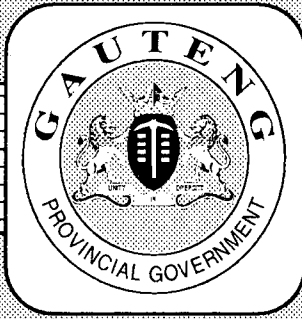


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**THE PROVINCE OF  
GAUTENG**



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# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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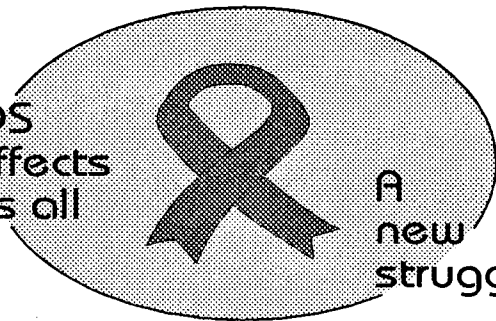
Vol. 9

PRETORIA, 5 SEPTEMBER 2003

No. 364

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



9771682452005



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**CONTENTS • INHOUD**

No.

Page  
No.    Gazette  
      No.

**GENERAL NOTICE**

2906	Gauteng Housing Act (6/1998): First Amendment of the Transfer of Residential Properties Adjudication Regulations, 2003 .....	3	364
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## GENERAL NOTICE

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NOTICE 2906 OF 2003

DEPARTMENT OF HOUSING

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

### FIRST AMENDMENT OF THE TRANSFER OF RESIDENTIAL PROPERTIES ADJUDICATION REGULATIONS, 2003

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

#### SCHEDULE

##### Definitions

1. In these Regulations, "the Regulations" means the Transfer of Residential Properties Adjudication Regulations published in Government Notice No. 2265 of 18 April 2001.

##### GENERAL EXPLANATORY NOTE:

[ ] Expressions in bold type in square brackets indicate omissions from existing regulations.

\_\_\_\_\_ Expressions underlined with a solid line indicate insertions in existing regulations.

##### Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended:

(a) by the insertion of the following definitions

“ ‘Adjudication’ means the hearing of disputes relating to TORPS by designated persons;

‘Assessor’ means a person who has been appointed to ensure procedural fairness at initial adjudications;

‘TORPS Programme’ means the Transfer of Residential Properties Programme”.

### **Amendment of regulation 3 of the Regulations**

**3. Regulation 3 of the Regulations is amended:**

(a) by insertion of sub-regulation 2 (d)

“(d) at the claimant’s place of employment to some person apparently not less than 16 years of age and apparently in authority over him or her or, in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at the applicant’s place of employment.”

(b) by addition of the following words in sub-regulation 3

“(3) If a claimant is not known at the address referred to in sub-regulation (2)(b) (c) or (d) and the designated official of the Department is unable to locate such claimant through reasonable means, the Department shall publish a notice in three newspapers circulating nationally to inform such claimant.”

### **Amendment of regulation 4 of the Regulations**

**4. Regulation 4 of the Regulations is amended:**

(a) by substitution of the following word in clause (c)

“(c) to **[summons]** subpoena witnesses by serving a notice, as appearing in Schedule 2 to the regulations, to give evidence or produce documents in disputed matters.”

(b) by the deletion of sub-regulation **[2 (c) and (d)]**

**Amendment of regulation 5 of the Regulations**

5. Regulation 5 of the Regulation is amended:

(a) by insertion of the following clauses in sub-regulation (2):

“(aA) to ensure that each claimant has the right to legal representation;

(aB) to ensure that claimants who are not legally represented are not disadvantaged in any way.”

**Amendment of regulation 7 of the regulations**

Regulation 7 of the Regulations is amended

“(a) by deletion of the following words **“[or their legal representatives]”** in sub-regulation 7 (h).”

(b) by addition of the following words:

“(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 in accordance with Schedule 4 setting out the settlement and all the parties to dispute must sign the written settlement; “

**Insertion of regulation 7A in the Regulations**

6. The following sub-regulation is inserted in the Regulations after Regulation 7

“Legal Representation (1) claimants shall have the right to legal representation only at the appeal stage.”

#### **Insertion of regulation 10A in the Regulation**

7. The following regulation is inserted in the Regulation after Regulation 10

#### **“10A Transitional arrangements**

(1) Matters which are pending before the arbitration panel and the appeal arbitration panel when the First Amendment takes effect, must be disposed of as if the First Amendment had not been enacted.”

#### **“Amendment of Schedules**

11 (a) Schedules 1, 2 and 3 are amended by the substitution thereof of the following Schedules:

(b) Schedule 4 is inserted in the Regulation after Schedule 3”

#### **Short Title**

12 These Regulations are called the First Amendment of the Transfer of Residential Properties Amendment Regulations, 2003.

**Schedule 1**  
**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. If you intend to defend your claim kindly:
  - 1.1 register your intention by signing on the space provided below and return this form to the Registrar: Housing Bureau.
  - 1.2 submit to the Registrar : Housing Bureau within 7 days from the date of receipt of this notice, a signed copy of this Notice of Adjudication Hearing.
2. Please ensure that you and any witnesses you wish to call do attend the above-mentioned hearing, as non-attendance on your part may result in an adverse finding being made in your absence.
3. Claimants may produce any documents that support their case.

Name and Surname: \_\_\_\_\_

\_\_\_\_\_  
**REGISTRAR: HOUSING BUREAU**

RECEIVED COPY HEREOF ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**Schedule 2**

**SUBPOENA**

In the matter between:

**CASE NO:**

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 subpoena, 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 4****ESSENTIAL PROVISIONS OF A SETTLEMENT AGREEMENT**

A Settlement Agreement reached between the parties to a dispute must contain the following essential provisions:

- (1) the names of the parties and their residential or business addresses;
- (2) the location and the stand number of the property which is the subject of the settlement;
- (3) the amount of compensation (if any);
- (4) how the compensation will be paid;
- (5) the date of the occupation of the property;
- (6) the date on which the risk shall pass to the occupant.

**Schedule 3**

**NOTICE OF APPEAL**

PROPERTY: \_\_\_\_\_

CASE NO: \_\_\_\_\_

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.

**GROUND OF APPEAL**

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

**NEW EVIDENCE REQUIRED**

YES  NO

IF YES:

NAMES OF WITNESSES OR DOCUMENTS TO BE PRODUCED

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

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REASONS WHY SUCH EVIDENCE WAS NOT GIVEN AT THE ADJUDICATION  
HEARING

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