

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

5822

5822

Friday, 1 February 2002

Vrydag, 1 Februarie 2002

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

CONTENTS

(*Reprints are obtainable at Room 12-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)

| No. | | Page |
|---------------------------|---|------|
| Provincial Notices | | |
| 21 | Western Cape Rental Housing Tribunal: Procedural and Staff Duties Regulations | 2 |
| 22 | Western Cape Rental Housing Tribunal: Unfair Practices Regulations..... | 43 |

INHOUD

(*Herdrukke is verkrygbaar by Kamer 12-06, Provinsiale-gebou, Dorpstraat 4, Kaapstad 8001.)

| No. | | Bladsy |
|----------------------------------|---|--------|
| Provinsiale Kennisgewings | | |
| 21 | Wes-Kaap Huurbehuisingstribunaal: Regulasies op Prosedures en Personeelpligte | 16 |
| 22 | Wes-Kaap Huurbehuisingstribunaal: Regulasies op Onbillike Praktyke | 46 |

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

L. D. BARNARD,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

L. D. BARNARD,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.N. 21/2002

1 February 2002

PROVINCE OF THE WESTERN CAPE**DEPARTMENT OF PLANNING, LOCAL GOVERNMENT AND HOUSING:****RENTAL HOUSING ACT, 1999
(Act 50 of 1999):****WESTERN CAPE RENTAL HOUSING TRIBUNAL PROCEDURAL AND STAFF DUTIES REGULATIONS**

I, N. E. Hangana, Minister of Housing in the Province of Western Cape, acting in terms of section 15 (1) of the Rental Housing Act, 1999 (Act 50 of 1999), make the regulations set out in the Schedule to this notice.

SCHEDULE**WESTERN CAPE RENTAL HOUSING TRIBUNAL:
PROCEDURAL AND STAFF DUTIES REGULATIONS****Definitions**

1. In these regulations, unless the context otherwise indicates—

“**complainant**” means a person who lodges a complaint with the Tribunal;

“**mediation**” means a voluntary process in terms of which a Tribunal member or a nominee of the Tribunal assists parties to resolve a dispute;

“**party**” means a person who is participating in a mediation or a hearing;

“**register**” means the register contemplated by section 13 (8) of the Act;

“**respondent**” means a person against whom a complaint has been lodged with the Tribunal;

“**the Act**” means the Rental Housing Act, 1999 (Act 50 of 1999);

“**Tribunal**” means the Rental Housing Tribunal established in terms of section 7 of the Act;

“**unfair practices regulations**” means the unfair practices regulations made under section 15 (1)(f) of the Act, and

any expression or word defined in the Act has the meaning assigned thereto in the Act.

Filing of complaints

2. (1) Any tenant or landlord or group of tenants or group of landlords or other interest group may lodge a written complaint with the Tribunal concerning an alleged unfair practice prescribed in terms of the Unfair Practices Regulations published in terms of Provincial Notice/2002 dated
- (2) Complaints must be on a form similar to that appearing in Annexure “A” to these regulations and may —
- be sent by mail or facsimile transmission to the office of the Tribunal and confirmation of a successful transmission of the facsimile will be proof of receipt of the complaint, or
 - be delivered in person to the office of the Tribunal.

Tribunal’s responsibilities on receipt of complaint

3. (1) The following steps must be taken in respect of any complaint received by the Tribunal:
- A file must be opened and a reference number must be allocated to the complaint.
 - The particulars of the dwelling to which the complaint refers must be listed in the register referred to in section 13 (8) of the Act.
 - The complainant must be provided with an acknowledgement of receipt of the complaint which contains the reference number of the complaint.
 - The Tribunal must conduct such preliminary investigations as may be necessary to determine whether the complaint relates to a

dispute in respect of a matter which may constitute an unfair practice, and for this purpose any additional information required to provide a full and complete description of the matter may be obtained from either the complainant or the respondent alleged to be involved in the unfair practice concerned.

- (e) If the Tribunal considers it necessary, it may instruct an inspector to compile a report on the complaint and if considered desirable require the inspector to first inspect the property concerned.
- (f) The Tribunal must within 30 days of the receipt of the complaint, determine, as contemplated by section 13(2) (b) of the Act, whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice.
- (g) The determination contemplated by paragraph (f) must be recorded in the file referred to in paragraph (a).

Requirements if no dispute exists

- 4. If the Tribunal determines that the complaint does not relate to a dispute in respect of a matter which may constitute an unfair practice, the Tribunal must —
 - (a) notify the complainant in writing of its determination;
 - (b) if possible, furnish the complainant with an appropriate institution to which the matter should be referred, and
 - (c) record that the matter has been disposed of and close the relevant file.

Procedure on determination that dispute exists

- 5. (1) If the Tribunal has determined that a complaint does relate to a dispute in respect of a matter which may constitute an unfair practice, the Tribunal must—
 - (a) further determine whether in its view the dispute may be resolved by mediation or whether in its view the dispute is of such a nature that it cannot be resolved by mediation;
 - (b) cause its further determination contemplated by paragraph (a) to be recorded on the relevant file;
 - (c) in writing, inform the parties of that further determination;
 - (d) if it has determined that the dispute may be resolved by mediation, appoint a mediator in terms of section 13 (2)(c) of the Act with a view to resolving the dispute, and in writing inform the parties to the dispute of that appointment, and
 - (e) if it has determined that the dispute is of such a nature that it cannot be resolved by mediation, arrange for a formal hearing of the complaint, and, in writing, inform the parties of the particulars of the hearing.

Conduct of mediation of dispute

- 6. (1) If the Tribunal has appointed a mediator to resolve a dispute the mediator must —
 - (a) in writing inform the parties that the mediation may not proceed until an agreement similar in form to that in Annexure “B” to these regulations has been entered into by them, and must inform the parties to be present before him or her at a given time and date with a view to the conclusion and signing of that agreement, but that date must not be later than 14 days after the date of the mediator’s appointment, and
 - (b) if the parties are unable to reach agreement on the agreement referred to in paragraph (a), issue a certificate as contemplated by section 13(2)(d) of the Act.
- (2) If the agreement contemplated by subregulation (1) has been entered into the mediator may proceed with the mediation process which must be conducted as follows:
 - (a) The mediator must explicitly discuss the issue of confidentiality with the parties prior to the commencement of any mediation. If a party requests that information be kept confidential either during the course of the mediation or afterwards, and the other parties agree to mediate under those terms, the explicit provisions of the confidentiality agreement must be made part of the mediation agreement.
 - (b) The mediator must at the outset inform the parties that the mediator acts only as a facilitator in trying to resolve the dispute between them, and that the final decision must be the decision of the parties and not that of the mediator.
 - (c) The mediator must also inform the parties involved that the mediation process will be conducted as follows:
 - (i) Each party will be given an opportunity to present their case.
 - (ii) Each party may at any stage of the proceedings request a recess in order to caucus in another room or office.
 - (iii) If the other party does not have any objection thereto, then the mediator must attend the caucus meeting and make suggestions and proposals.
 - (iv) If the party in a caucus does not have any objection thereto, then the mediator must convey to the other party, any proposal, attitude, indication or suggestion stemming from a caucus meeting.
 - (d) The mediator must mediate only those disputes in which the mediator can be impartial with respect to all of the parties and the subject matter of the dispute.
 - (e) If at any time the mediator is of the opinion that any party to the mediation is unable to understand and participate fully in the proceedings due to mental impairment, emotional disturbance, intoxication, language barriers or other reasons, the mediator must —

- (i) limit the scope of the mediation, to a level consistent with the parties ability to participate;
 - (ii) make a recommendation that the party may obtain appropriate assistance in order to continue with the process, or
 - (iii) terminate, adjourn or postpone the mediation process.
- (3) The mediator must attempt to obtain testimony or documents, which are considered necessary, from a person who is not a party to the mediation, and such person should be requested to volunteer such information or documents to the mediator, who must record in the file all efforts to obtain the information or documents.
- (4) A mediation process must be completed within thirty (30) days from the date on which it commences. If this is not possible, then the process may be extended beyond the thirty (30) day period with the consent of the Tribunal.
- (5) If the parties cannot reach agreement through mediation, the matter must be referred to the Tribunal for a formal hearing and ruling in terms of section 13 (3),(4),(5),(6) and (12) of the Act.
- (6) The parties must not be coerced in any manner to reach agreement. If the mediation results in an agreement it must be reduced in writing and signed by all the parties and by the mediator, and recorded in the register. Before requesting the parties to sign the agreement the mediator must ensure that each party fully understands the agreement and is entering into it voluntarily.

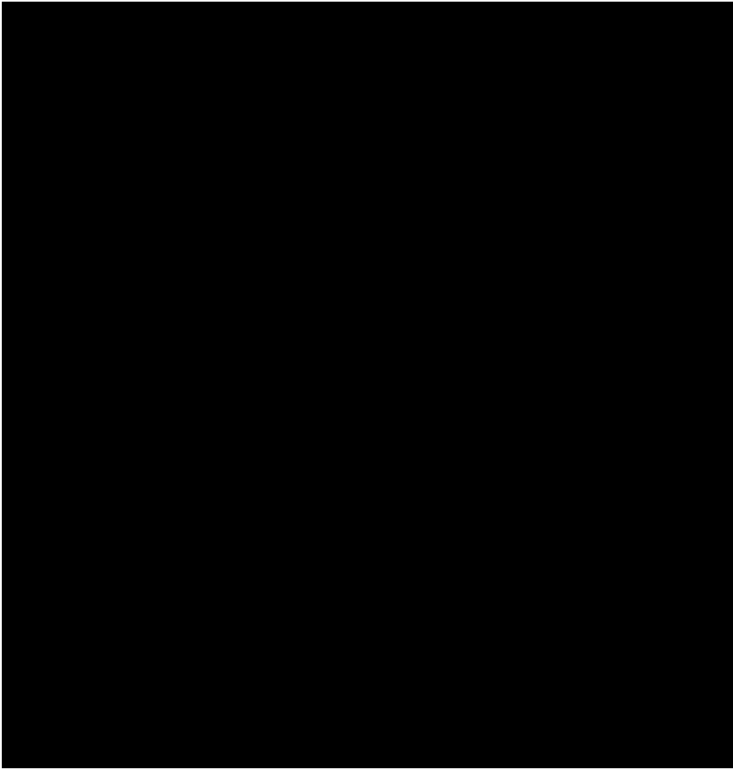
Duties and functions of Tribunal Staff

7. (1) In terms of section 11 of the Act, Tribunal staff must perform the following functions:
- (a) Conduct routine building inspections and provide written inspection reports when requested to do so by the Tribunal.
 - (b) Trace and contact property owners from information held by the Registrar of Deeds.
 - (c) Hold consultations with complainants and respondents and record all the information received.
 - (d) Obtain sworn statements from disputing parties and other parties concerned.
 - (e) Give evidence before the Tribunal when requested to do so.
 - (f) Obtain or examine copies of all books and documents, which may be relevant to a case.
 - (g) Contact any local authority to determine the amount of arrears in rates and taxes owed in respect of a dwelling.
 - (h) Deliver notices and other documentation to the relevant parties involved in a dispute.
 - (i) Obtain copies of all receipts in respect of a dwelling, which is the subject of a complaint.
 - (j) Obtain from a Rental Housing Information Office established under the Act, any reports concerning enquiries and complaints received in terms of section 13(3)(a) of the Act.
 - (k) Provide any information and produce any report or other documents concerning an inspection conducted, which may have a bearing on any complaint.
 - (l) Serve a summons on a party to a dispute or any other person who may reasonably be able to give information of material importance concerning a complainant, to appear before the Tribunal in terms of section (13)(3)(e) of the Act, and to produce any book or any other document as the Tribunal may require.
 - (m) Assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations.
 - (n) Submit applications to a Magistrate's Court to prosecute when instructed by the Tribunal to do so.
 - (o) Deliver written recommendations of the Tribunal to parties against whom action will be taken for non-compliance with unfair practices regulations.
 - (p) Do anything in the reasonable execution of functions and duties required by the Act or the Tribunal.
 - (q) Receive written complaints, open files and enter the cases in the register.
 - (r) Review complaints and screen cases and advise complainants accordingly in writing.
 - (s) Conduct preliminary investigations.
 - (t) Keep records about the status of matters and their outcomes.
 - (u) Receive and carry out the instructions of the Tribunal and prepare the necessary documentation for the Tribunal.
 - (v) Schedule mediation hearings and notify parties about the place, date and time of such hearings in writing.
 - (w) Record proceedings on a mediation hearing.

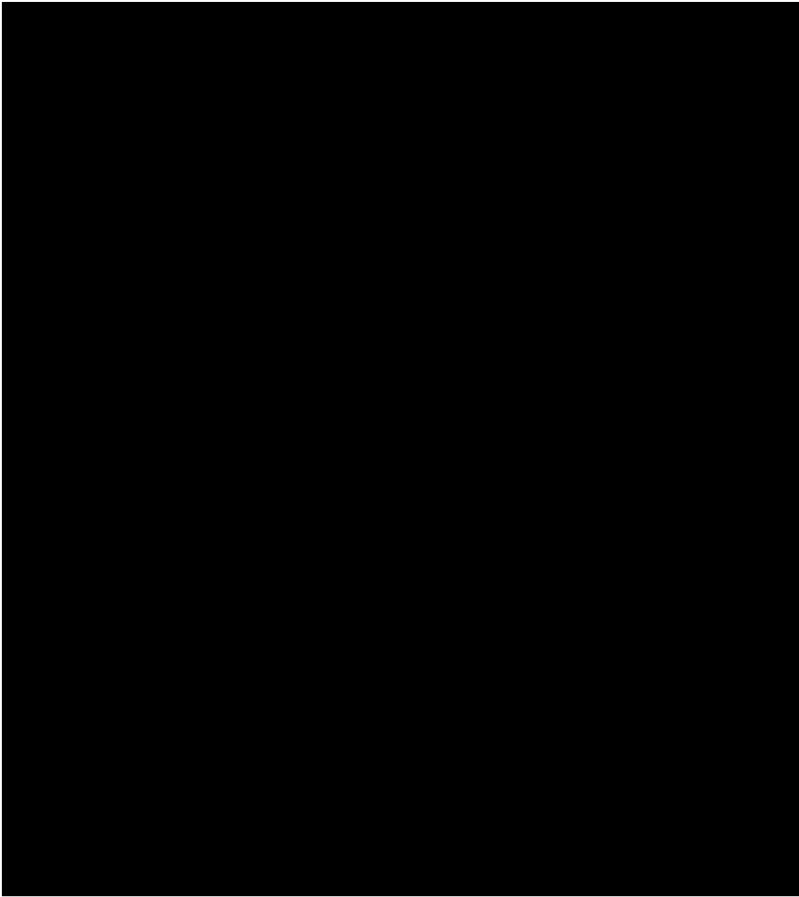
Short title and Commencement

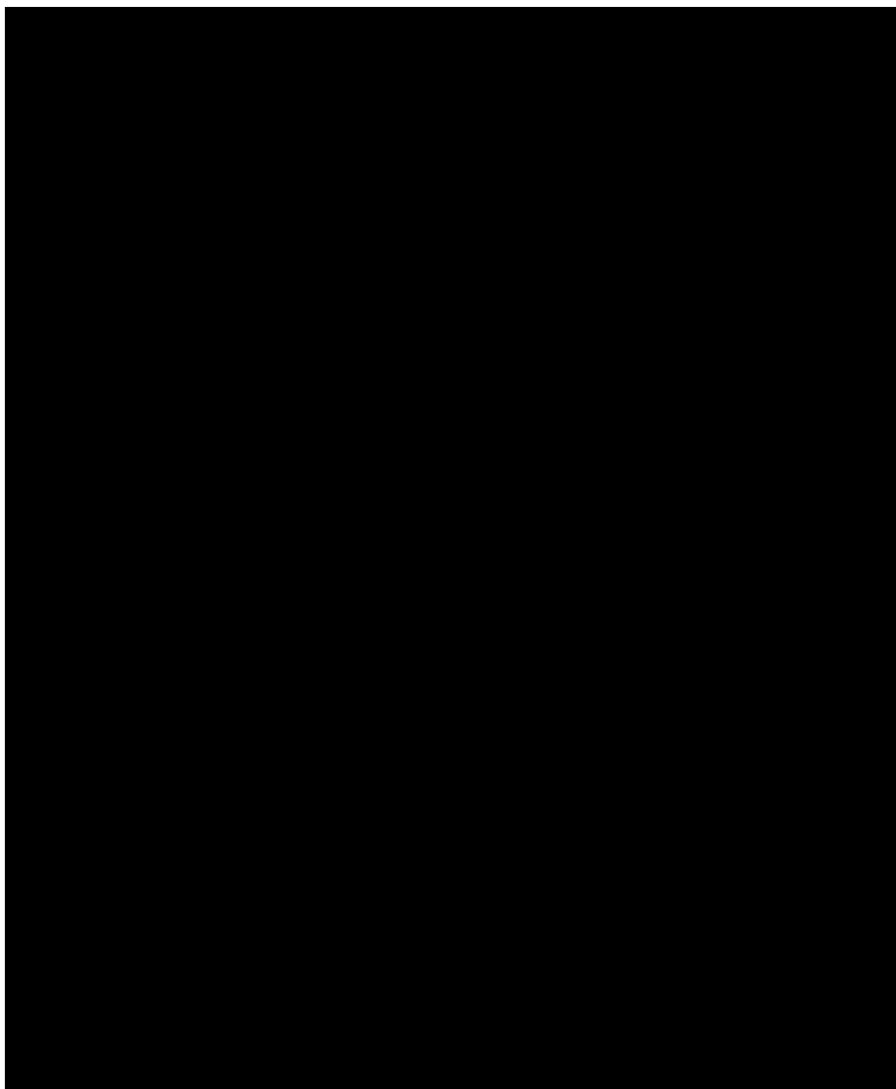
8. These regulations are called the Western Cape Rental Housing Tribunal Procedural and Staff Duties Regulations, 2002.

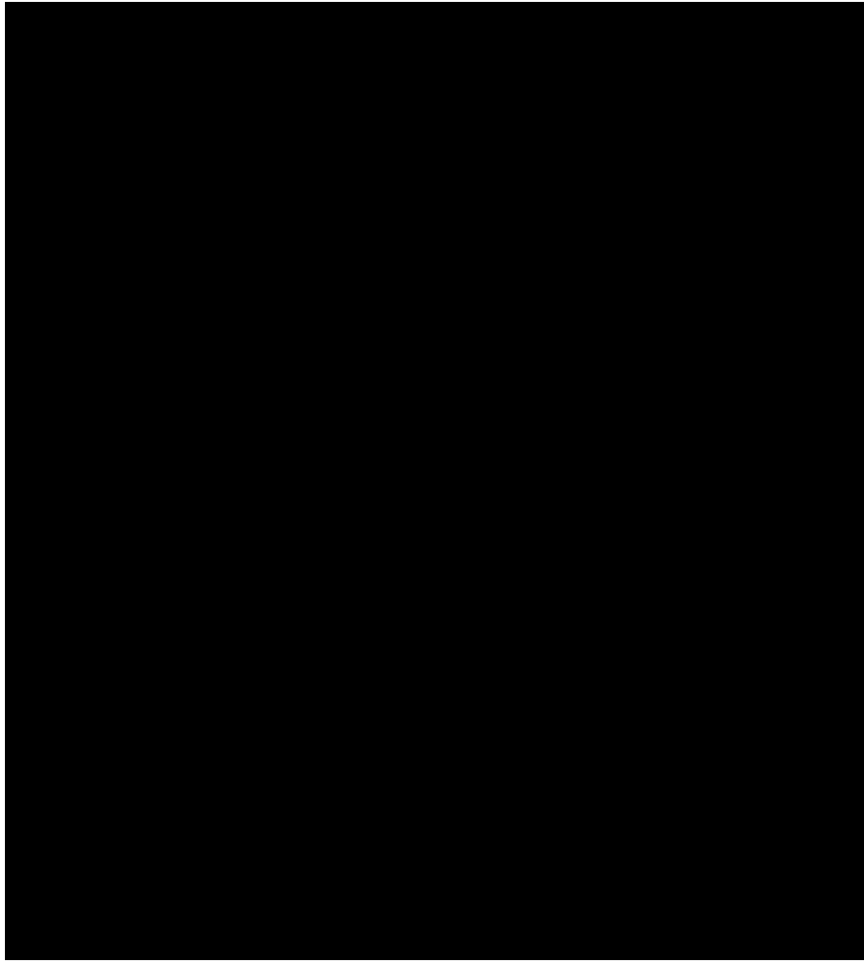
Annexure "A"

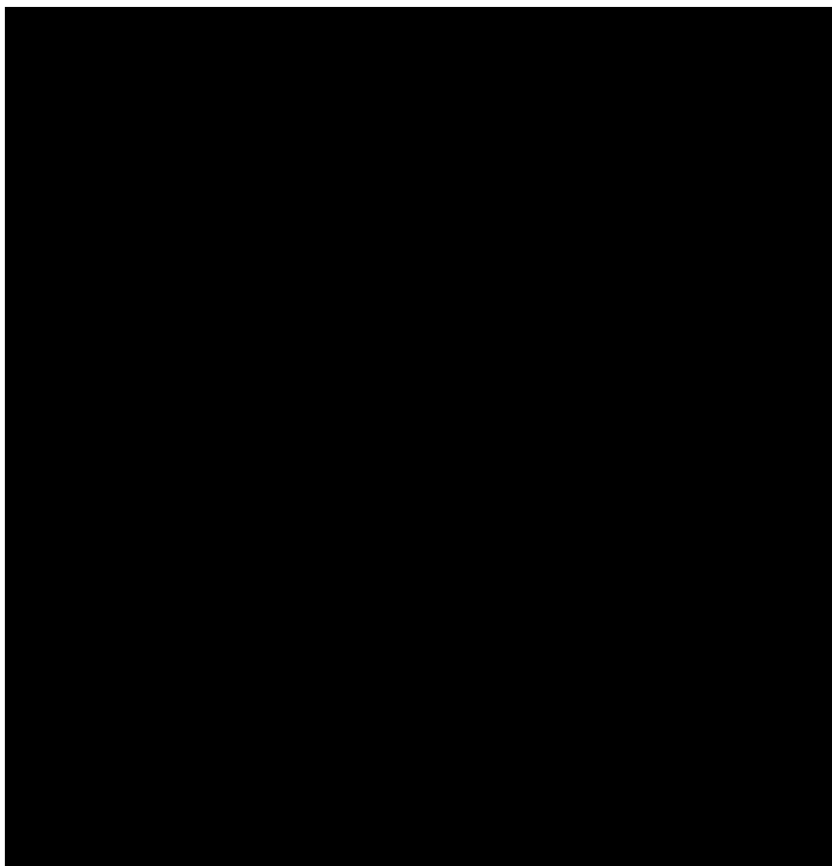


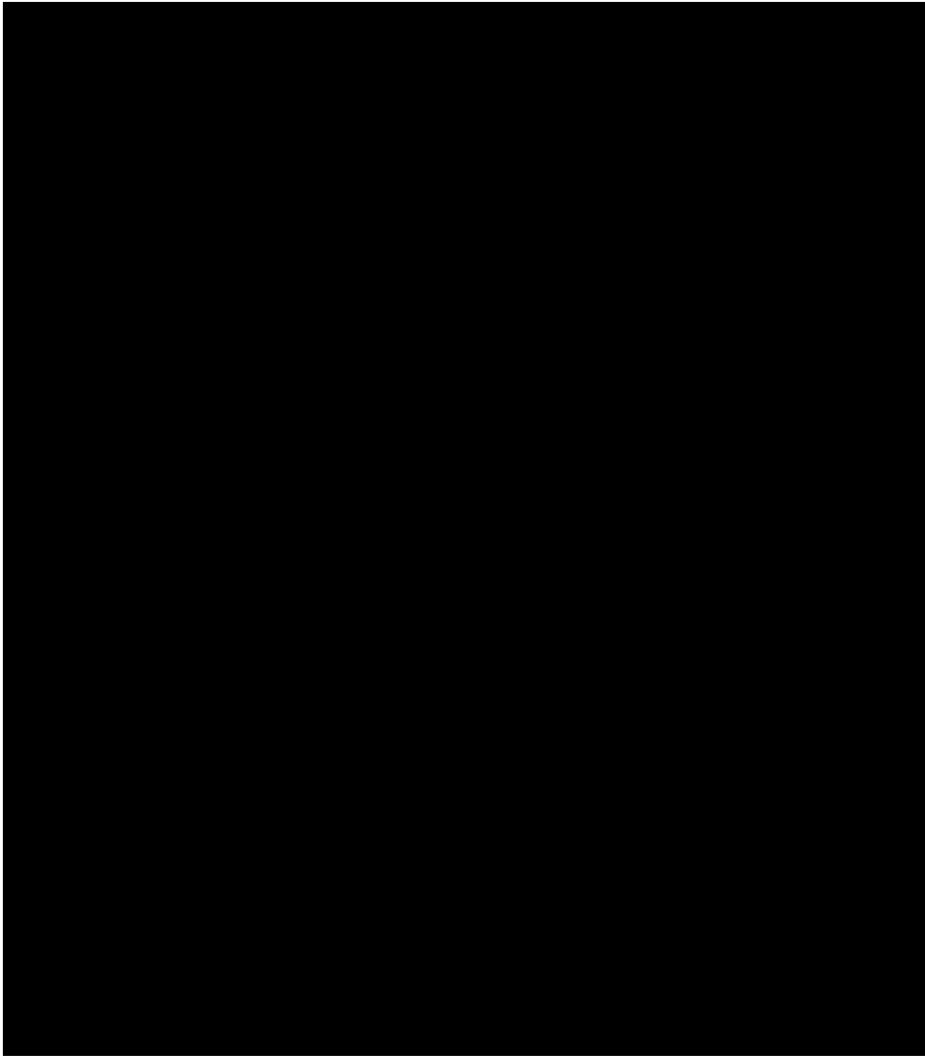


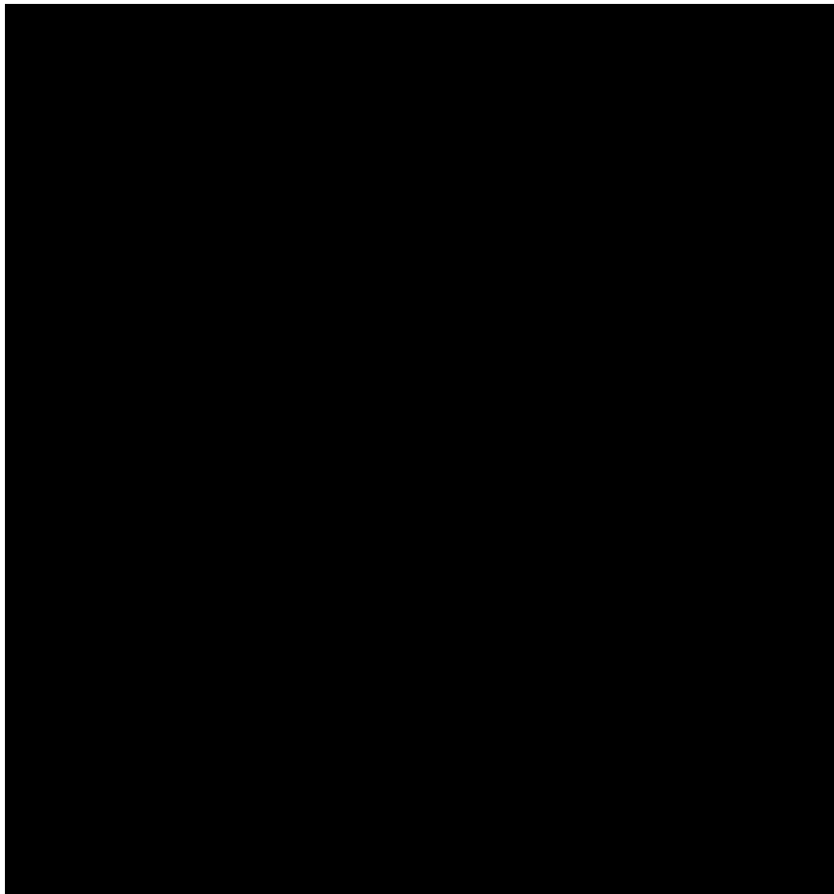


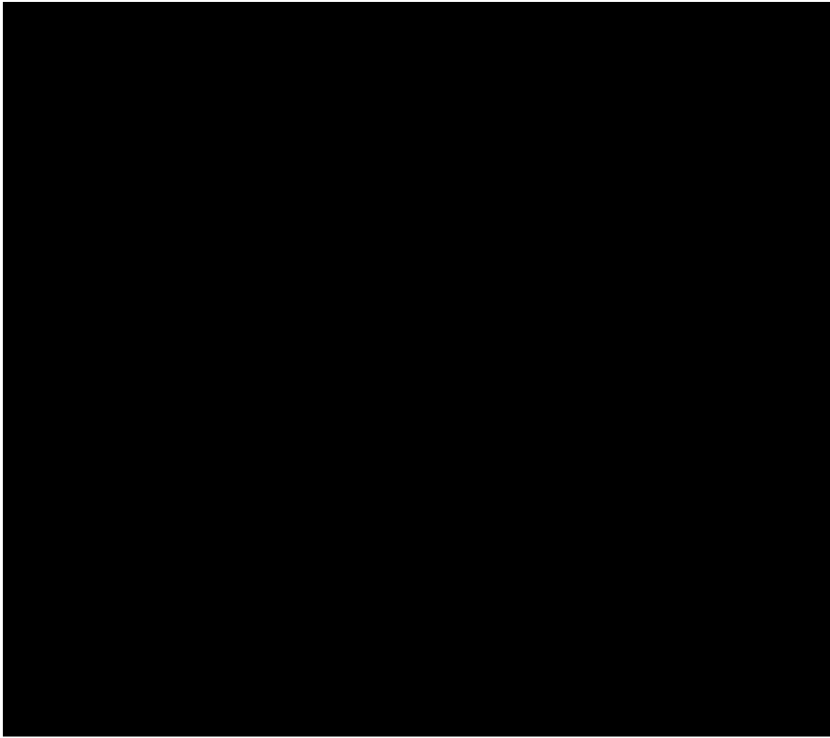


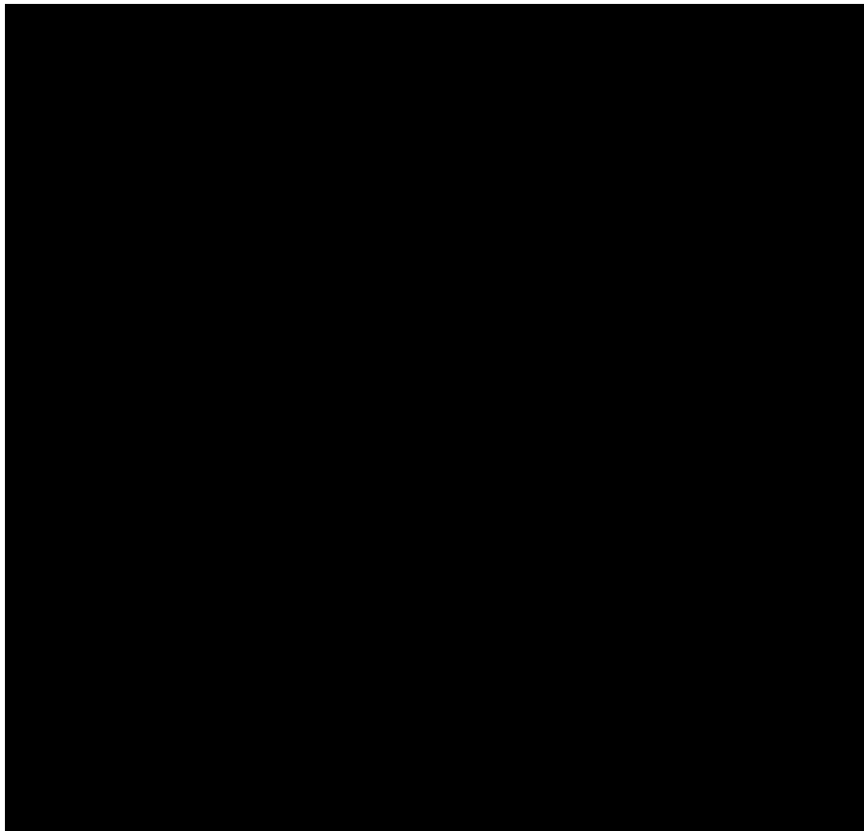




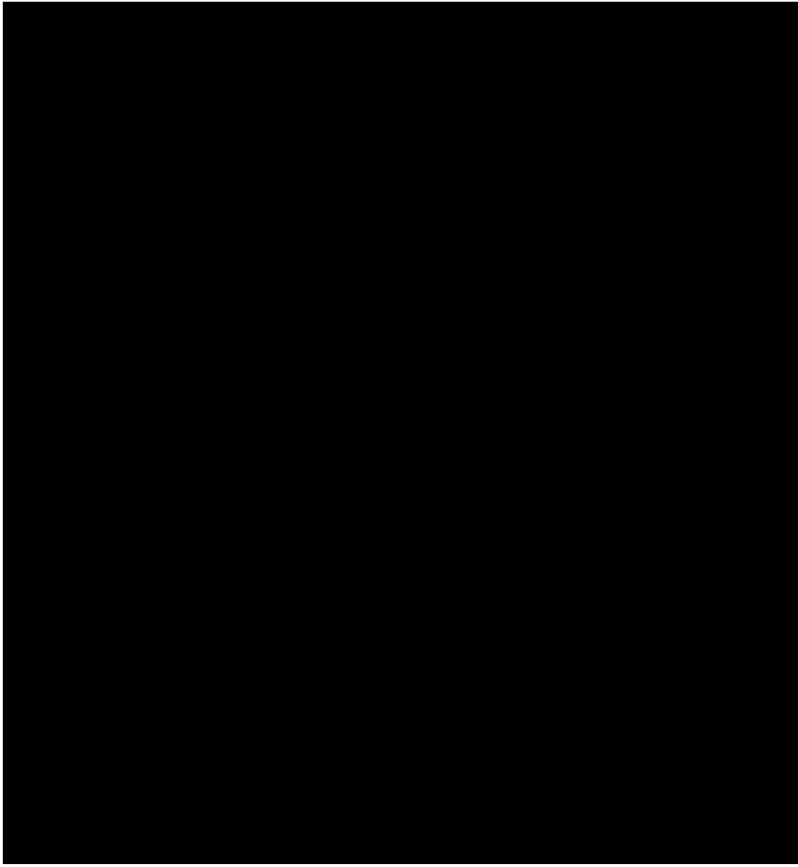








Annexure "B"



PROVINSIE WES-KAAP

DEPARTEMENT VAN BEPLANNING, PLAASLIKE REGERING EN BEHUISING:

**WET OP HUURBEHUISING, 1999
(WET 50 VAN 1999):**

**WES-KAAPSE HUURBEHUISINGSTRIBUNAAL:
REGULASIES OP PROSEDURES EN PERSONEELPLIGTE**

Ek, N. E. Hangana, Minister van Behuising in die Provinsie Wes-Kaap, handelende ingevolge artikel 15(1) van die Wet op Huurbehuising, 1999 (Wet 50 van 1999), maak die regulasies wat in die Bylae van hierdie kennisgewing uiteengesit is.

BYLAE

**WES-KAAPSE HUURBEHUISINGSTRIBUNAAL:
REGULASIES OP PROSEDURES EN PERSONEELPLIGTE**

Woordomskrywing

1. In hierdie regulasies, tensy dit uit die samehang anders blyk, beteken —

“**bemiddeling**” ’n vrywillige proses ingevolge waarvan ’n lid of ’n benoemde van die Tribunaal partye bystaan om ’n geskil te besleg;

“**die Wet**” die Wet op Huurbehuising, 1999 (Wet 50 van 1999);

“**klaer**” ’n persoon wat ’n klagte by die Tribunaal indien;

“**party**” ’n persoon wat aan ’n bemiddeling of ’n verhoor deelneem;

“**register**” die register deur artikel 13(8) van die Wet bëoog;

“**regulasies betreffende onbillike praktyke**” die regulasies betreffende onbillike praktyke wat ingevolge artikel 15(1)(f) van die Wet gemaak is;

“**respondent**” ’n persoon teen wie ’n klagte by die Tribunaal ingedien is;

“**Tribunaal**” die Huurbehuisingstribunaal ingevolge artikel 7 van die Wet ingestel; en

het enige uitdrukking of woord wat in die Wet omskryf is, die betekenis wat in die Wet daaraan geheg is.

Indiening van klagtes

2. (1) Enige huurder of verhuurder of groep huurders of groep verhuurders of ander belangegroep kan ’n skriftelike klagte by die Tribunaal indien oor ’n beweerde onbillike praktyk voorgeskryf ingevolge die Regulasies betreffende Onbillike Praktyke afgekondig by Provinsiale Kennisgewing/2002 van
- (2) Klagtes moet op ’n vorm wees wat soortgelyk is aan dié wat in Aanhangsel “A” van hierdie regulasies verskyn en kan —
- (a) per pos of faks aan die kantoor van die Tribunaal gestuur word, en bevestiging van suksesvolle versending van die faks is bewys van ontvangs van die klagte; of
- (b) persoonlik by die kantoor van die Tribunaal afgelewer word.

Tribunaal se verantwoordelikhede by ontvangs van klagte

3. (1) Die volgende stappe moet gedoen word ten opsigte van enige klagte wat deur die Tribunaal ontvang word:
- (a) ’n Lêer moet oopgemaak word en ’n verwysingsnommer moet aan die klaer toegeken word.
- (b) Die besonderhede van die woning waarop die klagte betrekking het, moet aangeteken word in die register in artikel 13(8) van die Wet bedoel.
- (c) Die klaer moet voorsien word van ’n erkenning van ontvangs van die klagte wat die verwysingsnommer van die klagte bevat.
- (d) Die Tribunaal moet sodanige voorlopige ondersoek uitvoer as wat nodig is om te bepaal of die klagte betrekking het op ’n geskil ten opsigte van ’n aangeleentheid wat ’n onbillike praktyk kan uitmaak, en vir dié doel kan enige bykomende inligting wat nodig is om ’n volledige beskrywing van die aangeleentheid te verskaf, verkry word van óf die klaer óf die respondent wat na bewering by die onderhawige onbillike praktyk betrokke is.
- (e) Indien die Tribunaal dit nodig ag, kan hy ’n inspekteur gelas om ’n verslag oor die klagte op te stel en indien dit wenslik geag word, die inspekteur gelas om eers die betrokke eiendom te inspekteer.
- (f) Die Tribunaal moet binne 30 dae na ontvangs van die klagte bepaal, soos deur artikel 13(2)(b) van die Wet bëoog, of die klagte betrekking het op ’n geskil ten opsigte van ’n aangeleentheid wat ’n onbillike praktyk kan uitmaak.
- (g) Die bepaling by paragraaf (f) beoog, moet in die lêer in paragraaf (a) bedoel, aangeteken word.

Vereistes as daar nie 'n geskil is nie

4. Indien die Tribunaal bepaal dat die klage nie betrekking het op 'n geskil ten opsigte van 'n aangeleentheid wat 'n onbillike praktyk kan uitmaak nie, moet die Tribunaal —
- (a) die klaer skriftelik van sy bepaling in kennis stel;
 - (b) indien moontlik, die klaer voorsien van 'n gepaste instelling waarheen die aangeleentheid verwys moet word; en
 - (c) aantekens dat die aangeleentheid afgehandel is en die betrokke lêer sluit.

Prosedure by bepaling dat daar 'n geskil is

5. (1) Indien die Tribunaal bepaal het dat 'n klage wel betrekking het op 'n geskil ten opsigte van 'n aangeleentheid wat 'n onbillike praktyk kan uitmaak, moet die Tribunaal —
- (a) verder bepaal of die geskil na sy mening deur bemiddeling besleg kan word en of die geskil na sy mening van so 'n aard is dat dit nie deur bemiddeling besleg kan word nie;
 - (b) sy verdere bepaling by paragraaf (a) beoog, op die betrokke lêer laat aantekens;
 - (c) die partye skriftelik van daardie verdere bepaling in kennis stel;
 - (d) as hy bepaal het dat die geskil deur bemiddeling besleg kan word, 'n bemiddelaar ingevolge artikel 13(2)(c) van die Wet aanstel met die oog op die beslegting van die geskil, en die partye by die geskil skriftelik van daardie aanstelling in kennis stel;
 - (e) as hy bepaal het dat die geskil van so 'n aard is dat dit nie deur bemiddeling besleg kan word nie, reël vir 'n formele verhoor van die klage, en die partye skriftelik van die besonderhede van die verhoor in kennis stel.

Voer van bemiddeling van geskil

6. (1) Indien die Tribunaal 'n bemiddelaar aangestel het om 'n geskil te besleg, moet die bemiddelaar —
- (a) die partye skriftelik in kennis stel dat die bemiddeling nie kan begin nie alvorens 'n ooreenkoms soortgelyk in vorm aan dié in Aanhangsel "B" van hierdie regulasies deur hulle aangegaan is, en moet hy of sy die partye in kennis stel om op 'n gegewe tyd en datum voor hom of haar te verskyn met die oog op die aangaan en ondertekening van daardie ooreenkoms, maar daardie datum mag nie later as 14 dae na die datum van die bemiddelaar se aanstelling wees nie; en
 - (b) indien die partye nie 'n ooreenkoms kan bereik nie oor die ooreenkoms in paragraaf (a) bedoel, 'n sertifikaat uitreik soos by artikel 13(2)(d) van die Wet beoog.
- (2) Indien die ooreenkoms by subregulasie (1) beoog aangegaan is, kan die bemiddelaar met die bemiddelingsproses voortgaan, wat soos volg gevoer moet word:
- (a) Die bemiddelaar moet die kwessie van vertroulikheid uitdruklik met die partye bespreek voor die aanvang van enige bemiddeling. Indien 'n party versoek dat inligting vertroulik gehou word, hetsy tydens die verloop van die bemiddeling of daarna, en die ander party instem tot bemiddeling onder daardie voorwaardes, moet die uitdruklike bepalings van die vertroulikheidsooreenkoms deel van die bemiddelingsooreenkoms gemaak word.
 - (b) Die bemiddelaar moet die partye vanuit die staanspoor in kennis stel dat die bemiddelaar net as 'n fasiliteerder optree om te probeer om die geskil tussen hulle te besleg, en dat die finale besluit die besluit van die partye moet wees en nie dié van die bemiddelaar nie.
 - (c) Die bemiddelaar moet die partye ook in kennis stel dat die bemiddelingsproses soos volg gevoer sal word:
 - (i) Elke party sal 'n geleentheid gebied word om sy saak te stel.
 - (ii) Elke party kan in enige stadium van die verrigtinge 'n reses versoek om in 'n ander vertrek of kantoor te kookus.
 - (iii) Indien die ander party geen beswaar daarteen het nie, moet die bemiddelaar die kookusvergadering bywoon en wenke en voorstelle doen.
 - (iv) Indien die party in 'n kookus geen beswaar daarteen het nie, moet die bemiddelaar enige voorstel, houding, aanduiding of suggestie voortspruitend uit 'n kookusvergadering aan die ander party oordra.
 - (d) Die bemiddelaar moet slegs geskille waarin die bemiddelaar onpartydig kan wees ten opsigte van al die partye en die onderwerp van die geskil, bemiddel.
 - (e) Indien die bemiddelaar te eniger tyd van mening is dat enige party by die bemiddeling nie in staat is om die verrigtinge te verstaan en ten volle daaraan deel te neem nie as gevolg van verstandelike verdraagtheid, emosionele versteuring, bedwelmings, taalversperrings of ander redes, moet die bemiddelaar —
 - (i) die bestek van die bemiddeling beperk tot 'n vlak in ooreenstemming met die partye se vermoë om deel te neem;
 - (ii) 'n aanbeveling doen dat die party gepaste bystand verkry om met die proses te kan voortgaan, of
 - (iii) die bemiddelingsproses beëindig, verdaag of uitstel.
- (3) Die bemiddelaar moet poog om getuienis of dokumente wat nodig geag word, te verkry van 'n persoon wat nie 'n party by die bemiddeling is nie, en sodanige persoon moet versoek word om sodanige inligting of dokumente vrywillig aan die bemiddelaar beskikbaar te stel, en die bemiddelaar moet alle pogings om die inligting of dokumente te verkry, in die lêer aantekens.

- (4) 'n Bemiddelingsproses moet binne dertig (30) dae na die datum waarop dit begin, afgehandel word. As dit nie moontlik is nie, kan die proses met die instemming van die Tribunaal voortgesit word na die tydperk van dertig (30) dae.
- (5) Indien die partye nie deur bemiddeling 'n ooreenkoms kan bereik nie, moet die aangeleentheid na die Tribunaal verwys word vir 'n formele verhoor en beslissing ingevolge artikel 13(3), (4), (5), (6) en (12) van die Wet.
- (6) Die partye mag op generlei wyse gedwing word om 'n ooreenkoms te bereik nie. Indien die bemiddeling tot 'n ooreenkoms lei, moet dit op skrif gestel word en onderteken word deur al die partye en deur die bemiddelaar en in die register aangeteken word. Alvorens die partye versoek word om die ooreenkoms te onderteken, moet die bemiddelaar seker maak dat elke party die ooreenkoms ten volle verstaan en dit vrywillig aangaan.

Pligte en werksaamhede van Tribunaal se personeel

7. (1) Ingevolge artikel 11 van die Wet moet die Tribunaal se personeel die volgende werksaamhede verrig:
 - (a) Voer roetinegebou-inspeksies uit en lewer skriftelike inspeksieverslae op versoek van die Tribunaal.
 - (b) Spoor eiendomseienaars op met inligting wat deur die Registrateur van Aktes gehou word, en maak kontak met hulle.
 - (c) Pleeg oorleg met klaers en respondente en teken al die inligting aan wat ontvang word.
 - (d) Verkry beëdigde verklarings van geskilvoerende partye en ander betrokke partye.
 - (e) Lewer op versoek getuienis voor die Tribunaal.
 - (f) Verkry of ondersoek eksemplare van alle boeke en dokumente wat op 'n saak betrekking kan hê.
 - (g) Skakel met enige plaaslike owerheid om te bepaal hoeveel agterstallige eiendomsbelasting en diensgelde ten opsigte van 'n woning verskuldig is.
 - (h) Lewer kennisgewings en ander dokumentasie af by die partye betrokke by 'n geskil.
 - (i) Verkry afskrifte van alle kwitansies ten opsigte van 'n woning wat die onderwerp van 'n klagte is.
 - (j) Verkry van 'n Huurbehuising-inligtingskantoor wat ingevolge die Wet ingestel is, enige verslae rakende navrae en klagtes wat ingevolge artikel 13(3)(a) van die Wet ontvang is.
 - (k) Verstrek enige inligting en verskaf enige verslag of ander dokumente rakende 'n inspeksie wat gedoen is en wat met enige klagte verband kan hou.
 - (l) Beteken 'n dagvaarding aan 'n party by 'n geskil of enige ander persoon wat redelikerwys in staat kan wees om inligting van wesenlike belang rakende 'n klagte te verstrek, om ingevolge artikel 13(3)(e) van die Wet voor die Tribunaal te verskyn, en om enige boek of enige ander dokument wat die Tribunaal verlang, te verskaf.
 - (m) Help met die uitvoering van enige voorlopige ondersoek om 'n volledige rekord te bied van alle tersaaklike inligting wat as gevolg van inspeksies en ondersoeke verkry is.
 - (n) Lê in opdrag van die Tribunaal aansoeke aan 'n landdroshof voor om te vervolg.
 - (o) Lewer skriftelike aanbevelings van die Tribunaal af aan partye teen wie stappe gedoen sal word vir die nie-nakoming van regulasies betreffende onbillike praktyke.
 - (p) Doen enigiets in die redelike uitvoering van werksaamhede en pligte wat deur die Wet of die Tribunaal vereis word.
 - (q) Ontvang skriftelike klagtes, maak lêers oop en teken die gevalle in die register aan.
 - (r) Hersien klagtes en sif gevalle en adviseer klaers dienooreenkomstig skriftelik.
 - (s) Voer voorlopige ondersoeke uit.
 - (t) Hou rekords van die status van aangeleenthede en die uitkoms daarvan.
 - (u) Ontvang die instruksies van die Tribunaal en voer dit uit, en stel die nodige dokumentasie vir die Tribunaal op.
 - (v) Skeduleer bemiddelingsverhore en stel partye skriftelik in kennis van die plek, datum en tyd van sodanige verhore.
 - (w) Teken verrigtinge van 'n bemiddelingsverhoor aan.

Kort titel en inwerkingtreding

8. Hierdie regulasies heet die Regulasies op Prosedures en Personeelpligte van die Wes-Kaapse Huurbehuisingstribunaal, 2002.
-



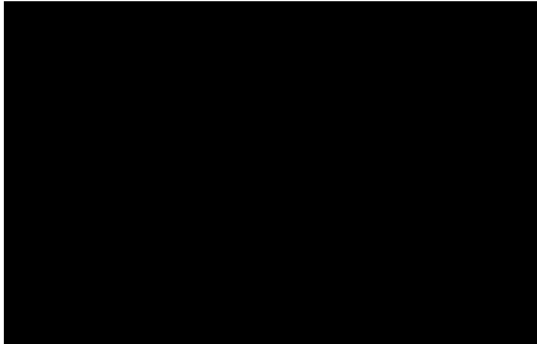








L HUUROORENKOMS











P.N. 21/2002

1 UFebuwari 2002

IPHONDO LENTSHONA-KOLONI
ISEBE LOCWANGCISO, LOORHULUMENTE BENGINGQI NEZINDLU:
UMTHETHO WEZINDLU EZIQASHISWAYO, 1999
IMIGAQO ECETYWAYO EMALUNGA NEENKQUBO

Mna N. E. Hangana, Mphathiswa weSebe leziNdlu kwiPhondo leNtshona Koloni, ngokugunyaziswa licandelo 15 (1) loMthetho oLawula iziNdlu we-1999 (uMthetho 50 we-1999), ndiseka imigaqo njengoko kuchaziwe kwiShedyuli yesaziso.

ISHEDYULI

Inkcazo-magama

1. Kule migaqo naliphi na ibinzana lamagama liya kuba nalo ntsingiselo liyinikeyo ngaphandle kokuba oko kubhekiswe kuko kuchaza nto yimbi —
 - “**umkhalazi**” ligama elithetha umntu ofaka isikhalazo kwiBhunga kwaye umkhalazi lowo ngokwasemthethweni uphantsi kwegunya leBhunga elo;
 - “**uxolelaniso**” ligama elithetha inkqubo yokuzithandela apho ilungu leBhunga okanye otyunjwe lilo athi ancedise bonke abo baphikisanayo ngokusombulula imbambano yabo;
 - “**abo babandakanyekayo**” libinzana lamagama elithetha umntu obandakanyeka kuxolelaniso okanye nakweyiphi enye inkqubo yokusonjululwa kwembambano eqhutywa liBhunga;
 - “**irejistara**” ligama elithetha irejistara ekubhekiswe kuyo kwicandelo 13(8) laloo Mthetho;
 - “**umkhalazelwa**” ligama elithetha umntu ekukhalazwa ngaye kwiNkundla yeziKhalazo;
 - “**loo Mthetho**” libinzana lamagama elithetha uMthetho weZindlu eziQashiswayo, 1999 (Umthetho 50 we-1999);
 - “**iBhunga**” ligama elithetha iBhunga leziNdlu eziQashiswayo elisekwe ngokwecandelo 7 laloo Mthetho, kwaye
 - “**imigaqo yezenzo ezigwenxa**” libinzana lamagama elithetha imigaqo yezenzo ezigwenxa nequlunqwe phantsi kwecandelo 15(1) laloo Mthetho.

Ukufakwa kwezikhalazo

2. (1) Nawuphi na umqashi okanye umnini-ndawo okanye iqela labaqashi okanye elabanini-ndawo okanye naliphi na iqela elichaphazelekayo linako ukufaka isikhalazo kwiBhunga ngokubhekiselele kwisenzo esigwenxa ekubhekiswe kuso kuloo Mthetho okanye phaya kwiMigaqo yeZenzo eziGwenxa, eyapapashwa ngokweSaziso sePhondo .../ 2002 somhla.....
- (2) Izikhalazo mazibe kuxwebhu olufana nqwa nolo kuzekelise ngalo ku-(A) wezi zindululo ngaphezulu zingathunyelwa —
 - (a) Ngeposi okanye ngefaksi kwi-Ofisi yeBhunga ze ithi loo mbalelwano yakufumaneka kubekho phetshana lithile likungqionayo okokuba ngenene incwadi leyo ifumanekile, maxa wambi
 - (b) loo mbalelwano yesikhalazo ingangeniswa ngesandla kwi-ofisi yeBhunga lezikhalazoyo.

Inxaxheba yebhunga emva kokufumana imbalelwano

3. (1) Le migaqo ilandelayo kufaneleke ukuba isetyenziswe yona nangliphi na ixesha ibhunga lifumana isikhalazo:
 - (a) uxwebhu-sicwangciso kumele ukuba lwenziwe ze lufakelwe inombolo luphawu.
 - (b) Iinkcukacha ngomzi lowo ukwincam yembambano zifanele ukubhalwa kuxwebhu oluqulatha iinkcukacha ngokwecandelo 13 (8) lalo Mthetho.
 - (c) Umkhalazi umele ukufumana incwadi engqinayo ukuba ngenene, incwadi yakhe yesikhalazo ifumanekile, ncwadi leyo iya kuqulatha inombolo yoxwebhu lwesicwangciso.
 - (d) IBhunga lezikhalazo limele ukuba liphande ngemiba ekhankanyweyo ngenjongo zokuqinisekisa ukuba okuqulathweyo ngenene kuzalisekisa okuhlalutywa njengentsebenziswano egwenxa. Ngaphezu koko, nayiphi na ingcaciso efumanekayo neya kuzalisekisa imigaqo yesindululo, iphuma kumkhalazi okanye kumkhalazelwa, iya kuba lulutho.
 - (e) Ukuba iBhunga libone ikho imfuneko, lingathumela umhloli ukuba aye kusezela umoya ngokwale ngcaciso ifumanekileyo abhale ingxelo ngesikhalazo, kanti naxa ngaba ibhunga libona kufanelekile, singahlolwa nesakhiwo eso sikwincam yembambano.
 - (f) IBhunga lifaneleke ukuba lithi kwisithuba seentsuku ezingama-30 lisifumene isikhalazo njengoko kuchaziwe kwicandelo 13(2)(b) lalo Mthetho. Oku kuya kuhlalutywa njengentsebenziswano egwenxa.
 - (g) Iziphumo zohlalutywo lwengcaciso efumanekileyo ngokwezindululo ezikumhlathi (f) ngasentla mazicwangcise ngokomhlathi (a).

Ukusonjululwa kwempikiswano

4. Ukuba iBhunga leziKhalazo lifumanise ukuba isikhalazo eso asibhekiselelanga kumcimbi obandakanya isenzo esigwenxa okanye ukuba lifumene kungekho nto inokuyenza ngesikhalazo eso kuya kufuneka ukuba —
 - (a) limbhalele limazise ngokuthe kwafumaniseka;

- (b) limchazele umkhalazi ngendawo eyiyo anokubhekisa kuyo isikhalazo sakhe ukuba kuyalunga oko; kananjalo
- (c) libhale ingxelo ethi lo mbandela uchithiwe kananjalo uvaliwe ze kuvalwe noxwebhu sicwangciso ngalo mba.

Umgaqo ofanele ukulandelwa xa kuhlalutywa ubungqina ngembambano

5. (1) Ukuba ngaba iBhunga lifumanise ukuba bukho ubungqina obuzeleyokwisikhalazo obuzalisekisa ukuba ngenene izenzo ezigwenxa zikho, iBhunga lingathabatha le migaqo:
- (a) Kufaneleke ukuba liqinisekise ngokwezalo izimvo ukuba le mbambano ifanele umxolelanisi ngenene, okanye ngokwemeko yayo le mbambano ayingesonjululwa ngumxolelanisi kusini na;
 - (b) Kufaneleke ngokwengqinisekiso efumanekileyo nengqamana nokuqulathwe kwisigaba esingasentla ku- (a) ukuba ke mbambano ibhalwe kwifayili;
 - (c) Kufaneleke ukuba kubhalwe incwadana eyazisa umkhalazi nomkhalazelwa ukuba kugqitywe kwelithini na;
 - (d) Ukuba ngaba kugqitywe ekubeni le mbambano ingasonjululwa ngumxolelanisi, umxolelanisi lowo kufaneleke ukuba atyunjwe ngokwemigaqo equlathwe kwicandelo 13(2) lalo Mthetho, ngeenjongo zokusombulula imbambano, kananjalo kwaziswe ngencwadi ebhaliweyo ngalowo uthe watyunjwa njengomxolelanisi, ngaphaya koko
 - (e) Ukuba ngaba kugqitywe ekubeni le mbambano ayingesonjululwa ngumxolelanisi, kufaneleke ukuba amalungiselelo ovavanyo lwesikhalazo enziwe, ze ezi zigqibo zaziswe abo bachaphazelekayo ngembalelwano, besaziswa umhla wovavanyo.

Indlela yokuqhuba uxolelwaniso lwembambano

6. (1) Ukuha ibhunga lonyule umxolelanisi ngeenjongo zokusombulula. Le mbambano, umxolelanisi kufanele ukuba athi—
- (a) ngokubhaliweyo azise abandakanywa ngomgaqo othi kufanele babhale kuncwadi olufana twatse nolo lukumzobo u-B oluya kuqulatha izivumelwano abafikelela kuzo, kufanele kwanjalo abazise ukuba bafanele bezimase indibano ebandakanya yena, abanike umhla, ixesha nosuku ekuya kuthi kutyikitywe ngalo ngawo isivumelwano esingqina okuqulathwe kuncwadi olunenkukacha zesakhiwo eso okanye ikhaya elo likwincam yembambano. Olu suku akufanele lube ngaphaya kwentsuku ezili-14 etyunjiwe umxolelanisi, ngaphezulu koku
 - (b) ukuba ngaba abo bachaphazelekayo (ummangali nommangalelwa) abevani ngokufanele kuqulathwe yile ncwadana kubhekiswa kuyo kwisigaba esingasentla, umxolelanisi kufanele akhuphe incwadi engqina ngokusemthetweni njengoko lisitsho icandelo 13(2)(d).
- (2) Ukuba ngaba isiyumelwano esicetywa kumhlathi ophawulwe njengowokuqala ongasentla kuyafikelelwa kuwo, umxolelanisi angaqhubela phambili ngenkqubo yoxolelwaniso nekufanele ilandele le migaqo:
- (a) UMxolelanisi kufuneka ecacise ngokuphandle ngeemfhlakalo okanye iimfihlelo eziya kuhlonitshwa zigcinwe ziphelele kwesi sithathu, phambi kokuba kuqaliswe ngovavanyo zimvo. Ukuba ngaba kuyavunyelwana ngeemfihlelo ukuba zihlale zifihlakele ngelixa loxolelwaniso okanye emva kweli lixa, iimeko okanye izivumelwano ekufikelelwa kuzo ngalo mba kufanele zibhalwe phantsi njengemiqathango yoxolelwaniso.
 - (b) Kwasekuqaleni umxolelanisi kufanele azise abandakanywa ukuba ubukho bakhe kulo mba kukuqinisekisa ukuba kuyaboniswa sesi sibini ngembambano, ngeenjongo yokuza nesisombululo, abazise kananjalo ukuba izwi ekufikelelwa kulo iya kuba lilizwi labo bobabini, ingelilo elomxolelanisi.
 - (c) Umxolelanisi kufanele asazise esisibini sibandakanyekayo ukuba inkqubo yoxolelwaniso iza kulandela umgaqo olandelayo:
 - (i) Umntu ngamnye uza kunikwa ithuba lakhe lokuba anike obakhe ubungqina.
 - (ii) Umntu ngamnye unalo ilungelo lokuba acele intlanganiso imiswe ukuze abenethuba lokugqugula ukuba ngaba unqwenela oko.
 - (iii) Ukuba ngaba ubani lowo akanangxaki nokuba umxolelanisi abckho kwindihano yokugqugula umxolelalanisi angakho ukuze anike iingcebiso.
 - (iv) Ukuba ngaba ubani lowo ngenene akanangxaki nobukho bomxolelanisi kwigqugula lakhe, umxolelanisi kufanele akubhengeze oko kananjalo abhengeze nezindululo zegquguJla, okanye izimvo zegqugula.
 - (d) Umxolelanisi kufanele abenexaxheba kwimiba aqinisekileyo ngayo ukuba akazi kubandakanya imbilini yakhe, koko uza kuhlonela iminqweno yesi sibini sibhabhe kwimbambano.
 - (e) Ukuba ngaba umxolelanisi ufumanisa omnye phakathi kwesi sibini kukho angayikuqondiyo ngaye, nto leyo ekhokelela kwinxaxheba engaphelelanga, okanye oku kubekuzekwa kukungaphili kakuhle engqondweni, ukukhathazeka emphefumleni, ukunxila okanye kukho ukungevisisani ngolwimi oluthethwayo, nayo nayiphi ingxaki ethibaza inkqubela, umxolelanisi kufanele —
 - (i) asebenzise ulwimi okanye amagama aya kuthi afikeleleke kulowo unengxaki, ukuze akwazi ukuba nenxaxheba ezeleyo;
 - (ii) ucebise ukuba ubani lowo unengxaki afumane uncedo oluya kuba lulutho kwinkqubela yeenkquleqhu zoxolelwaniso, maxa wambi;
 - (iii) umxolelanisi angayichitha le ndibano okanye ayimisele ilixa elizayo;
- (3) Umxolelanisi kufuneka azame ukufumana ubungqina obubhaliweyo, obungabonwa njengobufanelekileyo bufumaneka kumntu ongenabango kule mbambano, mntu lowo kufuneka acele ukuba anikezele ngale ngcaciso simahla kumxolelanisi, ngcaciso leyo ekufuneka igcinwe kwincwadi kwifayili zokugcina ubungqina ngembambano.
- (4) Inkqubo yoxolelwaniso kufanele iqukunjelwe kwisithuba samashumi amathathu eentsuku (30) ukususela kolwaa suku kwaqaliswa ngalo.

Ukuba oku akwenzeki le nqkubo ingaqhubeka de idlulele nakwiintsuku ezingamashumi amathathu (30), konke oku kufanele kwaziwe libhunga.

- (5) Ukuba ngaba esi sibini sibhabhe kwimbambano asifikeleli kwisombululo, lo mbandela ufanele ukudluliselwa kwibhunga ukuze kubekho isigqeba esiya kuhlalela ukuva imbambano ngokwecandelo 13(3), (4), (5), (6) no-(12).
- (6) Esi sibini akufanele ukuba kuzanywe ukwakha imvisiswano nangayiphi na indlela, koko ngokubonisana ngezimvo, imvisiswino ingakho okanye ingabokho. Ukuba ngaba kukho izivumelwano ekufikelelwa kuzo kufanele zibhalwe phantsi ze ababandakanyekayo batyikitye isivumelwano kananjalo umxolelanisi kufanele atyikitye njengengqina. Oku kufanele kubhalwe kwincwadi egcina imiba enje. Phambi kokuba kutyikitywe izivumelwano umxolelanisi kufanele aqinisekise ukuba okuthethwa zizivumelwano kucace mhlophe kwisibini ebesibhabhe kwimbambano, siqonde ukuba banyanzelekile ukuba batyikitye ezi zivumelwano.

Imisebenzi nenxaxheba yabasebenzi behbunga

7. (1) Ngokwemigaqo yecandelo 11 lalo Mthetho, abasebenzi beBhunga kufanele benze ngolo hlobo:

- (a) Bayihlole rhoqo indlu leyo ikwincam yembambano, banike kananjalo ingxelo ebhaliweyo xa becelwe libhunga ukuba banze njalo.
- (b) Baphande bekwanxibelelana nabanikazi-mzi ngokunxulumene nengcaciso equkathwe kwincwadi yeeNgcwadi.
- (c) Babhale phantsi nomkhalazi kunye nomkhalazelwa bechola-chola nayiphi na ingcaciso okanye izimvo, ze kubhalwe kwiNcwadi-Ngcwadi.
- (d) Bafumamane ubungqina obuvela kumntu lowo obandakanyekayo kwimbambano nakwabanye abantu abachaphazelakayo kulo mba.
- (e) Banike ubungqina obufungelweyo phambi kweBhunga xa becelwe ukuba benze njalo.
- (f) Bafumane okanye baphande ingcaciso kwincwadi okanye imiqulu eneenkcukacha eziphangaleleyo ngalo mba.
- (g) Baqagamshelane noluntu olukwikansile yasekuhlaleni ngeenjongo zokuphanda isimo sentlawulo rhafu engaba kusafuneka ihlawulwe ngabo bakwimbambano.
- (h) Bapapashe bedlulisa iNcwadi enengcaciso kwabo bachaphazelakayo kwimbambano.
- (i) Bafumane incwadana enobungqina ngazo zonke iintlawulo ngendlu okanye ikhaya elo.
- (j) Bafumane kwindlu yentlawulo renti, iRental Housing Information Office esekwe phantsi kwemigaqo yomthetho, nayiphi ingxelo malunga nemibuzo kunye nezikhalazo kufuneka ifumanekile ngokwecandelo 13(3)(a) lalo Mthetho.
- (k) Banikezele nayiphi na ingcaciso abanyo kunye noxwebhu lwengxelo abanayo ngokunxulumene nokuhlala kwabo kwesi sakhwiwo, loo ngcaciso inganegalelo kwimbambano le.
- (l) Bathumele umsila wengwe kumntu lowo kufuneka evela kwiBhunga okanye nakubani na ongakwazi ukunika ubungqina obuzelayo malunga nomkhalazi, avele phambi kwecandelo 13(3)(e), ze benze uxwebhu ngokweemfuno zeBhunga eli.
- (m) Bancedise ekwakheni okanye kwimfuno-lwazi ngenjongo zokunika ingcaciso evela nkalwana zonke kwiNgcwadi-ncwadi.
- (n) Bafake isicelo kwiNkundla kaMantyi weSithili ngenjongo zokutshutshisa begunyaziswe liBhunga.
- (o) Ukuthumela kwabo baza kuthatyathelwa amanyathelo ngokungayithobeli imigaqo emalunga nezenzo ezingenabulungisa izimvo ezibhaliweyo zeNkundla yeziKhalazo; ze,
- (p) Benze nantoni na efanelekileyo khona ukuze babe nokuwenza umsebenzi wabo baluthwale noxanduva labo ngokwaloo Mthetho okanye ngokweBhunga leziKhalazo.
- (q) Bamkele izikhalazo ezibhaliweyo, bavule iifayili baze bazibhalise kwirejistara ezo zikhalazo;
- (r) Baziqwalasele ngokutsha, bakhangele ukuba izikhalazo ezo ziwela phantsi kwengunya leBhunga leziKhalazo kusini na baze babachazele ngencwadi abakhalazi ngeembono zabo;
- (s) Baqhube uphando lokuqala;
- (t) Bagcine iirekhodi ezichaza umgama osele uhanjiwe kunye neziphumo zezikhalazo ezo;
- (u) Bamkele, bafezekise imiyalelo yeBhunga leziKhalazo baze baqulunqe amaxwebhu afunwa liBhunga elo.
- (v) Bahlele iinkqubo zolamlo baze babazise ngencwadi abo babandakanyekayo ngenawo, ixesha nomhla ekuya kuchotshelwa ngawo umcimbi wabo; kananjalo
- (w) Babhale phantsi iingxelo ngenkqubo yoxolelwaniso.

Isihloko kunye nokusungulwa komgaqo

8. Le migaqo yaziwa njenge Migaqo Ecetywayo Emalunga Neenkqubo zeBhunga leziKhalazo ngeZindlu eziQashiswayo, yeNtshona-Koloni, 2002.























PROVINCE OF THE WESTERN CAPE
DEPARTMENT OF PLANNING, LOCAL GOVERNMENT AND HOUSING

RENTAL HOUSING ACT, 1999
(Act 50 of 1999)

UNFAIR PRACTICES REGULATIONS

I, N. E. Hangana, Minister of Housing in the Province of Western Cape, acting in terms of section 15(1)(f) of the Rental Housing Act, 1999 (Act 50 of 1999), make the regulations set out in the Schedule to this notice.

SCHEDULE

UNFAIR PRACTICES REGULATIONS

Definitions

1. In these regulations, unless the context otherwise indicates —

“**services**” means the provision of water, electricity, gas services and refuse removal;

“**the Act**” means the Rental Housing Act, 1999 (Act 50 of 1999);

“**Tribunal**” means the Rental Housing Tribunal established in terms of section 7 of the Act, and

any expression or word defined in the Act when used in these regulations has the meaning assigned thereto by the relevant definition.

Unfair practice

2. A failure to comply with these regulations constitutes an unfair practice contemplated in the definition thereof in section 1 of the Act.

Changing of locks

3. (1) A landlord or tenant may not change any locks providing access to the dwelling concerned —

- (a) unless it is necessary due to fair wear and tear or other reasonable causes;
- (b) without reasonable notice of the proposed change to the other party; and
- (c) unless duplicate keys are provided to the other party immediately upon such change of locks;

provided that the foregoing provision does not apply in the case of an emergency; provided further that a party changing locks must as soon as possible advise the other party and supply the necessary duplicate keys.

Conditions and maintenance

4. (1) A landlord must —

- (a) let a dwelling which at the commencement of the lease is —
 - (i) in a condition reasonably fit for the purpose for which it is let; and
 - (ii) in a condition which does not contravene the provisions of the Act, these regulations, any ordinance, health or safety regulation or any other law.
- (b) keep and maintain the dwelling in compliance with all ordinances, health or safety regulations or any other law;
- (c) during the term of the lease provide all services agreed to in the lease;
- (d) effect repairs for which the landlord is responsible in terms of the lease, and as identified during inspections by the landlord, or on receipt of a notice from a tenant requesting such repairs, except that if the lease makes provision to the contrary, the landlord is not liable for repairs if the tenant, a member of his or her household or a bona fide visitor brought about the state of disrepair; and
- (e) effect repairs as soon as is reasonably possible having regard to the nature of the repairs but not later than 30 days of the inspection or the receipt of the notice contemplated by paragraph (d) or such further period as may be agreed to between the landlord and the tenant.

Reconstruction, refurbishment, conversion or demolition

5. (1) A landlord may only —

- (a) request a tenant to vacate the dwelling if any repairs, conversions or refurbishments are urgently necessary and cannot be properly made while the tenant remains in occupation; or
- (b) cancel the lease and repossess the dwelling, without being liable for damages in terms of the lease, the Act, these regulations or any other law, in circumstances where the dwelling is in a derelict condition or cannot safely be inhabited and must as a result thereof be rebuilt, reconstructed or demolished.

- (2) In the circumstances contemplated by subregulation (1)(a), the landlord must —
- (a) allow the tenant remission of rental for the period during which the tenant is not in occupation;
 - (b) effect the repairs, conversion or refurbishment within a reasonable time so as to cause the tenant as little inconvenience as possible; and
 - (c) ensure that the tenant is able to return to the dwelling as soon as possible after the completion of the repairs, conversion or refurbishment.
- (3) Where the repairs, conversion or refurbishment are necessary only to a part of the dwelling and the tenant continues to occupy the remaining part, the tenant must receive a remission in rental, the amount of which must be proportionate to the extent of the tenant's deprivation.
- (4) When requested by the landlord to vacate the dwelling for the purposes of urgent and necessary repairs, conversions or refurbishments, the tenant may not cancel the lease unless —
- (a) the temporary unfitness of the dwelling would be ruinous to the tenant; or
 - (b) the repairs, conversion or refurbishment could reasonably have been foreseen by the landlord at the time when the lease was entered into.

Entry

6. (1) A landlord may only enter a dwelling on reasonable notice to the tenant —
- (a) to inspect the dwelling;
 - (b) to make repairs to the dwelling;
 - (c) to show the dwelling to a prospective tenant, purchaser, mortgagee or its agents;
 - (d) to inspect the dwelling for damages as contemplated in regulation 5(2) or upon notification by the landlord or the tenant of the intention to terminate the lease;
 - (e) if the dwelling appears to be abandoned by the tenant; or
 - (f) pursuant to a court order.
- (2) A tenant must allow a landlord to enter a dwelling for the purposes or in the circumstances set out in subregulation (1), provided that such entry is carried out at reasonable times.

Receipts

7. A landlord must furnish a tenant with a written receipt for all payments made by the tenant to the landlord, in the manner prescribed in section 5(3)(a) and (b) of the Act.

Municipal services

8. (1) A landlord who is obliged by law or in terms of the express or implied terms of the lease to provide services to a tenant, must —
- (a) provide such services;
 - (b) not charge a tenant for more than the exact services consumed in the tenant's dwelling if such dwelling is separately metered; and
 - (c) not fail to comply with any regulation, by-law or any other law regarding the amount to be charged to a tenant for services, if any, if the dwelling concerned is not separately metered for services.
- (2) A landlord may not interrupt the supply of electricity or gas services except in the following circumstances —
- (a) where there is an emergency;
 - (b) to do maintenance, repairs or renovations, and reasonable notice has been given to the tenant, but the services must be resumed as soon as the maintenance, repairs or renovations are completed; or
 - (c) where the tenant is in arrears with the payment of the fees for such services and fails to pay the arrears within 7 days of receipt of a notice from the landlord to do so.
- (3) If a dwelling is separately metered for services and payment must be made directly to the landlord, the landlord must provide the tenant with a monthly statement which must contain at least the following information —
- (a) the names of both the landlord and the tenant as well as the physical address of the dwelling;
 - (b) the name, address and telephone number of each service provider;
 - (c) the previous and current months meter readings;
 - (d) the actual consumption for each service and the amounts charged therefor;
 - (e) the total payment due;

- (f) the date of the next meter reading for each service; and
- (g) the amount of any arrears.

General provisions**9. (1) A landlord may not —**

- (a) intimidate, discriminate or retaliate against a tenant for exercising any right under the Act, these regulations or any other law;
- (b) preclude a tenant from establishing or being a member of a tenants committee or any similar body;
- (c) make a false representation regarding the official nature of any document or refuse to accept any notice lawfully presented or sent by the tenant;
- (d) engage in oppressive or unconscionable conduct towards the tenant;
- (e) fail to comply with the Tribunal complaint procedures or any agreement concluded with the Tribunal or with the tenant through the Tribunal's complaint procedures;
- (f) conduct any activity which unreasonably interferes with or limits the rights of the tenant or which is expressly prohibited under the lease, the Act and these regulations, any ordinance, health or safety regulations or any other law; or
- (g) induce a person to waive his or her rights under the Act, these regulations or any other law, or to withdraw from proceedings before the Tribunal.

(2) A tenant may not —

- (a) cede his or her rights, assign his or her obligations or sublet the dwelling or any part thereof to any other person without the written consent of the landlord;
- (b) allow more than the maximum number of persons specified by the landlord to reside in the dwelling;
- (c) intimidate, discriminate or retaliate against a landlord for exercising any right under the Act, these regulations or any other law;
- (d) make a false representation regarding the official nature of any document or refuse to accept any notice lawfully presented or sent by the landlord;
- (e) engage in oppressive or unconscionable conduct towards the landlord;
- (f) fail to comply with the Tribunal complaint procedures or any agreement concluded with the Tribunal or with the landlord through the Tribunal's complaint procedures;
- (g) conduct any activity which unreasonably interferes with or limits the rights of other tenants or which is expressly prohibited under the lease, the Act and these regulations, any ordinance, health and safety regulations or any other law;
- (h) cause or permit any nuisance upon the dwelling; or
- (i) induce the landlord to waive his or her rights under the Act, these regulations or any other law, or to withdraw from proceedings before the Tribunal.

Short title and commencement**10. These regulations are called the Rental Housing Unfair Practices Regulations, Western Cape, 2002.**

PROVINSIE WES-KAAP
DEPARTEMENT VAN BEPLANNING, PLAASLIKE BESTUUR EN BEHUISING

WET OP HUURBEHUISING, 1999
(Wet 50 van 1999)

REGULASIES OP ONBILLIKE PRAKTYKE

Ek, N. E. Hangaana, Minister van Behuising in die Provinsie Wes-Kaap vaardig kragtens artikel 15(1)(f) van die Wet op Huurbehuising, 1999 (Wet 50 van 1999), die regulasies op onbillike praktyke in die Bylae uit.

BYLAE

REGULASIES OP ONBILLIKE PRAKTYKE

Woordomskrywing

1. In hierdie regulasies, tensy dit uit die samehang anders blyk, beteken —

“**dienste**” die voorsiening van water-, elektrisiteit- en gasdienste en die verwydering van vullis;

“**die Wet**” die Wet op Huurbehuising, 1999 (Wet 50 van 1999);

“**Tribunaal**” die Huurbehuisingtribunaal ingestel kragtens artikel 7 van die Wet, en

enige uitdrukking of woord wat in die Wet omskryf is, het die betekenis wat aldus daaraan geheg is wanneer dit in hierdie regulasies gebruik word.

Onbillike praktyk

2. Nie-nakoming van hierdie regulasies maak ’n onbillike praktyk uit soos bedoel in die omskrywing daarvan in artikel 1 van die Wet.

Verandering van slotte

3. (1) Die verhuurder of die huurder mag geen slotte wat toegang tot die betrokke woning verleen, verander nie —

(a) tensy dit nodig is as gevolg van slytasie of ander redelike oorsake;

(b) sonder redelike kennisgewing van die voorgestelde verandering aan die ander party; en

(c) tensy duplikaatsleutels onmiddellik na sodanige verandering van slotte aan die ander party verskaf word;

met dien verstande dat die voorgaande bepaling nie in ’n noodgeval geld nie; voorts met dien verstande dat ’n party wat die slotte verander so gou as moontlik die ander party in kennis moet stel en die nodige duplikaatsleutels moet voorsien.

Voorwaardes en instandhouding

4. (1) ’n Verhuurder moet —

(a) ’n woning verhuur wat by die aanvang van die huurkontrak —

(i) in ’n toestand is wat redelikerwys geskik is vir die doel waarvoor dit verhuur word; en

(ii) in ’n toestand is wat nie die bepalings van die Wet, hierdie regulasies, enige verordening, gesondheids- of veiligheidsregulasie of enige ander wet oortree nie;

(b) die woning in ooreenstemming met alle ordonnansies, gesondheids- of veiligheidsregulasies of enige ander wet hou en in stand hou;

(c) gedurende die termyn van die huurkontrak alle dienste verskaf waarop daar in die huurkontrak ooreengekom is;

(d) herstelwerk doen waarvoor die verhuurder ingevolge die huurkontrak verantwoordelik is en soos geïdentifiseer tydens inspeksies deur die verhuurder, of by ontvangs van ’n kennisgewing van ’n huurder wat sodanige herstelwerk versoek, behalwe dat tensy die huurkontrak vir die teendeel voorsiening maak, die verhuurder nie vir herstelwerk aanspreeklik is nie indien die huurder, ’n lid van sy of haar huishouding of ’n bona fide-besoeker die swak toestand teweeg gebring het; en

(e) herstelwerk doen so gou dit redelikerwys moontlik is met inagneming van die aard van die herstelwerk, maar hoogstens 30 dae na die inspeksie of ontvangs van die kennisgewing by paragraaf (d) bedoel of sodanige verdere tydperk as waarop daar tussen die huurder en die verhuurder ooreengekom word.

Herbouing, opknapwerk, ombouing of sloping

5. (1) ’n Verhuurder kan —

(a) ’n huurder versoek om die woning te ontruim slegs indien enige herstelwerk, ombouing of opknapwerk dringend noodsaaklik is en nie behoorlik gedoen kan word terwyl die huurder die woning okkupeer nie; of

(b) die huurkontrak beëindig en die woning terugneem, sonder om ingevolge die huurkontrak, die Wet, hierdie regulasies of enige ander

wet aanspreeklik te wees vir skadevergoeding, slegs in omstandighede waar die woning in 'n bouvallige toestand is of nie met veiligheid bewoon kan word nie en as gevolg daarvan herbou of gesloop moet word.

- (2) In die omstandighede by subregulasie (1)(a) beoog, moet die verhuurder—
- (a) die huurder kwytsteld van huurgeld vir die tydperk waartydens die huurder die woning nie okkupeer nie;
 - (b) die herstelwerk, ombouing of opknapwerk binne 'n redelike tyd doen ten einde vir die huurder so min ongerief as moontlik te veroorsaak; en
 - (c) seker maak dat die huurder na die woning kan terugkeer so gou moontlik na voltooiing van die herstelwerk, ombouing of opknapwerk.
- (3) Waar die herstelwerk, ombouing of opknapwerk aan net 'n deel van die woning nodig is en die huurder voortgaan om die oorblywende deel te okkupeer, moet die huurder se huurgeld verminder word, en die bedrag moet in ooreenstemming wees met die omvang van die deel waarvan die huurder ontnem is.
- (4) Wanneer die huurder deur die verhuurder versoek is om die woning te ontruim vir die doel van dringende en noodsaaklike herstelwerk, ombouing of opknapwerk, mag die huurder die huurkontrak nie beëindig nie tensy —
- (a) die tydelike ongeskiktheid van die woning vir die huurder onbekostigbaar sal wees; of
 - (b) die herstelwerk, ombouing of opknapwerk redelikerwys deur die verhuurder voorsien kon gewees het toe die huurkontrak aangegaan is.

Toegang

6. (1) 'n Verhuurder mag 'n woning met redelike kennisgewing betree slegs —
- (a) om die woning te inspekteer;
 - (b) om herstelwerk aan die woning te doen;
 - (c) om die woning aan 'n voornemende huurder, koper, verbandhouer of sy of haar agente te toon;
 - (d) om die woning te inspekteer vir skade soos bedoel in regulasie 5(2) of by kennisgewing deur die verhuurder of die huurder van die voorneme om die huurkontrak op te sê;
 - (e) indien die woning skynbaar deur die huurder verlaat is; of
 - (f) ingevolge 'n hofbevel.
- (2) 'n Huurder moet 'n verhuurder toelaat om 'n woning te betree vir die doeleindes in subregulasie (1) uiteengesit op voorwaarde dat sodanige betreding op redelike tye geskied.

Kwitansies

7. 'n Verhuurder moet 'n huurder voorsien van 'n skriftelike kwitansie vir alle betalings deur die huurder aan die verhuurder gedoen, op die wyse in artikel 5(3)(a) en (b) van die Wet voorgeskryf.

Munisipale dienste

8. (1) 'n Verhuurder wat regtens of ingevolge die uitdruklike of geïmpliseerde bepalings van die huurkontrak verplig is om dienste aan 'n huurder te voorsien —
- (a) moet sodanige dienste voorsien;
 - (b) moet die huurder nie meer laat betaal nie as vir die presiese dienste wat in die huurder se woning verbruik is, indien sodanige woning afsonderlik gemeter word; en
 - (c) moet nie versuim om enige regulasie, verordening of enige ander wet na te kom nie met betrekking tot die bedrag wat van 'n huurder gevra moet word vir dienste, indien wel, indien 'n woning nie afsonderlik vir dienste gemeter word nie.
- (2) 'n Verhuurder kan nie die verskaffing van elektrisiteits- of gasdienste onderbreek nie, behalwe in die volgende omstandighede:
- (a) in 'n noodgeval;
 - (b) om instandhouding, herstelwerk of opknapwerk te doen en daar redelike kennis aan die huurder gegee is, maar die dienste moet so gou moontlik na die afhandeling van die instandhouding, herstelwerk of opknapwerk hervat word; of
 - (c) waar die huurder agterstallig is met die betaling van gelde vir sodanige dienste en in gebreke bly om dit te betaal binne 7 dae na ontvangs van 'n kennisgewing van die verhuurder om die gelde te betaal.
- (3) Indien 'n woning afsonderlik vir dienste gemeter word en betaling regstreeks aan die verhuurder gedoen moet word, moet die verhuurder die huurder voorsien van 'n maandelikse staat wat minstens die volgende inligting moet bevat:
- (a) die name van sowel die verhuurder as die huurder, asook die fisiese adres van die woning;
 - (b) die naam, adres en telefoonnommer van elke diensverskaffer;
 - (c) die vorige en die huidige maand se meterlesings;

- (d) die werklike verbruik vir elke diens en die bedrae wat daarvoor gehef word;
- (e) die totale betaling verskuldig;
- (f) die datum van die volgende meterlesing vir elke diens; en
- (g) enige agterstallige bedrae.

Algemene bepalings

9. (1) 'n Verhuurder mag nie —

- (a) 'n huurder intimideer of vergeld of teen hom diskrimineer vir die uitoefening van enige reg ingevolge die Wet, hierdie regulasies of enige ander wet nie;
- (b) 'n huurder belet om 'n huurderskomitee of enige soortgelyke liggaam te stig of 'n lid daarvan te wees nie;
- (c) 'n valse voorstelling met betrekking tot die amptelike aard van enige dokument doen nie of weier om enige kennisgewing te aanvaar wat wettig deur die huurder aangebied of gestuur word nie;
- (d) onderdrukkende of onredelike gedrag teenoor die huurder openbaar nie;
- (e) versuim om aan die Tribunaal se klagteprosedures of enige ooreenkoms wat deur middel van die Tribunaal se klagteprosedures met die Tribunaal of met die huurder gesluit is, te voldoen nie;
- (f) enige aktiwiteit bedryf nie wat op onredelike wyse met die regte van die huurder inmeng of sodanige regte beperk of wat uitdruklik verbied word ingevolge die huurkontrak, die Wet en hierdie regulasies, enige ordonnansie, gesondheids- en veiligheidsregulasies of enige ander wet; of
- (g) 'n persoon oorreed om van sy of haar regte ingevolge die Wet, hierdie regulasies of enige ander wet afstand te doen of om aan verrigtinge voor die Tribunaal te onttrek nie.

(2) 'n Huurder mag nie —

- (a) sy of haar regte sedeer, sy of haar verpligtinge oordra of die woning of enige deel daarvan onderverhuur aan enige ander persoon sonder die skriftelike toestemming van die verhuurder nie;
- (b) meer as die maksimum getal persone wat deur die verhuurder bepaal is, toelaat om in die woning te woon nie;
- (c) 'n verhuurder intimideer of vergeld of teen hom diskrimineer vir die uitoefening van enige reg ingevolge die Wet, hierdie regulasies of enige ander wet nie;
- (d) 'n valse voorstelling met betrekking tot die amptelike aard van enige dokument doen nie of weier om enige kennisgewing te aanvaar wat wettig deur die verhuurder aangebied of gestuur word nie;
- (e) onderdrukkende of onredelike gedrag teenoor die verhuurder openbaar nie;
- (f) versuim om aan die Tribunaal se klagteprosedures of enige ooreenkoms wat deur middel van die Tribunaal se klagteprosedures met die Tribunaal of met die verhuurder gesluit is, te voldoen nie;
- (g) enige aktiwiteit bedryf nie wat op onredelike wyse met die regte van ander huurders inmeng of sodanige regte beperk of wat uitdruklik verbied word ingevolge die huurkontrak, die Wet en hierdie regulasies, enige ordonnansie, gesondheids- en veiligheidsregulasies of enige ander wet;
- (h) enige oorlas by die woning veroorsaak of toelaat nie; of
- (i) die verhuurder oorreed om van sy of haar regte ingevolge die Wet, hierdie regulasies of enige ander wet afstand te doen of om aan verrigtinge voor die Tribunaal te onttrek nie.

Kort titel en inwerkingtreëding

10. Hierdie regulasies heet die Regulasies op Onbillike Praktyke by Huurbehuising, Wes-Kaap, 2002.

P.N. 22/2002

1 UFebruwari 2002

IPHONDO LENTSHONA-KOLONI
ISEBE LOCWANGCISO, LOORHULUMENTE BENGINGQI NEZINDLU
UMTHETHO WEZINDLU EZIQASHISWAYO, 1999
IMIGAQO ECETYWAYO EMALUNGA NEZENZO EZINGENABULUNGISA

Mna N. E. Hangana, uMphathiswa wezeZindlu kwiPhondo leNtshona-Koloni, phantsi kwecandelo 15(1)(f) loMthetho wezeZindlu eziQashiswayo, 1999 (UMthetho 50 we-1999), ndiceba ukumisela iMigaqo ngokwale Shedyuli ilandelayo.

ISHEDYULI

IZENZO EZINGENABULUNGISA

Inkcazo-magama

1. Kule migaqo naliphi na ibinzana intsingiselo iya kuba njengoko inikiwe, ngaphandle kokuba oko kubhekiswe kuko kuchaza nto yimbi —
- “**iinkonzo**” ligama elithetha ubonelelo ngamanzi, umbane, irhasi nokuthuthwa kwenkunkuma;
- “**uMthetho**” ligama elithetha uMthetho wezeZindlu eziQashiswayo (UMthetho 50 we—1999);
- “**iBhunga**” libinzana lamagama elithetha iBhunga leZindlu eziQashiswayo esekwe ngokwecandelo 7 laloo Mthetho.

Intsebenziswano egwenxa

2. Nabani na otsiba kuyo nayiphi na imiqathango yale migaqo wenza isenzo esigwenxa njengoko kuchaziwe phaya kwicandelo 1 lalo Mthetho.

Ukutshintshwa kwamaqhaga

3. (1) Umnini-ndawo nomqashi abafanele kuwatshintsha nawaphi na amaqhaga okutshixa iminyango yendlu;
- (a) ngaphandle kwaxa kukho imfuneko yoko ngenxa yokonakala kwawo okanye ngenxa yezinye izizathu ezivakalayo.
- (b) bengazisananga ngokufanelekileyo ngotshintsho olo lucetywayo, kananjalo
- (c) ngaphandle kokuba banikene isitshixo sesibini ngokukhawuleza emva kokutshintswa kwamaqhaga lawo
- ngaphandle kokuba akukho miqathango ibekiweyo elungiselelwe ukujongana neemeko ezingxamisekileyo; ngaphandle kokuba ke abo bachaphazelekayo ekutshintshweni kwamaqhaga baya kuthethana banikane ezinye izitshixo.

Imo nenkathalo

4. (1) Umnini-ndawo kufuneka —
- (a) indlu ayiqashisayo, ekuqaleni kokusebenza kwesivumelwano soqashiselwano, ibe —
- (i) kwimo efanele injongo leyo iqashelwa yona, kananjalo
- (ii) ibe yekwimo ehambelana nemiqathango yaloo Mthetho, eyale migaqo, eyawo nawuphi na umthetho kamasipala, imigaqo yezempilo nokhuseleko okanye nawuphi na umthetho ongomnye
- (b) indlu leyo ayigcine, ayikhathalele ngokwayo yonke imithetho kamasipala, imigaqo yezempilo nokhuseleko okanye ngokwawo nawuphi na umthetho ongomnye;
- (c) abonelela ngazo zonke iinkonzo ekuvunyelwene ngazo kwisivumelwano soqashiselwano ngeli xesha sisasebenza eso sivumelwano;
- (d) alungise undonakele oluxanduva lomnini-ndawo ngokwesi sivumelwano soqashiselwano, kwanondonakele ophawuleke xa umnini-ndawo ebehlola-hlola indlu leyo, okanye akufumana isaziso esivela kumqashi nesithi makulungiswe undonakele okhoyo. Phofu ngaphandle kokuba isivumelwano soqashiselwano sinamiqathango yimbi ephikisana noko, njengaxa umnini-ndawo engenakubekwa ityala lokulungisa undonakele, xa umqashi okanye omnye wabo ahlala nabo okanye xa iindwendwe zakhe zokwenene izizo ezenze umonakalo; kwaye
- (e) amlungise ngokukhawuleza kangangoko kunokwenzeka undonakele, kodwa kunikwe ingqwalaselo uhlobo lomonakalo lowo phofu ulungiswe kungagqithanga iintsuku ezingama-30 ukususela kumhla ekuhlolwe ngawo indlu okanye umhla wesaziso eso sichazwe kumhlathi (d) okanye nokuba kungaliphi na elinye ixesha ekunokuvunyelwana ngalo ngumnini-ndawo nomqashi.

Uhlenga-hlengiso, uphuculo, uguqulo okanye uchitho

5. (1) Umnini-ndawo —
- (a) angamcela kuphela umqashi ukuba aphume kwindlu leyo xa kukho imfuneko engxamisekileyo yokulungisa, yokuguqula okanye yokuphucula indlu leyo naxa oko kungenakwenziwa kakuhle ngeli xesha umqashi esahlala apho endlwini;
- (b) angasicima isivumelwano soqashiselwano aphinde ayithabathele kuye indlu leyo kwaye akayi kubekwa tyala lokuhlululela umonakalo ngokwesi sivumelwano soqashiselwano, loo Mthetho, le migaqo okanye nawuphi na umthetho ongomnye, kwiimeko apho

indlu leyo ikwimo engasenakulungiseka okanye xa ingenakuhlalwa ngokukhuselekileyo kangangokuba kufanele ukuba yakhiwe ngokutsha okanye ichithwe.

- (2) Kwiimeko ezifana nezo zichazwe kumhlathi (1)(a), umnini-ndawo kufuneka —
- (a) amxolele umqashi ngakwicala lokuhlawula irenti yethuba elo umqashi aza kube engahlali ngalo apho endlwini;
 - (b) ayilungise, ayiguqule okanye ayiphucule kwixeshana elifanelekileyo indlu leyo ukwenzela ukuba umqashi angabinakupazamiseka kangako; kananjalo
 - (c) aqinisekise ukuba umqashi uyakwazi ukubuyela kwindlu leyo ngokukhawuleza kangangoko emva kokuba igqitywe ukulungiswa, ukuguqulwa okanye ukuphuculwa.
- (3) Xa kukho imfuneko yokuba kulungiswe, kuguqulwe okanye kuphuculwe elinye icala le ndlu leyo abe umqashi ehlala kwelinye icala umqashi uya kuba nelungelo lokuxolelwa kwicala lokuhlawula irenti, ahlawule intlawulo ngokobungakanani bokubandezeleka kwakhe.
- (4) Xa umqashi ecelwe ngumnini-ndawo ukuba aphume kwindlu leyo ngenxa yokulungiswa, ukuguqulwa okanye ukuphuculwa kwayo okungxamisekileyo nokuyimfuneko umqashi akanako ukusicima isivumelwano soqashiselwano ngaphandle kokuba —
- (a) ukungabikho kwindlu leyo kumgangatho olungele ukuhlalwa, okwethutyana, kungadala umonakalo kumqashi okanye
 - (b) imfuneko yokuyilungisa, yokuyiguqula okanye yokuyiphucula bekusele kuboniwe ngumnini-ndawo kwangela xesha kusenziwa isivumelwano soqashiselwano.

Ukungena

6. (1) Umnini-ndawo angangena kwindawo ekuhlalwa kuyo xa athe wanika isaziso esifanelekileyo sokwenza oko —
- (a) xa efuna ukuyihlola indlu leyo;
 - (b) xa efuna ukuyilungisa indlu;
 - (c) xa efuna ukuyibonisa umntu okanye iarhente yomntu ofuna ukuyiqasha, ukuyithenga okanye ukuyithenga ngemali-mboleko indlu leyo;
 - (d) xa efuna ukuyihlola ukubona umonakalo njengoko kuchazwe kumgaqo 5(2) okanye xa umnini-ndawo okanye umqashi ekhuphe isaziso sokufuna ukucima isivumelwano sokuqashiselana;
 - (e) xa indlu leyo ibonakala njengengasahlalwayo okanye eshiyiweyo ngumqashi, okanye
 - (f) emva kokukhutshwa komyalelo webhunga.
- (2) Umqashi kufuneka amvumele umnini-ndawo ukuba angene kwindawo leyo ngeenjongo ezichazwe kumgaqwana (1), kodwa kufuneka angene ngamaxesha afanelekileyo.

Iirisiti

7. Umnini-ndawo kufuneka amkhuphele irisiti ebhaliweyo umqashi ebonakalisa yonke imali ehlawulwe ngumqashi kumnini-ndawo, oko kusenziwa ngendlela eyalelwe kwicandelo 5(3)(a) no(b) waloo Mthetho.

Iinkozo zakwaMasipala

8. (1) Umnini-ndawo onyanzelekileyo ukubonelela umqashi ngeenkono ngokomthetho okanye ngokwemiqathango ecaciswe phandle okanye engacaciswanga phandle yesivumelwano soqashiselwano kufuneka —
- (a) abonelele ngezo nkonzo;
 - (b) angamhlawulisi mali ingaphezulu kwelingana ncam neenkono ezo umqashi azisebenzise kwindlu yakhe ukuba loo ndlu inemithara yayo yodwa;
 - (c) angawutyesheli nawuphi na umgaqo, umthetho kamasipala okanye omnye umthetho omalunga nemali umqashi afanele ukuyihlawulela iinkono, ukuba ikho, ukuba indlu leyo ayinamitha yayo yodwa.
- (2) Umnini-ndawo akafanelanga kuzirhoxisa iinkono zombane okanye ezerhasi ngaphandle kokuba kukwezi meko zilandelayo —
- (a) xa kukho ingxaki;
 - (b) xa umqashi aziswe kwangexesha elifanelekileyo ngokuza kusebenza, ukuza kulungisa okanye ukuza kuhlaziya, phofu oko kungenziwa xa ezo nkonzo ziza kuphinda zivuselelwe ngokukhawuleza, okanye
 - (c) xa umqashi esemva ngentlawulo naxa umnini-ndawo emazise kwangethuba elifanelekileyo ukuba kukho intlawulo asemva ngayo.
- (3) Xa indlu inemitha yeenkonzo zayo zodwa naxa iinkono ezo kufanele zihlawulwe kumnini-ndawo ngqo, umnini-ndawo kufuneka abonelele umqashi ngengxelo yenyanga ekufanele iqulathe ubuncinane ezi nkukacha zilandelayo —
- (a) amagama omnini-ndawo nawomqashi kwanedilesi yalapho ikhoyo loo ndlu;
 - (b) igama, idilesi neenombolo zefowuni zomboneleli ngeenkono ngamnye;
 - (c) umlinganiselo womyinga wokusetyenzisweyo njengoko uchazwe kwimitha;

- (d) umlinganiselo ochanekileyo wokusetyenzisiweyo yinkonzo nganye kwanemali ebiziweyo ngezo nkonzo;
- (e) iyonke imali efanele kuhlawulwa;
- (f) umhla ekuza kufundwa ngawo imitha yenkonzo nganye; kunye
- (g) nayo yonke imali asemva ngayo.

Imiqathango ngokubanzi

9. (1) Umnini-ndawo akafanele —

- (a) kumxhalisa, amcalucalule umqashi okanye aziphindezele kuye ngenxa yokusebenzisa kwakhe naliphi na ilungelo analo phantsi koMthetho okanye phantsi kwale migaqo okanye phantsi kwawo nawuphi na omnye umthetho;
- (b) kumthintela umqashi ekusekeni okanye ekubeni lilungu lekomiti yabaqashi okanye nawuphi na omnye umbutho ofana nalowo;
- (c) kuchaza ubuxoki ngokuba semthethweni koxwebhu oluthile okanye ale ukwamkela nasiphi na isaziso asinikwe okanye asithunyelelwe ngokusemthethweni ngumqashi;
- (d) kuzibandakanya kwizenzo zengcinezelo okanye ezingabonakalisi kubanesazela;
- (e) kungazithobeli iinkqubo zeNkundla yeziKhalazo okanye nasiphi na isivumelwano esigqitywe neNkundla leyo okanye nomqashi lowo ngokweenkqubo zeNkundla yeziKhalazo;
- (f) kwenza nantoni na enokuphazamisa ngokungafanelekanga okanye enokuthintela amalungelo omqashi okanye nantoni na engavumelekanga ngaphantsi kwesi sivumelwano soqashiselwano, loo Mthetho nale migaqo okanye nawuphi na umthetho kamasipala okanye imigaqo yempilo nokhuseleko okanye nawuphi na omnye umthetho; kwaye akafanele
- (g) kunyanzelisa umntu ukuba angawasi so amalungelo akhe aphantsi kwaloo Mthetho okanye aphantsi kwale migaqo okanye nawuphi na omnye umthetho okanye arhoxe kwiinkqubo zeBhunga.

(2) Umqashi akafanele —

- (a) kugqithisele amalungelo okanye agqithisele uxanduva lwakhe okanye aqashisele omnye umntu indlu leyo okanye elinye icala layo ngaphandle kwemvume ebhaliweyo yomnini-ndawo;
- (b) kuvumela ukuba kuhlale apho endlwini abantu abangaphezu kwenani eliqingqwe ngumnini-ndawo;
- (c) kumxhalisa, amcalu-calule umnini-ndawo okanye aziphindezele kuye ngenxa yokusebenzisa kwakhe naliphi na ilungelo analo phantsi kwaloo Mthetho okanye phantsi kwale migaqo okanye phantsi kwawo nawuphi na omnye umthetho;
- (d) kuchaza ubuxoki ngokuba semthethweni koxwebhu oluthile okanye ale ukwamkela nasiphi na isaziso asinikwe okanye asithunyelelwe ngokusemthethweni ngumnini-ndawo;
- (e) kuzibandakanya kwizenzo zengcinezelo okanye ezingabonakalisi kubanesazela;
- (f) kungazithobeli iinkqubo zeBhunga okanye nasiphi na isivumelwano esigqitywe nebhunga elo okanye nomnini-ndawo ngokweenkqubo zeBhunga leziKhalazo;
- (g) kwenza nantoni na enokuphazamisa ngokungafanelekanga okanye enokuthintela amalungelo abanye abaqashi okanye nantoni na engavumelekanga ngaphantsi kwesi sivumelwano soqashiselwano, loo Mthetho nale migaqo okanye nawuphi na umthetho kamasipala okanye imigaqo yempilo nokhuseleko okanye nawuphi na omnye umthetho; kwaye;
- (h) kuba ngunobangela okanye ukuvumela iinkathazo apho endlwini; kwaye akafanele
- (i) kunyanzelisa umntu ukuba angawasi so amalungelo akhe aphantsi kwaloo Mthetho okanye phantsi kwale migaqo okanye nawuphi na omnye umthetho okanye amrhoxise kwiinkqubo zeBhunga.

Isihloko kunye nokusungulwa komgaqo

10. Le migaqo ibizwa ngokuba yimigaqo yeNtshona Koloni, 2002, emalunga nezenzo ezigwenxa.

SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS