

**KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI**

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

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(Iregistrowe njengephephandaba eposihhovisi)*

**Vol. 3**

**PIETERMARITZBURG,**

26 MARCH 2009  
26 MAART 2009  
26 kuNDASA 2009

**No. 248**

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# IMPORTANT NOTICE

The  
**KwaZulu-Natal Provincial Gazette Function**  
will be transferred to the  
**Government Printer** in Pretoria  
as from 26 April 2007

**NEW PARTICULARS ARE AS FOLLOWS:****Physical address:**

Government Printing Works  
149 Bosman Street  
Pretoria

**Postal address:**

Private Bag X85  
Pretoria  
0001

**New contact persons:** Louise Fourie Tel.: (012) 334-4686  
Mrs H. Wolmarans Tel.: (012) 334-4591  
Awie van Zyl.: (012) 334-4523

**Fax number:** (012) 323-8805

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Hester.Wolmarans@gpw.gov.za

**Contact persons for subscribers:**

Mrs S. M. Milanzi Tel.: (012) 334-4734  
Mrs J. Wehmeyer Tel.: (012) 334-4753  
Fax.: (012) 323-9574

This phase-in period is to commence from **26 April 2007**, which is the closing date for all adverts to be received for the publication date of **3 May 2007**.

Subscribers and all other stakeholders are advised to send their advertisements directly to the **Government Printing Works**, one week (five working days) before the date of printing, which will be a Thursday.

**Payment:**

- (i) Departments/Municipalities: Notices must be accompanied by an order and official letterhead, including financial codes, contact person and address of Department.
- (ii) Private persons: Must pay in advance before printing.

**AWIE VAN ZYL**  
Advertising Manager

IT IS THE CLIENTS RESPONSIBILITY TO ENSURE THAT THE CORRECT AMOUNT IS PAID AT THE CASHIER OR DEPOSITED INTO THE GOVERNMENT PRINTING WORKS BANK ACCOUNT AND ALSO THAT THE REQUISITION/COVERING LETTER TOGETHER WITH THE ADVERTISEMENTS AND THE PROOF OF DEPOSIT REACHES THE GOVERNMENT PRINTING WORKS IN TIME FOR INSERTION IN THE PROVINCIAL GAZETTE.

**No ADVERTISEMENTS WILL BE PLACED WITHOUT PRIOR PROOF OF PRE-PAYMENT.**

**1/4 page R 187.37**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

**A PRICE  
INCREASE OF  
8,5% WILL BE  
EFFECTIVE ON  
ALL TARIFFS  
FROM  
1 MAY 2009**

**1/4 page R 374.75**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

**1/4 page R 562.13**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt

**1/4 page R 749.50**

Letter Type: Arial Size: 10

Line Spacing: At:  
Exactly 11pt



REPUBLIC  
OF  
SOUTH AFRICA

## LIST OF FIXED TARIFF RATES AND CONDITIONS

FOR PUBLICATION OF LEGAL NOTICES  
IN THE *KwaZulu-Natal PROVINCIAL GAZETTE*

**COMMENCEMENT: 1 MAY 2007**

### CONDITIONS FOR PUBLICATION OF NOTICES

#### CLOSING TIMES FOR THE ACCEPTANCE OF NOTICES

1. (1) The *KwaZulu-Natal Provincial Gazette* is published every week on Thursday, and the closing time for the acceptance of notices which have to appear in the *KwaZulu-Natal Provincial Gazette* on any particular Thursday, is **15:00 one week prior to the publication date**. Should any Thursday coincide with a public holiday, the publication date remains unchanged. However, the closing date for acceptance of advertisements moves backwards accordingly, in order to allow for 5 working days prior to the publication date.
- (2) The date for the publication of an **Extraordinary KwaZulu-Natal Province Provincial Gazette** is negotiable.
2. (1) Notices received **after closing time** will be held over for publication in the next *KwaZulu-Natal Provincial Gazette*.
- (2) Amendments or changes in notices cannot be undertaken unless instructions are received **before 10:00 on Fridays**.
- (3) Notices for publication or amendments of original copy can not be accepted over the telephone and must be brought about by letter, by fax or by hand. The Government Printer will not be liable for any amendments done erroneously.
- (4) In the case of cancellations a refund of the cost of a notice will be considered only if the instruction to cancel has been received on or before the stipulated closing time as indicated in paragraph 2(2).

#### APPROVAL OF NOTICES (This only applies to Private Companies)

3. In the event where a cheque, submitted by an advertiser to the Government Printer as payment, is dishonoured, then the Government Printer reserves the right to refuse such client further access to the *KwaZulu-Natal Provincial Gazette* until any outstanding debts to the Government Printer is settled in full.

#### THE GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

4. The Government Printer will assume no liability in respect of—
  - (1) any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - (2) erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

- (3) any editing, revision, omission, typographical errors, amendments to copies or errors resulting from faint or indistinct copy.

#### **LIABILITY OF ADVERTISER**

5. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

#### **COPY**

6. Notices must be typed on one side of the paper only and may not constitute part of any covering letter or document.
7. At the top of any copy, and set well apart from the notice, the following must be stated:

Where applicable

- (1) The heading under which the notice is to appear.
- (2) The cost of publication applicable to the notice, in accordance with the "Word Count Table".

#### **PAYMENT OF COST (This only applies to Private Companies)**

9. With effect from 26 April 2007 no notice will be accepted for publication unless the cost of the insertion(s) is prepaid in CASH or by CHEQUE or POSTAL ORDERS. It can be arranged that money can be paid into the banking account of the Government Printer, in which case the deposit slip accompanies the advertisement before publication thereof.
10. (1) The cost of a notice must be calculated by the advertiser in accordance with the word count table.  
  
(2) Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the **Advertising Section, Government Printing Works, Private Bag X85, Pretoria, 0001 [Fax: (012) 323-8805], before publication.**
11. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and the notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or by cheque or postal orders, or into the banking account.

12. *In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.*
13. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the Word Count Table, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

#### **PROOF OF PUBLICATION**

14. **Copies of the *KwaZulu-Natal Provincial Gazette* which may be required as proof of publication, may be ordered from the Government Printer at the ruling price.** The Government Printer will assume no liability for any failure to post such *KwaZulu-Natal Provincial Gazette(s)* or for any delay in despatching it/them.

## **GOVERNMENT PRINTERS BANK ACCOUNT PARTICULARS**

Bank:	ABSA
	BOSMAN STREET
Account No.:	4057114016
Branch code:	632-005
Reference No.:	00000006
Fax No.:	(012) 323 8805

#### ***Enquiries:***

Mrs. L. Fourie	Tel.: (012) 334-4686
Mrs. H. Wolmarans	Tel.: (012) 334-4591
Mr. A. van Zyl	Tel.: (012) 334-4523

**PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE**

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The following notices are published for general information.

Onderstaande kennisgewings word vir algemene inligting gepubliseer.

DR K. B. MBANJWA  
Director-General

DR K. B. MBANJWA  
Direkteur-generaal

300 Langalibalele Street  
Pietermaritzburg  
26 March 2009

Langalibalelestraat 300  
Pietermaritzburg  
26 Maart 2009

Izaziso ezilandelayo zikhishelwe ulwazi lukawonkewonke.

DKT. K. B. MBANJWA  
uMqondisi-Jikelele

300 Langalibalele Street  
Pietermaritzburg  
26 kuNdasa 2009

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No. 46

26 March 2009

## DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

**REMOVAL OF RESTRICTIONS ACT, 1967: REMOVAL OF CONDITIONS OF TITLE**

In terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I remove the restrictions set out in the Schedule.

**ML POVALL**, Manager: Development Administration

Date: 13 March 2009

**SCHEDULE**

The figures used in brackets have the following meanings:

- (1) = Street address, property description, registration division, municipality
- (2) = Deed, condition, file reference
- (3) = Scope of alteration or removal

- (1) 14 Beachway, **Erf 2689 Durban North**, Registration Division FU, eThekweni Municipality
- (2) T 71764/02, C. (Paragraph 2 & 6) and D., 2008/571
- (3) Removal of conditions of title in favour of Durban North Estates Limited that requires the consent of Durban North Estates Limited for a change of the use of the property, that restricts the use of the property to one dwelling house, that prohibits the subdivision of the property, that imposes building lines and that requires the submission of building plans to Durban North Estates Limited for its approval.

- (1) 6 Patricia Road, **Erf 100 Westriding**, Registration Division ET, eThekweni Municipality
- (2) T 60558/07, B. (2), 2008/673
- (3) Removal of condition of title that restricts the use of the property to one dwelling house.

- (1) Corner Springbok Avenue / Alexander Avenue, **Erf 915 Uvongo**, Registration ET, Hibiscus Coast Municipality
- (2) T 58139/02, C.(d) and C.(f)., 2007/704
- (3) Removal of condition of title that restricts the use of property to one dwelling house and imposes building lines

- (1) 4 Beefwood Road, **Remainder of Erf 604 Pennington**, Registration Division ET, uMdoni Municipality
- (2) T 23723/85, D. 4., 2008/743
- (3) Removal of a condition of title that restricts the use of property to one dwelling house.

- (1) Old Pont Road, **Erf 154 Banners Rest**, Registration Division ET, Hibiscus Coast Municipality
- (2) T 06 46861, E. (b) and E. (c), 2008/849
- (3) Removal of a condition of title that restricts the use of property to residential purposes and the use of property to one dwelling house.

- (1) 37 Trevor Road, **Remainder of Erf 76 Erin-Go-Bragth**, Registration Division FT, eThekweni Municipality
- (2) T 26193/08, B. 1.(b) B. 2.(b), B.2.(h) and C.1., 2008/907

- (3) Removal of conditions of title that restricts the use of certain types of building material for the construction of buildings, and restricts the use of the property to one dwelling house.

**No. 47****26 March 2009****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****REMOVAL OF RESTRICTIONS ACT, 1967: INVITATION TO COMMENT**

The Department of Local Government and Traditional Affairs has received an application in terms of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), for the removal of condition F.3. from deed T 35377/03, relating to Remainder of Erf 323 Assagay, Registration Division FT, 4 Assagay Crescent, eThekweni Municipality, that prohibits the use of the property for business purposes. Comments on the application, which may be submitted by mail, fax or email, must be submitted to the Mrs. R. Mbata, Tel: (031) 204 1711, Fax: (031) 204 1980, Private Bag X 54310 Durban 4000, [rejoice.mbatha@kznlqta.gov.za](mailto:rejoice.mbatha@kznlqta.gov.za), by 8 May 2009. Please note that the Department may refuse to accept comments submitted after the closing date.

**ML POVALL**, Manager: Development Administration

Date: 13 March 2009

**No. 46****26 kuNdasa 2009****UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO****UMTHETHO WOKUSUSWA KWEZITHIBELO, 1967: UKUSUSWA KWEZIMISO ZETAYITELA**

Ngokwesigaba 2(1) soMthetho wokuSuswa kwezithibelo, 1967 (uMthetho No. 84 ka 1967), ngisusa izithibelo ezibekwe oHlelweni.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko

Usuku: 13 kuNdasa 2009

**UHLELO**

Imininingwane esetshenzisiwe kubakaki inalezi zincazelo:

- (1) = Ikhehli lomgwaqo, incazelo ngomhlaba, isigaba sokubhaliswa, omasipala
- (2) = Itayitela, isimiso, inkomba yefayela
- (3) = Ubungako bokuzolungiswa nokuzosuswa

- (1) Ku 14 Beachway, iSiza 2689 e-Durban North, isiGaba sokuBhaliswa ngu-FU, kuMasipala waseThekwini

- (2) T 71764/02, C. (iNdima 2 no 6) kanye no D., 2008/571

- (3) Ukususwa kwezimiso zetayitela ezivuna i-Durban North Estates Limited ezifuna imvume ye-Durban North Estates Limited ukuze kuguqulwe ukusetshenziswa komhlaba, ezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala, ezenqabela ukuhlukaniswa iziqephu komhlaba, ezinquma imingcele yokwakha nezifuna ukuba kuthunyelwe amapulani okwakha kwi-Durban North Estates Limited ukuze iwagunyaze

- (1) Ku 6 Patricia Road, iSiza 100 e-Westriding, isiGaba sokuBhaliswa ngu-ET, kuMasipala waseThekwini

- (2) T 60558/07, B. (2), 2008/673

(3) Ukususwa kwezimiso zetayitela ezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala

(1) Ekhoneni lika-Springbok Avenue no-Alexander Avenue, **iSiza 915 Uvongo**, isiGaba sokuBhaliswa ngu-ET, kuMasipala wase-Hibiscus Coast

(2) T 58139/02, C.(d) kanye no C.(f)., 2007/704

(3) Ukususwa kwezimiso zetayitela ezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala nezinquma imingcele yokwakha

(1) Ku 4 Beefwood Road, **iNsalela yeSiza 604 e-Pennington**, isiGaba sokuBhaliswa ngu-ET, kuMasipala waseMdoni

(2) T 23723/85, D. 4., 2008/743

(3) Ukususwa kwezimiso zetayitela ezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala

(1) Ku-Old Pont Road, **iSiza 154 e-Banners Rest**, isiGaba sokuBhaliswa ngu-ET, kuMasipala wase-Hibiscus Coast

(2) T 06 46861, E. (b) kanye no E. (c), 2008/849

(3) Ukususwa kwezimiso zetayitela ezivumela ukusetshenziswa komhlaba ngezinhloso zokuhlala nokusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala

(1) Ku 37 Trevor Road, **iNsalela yeSiza 76 e-Erin-Go-Bragth**, isiGaba sokuBhaliswa ngu-FT, kuMasipala waseThekwini

(2) T 26193/08, B. 1.(b) B. 2.(b), B.2.(h) kanye no C.1., 2008/907

(3) Ukususwa kwezimiso zetayitela ezivumela ukusetshenziswa kohlobo oluthile lwempahla yokwakha ekwakhiweni kwezakhiwo, nezivumela ukusetshenziswa komhlaba ukwakha indlu eyodwa yokuhlala

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**No. 47**

**26 kuNdasa 2009**

**UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO**

**UMTHETHO WOKUSUSWA KWEZITHIBELO, 1967: ISIMEMO SEZIMVO**

UMnyango wezoHulumeni baseKhaya nezeNdabuko usuwamukele isicelo ngokoMthetho wokuSuswa kweziThibelo, 1967 (uMthetho No. 84 ka 1967), sokususwa kwesimiso F.3. kwiTayitela T 35377/03, esiphathelene neNsalela yeSiza 323 e-Assagay, isiGaba sokuBhaliswa ngu-FT, ku-4 Assagay Crescent, kuMasipala waseThekwini, esenqabela ukusetshenziswa komhlaba ngezinhloso zebhizinisi. Izimvo ngesicelo, ezingathunyelwa ngeposi, ngefeksi noma nge-imeyili, kumele sithunyelwe kuNkk. R Mbatha, ucingo: (031) 204 1711, ifeksi: (031) 204 1980, Private Bag X 54310, Durban 4000, [rejoice.mbatha@kznlgta.gov.za](mailto:rejoice.mbatha@kznlgta.gov.za), mhla zi uNhlabi 2009. Qaphela ukuthi uMnyango ungenqaba ukwemukela izimvo ezithunyelwe sekwedlule usuku lokuvala.

**ML POVALL**, uMphathi wezokuPhathwa kweNtuthuko

Usuku: 13 kuNdasa 2009

No. 46

26 Maart 2009

## DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKKE

**WET OP OPHEFFING VAN BEPERKINGS, 1967: OPHEFFING VAN TITELVOORWAARDES**

Ingevolge artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), hef ek die voorwaardes op soos in die bylae uiteengesit.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum: 13 Maart 2009

**BYLAE**

Die figure tussen hakies het die volgende betekenisse:

- (1) = Straatadres, eiendomsbeskrywing, registrasie-afdeling, munisipaliteit
- (2) = Akte, voorwaarde, lêerverwysing
- (3) = Omvang van wysiging van opheffing

- (1) **Beachweg 14, Erf 2689 Durban Noord**, Registrasie-afdeling FU, eThekweni munisipaliteit
- (2) T 71764/02, C. (Paragraaf 2 en 6) en D., 2008/571
- (3) Opheffing van titelvoorwaardes ten gunste van Durban Noord Eiendomme wat die instemming van Durban Noord Eiendomme Beperk versoek, vir die verandering in gebruik van die eiendom, wat die oprigting van meer as een woning op die eiendom verbied, onderverdeling van die eiendom verbied, wat die opla van boulyne verbied en die voorlegging van bouplanne na Durban Noord Eiendomme Beperk vir goedkeuring.

- (1) **Patricia Weg 6, Erf 100 Westriding**, Registrasie-afdeling ET, eThekweni munisipaliteit
- (2) T 60558/07, B. (2), 2008/673
- (3) Opheffing van titelvoorwaarde wat die oprigting van meer as een woning op die eiendom verbied.

- (1) **Hoek van Springbok Laan en Alexander Laan, Erf 915 Uvongo**, Registrasie-afdeling ET, Hibiskus Kus munisipaliteit
- (2) T 58139/02, C.(d) en C.(f), 2007/704
- (3) Opheffing van titelvoorwaarde wat die oprigting van meer as een woning op die eiendom verbied en boulyne beperk.

- (1) **Beefwood Weg 4, Restant van Erf 604 Pennington**, Registrasie-afdeling ET, uMdoni munisipaliteit
- (2) T 23723/85, D. 4, 2008/743
- (3) Opheffing van titelvoorwaarde wat die oprigting van meer as een woning op die eiendom verbied.

- (1) **Old Pont Weg, Erf 154 Banners Rest**, Registrasie-afdeling ET, Hibiskus Kus munisipaliteit
- (2) T 06 46861, E. (b) en E. (c), 2008/849
- (3) Opheffing van titelvoorwaardes wat die gebruik van die eiendom tot woondoeleindes beperk en die oprigting van meer as een woning op die eiendom verbied.

- (1) **Trevor Weg 37, Restant van Erf 76 Erin-Go-Bragth**, Registrasie-afdeling FT, eThekweni munisipaliteit
- (2) T 26193/08, B. 1.(b) B. 2.(b), B.2.(h) en C.1., 2008/907
- (3) Opheffing van titelvoorwaarde wat boumateriaal beperk en die oprigting van meer as een woning op die eiendom verbied.

**No. 47****26 Maart 2009****DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE****WET OP OPHEFFING VAN BEPERKINGS, 1967: UITNODIGING OM KOMMENTAAR TE LEWER**

Aansoeke is deur die Departement van Plaaslike Regering en Tradisionele Sake ontvang vir die opheffing van beperkings met betrekking tot die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), vir F.3. van akte T 35377/03, aangaande Restant van Erf 323 Assagay, Registrasie-afdeling FT, Assagay Singel 4, eThekweni munisipaliteit, wat die gebruik van die eiendom tot besigheidsdoeleindes beperk. Kommentaar, wat per faks of e-pos ingedien kan word, moet aan Mev R Mbatha, Tel: (031) 204 1711, Faks: (031) 204 1980, Privaatsak X 54310, Durban, 4000, [rejoice.mbatha@kznlqa.gov.za](mailto:rejoice.mbatha@kznlqa.gov.za), teen 8 Mei 2009 voorgelê word. Let wel dat die Departement kan weier om kommentaar te aanvaar wat na die sluitingsdatum ingedien is.

**ML POVALL**, Bestuurder: Ontwikkelingsadministrasie

Datum: 13 Maart 2009

**No. 48****26 March 2009****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 10 OF THE INGWE MUNICIPALITY**

I, Michael Mabuyakhulu, Member of the KwaZulu-Natal Executive Council responsible for Local Government, Housing and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 10 of the Ingwe Municipality as a result of a vacancy that has occurred in the said Ward, and that I have set 6 May 2009 as the date for the said by-election.

Given under my hand at Durban this 18<sup>th</sup> day of March Two thousand and Nine

**MR M. MABUYAKHULU, MPL**

**Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for local government**

No. 48

26 Maart 2009

**DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 10 VAN DIE INGWE MUNISIPALITEIT**

Ek, Michael Mabuyakhulu, Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir plaaslike regering, Behuising en Tradisionele Sake gee hierby kragtens die bevoegdheid aan my verleen by artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en na oorlegpleging met die Verkiesingskommissie, kennis dat ek 'n tussenverkiesing in Wyk 10 van die Ingwe Munisipaliteit uitgeskryf het as gevolg van 'n vakature wat in die genoemde wyk ontstaan het, en stel 6 Mei 2009 vas as die datum vir die genoemde tussenverkiesing.

Gegee onder my hand te Durban op hierdie 18<sup>de</sup> dag van Maart, Tweeduisend-en-nege.

**MNR M MABUYAKHULU, LPW**

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir plaaslike regering

No. 48

26 kuNdasa 2009

**UMNYANGO WOHLUMENI BASEKHAYA NEZENDABUKO****ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHLUMENI BASEKHAYA, 1998: UKHETHO ESIGCEMENI SESI-10 KUMASIPALA WASE INGWE**

Mina Michael Mabuyakhulu, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele oHulumeni baseKhaya, ezeziNdlu kanye nezeNdabuko, ngemva kokubonisana noKhomishana woKhetho, ngalokhu ngikhipha isaziso ngaphansi kwamandla engiwanikwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi ngibiza ukhetho esiGcemeni sesi-10 kuMasipala wase Ingwe ngenxa yesikhala esesivele kulesi siGceme okukhulunywe ngaso, nokuthi ngibeka umhla ziyi-6 KuNhlabo 2009 njengosuku lokhetho okukhulunywe ngalo.

Sinikezwe ngaphansi kwesandla sami eThekwini ngaloku suku-18 KuNdasa, oNyakeni weziNkulungwane eziMbili nesiShiyagalolunye.

**MNUZ. M MABUYAKHULU**, iLungu lesiShayamthetho sesiFundazwe  
iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekele ohulumeni basekhaya

**No. 49****26 March 2009****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 15 OF THE UMLALAZI MUNICIPALITY**

I, Michael Mabuyakhulu, Member of the KwaZulu-Natal Executive Council responsible for Local Government, Housing and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 15 of the Umlalazi Municipality as a result of a vacancy that has occurred in the said Ward, and that I have set 6 May 2009 as the date for the said by-election.

Given under my hand at Durban this 19<sup>th</sup> day of March Two thousand and Nine

**MR M. MABUYAKHULU, MPL**

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for local government

**No. 49****26 Maart 2009****DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 15 VAN DIE UMLALAZI MUNISIPALITEIT**

Ek, Michael Mabuyakhulu, Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir plaaslike regering, Behuising en Tradisionele Sake gee hierby kragtens die bevoegdheid aan my verleen by artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en na oorlegpleging met die Verkiesingskommissie, kennis dat ek 'n tussenverkiesing in Wyk 15 van die Umlalazi Munisipaliteit uitgeskryf het as gevolg van 'n vakature wat in die genoemde wyk ontstaan het, en stel 6 Mei 2009 vas as die datum vir die genoemde tussenverkiesing.

Gegee onder my hand te Durban op hierdie 19<sup>de</sup> dag van Maart, Tweeduisend-en-nege.

**MNR M MABUYAKHULU, LPW**

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir plaaslike regering

**No. 49****26 kuNdasa 2009****UMNYANGO WOHULUMENI BASEKHAYA NEZENDABUKO****ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKHETHO ESIGCEMENI SESI-15 KUMASIPALA WASEMLALAZI**

Mina Michael Mabuyakhulu, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele oHulumeni baseKhaya, ezeziNdlu kanye nezeNdabuko, ngemva kokubonisana noKhomishana woKhetho, ngalokhu ngikhipha isaziso ngaphansi kwamandla engiwanikwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi ngibiza ukhetho esiGcemeni sesi-15 kuMasipala waseMlalazi ngenxa yesikhala esesivele kulesi siGceme okukhulunywe ngaso, nokuthi ngibeka umhla ziyi-6 KuNhlaba 2009 njengosuku lokhetho okukhulunywe ngalo.

Sinikezwe ngaphansi kwesandla sami eThekwini ngaloku suku-19 KuNdasa, oNyakeni weziNkulungwane eziMbili nesiShiyagalolunye.

**MNUZ. M MABUYAKHULU**, iLungu lesiShayamthetho sesiFundazwe  
iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekele ohulumeni basekhaya

No. 50

26 March 2009

## DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

AMENDMENT OF THE REGULATIONS MADE IN TERMS OF SECTION 4 OF THE NATAL  
JOINT MUNICIPAL PENSION FUND (RETIREMENT) ORDINANCE, 1974

I hereby amend the regulations made in terms of section 4 of the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974), as set out in the Schedule hereto, with effect from 1 July 2008.

Given under my hand at Pietermaritzburg, this 6th day of December, Two Thousand and Eight.

**M MABUYAKHULU**

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for local government

**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

**SCHEDULE****Definitions**

1. In these Regulations, "the Regulations" means the regulations published by Provincial Notice No. 180 on 13 March 1975, as amended by Provincial Notices No. 125 of 17 March 1977, 513 of 29 September 1977, 138 of 9 March 1978, 122 of 15 March 1979, 503 of 27 September 1979, 262 of 12 June 1980, 572 of 27 November 1980, 226 of 29 May 1981, 183 of 13 May 1983, 269 of 24 May 1984, 195 of 30 May 1985, 276 of 3 July 1986, 382 of 18 September 1986, 31 of 29 January 1987, 303 of 13 August 1987, 113 of 31 March 1988, 77 of 9 March 1989, 108 of 30 March 1989, 26 of 25 January 1990, 27 of 25 January 1990, 70 of 21 March 1991, 44 of 27 February 1992, 73 of 25 March 1993, 126 of 1 September 1994, 131 of 1 September 1994, 130 of 1 April 1996, 137 of 4 April 1996, 412 of 31 October 1996, 130 of 1 April 1996, 137 of 4 April 1996, 221 of 23 July 1998, 91 of 8 April 1999, 304 of 11 November 1999, 169 of 8 June 2000, 377 of 5 October 2000, 414 of 2 November 2000, 177 of 17 May 2001, 260 of 6 July 2001, 226 of 20 June 2002, 230 of 20 June 2002, 397 of 17 October 2002, 1138 of 18 November 2003, 865 of 29 July 2004, 904 of 30 July 2004 and 1 of 6 January 2005.

**Amendment of Regulation 36**

2. Regulation 36 is hereby amended by the substitution of the following:

**"36 Unclaimed Benefits**

Any benefit which is due but not paid to a beneficiary, shall be retained by the Fund, pending a claim by such beneficiary or any other person in respect of such beneficiary (subject to the provisions of Regulations 30(5) *mutatis mutandis*) and the benefit so retained shall attract interest at a rate to be decided by the Committee from time to time, from the date when such benefit became due and payable until the date of payment provided that the Fund shall be entitled to deduct from the benefits so retained any necessary and reasonable costs incurred by it in the administration of such benefit and the determination of the beneficiaries and provided further that this regulation shall not apply to any benefit lawfully withheld by the Fund in terms of these regulations or the Act."

**Amendment of Chapter 1**

3. Chapter 1 is hereby amended by the substitution of the following definitions:

**CHAPTER 1  
PRELIMINARY PROVISIONS****Definitions**

1. In these Regulations, unless the context otherwise indicates, words defined in the Act and not in these Regulations bear the meanings assigned to them in the Act, and –

(i) "Act" means the Pension Funds Act, 1956 (Act No. 24 of 1956), and the regulations framed thereunder;



(ii) **"actuary"** means a Fellow of an institute, faculty, society or chapter of actuaries approved by the Minister and appointed by the committee;

(iii) **"adjudicator"** means the person appointed to the office of the adjudicator mentioned in section 30C of the Act;

(iv) **"benefit"** means any pension granted or other amount due in terms of these Regulations to a member, pensioner, dependant or other person;

(v) **"calender month"** means the period extending from the first to the last day, both days inclusive, of any one of the twelve named months of the year;

(vi) **"committee"** means the committee of management or any sub-committee thereof referred to in Regulation 7;

(vii) **"continuous service"** means the last unbroken period of service of a member with any local authority or local authorities and, in respect of a member contributing to the Fund at 1 March 1975 his period of continuous service prior to such date shall be the period of his membership of the Fund up to that date increased by forty per cent; provided that –

(a) the following shall not constitute a break in service for the purpose of determining the last unbroken period of service –

(i) authorised leave of absence;

(ii) a break in service regarded as leave without pay or otherwise condoned by the committee on the recommendation of the local authority concerned;

(iii) a period of suspension followed by reinstatement in the same or another office or post; or

(iv) a break in service whilst transferring from one local authority to another local authority if condoned by the committee;

(b) any period in respect of which a member has not paid contributions shall not be taken into account in calculating the period of his continuous service;

(c) the period of continuous service shall be calculated by the year and month and a fraction of a month shall be disregarded; and

(d) if a member who is employed in a full-time capacity dies in the service or retires on pension and has a period of employment in a part-time capacity included in his service, only two-thirds of the period of such employment, shall be reckoned as continuous service in calculating any pension payable.

(viiA) "contract employee" means any person who is in the service of a local authority on either a total cost to employee contract, or a fixed period contract.

(viii) **"contributions"** when applied to the payments made or to be made by a member, shall be calculated as if he had completed payment of his arrear contributions in terms of Regulation 19(2);

(ix) **"date of association"** means the date as from which the local authority becomes associated with the Fund;

(ixA) **"date of commencement"** means the operative date of the amendments made to these Regulations consequent upon the simultaneous establishment of the Provident Fund;

(ixB) **"date of establishment"** means the date of establishment of a municipality in terms of the Municipal Structures Act 1998;

(x) **"dependant"** means, in relation to a member, a dependant as defined in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956);

(xviiC) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

(xviiD) **"Municipal Systems Act"** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

(xvii)

(xviii) **"part-time capacity"** means employment for an agreed proportion of not less than one-half but less than four-fifths of the normal working hours, or such other proportions as may be decided from time to time by the committee;

(xix) **"pension"** means the annual sum payable to a pensioner or an eligible spouse in terms of these Regulations;

(xx) **"pensionable emoluments"** means, subject to the provisions of these Regulations, the emoluments on which contributions shall be paid, and shall include –

(a) salaries or wages;

(b) cost of living allowance, long service allowance and any other allowance approved by the Committee for inclusion in the members' pensionable emoluments;

(c) (i) any allowance granted in lieu of the provision of free quarters; or

(ii) one-sixth of the amounts in paragraphs (a) and (b) whenever, as a portion of the member's emoluments, occupation of quarters, whether belonging to the local authority or not, is allowed rent free;

but does not include –

(d) any special remuneration which may be received for performing special duties or while acting in an office, whether permanently or temporarily vacant; or

(e) any locomotion or subsistence allowance; or

(f) any fees, honoraria or bonuses of any kind; or

(g) any overtime payment; or

(h) any other allowance not herein specified:

Provided that if a member dies in the service or retires on pension and has a period of employment in a part-time capacity included in his continuous service, then, in calculating his final average emoluments his pensionable emoluments during such service shall be increased by fifty per cent; provided further that, should at any time the pensionable emoluments of a member including a (section 57) contract employee, increase in excess of that assumed by the actuary from time to time for valuation purposes in terms of Regulation 13, then the committee on the advice of the actuary, shall have the power to direct that the local authority employing such member pay an adjusted contribution in terms of

Regulation 18 to the Fund;

(xxi) "**pension age**" means the age of 65 years;

(xxii) "**pensioner**" means a retired member in receipt of a pension;

(xxiiA) "**prime rate**" means the lending rate as applied from time to time by the Fund's bankers to the current account of the Fund;

(xxiiB) "**Provident Fund**" means the KwaZulu-Natal Joint Municipal Provident Fund;

(xxiiC) "**Registrar**" means the Registrar of Pension Funds as defined in the Pension Funds Act, 1956 (Act No. 24 of 1956);

(xxiii) "**salary**" or "**wages**" means the annual, monthly, weekly, daily or hourly pay, including the remuneration for piece-work, but shall not include payment for overtime or any bonus;

(xxiiiA) "**Superannuation Fund**" means the Natal Joint Municipal Pension Fund (Superannuation);"

#### **Amendment of Chapter V**

4. Chapter V is hereby amended by the substitution of the following:

#### **CHAPTER V**

#### **SPECIAL CONDITIONS APPLICABLE TO PERSONS WHO ARE CONTRACT EMPLOYEES (IN ACCORDANCE WITH THE MUNICIPAL SYSTEMS ACT)**

40. In this Chapter –

**"A fixed period contract"** means a contract in accordance with the provisions of the Municipal Systems Act.

**"A total cost to employer contract"** means a contract in terms of which a member is employed on a total cost to company remuneration package.

**("Contract Employee"** means a person who is in the service of a Local Authority on a fixed period contract in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);)

**("Municipal Systems Act"** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and)

**"Pensionable emoluments"** means a percentage of the total remuneration package of a contract employee, being the total cost to the employer of employing a contract employee as his pensionable emoluments amounted to at the commencement of this Chapter: Provided that such contract employee shall not be entitled to adjust his pensionable emoluments during the period of his membership of the Fund save for any inflation linked adjustments to his total package remuneration pursuant to his (fixed period) contract and: Provided further that at all times the pensionable emoluments may be adjusted by the Committee at their sole discretion after consultation with the actuary and: Provided further that pensionable emoluments of contract employees who concluded fixed period contracts prior to the commencement of this Chapter shall not be adjusted retrospectively.

41. Notwithstanding the provisions of these regulations, the provisions of (this Chapter) Regulations 42 to 46 shall apply only to persons who are (in the service of a Local Authority for a fixed period in accordance with the provisions of the Municipal Systems Act.) contract employees.

- 42.(1) No contract employee who immediately prior to the commencement of his fixed period contract was a member of the Fund, shall be obliged on the commencement of his fixed period contract to retain his membership of the Fund and in the event of the contract employee electing to remain a member, the provisions of Regulation 14 shall apply with the necessary changes to his membership: Provided that no contract employee on a fixed period contract who was not at the commencement of his contract a member of the Fund shall be entitled to elect to become a member of the Fund.
- (2) A percentage required to be contributed in terms of Regulations 15,17,18 and 19 together with any additional contribution or surcharge in terms of Regulation 11 shall be deducted in full from the contract employee's total package remuneration, being the total cost to the employer, and all such contributions less any costs referred to in Regulation 46(2) shall be deemed to be employee contributions for the purposes of Regulation 44.
43. The provisions of Regulation 24 shall not apply to contract employees.
44. In the event that a contract employee ceases to be a member –
- (a) in the circumstances other than those referred to in Regulations 21,22, 23, 27(4) or 30; and
- (b) is a member of the Fund in terms of Regulation 42,
- the provisions of Regulations 27(1)(a) and (b) shall apply in respect of the fixed period contract and the provisions of Chapter IP shall apply in respect of any other period of service: Provided that the member shall not be entitled to twice his total contributions as contemplated in the proviso to Regulation 30(2)(b).
45. Upon any renewal of a contract employee's fixed period contract by the local authority there shall be deemed to be a continuance of the contract employee's membership of the fund and there shall not be a termination of membership at the expiration of the initial period and any renewal thereafter of such fixed period contract.
46. (1) If a fixed period contract is terminated by either the member or the Local Authority, or is not renewed, the member shall be entitled to the benefits provided for in Regulation 44.
- (2) There shall be excluded from the calculation of any benefit payable to a contract employee in accordance with subregulation (1) any administration charges of the Fund, including any costs in respect of death or disability cover, in an amount as determined from time to time by the Committee upon the advice of the actuary.
- 47.(1) A member who becomes a contract employee shall inform the Fund thereof within two months of the commencement of the contract with the Local Authority, or such longer period as the Committee may determine.
- (2) The member may within such period of two months apply to the Fund that his contributions shall not be based on his pensionable emoluments as defined in terms of Regulation 40, but upon such pensionable emoluments as may be determined by such member. Approval of such application may be subject to such conditions as the Committee may determine.
- (3) If –
- (a) the member fails to inform the Fund in terms of the provisions of subregulation (1) that he receives a package remuneration;
- (b) the member's application in terms of subregulation (2) is granted; and
- (c) the member's contributions are not based on his pensionable emoluments as defined in Regulation 40,

the contract employee's continuous service, as defined, may be adjusted by the Committee in consultation with the Actuary.

48. The provisions of this Chapter shall apply to all contract employees notwithstanding that their fixed period contracts were concluded with the Local Authorities concerned prior to the commencement of this Chapter.
49. In an event that, a contract employee who was compelled to become a member of the Fund in accordance with Regulation 14(3) elect, after the commencement of this Chapter, not to remain a member of the Fund, the benefits payable to such members shall be in accordance with Regulation 44.
50. Nothing contained in this Chapter shall derogate from any greater right acquired by or accrued to any contract employee in terms of these Regulations, provided that proof of the greater right shall be upon the contract employee who shall establish same to the satisfaction of the Committee in consultation with the Actuary and if so established, shall thereupon be entitled to any such additional benefits."

#### Short title

5. These Regulations are called the Natal Joint Municipal Pension Fund (Retirement) Amendment Regulations, 2008.

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**No. 51****26 March 2009**

### DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

#### AMENDMENT OF THE REGULATIONS MADE IN TERMS OF SECTION 4 OF THE NATAL JOINT MUNICIPAL PENSION FUND (SUPERANNUATION) ORDINANCE, 1973

I hereby amend the regulations made in terms of section 4 of the Natal Joint Municipal Pension Fund (Superannuation) Ordinance, 1973 (Ordinance No. 24 of 1973), as set out in the Schedule hereto, with effect from 1 November 2008.

Given under my hand at Pietermaritzburg, this 6th day of December, Two Thousand and Eight.

#### M MABUYAKHULU

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for local government

#### 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

### SCHEDULE

#### Definitions

1. In these Regulations "the Regulations" means the regulations published by Provincial Notice No. 246 of 24 May 1974 as amended by Provincial Notices No. 153 of 27 February 1975, 11 of 13 January 1977, 382 of 28 July 1977, 50 of 2 February 1978, 149 of 16 March 1978, 201 of 20 April 1978, 155 of 29 March 1979, 499 of 27 September 1979, 247 of 5 June 1980, 259 of 12 June 1980, 571 of 27 November 1980, 238 of 4 June 1981, 512 of 24 September 1981, 244 of 27 May 1982, 180 of 13 May 1983, 266 of 24 May 1984, 194 of 30 May 1985, 214 of 13 June 1985, 277 of 3 July 1986, 33 of 29 January 1987, 112 of 31 March 1988, 245 of 7 July 1988, 25 of 25 January 1990, 69 of 21 March 1991, 160 of 27 June 1991, 178 of 11 July 1991, 365 of 19 December 1991, 74 of 25 March 1993, 13 of 3 February 1994, 123 of 1 September 1994, 130 of 1 September 1994, 129 of 1 April 1996, 136 of 4 April 1996, 411 of 31 October 1996, 178 of 29 May 1997, 124 of 9 April 1998, 139 of 30 April 1998, 80 of 1 April 1999, 299 of 11 November 1999, 168 of 8 June 2000, 378 of 5 October 2000, 175 of 17 May 2001, 259 of 6 July 2001, 225 of 20 June 2002, 229 of 20 June 2002, 1137 of 18 November 2003, 863 of 29 July 2004, 902 of 30 July 2004 and 3 of 6 January 2005.

**Amendment of Regulation 42**

2. Regulation 42 is hereby amended by the substitution of the following:

**"42 Unclaimed Benefits**

Any benefit which is due but not paid to a beneficiary, shall be retained by the Fund, pending a claim by such beneficiary or any other person in respect of such beneficiary (subject to the provisions of Regulations 35(17) *mutatis mutandis*) and the benefit so retained shall attract interest at a rate to be decided by the Committee from time to time, from the date when such benefit became due and payable until the date of payment provided that the Fund shall be entitled to deduct from the benefits so retained any necessary and reasonable costs incurred by it in the administration of such benefit and the determination of the beneficiaries and provided further that this regulation shall not apply to any benefit lawfully withheld by the Fund in terms of these regulations or the Act."

**Amendment of Chapter 1**

3. Chapter 1 is hereby amended by the substitution of the following definitions:

**CHAPTER 1  
PRELIMINARY PROVISIONS**

1. In these regulations...

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...
- (vi) ...

(vii) **"continuous service "** means the last unbroken period of service of a member with any local authority or local authorities and, in respect of a member contribution to the Fund at the date of the commencement of these Regulations, his period of continuous service prior to such date shall be the period as determined under the provisions of the Local Government Superannuation Ordinance, 1939 (Ordinance No 12 of 1939) and the Local Government Superannuation Ordinance, 1966 (Ordinance No. 25 of 1966): provided that –

(a) the following shall not constitute a break in service for the purpose of determining the last unbroken period of service –

- (i) authorised leave of absence;
- (ii) a break in service regarded as leave without pay or otherwise condoned by the committee on the recommendation of the local authority concerned;
- (iii) a period of suspension followed by reinstatement in the same or another office or post; or
- (iv) a break in service whilst transferring from one local authority to another local authority if condoned by the committee;

(b) any period in respect of which a member has not paid contributions shall not be taken into account in calculating the period of his continuous service; and

(c) the period of continuous service shall be calculated by the year and month and a fraction of a month shall be disregarded; and

(d) if a member dies in service or retires on pension and has a period of employment in a part-time capacity included in his service, only two-thirds of the period of such employment shall be reckoned as continuous service in calculating any pension payable.

(viiA) "contract employee" means any person who is in the service of a local authority on either a total cost to employer contract, or a fixed period contract;

(viii) **"contributions"** when applied to the payments made or to be made by a member, shall be calculated as if he had completed payment of this arrear contributions in terms of Regulation 19(3);

(viiiA) **"date of association"** means the date from which the local authority becomes associated with the Fund;

(viiiB) **"date of commencement"** means the operative date of the amendments to these Regulations consequent upon the simultaneous establishment of the Provident Fund;

(viiiC) **"date of establishment"** means the date of establishment of a municipality in terms of the Municipal Structures Act;

(ix) **"dependant"** means in relation to a member, a dependant as defined in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956).

(ixA) to (xxvix)

2. The provisions of these Regulations ...

(xvii) **"member"** means a person (not being a local authority) who is a contributor to the Fund;

**"minimum individual reserve"** means in relation to each member, the amount determined in accordance with section 14B(2) of the Pension Funds Act, 1956;

(xviiA) **"Minister"** means the Member of the Executive Council for the Province of KwaZulu-Natal responsible for local government and housing;

(xviiAA) **"municipal council"** means where appropriate according to the context in which the expression occurs –

(a) a municipal council as defined in section 1 of the Municipal Structures Act;

(b) a municipality;

(c) the management body of uMsekeli appointed in terms of section 2(2) of the uMsekeli Municipal Support Services Ordinance, 1941 (Ordinance No. 20 of 1941) as amended;

(d) uMsekeli; or

(e) a municipal entity as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000),

and any reference in the Regulations to a local authority shall be deemed to be a reference to the appropriate meaning of "municipal council";

(xviiAB) **"municipal manager"** means a municipal manager or acting municipal manager appointed in terms of the Municipal Structures Act, and includes the chief executive officer of uMsekeli;

(xviiAC) **"municipality"** means a municipality established in terms of the Municipal Structures Act and includes uMsekeli;

(xviiAD) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

(xviiAE) **"Municipal Systems Act"** means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

(xviiB) **"municipal year"** means the period commencing on 1 July in any year and terminating on 30 June in the following year or such other period as may be determined by the Minister from time to time;

(xviii) **"month"** means a period extending from a day in one calendar to the day preceding the day corresponding numerically to that day in the following calendar month, both days inclusive;

(xviiiA) **"national service"** shall mean initial training in the Citizen Force or the South African Police Force as a result of an allotment in terms of section 67 of the Defence Act, 1957 (Act No. 44 of 1957);

(xix) "**part-time capacity**" means employment for an agreed proportion of not less than one-half but less than four-fifths of the normal working hours, or such other proportions as may be decided from time to time by the committee;

(xx) "**pension**" means the annual sum payable to a pensioner, an eligible spouse, an eligible child, or a dependant parent in terms of these Regulations;

(xi) "**pensionable emoluments**" means, subject to the provisions of these Regulations, the emoluments on which contributions shall be paid, and shall include –

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) any other allowance not herein specified; provided that if a member dies in the service or retires on pension and has a period of employment in a part-time capacity included in his continuous service, then, in calculating his final average emoluments his pensionable emoluments during such service shall be increased by fifty per cent; provided further that should at any time the pensionable emoluments of a member including a (section 57) contract employee, increase in excess of that assumed by the actuary from time to time for valuation purposes in terms of Regulation 13, then the committee on the advice of the actuary may direct that the local authority employing such member pay an adjusted contribution in terms of Regulation 21 to the Fund."

#### **Amendment of Chapter VII**

4. Chapter VII is hereby amended by the substitution of the following:

#### "CHAPTER VII

#### **SPECIAL CONDITIONS APPLICABLE TO PERSONS WHO ARE CONTRACT EMPLOYEES (IN ACCORDANCE WITH THE MUNICIPAL SYSTEMS ACT)**

67. In this Chapter –

"A fixed period contract" means a contract in accordance with the provisions of the Municipal Systems Act.

"A total cost to employer contract" means a contract in terms of which a member is employed on a total cost to company remuneration package.

("Contract Employee") means a person who is in the service of a Local Authority on a fixed period contract in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);)

("Municipal Systems Act" means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and)

"pensionable emoluments" means a percentage of the total remuneration package of a contract employee, being the total cost to the employer of employing a contract employee as his pensionable emoluments amounted to at the commencement of this Chapter: Provided that such contract employee shall not be entitled to adjust his pensionable emoluments during the period of his membership of the Fund save for any inflation linked adjustments to his total package remuneration pursuant to his (fixed period) contract and; Provided further that at all times the pensionable emoluments may be adjusted by the Committee at their sole discretion after consultation with the actuary and; Provided further that pensionable emoluments of contract employees who concluded fixed period contracts prior to the commencement of this Chapter shall not be adjusted retrospectively.

68. Notwithstanding the provisions of these regulations, the provisions of (this Chapter) Regulations 69 to 71 shall apply only to persons who are contract employees (in the service of a Local Authority for a fixed period in accordance with the provisions of the Municipal Systems Act).



69.(1) No contract employee who immediately prior to the commencement of his fixed period contract was a member of the Fund, shall be obliged on the commencement of his fixed period contract to retain his membership of the Fund and in the event of the contract employee electing to remain a member, the provisions of Regulation 16 shall apply with the necessary changes to his membership: Provided that no contract employee on a fixed period contract who was not at the commencement of his contract a member of the Fund shall be entitled to elect to become a member of the Fund.

(2) A percentage required to be contributed in terms of Regulations 19, 20, 21 and 22 together with any additional contribution or surcharge in terms of Regulation 13 shall be deducted in full from the contract employee's total package remuneration, being the total cost to the employer, and all such contributions less any costs referred to in Regulation 73(2) shall be deemed to be employee contributions for the purposes of Regulation 71.

70. The provisions of Regulation 28 shall not apply to contract employees,

71. In the event that a contract employee ceases to be a member –

(a) in the circumstances other than those referred to in Regulations 24,26,27,31(4) or 35; and

(b) is a member of the Fund in terms of Regulation 69,

such member shall be entitled to a lump sum calculated as provided in Regulation 31(I)(a) and (b) in respect of the fixed period contract, and the provisions of Chapter IV shall apply in respect of any other period of service; Provided that the member shall not be entitled to twice his total contributions as contemplated in the proviso to regulation 35(7).

72. Upon any renewal of a contract employee's fixed period contract by the focal Authority there shall be deemed to be a continuance of the contract employee's membership of the fund and there shall not be a termination of membership at the expiration of the initial period and any renewal thereafter of such fixed period contract.

73.(1) If a fixed period contract is terminated by either the member of the Local Authority, or is not renewed, the member shall be entitled to the benefits provided for in Regulation 71.

(2) There shall be excluded from the calculation of any benefit payable to a contract employee in accordance with sub-regulation (1) any administration charges of the Fund, including any costs in respect of death or disability cover, in an amount as determined from time to time by the Committee upon the advice of the actuary.

74.(1) A member who becomes a contract employee shall inform the Fund thereof within two months of the commencement of the contract with the local authority, or such longer period as the Committee may determine.

(2) The contract employee may within such period of two months apply to the Fund that his contributions shall not be based on his pensionable emoluments as defined in terms of Regulation 67, but upon such pensionable emoluments as may be determined by such contract employee: Provided that any approval of such application may be subject to such conditions as the Committee may determine.

(3) If –

(a) the member fails to inform the Fund in terms of the provisions of sub-regulation (1) that he received a package remuneration; and

(b) (2) the member's application in terms of sub-regulation (2) is granted; and

(c) (3) the member's contributions are not based on his pensionable emoluments as defined in Regulation 67,

the contract employee's continuous service, as defined, may be adjusted by the Committee in consultation with the Actuary.

75. The provisions of this Chapter shall apply to all contract employees notwithstanding that their fixed period contract were concluded with the Local Authorities concerned prior to the commencement of this Chapter.
76. In any event that a contract employee who was compelled to become a member of the Fund in accordance with Regulation 16(4) elects, after the commencement of this Chapter, not to remain a member of the Fund, the benefits payable to such members shall be in accordance with Regulation 71.
77. Nothing contained in this Chapter shall derogate from any greater right acquired by or accrued to any contract employee in terms of these Regulations: Provided that proof of the greater right shall be upon the contract employee who shall establish same to the satisfaction of the Committee in consultation with the Actuary and if so established, shall thereupon be entitled to any such additional benefits.

**Short title**

5. These Regulations are called the Natal Joint Municipal Pension Fund (Superannuation) Amendment Regulations, 2008.

**No. 52****26 March 2009****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****AMENDMENT OF THE REGULATIONS MADE IN TERMS OF SECTION 4 OF KWAZULU-NATAL JOINT MUNICIPAL PROVIDENT FUND ACT, 1995 (ACT NO. 4 OF 1995)**

I hereby amend the regulations made in terms of section 4 of the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995), as set out in the Schedule hereto, **with effect from 1 July 2008.**

Given under my hand at Pietermaritzburg, this 6th day of December, Two Thousand and Eight.

**M MABUYAKHULU**

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for local government

**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

**SCHEDULE****Definitions**

1. In these Regulations "the Regulations" mean the regulations published by Provincial Notice No. 135 of 4 April 1996, as amended by Provincial Notices Nos. 38 of 19 September 1996, 242 of 24 July 1997, 314 of 29 October 1998, 306 of 11 November 1999, 167 of 8 June 2000, 261 of 6 July 2001, 227 of 20 June 2002, 231 of 20 June 2002, 398 of 17 October 2002, 1136 of 18 November 2003, 866 of 29 July 2004, 903 of 30 July 2004 and 2 of 6 January 2005.

**Amendment of Regulation 31**

2. Regulation 31 is hereby amended by the substitution of the following:

**"31 Unclaimed Benefits**

Any benefit which is due but not paid to a beneficiary, shall be retained by the Fund, pending a claim by such beneficiary or any other person in respect of such beneficiary (subject to the provisions of Regulations 28(2) *mutatis mutandis*) and the benefit so retained shall attract interest at a rate to be decided by the Committee from time to time, from the date when such benefit became due and payable until the date of payment provided that the Fund shall be entitled to deduct from the benefits so retained any necessary and reasonable costs incurred by it in the administration of such benefit and the determination of the beneficiaries and provided further that this regulation shall not apply to any benefit lawfully withheld by the Fund in terms of these regulations or the Act."

**Short title**

3. These Regulations are called the KwaZulu-Natal Joint Municipal Provident Fund Amendment Regulations, 2008.

No. 50

26 Maart 2009

**DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE****WYSIGING VAN REGULASIES UITGEVAARDIG INGEVOLGE ARTIKEL 4 VAN DIE ORDONNANSIE OP DIE NATALSE GEMEENSKAPLIKE MUNISIPALE PENSIOENFONDS (AFTREDING), 1974**

Ek wysig hiermee die regulasies uitgevaardig ingevolge artikel 4 van die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974), soos in die meegaande bylae uiteengesit, met inwerkingtreding vanaf 1 Julie 2008.

Gegee onder my hand te Pietermaritzburg op hierdie 6de dag van Desember, Tweeduisend-en-agt.

**M MABUYAKHULU**

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir plaaslike regering

**ALGEMEEN VERDUIDELIKENDE NOTA:**

[ ] Woorde in vetdruk tussen vierkantige hakies dui skrappings uit bestaande verordeninge aan  
\_\_\_\_\_ Onderstreepte woorde dui invoegings by bestaande verordeninge aan

**BYLAE****Definisies**

1. In hierdie regulasies, beteken "die Regulasies" die regulasies soos gepubliseer in Provinsiale Kennisgewing No. 180 op 13 Maart 1975, soos gewysig deur Provinsiale Kennisgewings No. 125 van 17 Maart 1977, 513 van 29 September 1977, 138 van 9 Maart 1978, 122 van 15 Maart 1979, 503 van 27 September 1979, 262 van 12 Junie 1980, 572 van 27 November 1980, 226 van 29 Mei 1981, 183 van 13 Mei 1983, 269 van 24 Mei 1984, 195 van 30 Mei 1985, 276 van 3 Julie 1986, 382 van 18 September 1986, 31 van 29 Januarie 1987, 303 van 13 Augustus 1987, 113 van 31 Maart 1988, 77 van 9 Maart 1989, 108 van 30 Maart 1989, 26 van 25 Januarie 1990, 27 van 25 Januarie 1990, 70 van 21 Maart 1991, 44 van 27 Februarie 1992, 73 van 25 Maart 1993, 126 van 1 September 1994, 131 van 1 September 1994, 130 van 1 April 1996, 137 van 4 April 1996, 412 van 31 Oktober 1996, 130 van 1 April 1996, 137 van 4 April 1996, 221 van 23 Julie 1998, 91 van 8 April 1999, 304 van 11 November 1999, 169 van 8 Junie 2000, 377 van 5 Oktober 2000, 414 van 2 November 2000, 177 van 17 Mei 2001, 260 van 6 Julie 2001, 226 van 20 Junie 2002, 230 van 20 Junie 2002, 397 van 17 Oktober 2002, 1138 van 18 November 2003, 865 van 29 Julie 2004, 904 van 30 Julie 2004 en 1 van 6 Januarie 2005.

**Wysiging van Regulasie 36**

2. Regulasie 36 word hiermee gewysig deur die vervanging van die volgende:

**"36 Onopgeëisde voordele**

'n Voordeel wat aan 'n begunstigde verskuldig is maar nie betaal is nie, word deur die Fonds teruggehou, hangende 'n eis deur sodanige begunstigde of 'n ander persoon ten opsigte van sodanige begunstigde (onderhewig aan die bepalings van Regulasie 30(5) *mutatis mutandis*) en die sodanig teruggehoue voordeel trek rente teen 'n koers wat van tyd tot tyd deur die Komitee besluit sal word, vanaf die datum wanneer sodanige voordeel verskuldig en betaalbaar geword het tot die betaaldatum: met dien verstande dat die Fonds daarop geregtig sal wees om enige nodige en redelike kostes wat deur hom aangegaan is in die administrasie van sodanige voordeel en die bepaling van die begunstigdes van sodanige teruggehoue voordeel af te trek en voorts met dien verstande dat hierdie regulasie nie van toepassing sal wees nie op enige voordeel wat regtens deur die Fonds teruggehou word ingevolge hierdie regulasies of die Wet."

**Wysiging van hoofstuk 1**

3. Hoofstuk 1 word hiermee gewysig deur die vervanging van die volgende definisies:

**HOOFSTUK 1  
INLEIDENDE BEPALINGS**

**Definisies**

1. In hierdie Regulasies, tensy uit die samehang anders blyk, het woorde wat in die wet gedefinieer is en nie in hierdie Regulasies nie, die betekenis wat die wet aan hulle toegewys het, en beteken –

(i) "**wet**" die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en die regulasies wat daarkragtens uitgevaardig is;

(ii) "**aktuaris**" 'n genoot van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse wat deur die Minister goedgekeur en deur die bestuur aangestel is;

(iii) "**beregter**" die persoon wat in die amp van beregter, vermeld in artikel 30C van die Wet, aangestel is;

(iv) "**oordeel**" 'n pensioen kragtens hierdie Regulasies toegestaan aan of ander bedrag daarkragtens verskuldig aan 'n lid, pensioenaris, afhanklike of ander persoon;

(v) "**kalendermaand**" die tydperk van die eerste tot en met die laaste dag van enigeen van die twaalf benoemde maande van die jaar;

(vi) "**bestuur**" die bestuurskomitee of enige onderkomitee daarvan waarvan in artikel 7 melding gemaak word;

(vii) "**ononderbroke diens**" die laaste ononderbroke dienstydsperk van 'n lid by 'n plaaslike owerheid of plaaslike owerhede en, ten opsigte van 'n lid wat op 1 Maart 1975 tot die fonds bydra, is sy deurlopende dienstydsperk voor sodanige datum die tydperk van sy lidmaatskap van die fonds tot en met bedoelde datum verhoog met veertig persent: met dien verstande dat –

(a) onderstaande nie 'n diensonderbreking geag word vir die doeleindes van die berekening van die laaste ononderbroke dienstydsperk nie, naamlik –

(i) goedgekeurde afwesigheidsverlof;

(ii) 'n diensonderbreking wat as verlof sonder betaling beskou of andersins deur die bestuur op aanbeveling van die betrokke plaaslike owerheid gekondoneer word;

(iii) 'n tydperk van skorsing wat deur herstel in dieselfde of 'n ander amp of pos gevolg word; of

(iv) 'n diensonderbreking terwyl van die een plaaslike owerheid na 'n ander plaaslike owerheid oorgeplaas is indien dit deur die bestuur gekondoneer word;

(b) 'n tydperk ten opsigte waarvan 'n lid nie bydraes betaal het nie, nie by die berekening van sy tydperk deurlopende diens in aanmerking geneem mag word nie; en

(c) die tydperk deurlopende diens in jare en maande bereken moet word en 'n deel van 'n maand buite rekening gelaat moet word; en

(d) indien 'n lid wat in 'n voltijdse hoedanigheid in diens geneem is, in die diens te sterwe kom of met pensioen aftree en daar by sy diens 'n tydperk ingesluit is wat hy in 'n deeltijdse hoedanigheid in diens geneem was, slegs twee derdes van die tydperk van sodanige indiensneming as deurlopende diens by die berekening van enige betaalbare pensioen in ag geneem word;

(viiA) "**kontrakwerker**" 'n persoon wat in diens is van 'n plaaslike owerheid op óf 'n totale-koste vir-werkgewer-kontrak óf 'n vastetermyn-kontrak;

(viii) "**bydraes**" wanneer toegepas op die betalings wat deur 'n lid gedoen moet word, moet bereken word as sou hy die betaling van sy agterstallige bydraes voltooi het ingevolge Regulasie 19(2);

(ix) "**datum van assosiasie**" die datum met ingang waarvan die plaaslike owerheid met die fonds geassosieer word;

(ixA) "**inwerkingtredingsdatum**" die effektiewe datum van die wysigings van hierdie Regulasies voortspruitend uit die gelyktydige stigting van die Voorsorgfonds;

(ixB) "**stigtingsdatum**" die stigtingsdatum van 'n munisipaliteit ingevolge die Wet op Munisipale Strukture, 1998;

(x) "**afhanklike**", met betrekking tot 'n lid, 'n afhanklike soos omskryf in artikel 1 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

(xviiC) "**Wet op Munisipale Strukture**" die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

(xviiD) "**Wet op Munisipale Stelsels**" Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

(xvii)

(xviii) "**deeltydse hoedanigheid**" indiensneming vir 'n gedeelte, waarop ooreengekom is, van minstens die helfte, maar minder as vier-vyftes van die normale werksure, of sodanige ander gedeeltes waarop die bestuur van tyd tot tyd besluit;

(xix) "**pensioen**" die jaarlikse bedrag wat aan 'n pensioenaris of 'n aanspraakhebbende gade ooreenkomstig hierdie Regulasies betaalbaar is;

(xix) "**pensioengewende besoldiging**" behoudens die bepalings van hierdie Regulasies, die besoldiging waarop bydraes betaal moet word en sluit in –

(a) salaris of loon;

(b) duurtetoeslag, langdienstoelae en enige ander toelae wat deur die komitee goedgekeur is vir insluiting by die lid se pensioengewende besoldiging;

(c) (i) 'n toelae wat in plaas van gratis kwartiere toegestaan word; of

(ii) een-sesde van die bedrae in paragrawe (a) en (b) indien die bewoning van kwartiere, hetsy dit aan die plaaslike bestuur behoort al dan nie, as deel van die lid se besoldiging sonder die betaling van huur bewoon word;

maar sluit nie die volgende in nie –

(d) enige spesiale besoldiging wat vir die vervulling van spesiale pligte ontvang word of terwyl in 'n amp waargeneem word wat, hetsy permanent of tydelik, vakant is; of

(e) enige vervoer of onderhoudstoelae; of

(f) enige gelde, honoraria, of bonusse van enige aard; of

(g) enige oortydbetaling; of

(h) enige ander toelae wat nie hierin bepaal is nie;

Met dien verstande dat indien 'n lid in diens te sterwe kom of met pensioen aftree en daar by sy deurlopende diens 'n tydperk van indiensneming in 'n deeltydse hoedanigheid ingesluit is, sy

pensioengewende besoldiging gedurende sodanige diens met vyftig persent verhoog moet word by die berekening van sy finale gemiddelde besoldiging: Voorts met dien verstande dat indien die pensioengewende besoldiging van 'n lid, met inbegrip van 'n artikel 57 kontrakwerknemer, verhoog bo daardie wat van tyd tot tyd deur die aktuaris aanvaar word vir waardasiedoeleindes ingevolge regulasie 13, sal die komitee wat op raad van die aktuaris optree, die mag besit om te gelas dat die plaaslike bestuur waar sodanige lid in diens is, ingevolge regulasie 18 'n aangepaste bydrae aan die Fonds betaal;

(xxi) "**pensioenouderdom**" die ouderdom van 65 jaar;

(xix) "**pensioenaris**" 'n lid wat uit diens getree het en 'n pensioen ontvang;

(xxiiA) "**primakoers**" die uitleenkoers soos van tyd tot tyd deur die fonds se bankiers op die lopende rekening van die fonds toegepas;

(xxiiB) "**Voorsorgfonds**" die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds;

(xxiiC) "**Registrateur**" die Registrateur van Pensioenfondse soos omskryf in die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

(xxiii) "**salaris**" of "**loon**" die jaarlikse, maandelikse, weeklikse of daaglikse betaling of betaling per uur, insluitende besoldiging vir stukwerk, maar sluit nie betaling vir oortyd of enige bonus in nie;

(xxiiiA) "**Superannuasiefonds**" die Natalse Gemeenskaplike Munisipale Pensioenfonds (Superannuasie);"

#### **Wysiging van hoofstuk V**

4. Hoofstuk V word hiermee gewysig deur die vervanging van die volgende:

#### **HOOFSTUK V**

#### **SPEZIALE VOORWAARDES VAN TOEPASSING OP PERSONE WAT KONTRAKWERKERS IS (OOREENKOMSTIG DIE WET OP MUNISIPALE STELSELS)**

40. In hierdie hoofstuk beteken –

"n Vastetermyn-kontrak" 'n kontrak ooreenkomstig die bepalings van die Wet op Munisipale Stelsels.

"n Totale-koste-vir-werkgewer-kontrak" 'n kontrak ingevolge waarvan 'n lid in diens is op 'n totale-koste-vir-maatskappy-vergoedingspakket.

("Kontrakwerker" 'n persoon wat in diens is van 'n plaaslike owerheid op 'n vastetermyn-kontrak ooreenkomstig die bepalings van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);)

("Wet op Munisipale Stelsels" Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000); en)

"**Pensioengewende besoldiging**" 'n persentasie van die totale vergoedingspakket van 'n kontrakwerker, wat die totale koste vir die werkgewer is van indiensneming van 'n kontrakwerker soos sy pensioengewende besoldiging aan die aanvang van hierdie hoofstuk beloop het: Met dien verstande dat sodanige kontrakwerker nie daarop geregtig sal wees om sy pensioengewende besoldiging aan te pas gedurende die tydperk van sy lidmaatskap van die Fonds nie buiten enige inflasiegekoppelde aanpassings aan sy totale pakketvergoeding ooreenkomstig sy (vastetermyn) kontrak en: voorts met dien verstande dat die pensioengewende besoldiging ten alle tye na goeddunke deur die bestuur aangepas mag word na oorlegpleging met die aktuaris en: voorts met dien verstande dat pensioengewende besoldiging van kontrakwerkers wat voor die aanvang van hierdie hoofstuk vastetermyn-kontrakte gesluit het nie terugwerkend aangepas sal word nie.

41. Nieteenstaande die bepalings van hierdie regulasies, is die bepalings van (hierdie hoofstuk) Regulasie 42 tot 46 slegs van toepassing op persone wat (in diens van 'n plaaslike owerheid is vir 'n vaste termyn ooreenkomstig die bepalings van die Wet op Munisipale Stelsels.) kontrakwerkers is.

42.(1) Geen kontrakwerker wat onmiddellik voor die aanvang van sy vastetermyn-kontrak 'n lid van die Fonds was, is verplig om by die inwerkingtreding van sy vastetermyn-kontrak sy lidmaatskap van die Fonds te behou nie en indien die kontrakwerker verkies om 'n lid te bly, is die bepalinge van Regulasie 14 van toepassing op sy lidmaatskap met die nodige veranderinge: Met dien verstande dat geen kontrakwerker op 'n vastetermyn-kontrak wat nie by die inwerkingtreding van sy kontrak 'n lid van die Fonds was nie, daarop geregtig sal wees om 'n lid van die Fonds te word nie.

(2) 'n Persentasie wat bygedra moet word ingevolge Regulasie 15, 17, 18 en 19 saam met enige addisionele bydrae of bybetaling ingevolge Regulasie 11 moet ten volle afgetrek word van die kontrakwerker se totale vergoedingspakket, wat die totale koste vir die werkgewer is, en alle sodanige bydraes minus enige kostes vermeld in Regulasie 46(2) word geag werknemerbydraes te wees vir die doel van Regulasie 44.

43. Die bepalinge van Regulasie 24 is nie van toepassing op kontrakwerkers nie.

44. Indien 'n kontrakwerker se lidmaatskap tot 'n einde kom –

(a) in ander omstandighede as die omstandighede vermeld in Regulasie 21, 22, 23, 27(4) of 30;  
en

(b) 'n lid van die Fonds is ingevolge Regulasie 42,

is die bepalinge van Regulasie 27(l)(a) en (b) van toepassing met betrekking tot die vastetermyn-kontrak en die bepalinge van hoofstuk IP is van toepassing met betrekking tot enige ander dien tydperk: Met dien verstande dat die lid nie geregtig is op tweemaal sy totale bydraes soos bedoel in die bepaling tot Regulasie 30(2)(b) nie.

45. By hernuwing van 'n kontrakwerker se vastetermyn-kontrak deur die plaaslike owerheid word daar geag om 'n voortsetting van die kontrakwerker se lidmaatskap van die Fonds te wees en daar sal nie 'n beëindiging van lidmaatskap by die verstryking van die oorspronklike tydperk en enige hernuwing daarna van sodanige vastetermyn-kontrak wees nie.

46. (1) Indien 'n vastetermyn-kontrak beëindig word deur óf die lid óf die plaaslike owerheid, of nie hernu word nie, is die lid geregtig op die voordele bepaal in Regulasie 44.

(2) Enige administrasie-onkoste van die fonds, insluitende enige kostes met betrekking tot doods- of ongeskiktheidsdekking, tot 'n bedrag soos van tyd tot tyd deur die bestuur op advies van die aktuaris bepaal, is uitgesluit by die berekening van enige voordeel wat ingevolge subregulasie (1) aan 'n kontrakwerker verskuldig is.

47.(1) 'n Lid wat 'n kontrakwerker word, moet die fonds binne twee maande na die inwerkingtreding van die kontrak met die plaaslike owerheid, of sodanige langer tydperk as deur die bestuur bepaal, daarvoor inlig.

(2) Die lid kan binne sodanige tydperk van twee maande by die fonds aansoek doen dat sy bydraes nie gegrond sal wees op sy pensioengewende besoldiging soos omskryf in Regulasie 40 nie, maar op sodanige pensioengewende besoldiging soos deur sodanige lid bepaal. Goedkeuring van sodanige aansoek kan onderhewig wees aan sodanige voorwaardes as deur die bestuur bepaal.

(3) Indien –

(a) die lid versuim om die fonds ingevolge die bepalinge van subregulasie (l) in kennis te stel dat hy 'n pakketvergoeding ontvang;

(b) die lid se aansoek ingevolge subregulasie (2) toegestaan word; en

(c) die lid se bydraes nie gegrond is op sy pensioengewende besoldiging soos omskryf in Regulasie 40 nie, kan die kontrakwerker se ononderbroke diens, soos omskryf, deur die bestuur in oorleg met die aktuaris

aangepas word.

48. Die bepalings van hierdie hoofstuk is van toepassing op alle kontrakwerkers ook indien hul vastetermyn-kontrak met die betrokke plaaslike owerheid gesluit is voor die aanvang van hierdie hoofstuk.
49. Indien 'n kontrakwerker wat ooreenkomstig Regulasie 14(3) verplig was om 'n lid van die fonds te word verkies om na die aanvang van hierdie hoofstuk nie 'n lid van die Fonds te bly nie, sal die voordele wat aan sodanige lede betaalbaar is, wees ingevolge Regulasie 44.
50. Niks wat in hierdie hoofstuk vervat is, sal afdoen aan enige groter reg wat ingevolge hierdie Regulasies deur enige kontrakwerker verkry word of aan hom toeval nie, met dien verstande dat bewys van die groter reg by die kontrakwerker berus wat die genoemde moet staaf tot die bevrediging van die bestuur in oorleg met die aktuaris en indien dit so gestaaf is, sal die kontrakwerker geregtig wees op enige sodanige bykomende voordele."

#### Kort titel

5. Hierdie Regulasies word genoem die Wysigingsregulasies op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftrede), 2008.

No. 51

26 Maart 2009

#### DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE

#### WYSIGING VAN REGULASIES UITGEVAARDIG INGEVOLGE ARTIKEL 4 VAN DIE ORDONNANSIE OP DIE NATAL GEMEENSKAPLIKE MUNISIPALE PENSIOENFONDS (SUPERANNUASIE), 1973

Ek wysig hiermee die regulasies uitgevaardig ingevolge artikel 4 van die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), 1973 (Ordonnansie No. 24 van 1973), soos in die meegaande bylae uiteengesit, met inwerkingtreding vanaf 1 November 2008.

Gegee onder my hand te Pietermaritzburg op hierdie 6de dag van Desember, Tweeduisend-en-agt.

#### M MABUYAKHULU

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir plaaslike regering

#### ALGEMEEN VERDUIDELIKENDE NOTA:

[ ] Woorde in vetdruk tussen vierkantige hakies dui skappings uit bestaande verordeninge aan  
\_\_\_\_\_ Onderstreepte woorde dui invoegings by bestaande verordeninge aan

#### BYLAE

#### Definisies

1. In hierdie regulasies, beteken "die Regulasies" die regulasies soos gepubliseer in Provinsiale Kennisgewing No. 246 van 24 Mei 1974 soos gewysig deur Provinsiale Kennisgewings No. 153 van 27 Februarie 1975, 11 van 13 Januarie 1977, 382 van 28 Julie 1977, 50 van 2 Februarie 1978, 149 van 16 Maart 1978, 201 van 20 April 1978, 155 van 29 Maart 1979, 499 van 27 September 1979, 247 van 5 Junie 1980, 259 van 12 Junie 1980, 571 van 27 November 1980, 238 van 4 Junie 1981, 512 van 24 September 1981, 244 van 27 Mei 1982, 180 van 13 Mei 1983, 266 van 24 Mei 1984, 194 van 30 Mei 1985, 214 van 13 Junie 1985, 277 van 3 Julie 1986, 33 van 29 Januarie 1987, 112 van 31 Maart 1988, 245 van 7 Julie 1988, 25 van 25 Januarie 1990, 69 van 21 Maart 1991, 160 van 27 Junie 1991, 178 van 11 Julie 1991, 365 van 19 Desember 1991, 74 van 25 Maart 1993, 13 van 3 Februarie 1994, 123 van 1 September 1994, 130 van 1 September 1994, 129 van 1 April 1996, 136 van 4 April 1996, 411 van 31 Oktober 1996, 178 van 29 Mei 1997, 124 van 9 April 1998, 139 van 30 April 1998, 80 van 1 April 1999, 299 van 11 November 1999, 168 van 8 Junie 2000, 378 van 5 Oktober 2000, 175 van 17 Mei 2001, 259 van 6 Julie 2001, 225 van 20 Junie 2002, 229 van 20 Junie 2002, 1137 van 18 November 2003, 863 van 29 Julie 2004, 902 van 30 Julie 2004 en 3 van 6 Januarie 2005.



**Wysiging van Regulasie 42**

2. Regulasie 42 word hiermee gewysig deur die vervanging van die volgende:

**\*42 Onopgeëisde voordele**

'n Voordeel wat aan 'n begunstigde verskuldig is maar nie betaal is nie, word deur die Fonds teruggehou, hangende 'n eis deur sodanige begunstigde of 'n ander persoon ten opsigte van sodanige begunstigde (onderhewig aan die bepalings van Regulasie 35(17) *mutatis mutandis*) en die sodanig teruggehoue voordeel trek rente teen 'n koers wat van tyd tot tyd deur die Komitee besluit sal word, vanaf die datum wanneer sodanige voordeel verskuldig en betaalbaar geword het tot die betaaldatum: met dien verstande dat die Fonds daarop geregtig sal wees om enige nodige en redelike kostes wat deur hom aangegaan is in die administrasie van sodanige voordeel en die bepaling van die begunstigdes van sodanige teruggehoue voordeel af te trek en voorts met dien verstande dat hierdie regulasie nie van toepassing sal wees nie op enige voordeel wat regtens deur die Fonds teruggehou word ingevolge hierdie regulasies of die Wet."

**Wysiging van hoofstuk 1**

3. Hoofstuk 1 word hiermee gewysig deur die vervanging van die volgende definisies:

HOOFSTUK 1  
INLEIDENDE BEPALINGS

1. In hierdie regulasies beteken ...

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...
- (vi) ...

(vii) **"deurlopende diens"** 'n lid se laaste ononderbroke dienstydperk by 'n plaaslike owerheid of plaaslike owerhede en, ten opsigte van 'n lid wat by die inwerkingtredingsdatum van hierdie regulasies tot die fonds bydra, is sy tydperk van deurlopende diens voor sodanige datum die tydperk wat kragtens die bepalings van die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Bestuur, 1939 (Ordonnansie No. 12 van 1939) en die Ordonnansie op die Superannuasie-aangeleenthede van Plaaslike Bestuur, 1966 (Ordonnansie No. 25 van 1966), bepaal is: met dien verstande dat –

(a) onderstaande nie 'n diensonderbreking geag word vir die doeleindes van die berekening van die laaste ononderbroke dienstydperk nie, naamlik –

- (i) goedgekeurde afwesigheidsverlof;
- (ii) 'n diensonderbreking wat as verlof sonder betaling beskou of andersins deur die bestuur op aanbeveling van die betrokke plaaslike bestuur gekondoneer word;
- (iii) 'n tydperk van skorsing wat deur herstel in dieselfde of 'n ander amp of pos gevolg word; of
- (iv) 'n diensonderbreking terwyl van die een plaaslike bestuur na 'n ander plaaslike bestuur oorgeplaas is indien dit deur die bestuur gekondoneer word;

(b) 'n tydperk ten opsigte waarvan 'n lid nie bydraes betaal het nie, nie by die berekening van sy tydperk deurlopende diens in aanmerking geneem mag word nie;

(c) die tydperk deurlopende diens in jare en maande bereken moet word en 'n deel van 'n maand buite rekening gelaat moet word; en

(d) indien 'n lid in die diens te sterwe kom of met pensioen aftree en daar by sy diens 'n tydperk ingesluit is wat hy in 'n deelytdse hoedanigheid in diens geneem was, slegs twee derdes van die tydperk van sodanige indiensneming as deurlopende diens by die berekening van enige betaalbare pensioen in ag geneem word;

(viiA) **"kontrakwerker"** 'n persoon wat in diens is van 'n plaaslike owerheid op óf 'n totale-koste vir werkgewer-kontrak óf 'n vastetermyn-kontrak;

(viii) **"bydraes"** wanneer toegepas op die betalings wat deur 'n lid gedoen moet word, moet bereken word as sou hy die betaling van sy agterstallige bydraes voltooi het ingevolge Regulasie 19(3);

(viiiA) **"assosiasiedatum"** die datum waarop die plaaslike owerheid met die fonds geassosieer word;

(viiiB) **"inwerkingtredingsdatum"** die effektiewe datum van die wysigings van hierdie Regulasies voortspruitend uit die gelyktydige stigting van die Voorsorgfonds;

(viiiC) **"stigtingsdatum"** die stigtingsdatum van 'n munisipaliteit ingevolge die Wet op Munisipale Strukture;

(ix) **"afhanklike"**, met betrekking tot 'n lid, 'n afhanklike soos omskryf in artikel 1 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

(ixA) tot (xxvix)

## 2. Die bepalings van hierdie Regulasies ...

(xvii) **"lid"** 'n persoon wat tot die fonds bydra, maar nie 'n plaaslike bestuur nie;

**"minimum individuele reserwe"** ten opsigte van elke lid, die bedrag bepaal ooreenkomstig artikel 14B(2) van die Wet op Pensioenfondse, 1956;

(xviiA) **"Minister"** die lid van die Uitvoerende Raad vir die provinsie KwaZulu-Natal verantwoordelik vir plaaslike regering en behuising;

(xviiAA) **"munisipale raad"** waar van toepassing ooreenkomstig die samehang waarin die uitdrukking voorkom –

(a) 'n munisipale raad soos omskryf in artikel 1 van die Wet op Munisipale Strukture;

(b) 'n munisipaliteit;

(c) die bestuursliggaam van uMsekeli aangestel ingevolge artikel 2(2) van die Ordonnansie op die uMsekeli Munisipale Ondersteuningsdienste, 1941 (Ordonnansie No. 20 van 1941) soos gewysig;

(d) uMsekeli; of

(e) 'n munisipale entiteit soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000),

en enige verwysing in die Regulasies na 'n plaaslike owerheid moet geag word 'n verwysing na die toepaslike betekenis van "munisipale raad";

(xviiAB) **"munisipale bestuurder"** 'n munisipale bestuurder of waarnemende munisipale bestuurder aangestel ingevolge die Wet op Munisipale Strukture, insluitende die hoof- uitvoerende beampste van uMsekeli;

(xviiAC) **"munisipaliteit"** 'n munisipaliteit gestig ingevolge die Wet op Munisipale Strukture en insluitende uMsekeli;

(xviiAD) **"Wet op Munisipale Strukture"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

(xviiAE) **"Wet op Munisipale Stelsels"** die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

(xviiB) **"munisipale jaar"** die tydperk wat op 1 Julie in enige jaar 'n aanvang neem en op 30 Junie die volgende jaar, of sodanige ander tydperk wat die Minister van tyd tot tyd bepaal, eindig;

(xviii) "**maand**" 'n tydperk van 'n dag in een kalendermaand tot en met die dag wat numeries met sodanige dag in die volgende kalendermaand ooreenstem;

(xviiiA) "**diensplig**" aanvangsopleiding in die Burgermag of die Suid-Afrikaanse Polisiemag as gevolg van 'n toewysing ingevolge artikel 67 van die Verdedigingswet, 1957 (Wet No. 44 van 1957);

(xix) "**deelydse hoedanigheid**" indiensneming vir 'n gedeelte waarop ooreengekom is, van minstens die helfte, maar minder as vier-vyfdes van die normale werksure, of sodanige ander gedeeltes waarop die bestuur van tyd tot tyd besluit;

(xx) "**pensioen**" die jaarlikse bedrag betaalbaar aan 'n pensioenaris, 'n aanspraakhebbende gade, 'n aanspraakhebbende kind of 'n afhanklike ouer ingevolge hierdie Regulasies;

(xxi) "**pensioengewende besoldiging**" behoudens die bepalings van hierdie Regulasies, die besoldiging waarop bydraes betaal moet word en sluit in –

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) enige ander toelae wat nie hierin bepaal word nie: met dien verstande dat indien 'n lid in diens te sterwe kom of met pensioen aftree en daar by sy deurlopende diens 'n tydperk van indiensneming in 'n deelydse hoedanigheid ingesluit is, sy pensioengewende besoldiging gedurende sodanige diens met vyftig persent verhoog moet word by die berekening van sy finale gemiddelde besoldiging: Voorts met dien verstande dat indien die pensioengewende besoldiging van 'n lid, met inbegrip van 'n artikel 57 kontrakwerknemer, verhoog bo daardie wat van tyd tot tyd deur die aktuaris aanvaar word vir waardasiedoeleindes ingevolge regulasie 13, sal die komitee wat op raad van die aktuaris optree, die mag besit om te gelas dat die plaaslike bestuur waar sodanige lid in diens is, ingevolge regulasie 21 'n aangepaste bydrae aan die Fonds betaal;

## Wysiging van hoofstuk VII

4. Hoofstuk VII word hiermee gewysig deur vervanging van die volgende:

### "HOOFSTUK VII

#### SPEZIALE VOORWAARDES VAN TOEPASSING OP PERSONE WAT KONTRAKWERKERS IS (OOREENKOMSTIG DIE WET OP MUNISIPALE STELSELS)

67. In hierdie hoofstuk beteken –

"n Vastetermyn-kontrak" 'n kontrak ooreenkomstig die bepalings van die Wet op Munisipale Stelsels.

"n Totale-koste-vir-werkgewer-kontrak" 'n kontrak ingevolge waarvan 'n lid in diens is op 'n totale-koste-vir-maatskappy-vergoedingspakket.

("Kontrakwerker" 'n persoon wat in diens is van 'n plaaslike owerheid op 'n vastetermyn-kontrak ooreenkomstig die bepalings van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);)

("Wet op Munisipale Stelsels" Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000); en)

"Pensioengewende besoldiging" 'n persentasie van die totale vergoedingspakket van 'n kontrakwerker, wat die totale koste vir die werkgever is van indiensneming van 'n kontrakwerker soos sy pensioengewende besoldiging aan die aanvang van hierdie hoofstuk beloop het: Met dien verstande dat sodanige kontrakwerker nie daarop geregtig sal wees om sy pensioengewende besoldiging aan te pas gedurende die tydperk van sy lidmaatskap van die Fonds nie buiten enige inflasiegekoppelde aanpassings aan sy totale pakketvergoeding ooreenkomstig sy (vastetermyn) kontrak en: voorts met dien verstande dat die pensioengewende besoldiging ten alle tye na goeë dunde deur die bestuur aangepas mag word na oorlegpleging met die aktuaris en: voorts met dien verstande dat pensioengewende besoldiging van kontrakwerkers wat voor die aanvang van hierdie hoofstuk vastetermyn-kontrakte gesluit het nie terugwerkend aangepas sal word nie.

68. Nieteenstaande die bepalings van hierdie regulasies, is die bepalings van (hierdie hoofstuk) Regulasie 69 tot 71 slegs van toepassing op persone wat (in diens van 'n plaaslike owerheid is vir 'n vaste termyn ooreenkomstig die bepalings van die Wet op Munisipale Stelsels.) kontrakwerkers is.

69.(1) Geen kontrakwerker wat onmiddellik voor die aanvang van sy vastetermyn-kontrak 'n lid van die Fonds was, is verplig om by die inwerkingtreding van sy vastetermyn-kontrak sy lidmaatskap van die Fonds te behou nie en indien die kontrakwerker verkies om 'n lid te bly, is die bepalings van Regulasie 16 van toepassing op sy lidmaatskap met die nodige veranderinge: Met dien verstande dat geen kontrakwerker op 'n vastetermyn-kontrak wat nie by die inwerkingtreding van sy kontrak 'n lid van die Fonds was nie, daarop geregtig sal wees om 'n lid van die Fonds te word nie.

(2) 'n Persentasie wat bygedra moet word ingevolge Regulasie 19, 20, 21 en 22 saam met enige addisionele bydrae of bybetaling ingevolge Regulasie 13 moet ten volle afgetrek word van die kontrakwerker se totale vergoedingspakket, wat die totale koste vir die werkgever is, en alle sodanige bydraes minus enige kostes vermeld in Regulasie 73(2) word geag werknemerbydraes te wees vir die doel van Regulasie 71.

70. Die bepalings van Regulasie 28 is nie van toepassing op kontrakwerkers nie.

71. Indien 'n kontrakwerker se lidmaatskap tot 'n einde kom –

(c) in ander omstandighede as die omstandighede vermeld in Regulasie 24, 26, 27, 31(4) of 35; en

(d) 'n lid van die Fonds is ingevolge Regulasie 69,

is sodanige lid geregtig op 'n eenmalige bedrag bereken soos bepaal in Regulasie 31(l)(a) en (b) met betrekking tot die vastetermyn-kontrak en die bepalings van hoofstuk IV is van toepassing met betrekking tot enige ander diens tydperk: Met dien verstande dat die lid nie geregtig is op tweemaal sy totale bydraes soos bedoel in die bepaling tot Regulasie 35(7) nie.

72. By hernuwing van 'n kontrakwerker se vastetermyn-kontrak deur die plaaslike owerheid word daar geag om 'n voortsetting van die kontrakwerker se lidmaatskap van die Fonds te wees en daar sal nie 'n beëindiging van lidmaatskap by die verstryking van die oorspronklike tydperk en enige hernuwing daarna van sodanige vastetermyn-kontrak wees nie.

73.(1) Indien 'n vastetermyn-kontrak beëindig word deur óf die lid óf die plaaslike owerheid, of nie hernu word nie, is die lid geregtig op die voordele bepaal in Regulasie 71.

(2) Enige administrasie-onkoste van die fonds, insluitende enige kostes met betrekking tot doods- of ongeskiktheidsdekking, tot 'n bedrag soos van tyd tot tyd deur die bestuur op advies van die aktuaris bepaal, is uitgesluit by die berekening van enige voordeel wat ingevolge subregulasie (1) aan 'n kontrakwerker verskuldig is.

74.(1) 'n Lid wat 'n kontrakwerker word, moet die fonds binne twee maande na die inwerkingtreding van die kontrak met die plaaslike owerheid, of sodanige langer tydperk as deur die bestuur bepaal, daarvoor inlig.

(2) Die kontrakwerker kan binne sodanige tydperk van twee maande by die fonds aansoek doen dat sy bydraes nie gegrond sal wees op sy pensioengewende besoldiging soos omskryf in Regulasie 67 nie, maar op sodanige pensioengewende besoldiging soos deur sodanige lid bepaal: Met dien verstande dat enige goedkeuring van sodanige aansoek onderhewig kan wees aan sodanige voorwaardes as deur die bestuur bepaal.

(3) Indien –

(a) die lid versuim om die fonds ingevolge die bepalings van subregulasie (l) in kennis te stel dat hy 'n pakketvergoeding ontvang;

(b) (2) die lid se aansoek ingevolge subregulasie (2) toegestaan word; en

(c) (3) die lid se bydraes nie gegrond is op sy pensioengewende besoldiging soos omskryf in Regulasie 67 nie,

kan die kontrakwerker se ononderbroke diens, soos omskryf, deur die bestuur in oorleg met die aktuaris aangepas word.

75. Die bepalings van hierdie hoofstuk is van toepassing op alle kontrakwerkers ook indien hul vastetermyn-kontrak met die betrokke plaaslike owerheid gesluit is voor die aanvang van hierdie hoofstuk.

76. Indien 'n kontrakwerker wat ooreenkomstig Regulasie 16(4) verplig was om 'n lid van die fonds te word verkies om na die aanvang van hierdie hoofstuk nie 'n lid van die Fonds te bly nie, sal die voordele wat aan sodanige lede betaalbaar is, wees ingevolge Regulasie 71.

77. Niks wat in hierdie hoofstuk vervat is, sal afdoen aan enige groter reg wat ingevolge hierdie Regulasies deur enige kontrakwerker verkry word of aan hom toeval nie: met dien verstande dat bewys van die groter reg by die kontrakwerker berus wat die genoemde moet staaf tot die bevrediging van die bestuur in oorleg met die aktuaris en indien dit so gestaaf is, sal die kontrakwerker geregtig wees op enige sodanige bykomende voordele."

#### Kort titel

5. Hierdie Regulasies word genoem die Wysigingsregulasies op die Natal Gemeenskaplike Munisipale Pensionfonds (Superannuasie), 2008.

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**No. 52****26 Maart 2009**

### DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE

#### WYSIGING VAN REGULASIES UITGEVAARDIG INGEVOLGE ARTIKEL 4 VAN DIE KWAZULU-NATAL WET OP GEMEENSKAPLIKE MUNISIPALE VOORSORGFONDS, 1995 (WET NO. 4 VAN 1995)

Ek wysig hiermee die regulasies uitgevaardig ingevolge artikel 4 van die KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995), soos in die meegaande bylae uiteengesit, met inwerkingtreding vanaf 1 Julie 2008.

Gegee onder my hand te Pietermaritzburg op hierdie 6de dag van Desember, Tweeduisend-en-agt.

#### M MABUYAKHULU

Lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal  
verantwoordelik vir plaaslike regering

#### ALGEMEEN VERDUIDELIKENDE NOTA:

[ ] Woorde in vetdruk tussen vierkantige hakies dui skrappings uit bestaande verordeninge aan  
\_\_\_\_\_ Onderstreepte woorde dui invoegings by bestaande verordeninge aan

**BYLAE****Definisies**

1. In hierdie Regulasies beteken "die Regulasies" die regulasies soos gepubliseer in Provinsiale Kennisgewing No. 135 van 4 April 1996, soos gewysig deur Provinsiale Kennisgewings No. 38 van 19 September 1996, 242 van 24 Julie 1997, 314 van 29 Oktober 1998, 306 van 11 November 1999, 167 van 8 Junie 2000, 261 van 6 Julie 2001, 227 van 20 Junie 2002, 231 van 20 Junie 2002, 398 van 17 Oktober 2002, 1136 van 18 November 2003, 866 van 29 Julie 2004, 903 van 30 Julie 2004 en 2 van 6 Januarie 2005.

**Wysiging van Regulasie 31**

2. Regulasie 31 word hiermee gewysig deur die vervanging van die volgende:

**"31 Onopgeëisde voordele**

'n Voordeel wat aan 'n begunstigde verskuldig is maar nie betaal is nie, word deur die Fonds teruggehou, hangende 'n eis deur sodanige begunstigde of 'n ander persoon ten opsigte van sodanige begunstigde (onderhewig aan die bepalings van Regulasie 28(2) *mutatis mutandis*) en die sodanig teruggehoue voordeel trek rente teen 'n koers wat van tyd tot tyd deur die Komitee besluit sal word, vanaf die datum wanneer sodanige voordeel verskuldig en betaalbaar geword het tot die betaaldatum: met dien verstande dat die Fonds daarop geregtig sal wees om enige nodige en redelike kostes wat deur hom aangegaan is in die administrasie van sodanige voordeel en die bepaling van die begunstigdes van sodanige teruggehoue voordeel af te trek en voorts met dien verstande dat hierdie regulasie nie van toepassing sal wees nie op enige voordeel wat regtens deur die Fonds teruggehou word ingevolge hierdie regulasies of die Wet."

**Kort titel**

3. Hierdie Regulasies word genoem die Wysigingsregulasies op die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, 2008.

**No. 50****26 kuNdasa 2009****UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO**

**UKUCHITSHIYELWA KWEMITHETHONQUBO EYENZIWE NGOKWESIGABA 4 SE-ODINENSI YESIKHWAMA SEZIMPESHENI ESIHLANGANYELE SOMASIPALA SASENATALI (UMHLALAPHANSI), 1974**

Ngalokhu ngichibiyela imithethonqubo eyenziwe ngokwesigaba 4 se-Odinensi yesiKhwama seziMpesheni esiHlanganyele soMasipala saseNatali (uMhlalaphansi), 1974 (i-Odinensi No. 27 ka 1974), njengoba kubekwe oHlelweni olulandelayo, okuyoqala ukusebenza mhla lulunye kuNtulikazi 2008.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu, ngalolu suku lwesi-6 kuZibandlela, oNyakeni weziNkulungwane eziMbili nesiShiyagalombili.

**M MABUYAKHULU**

ILungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekele ohulumeni basekhaya

**INCAZELO EJWAYELEKILE:**

[ ] Amagama abhalwe ngokugqamile kubakaki abayizikwele akhombisa okususiwe kumthethonqubo okhona  
Amagama adwetshele ngomugqa ohlangene akhombisa okwengeziwe kumthethonqubo okhona

**UHLELO****Izincazelo**

1. Kule Mithethonqubo "iMithethonqubo" kusho imithethonqubo eyashicilelwa ngeSaziso sesiFundazwe No. 180 mhla ziye-13 kuNdasa 1975, njengoba sachitshiyelwa yiZaziso zesiFundazwe No. 125 samhla ziye-17 kuNdasa 1977, 513 samhla zingama-29 kuMandulo 1977, 138 samhla ziye-9 kuNdasa 1978, 122 samhla ziye-15 kuNdasa 1979, 503 samhla zingama-27 kuMandulo 1979, 262 samhla ziye-12 kuNhlanguvana 1980, 572 samhla zingama-27 kuLwezi 1980, 226 samhla zingama-29 kuNhlaba 1981, 183 samhla ziye-13 kuNhlaba 1983, 269 samhla zingama-24 kuNhlaba 1984, 195 samhla zingama-30 kuNhlaba 1985, 276 samhla zi-3 kuNtulikazi 1986, 382 samhla ziye-18 kuMandulo 1986, 31 samhla zingama-29 kuMasingana 1987, 303 samhla ziye-13 kuNcwaba 1987, 113 samhla zingama-31 kuNdasa 1988, 77 samhla ziye-9 kuNdasa 1989, 108 samhla zingama-30 kuNdasa 1989, 26 samhla zingama-25 kuMasingana 1990, 27 samhla zingama-25 kuMasingana 1990, 70 samhla zingama-21 kuNdasa 1991, 44 samhla zingama-27 kuNhlolanja 1992, 73 samhla zingama-25 kuNdasa 1993, 126 samhla lu-1 kuMandulo 1994, 131 samhla lu-1 kuMandulo 1994, 130 samhla lu-1 kuMbasa 1996, 137 samhla zi-4 kuMbasa 1996, 412 samhla zingama-31 kuMfumu 1996, 130 samhla lu-1 kuMbasa 1996, 137 samhla zi-4 kuMbasa 1996, 221 samhla zingama-23 kuNtulikazi 1998, 91 samhla ziye-9 kuMbasa 1999, 304 samhla ziye-11 kuLwezi 1999, 169 samhla ziye-8 kuNhlanguvana 2000, 377 samhla zi-5 kuMfumu 2000, 414 samhla zi-2 kuLwezi 2000, 177 samhla ziye-17 kuNhlaba 2001, 260 samhla ziye-6 kuNtulikazi 2001, 226 samhla zingama-20 kuNhlanguvana 2002, 230 samhla zingama-20 kuNhlanguvana 2002, 397 samhla ziye-17 kuMfumu 2002, 1138 samhla ziye-18 kuLwezi 2003, 865 samhla zingama-29 kuNtulikazi 2004, 904 samhla zingama-30 kuNtulikazi 2004 kanye neSaziso 1 samhla ziye-6 kuMasingana 2005.

**Ukuchitshiyelwa koMthethonqubo 36**

2. UMthethonqubo 36 ngalokhu uyachitshiyelwa ngokugqulwa kwalokhu okulandelayo:

**"36 Imihlomulo engathathiwe**

Noma yimuphi umhlomulo okhona kodwa ongakhokhiwe kumniniwo, kumele ugcinwe yisiKhwama, kuncike esicelweni sokukhokhelwa salowo muntu okhokhelwayo kanye nanoma yimuphi omunye umuntu omele lowo okhokhelwayo (kuncike ezinhlinzekweni zeMithethonqubo 30(5) ngokufanayo) futhi lowo mhlomulo ogciniwe uyokuba nenzalo ngesilinganiso esinqunywe yiKomidi ngezikhathi ezahlukene, kusukela osukwini lapho lowo mhlomulo kudingeka ukuba ukhokhwe kuze kube sosukwini lapho ukhokhwa khona kuncike ekutheni isiKhwama siyokwazi ukuhlephula kulowo mhlomulo esiwugcinile noma yiziphi izindleko ezifanele isiKhwama esingene kuzo ngokuphatha lowo mhlomulo nokunquma abayokhokhelwa kuphinde kuncike ekutheni lo mthethonqubo angeke usebenze kunoma yimuphi umhlomulo obanjwe ngokungemthetho yisiKhwama ngokwale mithethonqubo noma ngokoMthetho."

**Ukuchitshiyelwa kweSahluko 1**

3. ISahluko 1 ngalokhu siyachitshiyelwa ngokuthi kugqulwe lezi zincazelo ezilandelayo:

**ISAHLUKO 1****IZINHLINEKEKO ZOKWANDULELA****Izincazelo**

1. Kule Mithethonqubo, ngaphandle uma ingqikithi isho okwehlukile, - amagama achazwe eMthethweni angachaziwe kule Mithethonqubo asho okufanayo njengoba echazwe eMthethweni, futhi -

(i) "uMthetho" kusho uMthetho wesiKhwama seziMpesheni, 1956 (uMthetho No. 24 ka 1956)

(ii) "obhekele izimali" kusho iLungu lesikhungo, uphiko, inhlango noma ingxenye yababhekele izimali abagunyazwe nguNgqongqoshe futhi abaqokwe yikomidi;

(iii) "uMlamuli" kusho umuntu oqokelwe ehhovisi likaMlamuli okukhulunywe ngaye kwisigaba 30C soMthetho;

(iv) "umhlomulo" kusho noma iyiphi impesheni ekhishwayo noma esinye isamba esikhishwayo ngokwale Mithethonqubo elungwini, kwisaguga, kwindlalifa noma komunye umuntu;

(v) "inyanga yekhalenda" kusho isikhathi kusukela osukwini lokuqala kuya osukwini lokugcina, kubandakanya zombili izinsuku, lwanoma iyiphi inyanga kweziyishumi nambili zonyaka.

(vi) "ikomidi" kusho ikomidi labaPhathi nanoma iliphi elinye ikomidi okukhulunywe ngalo kuMthethonqubo 7;

(vii) "ukusebenza okuqhubekayo" kusho isikhathi sokusebenza ilungu elisisebenze langayeka kunoma yimuphi umaziphathe noma omaziphathe basendaweni futhi, mayelana neLungu ebelifaka izimali esiKhwameni mhla lu-1 kuNdasa 1975 isikhathi salo sokusebenza kusukela ngalolo suku siyokuba yisikhathi salo sokuba yilungu lesiKhwama kuze kube yilolo suku sinyuswe ngamaphesenti angamashumi amane; kuncike ekutheni -

(a) lokhu okulandelayo angeke kuchaze ukuthi uke wayeka ukusebenza ngenhloso yokunquma isikhathi sokusebenza ungayeki:

(i) ikhefu eligunyaziwe;

(ii) ukuma emsebenzini okuthathwa njengekhefu elingakhokhelwa noma okugunyazwe yikomidi ngokunquma kukamaziphathe wendawo othintekayo;

(iii) isikhathi sokumiswa esilandelwe ukubuyiselwa esikhundleni esifanayo noma kwesinye isikhundla; noma

(iv) ukuma emsebenzini ngenkathi udluliselwa komunye umaziphathe wasendaweni uma kugunyazwe yikomidi.

(b) noma yisiphi isikhathi ilungu elingazange likhokhe ngaso akumele sihlanganiswe uma sekubalwa isikhathi sokusebenza kwalo;

(c) isikhathi sokusebenza okuqhubekayo kumele sibalwe ngonyaka nangenyanza futhi ingxenye yenyanga kumele inganakwa; futhi

(d) uma ilungu eliqashwe ngokugcwele lishona emsebenzini noma lithatha umhlalaphansi wempesheni futhi libe nesikhathi sokusebenza ngokungagcwele ngesikhathi lisasebenza, izingxenye ezimbili kwezintathu kuphela zesikhathi salokho kusebenza eziyothathwa njengesikhathi sokusebenza esiqhubekayo uma kubalwa impesheni okumele ikhokhwe.

(viiA) "umsebenzi onenkontileka" kusho noma yimuphi umuntu osebenzela umaziphathe wasendaweni ngokukhokhelwa isamba esithile senkontileka noma ngesikhathi esithile senkontileka;

(vii) "imali ekhokhwayo" uma kushiwo imali ekhokhwayo noma okumele ikhokhwe yilungu, iyobalwa njengokuthi liqedile ukukhokha imali ekhokhwayo eseyedlulelwe yisikhathi ngokoMthethonqubo 19(2);



(ix) "usuku lokuzihlanganisa" kusho usuku lapho umaziphathe wasendaweni ezihlanganisa nesiKhwama;

(ixA) "usuku lokuqala kokusebenza" kusho usuku lokuqala kokusebenza kwezichibiyelo ezenziwe kule Mithethonqubo kulandela ukusungulwa kwesiKhwama seziMpesheni;

(ixB) "usuku lokusungulwa" kusho usuku lokusungulwa kukamasipala ngokoMthetho weziNhlaka zoMasipala ka 1998;

(x) "indlalifa" kusho, mayelana nelungu, indlalifa njengoba ichazwe kwisigaba 1 soMthetho wesikhwama seziMpesheni, 1956 (uMthetho No. 24 ka 1956);

(xviC) "uMthetho weziNhlaka zoMasipala" kusho uMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

(xviD) "uMthetho weziNhlelo zoMasipala" kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

(xvii)

(xviii) "ukusebenza ngokungagcwele" kusho ukusebenza ingxenywe yesikhathi okuvunyelwene ngaso esingengaphansi kwesigamu kodwa esingaphansi kokune kokuhlana kwamahora ajwayelekile okusebenza, noma enye ingxenywe yesikhathi njengoba kunganqunywa izikhathi ngezikhathi yikomidi;

(xix) "impesheni" kusho isamba esikhokhwa ngonyaka kulowo oholo impesheni noma uwakwakhe ofanelekile ngokwale Mithethonqubo;

(xx) "umvuzo okhokhela impesheni" kusho, ngokwezinhlinzeko zale Mithethonqubo, uvuzo okumele kudonswe kuso inkokhelo, futhi uyobandakanya -

(a) amaholo noma imihlomulo;

(b) imali ehlinzekelwa izindleko zokuphila, ehlinzekelwa ukusebenza isikhathi eside nanoma iyiphi imali ehlonjwayayo egunyazwe yikomidi engabandakanywa kumvuzo ongakhokhela impesheni welungu;

(c) (i) noma yimuphi umhlomulo okhishwe esikhundleni sokuhlinzekwa kwendawo yokuhlala yamahhala; noma

(ii) okukodwa kokuyisithupha kwisamba esisendimeni (a) no (b) noma nini, njengengxenywe yomvuzo womsebenzi, ukuhlala endaweni ehlinzekwe ngumqashi, okungaba ngekamaziphathe noma cha, ayivunyelwe ukukhokhelwa;

kodwa akubandakanyi -

(d) noma yiliphi lholo eliyisipesheli elingatholakala ngokwenza imisebenzi ekhethekile noma lapho ilungu belibambe esikhundleni, okungaba asinamnikazi okwesikhashana noma unomphela; noma

(e) noma yisiphi isibonelelo sokugibela noma sendawo yokuhlala; noma

- (f) yinoma ikuphi ukukhokhwa, umhlomulo noma ibhonasi yanoma yiluphi uhlobo; noma  
 (g) noma yikuphi ukukhokhelwa kokusebenza isikhathi esengeziwe; noma  
 (h) noma yisiphi isibonelelo esingabaluliwe lapha.

Kuncike ekutheni uma ilungu lishona noma lithatha umhlalaphansi wempesheni futhi isikhathi salo sokusebenza ngokungagcwele sibandakanyiwe ekusebenzeni kwalo, uma sekubalwa umvuzo walo ophelele umvuzo okhokhela impesheni ngesikhathi sokusebenza kumele unyuswe ngamaphesenti angamashumi amahlanu; kuphinde kuncike ekutheni, nganoma yisiphi isikhathi uma umvuzo okhokhela impesheni yelungu kubandakanya umsebenzi wenkontileka (isigaba 57), inyuka ngaphezu kwalokho obekulindelwe ngobhekele izimali izikhathi ngezikhathi ngezinhloso zokubuyekeza ngokoMthethonqubo 13, ikomidi ngokwelulekwa ngobhekele izimali, liyoba namandla okuyalela ukuthi umaziphathe wasendaweni oqasha lelo lungu ukhokha imali ethile ngokomthethonqubo 18 esiKhwameni.

(xxi) "Iminyaka yokuthola impesheni" kusho iminyaka yobudala engama-65;

(xxii) "Isaguga" kusho ilungu eselithathe umhlalaphansi eselithola impesheni;

(xxiiA) "Isilinganiso ezinqunyiwe" kusho isilinganiso sokubolekisa ngemali njengoba zinqunywa izikhathi ngezikhathi ngabagcinizimali besiKhwama kwi-akhawunti esebenzayo yesiKhwama;

(xxiiB) "isiKhwama seziMpesheni" kusho isiKhwama esiHlanganyele soMasipala seziMpesheni saKwaZulu-Natali;

(xxiiC) "uMbhalisi" kusho uMbhalisi wesikhwama seziMpesheni ochazwe kuMthetho wesikhwama seziMpesheni, 1956 (uMthetho No. 24 ka 1956);

(xxiii) "Ihlo" noma "umhlomulo" kusho inkokhelo yonyaka, yenyanga, yesonto, yosuku noma yehora, kubandakanya ihlo lemisebenzi emincane, kodwa akumele libandakanye inkokhelo yesikhathi esengeziwe noma ibhonasi;

(xxiiiA) "IsiKhwama sezimali eziBanjwayo" kusho isiKhwama seziMpesheni esiHlanganyele soMasipala saseNatali (Imali eBanjwayo.)"

#### Ukuchitshiyelwa kweSahluko V

4. Isihloko V ngalokhu siyachitshiyelwa ngokuthi kuguqulwe kwalokhu okulandelayo:

#### ISAHLUKO V

IMIBANDELA EKHETHEKILE ESEBENZA KUBANTU ABASEBENZA NGAPHANSI KWEZINKONTILEKA  
 (NGOKUHAMBISANA NOMTHETHO WEZINHLELO ZOMASIPALA)

40. Kulesi Sahluko -

"Inkontileka yesikhathi ezinqunyiwe" kusho inkontileka ehambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala.

"inkontileka yesamba esiphelele yomqashi" kusho inkontileka lapho ilungu liqashwe ngesamba esiphelele seholo elihlangene yinkampani.

["uMsebenzi oneNkontileka" kusho umuntu osebenzela umazipathe wasendaweni ngenkontileka yesikhathi esithile ngokuhambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);]

["uMthetho weziNhlelo zoMasipala" kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000); futhi]

"umvuzo okhokhela impesheni" kusho iphesenti lesamba esiphelele seholo lomsebenzi onenkontileka, sibe yisamba esiphelele kumqashi sokuqasha umsebenzi wenkontileka njengesamba sakhe okungabanjwa kuso esinqunywe ngosuku okuqaliswe ngalo lesi Sahluko: Kuncike ekutheni lowo msebenzi onenkontileka akumele abophezeleke ukuthi ahlephule emalini yakhe okubanjwa kuyo impesheni ngesikhathi eseyilungu lesiKhwama ngenxa yanoma yikuphi ukubanjwa kwezimali kwisamba esiphelele seholo lakhe (esikhathini esibekiwe) senkontileka futhi: Kuphinde kuncike ekutheni ngazikhathi zonke isamba okubanjwa kuso impesheni singaguqulwa yiKomidi ngokubona kwalo ngemuva kokubonisana nobhekele izimali futhi kuphinde kuncike ekutheni umvuzo okhokhela impesheni kubasebenzi abanezinkontileka abaphothula isikhathi sabo senkontileka ngaphambi kokuqala kokusebenza kwalesi Sahluko akumele babanjelwe ngokufanayo.

41. Ngokwehluleka ukuhambisana nezinhlinzeko zale Mithethonqubo, izinhlinzeko (zalesi Sahluko) zeMithethonqubo 42 no 46 ziyosebenza kuphela kubantu (uma besebenzela uMazipathe wasendaweni isikhathi esinqunyiwe ngokuhambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala) abangabasebenzi abanezinkontileka.
- 42.(1) Akekho umsebenzi onenkontileka okuyokuthi ngokushesha ngemuva kokuqala ukusebenza esikhathini sakhe esinqunyiwe senkontileka futhi obeyilungu lesiKhwama, oyophoqeleva ekuqaleni kwesikhathi sakhe sokusebenza kwinkontileka ukuqhubeka nobulungu esiKhwameni futhi lapho umsebenzi okwinkontileka eqoka ukuqhubeka nokuba yilungu, izinhlinzeko zoMithethonqubo 14 ziyosebenza nezinguquko ezifanele ebulungwini bakhe: Kuncike ekutheni akukho msebenzi okwinkontileka osebenza esikhathini esinqunyiwe senkontileka obengesilona ilungu lesiKhwama ngesikhathi eqala ukusebenza kwinkontileka oyophoqeleva ukukhetha ukuba yilungu lesiKhwama.
- (2) Ipheleli elidingekayo ukuba lifakwe ngokomthethonqubo 15,17,18, no 19 kanye nenye imali okudingeka yengezwe noma inezezelwe ngokomthethonqubo 11 ibanjwa yonke kwisamba seholo lomsebenzi okwinkontileka, kube yisamba esikhokhwa ngumqashi, futhi konke lokho okufakwe emalini okwehlisa isamba okukhulunywe ngaso kumthethonqubo 46(2) kuyothathwa njengemali efakwe umsebenzi ngezinhloso zoMithethonqubo 44.
43. Izinhlinzeko zoMithethonqubo 24 angeke zisebenze kubasebenzi abanenkontileka.
44. Lapho umsebenzi onenkontileka eyeka ukuba yilungu -
  - (a) ezimweni ezehlukile kulezo okukhulunywe ngazo kwimithethonqubo 21, 22, 23, 27(4) noma 30; futhi
  - (b) eyilungu lesiKhwama ngokoMithethonqubo 42,

izinhlinzeko zeMithethonqubo 27(1)(a) kanye no (b) ziyosebenza mayelana nenkontileka yesikhathi esinqunyiwe kanye nezinhlinzeko zeSahluko IP ziyosebenza mayelana nanoma yisiphi esinye isikhathi sokusebenza: Kuncike ekutheni ilungu akumele libophezeleke ngokuphindwe kabili ukunalokho elikukhokhayo njengoba kuhlongozwe kwimibandela yoMithethonqubo 30(2)(b).

45. Lapho kuvuselelwa inkontileka yomsebenzi yesikhathi esinqunyiwe sokusebenza nguMaziphathe weNdawo kumele kube nokuqhubeka kobulungu bomsebenzi onenkontileka esikhwameni futhi akumele kumiswe ubulungu ekupheleni kwesikhathi sokuqala nanoma yikuphi okunye ukuvuselelwa emva kwalokho kwaleso sikhathi esinqunyiwe senkontileka.
46. (1) Uma isikhathi esinqunyiwe senkontileka siphela kungaba yilungu noma nguMaziphathe waseNdaweni, noma uma singavuselelwa, ilungu liyothola imihlomulo ehlinzekelwe kuMthethonqubo 44.
- (2) Kumele kungabandakanywa izindleko zokuphatha zesiKhwama ekubalweni kwanoma yimuphi umhlomulo okumele ukhokhelwe umsebenzi onenkontileka ngokuhambisana nesigatshana soMthethonqubo (1), kubandakanya nanoma yiziphi izindleko ezimayelana nokubhekwa kokufa noma kokukhubazeka, kwisamba esinqunyiwe izikhathi ngezikhathi yikomidi ngokwelulekwa ngobhekele izimali.
- 47.(1) Ilungu eliba ngelisebenza ngaphansi kwenkontileka liyokwazisa isiKhwama ngalokho ezinyangeni ezimbili liqale ukusebenza ngokwenkontileka noMaziphathe weNdawo, noma isikhathi ezinganqunywa yikomidi.
- (2) Ilungu kungathi kuleso sikhathi sezinyanga ezimbili lifake isicelo esiKhwameni ukuthi imali eliyifakayo ingadonswa kwisamba salo okubanjwa kuso impesheni njengoba kuchazwe ngokomthethonqubo 40, kodwa idonswe kuleso samba okubanjwa kuso impesheni esinganqunywa yilelo lungu. Ukugunyazwa kwaleso sicelo kungancika kwimibandela enganqunywa yikomidi.
- (3) Uma -
- (a) ilungu lehluleka ukwazisa isiKhwama ngokwezinhlinzeko zesigatshana soMthethonqubo (1) ukuthi lithola lholo elihlangene;
- (b) isicelo selungu ngokwesigatshana soMthethonqubo (2) semukelwa; futhi
- (c) imali ekhokhwa yilungu ingathathwa kumvuzo okhokhela impesheni njengoba kuchazwe kumthethonqubo 40,
- ukuqhubeka kokusebenza komsebenzi onenkontileka, njengoba kuchaziwe, kungancishiswa yikomidi ngokubonisana nobhekele izimali.
48. Izinhlinzeko zalesi Sahluko ziyosebenza kubo bonke abasebenzi abanenkontileka abazinkontileka zabo ziphuthulwe noMaziphathe weNdawo othintekayo ngaphambi kokuqala kokusebenza kwalesi Sahluko.
49. Lapho umsebenzi onenkontileka obephoqelekile ukuba yilungu lesiKhwama ngokuhambisana nomthethonqubo 14(3) ekhetha, ngemuva kokuqala kokusebenza kwalesi Sahluko, ukuqhubeki nokuba yilungu lesiKhwama, imihlomulo okumele ikhokhelwe lawo malungu lyohambisana nomthethonqubo 44.
50. Akukho okuqukethwe kulesi Sahluko okuyocindezela noma yiliphi elinye ilungelo elitholwe noma elinikezwa umsebenzi onenkontileka ngokwale Mithethonqubo, kuncike ekutheni ubufakazi balelo lungelo elikhulu kumele abe nabo umsebenzi onenkontileka oyokwenza ukuthi iKomidi lineliseke ngokubonisana nobhekele izimali futhi uma linelisekile, liyobe selibophezeleka kuleyo mihlomulo eyengeziwe."

5. Le Mithethonqubo ibizwa ngeMithethonqubo yokuChibiyela yesiKhwama seziMpesheni esiHlanganyele soMasipala saseNatali (uMhlalaphansi), 2008.

**No. 51**

**26 kuNdasa 2009**

**UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO**

**UKUCHITSHIYELWA KWEMITHETHONQUBO EYENZIWE NGOKWESIGABA 4 SE-ODINENSI YESIKHWAMA SEZIMPESHENI ESIHLANGANYELE SOMASIPALA SASENATALI (IZIMALI EZIBANJWAYO), 1973**

Ngalokhu ngichibiyela imithethonqubo eyenziwe ngokwesigaba 4 se-Odinensi yesiKhwama seziMpesheni esiHlanganyele soMasipala saseNatali (iziMali eziBanjwayo), 1973 (i-Odinensi No. 24 ka 1973), njengoba kubekwe kulolu Hlelo olulandelayo, okuyoqala ukusebenza mhla lu-1 kuLwezi 2008.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu, ngalolu suku lwesi-6 kuZibandlela, oNyakeni weziNkulungwane eziMbili nesiShiyagalombili.

**M MABUYAKHULU**

ILungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekele ohulumeni basekhaya

**UPHAWU LOKUCACISA OLWEJWAYELEKILE:**

[     ] Amagama abhalwe ngokugqamile kubakaki abayizikwele akhombisa okususiwe emthethweni okhona  
\_\_\_\_\_ Amagama adwetshelwe ngomugqa ohlangene akhombisa okwengeziwe emthethweni okhona

**UHLELO**

**Izincazelo**

1. Kule Mithethonqubo "iMithethonqubo" kusho imithethonqubo eyashicilelwa ngeSaziso sesiFundazwe No. 246 samhla zingama-24 kuNhlabha 1974 njengoba sachitshiyelwa yiZaziso zesiFundazwe No. 153 samhla zingama-27 kuNhlangulana, 11 samhla ziyi-13 kuMasingana 1977, 382 samhla zingama-28 kuNtulikazi 1977, 50 samhla zi-2 kuNhlangulana 1978, 149 samhla ziyi-16 kuNdasa 1978, 201 samhla zingama-20 kuMbasa 1978, 155 samhla zingama-29 kuNdasa 1979, 499 samhla zingama-27 kuMandulo 1979, 247 samhla zi-5 kuNhlangulana 1980, 259 samhla ziyi-12 kuNhlangulana 1980, 571 samhla zingama-27 kuLwezi 1980, 238 samhla zi-4 kuNhlangulana 1981, 512 samhla zingama-24 kuMandulo 1981, 244 samhla zingama-27 kuNhlabha 1982, 180 samhla ziyi-13 kuNhlabha 1983, 266 samhla zingama-24 kuNhlabha 1984, 194 samhla zingama-30 kuNhlabha 1985, 214 samhla ziyi-13 kuNhlangulana 1985, 277 samhla zi-3 kuNtulikazi 1986, 33 samhla zingama-29 kuMasingana 1987, 112 samhla zingama-31 kuNdasa 1988, 245 samhla ziyi-7 kuNtulikazi 1988, 25 samhla zingama-25 kuMasingana 1990, 69 samhla zingama-21 kuNdasa 1991, 160 samhla zingama-27 kuNhlangulana 1991, 178 samhla ziyi-11 kuNtulikazi 1991, 365 samhla ziyi-19 kuZibandlela 1991, 74 samhla zingama-25 kuNdasa 1993, 13 samhla zi-3 kuNhlangulana 1994, 123 samhla lu-1 kuMandulo 1994, 130 samhla lu-1 kuMandulo 1994, 129 samhla lu-1 kuMbasa 1996, 136 samhla zi-4 kuMbasa 1996, 411 samhla zingama-31 kuMfumu 1996, 178 samhla zingama-29 kuNhlabha 1997, 124 samhla ziyi-9 kuMbasa 1998, 139 samhla zingama-30 kuMbasa 1998, 80 samhla lu-1 kuMbasa 1999, 299 samhla ziyi-11 kuMfumu 1999, 168 samhla ziyi-8 kuNhlangulana 2000, 378 samhla zi-5 kuMfumu 2000, 175 samhla ziyi-17 kuNhlabha 2001, 259 samhla ziyi-6 kuNtulikazi 2001, 225 samhla zingama-20 kuNhlangulana 2002, 229 samhla zingama-20 kuNtulikazi 2002, 1137 samhla ziyi-18 kuLwezi 2003, 863 samhla zingama-29 kuNtulikazi 2004, 902 samhla zingama-30 kuNtulikazi 2004 kanye neSaziso 3 samhla ziyi-6 kuMasingana 2005.

**Ukuchitshiyelwa koMithethonqubo 42**

2. UMithethonqubo 1 ngalokhu uyachitshiyelwa ngokugququlwa kwalokhu okulandelayo:

"42      **Izimali ezingathathiwe**

Noma yimuphi umhlomulo okhona kodwa ongakhokhiwe kumniniwo, kumele ugcinwe yisiKhwama, kuncike kwisicelo sokukhokhelwa salowo muntu okhokhelwayo kanye nanoma yimuphi omunye umuntu omele lowo okhokhelwayo (kuncike ezinhlinzekweni zeMithethonqubo 30(5) ngokufanayo) futhi lowo mhlomulo ogciniwe uyokwakha inzalo ngezinga elinqunywe yiKomidi ngezikhathi ezahlukene, kusukela osukwini lapho lowo mhlomulo kudingeka ukuba ukhokhwe kuze kube sosukwini lapho ukhokhwa khona kuncike ekutheni isikhwama siyokwazi ukuhlephula kulowo mhlomulo esiwugcinile noma yiziphi izindleko ezifanele isikhwama esingene kuzo ngokuphatha lowo mhlomulo nokunquma abayokhokhelwa kuphinde kuncike ekutheni lo mithethonqubo angeke usebenze kunoma yimuphi umhlomulo obanjwe ngokungemthetho yisiKhwama ngokwale mithethonqubo noma ngokoMthetho."

**Ukuchitshiyelwa kweSahluko 1**

3. ISahluko 1 ngalokhu siyachitshiyelwa ngokuguqulwa kwalezi zincazelo ezilandelayo:

**ISAHLUKO 1**  
**IZINHLINEZKO ZOKWANDULELA**

1. Kule mithethonqubo -

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...
- (vi) ...
- (vii) **"ukusebenza okuqhubekayo"** kusho isikhathi sokusebenza ilungu elisisebenze langayeka kunoma yimuphi umaziphathe noma omaziphathe basendaweni futhi, mayelana nezimali ebezifakwa yilungu esiKhwameni ngosuku okuqale ngalo ukusebenza kwale Mithethonqubo, isikhathi salo sokuqhubeka nokusebenza ngaphambi kwalolo suku kuyokuba yisikhathi esiyonqunywa ngaphansi kwezinhlinzeko ze-Odinensi yeziMali eziBanjwayo yoHulumeni baseKhaya, 1939 (i-Odinensi No. 12 ka 1939) kanye ne-Odinensi yeziMali eziBanjwayo yoHulumeni baseKhaya, 1966 (i-Odinensi No. 25 ka 1966): Kuncike ekutheni -
  - (a) lokhu okulandelayo angeke kuchaze ukuthi uke wayeka ukusebenza ngenhloso yokunquma isikhathi sokusebenza ungayeki -
    - (i) ikhefu eligunyaziwe;
    - (ii) ukuma emsebenzini okuthathwa njengekhefu elingakhokhelelwa noma okugunyazwe yikomidi ngokunquma kukaMaziphathe weNdawo othintekayo;
    - (iii) isikhathi sokumiswa esilandelwe ukubuyiselwa esikhundleni esifanayo noma kwesinye isikhundla; noma
    - (iv) ukuma emsebenzini ngesikhathi udluliselwa komunye umaziphathe wasendaweni uma kugunyazwe yikomidi.
  - (b) noma yisiphi isikhathi ilungu elingazange likhokhe ngaso akumele sihlanganiswe uma sekubalwa isikhathi sokusebenza kwalo;
  - (c) isikhathi sokusebenza okuqhubekayo kumele sibalwe ngonyaka nangenyanaga futhi ingxenye yenyanga kumele inganakwa; futhi

(d) uma ilungu eliqashwe ngokugcwele lishona emsebenzini noma lithatha umhlalaphansi wempesheni futhi libe nesikhathi sokusebenza ngokungagcwele ngesikhathi lisasebenza, izingxenywe ezimbili kwezintathu kuphela zesikhathi salokho kusebenza eziyothathwa njengesikhathi sokusebenza esiqhubekayo uma kubalwa impesheni okumele ikhokhwe.

(viiA) "umsebenzi onenkontileka" kusho noma yimuphi umuntu osebenzela umaziphathe wasendaweni ngokukhokhelwa isamba esithile senkontileka noma ngesikhathi esithile senkontileka;

(viii) "imali ekhokhwayo" uma kushiwo imali ekhokhwayo noma okumele ikhokhwe yilungu, iyobalwa njengokuthi liqedile ukukhokha imali ekhokhwayo eseyedlulelwe yisikhathi ngokomthethonqubo 19(2);

(viiiA) "usuku lokuzihlanganisa" kusho usuku lapho umaziphathe wasendaweni ezihlanganisa nesikhwama;

(viiiB) "usuku lokuqala kokusebenza" kusho usuku lokuqala kokusebenza kwezichibiyelo ezenziwe kule Mithethonqubo kulandela ukusungulwa kwesikhwama seziMpesheni;

(viiiC) "usuku lokusungulwa" kusho usuku lokusungulwa kukamasipala ngokoMthetho weziNhlaka zoMasipala ka 1998;

(iv) "Indlalifa" kusho, mayelana neLungu, indlalifa njengoba ichazwe kwisigaba 1 soMthetho wesikhwama seziMpesheni, 1956 (uMthetho No. 24 ka 1956).

(ixA) kuya ku (xxvix)

## 2. Izinhlinzeko zale Mithethonqubo ...

(xvii) "ilungu" kusho umuntu (ongekho kumaziphathe wasendaweni) ofaka izimali esikhwameni;

"imali encane engakhokhwa umuntu ngamunye" kusho mayelana nelungu ngalinye, isamba semali esinqunywe ngokuhambisana nesigaba 14B(2) soMthetho wesikhwama seziMpesheni, 1956;

(xviiA) "uNgqongqoshe" kusho iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu\_natali elibhekele ohulumeni basekhaya nezezindlu;

(xviiAA) "umkhandlu kamasipala" kusho lapho kufanele futhi ngokuhambisana nengqikithi lapho kuvela khona lelo gama -

(a) umkhandlu kamasipala njengoba uchazwe kwisigaba 1 soMthetho weziNhlaka zoMasipala;

(b) uMasipala;

(c) umgwamanda wabaphathi boMsekeli oqokwe ngokwesigaba 2(2) se-Odinensi yoMsekeli yokuXhaswa kweMisebenzi yoMasipala, 1941 (i-Odinensi No. 20 ka 1941) njengoba ichitshiyelwe;

(d) uMsekeli; noma

(e) inhlangano kamasipala njengoba kuchazwe kwisigaba 1 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000),

kanye nanoma iyiphi enye inkomba ekwiMithethonqubo kumaziphathe wasendaweni iyothathwa njengenkombha esho ngokuqondile "umkhandlu kamasipala";

(xviiAB) "iMenenja kaMasipala" kusho imenenja kamasipala noma ibamba lemenenja kamasipala abaqokwe ngokoMthetho weziNhlaka zoMasipala, futhi kubandakanya isikhulu esiphethe soMsekeli;

(xviiAC) "umasipala" kusho umasipala osungulwe ngokoMthetho weziNhlaka zoMasipala futhi kubandakanya uMsekeli;

(xviiAD) "uMthetho weziNhlaka zoMasipala" kusho uMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

(xviiAE) "uMthetho weziNhlelo zoMasipala" kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

(xviiB) "unyaka kamasipala" kusho isikhathi esiqala mhla lu-1 kuNtulikazi kunoma imuphi unyaka sipele mhla zingama-30 kuNhlanguvana wonyaka olandelayo noma isikhathi esithile esinganqunywa nguNgqongqoshe izikhathi ngezikhathi;

(xviii) "inyanga" kusho isikhathi esiqala osukwini enyangeni ngayinye yekhalenda kuya osukwini olunombolo efanayo enyangeni elandelayo yekhalenda, kubandakanya zombili izinsuku;

(xviiiA) "imisebenzi kazwelonke" kuyokusho ukuqeqeshelwa uMkhosi weZakhamizi noma uMkhosi wamaPhoyisa waseNingizimu Afrika ngenxa yokubamba iqhaza ngokwesigaba 67 soMthetho wezokuVikela, 1957 (uMthetho No. 44 of 1957);

(xix) "ukusebenza isikhathi esingagcwele" kusho ukusebenza ingxenye yesikhathi okuvunyelwe ngaso esingekho ngaphansi kwesigamu futhi okungaphansi okune kokuhlanu kwamahora ejwayelkile okusebenza, nanoma yiziphi ezinye izingxenye ezinganqunywa ngezikhathi ezithile yikomidi;

(xx) "impesheni" kusho isamba semali esikhokhwa minyaka yonke kokhokhelwa impesheni, kobambisene naye, enganeni yakhe noma kumzali ongazimele ngokwale Mithethonqubo;

(xxi) "umvuzo okhokhela impesheni" kusho, ngokwezinhlinzeko zale Mithethonqubo, umvuzo okumele kudonswe kuso inkokhelo, futhi uyobandakanya -

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...

(h) noma yisiphi isibonelelo esingabaluliwe lapha: Kuncike ekutheni uma ilungu lishona noma lithatha umhlalaphansi wempesheni futhi isikhathi salo sokusebenza ngokungagcwele sibandakanyiwe ekusebenzeni kwalo, uma sekubalwa umvuzo walo ophelile umvuzo okhokhela impesheni ngesikhathi sokusebenza kumele unyuswe ngamaphesenti angamashumi amahlanu; kuphinde kuncike ekutheni, nganoma yisiphi isikhathi uma umvuzo okhokhela impesheni yelungu kubandakanya umsebenzi wenkontileka (isigaba 57), inyuka ngaphezu kwalokho obekulindelwe ngobhekele izimali ngezikhathi ezithile ngezinhloso zokubuyekeza ngokoMithethonqubo 13, ikomidi ngokwelulekwa ngobhekele izimali, liyoba namandla okuyalela ukuthi umaziphathe wasendaweni oqasha lelo lungu ukhokha imali ethile ngokomthethonqubo 18 esiKhawamini."

#### Ukuchitshiyelwa kweSahluko VII

4. ISahluko VII ngalokhu siyachitshiyelwa ngokuthi kuguqulwe lokhu okulandelayo:



"ISAHLUKO VII

IMIBANDELA EKHETHEKILE ESEBENZA KUBANTU ABANGAPHANSI KWENKONTILEKA (NGOKUHAMBISANA NOMTHETHO WEZINHLELO ZOMASIPALA)

67. Kulesi Sahluko -

"inkontileka yesikhathi ezingunywe" kusho inkontileka ehambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala;

"inkontileka yesamba esiphelele yomqashi" kusho inkontileka lapho ilungu liqashwe ngesamba esiphelele seholo elihlangene yinkampani;

"uMsebenzi onenkontileka" kusho umuntu osebenzela umazipathe wasendaweni ngenkontileka yesikhathi esithile ngokuhambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);]

"uMthetho weziNhlelo zoMasipala" kusho uMthetho weziNhlelo zoMasipala woHulumeni basekhaya, 2000 (uMthetho No. 32 ka 2000);]

"umvuzo okhokhela impesheni" kusho iphesenti lesamba esiphelele seholo lomsebenzi onenkontileka, sibe yisamba esiphelele kumqashi sokuqasha umsebenzi wenkontileka njengesamba sakhe okungabanjwa kuso esinqunywe ngosuku okuqaliswe ngalo lesi Sahluko: Kuncike ekutheni lowo msebenzi onenkontileka akumele abophezeleke ukuthi ahlephule emalini yakhe okubanjwa kuyo impesheni ngesikhathi eseyilungu lesiKhwama ngenxa yanoma yikuphi ukubanjwa kwezimali kwisamba esiphelele seholo lakhe (esikhathini esibekiwe) senkontileka futhi: Kuphinde kuncike ekutheni ngazikhathi zonke isamba okubanjwa kuso impesheni singaguqulwa yiKomidi ngokubona kwalo ngemuva kokubonisana nobhekele izimali futhi kuphinde kuncike ekutheni umvuzo okhokhela impesheni kubasebenzi abanezinkontileka abaphothula isikhathi sabo senkontileka ngaphambi kokuqala kokusebenza kwalesi Sahluko akumele babanjelwe ngokufanayo.

68. Ngokwehluleka ukuhambisana nezinhlinzeko zale Mithethonqubo, izinhlinzeko (zalesi Sahluko) zeMithethonqubo 69 no 71 ziyosebenza kuphela kubantu abangabasebenzi abanezinkontileka (uma besebenzela uMazipathe wasendaweni isikhathi ezingunywe ngokuhambisana nezinhlinzeko zoMthetho weziNhlelo zoMasipala).

69.(1) Akekho umsebenzi onenkontileka okuyokuthi ngokushesha ngemuva kokuqala ukusebenza esikhathini sakhe esinqunywe senkontileka futhi obeyilungu lesiKhwama, oyophoqeletwa ekuqaleni kwesikhathi sakhe sokusebenza kwinkontileka ukuqhubeka nobulungu esiKhwameni futhi lapho umsebenzi okwinkontileka eqoka ukuqhubeka nokuba yilungu, izinhlinzeko zoMithethonqubo 16 ziyosebenza nezinguquko ezifanele ebulungwini bakhe: Kuncike ekutheni akukho msebenzi okwinkontileka osebenza esikhathini esinqunywe senkontileka obengesilona ilungu lesiKhwama ngesikhathi eqala ukusebenza kwinkontileka oyophoqeletwa ukukhetha ukuba yilungu lesiKhwama.

(2) Iphesenti elidingekayo ukuba lifakwe ngokomthethonqubo 19, 20, 21, no 22 kanye nenye imali okudingeka yengezwe noma inezezelwe ngokomthethonqubo 13 iyobanjwa yonke kwisamba seholo lomsebenzi okwinkontileka, kube yisamba esikhokhwa ngumqashi, futhi konke lokho okufakwe emalini okwehlisa isamba okukhulunywe ngaso kumthethonqubo 73(2) kuyothathwa njengemali efakwe umsebenzi ngezinhloso zoMithethonqubo 71.

70. Izinhlinzeko zoMithethonqubo 24 angeke zisebenze kubasebenzi abanenkontileka.

71. Lapho umsebenzi onenkontileka eshiya ukuba yilungu -

(a) ezimweni ezehlukile kulezo okukhulunywe ngazo kwimithethonqubo 24, 26, 27, 31(4) noma 35; futhi

(b) eyilungu lesiKwama ngokoMthethonqubo 69,

izinhlinzeko zeMithethonqubo 31(l)(a) kanye no (b) ziyosebenza mayelana nenkontileka yesikhathi esinqunyiwe kanye nezinhlinzeko zeSahluko IP ziyosebenza mayelana nanoma yisiphi esinye isikhathi sokusebenza: Kuncike ekutheni ilungu akumele libophezeleke ngokuphindwe kabili ukunalokho elikukhokhayo njengoba kuhlongozwe kwimibandela yoMthethonqubo 35(7).

72. Lapho kuvuselelwa inkontileka yomsebenzi yesikhathi esinqunyiwe sokusebenza nguMaziphathe weNdawo kumele kube nokuqhubeka kobulungu bomsebenzi onenkontileka esikhwameni futhi akumele kumiswe ubulungu ekupheleni kwesikhathi sokuqala nanoma yikuphi okanye ukuvuselelwa emva kwalokho kwaleso sikhathi ezinqunyiwe senkontileka.

73.(1) Uma isikhathi esinqunyiwe senkontileka siphelwa kungaba yilungu noma nguMaziphathe waseNdaweni, noma uma singavuselelwa, ilungu liyothola imihlomulo ehlinzekelwe kuMthethonqubo 71.

(2) Kumele kungabandakanywa izindleko zokuphatha zesiKhwama ekubalweni kwanoma yimuphi umhlomulo okumele ukhokhelwe umsebenzi onenkontileka ngokuhambisana nesigatshana soMthethonqubo (1), kubandakanya nanoma yiziphi izindleko ezimayelana nokubhekwa kokufa noma kokukhubazeka, kwisamba esinqunyiwe izikhathi ngezikhathi yikomidi ngokwelulekwa ngobhekele izimali.

74.(1) Ilungu eliba ngelisebenza ngaphansi kwenkontileka liyokwazisa isiKhwama ngalokho ezinyangeni ezimbili liqale ukusebenza ngokwenkontileka noMaziphathe weNdawo, noma isikhathi ezinganqunywa yikomidi.

(2) Ilungu kungathi kuleso sikhathi sezinyanga ezimbili lifake isicelo esiKhwameni ukuthi imali eliyifakayo ingadonswa kwisamba salo okubanjwa kuso impesheni njengoba kuchazwe ngokomthethonqubo 67, kodwa idonswe kuleso samba okubanjwa kuso impesheni esinganqunywa yilelo lungu. Ukugunyazwa kwaleso sicelo kungancika kwimibandela enganqunywa yiKomidi.

(3) Uma -

(a) ilungu lehluleka ukwazisa isiKhwama ngokwezinhlinzeko zesigatshana soMthethonqubo (1) ukuthi lithola lholo elihlangene;

(b) isicelo selungu ngokwesigatshana soMthethonqubo (2) semukelwa; futhi

(c) imali ekhokhwa yilungu ingathathwa kumvuzo okhokhela impesheni njengoba kuchazwe kumthethonqubo 67,

ukuqhubeka kokusebenza komsebenzi onenkontileka, njengoba kuchaziwe, kungancishiswa yikomidi ngokubonisana nobhekele izimali.

75. Izinhlinzeko zalesi Sahluko ziyosebenza kubo bonke abasebenzi abanenkontileka abazinkontileka zabo ziphothulwe noMaziphathe weNdawo othintekayo ngaphambi kokuqala kokusebenza kwalesi Sahluko.

76. Lapho umsebenzi onenkontileka obephoqelekile ukuba yilungu lesiKhwama ngokuhambisana nomthethonqubo 16(3) ekhetha, ngemuva kokuqala kokusebenza kwalesi Sahluko, ukuqhubeki nokuba yilungu lesiKhwama, Imihlomulo okumele ikhokhelwe lawo malungu lyohambisana nomthethonqubo 71.
77. Akukho okuqukethwe kulesi Sahluko okuyocindezela noma yiliphi elinye ilungelo elitholwe noma elinikezwa umsebenzi onenkontileka ngokwale Mithethonqubo, kuncike ekutheni ubufakazi balelo lungelo elikhulu kumele abe nabo umsebenzi onenkontileka oyokwenza ukuthi iKomidi lineliseke ngokubonisana nobhekele izimali futhi uma linelisekile, liyobe selibophezeleka kuleyo mihlomulo eyengeziwe.

**Isihloko esifingqiwe**

5. Le Mithethonqubo ibizwa ngeMithethonqubo yokuChibiyela yesiKhwama seziMpesheni esiHlanganyele soMasipala saseNatali (iziMali eziBanjwayo), 2008.

No. 53

26 March 2009

**KWAZULU-NATAL DEPARTMENT OF PUBLIC WORKS****KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)****NOTICE IN TERMS OF SECTION 5(3) OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)**

In terms of section 5 of the KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), I, **LYDIA JOHNSON**, MEC for Public Works of the KwaZulu-Natal Provincial Government hereby give notice that I have disposed the under mentioned Provincial State Property by way of letting to a non-profit making organization.

- |    |                              |  |
|----|------------------------------|--|
| 1. | <b>Property description</b>  | : Erf H393 Esikhawini  |
| 2. | <b>Street Address</b>        | : H393 Esikhawini Juba Street Esikhaleni                       |
| 3. | <b>Extent</b>                | : 0,1982 ha.   |
| 4. | <b>Title Deed</b>            | : T52530\1999  |
| 5. | <b>Applicable conditions</b> | : To let the property to Zamani Disabled people's Organization |
| 6. | <b>Current Zoning</b>        | : Administration   |
| 7. | <b>Improvements</b>          | : Building   |

Written representations in regard to the said letting can be made, **within thirty (30) days** of the publication of this notice to:

**Contact Details**

The Head: Public Works

Telephone Enquiries: Miss E.T Mbesa

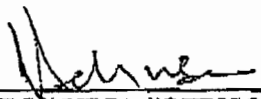
Private Bag X 42

Ulundi

3838

Tel No.: 035-8743110

Fax No.: 035-8742889

  
\_\_\_\_\_  
**MRS LYDIA JOHNSON****MEMBER OF THE EXECUTIVE COUNCIL FOR PUBLIC WORKS  
KWAZULU-NATAL PROVINCIAL GOVERNMENT****18-02-09**  
**DATE**

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**MUNICIPAL NOTICES—IZAZISO ZIKAMASIPALA**

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**No. 16****26 March 2009****UMDONI MUNICIPALITY****Municipal Number: 13/2009****AMENDMENT OF MUNICIPAL CODE (BYLAWS)  
ANIMALS, BIRDS & DOMESTIC PETS BYLAWS  
AMENDMENT TO BYLAWS PERTAINING TO THE KEEPING AND OR SELLING OF AND  
SLAUGHTERING OF LIVESTOCK IN THE COUNCIL AREA**

The Umdoni Municipality, acting in accordance with the provisions of Section 156 (2) of the Constitution of South Africa, 1996 (Act No 108 of 1996), read with Section 162 of the said Act, at a meeting held on 25 February 2009 resolved to amend the Council's Bylaws published in the Provincial Gazette on 27<sup>th</sup> July 2006 under Municipal Notice 11 of 2006 as set out in the schedule hereto.

**MR D D NAIDOO  
MUNICIPAL MANAGER**

**SCHEDULE:**

1. Chapter 2. Animals, Birds and Domestic Pets Bylaws published on the 27<sup>th</sup> July 2006 under Municipal Notice 11 of 2006 is hereby amended by:
  - a) The inclusion, after bylaw 1.2.6 of the following new provision:-
    - 1.3 No person shall keep or sell for slaughter any livestock on any premises controlled in terms of an Urban Town Planning Scheme within the Council's area of jurisdiction except:-
      - 1.3.1 in the case of the slaughter of livestock for indigenous religious or cultural purposes, in accordance with the written authority of the Council;
      - 1.3.2 with the prior written authority of the Council, application for which shall be made to it no less than 30 days prior to the date on which the indigenous religious or cultural event is to take place;
      - 1.3.3 in accordance with the provisions of Section 129 and applicable prescripts of Part V111 of the Red Meat Regulations published on 17 September 2004 in Gazette No 26779 under Notice No 1072, or any amendment or replacement thereto.
      - 1.3.4 in accordance with the Council's Guidelines for such slaughter;
    - 1.4 The Council reserves the right to refuse any application made in accordance with the provisions of bylaw 1.3.2 hereof in the event of the applicant's failure to comply with all applicable requirements.

No. 16

26 kuNdasa 2009

**UMASIPALA WASEMDONI****INombolo kaMasipala: 13/2009**

**ISICHIBIYELO SEMITHETHO KAMASIPALA  
IMITHETHO KAMASIPALA YEZILWANE, IZINYONI KANYE NEZILWANE ZASEKHAYA  
UKUCHIBIYELWA KWEMITHETHO KAMASIPALA EMAYELANA NOKUGCINWA KANYE/ KUMBE UKUDAYISWA  
KANYE NOKUHLATSHWA KWEMFUYO ENDAWENI KAMASIPALA**

UMasipala waseMdoni, usebenza ngokuhambisana nezihlinzeko zeSigaba 156 (2) soMthethosisekelo waseNingizimu Afrika, we-1996 (UMthetho No 108 we-1996), sifundwa neSigaba 162 soMthetho oshiwo, emhlanganweni owawumhla zingama- 25 kuNhlolanja wezi- 2009, wathatha isinqumo sokuchibiyela iMithetho kaMasipala yoMkhandlu eyashicilelwa kwiGazethi yesiFundazwe mhla zingama- 27 kuNtulikazi wezi- 2006 ngaphansi kweSaziso sikaMasipala se-11 sonyaka wezi- 2006 njengalokhu sibekwe lapha kwisheduli.

MNU D D NAIDOO  
IMENENJA KAMASIPALA

**ISHEDULI:**

1. Isahluko sesi-2. IMithetho kaMasipala yeZilwane, iZinyoni kanye neZilwane Zasekhaya eyashicilelwa ngomhla zingama- 27 kuNtulikazi wezi-2006 ngaphansi kweSaziso sikaMasipala se-11 sonyaka wezi-2006 lapha iyachibiyelwa:
  - a) Ukufakwa kwalesi sihlizwe esisha esilandelayo, emva komthetho kamasipala 1.2.6:-
    - 1.3 Akukho muntu ongacina noma adayise nanoma yiyiphi imfuyo ngenhloso yokuthi ihlatshwe kunoma yimaphi amagceke alawulwa ngokoHlelo lokuHlelwa kweDolobha ngaphansi kwendawo eyenganyelwe nguMkhandlu ngaphandle:-
      - 1.3.1 kwasesimweni lapho ukuhlathwa kwemfuyo kungokokufeza imicimbi yezenkolo noma yamasiko, ngokuhambisana nemvume ebhalwe phansi yoMkhandlu;
      - 1.3.2 kokuqala uthole imvume ebhalwe phansi yoMkhandlu, isicelo kumele senziwe kuwona kusasele ezingengaphansi kwezinsuku ezingama-30 ngaphambi kosuku umcimbi wezenkolo noma wamasiko ozokwenzeka ngalo;
      - 1.3.3 kokuhambisana nezihlinzeko zeSigaba 129 kanye nemiyalelo efanele yeNgxenywe V111 yeMithethonqubo Yenyama Ebomvu eyashicilelwa ngomhla ziyi- 17 kuMandulo wezi- 2004 kwiGazethi No 26779 ngaphansi kweSaziso No 1072, noma esinye isichibiyelokumbe okungena esikhundleni saso.
      - 1.3.4 kokuhambisana neZinkombandlela zoMkhandlu zalokho kuhlaba;
    - 1.4 UMkhandlu unelungelo lokunqaba nanoma yisiphi isicelo esenziwe ngokuhambisana nezihlinzeko zoMthetho 1.3.2 esimweni lapho umfakisisicelo ehluleka ukuhambisana nezidingo ezifanele.

No. 17

26 March 2009

## MSINGA MUNICIPALITY



### PUBLIC NOTICE CALLING FOR INSPECTION OF VALUATION ROLL AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government Municipal Property Rates Act, of 2004 (Act No. 6 of 2004), that the Msinga Municipality has a copy of the certified Valuation Roll for the financial years 1 July 2009 to 30 June 2013 is open for public inspection at the Municipal Office or the website: [www.msinga.org](http://www.msinga.org).

The copy of the Valuation Roll is available for inspection at the Municipal Offices, Main Road Tugela Ferry, during normal hours (Monday to Friday between 07:30 and 16:00) for a period of 60 (sixty) days from the date of publication.

Members of the public, stakeholders and interested parties are invited to lodge an objection in respect of any matter in, or omitted from the roll by way of the prescribed objection form which is available at the Municipal Offices, Main Road Tugela Ferry during normal hours (Monday to Friday between 07:30 and 16:00) for a period of 60 (sixty) days from the date of publication of this notice.

Any person who wishes to lodge an objection must lodge such objection in writing by way of the prescribed form to the Municipal Manager, Private Bag X530, Tugela Ferry, 3010 or deliver such objection to the Municipal Offices, Main Road, Tugela Ferry, 3010.

For enquiries please contact or come to the Municipal Offices: Mrs H Timol at 033-4930761/2 or email address : [hajra.timol@lgnet.org.za](mailto:hajra.timol@lgnet.org.za)

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**MUNICIPAL MANAGER**

**Date.....**

No. 17

26 kuNdasa 2009

**MSINGA MUNICIPALITY****SIMEMA UMPHAKATHI UKUBA UZOHLOLA UHLU LWEZILINGANISO  
MANANI NOKUFAKA ISICELO SOKUPHIKISA**

Kwaziswa umphakathi ngokwesigaba 49(1)(a)(i) soMthetho woHulumeni Basemakhaya: UMthetho wentele yoBuninimhlaba kaMasipala ka 2004, (Umthetho ongunombolo 6 wa 2004), obuye ubizwe ngokuthi "uMthetho", ukuthi uhlu lwamanani ezakhiwo aklanyiweyo aleminyaka yezimali 01 Julayi 2009 kuya kumhla ka 30 Juni 2013 seluvulelekile ukuthi umphakathi uluhlale emahhovisi kaMasipala waseMsinga noma website: [www.msinga.org.za](http://www.msinga.org.za).

Ikhophi yezilinganisomanani iyatholakala emaHhovisi kaMasipala eTugela Ferry, ngezikhathi zomsebenzi kusukela ngo 07:30 kuya ku 16:00 isikhathi esilinganiselwa ku 60 wezinsuku.

Kumenywa noma ngubani ongumnikazi wesakhiwo kumbe ungumnikazi womhlaba noma omunye nje-ke umuntu onesifiso sokuba afake isicelo sokuphikisa nganoma ikuphi okusohlwini lwezilinganisomanani noma okusalile ohlwini lwezilinganisomanani phakathi kwesikhathi esibekwe ngenhla.

Kulabo abafisa ukuzwakalisa ukuphikisa ,Bangafaka isicelo sokuphikisa esibhaliwe basiqondise kuMenenja kaMasipala, Private Bag X530,Tugela Ferry, 3010 noma basilethe ngesandla emahhovisi kaMasipala Msinga ku Main Road , Tugela Ferry,3010.

Uma ninemibuzo ningaxhumana no: Mrs H Timol, kulenombolo: (033)493 0761/2 ngezikhathi zomsebenzi noma kwi Email: [hajra.timol@lgnet.org.za](mailto:hajra.timol@lgnet.org.za)

FB Sithole

Usuku: 2009/03/16

iMenenja kaMasipala



No. 18

26 March 2009

**DANNHAUSER MUNICIPALITY****PUBLIC NOTICE****CALLING FOR INSPECTION OF VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(i) of the Local Government Municipality Property Rates Act no 6 of 2004, herein after referred to as the "Act" that the valuation roll for the financial years 1 July 2009 to June 2013 is open for public inspection at the office of Municipality Library , 8 Church Street , Dannhauser during office hours 08h00 to 16h00 Mondays to Fridays from 4 March 2009 to 15 April 2009. In addition the valuation roll will also be available at Hattingspruit Offices, or on website , [www.dannhauser.gov.za](http://www.dannhauser.gov.za) until close of the business.

An invitation is hereby made in terms of Section 49(1)(a) (ii) of the Act that any owner of property, or other person who so desires, should lodge an objection with the Municipal Manager in respect of any matter reflected in , or omitted from the valuation roll within the abovementioned period .

Attention is specifically drawn to the fact that, in terms of section 50(2) of the Act, an objection must be in the relation to a specific individual property and not against the valuation roll.

Objection forms are available at the above address or website. These objection forms must be filled and submitted or posted to the Municipal Manager, 8 Church Street, Dannhauser, 3080, and or handed in at the office of the Municipal Manager, 8 Church Street, 3080.

Any queries related to this advertisement may be directed , Ms F Zamani at 8 Church Street ,office no 16 main building of Head Office who can also be contacted on ( 034) 621 2666 during office hours commencing from 07h30 – 16h00 with lunch interval between 13h00 – 13h30.

NKOSI WB  
MUNICIPAL MANAGER

**ADVERTISEMENTS—ADVERTENSIES—IZIKHANGISO**

Annexure D

**FORM OF NOTICE TO BE PUBLISHED IN NEWSPAPER**  
[Regulation 21(10) of the Development Facilitation Regulations in terms of the  
Development Facilitation Act, 1995]

**NDEBELE KIRBY PLANNERS cc.**  
(For and on behalf of Limosa Investments 111),  
P O Box 1326, Wandsbeck, 3631

has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on:

Rem of Portion 18 of Lot 69 No. 917

Commonly referred to as Bluegum Estate

The approval of the following will be requested in the application

- 26 Equestrian Residential erven
- 6 Private Recreation erven
- 1 conservation erf
- Roads
- Installation of all necessary bulk, link & internal infrastructure
- Suspension of laws
- Extension of the Umhlali Beach Town Planning Scheme
- Approval of plan no. 2638
- Approval of conditions of establishment and land use controls

The relevant plan(s), document(s) and information are available for inspection at:

The KwaDukuza Municipal Offices, 10 Leonora Drive, Ballito (Monday to Friday from 07h30-16h00) for a period of 21 days from 27 March 2009.

The application will be considered at a tribunal hearing to be held at:

**Ballito Council Chamber, 10 Leonora Drive, Ballito on 12 June 2009 at 10h00.**

All interested and affected parties are hereby informed that they may attend an inspection in loco of the land development area, which will be conducted by the Tribunal on **11 June 2009 at 14h00. (Meeting point for the site inspection will be the Municipal offices, 10 Leonora Drive at 13h45).**

The pre-hearing conference will be held at **Ballito Council Chambers, 10 Leonora Drive, Ballito on 28 April 2009 at 12h00.**

Any person having an interest in the application should please note:

1. You may within a period of 21 days from the date of the first publication (26 March 2009) of this notice, provide the designated officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on the date mentioned above (28 April 2009).

Any written objection or representation must be delivered to the Designated Officer;

**Mr Mava Ntanta at: the KwaDukuza Municipal office, 10 Leonora Drive, Ballito or P O Box 5, Ballito, 4420.**

You may contact the Designated Officer if you have any queries on:

Tel: 032-9468000 Fax: 032-9468067 Email: [mavan@kwadukuza.gov.za](mailto:mavan@kwadukuza.gov.za)

Isijobelelo D

## IFOMU LESAZISO ESIFAKWA EPHEPHANDABENI

[UMTHETHO 21(10) WEMITHETHO YOKUKHUTHAZA INTUTHUKO NGOKULANDELA UMTHETHO WOKUKHUTHAZA INTUTHUKO KA, 1995]

**NDEBELE KIRBY PLANNERS cc.**  
(On behalf of Limosa Investments 111)  
P.O. Box 1326, Wandsbeck, 3631

Ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa ekwi:

Ngxenywe yesiqeshana esingu 18 sepulazi u 69 elingu No. 917

Intuthuko ibandakanya lokhu okulandelayo:

- Zingomashumi omabili nesithuphe isis sokuhlea ezinezitebela zamahashi
- Ziyisithuphe iza zokungcebelka ezikhethekile
- Sisodwa isiza sokulondoloza
- imiqwaqo
- Ukufakwa kwayoyonke ingqalasizinda, exhumanisayo kanye neyangaphakathi
- Ukumiswa kweminye imithetho
- Ukwandiswa komqingo wokuhlela wentuthuko yedolobha lase Port Zimbali
- Ukugunyazwa kwepulani engunombolo 2638
- Ukugunyazwa kwemibandela yokusungula intuthuko nokulawulwa kwayo

Ipulani/Amapulani incwadi/izincwadi nemininigwane edingekayo ukuze ihlolwe itholakala: E-KwaDukuza Municipal Offices, 10 Leonora Drive, Ballito (NgoMsombuluko kuya kolweSihlanu ngo 07h30-16h00), kungeqi ezinsukwini ezingu 21 kusukela kumhla-ka **27 March 2009**.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala  
**E- Ballito Council Chambers, 10 Leonora Drive, Ballito mhla-ka 12 June 2009 ngo 10h00.**

Wonke umuntu onentshisekelo noma othintekile uyaziswa ukuba abekhona lapho kuhlolwa mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo ngomhla-ka **11 June 2009 ngo 14h00**. (Indawo lapho kuyohlanganyelwa khona mhla kuyohlolwa umhlaba isemahhovisi kaMasipala wase , 10 Leonora Drive Ballito ngo 13h45).

Umhlangano wokwendulela umhlangano weNkundla yokulalela uyoba **E-Ballito Council Chambers, 10 Leonora Drive, Ballito mhla-ka 28 April 2009 ngo 12h00**.

Noma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu:

1. Ezinsukwini ezingeqile kwezingu 21 lesi sazi sokuqala simenyezwe (26 March 2009), unganikeza isiphathi-mandla esiqokiwe isikhalo noma umbono wakho obhalwe phansi; noma.
2. Uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngenhla. (28 April 2009)

Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathi-mandla esiqokiwe, u**Mr Mava Ntanta eKwaDukuza Municipal office, 10 Leonora Drive, Ballito or P O Box 5, Ballito, 4420**

Futhi ungathintana nesiphathi-mandla esiqokiwe uma unemibuzo:

Inombolo yocingo: 032-9468000 Inombolo yesikhahlamezi: 032-9468067 E-mail : mavan@kwadukuza.gov.za

## NOTICE OF LAND DEVELOPMENT APPLICATION

Annexure D / Part 5

## ROCKY RIDGE TOWNSHIP

DFA 2009/153

[Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995]

**HELENA JACOBS** <sup>153</sup> (Acting on behalf of Rocky Ridge Farming and Investments (Pty) Ltd), P.O. Box 1224, Ballito, 4420 has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on:

1. Remainder of Portion 4 of the Farm Chaka's Kraal No. 865 – 73,7205ha;
2. Portion 42 (of 21) of the Farm Chaka's Kraal No. 865 – 12,1406ha;

(TO BE REDESIGNATED ERF 3447 SHAKAS KRAAL ON REGISTRATION)

Registration Division FU, Province of KwaZulu-Natal, Municipal Area of KwaDukuza, in total extent 75,8611 hectares.

The approval of the following will be requested in the application:

- Approximately 921 Special Residential 4 Erven
- A total of 11 Intermediate Residential Erven for purposes of developing approximately 253 units,
- Nine 'General Residential' Erven for purposes of developing approximately 829 residential units,
- Two 'General Commercial' Erven;
- Two 'Community Facility' Erven,
- Eight 'Public Place' Erven;
- Roads
- Conservation Areas
- Installation of all necessary bulk, link and internal infrastructure;
- Suspension of certain laws;
- Extension of Shakaskraal Town Planning Scheme;
- Amendments to the Shakaskraal Town Planning Scheme;
- Approval of the layout plan; and
- Approval of conditions of establishment and land use controls.

The relevant plan(s), document(s) and information are available for inspection at

The Office of the Designated Officer, Mr. M Ntanta, KwaDukuza Municipality, Ballito, 10 Leonora Drive, (Monday to Friday from 8h00-16h00) for a period of 21 days from 26 March 2009. (date of first publication of this notice).

The application will be considered at a Tribunal hearing to be held at **The KwaDukuza Municipality, Ballito Council Chamber, 10 Leonora Drive, Ballito on 5 June 2009 at 10h00** and the Pre-hearing conference will be held at **The KwaDukuza Municipality, Ballito Council Chamber, 10 Leonora Drive, Ballito on 28 April 2009 at 10h00**. All interested and affected parties may attend an inspection in loco of the land development area which will be conducted by the Tribunal on **4 June 2009 at 14h00**. Meeting point for the site inspection will be the Municipal Offices, 10 Leonora Drive, Ballito at 13h30.

Any person having an interest in the application should please note:

1. You may within a period of 21 days from the date of the first publication of this notice (i.e. 26 March 2009), provide the designated officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal at the Pre-hearing conference on the date mentioned above (i.e. 28 April 2009).

Any written objection or representation must be delivered to the designated officer at

**Mr. M Ntanta**  
P.O. Box 72  
KwaDukuza  
4450

and you may contact the designated officer at the following :

Telephone Number : (032) 946 8000 / (032) 437 5000 Fax Number : (032) 946 8067

Copies of any written objection(s) or representation(s) must also be delivered to the representative of the applicant at the address given above, Telephone Number (032) 946 1361 and Fax (032) 946 0192, e-mail : [helen.jacobs@vodamail.co.za](mailto:helen.jacobs@vodamail.co.za).

## ISAZISO SESICELO SKUTHUTHUKISA INDAWO

## ROCKY RIDGE TOWNSHIP

DFA 2009/153

[UMTHETHO 21(10) WEMTHETHO YOKUKHUTHAZA INTUTHUKO NGOKULANDELA UMTHETHO WOKUKHUTHAZA INTUTHUKO KA, 1995]

**HELENA JACOBS**<sup>TSF</sup> (*Acting on behalf of Rocky Ridge Farming and Investments Pty Ltd*), P.O. Box 1224, Ballito, 4420 Ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa eku:

1. Remainder of Portion 4 of the Farm Chaka's Kraal No. 865 – 73,7205ha;
2. Portion 42 (of 21) of the Farm Chaka's Kraal No. 865 – 12,1406ha;

[TO BE REDESIGNATED ERF 3447 SHAKAS KRAAL ON REGISTRATION]

Registration Division FU, Province of KwaZulu-Natal, Municipal Area of KwaDukuza, in total extent 75,8611 hectares.

Intuthuko izobandakanya loku:

- Izindlu zokuhlala ezingaba 921 esizeni esingunombolo 4
- Ukuthuthukiswa kweziza eziyishumi nanye (11) ngenhloso yokwakha izindawo zokuhlala ezingu 253,
- Ukuthuthukiswa kweziza "Zikwakha izindlu eziyalekile" ezingaba u 829,
- Iziza ezimbili 'Zokuhweba ngokujwayelekile';
- Iziza ezimbili 'Zamalungiselelo ezidingo zoMphakathi',
- Izindawo eziyisishiyagalolunye 'ZoMphakathi';
- Imigwaqo
- Izindawo zokugcina imvelo
- Ukufakwa kwazo zonke izidingo, ezizoxhumana kanye nengqalasizinda yangaphakathi;
- Ukugudluzwa kwemithetho ethize;
- Ukwandisa kwendawo yokuhlela idolobha iShakaskraal;
- Ukuchitshiyelwa kohlelo lokuthuthukisa idolobha iShakaskraal;
- Ukugunyazwa kwepulani kanye;
- Ukugunyazwa kwemibandela yokusungulwa kokusetsheziswa komhlaba nokuwulawula.

Amapulani neminingwane edingekayo ukuze ihlolwe itholakala Ku:

Emahhovisi akaMasipala Mnuz Ntanta, 10 Leonora Drive, Ballito emahovisi akaMasipala wakwaDukuza, (ngoMsombuluko kuya kuLwesihlanu, isikhathi 08h00-16h00) isikhatini ensingeqile ezinsukwini ezingu (21) kusuka kumhla-ka **26 March 2009**. Kushicilelwe lesisaziso.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala: eMahhovisi oMkhandlu kaMasipala wakwaDukuza eBallito 10 Leonora Drive, Ballito mhlaka **5 June 2009 ngo 10h00**. Umhlango wokwendulela ukuhlalana uyoba Ballito Council Chamber, KwaDukuza 10 Leonora Drive Ballito mhlaka **28 April 2009 ngo 10h00**

Wonke umuntu onentshisekelo kulesicelo noma othintekile uyanxuswa ukuba abekhona lapho kuklola mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo mhlaka **4 June 2009 ngo 14h00**. Indawo lapho kuyohlalanelwa khona mhlaka kuyohlolwa umhlaba ingandle kwase mahhovisi kaMasipala wakwaDukuza, 10 Leonora Drive, Ballito, ngo 13h30.

Noma yimuphi umuntu onentshisekelo mayelana nesicelo kumeme aqaphele loku:

1. Zingalapheli izinsuku ezingu21 kusukela kushicilelwe lesisaziso (mhlaka 26 March 2009) afake uvo, noma isiphakamiso sakhe.
2. Uma uphikisana nalesicelo kufanele uzifikele mathupha noma uthumele ozokumela, emhlanganweni wonhlaka 28 April 2009.

Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelweku:

**Mava Ntanta**  
P.O. Box 72,  
STANGER  
4450

Inombolo yocingo : (032) 946 8000 / (032) 437 5000  
Inombolo yesikhahlezi : (032) 946 8067

Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathimandla esiqokiwe:

**HELENA JACOBS**<sup>PSI</sup>  
Inombolo yocingo : (032) 946 1361  
Inombolo yesikhahlezi : (032) 946 0192  
e-mail : [helen.jacobs@vodamail.co.za](mailto:helen.jacobs@vodamail.co.za)

ETHEKWINI MUNICIPALITY  
OUTER WEST ADMINISTRATIVE AREA  
AMENDMENT TO THE  
CONSOLIDATED OUTER WEST TOWN PLANNING SCHEME  
IN THE COURSE OF PREPARATION

Notice is hereby given in terms of Section 47 bis of the Town Planning Ordinance No. 27 of 1949 (as amended) that Council intends to amend the Consolidated Outer West Town Planning Scheme in the course of preparation by the addition to Table A : Types of Building and Land Use of a new definition "Veterinary Clinic" and the addition of the proposed use to Table C : Use Zones as a free entry use in the Veterinary Hospital zone and a special consent use in agricultural, residential, administration, commercial and mixed use zones.

Copies of the proposed amendment and the relevant plans and documents are open for inspection at the Civic Offices, 22 Delamore Road, Hillcrest.

Any person having sufficient interest in the proposed amendment may lodge written objections or representations relating thereto with the undersigned by 30 April 2009.

Manager : Planning and Development  
Outer West Administrative Area  
P. O. Box 36  
Kloof  
3640

22 Delamore Road  
Hillcrest

## UMKHANDLU OMKHULU WETHEKU

IHHOVISI LEZOKUPHATHA ENTSHONALANGA ENGAPHANDLE ISIPHAKAMISO  
NGEZICHIBIYELO : KUSOMQULU ODIDIYELWE WOKUHLELWA KWEDOLOBHA  
ENTSHONALANGA ENGAPHANDLE

Kukhishwa isaziso sokuthi kufakwe isicelo eMkhandlwini ngokwesiGaba 47 sika B sikaSomqulu weMithetho wokuHlelwa kweDolobha sike 1949 (Ord. No. 27 ka 1949) (njengoba sichitshiyelwe) niyaziswa esifakwe kuMkhandlu weTheku oseNtshonalanga engaphandle mayelana noguquko kumSomqulu wokuHlelwa kweDolobha, odidiyelwe waseNtshonalanga Engaphandle, ukuthi imvumea yokuchibiyela uhlelo lwedolobha oluphezu kwamalungiseleleo ngokushintsha.

**Hlongozwayo** the addition to Table A : Types of Building and Land Use of a new definition "Veterinary Clinic" and the addition of the proposed use to Table C : Use Zones as a free entry use in the Veterinary Hospital zone and a special consent use in agricultural, residential, administration, commercial and mixed use zones

Imibhalo neminingwano iyatholakala ngezikhathi zomsebenzi emahhovisi omkhandlu ase Hillcrest.

Iziphakimiso nemibono ingathunyelwa ngaphambi komhlaka 30 April 2009.

Manager : Planning and Development  
Outer West Administrative Area  
P. O. Box 36  
Kloof  
3640

22 Delamore Road  
Hillcrest

**ZIMBALI TOWN PLANNING SCHEME  
(IN COURSE OF PREPARATION)  
PROPOSED AMENDMENT**

Notice is hereby given in terms of Section 47 bis B of the Town Planning Ordinance, No. 27 of 1949, that the KwaDukuza Council intends to consider the following amendment to the Zimbali Town Planning Scheme:

**The proposed rezoning of Erf 159, Zimbali from "Residential Area 6" to "Conservation" purposes.**

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before 17 April 2009 with : The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at The Secretary : Development and Planning Section, KwaDukuza Municipality, 10 Leonora Drive, Ballito. The application will lie for inspection from the 27 March 2009

**Name and address of applicant**

Tongaat Hulett Development Pty (Ltd)

Represented by

AF Planning Consultants

P.O. Box 234

Ballito, 4420

Suite 3, Siza Water Complex

2 Ray's Place

Tel :032-946 0151

Fax : 032-946 0984

**Date of Publication of Advert : 26 March 2009.**



**UMASIPALA WA KWADUKUZA  
OLUNGUMHLAHLANDLELA WEDOLOBHA LASE – ZIMBALI  
ISICHIBIYELO ESIHLONGOZWAYO**

Lapha kukhishwa isaziso ngokwemigomo yoMthetho u-Section 47 bis B okuyiMthetho engumhlahlandlela yamadolobha oMasipala, onguNo. 27 ka 1949, njengokuchibiyelwa kwayo, ukuthi umkhandlu wakwaDukuza uhlongoza ukuchibiyela uhlelo olungumhlahlandlela wedolobha kubalulwa lapha ngezansi.

**The proposed rezoning of Erf 159, Zimbali from “Residential Area 6” to “Conservation” purposes.**

Bonke abafisa ukuphikisana nesicelo sokushintsha ukusetshenziswa kwendawo bangaletsha imibono yabo phambi kuka 17 April 2009 kulelikheli elilandelayo with The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Abaphikisayo kumelobaszise umphakathi wakwa Masipala bachaze kabanzi ukuthi ikhophi yesaziso sinikwe kulowo ofake isicelo kuleli kheli elingenzansi ngeposi noma ngokuyinikezela ngesandla. Isikhalazo esifika sekudlule nogkuyinikezela ngesandla. Isiskhalazo esifika sekudlule usuko olubhaliwe / noma isikhalazo esingafrikanga kulowo osifakile isicelo ngekesibalwe.

Imidwebo ne mininingwane ehambisana nalesicelo ingabonakala kumahhovisi kaMasipala kusukela ngo msombuluko kuya kulwesihlanu (ngaphandle kwaMaholidi) kusukela ngo 08h00 ekuseni kuyaku 16h00 ntambama.

**Igama Nekheli Lalowo Ofaka Isicelo**

Tongaat Hulett Development (Pty) Ltd

Represented by

AF Planning Consultants

P.O. Box 234

Ballito, 4420

Suite 3, Siza Water Complex

2 Ray's Place

Tel :032-946 0151

Fax : 032-946 0984

**Date of Publication of Advert : 26 March 2009.**

**MTUBATUBA MUNICIPALITY****AMENDMENT TO THE MTUBATUBA TOWN-PLANNING SCHEME IN COURSE OF PREPARATION: PROPOSED REZONING OF ERF 2721, MTUBATUBA, FROM "GENERAL RESIDENTIAL" TO "LIMITED BUSINESS"**

Notice is hereby given in terms of section 47 *bis* (1) (a) of the Natal Town-planning Ordinance, No. 27 of 1949, as amended, that the Mtubatuba Municipality is about to consider an application received for the rezoning of Erf 2721, from "General Residential" to "Limited Business".

Details of the proposed amendment together with all the relevant documents are open for inspection by the public in the council's offices, at Inkosi Mtubatuba Road, Mtubatuba, during normal office hours.

Written objections against or representations concerning the proposed amendment should reach the Municipal Manager within 21 days from date of advertisement at the following address:

**Dr EMS NTOMBELA, Municipal Manager**

Mtubatuba Municipality, P.O. Box 52, Mtubatuba, 3935

**MTUBATUBA MUNICIPALITY****WYSIGING AAN DIE MTUBATUBA STADSBEPLANNINGSKEMA IN WORDING:  
VOORGESTELDE HERSONERING VAN ERF 2721, MTUBATUBA**

Kennisgewing geskied hiermee ingevolge die bepalings van artikel 47 *bis* A (1) van die Dorpsbeplanningsordonnansie, No. 27 van 1949, soos gewysig, van die voorneme van die Mtubatuba Munisipaliteit om die aansoek ontvang vir die hersonering van Erf 2721, Mtubatuba, volgens die voorskrifte van die Mtubatuba Stadsbeplanningskema in wording, vanaf "Algemene Woon" na "Beperkte Besigheid", te oorweeg.

Besonderhede van die voorgestelde hersonering met die toepaslike dokumente lê gedurende kantoorure vir die publiek ter insae te die raad se kantore, Inkosi Mtubatuba Pad, Mtubatuba.

Skriftelike besware teen of verhoë aangaande die voorgestelde wysiging moet die Munisipale Bestuurder binne 21 dae van die datum van hierdie advertensie by die volgende adres bereik:

**Dr EMS NTOMBELA, Municipal Manager**

Mtubatuba Munisipaliteit, Posbus 52, Mtubatuba, 3935

**ETHEKWINI MUNICIPALITY****OUTER WEST ADMINISTRATIVE AREA****AMENDMENT TO THE CONSOLIDATED OUTER WEST TOWN-PLANNING SCHEME IN COURSE OF PREPARATION**

Notice is hereby given that application has been made to the Council in terms of section 47 *bis* B of the Town-planning Ordinance (No. 27 of 1949) as amended, for authority to amend the Consolidated Outer West Town-planning Scheme in course of preparation by rezoning:

Erf 1249, Kloof, being 76 Old Main Road, Kloof, from Special Residential to Transitional Office.

Copies of the proposed amendment are open for inspection at the Civic Offices, Hillcrest, during normal office hours.

Any person having sufficient interest in the proposed amendment may lodge written objections or representations relating thereto with the Manager: Planning and Development at the address below by Friday, 17th April 2009.

**Mr R MOODLEY, Manager: Planning and Development**

eThekweni Municipality, Hillcrest Area Office, P O Box 36, Kloof, 3640; 22 Delamore Road, Hillcrest, 3610

**uMASIPALA WASETHEKWINI****INDAWO YOKUPHATHWA KWEHHOVISI LEZINDAWO****EZINGAPHANDLE KWENTSHONALANGA ISICHIBIYELO SOHLELO LOKUHLELWA KWEDOLOBHA LEZINDAWO  
EZIHLANGANISIWE EZINGAPHANDLE KWENTSHONALANGA OLUSALUNGISELELWA**

Kukhishwa isaziso sokuthi sesifakiwe isicelo kuMkhandlu ngokweziGaba 47 *bis* B se-Odinensi yokuHlelwa kweDolobha, ye 1949 (i-Odinensi No. 27 ye 1949) njengalokhu ichitshiyelwe, sokunikezwa igunya lokuchibiyela uHlelo loku Hlelwa kweDolobha leziNdawo Ezihlanganisiswe Ezingaphandle kweNtshonalanga olusephezu kwamalungiselelo ngokuklama kabusha:

Isiza 1249, E-Kloof, KU-76, Old Main Road, Kloof, ukusuka ekubeni: Indawo yokuHlala Eeyisipepesheli, sibe iHhovisi Lesikhathi Soguquko.

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Amakhophi alesi sichibiyelo esihlongozwayo avulekile ukuba ahlolwe eMahhovisi oMphakathi, eHillcrest ngezikhathi zokusebenza ezejwayelekile.

Nanoma yimuphi umuntu onetshisekelo eyanele kulesi sichibiyelo esihlongozwayo angafaka iziphikiso kumbe izethulo zakhe ezimayelana nalokhu ngokuthi abhalele uMqondisi: Ukuhlela Nokuthuthukisa, kuleli kheli elingezansi ngaphambi kwaLwesihlanu, mhla ziyi-17 kuMbasa wesi-2009.

**Mnu R MOODLEY, Imenenja: Ukuhlela Nokuthuthukisa**

uMasipala waseThekwini, IHhovisi leNdawo yaseHillcrest, P O Box 36, Kloof, 3640; 22 Delamore Road, Hillcrest, 3610

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