa lefelong le le latelago ka letšatši le nako tše di filwego:

LEFELO:

TŠATŠIKGWEDI:

NAKO:

Ela hloko tše di latelago:

1. Netefatša gore wena le dihlatsa tše dingwe tše o nyakago go di bitša le tsenela

tsheko yeo e boletšwego ka godimo, ka ge go se tle ga lena go ka dira gore dipuelo di dirwe ka ntle ga lena.

2. Babaki ba ka tšweletša mangwalo a mangwe le a mangwe ao a ka ba thekgago melatong ya bona.
3. Babaki bao ba nyakago go šomiša ditokelo tša bona tša go hwetša kemelo ya semolao - BA KA KGONTHIŠA GORE RAMOLAO GOBA MMOLELEDI WA BONA O GONA ka tšatši la tsheko.

MOLAODI : BIRO YA DINTLO

KE HWEDITŠE KHOPHI YA SE, KA TŠATŠI .LA.....LA
KGWEDI YA20.....

SKETULO 2

PITŠO YA TSHEKO (Molawana 4(1)(c))

Molato gare ga:

Nomoro ya molato:

THOTO:

Motsesetoropong

GO:

O laelwa go tšwelela ka bowena(lefelo) ka(tšatšikgwedi)ka(nako) ka morago ga fao o swanetše go fela o etla go fihlela o lokollwa ke moahlodi yo a swerego dinyakišo gore o tle a fe bohlatse ka boikano go ba tiišetšo mabapi le melato ka moka yeo o e tsebago yeo e sepelanago le ditokelo tša motho yo mongwe le yo mongwe go setsha se se bolwetšwego ka godimo.

O laelwa gape go tla le go tšweletša tše di latelago go moahlodi yo a boletšwego

- (a)
- (b)
- (c)

E filwe tšatšikgwedi mo (lefelo) ka la
 (tšatši) la (kgwedi)
 20(ngwaga)

MOAHLODI

SKETULO 3

TSEBIŠO YA BOIPILETŠO (Molawana 8)

Nomoro ya molato

THOTO:

DIPHATHI:

LEINA:NOMORO YA TELEIMI.....
MOIPILETSI

LE

LEINA:
MOIPHETOLEDI

Nnake ipelaetša kgahlanong le dipelo tše di
dirilwego ke (moahlodi) ka
..... ngangišanong mabapi le tšišinyo ya gore nka ba mong
wa thoto yeo e bolelwago ka godimo.

MABAKA A BOIPILETŠO:

A GO NYAKEGA BOHLATSE BJO BOSWA? EE AOWA

GE E LE EE:

1. EFA MAINA A DIHLATSE

.....
.....

**2. MABAKA AO A DIRILEGO GORE BOHLATSE BO SE KE BJA TŠWELELA
TSHEKONG**

.....
.....
.....
.....
.....
.....
.....
.....

BOIPILETŠO BO DIRILWE :TŠATŠIKGWEDI:

.....

MOAHLODI

**TEFO YA BOIPILETŠO : NOMORO YA
SETLANKANA TŠATŠIKGWEDI:**

GOBA

LENGWALO LA GO TŠWA GO PUŠOGAE LE KGOMAGANTŠWE LE LE:

NOTICE 2265 OF 2001

ISIFUNDAZWE SASE-GAUTENG**UMNYANGO WEZEZINDLU****UMTHETHO OPHATHELENE NEZEZINDLU, 1998 (UMTHETHO
ONGUNOMBOLO 6 KA 1998)**

UKUNDLULISELWA KWEZINDAWO ZOKUHLALA IMITHETHO YOKUHLULELA,
2000

Ilunga loMkhandlu oShaya uMthetho eliphathiswe ezezindlu ngaphansi komthetho 24C woMthetho oPhathelene nezeziNdlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka 1998), njengoba uchibiyelwe kuSheduli.

ISHEDULI**Izincazelo**

1. Kulemithetho, ngaphandle uma okuchaziwe kubekwe ngenye indlela, igama noma isisho okuthi kuso okuchaziwe kuthiwe uMthetho wezeziNdlu e-Gauteng, 1998 (uMthetho onguNombolo 6 ka 1998), ugcina lokho okuchaziwe kanye nokwengeza –

“umehluleli” kuqondwe umuntu okhethwe ngokusho kwesigaba 24B soMthetho njengelunga lepheneli yamajaji;

“ijaji lokundlulisela izikhalazo” kuqondwe umuntu okhethiwe ngokusho kwesigaba 24B soMthetho njengelunga lepheneli yamajaji;

“umangali” kuqodwe umuntu ofake isimamngalo kusiFundazwe ngndlu yokuhlala ekhokhelwa ngufulumeni;

“izimpahla/izindlu ekuphikiswana ngazo” izindawo zokuhlala ezikhokhelwa uhulumeni ezingeke zandluliselwa komunye umuntu ngenxa yempikiswano ngokufaneleka kokundlulisela ngaphambi kokuba lezo zimpikiswano zinqunywe, futhi ibandakanya kodwa ibe ingagcini kuso isiza esithintekayo njengoba sichaziwe kusigaba 1 samaLungelo aThile okuShintsha ubunikazi kube Umthetho welizi noma wobuNikazi, 1988 (uMthetho onguNombolo 81 ka 1988);

“umxhumanisi ogunyazwe ngumthetho” kuchazwa umuntu okhethwe nguNyango ukuba oxhumanise uhlelo lokunquma udaba;

"Ummeli" kuchazwa umuntu omele omunye umuntu osebenza njengommeli omkhulu noma ummeli noma osazilungiselela ubummeli onelungelo lokumela umuntu; kanye

"nomphathi welokishi" kuchazwa umuntu okhethwe ngumasipala ukuba abhekane nezokuphathwa ezindaweni zasemalokishini noma endaweni engaphansi kokuphatha komasipala othintekayo.

Inhoso yalemithetho

2. Inhoso yalemithetho ukwenza kube nokuvuleleka, ukusebenza ngendlela, ukunquma kahle kanye nokuthathwa kwezinqumo ezifanayo kanye nezinqubo zokndlulisela izikhala zo ezbophezelayo ngokusho komthetho kumaqembu athintekayo.

Isaziso sokulalelw kakokuthathwa kwesinqumo

3. (1) Umnyango kufanele wazise ofake izikhala zo ngosuku kanye nendawo ekuzothathwa kuyo isinqumo noma ukulalelw kakokndlulisela kwesinqumo njengoba sibonakala kuSheduli 1 kulemithetho.

(2) Umnyango uphoqelekile ukuba ukhiphe isaziso njengoba kushiwo kumtheshwana (1): -

- (a) ukulethwa ngqo kwesaziso kummangali;
- (b) uma kungukuthi ummangali akekho, ukulethwa kwesaziso kumuntu ongengaphansi kweminyaka engu-21 kukheli elilethwe ngummangali kufomu lokufaka isikhala zo; noma
- (c) uma ofake isikhala zo engekho noma omunye umuntu obaluliwe kusigaba (b), ngokushiya isaziso kuleli kheli –

- (i) kubhokisi leposi; noma
- (ii) uma lingekho ibhokisi leposi ngokuyinameka kumnyango ongaphambili kumagceke.

(3) Uma ofake isikhala zo engaziwa kukheli elishiwo kumtheshwana (2)(b) futhi umnyango ungakwazi ukuthola ummangali lwo ngezindlela ezingacabangeka, Umnyango kuzofanele ushicilele isaziso kuphephandaba elitholakala ezweni lonke ukuze kwasiswe ummlangali:

- (a) ukuthi ukulalelw kakokunqunywa kodaba kuzokwenziwa ngosuku olukhethekile kanye nasendaweni ekhethekile;
- (b) ngencazelo kanye nalapho indawo leyo okukhulunywa ngayo ikhona ; kanye

- (c) nangamalungelo ofake isikhala zo njengoba ekelisiwe kusaziso esiqukethwe kuSheduli 1 yalemithetho.
- (4) Sonke isaziso ekukhulunywa ngaso kulomthetho kufanele sinikezelwe kofake isikhala zo okungenani zingakapheli izinsuku ezingu-14 ngaphambi kosuku lokulalelw a kwecala okuhlosiwe.

Amandla kanye nemisebenzi yabeHluleli

4. (1) Abehluleli banalamandla kanye nalemisebenzi elandelayo: -
 - (a) ukunquma izindaba futhi bathole imininingwane ephathelene nezindawo zokuhlala ezikhokhelwa nguhulumeni ekuphikiswanwa ngazo;
 - (b) ukubiza ofakazi ukuba bokaneze ubufakazi uma kungukuthi kudingekile ukuze kuxazululwe ukuphikisana; kanye
 - (c) nokubiza ngempoqo ofakazi ngokuthi babathumelele isaziso, njengoba sivela kuSheduli 2 kumithetho, ukuba bazonikeza ubufakazi noma baveze imibhalo ezindabeni ezinokuphikisana.
- (2) Abehluleli kufanele baqinisekise ukuthi wonke amaqembu akumpikiswano atshelwa ngokugcweli ngumsebenzi wesifundazwe noma yimuphi omunye umuntu othunywe lokho mayelana nohlelo labehluleli, ngaphambi kokuqala kokulalelw. Kubandakanya:
 - (a) nokuthi abantu ababili (noma ngaphezulu) bafake izikhala zo ezishayisanayo ngendawo yokuhlala ethile futhi impikiswano ikhona ekufanele ixazululwe ngokusebenzia umehluleli;
 - (b) nokuthi uMnyango usukhethe ummeli womthetho ozimele ukuba anqume izimpikiswano, ngokungachemi, kahle nangendlela evulelekile;
 - (c) nokuthi ummangali ngamunye unelungelo lokuthi amelwe ngummeli;

- (d) nokuthi inqubo iqinisekisa ukuthi abammangali abenzelwa phansi noma ngayiphi indlela; futhi
 - (e) nokuthi laba bantu abalandelayo bangahambela ukulalelwa: -
 - (i) umhumushi ozosiza ummangali;
 - (ii) usihlalo wekomidi lendawo noma okhethwe nguye;
 - (iii) ummangali;
 - (iv) omele ummangali ngokomthetho; kanye
 - (v) nelunga lomphakathi.
- (3) Abehluleli kufanele bagcine kumininingwane ukuthi izincazelozangasekuqaleni sezinikeziwe kuwona wonke amaqembu athintekayo kumpikiswano.

Amandla kanye nemisebenzi kaMehluleli wokundlulisela izikhalaZo

5. (1) Abehluleli bokundlulisela izikhalaZo banikezwe wonke amandla kanye nemisebenzi yabehluleli njengoba iqukethwe kumthetho 4.
- (2) Abehluleli bokundlulisela izikhalaZo banikezwe amandla angezezelwe alandelayo: -
 - (a) ukulalelwa ukundlulisela kwezikhalazo ezivela ezingumeni zokulalela kwangaphambili kwecala;
 - (b) ukuthola ukuthi ubufakazi obengezezelwe kufanele kulalelwe noma cha; kanye
 - (c) nokuqinisekisa noma ukuguqula okutholwe abehluleli bese kubekwa okusha okutholakele.

Iqhaza kanye nemisebenzi yoMasipala

6. (1) Omasipala kufanele basungule amakomidi endawo, azobhekana:
- (a) nokuvunya kanye nokuqedelwelwa kwezicelo zikundlulisela okungaphikiswanwa ngazo; kanye

- (b) nokusiwa kwamacala aphathelene nezimpikiswano zendlu ukuba ahlalelwane anqunywe.
- (2) Omasipala kufanele balethe futhi bacacise amafayela kanye neminingwane ephathelene nendawo ekuphikiswanwa ngayo esendaweni engaphansi kokulawula komasipala othintekayo kulokho kunqunywa kokulalelwane udaba.
- (3) Omasipala bayachelwa ukuba bamukele okutholwe uhlelo lokunquma futhi benze njengoba kufanelekile ngemuva kwalokho.

Indlela yokuqhube ukulalelwane kwezikhalazo

7. Ukulalelwane kokuthathwa kwesinqumo kufanele kwensiwe ngokulandela lenqubo elandelayo: -
 - (a) umehluleli kufanele azazise yena ngokwakhe, kanjalo nabanye abantu abakhona ekulalelwani kwecala;
 - (b) umehluleli kufanele atshele ababangayo ukuthi banganikeza ubufakazi bona ngokwabo, babize ofakazi, futhi bakhiphe imibhalo engubufakazi ukuthi bangabanikazi bendawo yokuhla ekuphikiswanwa ngayo;
 - (c) ubufakazi obunikeziwe ekulalelwani kwecala kufanele kunikezwe ngaphansi kwesifungo futhi buqoshwe;
 - (d) umbhalo uthathwa ngokuthi ovalokho obekuqhube ka ekulalelwani kwempikiswano unesisindo sangokomthetho kanye nomphumela efanayo nalokho okuqoshwe ekuqaleni; Inqobo nje uma lokho okuqoshiwe kungekho ngenxa yephutha lomshini wokuqopho noma ezinye izizathu bonke ubufakazi kumpikiswano kufanele kuphinde kulalelwane (de novo) uma udaba lundlulisewa phambili;
 - (e) iqembu akufanele lihlabe elinye noma liqophisane nanoma iliphi elinye iqembu kumpikiswano ekukhulunya ngayo noma ufakazi obizwe yinoma iliphi iqembu, kodwa umehluleli angabuza sakumphanya ukuze athole amaqiniso afanelekile, futhi kulokho angabuza noma iliphi iqembu noma ufakazi noma ngasiphi isikhathi sokuqhube ka ekulalelwani: Inqobo nje uma umehluleli engathi ngokubona kwakhe avumele noma iliphi iqembu ukuba libuze umbuzo kunoma iliphi elinye noma yimuphi ufakazi;

- (f) ngemuva kwakho konke ubufakazi esebunikezwe ngummangali, umehluleli angathi ngokubona kwakhe acele umphathi welokishi ukuba anikezele ngobufakazi ukuze ahlaziye imibhalo noma amanothi akumafayela noma imininingwane eyimpahla kamasipala;
- (g) umehluleli angadinga usihlalo wekomidi lendawo ukuba andlulise umthetho 6 ukuze anikeze ubufakazi ngokuphathelene necala;
- (h) ngemuva kokuqeda ubufakazi, amaqembu noma abawamele bangakhuluma nomehluleli ngokuphathelene nobufakazi becalo;
- (i) ngemuva kokuba ubufakazi sebunikeziwe udaba fanele luhlehliswe ukuze umehluleli alungiselele isinqumo;
- (j) okungenani izinsuku eziyishumi (10) ngaphambi kokuba usuku udaba oluhlehliswe ngalo umehluleli kufanele alethe isinqumo sibhalwe phansi sibe sithinta lemikhakha elandelayo yokuxhumanisa kwezomthetho:
 - (i) ukuchazwa kwempahla kanye nenombolo yecala;
 - (ii) ukukhonjwa kwamaqembu;
 - (iii) ukunikezwa kobufakazi;
 - (iv) ukuthembeka kofakazi;
 - (v) amaqiniso ekutholakale ukuthi amile angaguuki;
 - (vi) okushiwo ngumthetho;
 - (vii) ukwenza ngokulingana kungenzeleiwa; kanye
 - (viii) nokutholakele
- (k) umxhumanisi kwezomthetho uzophenya abuke isigwebo futhi aqinisekise ukuthi zonke izidingo zangokwenqubo zigcwalisiwe futhi kwabuyiswa isigwebo kumehluleli;
- (l) noma imuphi umyalo womxhumanisi kwezomthetho ngokuphathelene nesinqumo esihlongozwayo kufanele angaphazamisi noma ikuphi okutholwe umehluleli futhi angasebenza ngezindaba zenqubo kuphela;

- (m) uma umxhumanisi wezomthetho ekhomba inkinga yenqubo, umxhumanisi kwezomthetho kufanele, zingakapheli izinsuku ezinhlanu ngemuva kokuthola isigwebo kumehluleli, abuyisele isigwebo kulowo mahluleli ukuze alungise noma alalele obunye ubufakazi;
- (n) osukwini lokubuya umehluleli kufanele anikezele ngesinqumo bese enikezela ngamakhophi esinqumo kumaqembu;
- (o) umehluleli kufanele, njengengxenyen yesinqumo, azise amaqembu akumpikiswano ngamatlungelo owo okundlulisa isinqumo secala;
- (p) uma noma imuphi kumaqembu enquama ukuhoxisa isikhala zo ekuqalen i kokulalelwa noma kufinyelelwa esivumelwaneni phakathi kwamaqembu, umehluleli kufanele akugcine kumininingwane. Umehluleli kufanele ukwengeza alungise imibhalo ebualiwe ebeka ngokusobala isivumelwano futhi wonke amaqembu kumpikiswano kufanele asayine isivumelwano esibhalwe phansi; futhi
- (q) isivumelwano singujuqu futhi siyabophezela kumaqembu futhi akukho ukundlulisa kwesinqumo okuzongenwa kuso kusivumelwano.

Isinqumo uma amaqembu engekho

8. Abehluleli bangagoqa udaba lingekho elinye iqembu, Inqobo nje uma umehluleli enelisekile ukuthi: -
 - (a) udaba seluhlehlisiwe okungenani kanye ngenxa yokungabibikho kwelinje iqembu;
 - (b) isaziso sakhe sokungabibikho kweqembu sanikezelwa ngendlela kumaqembu ngokuphathelene nomthetho 3; futhi
 - (c) bonke ubufakazi obukhona, bomlomo noma obubhalwe phansi, kutholakele futhi isinqumo esinesisekelo singenziwa.

Ukundluliselwa phambili isinqumo secala

9. (1) Ukundluliselwa phambili kodaba kungenziwa zingakapheli izinsuku ezingu-30 ngemuva kokuthathwa kwesinqumo kufomu lesaziso sokundlulisa icala njengoba kuvela kuSheduli 3 kumithetho.

(2) Uma impahla okuphikiswano ngayo ibingabhalisiwe ukulethwa kwesicelo sokndluliswa kwecala sekndlule isikhathi kungamukelwa.

(3) Umnyango kufanele uqinisekise ukuthi bobabili abandlulise icala kanye nokufanele aphendule bazisiwe ngokulalelw ka kwesicelo sokndlulisa icala ngendlela efanayo njengoba imisiwe kumthetho 3. Ikhophi yesaziso sokndlulisa icala kufanele inikezelwe kolovo okumele aphendule kanye nesaziso sokulalelw kwalo.

(4) Amaqembu athintekayo ekndlulisweni kwecala angenza izethulo komehluleli abaphathelene nokndluliswa kwamacala futhi bangathi ngokubona kwabo bavumele ukulalelw kobufakazi ngemuva kwalokho udaba kufanele luhlehliselwe isinqumo.

(5) Okungenani makube izinsuku ezingu-10 (ishumi) ngaphambi kosuku udaba oluhlehliselwe lona umehluleli ophathelene nokndluliswa kwamacala kufanele alethe isinqumo esibhalwe phansi esikhulumha ngalemikhakha elandelayo kumxhumanisi kwezomthetho:

- (i) ukuchazwa kwempahla kanye nenombolo yecala;
- (ii) ukukhonjwa kwamaqembu;
- (iii) ukunikezwa kobufakazi;
- (iv) ukuthembeka kofakazi;
- (v) amaqiniso ekutholakale ukuthi amile angaguuki;
- (vi) okushiwo ngumthetho;
- (vii) ukwenza ngokulingana kungenzelelw; kanye
- (viii) nokutholakele.

(6) Umxhumanisi kwezomthetho uzophenya abuke isigwebo futhi aqinisekise ukuthi zonke izidingo zangokwenqubo zigcwaliwiwe futhi kwabuyiswa isigwebo kumehluleli.

(7) Noma imuphi umyalo womxhumanisi kwezomthetho ngokuphathelene nesinqumo esihlongozwayo kufanele angaphazamisi noma ikuphi okutholwe umehluleli futhi angasebenza ngezindaba zenqubo kuphela.

- (8) Uma umxhumanisi kwezomthetho ebona inkinga kunqubo, umxhumanisi kwezomthetho kufanele, zingakapheli izinsuku ezingu-5 ngemuva kokuthola isinqumo sivela kumehluleli wezokndluliselwa kwamacala, abuyisele isinqumo kumehluleli ofanelekile ukuba asilungise noma alalele obunye ubufakazi.
- (9) Uma noma iliphi kumaqembu linquma ukuhoxa kusikhala zo ekuqaleni kwecala noma kufinyelelw esivumelanweni phakathi kwamaqembu, umehluleli ophathelene nokundlulisa kwasinqumo kufanele akungcine kumininingwane. Umehluleli ophathelene nokundlulisa kwecala angathi ukwengeza alungise imibhalo ebhalwe phansi eshoyo ngokufinyelela esivumelwaneni futhi wonke amaqembu kumpikiswano kufanele asayine isivumelwano esibhalwe phansi.
- (10) Ukndlulisa kodaba kungaqedelwa uma engekho okumele aphendule, ngemuva kokuba isaziso esikahle sokulalelw sesinikeziwe futhi uma okubhalwe phansi kwalokhu obekukhulunywa kanye namafayela endawo yokuhlala ekhona; Inqobo nje uma ummangalelw evela ngaphambi kokuba kuthathwe isinqumo, izethulo noma ubufakazi obunikeziwe nguye bulalelw.
- (11) Uma ondlulise udaba engekho ekulalelw kwalo, ngemuva kwasaziso esifanelekile sokulalelw kodaba, ukndluliselwa kwecala kungasuswa ohlwini.
- (12) Ngemuva kokuba udaba oluhlehlisiwe selususiwe ohlwini, ondlulise icala angafaka isicelo sokubuyisela udaba ezithebeni ngokuthi afake isicelo abeke izizathu zokungezi kanye namathuba okuthi aphumelele ecaleni elindlulisiwe: Inqobo nje uma ukubuyiselwa kodaba kuzobhekwa kuphela impikiswano ekukhulunywa ngayo beyingabhalisiwe ngegama leqembu eliphumelele noma zingakapheli izinsuku ezingu-30 kuchithwe ukndluliselwa kwecala, noma ngabe ikuphi okufike kuqala.
- (13) Omehluleli abathathu bokndlulisa amacala kufanele bahlalele ukulalelw kokndlulisa kwecala.
- (14) Abehluleli abaphathelene nokndlulisa amacala kufanele banqume udaba bebe besebenzisa ubufakazi obunikezw ekulaleleni kwabehluleli: Inqobo nje uma ubufakazi obusha bungavunyelwa kuzimo ezithile ezikhethekile.
- (15) Abehluleli abaphathelene nokndlulisa kwamacala kufanele baqinisekise ukuthi amaqembu ayatshelwa ukuthi uma noma iliphi iqembu lisenelungelo nokndluliselwa udaba uma lizizwa

lingakhululekile ngokuthile ngemuva kokulalelwa kodaba, lelo qembu lingafaka isicelo eNkantolo ePhakeme ukubuyisela eceleni isinqumo. Ukulalelwa kokundluliswa kwecala kufanele kuqoshwe.

Izimiso ngokubanzi

10. (1) Ondlulise icala akufanele asabise noma athuse elinye iqembu ukuba linikeze ubufakazi obungelona iqiniso.
- (2) Akekho umuntu ongaphazamisa okuqhubekayo ekuthathweni noma ekulalelweni kodaba olundlulisiwe.
- (3) Noma imuphi umuntu obizelwe ukuba avele ekulalelweni kodaba ngokusho komthetho 4 bese ehluleka ukuza ebe engenazo izizathu zokungezi, noma ahluleke ukunikeza ubufakazi noma anikeze noma iyiphi imininingwane, incwadi, noma eminye imibhalo anayo noma ukubanjwa noma ngaphansi kokulawula kwakhe uma enza njalo ngokusemthetho, noma ehluleka ukuhlala ekhona aze akhululeke ekutheni abuzwe imibuzzo umehluleli noma umehluleli wokundluliswa kwecala ulahliwe yilelo cala.
- (4) Noma imuphi umuntu ophula izimiso zalemithetho unecala futhi uzobhekana nokuthi aboshwe akhokhe inhlawulo engeqi ku-R 500, 00 (amakhulu amahlano) noma abhadle ejeleisikhathi esingeqi ezinyangeni ezingu-6 (isithupha).
- (5) Izimiso zalemithetho azivimbeli ukuba abafake isimangalo/abaphikisanayo bafinyelele esivumelwaneni ngaphambi kokuba kunqunywe udaba: Inqubo nje uma leso sivumelwano sisayinwe yiwona wokabili amaqembu athintekayo futhi saqinisekiswa umehluleli.
- (6) Lemithetho iyasibophezela isiFundazwe.

Isihloko esifushane

11. Lemithetho ibizwa ngokuthi iMithetho yokuNquma ngokuNdululiselwa kweNdawo yokuHlala, 2000.

ISHEDULI 1**Usuku:****INDAWO:****ILOKISHI:****Inombolo yecala:****ODABENI OLUPHAKATHI:**

ISAZISO SOKUNQUNYWA KOKULALELWA KODABA

Lapha uyaziswa ukuthi impikiswano ephathelene nodaba olungenhla izolalelwa kulendawo elandelayo futhi osukwini kanye nangesikhathi okushiwo:

INDAWO:**USUKU:****ISIKHATHI:****Sicela uqaphele lokhu okulandelayo:**

1. Sicela uqinisekise ukuthi wena nanoma imuphi omunye ufakazi ofisa ukumletha ukuba ahambale lokulalelwa okushiwo, njengoba ukungezi kwakho kungabangela ukuthi isinqumo sithathwe ungekho.
2. Abamangali abafisa ukufezekisa amalungelo abo okuba nommeli **KUFANELE BAQINISEKISE UKUTHI UMMELI WABO NOMA UMMELI WABO OMKHULU UKHONA** osukwini lokulalelwa kodaba.

UMBHALISI: I-BUREAU YEZINDLU**IKHOPHI ITHOLAKELE LAPHANGALOLUSUKU..... 20**

ISHEDULI 2**AMASAMANISI
(Umthetho 4(1)(c))****INOMBOLO YECALA:**

Kudaba oluphakathi:

INDAYO YOKUHLALA: **ILOKISHI**

KU:

Uyacelwa ukuba uvele wena ngokwakho e.....(indawo) ngo.....(usuku) e.....(isikhathi) futhi ngakhoke uhlale ukhona uze ukhululwe ngumehluleli owenza uphenyo uma usunikezele ngobufakazi ngaphansi kwesifungo ngokuphathelene nazo zonke izindaba ozaziyo eziphathelene namalungelo anomia imuphi umuntu kulesiza esibaluliwe ngenhla.

Uyacelwa futhi ukuba ulethe lokhu okulandelayo kumehluleli oshiwo

- (a)
- (b)
- (c)

Uma kungukuthi uyahluleka ukuhambisana nalamasamanisi, ngemuva kokulahlwa icala, ungabhekana nenhawulo engeqi ku-R500, 00 (amakhulu amahlanu) noma uboshwe isikhathi esingeqi ezinyangeni ezingu-6 (isithupha).

Usuku engalolu usuku luka

UMEHLULELI

ISHEDULI 3**ISAZISO SOKUNDLULISELWA KWECALA
(Umthetho)****INIMBOLO YECALA.****INDAWO YOKUHLALA:****AMAQEMBU:****IGAMA:INOMBOLO YESIKHALAZO
OFAKE ISIKHALAZO****KANYE****IGAMA:INOMBOLO YESIKHALAZO
OKUFANELE APHENDULA**

Minalapha ngiyakhalaza kusinqumo esenziwe(umehluleli) ngomhlakakumpikiswano ephathelene nobunikazi obuhlongozwayo belendawo yokuhlal anghla.

IMIBANDELA YOKUNDLULISA ISIKHALAZO:

.....
.....
.....
.....

UBUFAKAZI OBUSHA OBUFUNEKAYO? YEBO CHA**UMA KUNGUYEBO****1. YISHO AMAGAMA OFAKAZI**

.....

.....

2. **IZIZATHU ZOKUTHI LOBO BUFAKAZI ABUNIKEZWANGWA
EKUNQUNYENWI KODABA:**

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UKUDLULISWA

KWECALA

KUYABHEKWA:

USUKU:.....

UMBHALISI

IMALI YOKUNDLULISA UDABA:..... **INOMBOLO YERISIDI:**

USUKU:.....

NOMA

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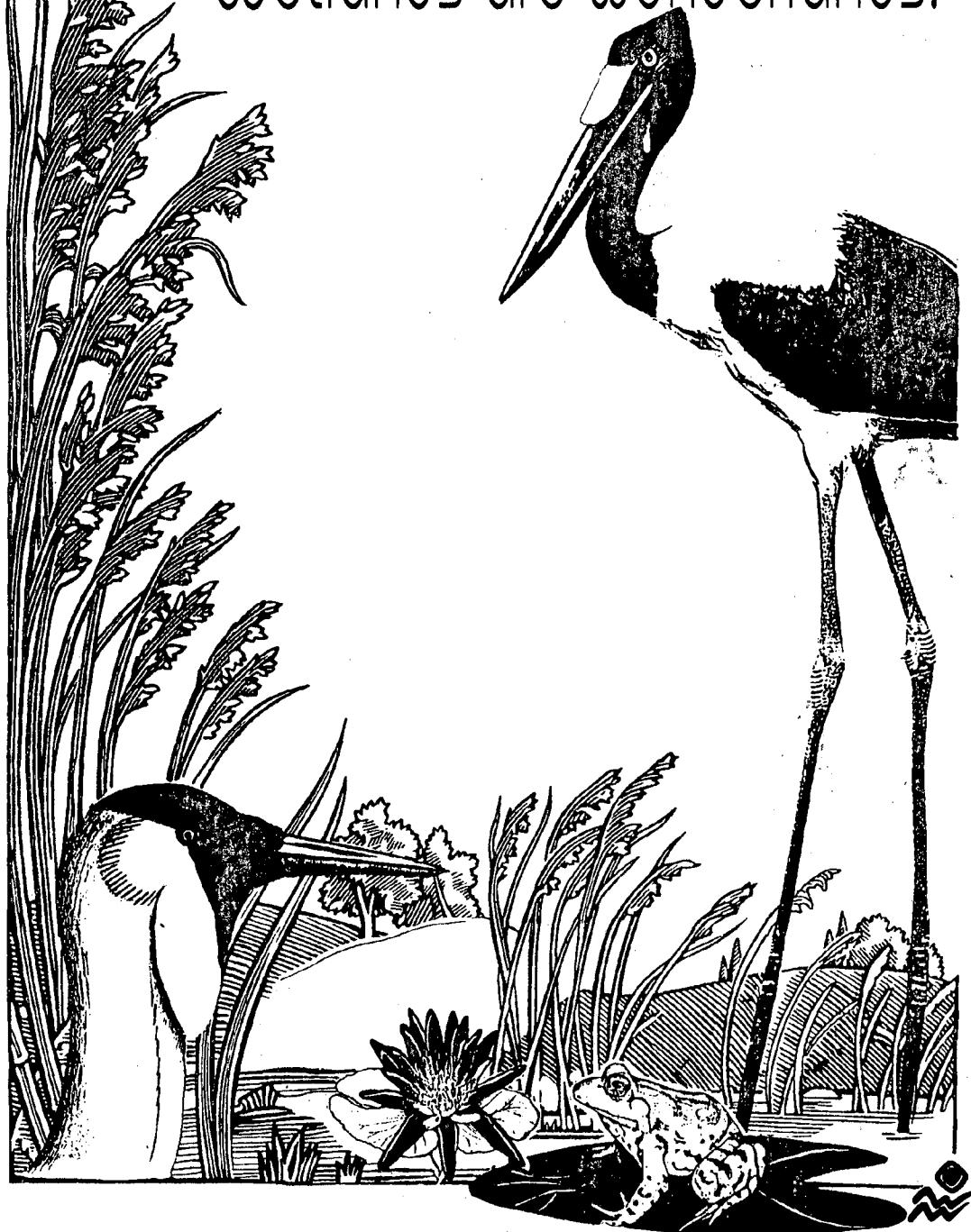
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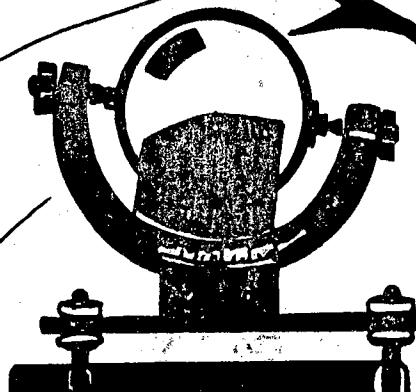
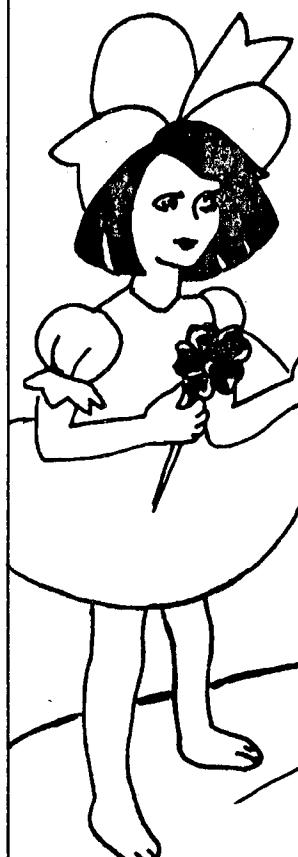


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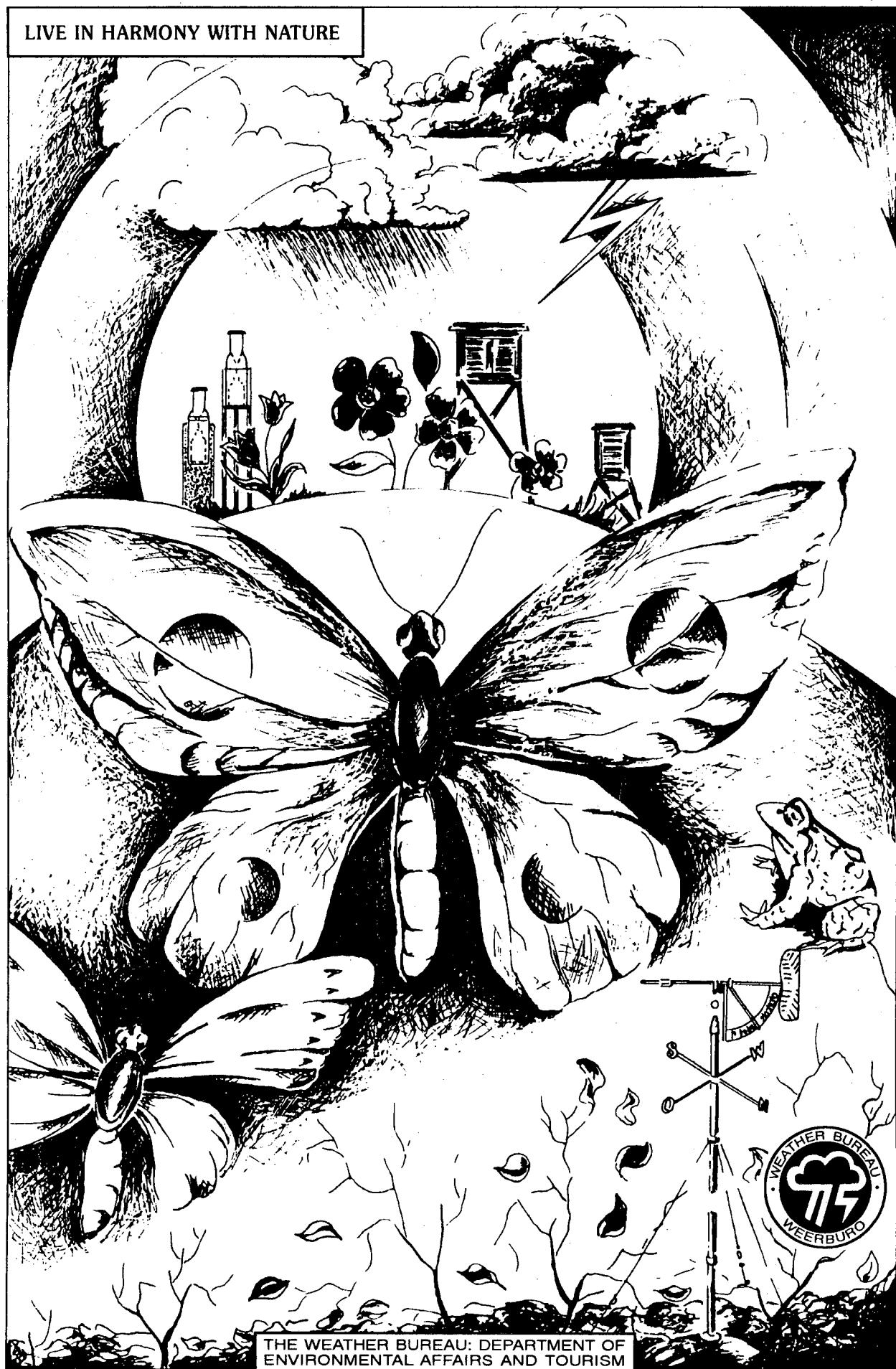
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