



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

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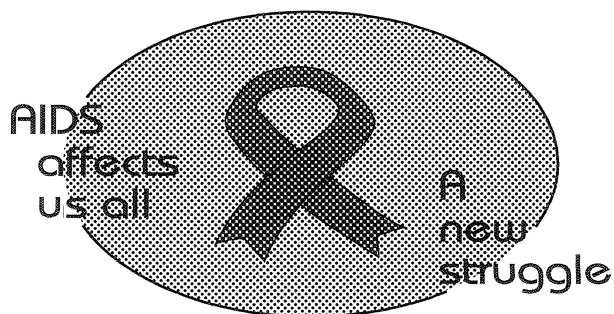
Vol. 5

PIETERMARITZBURG,

18 OCTOBER 2011
18 OKTOBER 2011
18 kuMFUMFU 2011

No. 653

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MUNICIPAL NOTICES—IZAZISO ZIKAMASIPALA

No. 126**18 October 2011****Statutory Notice No. 2650****Notice of Expropriation**

Issued by the eThekweni Municipality
In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)
Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975).

TO: Estate Late Muthusamy Padayachi, c/o Mr S Padayachi, 10 Sparrow Avenue, Lenasia 1827
and as per e-mail address: spadayachi@logiman.co.za

AND TO: All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in Section 9(1)(d) of the Expropriation Act, 1975.

NOTICE is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in that province on 13 June 2011, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated is the following:

Remainder of Portion 43 (of 20) of the Farm Buffels Bosch No. 965, in extent 7578m², Registration Division FT, Province of KwaZulu-Natal held under Deed of Transfer No. T2359/1968.

PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 01 October 2011 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 01 October 2011.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.

- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners in the sum of R114 000 (One Hundred and Fourteen Thousand Rand) for the land hereby expropriated which compensation is determined in terms of section 12(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with the sum of 10 700 (Ten Thousand Seven Hundred Rand) in terms of section 12(2)(b) of the Expropriation Act.

PAYMENT of the compensation offered will be made in terms of section 11 of the Expropriation Act, 1975.

ATTENTION is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

YOUR ATTENTION is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

(1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-

- (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
- (d) if the property being expropriated is land-
 - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
 - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;

- (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
- (iv)
- (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2)

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;
- (b)

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

- (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-
 - (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
 - (ii) an amount to make good any actual financial loss caused by the expropriation; and
- (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:
Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-
 - (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
 - (bb) in any other suitable manner.

- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
- (a) ten per cent of such total amount, if it does not exceed R100 000; plus
 - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
 - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
 - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3) (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1): Provided that –
- (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
 - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
 - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
 - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –

- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
- (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
- (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
- (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
- (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
- (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
- (g)
- (h) Account shall also be taken of -
 - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
 - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
 - (iii)
 - (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
 - (i)
 - (j)

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to

be served on the Municipality must be delivered to the address provided in the contact details at the foot of this Notice.

CITY MANAGER
ETHEKWINI MUNICIPALITY

Date: 4 August 2011

cc Registrar of Deeds
Private Bag X9028
PIETERMARITZBURG
3200

CONTACT PERSON: Ronell Visser (Mrs)

CONTACT DETAILS:

Physical Address: 90 Qashana Khuzwayo (Shepstone) Road, New Germany
Postal Address: P O Box 49, Pinetown 3600
Telephone No: 031 – 3116516
Fax No.: 031 – 3116522
e-mail address: visserr@durban.gov.za

Isaziso No. 2650

Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (Umthetho No. 63 ka-1997),
sifundwa nezigaba 1, 6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975
(Umthetho No. 63 ka-1975).

SIYA KULABA: Estate Late Muthusamy Padayachi, c/o Mnu. S Padayachi, 10 Sparrow Avenue, Lenasia
1827 nasekhelini le-email elithi: spadayachi@logiman.co.za

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kulo mhlaba ochazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (Umthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo efanele lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali oqondene nezezindlu mhla ka-13 Juni 2011, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act no. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odliwayo uchazwe kanje emabhukwini okubhaliswe kuwona umhlaba:

Remainder of Portion 43 (of 20) of the Farm Buffels Bosch No. 965, olinganiselwa ku-7578m² ubukhulu, Registration Division FT, eSifundazweni saKwaZulu-Natali, itayitela lobunikazi bawo elingunombolo: T2359/1968.

NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- a. Usuku lokudla lo mhlaba umhla ka-1 Okthoba 2011 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- b. Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-1 Okthoba 2011.
- c. Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela

intela kanye nezinye izimali ezibizwayo, futhi angeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo amali engeniswa yiwo.

- d. Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi isinxephezelo esingu-R114 000 (amarandi ayizinkulungwane eziyikhulu neshumi nane) ngalo mhlaba odliwayo kanti lesi sinxephezelo sinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba esingu-R10 700 (amarandi ayizinkulungwane eziyishumi namakhulu ayisikhombisa) ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act.

UKUKHOKHWA kwalesi sinxephezelo kwenziwa ngaphansi kwesigaba 11 somthetho i-Expropriation Act, 1975.

KUFANELE KUQASHELWE ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

QAPHELA isigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela leso sinxephezelo noma cha, uma esamukela, leso samba esibizwa uyena njengesinxephezelo nokuthi

yingxenywe engakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephelile yokuthi zakheke kanjani lezo zamba;

- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSizabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelile yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelile ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-

- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenywe yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelile yesivumelwano, uma singabhalisiwe phansi;

- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;

- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akwetwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;

- (iv)

- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelele nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyizinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2)

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (a) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;
- (b)

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

(1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seqe -

(a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-

(i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye

(ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti

(b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -

(aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma

(bb) nganoma iyiphi enye indlela efanele.

(2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –

(a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye

(b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye

- (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye
- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqala ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
 - (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
 - (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
 - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso,kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
 - (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.

- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.
- (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
 - (b) ukufaneleka kwalowo mhlaba noma kwaleso sakihiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakihiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
 - (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
 - (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakihiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
 - (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
 - (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
 - (g)
 - (h) Kuyophinde kubalwe -
 - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakihiwo sakhe;

- (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;
- (iii)
- (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezwayo anelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.
- (v)
- (j)

Umuntu okungaxhunyanwa naye kwaMasipala maqondana nalesi saziso yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziso. Izaziso okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziso.

IMENENJA YEDOLOBHA
UMASIPALA WASETHEKWINI

Usuku: 4 Agasti 2011

cc Registrar of Deeds
Private Bag X9028
PIETERMARITZBURG
3200

OKUNGAXHUNYANWA NAYE: Ronell Visser (Nkk.)

IMININGWANE YOKUXHUMANA NAYE:

Ikheli lomgwaqo: 90 Qashana Khuzwayo (Shepstone) Road, New Germany
Ikheli leposi: P O Box 49, Pinetown 3600
Ucingo: 031-3116516
Ifeksi: 031-3116522
e-mail: visserr@durban.gov.za

No. 127

18 October 2011

Statutory Notice No. 2651

Notice of Expropriation

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975).

TO: BHOYZANA PETROS MAGUBANE, 43A Jan Smuts Avenue, Winston Park, Gillitts 3610

AND TO: All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in Section 9(1)(d) of the Expropriation Act, 1975.

NOTICE is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owner of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in that province on 13 June 2011 hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated is the following:

Erf 6026 KwaNdengezi A, in extent 3000m² Registration Division FT, Province of KwaZulu-Natal held under Deed of Grant No. TG5380/1995KZ.

PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 1 October 2011 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 1 October 2011.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.

- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners in the sum of R110 600 (One Hundred and Ten Thousand Six Hundred Rand) for the land hereby expropriated which compensation is determined in terms of section 12(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with the sum of R10 530 (Ten Thousand Five Hundred and Thirty Rand) in terms of section 12(2)(b) of the Expropriation Act.

PAYMENT of the compensation offered will be made in terms of section 11 of the Expropriation Act, 1975.

ATTENTION is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

YOUR ATTENTION is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

(1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-

- (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
- (d) if the property being expropriated is land-
 - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
 - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;

- (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
- (iv)
- (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2)

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;
- (b)

12. Basis on which compensation is to be determined. –

- (1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-
 - (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-
 - (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
 - (ii) an amount to make good any actual financial loss caused by the expropriation; and
 - (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:
Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-

- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
 - (bb) in any other suitable manner.
- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
 - (a) ten per cent of such total amount, if it does not exceed R100 000; plus
 - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
 - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
 - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3)
 - (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1):
Provided that –
 - (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
 - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
 - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
 - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
 - (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.

- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
 - (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
 - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
 - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
 - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
 - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
 - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
 - (g)
 - (h) Account shall also be taken of –
 - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;

- (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
- (iii)
- (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
- (i)
- (j)

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the contact details at the foot of this Notice.

CITY MANAGER
ETHEKWINI MUNICIPALITY

Date: 4 August 2011

cc Registrar of Deeds
Private Bag X9028
PIETERMARITZBURG
3200

CONTACT PERSON: Ronell Visser (Mrs)

CONTACT DETAILS:

Physical Address: 90 Qashana Khuzwayo (Shepstone) Road, New Germany
Postal Address: P O Box 49, Pinetown 3600
Telephone No: 031 – 3116516
Fax No.: 031 – 3116522
e-mail address: visserr@durban.gov.za

Isaziso No. 2651

Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (Umthetho No. 63 ka-1997),
sifundwa nezigaba 1, 6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975
(Umthetho No. 63 ka-1975).

SIYA KULABA: BHOYZANA PETROS MAGUBANE, 43A Jan Smuts Avenue, Winston Park,
Gillitts 3610

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kulo mhlaba ochazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo efanele lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali oqondene nezezindlu mhla ka-13 Juni 2011, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act no. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odlwayo uchazwe kanje emabhukwini okubhaliswe kuwona umhlaba:

Erf 6026 KwaNdengezi A, olinganiselwa ku-3000m² ubukhulu, Registration Division FT,
eSifundazweni saKwaZulu-Natali, itayitela lawo elingunombolo: TG5380/1995KZ.

NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- a. Usuku lokudla lo mhlaba umhla ka-1 Okthoba 2011 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- b. Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-1 Okthoba 2011.
- c. Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi angeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo amali engeniswa yiwo.

- d. Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi isinxephezelo esingu- R110 600 (amarandi ayizinkulungwane eziyikhulu neshumi namakhulu ayisithupha) ngalo mhlaba odliwayo kanti lesi sinxephezelo sinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba esingu-R10 530 (amarandi ayizinkulungwane eziyishumi namakhulu amahlanu namashumi amathathu) ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act.

UKUKHOKHWA kwalesi sinxephezelo kwenziwa ngaphansi kwesigaba 11 somthetho i-Expropriation Act, 1975.

KUFANELE KUQASHELWE ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

QAPHELA isigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela leso sinxephezelo noma cha, uma esamukela, leso samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yaleso samba emaqondana nalezi zamba okukhulunywa

- ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephilelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSizabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephilelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephilelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephilelele yesivumelwano, uma singabhalisiwe phansi;
- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
- (iv)
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyizinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2)

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (a) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;
 - (b)
12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –
- (1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seqe -
 - (a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-
 - (i) isamba lowo mhlaba obungadayiswa ngaso uma ubundayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye
 - (ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti
 - (b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -
 - (aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma
 - (bb) nganoma iyiphi enye indlela efanele.
 - (2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –
 - (a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye
 - (b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye
 - (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye

- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqala ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
 - (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
 - (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
 - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso,kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
 - (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwezalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi

kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.

(5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –

- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
- (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
- (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
- (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
- (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
- (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
- (g)
- (h) Kuyophinde kubalwe -
 - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
 - (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;

- (iii)
- (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo anelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.
- (v)
- (j)

Umuntu okungaxhunyanwa naye kwaMasipala maqondana nalesi saziso yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziso. Izaziso okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziso.

IMENENJA YEDOLOBHA
UMASIPALA WASETHEKWINI

Usuku: 4 Agasti 2011

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