



**Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni**

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(\*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

**Provincial Notices**

The following Draft Admendment Bill is published for comment:

Draft Western Cape Housing Development Amendment Bill, 2016

P.N. 388/2016 5 October 2016

Any person or organisation wishing to comment on the Draft Amendment Bill is requested to lodge such comments in writing before or on 4 November 2016—

- (a) by posting it to:  
Mr Thando Mguli  
Head of the Department of Human Settlements  
Private Bag X9083  
Cape Town 8000
- (b) by emailing it to:  
Thando.Mguli@westerncape.gov.za
- (c) by faxing it to:  
Mr Thando Mguli  
Head of the Department of Human Settlements  
Facsimile number: 021 483 2589.

Copies of the draft Bill are available at <http://www.westerncape.gov.za>

Enquiries can be made with Mr Lionel Esterhuizen (021 483 4444) or Mr Heinrich Mostert (021 483 3684).

P.N. 389/2016 5 October 2016

The Xhosa versions of the following Acts are published for general information:

No. 6 of 1999: Western Cape Housing Development Act, 1999

No. 2 of 2005: Western Cape Housing Development Amendment Act, 2005

As 'n Nuusblad by die Poskantoor Geregistreer

**INHOUD**

(\*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

**Provinsiale Kennisgewings**

Die volgende Konsepwysigingswetsontwerp word vir kommentaar gepubliseer:

Wes-Kaapse Konsepwysigingswetsontwerp op Behuisingsontwikkeling, 2016

P.K. 388/2016 5 Oktober 2016

Enige persoon of organisasie wat kommentaar op die Konsepwysigingswetsontwerp wil lewer, word versoek om die kommentaar skriftelik te lewer voor of op 4 November 2016—

- (a) deur dit te pos aan:  
Mnr Thando Mguli  
Hoof van die Departement van Menslike Nedersettings  
Privaatsak X9083  
Kaapstad 8000
- (b) deur dit per e-pos te stuur na:  
Thando.Mguli@westerncape.gov.za
- (c) deur dit te faks aan:  
Mnr Thando Mguli  
Hoof van die Departement van Menslike Nedersettings  
Faksnommer: 021 483 2589.

Afskrifte van die Konsepwetsontwerp is beskikbaar by <http://www.westerncape.gov.za>

Navrae kan gerig word aan mnr Lionel Esterhuizen (021 483 4444) of mnr Heinrich Mostert (021 483 3684).

P.K. 389/2016 5 Oktober 2016

Die Xhosaweergawes van die volgende Wette word vir algemene inligting gepubliseer:

Nr. 6 van 1999: Wes-Kaapse Behuisingsontwikkelingswet, 1999

Nr. 2 van 2005: Wes-Kaapse Behuisingsontwikkelingswysigingswet, 2005

Ibhaliswe ePosini njengePhephandaba

**IZIQUATHO**

(\*Iikopi eziprintiweyo zifumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Nthetho, 7 Wale Street, eKapa 8001.)

**Izaziso zePhondo**

Olu qulunqo lomthetho osayilwayo lupapashelwa ukuba uluntu luvakalise izimvo zalo:

UMthetho weZilungiso Osayilwayo woLwakhiwo lweZindlu waseNtshona Koloni, 2016

I.S. 388/2016 5 kweyeDwarha 2016

Nawuphi na umntu okanye umbutho ofuna ukuvakalisa izimvo ngolu qulunqo loMthetho osayilwayo uyacelwa ukuba azifake ezibhalile ezo zimvo phambi komhla okanye ngomhla we-5 kweyeNkanga 2016—

- (a) azithumele ngeposi ku-:  
Mnu. Thando Mguli  
Head of the Department of Human Settlements  
Private Bag X9083  
Cape Town 8000
- (b) azithumele nge-imeyili ku-:  
Thando.Mguli@westerncape.gov.za
- (c) azithumele ngefeksi ku-:  
Mnu. Thando Mguli  
Head of the Department of Human Settlements  
Inombolo yefasimeyili: 021 483 2589.

Ziyafumaneka iikopi zoqulunqo loMthetho osayilwayo ku-<http://www.westerncape.gov.za>

Imibuzo ingabhekiswa ku Mnu. Lionel Esterhuizen (021 483 4444) okanye ku Mnu. Heinrich Mostert (021 483 3684).

I.S. 389/2016 5 kweyeDwarha 2016

Iinguqulelo zesiXhosa zale Mithetho ilandelayo zapapashelwa ukunika ulwazi ngokubanzi:

Nomb. 6 ka-1999: uMthetho woLwakhiwo lweZindlu weNtshona Koloni, 1999

Nomb. 2 ka-2005: uMthetho weZilungiso woLwakhiwo lweZindlu weNtshona Koloni, 2005

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

**DRAFT WESTERN CAPE HOUSING DEVELOPMENT AMENDMENT BILL, 2016**

To insert certain new definitions, amend certain definitions and to delete the definition of “Fund”; to make provision for the administration of immovable property acquired in terms of the Act; to make provision for the acquisition or disposal of immovable property for housing development and the disposal of immovable property below market value subject to certain conditions; to substitute the expression “Fund” of the expression “Provincial Revenue Fund”; to disestablish the Western Cape Housing Development Fund; to repeal certain sections pertaining to the fund; to provide for savings and transitional measures; to effect textual improvements and to provide for matters incidental thereto.

**B**E IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

**Amendment of section 1 of Act 6 of 1999, as amended by section 1 of Act 2 of 2005**

- 1. Section 1 of the Western Cape Housing Development Act, 1999 (Act 6 of 1999) (the principal Act), is amended— 5
  - (a) by the insertion after the definition of “accounting officer” of the following definition:
    - “**‘acquire’**, in relation to immovable property, includes—
      - (a) purchase; 10
      - (b) exchange; 10
      - (c) receipt through donation or bequest;
      - (d) leasing immovable property;
      - (e) the conclusion of any form of land availability agreement; and
      - (f) the registration of a real or personal right;”;
  - (b) by the insertion after the definition of “Code” of the following definition: 15
    - “**‘consideration’** includes any thing, act, service, undertaking, promise, agreement or assurance with intrinsic value;”;
  - (c) by the insertion after the definition of “Department” of the following definition: 20
    - “**‘dispose’**, in relation to immovable property acquired in terms of this Act, includes—
      - (a) sale; 25
      - (b) exchange;
      - (c) donation;
      - (d) letting of immovable property, including the allocation of immovable property without consideration for a period of time;
      - (e) the conclusion of any form of land availability agreement with any person in respect of immovable property;

- (f) the registration of any real or personal right in respect of immovable property; and
- (g) the transfer of land to a local government without consideration;”;
- (d) by the deletion of the definition of “Fund”;
- (e) by the substitution for the definition of “housing development” of the following definition: 5
- “**‘housing development’** means the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities [**and social amenities**] in areas allowing convenient access to economic opportunities and to health, educational and social amenities in which all citizens and permanent residents of the Province will, on a progressive basis, have access to—
- (a) permanent residential structures with secure tenure, ensuring privacy and providing adequate protection against the elements; and 15
- (b) potable water, adequate sanitary facilities and domestic energy supply;”;
- (f) by the insertion after the definition of “national housing programme” of the following definitions: 20
- “**‘Province’** means the Province of the Western Cape;
- ‘Provincial Cabinet’** means the Provincial Cabinet referred to in section 42 of the Constitution of the Western Cape, 1997;”;
- (g) by deleting the definition of “Province” where it appears after the definition of “provincial housing programme”.

#### **Amendment of section 4 of Act 6 of 1999, as amended by section 3 of Act 2 of 2005** 25

##### **2.** Section 4 of the principal Act is amended—

- (a) by the substitution for paragraph (i) of subsection (1) of the following paragraph:
- “(i) must administer the assets contemplated in [section] sections 6 and 22A.”; 30
- (b) by the substitution for paragraphs (d) and (e) of subsection (2) of the following paragraphs:
- “(d) publish, in the manner deemed expedient, a code to be known as the Housing Code of the Province, which applies to all housing development in the Province; [**and**] 35
- (e) institute mechanisms or institutions or both and may use such mechanisms and institutions as well as existing institutions to ensure the proper integration of housing with all other facets of development in a holistic way[.]; and”;
- (c) by the addition to subsection (2) of the following paragraph: 40
- “(f) acquire immovable property in terms of section 22A and dispose of immovable property so acquired in terms of section 22B.”.

#### **Amendment of section 16 of Act 6 of 1999, as amended by section 12 of Act 2 of 2005**

##### **3.** Section 16 of the principal Act is amended by the substitution for subsection (5) of the following subsection: 45

- “(5) For the purposes of the administration contemplated in subsection (4), [**but subject to section 18,**] a local government may exercise such powers and must perform such duties of the Provincial Minister as are necessary.”.

#### **Amendment of section 22 of Act 6 of 1999, as amended by section 16 of Act 2 of 2005** 50

##### **4.** Section 22 of the principal Act is amended—

- (a) by the substitution for subsection (5) of the following subsection:
- “(5) If the Provincial Government wishes to alienate any immovable property that has passed to it in terms of section 6(2), other than property contemplated in subsections (1) to (4) [**or any properties acquired in terms of section 7(1)(g) or (2),**] the Provincial Government may do so at a fair market value, or if it is not possible for such property to be 55

- alienated at a fair market value, it must be alienated in the best interest of the Provincial Government at a price approved by the Provincial Minister.”; and
- (b) by the substitution in subsections (9) and (10) and paragraph (a) of subsection (12) for the expression “(former) Provincial Government” of the word “Board”.

#### Insertion of sections 22A and 22B

5. The principal Act is amended by the insertion after section 22 of the following sections:

#### “**Acquisition of immovable property**” 10

**22A.** (1) The Provincial Cabinet may on behalf of the Provincial Government, on the terms and conditions as may be required, acquire for the purpose of housing development immovable property of a market value equal to or above the prescribed value.

(2) The Provincial Minister may on behalf of the Provincial Government, on the terms and conditions as may be required, acquire for the purpose of housing development immovable property of a market value below the prescribed value contemplated in subsection (1).

(3) When immovable property is acquired in terms of subsection (1) or (2), the prescribed process must be followed.

(4) The process contemplated in subsection (3) must be fair, equitable, transparent and cost-effective and, where practical, provide for a competitive bidding procedure and the publication of bids and awarding of bids in the *Provincial Gazette* and newspapers in general circulation in the Province and, if effective, other media.

(5) Immovable property acquired under this section that is capable of registration must be registered in the name “Western Cape Provincial Government”.

#### **Disposal of acquired immovable property**

**22B.** (1) The Provincial Cabinet may on behalf of the Provincial Government, on the terms and conditions as may be required, dispose for the purpose of housing development of immovable property acquired in terms of section 22A of a market value equal to or above the prescribed value.

(2) The Provincial Minister may on behalf of the Provincial Government, on the terms and conditions as may be required, dispose for the purpose of housing development of immovable property acquired in terms of section 22A of a market value below the prescribed value contemplated in subsection (1).

(3) When immovable property is disposed of in terms of subsection (1) or (2)—

(a) the prescribed process must be followed;

(b) the immovable property must be utilised for a housing development project in accordance with national and provincial housing policy; and

(c) a housing development project for that immovable property must be approved by the Provincial Minister.

(4) The process contemplated in subsection (3)(a) must be fair, equitable, transparent and cost-effective and, where practical, provide for a competitive bidding procedure and the publication of bids and awarding of bids in the *Provincial Gazette* and newspapers in general circulation in the Province and, if effective, other media.

(5) Subject to the Public Finance Management Act and subsection (6), the Provincial Cabinet or the Provincial Minister, as the case may be, may dispose of immovable property acquired in terms of section 22A for consideration that is less than its market value or for no consideration in terms of the prescribed process.

(6) When the disposal of an immovable property at consideration for less than the market value thereof, or at no consideration, is approved under subsection (5), it must be approved—

- (a) after the following has been considered:
- (i) the best interest of the Provincial Government and the community;
  - (ii) the social-development and socio-economic objectives of the Provincial Government;
  - (iii) the long-term effects of the disposal and the benefits to the Provincial Government; and
  - (iv) any other criteria as may be prescribed; and
- (b) subject to subsection (8), on the condition that if the immovable property is no longer used for the purpose for which it was acquired, the immovable property reverts to the Provincial Government on the direction of the Provincial Minister, unless the Provincial Minister consents to the use of the immovable property for another purpose.
- (7) When immovable property reverts to the Provincial Government as contemplated in subsection (6)(b), the former owner of the immovable property must be compensated by the Provincial Government in a fair amount determined by the Provincial Minister in accordance with prescribed factors.
- (8) The Provincial Cabinet or Provincial Minister, as the case may be, must impose a condition contemplated in subsection (6)(b) unless—
- (a) the conditions referred to in sections 10A and 10B of the Housing Act will apply to the immovable property; or
  - (b) the condition will hinder the intended use of the property.
- (9) A condition contemplated in subsection (6)(b) must be registered against the title deed of the immovable property.
- (10) The Provincial Minister must notify the Registrar of Deeds of the Province contemplated in the Deeds Registries Act, 1937 (Act 47 of 1937), in writing of a consent given in terms of subsection (6)(b), and the Registrar of Deeds must endorse the title deed of the immovable property accordingly.”.

#### **Substitution of expression in Act 6 of 1999**

6. The principal Act is amended by the substitution for the expression “Fund”, wherever it appears, of the expression “Provincial Revenue Fund”, except in sections 4(1)(d) and 22(10) of the principal Act.

#### **Disestablishment of Western Cape Housing Development Fund**

7. The Western Cape Housing Development Fund established by section 13 of the principal Act is disestablished.

#### **Repeal of sections 13, 14, 16(7), 17, 18 and 26 of Act 6 of 1999**

8. Sections 13, 14, 16(7), 17, 18 and 26 of the principal Act are repealed.

#### **Amendment of Arrangement of Act**

9. The arrangement of the principal Act is amended—
- (a) by the deletion of the references to sections 13, 14, 17, 18 and 26; and
  - (b) by the insertion after the reference to section 22 of the following items:
    - “**22A.** Acquisition of immovable property
    - 22B.** Disposal of acquired immovable property”.

#### **Substitution of long title**

10. The following long title is substituted for the long title of the principal Act:

**“To provide for the abolition of the Western Cape Housing Development Board; to determine general principles applicable to housing in the Province of the Western Cape; to define the role of the provincial and local spheres of government in housing development; to establish a Western Cape Housing Advisory Panel; to make provision for the acquisition and disposal of immovable property for housing development; to ensure that housing**

**development is integrated with all other facets of development in a holistic manner; and to provide for matters incidental thereto.”.**

### **Savings and transitional arrangements**

- 11.** (1) In this section—
- “**accounting officer**” means the accounting officer of the Fund as contemplated in the principal Act; 5
  - “**Fund**” means the Western Cape Housing Development Fund established by section 13 of the principal Act before its disestablishment in terms of this Act;
  - “**Provincial Cabinet**” means the Provincial Cabinet referred to in section 42 of the Constitution of the Western Cape, 1997; 10
  - “**Provincial Minister**” means the member of the Provincial Cabinet responsible for housing;
  - “**Provincial Revenue Fund**” means the Provincial Revenue Fund of the Province referred to in section 226 of the Constitution of the Republic of South Africa, 1996. 15
- (2) All money that— 15
- (a) immediately before the commencement of this Act stood to the credit of the Fund devolves upon the Provincial Revenue Fund;
  - (b) immediately before the commencement of this Act was payable to or for the credit of the Fund is payable to the Provincial Revenue Fund;
  - (c) on or after the commencement of this Act would have become payable to or would have been for the credit of the Fund were it not for the disestablishment of the Fund by section 7 will become payable to the Provincial Revenue Fund; and 20
  - (d) was advanced out of the Fund is regarded as having been advanced out of the Provincial Revenue Fund. 25
- (3) Any reference in any other law to the Fund must be construed as a reference to the Provincial Revenue Fund.
- (4) Despite the disestablishment of the Fund by section 7 of this Act and the repeal of section 14 of the principal Act, the accounting officer must prepare and submit to the Provincial Minister the financial statements contemplated in section 14(1)(f) of the principal Act in respect of the period from the end of the immediately preceding financial year in respect of which statements have been submitted to the day this Act commences. 30
- (5) Despite the disestablishment of the Fund by section 7 of this Act, a person authorised in terms of section 23 of the principal Act may exercise the powers and perform the duties contemplated in that section of the principal Act in respect of land acquired by means of a loan or grant obtained from the Fund. 35
- (6) The Provincial Minister, or the accounting officer if so authorised by the Provincial Minister, may issue directives to give effect to this section.

### **Short title and commencement** 40

**12.** This Act is called the Western Cape Housing Development Amendment Act, 2016, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

## MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE HOUSING DEVELOPMENT AMENDMENT BILL, 2016

### 1. BACKGROUND

- 1.1 The Western Cape Housing Development Act, 1999 (Act 6 of 1999) (the Act), was enacted on 1 January 2000 and amended by the Western Cape Housing Development Amendment Act, 2005 (Act 2 of 2005).
- 1.2 The Western Cape Department of Human Settlements (the Department) has since identified a number of shortcomings in the Act that need to be addressed.
- 1.3 Provincial Cabinet therefore granted in-principle approval to proceed with preparing the Draft Western Cape Housing Development Amendment Bill, 2016 (the Bill), to amend the Act.

### 2. OBJECTS OF BILL

- 2.1 The purpose of the Bill is to—
  - 2.1.1 provide for immovable assets to be acquired or disposed of for the purpose of housing development; and
  - 2.1.2 disestablish the Western Cape Housing Development Fund (the Fund), established by section 13 of the Act, and to provide for matters incidental thereto.

### 3. CONTENTS OF BILL

- 3.1 **Clause 1** amends the definitions in the Act by inserting the definitions of “acquire”, “consideration” and “dispose”, by substituting the definition of “housing development” and correcting the incorrect alphabetical order of the definitions in the Act.
- 3.2 **Clause 2** amends—
  - 3.2.1 section 4(1) of the Act by providing that the Provincial Minister also administer the assets acquired in terms of clause 22A of the Bill;
  - 3.2.2 section 4(2)(d) and (e) of the Act by adapting certain punctuation marks to accommodate the addition of another paragraph; and
  - 3.2.3 section 4(2) of the Act by adding paragraph (f), which adds the powers of acquisition and disposal of immovable property to the existing powers and duties of the Provincial Minister.
- 3.3 **Clause 3** amends section 16(5) of the Act to delete the reference to section 18, which is to be repealed by the Bill.
- 3.4 **Clause 4** amends section 22 of the Act to remove references and correct expressions replaced by the previous amendment of the Act.
- 3.5 **Clause 5** provides for the insertion of section 22A and 22B in the Act, to provide for both the acquisition and disposal of immovable properties for the purpose of housing development.

It is provided that immovable property may be acquired or disposed of in terms of a prescribed process that must be fair, equitable, transparent and cost-effective and, where practical, provide for a competitive bidding procedure and the publication of bids and awarding of bids in the *Provincial Gazette* and newspapers in general circulation in the Province and, if effective, other media.

This clause further provides that the Provincial Cabinet or Provincial Minister, as the case may be, may dispose of immovable property acquired for consideration that is less than the market value thereof or for no consideration in terms of the prescribed process. Such disposal will be subject to the Public Finance Management Act, 1999 (Act 1 of 1999), and after having considered the best interest of the Provincial Government and other factors provided for in the Bill.

When a disposal at consideration for less than the market value of the immovable property is approved, it must be approved after having considered certain criteria provided for in the Bill. The Provincial Cabinet or Provincial Minister, as the case may be, must also in such instances impose a condition to provide for the immovable property to revert to the Provincial Government if the immovable property is no longer used for the purpose for which it was acquired. The Provincial Minister may consent to the use of the immovable property for another purpose. When immovable property reverts to the Provincial Government, the person who previously held the immovable property will be compensated fairly by the Provincial Minister in accordance with prescribed factors. The Provincial Minister must impose such a condition unless the conditions referred to in sections 10A and 10B of the Housing Act apply to the immovable property or the condition will hinder the intended use of the property.

- 3.6 **Clause 6** amends the Act by the substitution of the expression “Fund”, wherever it appears, with the expression “Provincial Revenue Fund”, except in sections 4(1)(d) and 22(10).
- 3.7 **Clause 7** provides for the disestablishment of the Fund.
- 3.8 **Clause 8** amends the Act by repealing sections 13, 14, 16(7), 17, 18 and 26 of the Act.
- 3.9 **Clause 9** amends the arrangement of the Act by deleting the references to the repealed sections and by inserting references to clauses 22A and 22B.
- 3.10 **Clause 10** amends the Act by substituting the long title of the Act to include the acquisition and disposal of immovable property for housing development.
- 3.11 **Clause 11** provides for savings and transitional arrangements to ensure that once the Bill is enacted money standing to the credit of or payable to the Fund will devolve upon the Provincial Revenue Fund and that money that was advanced out of the Fund will be regarded as having been advanced out of the Provincial Revenue Fund.

Any reference in any other law to the Fund must be construed as a reference to the Provincial Revenue Fund.

It is required of the accounting officer of the Fund to finalise the financial statements of the Fund. Inspectors of the Department will still be authorised to conduct inspections in respect of land acquired by means of a loan or grant obtained from the Fund.

The Provincial Minister, or the accounting officer if so authorised by the Provincial Minister, may issue directives to give effect to this clause.

- 3.12 **Clause 12** contains the short title of the Bill and provides that the Bill, once enacted, will come into operation on a date determined by the Premier.

#### **4. CONSULTATION**

The Department of Transport and Public Works and Provincial Treasury were consulted.



**5. FINANCIAL IMPLICATIONS**

Administrative costs pertaining to the implementation of this legislation once enacted will be covered within current budgets. The cost of publication of the Bill will also be covered within current budgets.

**6. PERSONNEL IMPLICATIONS**

Existing staff members of the Department will be responsible for the implementation of the Bill.

**7. LEGISLATIVE COMPETENCE**

The Provincial Minister is satisfied that all the provisions of the Bill fall within the legislative competence of the Province.

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vetdruk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

**WES-KAAPSE KONSEPWYSIGINGSWETSONTWERP OP  
BEHUISINGSONTWIKKELING, 2016**

Om sekere nuwe omskrywings in te voeg, sekere omskrywings te wysig en om die omskrywing van “Fonds” te skrap; om voorsiening te maak vir die administrasie van onroerende eiendom wat ingevolge die Wet verkry is; om voorsiening te maak vir die verkryging van of beskikking oor onroerende eiendom vir behuisingsontwikkeling en die beskikking oor onroerende eiendom vir minder as die markwaarde behoudens sekere voorwaardes; om die uitdrukking “Fonds” met die uitdrukking “Provinsiale Inkomstefonds” te vervang; om die Wes-Kaapse Behuisingsontwikkelingsfonds af te skaf; om sekere artikels rakende die fonds te herroep; om voorsiening te maak vir voorbehoude en oorgangsmatreëls; om tekstuele verbeterings aan te bring en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

**Wysiging van artikel 1 van Wet 6 van 1999, soos gewysig by artikel 1 van Wet 2 van 2005**

1. Artikel 1 van die Wes-Kaapse Behuisingsontwikkelingswet, 1999 (Wet 6 van 1999) (die Hoofwet), word gewysig— 5

(a) deur die omskrywing van “behuisingsontwikkeling” deur die volgende omskrywing te vervang:

“**‘behuisingsontwikkeling’** die totstandbrenging en instandhouding van bewoonbare, stabiele en volhoubare openbare en private residensiële omgewings om lewensvatbare huishoudings en gemeenskappe [**en sosiale geriewe**] te verseker in gebiede wat gerieflike toegang tot ekonomiese geleenthede en tot gesondheids-, opvoedkundige en sosiale geriewe toelaat, waarin alle burgers en permanente inwoners van die Provinsie op 'n progressiewe grondslag toegang sal hê tot— 10 15

(a) permanente residensiële strukture met sekerheid van besitreg, wat privaatheid verseker en voldoende beskerming teen die elemente verskaf[.]; en

(b) drinkbare water, voldoende sanitêre geriewe en huishoudelike kragtoevoer;”;

(b) deur die volgende omskrywing na die omskrywing van “Behuisingswet” in te voeg: 20

“**‘beskik’**, met betrekking tot onroerende eiendom verkry ingevolge hierdie Wet, ook—

(a) verkoop;

(b) ruil;

25

- (c) skenking; 5
- (d) verhuring van onroerende eiendom, met inbegrip van die toekenning van onroerende eiendom vir 'n tydperk sonder teenprestasie; 5
- (e) die sluit van enige vorm van grondbeskikbaarheidsooreenkoms met enige persoon; 5
- (f) die registrasie van enige saaklike of persoonlike reg; en 5
- (g) die oordrag van grond na 'n plaaslike regering sonder teenprestasie;"; 5
- (c) deur die omskrywing van "Fonds" te skrap; 10
- (d) deur die volgende omskrywing voor die omskrywing van "Provinsiale Minister" in te voeg:  
 "‘**Provinsiale Kabinet**’ die Provinsiale Kabinet bedoel in artikel 42 van die Grondwet van die Wes-Kaap, 1997;"; 10
- (e) deur die omskrywing van "Provinsie" in die Engelse teks te skrap waar dit voorkom en dit in die korrekte alfabetiese volgorde in te voeg; en 15
- (f) deur die volgende omskrywings na die omskrywing van "rekenpligtige beampte" in te voeg:  
 "‘**teenprestasie**’ ook enige saak, handeling, diens, onderneming, belofte, ooreenkoms of versekering met intrinsieke waarde;" en  
 "‘**verkry**’, met betrekking tot onroerende eiendom, ook— 20
- (a) aankoop; 25
- (b) ruil; 25
- (c) ontvangs deur middel van skenking of bemaking; 25
- (d) huur van onroerende eiendom; 25
- (e) die sluit van enige vorm van grondbeskikbaarheidsooreenkoms ten opsigte van onroerende eiendom; en 25
- (f) die registrasie van 'n saaklike of persoonlike reg ten opsigte van onroerende eiendom;"; 25

### Wysiging van artikel 4 van Wet 6 van 1999, soos gewysig by artikel 3 van Wet 2 van 2005 30

#### 2. Artikel 4 van die Hoofwet word gewysig—

- (a) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:  
 "(i) moet die bates in [artikel] artikels 6 en 22A beoog, administreer."; 35
- (b) deur paragrawe (d) en (e) van subartikel (2) deur die volgende paragrawe te vervang:  
 "(d) 'n kode, wat as die Behuisingskode van die Provinsie sal bekend staan en op alle behuisingsontwikkeling in die Provinsie van toepassing is, publiseer op die wyse wat dienstig geag word; [en] 40
- (e) meganismes of instellings of albei instel of stig en kan sodanige meganismes en instellings asook bestaande instellings gebruik om te verseker dat behuising op 'n holistiese wyse behoorlik geïntegreer word met alle ander fasette van ontwikkeling[.]; en"; en 40
- (c) deur die volgende paragraaf by subartikel (2) te voeg:  
 "(f) ingevolge artikel 22A onroerende eiendom verkry en ingevolge artikel 22B oor onroerende eiendom sodanig verkry beskik." 45

### Wysiging van artikel 16 van Wet 6 van 1999, soos gewysig by artikel 12 van Wet 2 van 2005

#### 3. Artikel 16 van die Hoofwet word gewysig deur subartikel (5) deur die volgende subartikel te vervang: 50

- "(5) Vir die doeleindes van administrasie beoog in subartikel (4) [, **maar behoudens artikel 18,**] kan 'n plaaslike regering die bevoegdhede en pligte van die Provinsiale Minister wat nodig is, uitoefen en verrig."

## Wysiging van artikel 22 van Wet 6 van 1999, soos gewysig by artikel 16 van Wet 2 van 2005

4. Artikel 22 van die Hoofwet word gewysig—
- (a) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Indien die Provinsiale Regering enige onroerende eiendom wat op hom oorgegaan het ingevolge artikel 6(2) wil vervreem, uitgesonderd eiendom beoog in subartikel (1) tot (4), [of enige eiendomme aangeskaf ingevolge artikel 7(1)(g) of (2)] kan die Provinsiale Regering dit doen teen ’n redelike markwaarde, of indien dit nie moontlik is om daardie eiendom te vervreem teen ’n redelike markwaarde nie, moet dit vervreem word in die beste belang van die Provinsiale Regering teen ’n prys wat die Provinsiale Minister goedgekeur het.”; en
- (b) deur in subartikels (9) en (10) en paragraaf (a) van subartikel (12) die uitdrukking “(voormalige) Provinsiale Regering” deur die woord “Raad” te vervang.

## Invoeging van artikels 22A en 22B

5. Die Hoofwet word gewysig deur die volgende artikels na artikel 22 in te voeg:

### “Verkryging van onroerende eiendom

**22A.** (1) Die Provinsiale Kabinet kan namens die Provinsiale Regering, op die bepalings en voorwaardes soos nodig kan wees, vir die doel van behuisingsontwikkeling onroerende eiendom met ’n markwaarde gelyk aan of hoër as die voorgeskrewe waarde verkry.

(2) Die Provinsiale Minister kan namens die Provinsiale Regering, op die bepalings en voorwaardes soos nodig kan wees, vir die doel van behuisingsontwikkeling onroerende eiendom met ’n markwaarde laer as die voorgeskrewe waarde beoog in subartikel (1) verkry.

(3) Wanneer onroerende eiendom ingevolge subartikel (1) of (2) aangeskaf word, moet die voorgeskrewe proses gevolg word.

(4) Die proses beoog in subartikel (3) moet regverdig, billik, deursigtig en kostedoeltreffend wees en, waar doenlik, voorsiening maak vir ’n mededingende tenderprosedure en die publikasie van tenders en toekenning van tenders in die *Provinsiale Koerant* en koerante in algemene omloop in die Provinsie en, indien doeltreffend, ander media.

(5) Onroerende eiendom wat kragtens hierdie artikel aangeskaf is wat geregistreer kan word, moet in die naam “Wes-Kaapse Provinsiale Regering” geregistreer word.

### **Beskikking oor aangeskafde onroerende eiendom**

**22B.** (1) Die Provinsiale Kabinet kan namens die Provinsiale Regering, op die bepalings en voorwaardes soos nodig kan wees, vir die doel van behuisingsontwikkeling oor onroerende eiendom beskik wat ingevolge artikel 22A aangeskaf is met ’n markwaarde gelyk aan of hoër as die voorgeskrewe waarde.

(2) Die Provinsiale Minister kan namens die Provinsiale Regering, op die bepalings en voorwaardes soos nodig kan wees, vir die doel van behuisingsontwikkeling oor onroerende eiendom beskik wat ingevolge artikel 22A aangeskaf is met ’n markwaarde onder die voorgeskrewe waarde beoog in subartikel (1).

(3) Wanneer daar ingevolge subartikel (1) of (2) oor onroerende eiendom beskik word—

(a) moet die voorgeskrewe proses gevolg word;

(b) moet die onroerende eiendom vir ’n behuisingsontwikkelingsprojek ooreenkomstig nasionale en provinsiale behuisingsbeleid aangewend word; en

(c) moet ’n behuisingsontwikkelingsprojek vir daardie onroerende eiendom deur die Provinsiale Minister goedgekeur word.

(4) Die proses beoog in subartikel (3)(a) moet regverdig, billik, deursigtig en kostedoeltreffend wees en, waar doenlik, voorsiening maak vir 'n mededingende tenderprosedure en die publikasie van tenders en toekenning van tenders in die *Provinsiale Koerant* en koerante in algemene omloop in die Provinsie en, indien doeltreffend, ander media.

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(5) Behoudens die Wet op Openbare Finansiële Bestuur en subartikel (6) kan die Provinsiale Kabinet of die Provinsiale Minister, na gelang van die geval, teen 'n teenprestasie wat minder as die markwaarde is of teen geen teenprestasie nie, oor onroerende eiendom wat ingevolge artikel 22A aangeskaf is, beskik ingevolge die voorgeskrewe proses.

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(6) Wanneer die beskikking oor 'n onroerende eiendom teen 'n teenprestasie van minder as die markwaarde daarvan, of teen geen teenprestasie nie, kragtens subartikel (5) goedgekeur word, moet dit goedgekeur word—

(a) nadat die volgende oorweeg is:

(i) die beste belang van die Provinsiale Regering en die gemeenskap;

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(ii) die maatskaplikeontwikkelings- en sosio-ekonomiese doelwitte van die Provinsiale Regering;

(iii) die langtermyngevolge van die beskikking en die voordele vir die Provinsiale Regering; en

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(iv) enige ander maatstawwe soos voorgeskryf kan word; en

(b) behoudens subartikel (8), op die voorwaarde dat indien die onroerende eiendom nie meer gebruik word vir die doel waarvoor dit aangeskaf is nie, die onroerende eiendom aan die Provinsiale Regering toeval, tensy die Provinsiale Minister toestem tot die gebruik van die onroerende eiendom vir 'n ander doel.

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(7) Wanneer onroerende eiendom aan die Provinsiale Regering toeval soos beoog in subartikel (6)(b), moet die vorige eienaar van die grond deur die Provinsiale Regering vergoed word met 'n regverdige bedrag bepaal deur die Provinsiale Minister ooreenkomstig voorgeskrewe faktore.

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(8) Die Provinsiale Kabinet of Provinsiale Minister, na gelang van die geval, moet 'n voorwaarde beoog in subartikel (6)(b) oplê, tensy—

(a) die voorwaardes bedoel in artikels 10A en 10B van die Behuisingswet op die onroerende eiendom van toepassing sal wees; of

(b) die voorwaarde die beoogde gebruik van die eiendom sal verhoed.

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(9) 'n Voorwaarde beoog in subartikel (6)(b) moet teen die titelakte van die onroerende eiendom geregistreer word.

(10) Die Provinsiale Minister moet die Registrateur van Aktes van die Provinsie beoog in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), skriftelik in kennis stel van 'n toestemming wat ingevolge subartikel (6)(b) gegee is, en die Registrateur van Aktes moet die titelakte van die onroerende eiendom dienooreenkomstig endosseer.”.

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### Vervanging van uitdrukking in Wet 6 van 1999

6. Die Hoofwet word gewysig deur die uitdrukking “Fonds”, oral waar dit voorkom, deur die uitdrukking “Provinsiale Inkomstefonds” te vervang, behalwe in artikels 22(10) en 4(1)(d) van die Hoofwet.

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### Afskaffing van Wes-Kaapse Behuisingsontwikkelingsfonds

7. Die Wes-Kaapse Behuisingsontwikkelingsfonds wat by artikel 13 van die Hoofwet ingestel is, word afgeskaf.

### Herroeping van artikels 13, 14, 16(7), 17, 18 en 26 van Wet 6 van 1999

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8. Artikels 13, 14, 16(7), 17, 18 en 26 van die Hoofwet word herroep.

### Wysiging van Indeling van Wet

9. Die indeling van die Hoofwet word gewysig—

(a) deur die verwysigings na artikels 13, 14, 17, 18 en 26 te skrap; en

(b) deur na die verwysing na artikel 22 die volgende items in te voeg:

- “22A. Verkryging van onroerende eiendom**  
**22B. Beskikking oor aangeskafde eiendom”.**

### Vervanging van lang titel

10. Die lang titel van die Hoofwet word deur die volgende lang titel vervang: 5

**“Om voorsiening te maak vir die afskaffing van die Wes-Kaapse Behuisingsontwikkelingsraad; om algemene beginsels wat op behuising in die provinsie Wes-Kaap van toepassing is, te bepaal; om die rol van die provinsiale en plaaslike regeringsfeer in behuisingsontwikkeling te omskryf; om ’n Wes-Kaapse Behuisingsadviespaneel in te stel; om voorsiening te maak vir die verkryging van en beskikking oor onroerende eiendom vir behuisingsontwikkeling; om te verseker dat behuisingsontwikkeling op ’n holistiese wyse met alle ander fasette van ontwikkeling geïntegreer word; en om voorsiening te maak vir sake wat daarmee in verband staan.”.** 10

Voorbehoude en oorgangsmatreëls 15

11. (1) In hierdie artikel beteken—

- “Fonds”** die Wes-Kaapse Behuisingsontwikkelingsfonds wat by artikel 13 van die Hoofwet ingestel is voor sy afskaffing ingevolge hierdie Wet;  
**“Provinsiale Inkomstefonds”** die Provinsiale Inkomstefonds vir die Provinsie bedoel in artikel 226 van die Grondwet van die Republiek van Suid-Afrika, 1996; 20  
**“Provinsiale Kabinet”** die Provinsiale Kabinet bedoel in artikel 42 van die Grondwet van die Wes-Kaap, 1997;  
**“Provinsiale Minister”** die lid van die Provinsiale Kabinet verantwoordelik vir behuising;  
**“rekenpligtige beampte”** die rekenpligtige beampte van die Fonds soos beoog in 25 die Hoofwet.

(2) Alle geld wat—

- (a) onmiddellik voor die inwerkingtreding van hierdie Wet tot krediet van die Fonds gestaan het, gaan oor op die Provinsiale Inkomstefonds;  
 (b) onmiddellik voor die inwerkingtreding van hierdie Wet aan die Fonds 30 betaalbaar was, is betaalbaar aan die Provinsiale Inkomstefonds;  
 (c) by of na die inwerkingtreding van hierdie Wet betaalbaar sou word aan of wat tot die krediet sou wees van die Fonds indien dit nie vir die afskaffing van die Fonds by artikel 7 was nie, sal betaalbaar word aan die Provinsiale Inkomstefonds; en 35  
 (d) uit die Fonds voorgeskiet is, word geag uit die Provinsiale Inkomstefonds voorgeskiet te wees.

(3) Enige verwysing in enige wet na die Fonds moet vertolk word as ’n verwysing na die Provinsiale Inkomstefonds.

(4) Ondanks die afskaffing van die Fonds by artikel 7 van hierdie Wet en die 40 herroeping van artikel 14 van die Hoofwet moet die rekenpligtige beampte die finansiële state beoog in artikel 14(1)(f) van die Hoofwet voorberei en aan die Provinsiale Minister voorlê ten opsigte van die tydperk vanaf die einde van die onmiddellik voorafgaande boekjaar ten opsigte waarvan state voorgelê is tot die dag wat hierdie Wet in werking tree. 45

(5) Ondanks die afskaffing van die Fonds by artikel 7 van hierdie Wet kan ’n persoon gemagtig ingevolge artikel 23 van die Hoofwet die bevoegdhede en pligte beoog in daardie artikel van die Hoofwet uitoefen en verrig ten opsigte van grond wat aangeskaf is deur middel van ’n lening of toekenning ontvang van die Fonds.

(6) Die Provinsiale Minister, of die rekenpligtige beampte indien aldus gemagtig deur 50 die Provinsiale Minister, kan voorskrifte uitreik om aan hierdie artikel uitvoering te gee.

### Kort titel en inwerkingtreding

12. Hierdie Wet heet die Wes-Kaapse Behuisingsontwikkelingswysigingswet, 2016, en tree in werking op ’n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal. 55

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE  
KONSEPWYSIGINGSWETSONTWERP OP  
BEHUISINGSONTWIKKELING, 2016**

**1. AGTERGROND**

- 1.1 Die Wes-Kaapse Behuisingsontwikkelingswet, 1999 (Wet 6 van 1999) (die Wet), het op 1 Januarie 2000 in werking getree en is gewysig by die Wes-Kaapse Behuisingsontwikkelingswysigingswet, 2005 (Wet 2 van 2005).
- 1.2 Die Wes-Kaapse Departement van Menslike Nedersettings (die Departement) het sedertdien 'n aantal tekortkominge in die Wet geïdentifiseer wat uit die weg geruim moet word.
- 1.3 Die Provinsiale Kabinet het daarom goedkeuring in beginsel verleen om voort te gaan met die opstel van die Wes-Kaapse Konsepwysigingswetsontwerp op Behuisingsontwikkeling, 2016 (die Wetsontwerp), om die Wet te wysig.

**2. OOGMERKE VAN WETSONTWERP**

- 2.1 Die doel van die Wetsontwerp is—
  - 2.1.1 om voorsiening te maak vir die verkryging van of beskikking oor onroerende bates vir die doel van behuisingsontwikkeling; en
  - 2.1.2 om die Wes-Kaapse Behuisingsontwikkelingsfonds (die Fonds), ingestel by artikel 13 van die Wet, af te skaf en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

**3. INHOUD VAN WETSONTWERP**

- 3.1 **Klousule 1** wysig die omskrywings in die Wet deur die omskrywings van “verkry”, “teenprestasie” en “beskik” in te voeg, deur die omskrywing van “behuisingsontwikkeling” te vervang en om die verkeerde alfabetiese volgorde van die omskrywings in die Engelse Wet reg te stel.
- 3.2 **Klousule 2** wysig—
  - 3.2.1 artikel 4(1) van die Wet deur te bepaal dat die Provinsiale Minister ook die bates kan administreer wat ingevolge artikel 22A van die Wetsontwerp aangeskaf word;
  - 3.2.2 artikel 4(2)(d) en (e) van die Wet deur sekere leestekens aan te pas om plek te maak vir die byvoeging van nog 'n paragraaf; en
  - 3.2.3 artikel 4(2) van die Wet deur paragraaf (f) by te voeg, wat die bevoegdheids van verkryging van en beskikking oor onroerende eiendom by die bestaande bevoegdheids en pligte van die Provinsiale Minister voeg.
- 3.3 **Klousule 3** wysig artikel 16(5) van die Wet om die verwysing na artikel 18 te skrap, wat deur die Wetsontwerp herroep staan te word.
- 3.4 **Klousule 4** wysig artikel 22 van die Wet om verwysings te verwyder en uitdrukkings wat deur die vorige wysiging van die Wet vervang is, reg te stel.
- 3.5 **Klousule 5** maak voorsiening vir die invoeging van artikel 22A en 22B in die Wet, om voorsiening te maak vir beide die verkryging van en beskikking oor onroerende eiendomme vir die doel van behuisingsontwikkeling.

Dit word bepaal dat onroerende eiendom aangeskaf kan word of oor beskik kan word ingevolge die voorgeskrewe proses wat regverdig, billik, deursigtig en kostedoeltreffend moet wees en, waar doenlik, voorsiening maak vir 'n

mededingende tenderprosedure en die publikasie van tenders en toekenning van tenders in die *Provinsiale Koerant* en koerante in algemene omloop in die Provinsie en, indien doeltreffend, ander media.

Hierdie klousule bepaal verder dat die Provinsiale Kabinet of Provinsiale Minister, na gelang van die geval, oor onroerende eiendom wat aangeskaf is teen 'n teenprestasie wat minder is as die markwaarde daarvan of teen geen prestasie nie, kan beskik ingevolge die voorgeskrewe proses. Sodanige beskikking sal onderworpe wees aan die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), en na oorweging van die beste belang van die Provinsiale Regering en ander faktore waarvoor die Wetsontwerp voorsiening maak.

Wanneer 'n beskikking teen 'n teenprestasie van minder as die markwaarde goedgekeur word, moet dit goedgekeur word na oorweging van sekere maatstawwe waarvoor die Wetsontwerp voorsiening maak. Die Provinsiale Kabinet of Provinsiale Minister, na gelang van die geval, moet ook in sulke gevalle 'n voorwaarde oplê om voorsiening te maak vir die onroerende eiendom om aan die Provinsiale Regering toe te val indien die onroerende eiendom nie meer gebruik word vir die doel waarvoor dit aangeskaf is nie. Die Provinsiale Minister kan toestem tot die gebruik van die onroerende eiendom vir 'n ander doel. Wanneer onroerende eiendom aan die Provinsiale Regering toeval, sal die persoon wat voorheen die onroerende eiendom besit het, regverdig vergoed word deur die Provinsiale Minister ooreenkomstig die voorgeskrewe faktore. Die Provinsiale Minister moet so 'n voorwaarde oplê, tensy die voorwaardes bedoel in artikel 10A en 10B van die Behuisingwet van toepassing is op die onroerende eiendom of die voorwaarde die voorgenome gebruik van die eiendom sal verhinder.

- 3.6 **Klousule 6** wysig die Wet deur die vervanging van die uitdrukking “Fonds”, oral waar dit voorkom, deur die uitdrukking “Provinsiale Inkomstefonds”, behalwe in artikels 4(1)(d) en 22(10).
- 3.7 **Klousule 7** maak voorsiening vir die afskaffing van die Fonds.
- 3.8 **Klousule 8** wysig die Wet deur artikels 13, 14, 16(7), 17, 18 en 26 van die Wet te herroep.
- 3.9 **Klousule 9** wysig die indeling van die Wet deur die verwysings na die herroepede artikels te skrap en deur nuwe verwysings na klousules 22A en 22B in te voeg.
- 3.10 **Klousule 10** wysig die Wet deur die lang titel van die Wet te vervang om die verkryging van en beskikking oor onroerende eiendom vir behuising-ontwikkeling in te sluit.
- 3.11 **Klousule 11** maak voorsiening vir voorbehoude en oorgangsmatreëls om toe te sien dat wanneer die Wetsontwerp in werking tree, geld wat tot krediet van of betaalbaar aan die Fonds is aan die Provinsiale Inkomstefonds sal toeval en dat geld wat uit die Fonds voorgesket is geag sal word as dat dit uit die Provinsiale Inkomstefonds voorgesket is.

Enige verwysing in enige ander wet na die Fonds moet uitgelê word as 'n verwysing na die Provinsiale Inkomstefonds.

Dit word van die rekenpligtige beampte van die Fonds vereis om die finansiële state van die Fonds af te sluit. Inspekteurs van die Departement sal steeds gemagtig wees om inspeksies te doen ten opsigte van grond wat aangeskaf is deur middel van 'n lening of toekenning afkomstig van die Fonds.

Die Provinsiale Minister, of die rekenpligtige beampte indien aldus gemagtig deur die Provinsiale Minister, kan voorskrifte uitreik om aan hierdie klousule uitvoering te gee.



- 3.12 **Klousule 12** bevat die kort titel van die Wetsontwerp en bepaal dat die Wetsontwerp, wanneer dit eers bekragtig is, in werking sal tree op 'n datum wat die Premier bepaal.

**4. OORLEGPLEGING**

Die Departement van Vervoer en Openbare Werke en die Provinsiale Tesourie is geraadpleeg.

**5. FINANSIËLE IMPLIKASIES**

Administratiewe kostes met betrekking tot die implementering van hierdie wetgewing wanneer dit eers bekragtig is, sal gedek word binne die lopende begrotings. Die koste van publikasie van die Wetsontwerp sal ook binne lopende begrotings gedek word.

**6. PERSONEELIMPLIKASIES**

Bestaande personeellede van die Departement sal vir die implementering van die Wetsontwerp verantwoordelik wees.

**7. WETGEWENDE BEVOEGDHEID**

Die Provinsiale Minister is tevrede dat al die bepalings van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

**INKCAZELO GABALALA:**

- [ ] Amagama abhalwe ngqindilili akwizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.
- \_\_\_\_\_ Amagama akrwelwe ngomgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo

**UQULUNQO LOMTHETHO OSAYILWAYO WEZILUNGISO WOLWAKHIWO LWEZINDLU WENTSHONA KOLONI, 2016**

Ukufakela iinkcazelo ezintsha, ukwenza izilungiso kwiinkcazelo ezithile nokucima inkcazelo yegama elithi “iNgxowa-mali”; ukwenza imiqathango yolawulo lwepropati engenakufuduswa efunyenwe ngokwemiqathango yalo Mthetho; ukwenza imiqathango yokufunyanwa nokunikezwa kwepropati engenakufuduswa ukulungiselela ulwakhiwo lwezindlu nokunikezwa kwepropati engenakufuduswa engaphantsi kwexabiso lemakethe ngokuxhomekeke kwimiqathango ethile; ukufaka endaweni yegama elithi, “iNgxowa-mali”, kwebinzana elithi, “iNgxowa-mali yeNgeniso yePhondo”; ukuchitha iNgxowa-mali yoLwakhiwo lweZindlu yeNtshona Koloni; ukutshintshisa amacandelo athile anento yokwenza neNgxowa-mali; ukufaka imiqathango yotshintsho neyamalungiselelo ethutyana; ukuphumeza uphuculo lwetekisi kunye nokubonelela ngemiba ehambelana nale ikhankanyiweyo.

**N**GAKO OKO KE KUWISWA UMTHETHO yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

**Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 6 ka-1999, njengoko lenziwe izilungiso licandelo 1 loMthetho 2 ka-2005**

- 1. Icandelo 1 loMthetho woLwakhiwo lweZindlu waseNtshona Koloni, 1999 5  
(uMthetho 6 ka-1999) (uMthetho-ngqangi), lenziwa izilungiso—
  - (a) ngokufakela emva kwenkcazelo ye“gosa elinika inkcaza” kwale nkcazelo ilandelayo:
    - “**‘ukufumana’**, ipropati engenakufuduswa, kubandakanya—
    - (a) ukuthenga; 10
    - (b) ukutshintshisa;
    - (c) ukufumana ngokuphiwa okanye ngokufumana ilifa;
    - (d) ukuqeshisa ipropati engenakufuduswa;
    - (e) ukugqitywa kwaso nasiphi isigqibo sokwenza umhlaba afumaneke; 15
    - (f) nokubhaliswa kwalo ilungelo lobunini okanye ilungelo lobuntu;”;
  - (b) ngokufakela emva kwenkcazelo yegama “iKhowudi” le nkcazelo ilandelayo:
    - “**‘ingqwalasela’** ibandakanya nantoni na, nasiphi isenzo, inkonzo, isigqibo, isithembiso, isivumelwano okanye ingqinisekiso ebalulekileyo;”;
  - (c) ngokufakela emva kwenkcazelo yegama “iSebe” le nkcazelo ilandelayo:
    - “**‘ukunikeza’**, ipropati engenakufuduswa efunyenwe ngokwalo Mthetho, kubandakanya—
    - (a) ukuthengisa;
    - (b) ukutshintshisa; 25

- (c) ukuphisa;
- (d) ukuqeshisa ngepropati engenakufuduswa, kubandakanya ukunikeza ngepropati engenakufuduswa kunganikwanga ngqwalasela yesithuba sexesha;
- (e) ukugqitywa kwaso nasiphi isigqibo sokwenza umhlaba afumaneke kunye nomntu malunga nepropati engenakufuduswa; 5
- (f) ukubhaliswa naliphi ilungelo lobunini kunye nelungelo lobuntu elimalunga nepropati engenakufuduswa; kunye
- (g) nokunikezwa komhlaba kurhulumente wommandla kungani- kwanga ngqwalasela yanto;”;
- (d) ngokucinywa kwenkcazelo yegama “iNgxowa-mali”;
- (e) ngokuthi kutshintshwe inkcazelo ethi “ulwakhiwo lwezindlu” ze kufakwe le nkcazelo ilandelayo: 10
- “**ulwakhiwo lwezindlu**’ luthetha umiselo nokumenteyinwa kweendawo zokuhlala ezikwaziyo ukuhlaleka nezizinzileyo zikarhulumente nezamashishini abucala ukuqinisekisa ukuba iintsapho zifumana izindlu neendawo zasekuhlaleni [**ezinezibonelo zoluntu**] kwimimandla eyenza ukuba abantu bafikelele kumathuba oqoqosho, nezibonelelo zempilo, ezemfundo nezentlalo apho bonke abemi nabahlali abasisigxina bephondo baya kuthi bakwazi ukufikelela— 15
- (a) kwizindlu zokuhlala ezisisigxina ezikhuselekileyo, nalapho umntu anokuziphilela khona ubomi bakhe enokhuseleko olwaneleyo kwizinto ezingaphandle; kunye 20
- (b) nakumanzi aselekayo, izibonelelo zokuhlamba nezococeko nombane wasemakhaya;”;
- (f) ngokufakela emva kwenkcazelo “inkqubo yobonelelo ngezindlu yesizwe” ezi nkcazelo zilandelayo: 25
- “**iPhondo**’ lithetha iPhondo leNtshona Koloni; **iKhabhinethi yePhondo**’ ithetha iKhabhinethi yePhondo ekubhekiswe kuyo kwicandelo 42 loMgaqosiseko weNtshona Koloni, 1997;”;
- (g) nokucima inkcazelo ye“Phondo” apho ikhoyo emva kwenkcazelo ethi “inkqubo yobonelelo ngezindlu yephondo”. 30

#### Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 6 ka-1999, njengoko lenziwe izilungiso licandelo 3 loMthetho 2 ka-2005

2. Icandelo 4 loMthetho-ngqangi lenziwa izilungiso— 35
- (a) ngokuthi kutshintshwe umhlathi (i) wecandelwana (1) ze kufakwe lo mhlathi ulandelayo: 35
- “(i) kufuneka alawule ii-asethi ezichazwe [**kwicandelo**] kumacandelo 6 no-22A.”;
- (b) ngokuthi kutshintshwe imihlathi (d) no-(e) yecandelwana (2) ze kufakwe le mihlathi ilandelayo: 40
- “(d) apapashe, ngendlela anokukwazi ngayo, umgaqo (*ikhowudi*) eya kwaziwa njengeHousing Code of the Province, eya kusebenza kulo lonke ulwakhiwo lwezindlu kwiPhondo; [**yaye**]
- (e) amisele iinkqubo namaziko okanye angasebenzisa ezo nkqubo okanye loo maziko akhoyo ukuqinisekisa ukuba ubonelelo ngezindlu luhlanganiswa ngendlela eyiyo nazo zonke ezinye izinto eziyinxalenye yophuhliso ngokupheleleyo [.; yaye”]; kunye 45
- (c) nokongezwa kwecandelwana (2) lalo mhlathi ulandelayo: 50
- “(f) kufunyanwe ipropati engenakufuduswa ngokwecandelo 22A yaye kunikezwe ngepropati engenakufuduswa efunyenwe ngokwecandelo 22B.”.

#### Ukwenziwa kwezilungiso kwicandelo 16 loMthetho 6 ka-1999, njengoko lenziwe izilungiso licandelo 12 loMthetho 2 ka-2005

3. Icandelo 16 loMthetho-ngqangi lenziwa izilungiso ngokuthi endaweni yecandelwana (5) kufakwe eli candelwana lilandelayo: 55
- “(5) Ukulungiselela ulawulo oluxelwe kwicandelwana (4), [**kodwa kuxhomekeke kwicandelo 18**], urhulumente wemimandla angawasebenzisa

amagunya yaye kufuneka enze loo misebenzi uMphathiswa wePhondo athi iyimfuneko.”.

**Ukwenziwa kwezilungiso kwicandelo 22 loMthetho 6 ka-1999, njengoko lenziwe izilungiso licandelo 16 loMthetho 2 ka-2005**

4. Icandelo 22 loMthetho-ngqangi lenziwa izilungiso— 5
- (a) ngokuthi endaweni yecandelwana (5) kufakwe eli candelwana lilandelayo:  
 “(5) Ukuba uRhulumente wePhondo ufuna ukuhlutha nayiphi ipropati engenakufuduswa ephunyeziweyo ngokwemiqathango yecandelo 6(2), ngaphandle kwepropati exelwe kumacandelwana (1) ukuya ku-(4) [**okanye naziphi iipropati ezifunyenwe ngokwemiqathango yecandelo 7(1)(g) okanye (2)**], uRhulumente wePhondo angakwenza oko ngexabiso elifanelekileyo lemakethi, okanye ukuba akukwazeki ukuba loo propati ithathwe ngexabiso elifanelekileyo lemakethi, kufuneka ithathwe nguRhulumente wePhondo ngexabiso elamkelwe nguMphathiswa wePhondo.”; yaye 15
- (b) ngokuthi kutshintshwe kumacandelwana (9) no-(10) nomhlathi (a) wecandelwana (12) kwibinzana “uRhulumente wePhondo (*wangaphambili*)” kwegama elithi “iBhodi”.

**Ukufakelwa kwamacandelo 22A no-22B**

5. UMthetho-ngqangi wenziwa izilungiso ngokufakela emva kwecandelo 22 ala 20 macandelo alandelayo:

**“Ukufunyanwa kwepropati engenakufuduswa**

**22A.** (1) IKhabhinethi yePhondo ingathi egameni loRhulumente wePhondo, ngokwemiqathango enikiweyo efunekayo, ukulungiselela ulwakhiwo lwezindlu, ifumane ipropati engenakufuduswa enexabiso lemakethi elilingana okanye elingaphezulu kwelo libekiweyo. 25

(2) UMphathiswa wePhondo angathi egameni loRhulumente wePhondo, ngokwemiqathango enikiweyo efunekayo, ukulungiselela ulwakhiwo lwezindlu ifumane ipropati engenakufuduswa enexabiso lemakethi elingaphantsi kwelo libekiweyo elixelwe kwicandelwana (1). 30

(3) Xa ipropati engenakufuduswa ifunyenwe ngokwecandelwana (1) okanye (2), kufuneka kulandelwe inkqubo ebekiweyo.

(4) Inkqubo exelwe kwicandelwana (3) kufuneka ibe nobulungisa, yenziwe elubala yaye ibe neendleko eziphantsi yaye, apho kunokwenzeka, kubekho inkqubo yokufaka iithenda , ipapashwe yaye nabaziphumeleleyo iithenda ezo 35  
 bapapashwe *kwiGazethi yePhondo* nakumaphephandaba akhoyo kwiPhondo lonke, yaye ukuba kunokwenzeka, kupapashwe nakwamanye amajelo eendaba.

(5) Ipropati engenakufuduswa efunyenwe phantsi kweli candelo enokubhaliseka, kufuneka ibhaliswe ngegama “loRhulumente wePhondo leNtshona Koloni”. 40

**Ukunikezwa kwepropati engenakufuduswa efunyenweyo**

**22B.** (1) IKhabhinethi yePhondo ingathi egameni loRhulumente wePhondo, ngokwemiqathango enikiweyo efunekayo, ukulungiselela ulwakhiwo lwezindlu, inikeze ngepropati engenakufuduswa efunyenwe ngokwecandelo 22A enexabiso lemakethi elilingana okanye elingaphezulu kwelo libekiweyo. 45

(2) UMphathiswa wePhondo angathi egameni loRhulumente wePhondo, ngokwemiqathango enikiweyo efunekayo, ukulungiselela ulwakhiwo lwezindlu anikeze ngepropati engenakufuduswa efunyenwe ngokwecandelo 22A enexabiso lemakethi elingaphantsi kwelo libekiweyo elixelwe kwicandelwana (1).

(3) Xa ipropati engenakufuduswa inikezelwe ngokwecandelwana (1) okanye (2)— 50

(a) kufuneka kulandelwe inkqubo ebekiweyo;

(b) ipropati engenakufuduswa kufuneka isetyenziselwe iprojekthi yolwakhiwo lwezindlu ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe nowephondo; yaye 55

(c) iprojekthi yolwakhiwo lwezindlu yaloo propati ingenakufuduswa kufuneka yamkelwe nguMphathiswa wePhondo.

(4) Inkqubo exelwe kwicandelwana (3)(a) kufuneka ibe nobulungisa, yenziwe elubala yaye ibe neendleko eziphantsi yaye, apho kunokwenzeka, kubekho inkqubo yokufaka iithenda yaye ipapashwe yaye nokunikezwa kweethenda ezo kupapashwe *kwiGazethi yePhondo* nakumaphephandaba akhoyo kwiPhondo lonke, yaye ukuba kunokwenzeka, kupapashwe nakwamanye amajelo eendaba. 5

(5) Kuxhomekeke kumthetho iPublic Finance Management Act necandelwana (6), iKhabhinethi yePhondo okanye uMphathiswa wePhondo, ngokwemeko leyo, anganikeza ngepropati engenakufuduswa efunyenwe ngokwecandelo 22A ukuba iqwalaselwe ngaphantsi kwexabiso layo lemakethe okanye ingaqwalaselwa ngokwenkqubo ebekiweyo. 10

(6) Xa unikezelo lwepropati engenakufuduswa luqwalaselwe ngaphantsi kwexabiso layo lemakethe, okanye lunganikwanga ngqwalasela, lwamkelwe ngokwecandelwana (5), kufuneka loo propati yamkelwe— 15

(a) emva kokuba kuqwalaselwe ezi zinto zilandelayo:

(i) loo nto yenziwayo imlungele uRhulumente wePhondo ilulungele noluntu;

(ii) uphuhliso lwentlalo neenjongo zezentlalo nezozoqosho zoRhulumente wePhondo; 20

(iii) zakuthini iziphumo zexesha elide lwakube lwenziwe unikezelo lwepropati leyo, isaya kuba yintoni yona inzuzo kuRhulumente wePhondo; kunye

(iv) nayo nayiphi enye inkqubo enokubekwa; yaye

(b) kuxhomekeke kwicandelwana (8), ngomqathango othi ukuba ipropati engenakufuduswa ayisasyenziselwa injongo eyayifunyanelwe yona, mayibuyele kuRhulumente wePhondo ngokomyalelo woMphathiswa wePhondo, ngaphandle kokuba uMphathiswa wePhondo uyavuma ukuba ipropati engenakufuduswa leyo ingasetyenziselwa enye injongo. 25 30

(7) Xa ipropati engenakufuduswa ibuyiselwa kuRhulumente wePhondo njengoko kuxelwe kwicandelwana (6)(b), umnini wepropati engenakufuduswa wangaphambili kufuneka abuyekwezwe nguRhulumente wePhondo imali efanelekileyo egqitywe nguMphathiswa wePhondo ngokuhambelana nemiba ebekiweyo. 35

(8) IKhabhinethi yePhondo okanye uMphathiswa wePhondo, ngokwemeko leyo, makanyanzelise umqathango oxelwe kwicandelwana (6)(b) ngaphandle kokuba—

(a) imiqathango ekubhekiswe kuyo kumacandelo 10A no-10B eHousing Act iya kusebenza kwipropati engenakufuduswa; okanye 40

(b) umqathango uya kuthintela injongo ebekujoliswe kuyo ngale propati.

(9) Umqathango oxelwe kwicandelwana (6)(b) kufuneka ubhalwe kwitayitile yobunini-propati engenakufuduswa.

(10) UMphathiswa wePhondo kufuneka azise iRejistra yoBunini-Propati yePhondo echazwe kumthetho iDeeds Registries Act, 1937 (uMthetho 47 ka-1937), ngembalelwano malunga nemvume enikezwe kulandelwa icandelwana (6)(b), yaye iRejistra yoBunini-propati kufuneka ibhalise iimpepha zobunini-propati engenakufuduswa ngolo hlobo.”. 45

### Ukutshintshwa kwegama elikuMthetho 6 ka-1999

6. UMthetho-ngqangi wenziwa izilungiso ngokuthi kutshintshwe igama elithi “iNgxowa-mali”, kwindawo nganye elikuyo, ze kufakwe ibinzana “iNgxowa-mali yeNgeniso yePhondo”, ngaphandle kwakumacandelo 4(1)(d) no-22(10) oMthetho-ngqangi. 50

### Ukuchithwa kweNgxowa-mali yoLwakhiwo lweZindlu yeNtshona Koloni

7. INgxowa-mali yoLwakhiwo lweZindlu yeNtshona Koloni eyamiselwa ngokwecandelo 13 loMthetho-ngqangi iyachithwa. 55

## Ukutshitshiswa kwamacandelo 13, 14, 16(7), 17, 18 no-26 oMthetho 6 ka-1999

8. Amacandelo 13, 14, 16(7), 17, 18 no-26 oMthetho-ngqangi ayatshitshiswa.

## Ukwenziwa kwezilungiso kuLandelwelaniso loMthetho

9. Ulandelelwaniso loMthetho-ngqangi lwenziwa izilungiso—

- (a) ngokucinywa kwezinto ezibhekisa kumacandelo 13, 14, 17, 18 no-26; kunye 5  
 (b) nangokufakela emva kobhekiso kwicandelo 22 kwale miba ilandelayo:  
“22A. Ukufunyanwa kwepropati engenakufuduswa  
22B. Ukunikezwa kwepropati engenakufuduswa efunyenweyo”.

## Ukutshintsha isihloko eside

10. Esi sihloko side silandelayo singena endaweni yesihloko eside soMthetho- 10  
 ngqangi:

**“Ukubonelela ngotshitshiso lweBhodi yoLwakhiwo lweZindlu yaseNtshona Koloni; ukugqiba ngemithetho-siseko gabalala esebenza kubonelelo ngezindlu kwiPhondo leNtshona Koloni; ukuchaza indima yamanqwanqwa orhulumente wephondo nowemimandla kulwakhiwo lwezindlu; ukumisela iPhaneli yokuCebisa ngeMiba yezeZindlu yaseNtshona Koloni; ukwenza imiqathango yokufumana nokunikeza ngepropati engenakufuduswa ukulungiselela ulwakhiwo lwezindlu; ukuqinisekisa ukuba ulwakhiwo lwezindlu luhlanganiswa nazo zonke ezinye izinto eziyinxalenye yophuhliso olupheleleyo, nokubonelela ngemiba ehambelana nale ikhankanyiweyo.”** 20

## Utshintsho namalungiselelo ethutyana

11. (1) Kweli icandelo—

- “igosa elinika inkcaza” lithetha igosa elinika inkcaza leNgxowa-mali elichazwe kuMthetho-ngqangi;  
 “iNgxowa-mali” ithetha iNgxowa-mali yoLwakhiwo lweZindlu yeNtshona Koloni emisewe ngokwecandelo 13 loMthetho-ngqangi phambi kokuchithwa kwayo ngokwalo Mthetho;  
 “iKhabhinethi yePhondo” ithetha iKhabhinethi yePhondo ekubhekiswe kuyo kwicandelo 42 loMgaqo-siseko weNtshona Koloni, 1997;  
 “uMphathiswa wePhondo” uthetha ilungu leKhabhinethi yePhondo elijongene nobonelelo lwezindlu;  
 “iNgxowa-mali yeNgeniso yePhondo” ithetha iNgxowa-mali yeNgeniso yePhondo ekubhekiswe kuyo kwicandelo 226 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996. 30

(2) Yonke imali ethe— 35

- (a) phambi ngqo kokuqala kwalo Mthetho yaba yikhredithi yeNgxowa-mali ingena kwiNgxowa-mali yeNgeniso yePhondo;  
 (b) phambi ngqo kokuqala kwalo Mthetho ebekufuneka ihlawulwe kwiiNgxowa-mali, kufuneka ihlawulwe kwiNgxowa-mali yeNgeniso yePhondo;  
 (c) ekuqaleni okanye emva kokuqala kwalo Mthetho ngeba ihlawulwe kwiNgxowa-mali ukuba ibingachithwanga iNgxowa-mali licandelo 7, kufuneka ihlawulwe kwiNgxowa-mali yeNgeniso yePhondo; kananjalo 40  
 (d) ebikhutshwe kwiNgxowa-mali ithathwa njengebikhutshwe kwiNgxowa-mali yeNgeniso yePhondo. 45

(3) Nantoni ebhekisa kwiNgxowa-mali kweminye imithetho mayithathwe ngokuba ibhekisa kwiNgxowa-mali yeNgeniso yePhondo. 45

(4) Noxa ichithiwe iNgxowa-mali licandelo 7 lalo Mthetho notshitshiso olwenziwa licandelo 14 loMthetho-ngqangi, igosa elinika inkcaza kufuneka lilungise ze lingenise kuMphathiswa wePhondo iingxelo zemali ezixelwe kwicandelo 14(1)(f) loMthetho-ngqangi zesithuba esisuka ekupheleni konyakamali ophambi konyakamali ekungeniswe ngawo iingxelo ukuya kutsho kumhla wokuqala kokusebenza kwalo Mthetho. 50

(5) Noxa ichithiwe iNgxowa-mali licandelo 7 lalo Mthetho, umntu ogunyazisiweyo ngokwecandelo 23 loMthetho-ngqangi angasebenzisa amagunya akhe ze enze umsebenzi wakhe oxelwe kwicandelo loMthetho-ngqangi kumba womhlaba ofunyenwe ngetyala okanye ngegranti yeNgxowa-mali. 55

(6) UMphathiswa wePhondo, okanye igosa elinika inkcaza xa ligunyazisiwe nguMphathiswa wePhondo, lingakhupha imiyalelo yokusetyenziswa kweli candelo.

**Isihloko esifutshane nokuqala kokusebenza**

**12.** Lo Mthetho ubizwa ngokuba nguMthetho weZilungiso woLwakhiwo lweZindlu weNtshona Koloni, 2016, yaye uya kuqala ukusebenza ngomhla ogqitywe yiNkulumbuso ngokuthi yenze umpoposho kwi*Gazethi yePhondo*. 5

**IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO  
WEZILUNGISO WOLWAKHIWO LWEZINDLU WENTSHONA  
KOLONI, 2016**

**1. IMVELAPHI**

- 1.1 UMthetho woLwakhiwo lweZindlu weNtshona Koloni, 1999 (uMthetho 6 ka-1999) (uMthetho), waqala ukusebenza ngowe-1 kweyoMqungu 2000 waze wenziwa izilungiso nguMthetho weZilungiso woLwakhiwo lweZindlu weNtshona Koloni, 2005 (uMthetho 2 ka-2005).
- 1.2 ISebe lokuHlaliswa koLuntu laseNtshona Koloni (iSebe) lifumanise ukuba kukho amakhwiniba ekufuneka ehoyiwe kulo Mthetho.
- 1.3 IKhabhinethi yePhondo ngoko inikeze imvume yokuba kuqhutyekwe kuqulunqwe uMthetho oSayilwayo weZilungiso woLwakhiwo lweZindlu weNtshona Koloni, 2016 (uMthetho oSayilwayo), ukwenza izilungiso kuMthetho.

**2. IINJONGO ZOMTHETHO OSAYILWAYO**

- 2.1 Injongo yalo Mthetho uSayilwayo—
  - 2.1.1 kukwenza imiqathango evumela ukuba ii-asethi ezingenakufuduswa zifunyanwe okanye zinikezelwe ngeenjongo zolwakhiwo lwezindlu; kunye
  - 2.1.2 nokuchitha iNgxowa-mali yoLwakhiwo lweZindlu yeNtshona Koloni (iNgxowa-mali), emiselwe licandelo 13 loMthetho, nokubonelela ngemiba ehambelana nale ikhankanyiweyo.

**3. IZINTO EZIQLATHWE NGUMTHETHO OSAYILWAYO**

- 3.1 **Isolotya 1** lenza izilungiso kwiinkcazelo ezikuMthetho ngokufaka iinkcazelo zala magama, “ukufumana”, “ingqwalasela” kunye “nokunikeza”, ngokutshintsha inkcazelo yebinzana “ulwakhiwo lwezindlu” kunye nokulungisa ulandelelwano loonobumba olungachanekanga kwiinkcazelo ezikuMthetho.
- 3.2 **Isolotya 2** lenza izilungiso—
  - 3.2.1 kwicandelo 4(1) loMthetho ngokwenza umqathango othi, uMphathiswa wePhondo makabeke iliso nakwii-asethi ezifunyenweyo, elandela imiqathango yesolotya 22A lomthetho osayilwayo;
  - 3.2.2 kwicandelo 4(2)(d) no-(e) loMthetho ngokulungisa iimpawu zocaphulo ezithile ukuze zivumele ukuba kongezwe omnye umhlathi; kananjalo
  - 3.2.3 kwicandelo 4(2) loMthetho ngokongeza umhlathi (f), owongeza amagunya okufumana nokunikeza ngepropati engenakufuduswa kumagunya nemisebenzi ekhoyo ngoku yoMphathiswa wePhondo.
- 3.3 **Isolotya 3** lenza izilungiso kwicandelo 16(5) loMthetho ukucima ubhekiso kwicandelo 18, elitshitshiswa nguMthetho oSayilwayo.
- 3.4 **Isolotya 4** lenza izilungiso kwicandelo 22 loMthetho ukususa ubhekiso kwizinto ezithile kwanokuba kusetyenziswe isigama esichanekileyo ebesikwizilungiso ebebenziwe ngaphambili zalo Mthetho.
- 3.5 **Isolotya 5** libonelela ngokufakelwa kwecandelo 22A no-22B kuMthetho, kwanokuba kufunyanwe yaye kunikezwe ngepropati ezingenakufuduswa ukulungiselela ulwakhiwo lwezindlu.



Kwenziwe umqathango wokuba ipropati engenakufuduswa ingafunyanwa okanye inikezwe kulandelwa inkqubo ebekiweyo ekufuneka ibe nobulungisa, yenziwe elubala yaye ibe neendleko eziphantsi yaye, apho kunokwenzeka, kubekho inkqubo yokufaka iithenda yaye zipapashwe ezo thenda nabazifumeneyo *kwiGazethi yePhondo* nakumaphephandaba akhoyo kwiPhondo lonke, yaye ukuba kunokwenzeka, kupapashwe nakwamanye amajelo eendaba.

Eli isolotya likwabonelela ngokuba iKhabhinethi yePhondo okanye uMphathiswa wePhondo, ngokwemeko leyo, anganikeza ngepropati engenakufuduswa efunyenweyo ukuba iqwalaselwe ngaphantsi kwexabiso layo lemakethe okanye engenzanga ngqwalasela ngokwenkqubo ebekiweyo. Olo nikezo kufuneka lulandele umthetho iPublic Finance Management Act, 1999 (uMthetho 1 ka-1999), emva kokuba eqwalasele iimfuno zoRhulumente wePhondo neminye imiba ebonelelwe kuMthetho oSayilwayo.

Xa kusamkelwa ukunikezwa kwepropati ngexabiso elingaphantsi kwelo lisemaketheni yepropati engenakufuduswa, kufuneka oko kwamkelwe emva kokuba kulandelwe inkqubo ethile echazwe kuMthetho oSayilwayo. IKhabhinethi yePhondo okanye uMphathiswa wePhondo, ngokwemeko leyo, kufuneka naye kwezo meko abeke imiqathango eza kuvumela ukuba ipropati engenakufuduswa ibuyele kuRhulumente wePhondo ukuba ayisasetyenziselwa injongo eyayifunyanwe yona. UMphathiswa wePhondo angavuma ukuba ipropati engenakufuduswa isetyenziselwe enye injongo. Xa ipropati engenakufuduswa ibuyele kuRhulumente wePhondo, umntu obe ngumnini waloo propati ingenakufuduswa uya kuhlululwa ngokufanelekileyo nguMphathiswa wePhondo ngokuhambelana nemiba ebekiweyo. UMphathiswa wePhondo kufuneka awubeke loo mqathango ngaphandle kokuba imiqathango ekubhekiswe kuyo kumacandelo 10A no-10B omthetho iHousing Act iyasebenza kwipropati engenakufuduswa okanye lo mqathango uya kuthintela injongo ecwangciselwe ukusetyenziselwa yona ipropati leyo.

- 3.6 **Isolotya 6** lenza izilungiso kuMthetho ngokuthi kutshintshwe igama elithi “iNgxowa-mali”, kwindawo nganye elikuyo, ze kufakwe ibinzana “iNgxowa-mali yeNgeniso yePhondo”, ngaphandle kwakumacandelo 4(1)(d) no-22(10).
- 3.7 **Isolotya 7** libonelela ngokuchithwa kweNgxowa-mali.
- 3.8 **Isolotya 8** lenza izilungiso kuMthetho ngokubhangisa amacandelo 13, 14, 16(7), 17, 18 no-26 oMthetho.
- 3.9 **Isolotya 9** lenza izilungiso kulandelelwaniso loMthetho ngokucinywa kwezinto ezibhekisa kumacandelo atshitshisiweyo nangokufakela izinto ezibhekisa kumasolotya 22A no-22B.
- 3.10 **Isolotya 10** lenza izilungiso kuMthetho ngokutshintsha isihloko eside soMthetho ukuze sibandakanye ukufunyanwa nokunikezwa kwepropati engenakufuduswa ukulungiselela ulwakhiwo lwezindlu.
- 3.11 **Isolotya 11** libonelela ngotshintsho namalungiselo ethutyana ukuqinisekisa ukuba wakuphunyezwa uMthetho oSayilwayo imali etyalwayo okanye ekufanele ukuba ingene kwiNgxowa-mali kufuneka ingene kwiNgxowa-mali yeNgeniso yePhondo kwanokuba imali ebikhutshiwe kwiNgxowa-mali iya kuthathwa njengebikhutshwe kwiNgxowa-mali yeNgeniso yePhondo.

Nantoni ebhekisa kwiNgxowa-mali kweminye imithetho mayithathwe ngokuba ibhekisa kwiNgxowa-mali yeNgeniso yePhondo.

Igosa elinika inkcaza leNgxowa-mali kufuneka lilungise ze lingenise iingxelo zemali zeNgxowa-mali. Abahloli beSebe baseza kugunyaziswa ukuba benze uhlobo lwemihlaba efunyenwe ngemboleko-mali okanye igranti evela kwiNgxowa-mali.

UMphathiswa wePhondo, okanye igosa elinika inkcaza xa ligunyazisiwe nguMphathiswa wePhondo, lingakhupha imiyalelo egunyazisa ukuba lifezekiswe eli soloty.

- 3.12 **Isoloty 12** linesihloko esifutshane soMthetho oSayilwayo yaye lichaza ukuba, xa uMthetho oSayilwayo uthe waphunyezwa, uya kuqala ukusebenza ngomhla ogqitywe yiNkulumbuso.

**4. EKUBONISWENE NABO**

Kuye kwaboniswa neSebe leZothutho neMisebenzi kaRhulumente kunye neSebe likaNondyebo wePhondo ngalo mthetho.

**5. UCHAPHAZELEKO LWEZIMALI**

Iindleko zokuphumeza lo mthetho, emva kokuba uphunyeziwe, ziya kuthathwa kwezi bhajethi zikhoyo ngoku. Iindleko zokupapashwa koMthetho oSayilwayo nazo ziza kuhlawula ngezi bhajethi zikhoyo ngoku.

**6. UCHAPHAZELEKO LWABASEBENZI**

Abasebenzi abakhoyo ngoku kwiSebe ngabo abaza kuba noxanduva lokumiselwa nokuphunyezwa kwalo Mthetho uSayilwayo.

**7. UKUFANELEKA NGOKOMTHETHO**

UMphathiswa wePhondo wanelisekile kukuba yonke imiqathango yalo Mthetho uSayilwayo ihambelana nemithetho yePhondo.

(Itekisi yeAfrikansi isayinwe yiNkulumbuso)  
(Yamkelwa ngowe-31 kweyoKwindla 1999)

## UMTHETHO

**Ukubonelela ngotshitshiso loMthetho iWestern Cape Provincial Housing Law, 1994; ukugqiba ngemithetho-siseko esebenzayo kubonelelo ngezindlu kwiPhondo leNtshona Koloni; ukuchaza indima yorhulumente wephondo norhulumente wommandla kulwakhiwo lwezindlu; ukumisela iBhodi yezeZindlu yaseNtshona Koloni kunye neNgxowa-mali yoBonelelo ngeZindlu yePhondo; ukuqinisekisa ukuba ulwakhiwo lwezindlu luhlanganiswa nazo zonke ezinye izinto eziyinxalenye yophuhliso olupheleleyo, nokubonelela ngemiba ehambelana nale ikhankanyiweyo.**

### Ulandelelwaniso lwezihloko zoMthetho

1. Iinkcazelo
2. Imithetho-siseko gabalala esebenza kulwakhiwo lwezindlu
3. Indima karhulumente wePhondo kulwakhiwo lwezindlu
4. Amagunya nemisebenzi yoMphathiswa wePhondo
5. Umiselo lweBhodi yoLwakhiwo lweZindlu eNtshona Koloni
6. Utshitshiso lweBhodi yoBonelelo ngeZindlu yePhondo
7. Imisebenzi yeBhodi
8. Amalungu eBhodi
9. Ukuyekiswa koBulungu kwiBhodi
10. Iintlanganiso zeBhodi
11. Imiqathango yokusebenza kwamalungu eBhodi
12. Ukonyulwa kweekomiti
13. Umiselo lweNgxowa-mali yoBonelelo ngeZindlu yeNtshona Koloni
14. Imisebenzi yegosa loniko-nkcaza
15. Indima yorhulumente wommandla kulwakhiwo lwezindlu
16. Ukunikwa imvume negunya lokuba ngurhulumente wommandla
17. Uhlawulo-mali noniko-nkcaza ngemali ehlawulwe koorhulumente bemimandla
18. Iinkqubo zoniko-nkcaza ngemali ehlawulwe koorhulumente bemimandla
19. Ukudluliselwa kwepropati ethile koorhulumente bemimandla
20. Ukucinywa kwamatyala emali athile
21. Imali efunyenwe ngokusetyenziswa kwezibonelelo zorhulumente wommandla
22. Ulawulo lwee-Asethi zeBhodi
23. Ukuhlolwa kweZakhiwo
24. Unikezo lwamagunya
25. Imigaqo
26. Ingxelo yonyaka
27. Ukutshitshiswa koMthetho
28. Isihloko esifutshane

## NGAKO OKO KE KUWISWA UMTHETHO yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

### Iinkcazelo

1. Kulo Mthetho, ngaphandle kokuba inkcazelo ibhekisa kwenye imeko—
  - (i) “IBhodi” ithetha iBhodi yoLwakhiwo lweZindlu yeNtshona Koloni emiselwe ngokwecandelo 5; 5
  - (ii) “ISEbe” lithetha isebe loLawulo lwePhondo: leNtshona Koloni elijongene nezezindlu;
  - (iii) “Ingxowa-mali” ithetha iNgxowa-mali yoBonelelo ngeZindlu yeNtshona Koloni emiselwe ngokwemiqathango yecandelo 13; 10
  - (iv) “INTloko yeSebe” ithetha igosa eliyintloko yeSebe;
  - (v) “iHousing Act” ithetha iHousing Act, 1997 (uMthetho 107 ka-1997);
  - (vi) “ulwakhiwo lwezindlu” luthetha umiselo nokumenteyinwa kweendawo zokuhlala, ezikwaziyo ukuhlaleka nezizinzileyo zikarhulumente nezamashishini abucala ukuqinisekisa ukuba iintsapho zifumana izindlu neendawo zasekuhlaleni ezinezibonelelo zoluntu apho bonke abemi nabahlali abasisigxina bephondo baya kuthi bakwazi ukufikelela—
    - (a) kwizindlu zokuhlala ezisisigxina ezikhuselekileyo, nalapho umntu anokuziphilela ubomi bakhe enokhuseleko olwaneleyo kwizinto ezingaphandle; kunye 20
    - (b) nakumanzi aselekayo, izibonelelo zokuhlamba nezococeko nombane wasemakhaya;
  - (vii) “iprojekthi yolwakhiwo lwezindlu” ithetha nayiphi iplani yolwakhiwo lwezindlu njengoko ichaziwe kuyo nayiphi inkqubo yobonelelo ngezindlu yesizwe okanye yephondo; 25
  - (viii) “urhulumente wommandla” uthetha nasiphi isigqeba esimiselwe phantsi kwawo nawuphi na umthetho esenza imisebenzi yorhulumente wommandla kummandla othile;
  - (ix) “inkqubo yobonelelo ngezindlu yesizwe” isikhokelo somgaqo-nkqubo sokuncedisa kulwakhiwo lwezindlu esichazwe kwiHousing Act; 30
  - (x) “inkqubo yobonelelo ngezindlu yephondo” ithetha nasiphi isikhokelo somgaqo-nkqubo sokuncedisa kulwakhiwo lwezindlu esichazwe kulo Mthetho;
  - (xi) “Iphondo” lithetha iphondo leNtshona Koloni;
  - (xii) “UMphathiswa wePhondo” uthetha ilungu leKhabhinethi yePhondo yeNtshona Koloni elijongene nemicimbi yezezindlu kunye naleyo ihambelana nayo; yaye 35
  - (xiii) “lo Mthetho” ubandakanya nayiphi imigaqo eyenziwe kulandelwa wona.

### Imithetho-siseko gabalala esebenza kulwakhiwo lwezindlu

2. Urhulumente wePhondo kufuneka athobele imithetho-siseko ekubhekiswe kuyo okanye ebekwe kwicandelo 2 loMthetho iHousing Act ebhekisa kwiintshukumo zorhulumente wephondo kunye noorhulumente bemimandla kulwakhiwo lwezindlu kwiPhondo. 40

### Indima yorhulumente wePhondo kulwakhiwo lwezindlu

3. (1) Kwindima yorhulumente wesizwe kulwakhiwo lwezindlu, urhulumente wePhondo kufuneka enze konke anakho ukuphakamisa nokuququzelela ubonelelo ngezindlu kwiPhondo elandela isikhokelo somgaqo-nkqubo wesizwe wolwakhiwo lwezindlu kumba wolwakhiwo lwezindlu. 45
- (2) URhulumente wePhondo kufuneka—
  - (a) aphakamise ze aququzelele ulwakhiwo lwezindlu kwiPhondo kunye namanye amacandelo okwakha elandela isikhokelo somgaqo-nkqubo neenkqubo zesizwe nezephondo; 50
  - (b) agqibe ngomgaqo-nkqubo wephondo omalunga nobonelelo ngezindlu nophuhliso oluhlanganisiweyo;
  - (c) aphakamise ulwamkelo lwemithetho yephondo ukuqinisekisa ubonelelo ngezindlu olwenziwa ngempumelelo;
  - (d) athathe onke amanyathelo afanelekileyo nayimfuneko ukuxhasa nokuqinisa ukukwazi koorhulumente bemimandla ukusebenzisa amagunya abo ngempumelelo nokwenza umsebenzi wabo kulwakhiwo lwezindlu; 55

- (e) athathe onke amanyathelo afanelekileyo nayimfuneko ukuxhasa oorhulumente bemimandla ukusebenzisa amagunya abo ngempumelelo nokwenza umsebenzi wabo kulwakhiwo lwezindlu; kwanokuba
- (f) xa urhulumente wommandla engakwazi ukwenza umsebenzi obekwe ngulo Mthetho, angenelele ngokuthatha amanyathelo afanelekileyo ngokuhambelana necandelo 139 loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996 (UMthetho 108 ka-1996), necandelo 49 loMgaqosiseko waseNtshona Koloni, 1997 ukuqinisekisa ukwenzeka kwaloo msebenzi. 5

#### Amagunya nemisebenzi yoMphathiswa wePhondo

- 4. (1) UMphathiswa wePhondo— 10
  - (a) usebenzisa amagunya ze enze imisebenzi enikwe loo Mphathiswa ngokwemiqathango yecandelo 132(2) loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996, namacandelo 42 no-43 oMgaqosiseko waseNtshona Koloni, 1997;
  - (b) kufuneka, athi engatyekanga kumagunya nakwimisebenzi ayinikwe phantsi kwawo nawuphi na umthetho okanye ngenxa yepotifoliyo yaloo Mphathiswa, asebenzise amagunya, enze imisebenzi ze aphumeze indima yorhulumente wePhondo ekubhekiswe kuyo kwicandelo 3; 15
  - (c) kufuneka amkele umgaqo-nkqubo wokuququzelela ulwakhiwo lwezindlu kwiPhondo ze aqinisekise ukuphunyezwa kolo lwakhiwo; 20
  - (d) kufuneka amkele ze aqinisekise ukumenteyinwa kweplani yeminyaka ngeminyaka kuphumezo lomsebenzi kwiPhondo lwenkqubo nganye yobonelelo ngezindlu yesizwe neyephondo, ehambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe necandelo 3(2)(b) loMthetho iHousing Act, ngokuhambelana nezikhokelo ezamkelwe nguMphathiswa woBonelelo ngeZindlu weSizwe zokuxhasa ngezimali loo plani, imali esuka kwiNgxowamali yoBonelelo ngeZindlu yoMzantsi Afrika; yaye 25
  - (e) kufuneka atyumbe amalungu eBhodi ngokuhambelana necandelo 8.
- (2) UMphathiswa wePhondo angathi—
  - (a) elungiselela ukulawula ngemithetho nawuphi umba omalunga nolwakhiwo lwezindlu ongenakulawulwa ngokupheleleyo kwinqanaba lorhulumente wommandla, akhuphe imiyalelo yemigaqo-nkqubo okanye athathe amanyathelo akhawulezileyo; 30
  - (b) amisele iinqobo nemigangatho, izikhokelo nemigaqo-nkqubo yephondo ukuze akwazi ukujongana nawo nawuphi umba onento yokwenza nolwakhiwo lwezindlu ekufuneka kujongwene nawo ngokufanayo kwiPhondo lonke; 35
  - (c) amisele inkqubo yobonelelo ngezindlu yephondo namanyathelo oncedo ngezindlu;
  - (d) apapashe, ngendlela anokukwazi ngayo, umgaqo (ikhowudi) eya kwaziwa njengeHousing Code of the Province, eya kusebenza kulo lonke ulwakhiwo lwezindlu kwiPhondo; yaye 40
  - (e) amisele iinkqubo namaziko okanye angasebenzisa ezo nkqubo okanye loo maziko akhoyo ukuqinisekisa ukuba ubonelelo ngezindlu luhlanganiswa ngendlela eyiyo nazo zonke ezinye izinto eziyinxalenye yophuhliso ngokupheleleyo. 45

#### Umiselo lweBhodi yoBonelelo ngeZindlu yeNtshona Koloni

5. Apha kumiselwa iBhodi eya kubizwa ngokuba yiBhodi yoBonelelo ngeZindlu yeNtshona Koloni.

#### Utshitshiso lweBhodi yoBonelelo ngeZindlu yePhondo leNtshona Koloni 50

6. (1) Ngokwecandelo 8(13)(a) leHousing Act, iBhodi yoBonelelo ngeZindlu yePhondo leNtshona Koloni, kubandakanywa neKomiti yeSigqeba yayo, iyatshitshiswa.

(2) Yonke ipropati enokufuduswa nengenakufuduswa, kunye nemisebenzi eyenziwayo, kubandakanywa naliphi ilungelo okanye ibango kwiBhodi yoBonelelo ngeZindlu yeNtshona Koloni, kunye nawo onke amalungelo noxanduva lweBhodi kulo propati 55

inokufuduswa nengenakufuduswa, ludluliselwa kwiBhodi kuxhomekeke kumacandelo 19 no-20.

(3) IRejistra yoBunini-propati kufuneka, xa icelwe yiNtloko yeSebe naxa ingenise iimpepha zobunini-propati ezifanelekileyo nesatifikethi esichazwe kwicandelo 14(2)(c) loMthetho weZindlu, lenze iziqiniseko ekubhekiswe kuzo kwirejista yeepropati namanye amaxwebhu obunini-propati ukuze kudluliselwe ipropati engenakufuduswa ekubhekiswe kuyo kwicandelwana (2). 5

(4) Akukho rhafu yodluliselo-zimpahla, narhafu yesitampu okanye iimali zobhaliso ezihlawulwayo xa kudluliselwa ipropati engenakufuduswa ekubhekiswe kuyo kwicandelwana (2). 10

### Imisebenzi yeBhodi

#### 7. (1) IBhodi kufuneka—

- (a) incedise ze ixhase uMphathiswa wePhondo neSebe ngobonelelo lwezindlu nokuphakamisa kunye nokuququzelela uhlanganiso lwezindlu kwiPhondo kunye nolunye uphuhliso olukhoyo kulandelwa isikhokelo somgaqo-nkqubo neenkqubo zesizwe nezephondo; 15
- (b) ukuqwalasela nokwamkela ukuxhaswa ngezimali kwayo nayiphi na iprojekthi okanye inkqubo ehambelana nenkqubo yobonelelo ngezindlu yesizwe okanye yephondo, ze imali ihlawulwe kwiNgxowa-mali ngokuhambelana nenkqubo yonyaka eyamkelwe nguMphathiswa wePhondo; 20
- (c) ukuphanda imiba edibene nobonelelo ngezindlu xa icelwe nguMphathiswa wePhondo okanye iNtloko yeSebe ukuze icebise uMphathiswa wePhondo; 25
- (d) ukuqonda nokuphonononga umgaqo-nkqubo wobonelelo ngezindlu wesizwe nowephondo ukuze iwusebenzise,
- (e) ukucebisa uMphathiswa wePhondo ngokunikezwa kwemvume koorhulumente bemimandla ukuze bamkelwe ngokusesikweni ngokwecandelo 16(2);
- (f) kuxhomekeke kumgaqo-nkqubo ogqitywe nguMphathiswa wePhondo nangokwecandelo 19, ilawula ii-asethi ezidlule kuyo ngokwecandelo 6(2) kunye nezinye ii-asethi ezifunyenwe kulandelwa umhlathi (g) okanye icandelwana (2), nokunikeza ngee-asethi ngendlela ehambelana namacandelo 14 no-15 eHousing Act ka-1997 (UMthetho 107 ka-1997); yaye 30
- (g) ukuba icelwe nguMphathiswa wePhondo ukuba yenze oko; ifumane ipropati engenakufuduswa. 30

#### (2) IBhodi ingathi—

- (a) isebenzisana neNtloko yeSebe yaye ithobela icandelwana (3) nemithetho yokuthenga izinto, imigaqo-nkqubo kunye noko kuqhele ukwenziwa liPhondo, ifune iinkonzo ezisenokudingwa yiBhodi ukuze ikwazi ukwenza umsebenzi wayo ngokupheleleyo, yaye iindleko zezo nkonzo kufuneka zihlawulwe yiNtloko yeSebe kwiNgxowa-mali; 35
- (b) ilandela imiqathango yawo nawuphi na umthetho, nangemvume yoMphathiswa wePhondo ojongene nemicimbi yemali, inganyusa ingxowamali ngokuboleka nakowuphi na umthombo ongaphakathi okanye ongaphandle kweRiphabliki ngokusebenzisa izivumelwano okanye uboleko-mali, iibhili nestokhi, yaye iimali ezifunyenweyo kunye zinyuse iNgxowamali; yaye 40
- (c) isebenzisana neNtloko yeSebe, ifumane ipropati engenakufuduswa. 45

(3) Imisebenzi yobumabhalane yeBhodi yenziwa ngamagosa asebenzela iPhondo: leNtshona Koloni.

### Amalungu eBhodi

8. (1) IBhodi iba namalungu angekho ngaphezulu kwesithoba atyunjwe nguMphathiswa wePhondo ngokuhambelana necandelwana (2) kodwa iba ngabantu abanolwazi okanye abakufundeleyo oku okanye abanamava kulwakhiwo lwezindlu nabahlala kwiPhondo kuphela abatyunjwayo njengamalungu. 50

#### (2) UMphathiswa wePhondo kufuneka atyambe amalungu eBhodi:

- (a) ethathela ingqalelo abasebenzisi kunye nesidingo sokuba iBhodi ibe namalungu amele iintlanga nezini zonke zoMzantsi Afrika kunye neentlanga ezikhoyo kwiPhondo; yaye 55

- (b) akwenze oko—
- (i) uMphathiswa wePhondo emva kokuba esebenzise amajelo endaba *neGazethi yePhondo* ukumema abantu ukuba batyunjwe njengamalungu eBhodi; yaye
- (ii) ibe iKomiti esisiGxina yePalamente yePhondo ejongene nemicimbi yezezindlu yenze izindululo kuloo Mphathiswa malunga noku emva kwenkqubo evulelekileyo yokuqwalasela abantu abatyunjweyo. 5
- (3) Amalungu eBhodi, kuxhomekeke kwicandelo 9(1) no-(4), atyunjelwa isithuba seminyaka emithathu, kodwa ilungu eliphelileyo ixesha lalo, lingaphinda lityunjwe.
- (4)(a) UMphathiswa wePhondo kufuneka achonge usihlalo nosekela-sihlalo weBhodi. 10
- (b) Xa usihlalo weBhodi engekho okanye engakwazi ukwenza umsebenzi wakhe njengosihlalo, usekela-sihlalo weBhodi kufuneka abambeke njengosihlalo xa usihlalo engekho naxa engakwazi ukwenza umsebenzi wakhe.
- (c) Ukuba bobabini usihlalo nosekela-sihlalo weBhodi abekho entlanganisweni yeBhodi, amalungu akhoyo kufuneka akhethe elinye lamalungu ukuba achophele loo ntlanganiso. 15
- (5) UMphathiswa wePhondo kufuneka apapashe kwiGazethi yePhondo igama nesithuba selungu leBhodi ngokukhawuleza kangangoko emva kokuba onyule ilungu elithile. 20

### Ukuyekiswa koMntu kwiBhodi

9. (1) Ilungu leBhodi elite—
- (a) layeka;
- (b) lathi lingafumenanga mvume yeBhodi, alabikho kwiintlanganiso ezintathu ezilandelelanayo zeBhodi; 25
- (c) lathinjwa okanye elicele uncedo oluchazwe kwicandelo 10(1)(c) lomthetho iAgricultural Credit Act, 1966 (Umtetho 28 ka-1966);
- (d) ingqondo yalo ayasebenza kakuhle yaye oko kubhengezwe njalo yinkundla efanele ukwenza oko;
- (e) liye libanjwa lagwetywa lavalelwa linganikwanga thuba lokuba lihlawule isigwebo; 30
- (f) laba lilungu lePalamente, lendlu yowisomthetho yephondo, ibhunga lorhulumente wommandla okanye lekhabhinethi yesizwe okanye iKhabhinethi yePhondo yeNtshona Koloni; okanye
- (g) ligwetyelwe ityala ngokwecandelwana (2) okanye (3) ze lanikwa isigwebo sokuhlawula okanye sokuvalwa, liyayeka ukuba lilungu leBhodi. 35
- (2) Ilungu leBhodi okanye nayiphi ikomiti ekubhekiswe kuyo kulo Mthetho eliyelafumana imali ngqo okanye ngokungathanga ngqo okanye isipho kuye nawuphi umntu ohlangene nawo nawuphi na umcimbi ophethwe yiBhodi okanye yiloo komiti linetyala yaye lafunyanwa linetyala linokuhlululiswa imali engekho ngaphezu kwama-R25 000 okanye libanjwe isithuba esingekho ngaphezu kweminyaka emithathu okanye lihlawuliswe liphinde libanjwe, yaye emva koko alivumelekanga ukuba libambe nasiphi na isikhundla ngokwalo Mthetho. 40
- (3) Ilungu leBhodi okanye nayiphi ikomiti yayo elite lingafumenanga mvume yoMphathiswa wePhondo okanye xa lisenza imisebenzi okanye lilingqina enkundleni, lithe lapapasha iinkcukacha elizifumene ngexesha lisebenza linetyala yaye lafunyanwa linetyala linokuhlululiswa imali engekho ngaphezu kwama-R30 000 okanye libanjwe isithuba esingekho ngaphezu kweminyaka emithathu okanye lihlawuliswe liphinde libanjwe, yaye emva koko alivumelekanga ukuba libambe nasiphi na isikhundla ngokwalo Mthetho. 50
- (4) UMphathiswa wePhondo angathi, ngemvume yeKhabhinethi yePhondo, nanini na alisuse ilungu leBhodi esikhundleni xa kukho izizathu ezivakalayo.

### Iintlanganiso zeBhodi

10. (1) Intlanganiso yokuqala yeBhodi kufuneka ibe ngexesha nakwindawo egqitywe nguMphathiswa wePhondo, ze zonke iintlanganiso ezilandela leyo zibe ngexesha nakwindawo egqitywe nguSihlalo weBhodi. 55
- (2) Usihlalo, okanye xa engekho, usekela-sihlalo—
- (a) angabiza intlanganiso eyodwa yeBhodi; yaye

- (b) kufuneka loo ntlanganiso ayibize kwiintsuku ezili-14 emva kokufumana isicelo sokuyibiza esisayinwe ngamalungu angekho ngaphantsi kwesihlanu sokuhlalw kwaloo ntlanganiso.
- (3) Inkqubo kwiintlanganiso zeBhodi ibekwa yiBhodi ngokwemiyalelo yoMphathiswa wePhondo. 5
- (4) Ikhoram yentlanganiso yeBhodi bubuninzi bamalungu ayo.
- (5)(a) Ilungu leBhodi alinakubakhona okanye lithathe inxaxheba kuyo nayiphi na ingxoxo okanye ukwenziwa kwezizigqibo ngawo nawuphi na umba ophambi kweBhodi apho—
- (i) ilungu elo okanye iqabane lalo, ilungu losapho, ihlakani kwezoshishino okanye umqeshi welo lungu (okanye uRhulumente); okanye 10
- (ii) ihlakani lezoshishino, ilungu losapho, okanye umqeshi (okanye uRhulumente) weqabane lelo lungu, linto elidibanisa nezimali ezichaphazela ikomiti.
- (b) Ukulungiselela umhlathi (a) necandelwana (6)— 15
- (i) “iqabane” libandakanya umntu ahlalisana naye umntu ngokungathi batshatile okanye umntu amane ehlala naye; yaye
- (ii) “isizalwane” sithetha umzali, umntwana, umnakwe okanye udade.
- (c) Isigqibo seBhodi asisayi kusebenza ukuba ngaba ilungu elisilele ukuchaza oko kukhankanywe kwicandelwana (6) likhona entlanganisweni, lithatha inxaxheba engxoxweni okanye liyavota kumba lowo. 20
- (6) Ilungu leBhodi kufuneka, ngendlela nangamaxesha agqitywe nguMphathiswa wePhondo, lichaze naziphi iinkcukacha zalo zemali ezingqamene nezingangqamenanga ngqo, apho—
- (a) eloo lungu okanye umlingane, ilungu losapho, ihlakani kwezoshishino okanye umqeshi welo lungu (ngaphandle koRhulumente); okanye 25
- (b) ihlakani lezoshishino, ilungu losapho, okanye umqeshi (okanye uRhulumente) weqabane lelo lungu, libandakanyekayo kulwakhiwo lwezindlu.
- (7) Isigqibo samalungu amaninzi akhoyo siya kuthathwa njengesigqibo seBhodi; yaye ukuba ivoti ziye zalingana kuwo nawuphi na umba, umntu ochophele intlanganiso nguye oya kufaka ivoti yakhe eya kwahlulela kweso sigqibo ngaphezu kwaleyo ebesele eyifakile. 30

### Izibonelelo ezinikwa amalungu eBhodi

11. Ilungu leBhodi, ngaphandle komntu oqeshwe isigxina nguRhulumente, kufuneka atyunjwe ngokwemiqathango ebekiweyo yaye angahlawulwa isibonelelo ze abuyiselwe neendleko zakhe ngokwemali egqitywe nguMphathiswa wePhondo ngokuhambelana nesigqibo soMphathiswa wePhondo ojongene nezeemali. 35

### Ukutyunjwa kweekomiti

12. (1) UMphathiswa wePhondo angatyumba iKomiti yeSigqeba yeBhodi enosihlalo nosekela-sihlalo kunye namanye amalungu eBhodi amaninzi kangangoko ngokubona koMphathiswa wePhondo. 40
- (2) UMphathiswa wePhondo angatyumba ikomiti enye okanye ezininzi zokusebenza ezinamalungu amabini okanye ngaphezulu kunye nabasebenzi ababini okanye ngaphezulu kwesibini abasebenzela iSebe ukuba benze loo misebenzi yeBhodi igqitywe nguMphathiswa wePhondo emva kokubonisana neBhodi yaye loo komiti ingasebenzisa amagunya ze yenze imisebenzi eyibona ifanelekile ukuze ikwazi ukwenza umsebenzi wayo ongumsebenzi onikwe iBhodi. 45
- (3) IKomiti yeSigqeba neekomiti zokusebenza kufuneka zinike ingxelo kwiBhodi ngemisebenzi yazo ngendlela egqitywe yiBhodi amaxesha ngamaxesha. 50

### Umiselo lweNgxowa-mali yoBonelelo ngeZindlu yeNtshona Koloni

13. (1) Ingxowa-mali yoBonelelo ngeZindlu yeNtshona Koloni iyamiselwa.
- (2) INgxowa-mali inemali eya okanye ehlawulwa kwiNgxowa-mali—
- (a) ngokwayo nayiphi na imiqathango yoMthetho iHousing Act;
- (b) kwi-akhawunti yengeniso yephondo kulandelwa nawuphi umthetho wephondo okanye wesizwe wokwaba imali ukulungiselela ulwakhiwo lwezindlu nophuhliso oluhlanganisiweyo; kunye 55



- (c) nangamalizo okanye imali ebolekiweyo yolwakhiwo lwezindlu ezithile okanye imiba ehambelana naleyo.
- (3) Imali ekwiNgxowa-mali ingasetyenziselwa ukufumana izinto eziza kuphumeza lo Mthetho.
- (4) Unyaka-mali weNgxowa-mali yi-1 Epreli yawo nawuphi unyaka ukuya kwi-31 Matshi yonyaka olandelayo. 5
- (5) INTloko yeSebe iligosa elinika inkcaza ngeNgxowa-mali.
- (6) Nayiphi imali ekwiNgxowa-mali engazi kusetyenziswa ngoko nangoko kufuneka ifakwe kumaziko emali akwiRiphabliki yalapha njengoko kuchaziwe kwicandelo 1 loMthetho iFinancial Institutions (Investment of Funds) Act, 1984 (uMmthetho 39 ka-1984). 10
- (7) UMphicothi-ziNcwadi Jikelele kufuneka aphicothe iincwadi zeNgxowa-mali ngendlela echazwe kwicandelo 188(2) loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996.
- (8) UMphicothi-ziNcwadi Jikelele angayalela nawuphi umntu (kubandakanywa nawuphi urhulumente wommandla, inkampani okanye iqumrhu okanye umntu oqeshwe nguloo gunyaziwe, inkampani okanye iqumrhu) ukuba eze nazo zonke iincwadi, iirejista namaxwebhu akuloo mntu okanye alawulwa nguloo mntu aya kuthi, ngokokubona koMphicothi-ziNcwadi Jikelele, abe lulutho kuphicotho ekubhekiswe kulo kwicandelwana (7). 20
- (9) Nabani osilela ukuthobela umyalelo ngokwecandelwana (8) unetyala yaye xa efunyaniswe enetyala usenokuhlawuliswa imali engekho ngaphezu kwe-R100 000 okanye avalelwe isithuba esingekho ngaphezu kweminyaka emihlanu okanye azifumane zozibini ezi zigwebo.

#### Imisebenzi yegosa loniko-nkcaza

25

14. (1) Igosa elinika inkcaza ngeNgxowa-mali linolu xanduva lulandelayo—
- (a) ulawulo lweNgxowa-mali;
- (b) ukugqiba ngenkqubo emalunga nemiba yentlawulo kwiNgxowa-mali noku-cima amatyala atyalwa kwiNgxowa-mali;
- (c) ukumisela iireyithi zenzala emazibizwe kwimali ezibolekwe kwiNgxowa-mali, ezinokwahluka ngokwenjongo okanye ngokwento eziza kusetyenziselwa yona ezo mali. 30
- (d) ukugqiba ngendlela ii-akhawunti zeNgxowa-mali emazigcinwe ngayo;
- (e) ukwaba imali esuka kwiNgxowa-mali—
- (i) yayo nayiphi inkqubo yobonelelo ngezindlu yesizwe emiselwe okanye eyenziwa kulandelwa uMthetho iHousing Act; 35
- (ii) yayo nayiphi inkqubo yolwakhiwo yesizwe;
- (iii) yalo naluphi ubonelelo ngezindlu lweephondo okanye okanye inkqubo yokokha ehlanganisiweyo ehambelana nobonelelo ngezindlu lwesizwe okanye inkqubo yokokha evunywe nguMphathiswa wePhondo evumekileleyo ngokoMthetho wephondo owaba izimali zaloo nkqubo; 40
- (iv) ukuhlawulela nayiphi inkcitho yokumenteyina okanye inkcitho emane isenziwa yee-asethi zeBhodi; okanye
- (v) yawo nawuphi umcimbi okanye into ekhoyo kulo Mthetho neHousing Act; 45
- (f) ukungenisa kuMphathiswa ngokukhawuleza kangangoko anakho, kodwa kwiinyanga ezintathu ze-31 Matshi yonyaka ngamnye, iingxelo zemali zonyaka ekubhekiswe kuwo kumhlathi (g);
- (g) ukwenza iingxelo zemali zonyaka ezinala maxwebhu—
- (i) iphepha lengxelo-mali; 50
- (ii) ingxelo yengeniso;
- (iii) ingxelo yokusetyenziswa kwemali; kunye
- (iv) namanqaku eenkcazo-mali zonyaka;
- (h) ukuqinisekisa ukuba iinnkcazo-mali ekubhekiswe kuzo kumhlathi (g)—
- (i) ziyahambelana neendlela ezamkekileyo zokuchaza ngemali; 55
- (ii) zibonisa ubume bemeko nemisebenzi yeBhodi neziphumo zoko; yaye
- (iii) zibhekisa kuwo nawuphi na umba onganyanzeliswa kuMthetho ochaphazela okanye osenokuchaphazela imicimbi yeBhodi, zisebenzisa amanani kunye nengxelo echazayo ecacisa loo mcimbi, apho kuyimfuneko; kunye 60

- (i) nokulawula nawuphi na omnye umba ekufuneka ulawulwe yi-ofisi yonikokcaza omalunga nolawulo kunye nezixhobo zolawulo lweNngxowa-mali.
- (2) Igosa elinika inkcaza leNngxowa-mali kufuneka—
  - (a) liqokelele ze lidiphozithe kwiNngxowa-mali yonke imali ekufuneka ihlawulwe kwiNngxowa-mali; yaye 5
  - (b) kufuneka ligcine iirekhodi ezahlukileyo zeezisithi nenkcitho yeenkqubo zobonelelo ngezindlu zeemali ezifakwe kwiNngxowa-mali.

### Indima yorhulumente wommandla kulwakhiwo lwezindlu

15. (1) Urhulumente wommandla kufuneka, njengenxalenye yenkqubo yakhe yocwangciso lophuhliso oluhlanganisiweyo, athathe onke amanyathelo afanelekileyo nayimfuneko ngokwesikhokelo semithetho yesizwe neyephondo kunye nomgaqonkqubo— 10

- (a) oza kuqinisekisa ukuba—
  - (i) abahlali abakummandla waloo masipala baqhuba bezifumana izindlu;
  - (ii) kuthintelwa okanye kususwa iimeko ezingahambelani nempilo nokhuseleko lwabantu abahlala kwindawo elawulwa ngumasipala; kunye 15
  - (iii) neenkonzozo zamanzi, ezococeko, ezombane, ezeendlela, ezolawulo lwamanzi ezikhukula nezothutho ngendlela engabizi mali ininzi;
- (b) oza kubeka izinto ekufuneka ziphunyezwe kubonelelo lwezindlu kuloo mmandla; 20
- (c) achonge umhlaba oza kusetyenziselwa ulwakhiwo lwezindlu;
- (d) adale ze amenteyine imeko yoluntu evumela ulwakhiwo lwezindlu eza kulungela iimeko zemali nezentlalo;
- (e) akhuthaze ukusonjululwa kweengxabano okwenziwa yinkqubo yolwakhiwo lwezindlu; 25
- (f) asungule, acwangcise, ahlanganise, aququzelele, aphakamise ze enze ukuba kubekho ulwakhiwo lwezindlu kummandla awulawulayo;
- (g) abonelele ngeenkonzozo zobunjineli ezinkulu, iinkonzozo zokungenisa imali ezingaziswa ngababoneleli abazingcali; yaye
- (h) acwangcise ze alawule usetyenziso nophuhliso lomhlaba. 30
- (2)(a) Nawuphi urhulumente wommandla angathatha inxaxheba kwinkqubo yobonelelo ngezindlu yesizwe okanye yephondo ngokuhambelana nemigaqo echaphazela loo nkqubo ngokuthi—
  - (i) aphakamise iprojekthi yolwakhiwo lwezindlu eyenziwa ngumakhi;
  - (ii) elandela umhlathi (b), asebenze njengomakhi ekucwangciseni nasekuphumezeni iprojekthi yolwakhiwo lwezindlu esekelwe kumaxabiso apheleleyo eendleko nemingcipheko; 35
  - (iii) angene kwikontraka yentsebenziswano engeprojekthi yolwakhiwo lwezindlu nomakhi;
  - (iv) amisele iziko loshishino elilodwa eliza kwenza iprojekthi yolwakhiwo lwezindlu; 40
  - (v) ukulawula nayiphi inkqubo yobonelelo ngezindlu yesizwe okanye yephondo ekummandla wakhe ngokuhambelana necandelo 10 loMthetho iHousing Act; yaye
  - (vi) aququzelele kananjalo axhase intatho-nxaxheba yabanye abadlali-ndima kwinkqubo yolwakhiwo lwezindlu. 45
- (b) Ukuba urhulumente wommandla wamkelwe ukuba asebenze njengomasipala ngokwecandelo 16(2) ukulawula inkqubo yobonelelo ngezindlu yesizwe okanye yephondo apho kuplanwa kubuye kuphunyezwe iprojekthi yolwakhiwo lwezindlu, loo rhulumente wommandla akanakusebenza njengomakhi, ngaphandle kokuba loo projekthi ivunywe nguMphathiswa wePhondo. 50
- (3)(a) Urhulumente wommandla angathi, ngokukhupha isaziso kwiGazethi yePhondo, athathe nawuphi umhlaba ofunwa nguye ukulungiselela ulwakhiwo lwezindlu ngokwayo nayiphi inkqubo yobonelelo ngezindlu yesizwe, ukuba—
  - (i) akakwazi ukuthenga umhlaba ngendlela efanelekileyo ngokuthi abonisane nomnini-mhlaba lowo; 55
  - (ii) ufumene imvume kuMphathiswa wePhondo yokuba athathe loo mhlaba phambi kokupapashwa kwesaziso kwiGazethi yePhondo; yaye
  - (iii) eso saziso sipapashwe kwiinyanga ezintandathu ukususela kumhla wokunikezwa kwemvume nguMphathiswa wePhondo. 60

(b) Amacandelo 1, 6 ukuya ku-15 no-18 ukuya ku-23 omthetho iExpropriation Act, 1975 (uMthetho 63 ka-1975), ayasebenza, kunye notshintsho oludingekayo, ekuthathweni komhlaba ngurhulumente wommandla ngokomhlathi (a), kunye nantoni ebhekisa kuloo macandelo—

- (i) “uMphathiswa” kunye “noRhulumente” kufuneka bathathwe ngokuba babhekisa kwinqwazi yorhulumente wommandla nomasipala ochaphazekayo, ngokulandelelana; 5
- (ii) “icandelo 2” kufuneka lithathwe ngokuba libhekisa kweli candelwana; yaye
- (iii) “lo Mthetho” kufuneka uthathwe ngokuba ubhekisa kwiHousing Act.

#### **Ukunika imvume negunya koorhulumente ukuba babe ngoorhulumente bemimandla** 10

**16.** (1) Urhulumente wommandla okweli Phondo angafaka isicelo kuMphathiswa wePhondo ngokwendlela egqitywe nguMphathiswa ukuba afumane imvume negunya phantsi kwecandelwana (2) ukulungiselela ukuba alawule inkqubo enye nangaphezulu yobonelelo ngezindlu yesizwe okanye yephondo. 15

(2) Ukuba uMphathiswa wanelisekile kukuba urhulumente wommandla owenze isicelo phantsi kwecandelwana (1) uyithobele inkqubo yokwamkelwa njengorhulumente wommandla njengoko kubekwe nguMphathiswa weSizwe emva kokubonisana noMphathiswa wePhondo, uMphathiswa wePhondo kufuneka amamkele loo rhulumente wommandla ukulungiselela ukuba alawule inkqubo enye nangaphezulu yobonelelo ngezindlu yesizwe okanye yephondo ekhankanywe kwisicelo. 20

(3) Noxa kutshitshiswe iHousing Arrangements Act, 1993 (uMthetho 155 ka-1993), nayiphi inkqubo ebekwe kwicandelo 11B(2) lawo lo Mthetho, ithathwa njengenkqubo ebekwe phantsi kwecandelwana (2), de yenziwe izilungiso okanye itshintshwe ngokwemiqathango yelo candelwana. 25

(4) Ngokuxhomeke kwimiyalelo yoMphathiswa wePhondo ehambisana nomgaqonkqubo wobonelelo ngezindlu wesizwe, nawuphi urhulumente wommandla owamkelwe ngokusesikweni phantsi kwecandelwana (2) angalawula nayiphi inkqubo yobonelelo ngezindlu yesizwe okanye yephondo anikwe igunya lokuba ayilawule. 30

(5) Ukulungiselela ulawulo oluxelwe kwicandelwana (4), kodwa kuxhomekeke kwicandelo 18, urhulumente wommandla angawasebenzisa amagunya yaye kufuneka enze loo misebenzi uMphathiswa wePhondo athi iyimfuneko. 30

(6)(a) Ukwamkelwa ngokusesikweni koorhulumente wommandla phantsi kwecandelwana (2) kufuneka kumane kuphononongwa nguMphathiswa wePhondo ngokusekelwe kukusebenza okwanelisayo xa kuthelakiswa nolwamkelo olusesikweni ekubhekiswe kulo kwelo candelwana. 35

(b) Ukuba urhulumente wommandla akasebenzi kakuhle njengoko kuxeliwe kumhlathi (a), uMphathiswa wePhondo angangenelela ze athathe amanyathelo adingekayo ukuqinisekisa ukuba usebenza ngokwanelisayo.

(7) UMphathiswa wePhondo angathi, emva kokubonisana neBhodi kunye negosa elinika inkcaza leNgxowa-mali, kwimali ehlawulwe kwiNgxowa-mali njengoko kuxeliwe kwicandelo 13(2), abele urhulumente wommandla owamkelwe ngokusesikweni phantsi kwecandelwana (2) eso sixamali uMphathiswa wePhondo abona sifanelekile. 40

(8)(a) Urhulumente wommandla owamkelwe ngokusesikweni phantsi kwecandelwana (2) kufuneka, xa esenza imisebenzi yakhe exelwe kweli candelo, alandele imiyalelo yemigaqo-nkqubo yoMphathiswa wePhondo ehambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe nowephondo, kubandakanywa imigaqo esebenza kwinkqubo efanelekileyo yobonelelo ngezindlu yesizwe okanye yephondo. 45

(b) Ukuba uMphathiswa wePhondo ucelile, urhulumente wommandla owamkelwe ngokusesikweni phantsi kwecandelwana (2) kufuneka anike ingxelo kuMphathiswa wePhondo ngemisebenzi yakhe ngokweli candelo. 50

#### **Uweliso-mali noniko-nkcaza ngemali ehlawulwe koorhulumente bemimandla**

**17.** (1) Igosa elinika inkcaza leNgxowa-mali kufuneka liwelisele imali abelwe zona urhulumente wommandla ochaphazekayo ngokwemiqathango yecandelo 16(7). 55

(2) Igosa elinika inkcaza leNgxowa-mali lihlala liligosa elinika inkcaza kuyo nayiphi imali eweliselwe kurhulumente wommandla ngokwecandelwana (1).

### **Iinkqubo zoniko-nkcaza ngemali ehlawulwe koorhulumente bemimandla**

18. (1) Urhulumente wommandla kufuneka abe nee-akhawunti ezahlukeneyo ekuza kufakwa kuzo imali ngokwemiqathango yecandelo 17(1) neziza kuphuma kuyo iintlawulo eziphathelene nolawulo lwenkqubo yobonelelo ngezindlu yesizwe okanye yephondo. 5

(2) Nayiphi imali ewelisiweyo ngokwemiqathango yecandelo 17(1) kumbonelelin-konzo njengoko echaziwe kwicandelo 1 leValue-Added Tax Act, 1991 (uMthetho 89 ka-1991), kufuneka ihlawulwe ngurhulumente wommandla esebenza njenge-arhente yoRhulumente wePhondo leNtshona Koloni.

(3)(a) Ingqonyela yalo rhulumente wommandla kufuneka athi ngokukhawuleza kangangoko anakho, kodwa kwinyanga emva kwe-31 Matshi yonyaka ngamnye, anike igosa elinika inkcaza, njengoko kuxeliwe kwicandelo 13(5), iingxelo ezineenkukacha ezisayinwe lelo gosa ezibonisa iziphumo zosetyenziso lweemali zonyaka ophelileyo kunye namaphepha engxelo-mali yee-akhawunti ekubhekiswe kuzo kwicandelwana (1). 10

(b) Igosa elinika inkcaza leNgxowa-mali kufuneka, kwiinyanga ezintathu emva kokuphela konyaka-mali wephondo, lihlanganise ezo ngxelo nezo ntsalela kwiingxelo zemali ezifunwayo ngokwemiqathango yecandelo 14(1)(f). 15

(c) Icandelo 14(1)(g) no-(h) liyasebenza, notshintsho oludingekayo, yaye nantoni na ebhekisa kwiBhodi kufuneka ithathwe njengebhekisa kwibhunga lorhulumente wommandla kumba elibandakanyeka kuwo elo bhunga kubonelelo ngezindlu. 20

(4)(a) Iincwadi neenkcazo-mali ze-akhawunti neengxelo zeentsalela zemali ehlawulwe ngokwemiqathango yecandelo 17(1) kufuneka iphicothwe nguMphicothi-ziNcwadi Jikelele.

(b) UMphicothi-ziNcwadi Jikelele angafuna ukuba nawuphi umntu (kubandakanywa nawuphi umntu oqeshwe ngurhulumente wommandla ekujongwene naye) ukuba eze nazo zonke iincwadi, iirejista namaxwebhu akuloo mntu okanye alawulwa nguloo mntu aya kuthi, ngokokubona koMphicothi-ziNcwadi Jikelele, abe lulutho kuphicotho olo. 25

### **Ukuweliselwa kwepropati ethile koorhulumente bemimandla**

19. (1) Nayiphi ipropati enokufuduswa ephunyeziweyo yiBhodi ngokwemiqathango yecandelo 6(2) kunye nawaphi na amalungelo, amatyala noxanduva lwaloo propati inokufuduswa kufuneka, ngokweli candelwana kunye necandelwana (3), ungekadluli umhla obekwe nguMphathiswa weSizwe, emva kokubonisana noMphathiswa wePhondo, iBhodi iyiwelisele kurhulumente wommandla okummandla esetyenziswa kuwo loo propati. 30

(2) Nayiphi ipropati engenakufuduswa egqithiselwe kwiBhodi ngokwemiqathango yecandelo 6(2) engekathengiswa okanye engekathathwa njengoko kuchaziwe kwicandelo 20(1) ukuya ku-(5) kunye nawaphi na amalungelo, amatyala noxanduva lwaloo propati ingenakufuduswa kufuneka, ngokwamacandelwana (3) no-(4), ungekadluli umhla obekwe nguMphathiswa weSizwe, emva kokubonisana noMphathiswa wePhondo, iBhodi iyiwelisele kurhulumente wommandla okummandla emi kuwo loo propati. 35 40

(3) Ipropati enokufuduswa okanye engenakufuduswa ingaweliselwa kuphela kurhulumente wommandla ngokwecandelwana (1) okanye (2) ukuba loo rhulumente wommandla, ngokokubona koMphathiswa wePhondo, emva kokubonisana norhulumente wommandla lowo, uyakwazi ukulawula loo propati inokufuduswa okanye ingenakufuduswa ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe. 45

(4)(a) Icandelo 22(1) ukuya ku-(7) liyasebenza, kunye notshintsho oludingekayo kuwo nawuphi umhlaba oweliselwe kurhulumente wommandla ngokwecandelwana (2).

(b) Okubhekisa kwicandelo 22(1) ukuya ku-(7) kuRhulumente wePhondo neNgxowa-mali kufuneka kuthathwe njengokubhekisa kurhulumente wommandla ochaphazelekayo ne-akhawunti esebenzayo njengoko kuxeliwe kwicandelwana (5), ngokulandelelana. 50

(c) Inzuzo yayo nayiphi ipropati erentisayo, ethengisiweyo okanye ethathiweyo ngokomhlathi (a) kufuneka isetyenziselwe ulwakhiwo lwezindlu ngurhulumente wommandla ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe neprojekthi yolwakhiwo lwezindlu evunywe nguMphathiswa wePhondo emva kokubonisana neBhodi. 55

(5) Urhulumente wommandla othe wanikwa ipropati enokufuduswa okanye engenakufuduswa ngokweli candelo kufuneka abe ne-akhawunti eyodwa yokusebenza

apho yonke imiba exelwe kweli candelo, icandelo 10(4)(d) necandelo 16 loMthetho iHousing Act kuya kusetyenzwa ngayo.

(6) Amacandelwana (3) no-(4) ayasebenza, notshintsho oludingekayo, kwipropati engenakufuduswa okanye ibango okanye ilungelo elibhalisekayo elidluliswe ngokweli candela, yaye xa kuthethwa ngeNtloko yeSebe makuthathwe ngokuba kubhekiswa kwiGosa loLawulo eliyintloko kurhulumente wommandla ekuthethwa ngaye. 5

(7)(a) Urhulumente wommandla kufuneka, ngokuhambelana nemiyalelo yoMphathiswa wePhondo, anike loo Mphathiswa iingxelo zenyanga malunga nokuthengiswa kwepropati engenakufuduswa ngurhulumente wommandla egqithiselwa kuye ngokwalo Mthetho, kunye nokuthengiswa kwayo nayiphi i-asethi ekususwe kuyo izinto ezihlisa ixabiso layo ngokwemiqathango yecandelo 14(4)(b) loMthetho iHousing Act, kubandakanywa isiseko esisetyenzisiweyo ukubeka ixabiso lokuthengisa. 10

(b) Ukuba uMphathiswa wePhondo akanelisekanga seso siseko sisetenzisiweyo ukubeka ixabiso lokuthengisa, uMphathiswa wePhondo anganika imiyalelo ngomakwenziwe malunga noku. 15

(8) Kumba wokuweliswa kwepropati ngokweli candelo, icandelo 15(1)(d), (2)(b) no-(7) loMthetho iHousing Act lilo liyasebenza kunye nezo nto zitshintshiweyo kulo.

### Ukucinywa kwamatyala emali-mboleko athile

**20.** (1) Kuxhomekeke kwicandelwana (2), ukuba naliphi ityala lemali-mboleko, nemali ehlawulwe phambi kwexesha lokuyihlawula okanye imali evunye ngokwemiqathango yecandelo 14(4)(b) loMthetho iHousing Act— 20

(a) ekwakubolekiswa ngayo ngulowo wandulela iBhodi ekhoyo; okanye

(b) awabolekisa okanye abolekise ngayo urhulumente wommandla, kwinkampani ebhaliswe ngokusemthethweni ukubonelela ngeziko lentlalontle, kungathi ngemvume yoMphathiswa wePhondo, emva kokubonisana noMphathiswa wePhondo ojongene nentlalontle nangokwesigqibo sabo baphathiswa, licinywe nguRhulumente wePhondo okanye urhulumente wommandla, ngokwemeko leyo. 25

(2) Ukuba iziko ekubhekiswe kulo kwicandelwana (1) alisetyenziselwa injongo eyayibolekelwe yona imali, ityala elo lemali-mboleko alingecinywa njengoko kuxeliwe kwelaa candelwana, yaye kuya kufuneka intlawulo yaloo mali-mboleko inikwe iNngxowa-mali okanye ifakwe kwiakhawunti eyahlukileyo yorhulumente wommandla, ngokwemeko leyo. 30

### Inzuzo ngokusetyenziswa kwezibonelelo zorhulumente wommandla

**21.** Inzuzo efunyenwe nguRhulumente wePhondo okanye urhulumente wommandla kuwo nawuphi amaziko orhulumente wommandla aphunyezwa nguRhulumente wePhondo ngokwemiqathango yecandelo 6(2) okanye abonelelwe ngurhulumente wommandla ngemali-mboleko, ngentlawulo yaphambi kwexesha okanye enye imali exelwe kwicandelo 14(4)(b) loMthetho iHousing Act kufuneka isetyenziselwe ulwakhiwo lwezindlu yiBhodi okanye urhulumente wommandla, ngokwemeko leyo, ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe. 35 40

### Ulawulo lwee-asethi zeBhodi

**22.** (1)(a) Nawuphi umhlaba ongaphuhlisiwanga onikezwe iBhodi ngokwemiqathango yecandelo 6(2) kufuneka, ngokuxhomekeke kumhlathi (b), usetyenziselwe ulwakhiwo lwezindlu ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe okanye wephondo, neprojekthi yolwakhiwo lwezindlu yaloo mhlaba yaye oko kufuneka kwamkelwe nguMphathiswa wePhondo. 45

(b) Nawuphi umhlaba ekubhekiswe kuwo kumhlathi (a), ngokokubona kweBhodi, ongafanelekanga okanye ongayi kufaneleka kwixesha elizayo ukuba kwakhiwe kuwo kufuneka uthengiswe yiBhodi ngexabiso elifanelekileyo lemakethe, okanye ukuba awuthengiseki ngelo xabiso, kufuneka uthengiswe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo. 50

(2) Nayiphi indlu okanye nasiphi isiza esiweliselwe kwiBhodi ngokwemiqathango yecandelo 6(2)—

(a) esilungele ukurentisa okanye ukuthengiswa ngokwenkqubo yobonelelo ngezindlu yesizwe okanye yephondo kufuneka sirentiswe okanye sithengiswe yiBhodi ngokuhambelana nenkqubo echaphazelekayo; 55

- (b) esingakulungelanga ukurentisa okanye ukuthengiswa ngokwenkqubo yobonelelo ngezindlu yesizwe okanye yephondo kufuneka, kuxhomekeke kwicandelwana (6), sirentiswe okanye sithengiswe yiBhodi ngexabiso lemakethe, okanye ukuba asithengiseki ngelo xabiso, loo ndlu okanye eso siza kufuneka sithengiswe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo. 5
- (3) Nasiphi isiza okanye isakhiwo soshishino esiwelele kwiBhodi ngokwemiqathango yecandelo 6(2) kufuneka sithengiswe yiBhodi ngexabiso elifanelekileyo lemakethe, okanye ukuba asithengiseki ngelo xabiso, kufuneka sithengiswe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo. 10
- (4)(a) Nasiphi isiza esiwelele kwiBhodi ngokwemiqathango yecandelo 6(2), nesibekelwe bucala ukuba sisetyenziselwe nayiphi inkonzo emayibonelelwe lisebe likarhulumente okanye ulawulo lwephondo, kufuneka sithengiswe yiBhodi ngexabiso elifanelekileyo lemakethe kwelo sebe likarhulumente okanye kolo lawulo lwephondo, ngokwemeko leyo, elinoxanduva lokubonelela ngaloo nkonzo ngaphandle kokuba elo sebe okanye elo candelo lolawulo lazisa iBhodi ukuba eso siza asidingeki ukuba sisetyenziselwe loo msebenzi. 15
- (b) Ukuba asithengiseki isiza ekubhekiswe kuso kumhlathi (a) ngexabiso lemakethe, kufuneka sithengiswe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo.
- (c) Nasiphi isiza esingadingwayo lelo sebe okanye lolo lawulo lwephondo singasetyenziswa yiBhodi kulwakhiwo lwezindlu ngokomgaqo-nkqubo wobonelelo ngezindlu wesizwe okanye wephondo neprojekthi yolwakhiwo lwezindlu eyamkelwe nguMphathiswa wePhondo. 20
- (d) Ukuba eso siza asidingwa yiBhodi kulwakhiwo lwezindlu kufuneka sithengiswe ngexabiso lemakethe, okanye ukuba asithengiseki eso siza ngelo xabiso, kufuneka sithengiswe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo. 25
- (5) Ukuba iBhodi ifuna ukuhlutha nayiphi ipropati engenakufuduswa ephunyeziweyo ngokwemiqathango yecandelo 6(2), ngaphandle kwepropati exelwe kumacandelwana (1) ukuya ku-(4) okanye naziphi iipropati ezifunyenwe ngokwemiqathango yecandelo 7(1)(g) okanye (2), iBhodi ingakwenza oko ngexabiso elifanelekileyo lemakethe, okanye ukuba akukwazeki ukuba loo propati ithathwe ngexabiso elifanelekileyo lemakethe, kufuneka ithathwe yiBhodi ngexabiso elamkelwe nguMphathiswa wePhondo. 30
- (6) Inzuzo yentengiso, yerente okanye yokuthatha umhlaba exelwe kumacandelwana (1) ukuya ku-(5) kufuneka—
- (a) ifakwe kwiNgxowa-mali; okanye 35
- (b) isetyenziselwe ulwakhiwo lwezindlu ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe okanye wephondo.
- (7)(a) IBhodi kufuneka iyiqokeleleyonke imali yetyala, yemboleko okanye imali enikwe nawuphi umntu kwiPhondo egqithiselwe kwiBhodi ngokwemiqathango yecandelo 6(2). 40
- (b) Nayiphi imali ebuyiselwe kwiBhodi ekulilungelo leBhodi ukuyifumana kufuneka ihlawulwe kwiNgxowa-mali yaye kufuneka isetyenziselwe ulwakhiwo lwezindlu ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe neprojekthi yolwakhiwo lwezindlu evunywe nguMphathiswa wePhondo.
- (8)(a) IBhodi ingathi, ngemvume yoMphathiswa wePhondo, emva kokubonisana noMphathiswa ojongene nentlalontle kwiPhondo, ayikhulule inkampani leyo ekuhlawuleni ityala lemali-mboleko okanye inxalenye yalo engekahlawulwa nefanele ukuhlawulwa kuRhulumente wePhondo malunga neeprojekthi zentlalontle. 45
- (b) Kambe ke, ukuba iziko elo alisetyenziselwa injongo eyibolekelwe yona imali, kufuneka kumiselwe ixabiso lemakethe lepropati ze umahluko wemali phakathi kwexabiso lemakethe neletyala uhlawulwe kwiNgxowa-mali. 50
- (9) Nawaphi amalungelo, amatyala noxanduva loRhulumente wePhondo (*wangaphambili*) atshishiweyo ngokwemiqathango yecandelo 6(1), ngenxa yesivumelwano ekungenwe kuso phakathi koRhulumente wePhondo okanye lowo ebengaphambili kunye nomntu ngokwenkqubo yobonelelo ngezindlu yesizwe adluliselwa kuRhulumente wePhondo. 55
- (10) Nawaphi amalungelo, amatyala noxanduva lweBhodi (*yangaphambili*) etshishiweyo ngokwemiqathango yecandelo 6(1), ngenxa yesivumelwano ekungenwe kuso phakathi kweMortgage Indemnity Fund (Pty) Ltd nababolekisi ngemali yezindlu ngokwenkqubo yoncediso yokususwa kwabantu basiwe kwenye indawo, adluliselwa kwiBhodi. 60
- (11) Ukulungiselela eli candelo, naluphi ubhekiso kuwo nawaphi na amaxwebhu kwiBhodi yoBonelelo ngeZindlu yeSizwe okanye iBhodi yePhondo yoLwakhiwo

IweZindlu yeNtshona Koloni kufuneka luthathwe njengolubhekisa kuRhulumente wePhondo.

(12) Akukho malungelo, matyala okanye naxanduva lwakhe nawuphi umntu oluvela lupheliswe ngenxa—

- (a) yokuba kutshitshiswe uRhulumente wePhondo (*wangaphambili*) ngokwecandelo 6(1); 5
- (b) yawo nawuphi umhlathi ekubhekiswe kuwo kwicandelo 6(2); okanye
- (c) yokucinywa kwetyala okanye olunye uxanduva ngokwemiqathango yecandelo 14(4)(b) loMthetho iHousing Act.

### Ukuhlolwa kwezakhiwo

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23. (1) Umntu ogunyaziswe yiNtloko yeSebe angathi ngamaxesha afanelekileyo, ekhona umrentisi okanye umnini wepropati echaphazelekayo okanye umtyunjwa womrentisi okanye womnini angene—

- (a) kuwo nawuphi umhlaba ofunyenweyo okanye iprojekthi eyenziwa ngurhulumente wommandla okanye elinye iqumru ngemboleko-mali okanye ngegranti efunyenwe kwiNgxowa-mali; 15
- (b) kuyo nayiphi indlu erentiswa nguRhulumente wePhondo; kunye
- (c) kuyo nayiphi indlu ethengiswe nguRhulumente wePhondo, enemali etyalwa kwiNgxowa-mali,

ukwenza uhlolo, ukwenza nawuphi umsebenzi, okanye ukwenza nantoni na uRhulumente wePhondo okanye iSebe eligunyaziswe ukuba yenziwe phantsi kwawo nawuphi na uMthetho. 20

(2) Nabaphi abantu abagunyaziswe ngurhulumente wommandla bangathi ngamaxesha afanelekileyo, ekhona umrentisi okanye umnini wepropati okanye umtyunjwa bangene— 25

- (a) kuwo nawuphi umhlaba ofunyenweyo okanye iprojekthi eyenziwa ngemboleko-mali okanye ngegranti efunyenwe kuloo rhulumente wommandla;
- (b) kuyo nayiphi indlu erentiswa nguloo rhulumente wommandla; yaye
- (c) kuyo nayiphi indlu ethengiswe nguloo rhulumente wommandla, enemali etyalwa kuloo rhulumente wommandla, 30

ukwenza uhlolo, ukwenza nawuphi umsebenzi, okanye ukwenza nantoni na loo rhulumente wommandla anegunya lokuyenza phantsi kwalo mthetho okanye nawuphi na omnye uMthetho.

(3) Nawuphi umntu okanye iqumru elingavumiyo ukuvulela umntu ekubhekiswe kuye kwicandelwana (1) okanye (2) okanye ophazamisa igosa xa lisenza umsebenzi walo unetyala yaye uya kugwetya ukuba ahlawule imali engekho ngaphezu kwama-R20 000 okanye avalelwe entolongweni isithuba esingekho ngaphezulu kweenyanga ezilishumi elinambini okanye agwetywe zozibini ezi zigwebo. 35

### Unikezo lwamagunya

24. (1) UMphathiswa wePhondo anganikeza amagunya akhe kwiNtloko yeSebe okanye kwigosa elikwisikhundla esingekho ngaphantsi kwesekela-mlawuli elikwiSebe lakhe. 40

(2) IBhodi ingadlulisela amagunya ayo kuSihlalo weBhodi, iKomiti esiSigqeba, iikomiti zokusebenza okanye umsebenzi okwisikhundla esingekho ngezantsi kosekela-mlawuli oqeshwe liSebe. 45

(3) INtloko yeSebe ingathi, ukuphumeza imiqathango yalo Mthetho—

- (a) inikeze nawuphi amagunya enawo ngokwalo Mthetho; okanye
- (b) inikeze nawuphi umsebenzi wayo ewunikwa ngulo Mthetho,

kwigosa elikwisikhundla esingekho ngaphantsi kwesekela-mlawuli eliqeshwe liSebe okanye ingqonyela yorhulumente wommandla, ngokwemeko leyo. 50

(4) Umntu onikezwe amagunya okanye umsebenzi kufuneka asebenzise elo gunya okanye enze loo msebenzi ngokwemiqathango ebekwe nguloo mntu umnike amagunya okanye umsebenzi lowo.

(5) Unikezo-gunya okanye unikezo-msebenzi ngokweli candelo—

- (a) kufuneka lubhalwe phantsi; 55
- (b) alunqandi ukuba loo mntu ebenikeze amagunya okanye umsebenzi angasebenzisi igunya lakhe okanye angenzi umsebenzi lowo; yaye
- (c) lungarhoxiswa nanini na ngumntu lowo ebenikeze igunya okanye umsebenzi.

### Imigaqo

25. (1) UMphathiswa wePhondo angenza imigaqo emalunga—
- (a) nenkqubo yokwenza nawuphi na umsebenzi weBhodi, yaye
  - (b) namazinga enzala emayibizwe kwimali ezibolekwe kwiNgxowa-mali.
- (2) UMphathiswa wePhondo angenza imigaqo emalunga— 5
- (a) nawuphi umba odingekayo okanye obekwe ngulo Mthetho; kunye
  - (b) nawuphi omnye umba onento yokwenza nokuphunyezwa kweenjongo zalo Mthetho.

### Ingxelo yoNyaka

26. (1) INtloko yeSebe kufuneka ingenise, qho ngonyaka kuMphathiswa wePhondo, 10  
ingxelo ngemisebenzi yayo ngokwalo Mthetho.
- (2) UMphathiswa wePhondo kufuneka andlale ikopi yengxelo engeniswe ngo-  
kwecandelwana (1) kwiPalamente yePhondo kwiintsuku ezili-14 emva kokuba  
eyifumene okanye, ukuba iPalamente yePhondo ayihlelanga, kwiintsuku ezili-14 emva  
kokuba iphinde yavula. 15

### Ukutshitshiswa koMthetho

27. Umthetho iWestern Cape Provincial Housing Law, 1994 (UMthetho 9 ka-1994),  
uyatshitshiswa.

### Isihloko esifutshane

28. Lo Mthetho ubizwa ngokuba nguMthetho woLwakhiwo lweZindlu weNtshona 20  
Koloni, 1999, yaye uya kuqala ukusebenza ngomhla oya kubekwa yiNkulumbuso  
ngokwenza isibhengezo kwiGazethi yePhondo.



**INGCACISO GABALALA:**

- [ ] Amagama abhalwe ngqindilili akwizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.
- \_\_\_\_\_ Amagama akrwelelwe ngomgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo. 5

(Itekisi yeAfrikansi isayinwe yiNkulumbuso)  
(Yamkelwa ngowama-28 kuTahazimpuzi 2005)

**UMTHETHO**

**Ukubonelela ngotshitshiso loMthetho woLwakhiwo lweZindlu weNtshona Koloni, 1999; ukutshitshisa iBhodi yoBonelelo ngeZindlu yeNtshona Koloni; ukumisela iphaneli yokucebisa ngemiba yeZindlu yeNtshona Koloni; ukwenza imiqathango yokunikeza ngee-asethi zeBhodi yoBonelelo ngeZindlu yeNtshona Koloni, nokubonelela ngemiba ehambelana nale ikhankanyiweyo.** 10

**N**GAKO OKO KE KUWISWA UMTHETHO yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

**Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 6 ka-1999**

- 1.** Icandelo 1 loMthetho woLwakhiwo lweZindlu weNtshona Koloni, 1999 (uMthetho 6 ka-1999) (uMthetho-ngqangi), lenziwa izilungiso— 5
- (a) ngokufakela phambi kwenkcazelo ye“Bhodi” kwale nkcazelo ilandelayo:  
“**‘igosa elinika inkcaza’** lithetha iNtloko yeSebe;”;
- (b) ngokufakela emva kwenkcazelo ye“gosa elinika inkcaza” kwale nkcazelo ilandelayo:  
“**‘Iphaneli yeeNgcebiso’** ithetha iPhaneli yeeNgcebiso ngeZezindlu yeNtshona Koloni emiselwe ngokwecandelo 5;”;
- (c) ngokucinywa kwengcaciso ye “Bhodi”;
- (d) ngokufakela phambi kwenkcazelo ye“Sebe”:  
“**‘Ikhowudi’** ithetha iKhowudi yeZezindlu yeSizwe;”
- (e) ngokufakela phambi kwenkcazelo ye“nkqubo yobonelelo ngezindlu yephondo” kwale nkcazelo ilandelayo: 15  
“**‘URhulumente wePhondo’** uthetha urhulumente wephondo weNtshona Koloni njengoko echaziwe kwicandelo 103(1)(i) loMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996 (uMthetho 108 ka-1996);”;
- (f) ngokucinywa kwegama u “yaye” ekupheleni kwenkcazelo yo“Mphathiswa wePhondo”; 20
- (g) ngokufakela emva kwenkcazelo yo“Mphathiswa wePhondo” kwezi nkcazelo zilandelayo:  
“**‘INGxowa Mali yeNgeniso yePhondo’** ithetha iNgxowa-mali yeNgeniso yePhondo njengoko ichaziwe kwinkcazelo ye“Ngxowa-mali yeNgeniso” kwiPublic Finance Management Act; **‘IPublic Finance Management Act’** ibhekisa kumthetho iPublic Finance Management Act, 1999 (uMthetho 1 ka-1999); yaye”. 25

**Ukufaka endaweni yegama elithi “iBhodi” elo lithi “iPhaneli yeeNgcebiso” kuMthetho 6 ka-1999**

2. UMthetho-ngqangi wenziwa izilungiso ngokuthi kufakwe endaweni yegama elithi “iBhodi” igama elithi “iPhaneli yeeNgcebiso” kuyo yonke indawo elifumaneka kuyo, ngaphandle kokuba kuthethwe enye into engenye. 5

**Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 6 ka-1999**

3. Icandelwana (1) lecandelo 4 loMthetho-ngqangi lenziwa izilungiso—
- (a) kumhlathi (d), ngokucinywa kuka “yaye” ekupheleni kwala mhlathi;
  - (b) ngokufaka endaweni yomhlathi (e) kwalo mhlathi ulandelayo:
    - “(e) kufuneka atyumbe amalungu [eBhodi] ePhaneli yeeNgcebiso ngokuhambelana necandelo 8; yaye”; kananjalo 10
  - (c) ngokongezwa kwale mhlathi ilandelayo:
    - “(f) kufuneka abeke iliso kwinkqubo nganye yobonelelo ngezindlu yesizwe nenkqubo nganye yobonelelo ngezindlu yephondo ehambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe yaye ukulungiselela lo msebenzi, ngokuhambelana nenkqubo nemigaqo ekwiKhowudi, amkele—
      - (i) naziphi iiprojekthi ezimalunga noko; kunye
      - (ii) nenkxaso yezimali yazo; 15
    - (g) kufuneka agqibe ngezinto eziphambili kulwakhiwo lwezindlu ngokuhambelana nomgaqo-nkqubo wobonelelo ngezindlu wesizwe; 20
    - (h) kufuneka, kumba wolwakhiwo lwezindlu, asebenzise umgaqo-nkqubo wokuthenga izinto obekwe nguMphathiswa wePhondo; yaye
    - (i) kufuneka alawule ii-asethi ezichazwe kwicandelo 6.” 20

**Ukutshintshwa kwecandelo 5 loMthetho 6 ka-1999** 25

4. Eli candelo lilandelayo lingena endaweni yecandelo 5 loMthetho-ngqangi:

**“Umiselo lwePhaneli yeeNgcebiso yoLwakhiwo lweZindlu yeNtshona Koloni**

5. Apha kumiselwa iPhaneli yeeNgcebiso eza kubizwa ngokuba yiPhaneli yeeNgcebiso ngeZezindlu yeNtshona Koloni.” 30

**Ukutshintshwa kwecandelo 6 loMthetho 6 ka-1999**

5. Eli candelo lilandelayo lingena endaweni yecandelo 6 loMthetho-ngqangi:

**“Utshitshiso lweBhodi yoBonelelo ngeZindlu yeNtshona Koloni**

- 6. (1) IBhodi yoBonelelo ngeZindlu yeNtshona Koloni iyatshitshiswa. 35
- (2) Yonke ipropati enokufuduswa nengenakufuduswa, kubandakanywa naliphi ilungelo okanye ibango kuloo propati, kunye nawo onke amalungelo noxanduva lweBhodi olutshitshiswe kulandelwa icandelwana (1), ludluliselwa kuRhulumente wePhondo ngomhla ekuthe kwaqala ukusebenza iWestern Cape Housing Development Amendment Act, 2005. 40
- (3) IRejistra yoBunini-Propati kufuneka, xa icelwe yiNtloko yeSebe naxa ingenise iimpepha zobunini-propati ezifanelekileyo nesatifikethi ekubhekiswe kuso kwicandelwana (5), yenze uqinisekiso olufanelekileyo kwirejista yeepropati nakumaxwebhu obunini-propati ukuze kudluliselwe ipropati engenakufuduswa ekubhekiswe kuyo kwicandelwana (2). 45
- (4) Akukho rhafu yoweliselo-zimpahla, narhafu yesitampu okanye iimali zobhaliso ezihlawulwayo xa kudluliselwa ipropati engenakufuduswa ekubhekiswe kuyo kwicandelwana (2).
- (5) INtloko yeSebe kufuneka, ukulungiselela icandelwana (3), ikhuphe isatifikethi esichaza ukuba ipropati engenakufuduswa, okanye 50

ibango okanye ilungelo elikhankanywe kwisatifikethi lidluliselwe |  
kuRhulumente wePhondo.”.

#### Ukutshintshwa kwecandelo 7 loMthetho 6 ka-1999

6. Eli candelo lilandelayo lingena endaweni yecandelo 7 loMthetho-ngqangi:

##### “Imisebenzi yePhaneli yeeNgcebiso

5

7. (1) IPhaneli yeeNgcebiso kufuneka—

(a) icebise uMphathiswa wePhondo ngomgaqo-nkqubo nescwangciso sobonelelo ngezindlu sephondo; yaye

(b) isebenze njengeforam yokwenza izigqibo eziqiqisisekayo malunga nomgaqo-nkqubo nescwangciso sobonelelo ngezindlu sephondo; 10

(c) icebise uMphathiswa wePhondo ngemiba yolwakhiwo lwezindlu njengezicwangciso zeminyaka zolwakhiwo lwezindlu neziphakamiso zolwakhiwo lwezindlu; yaye

(d) xa ifumene umyalelo kuMphathiswa wePhondo, yenze ze ilawule uphando ukuze balusebenzise xa kuthathwa izigqibo. 15

(2) Imisebenzi yobumabhalane yePhaneli yeeNgcebiso yenziwa ngamagosa asebenzela iSebe.”.

#### Ukwenziwa kwezilungiso kwicandelo 8 loMthetho 6 ka-1999

7. Icandelo 8 loMthetho-ngqangi lenziwa izilungiso— 20

(a) ngokufakela endaweni yesihloko esi sihloko silandelayo:

“Amalungu [eBhodi] ePhaneli yeeNgcebiso”;

(b) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) [IBhodi] iPhaneli yeeNgcebiso iba namalungu angekho ngaphezulu [kwesithoba] kwesihlanu atyunjwe nguMphathiswa wePhondo ngokuhambelana necandelwana (2) yaye kuthathelwa ingqalelo amanani eentlanga ezikhoyo kwiPhondo, kodwa iba ngabantu abanolwazi okanye abakufundeleyo oku okanye abanamava [kulwakhiwo lwezindlu] nabahlala kwiPhondo kuphela abatyunjwayo njengamalungu.”; kunye 25

(c) nangokucinywa kwecandelwana (5). 30

#### Ukwenziwa kwezilungiso kwicandelo 10 loMthetho 6 ka-1999

8. Icandelo 10 loMthetho-ngqangi lenziwa izilungiso ngokucinywa kwamacandelo (1), (2), (4), umhlathi (c) wecandelwana (5) kunye necandelwana (7).

#### Ukutshintshwa kwecandelo 11 loMthetho 6 ka-1999

9. Eli candelo lilandelayo lingena endaweni yecandelo 11 loMthetho-ngqangi: 35

##### “Izibonelelo ezinikwa amalungu eKomiti yeeNgcebiso

11. Ilungu leKomiti yeeNgcebiso, ngaphandle komntu oqeshwe isigxina nguRhulumente, kufuneka atyunjwe ngokwemiqathango ebe-kiweyo yaye angahlawulwa isibonelelo ze abuyiselwe neendleko zakhe ngokwemali egqitywe nguMphathiswa wePhondo ngokuhambelana nesigqibo soMphathiswa wePhondo ojongene nezeemali.” 40

#### Utshintshiso lwecandelo 12 loMthetho 6 ka-1999

10. Icandelo 12 loMthetho-ngqangi liyatshintshiswa.

#### Ukwenziwa kwezilungiso kwicandelo 15 loMthetho 6 ka-1999

11. Umhlathi (b) wecandelwana (2) lecandelo 15 loMthetho-ngqangi wenziwa izilungiso ngokutshintshwa kwagama “iBhodi” ze kufakelwe amagama “uMphathiswa wePhondo”. 45

**Ukwenziwa kwezilungiso kwicandelo 16 loMthetho 6 ka-1999****12. Icandelo 16 loMthetho-ngqangi lenziwa izilungiso—**

- (a) kwicandelwana (5), ngokutshintshwa kwegama “iBhodi” ze kufakelwe amagama “uMphathiswa wePhondo”; kunye
- (b) nangokutshintshwa kwecandelwana (7) ze kufakwe eli candelwana lilandelayo: 5
- “(7) UMphathiswa wePhondo angathi, emva kokubonisana [**neBhodi kunye**] negosa elinika inkcaza leNgxowa-mali, kwimali ehlawulwe kwiNgxowa-mali njengoko kuxeliwe kwicandelo 13(2), abele urhulumente wemimandla owamkelwe ngokusesikweni phantsi kwecandelwana (2) eso 10 sixa-mali uMphathiswa wePhondo abona sifanelekile.”.

**Ukwenziwa kwezilungiso kwicandelo 19 loMthetho 6 ka-1999****13. Icandelo 19 loMthetho-ngqangi lenziwa izilungiso—**

- (a) ngokutshintshwa kwecandelwana (1) ze kufakwe eli candelwana lilandelayo: 15
- “(1) Nayiphi ipropati enokufuduswa ephunyeziweyo [**yiBhodi nguRhulumente wePhondo**] ngokwemiqathango yecandelo 6(2) kunye nawaphi na amalungelo, amatyala noxanduva lwaloo propati inokufuduswa kufuneka, ngokweli candelwana (3), iweliswe ungekadluli umhla obekwe nguMphathiswa wePhondo, emva kokubonisana noMphathiswa wePhondo [**neBhodi**], kurhulumente wemimandla 20 okummandla esetyenziswa kuwo loo propati.”;
- (b) kumacandelwana (2) no-(4) ngokutshintshwa kwegama “iBhodi”, kwiindawo elivela kuzo, ze kufakwe “uRhulumente wePhondo”; kunye
- (c) nangokutshintshwa kwecandelwana (6) ze kufakwe eli candelwana 25 lilandelayo:
- “(6) Amacandelwana (3) no-(4), ayasebenza, notshintsho oludingenekayo, kwipropati engenakufuduswa okanye ibango okanye ilungelo elibhalisekayo elidluliswe ngokweli candelo.”.

**Ukwenziwa kwezilungiso kwicandelo 20 loMthetho 6 ka-1999**

**14.** Icandelo 20 loMthetho-ngqangi lenziwa izilungiso ngokutshintshwa kwegama 30 “iBhodi”, kwiindawo elivela kuzo, ze kufakwe “uRhulumente wePhondo”.

**Ukwenziwa kwezilungiso kwicandelo 21 loMthetho 6 ka-1999**

**15.** Icandelo 21 loMthetho-ngqangi lenziwa izilungiso ngokutshintshwa kwegama “iBhodi”, kwiindawo elivela kuzo, ze kufakwe “uRhulumente wePhondo”.

**Ukwenziwa kwezilungiso kwicandelo 22 loMthetho 6 ka-1999** 35

**16.** (1) Icandelo 22 loMthetho-ngqangi lenziwa izilungiso ngokutshintshwa kwegama “iBhodi”, kwiindawo elivela kuzo, ze kufakwe “uRhulumente wePhondo”.

(2) Icandelwana (11) lecandelo 22 loMthetho-ngqangi lenziwa izilungiso ngokususwa kwebinzana “kwiBhodi yoBonelelo ngeZindlu yeNtshona Koloni” ze kufakwe “kuRhulumente wePhondo”. 40

**Ukwenziwa kwezilungiso kwicandelo 23 loMthetho 6 ka-1999**

**17.** Icandelo 23 loMthetho-ngqangi lenziwa izilungiso ngokutshintshwa kwegama “iBhodi”, kwiindawo elivela kuzo, ze kufakwe “uRhulumente wePhondo”.

**Ukwenziwa kwezilungiso kwicandelo 24 loMthetho 6 ka-1999**

**18.** Icandelo 24 loMthetho-ngqangi lenziwa izilungiso ngokucinywa kwecandelwana (2). 45

### Ukwenziwa kwezilungiso kwicandelo 25 loMthetho 6 ka-1999

19. Icandelo 25 loMthetho-ngqangi lenziwa izilungiso ngokucinywa komhlathi (a) wecandelwana (1).

#### Ukongga

20. Nantoni na eyenziwe kulandelwa uMthetho-ngqangi isenziwa yiBhodi yoLwakhiwo lweZindlu yePhondo leNtshona Koloni etshitshiswe licandelo 6(1) loMthetho-ngqangi (njengoko wenziwe izilungiso) ithathwa njengokuba yenziwe nguMphathiswa wePhondo. 5

### Ukwenziwa kwezilungiso kuLandelwaniso loMthetho 6 ka-1999

21. Ulandelelwaniso loMthetho-ngqangi lwenziwa izilungiso— 10
- (a) ngokutshintsha kwezinto ezibhekisa kumacandelo 5 no-6 ze kubhekiswe kwezi zilandelayo: 10
- “5. Umiselo lwePhaneli yeeNgcebiso ngeZezindlu yeNtshona Koloni  
6. Utshitshiso lweBhodi yoLwakhiwo lweZindlu yeNtshona Koloni”;
- (b) ngokutshintsha kwezinto ezibhekisa kwicandelo 11 ze kufakwe eli candelo lilandelayo: 15
- “11. Izibonelelo zamalungu ePhaneli yeeNgcebiso”; kunye
- (c) nangokucinywa kwezinto ezibhekisa kwicandelo 12.

### Ukwenziwa kwezilungiso kwisihloko eside soMthetho 6 ka-1999

22. Esi sihloko side silandelayo singena endaweni yesihloko eside soMthetho-ngqangi: 20

“Ukubonelela ngotshitshiso [**lweWestern Cape Provincial Housing Law, 1994**] lweBhodi yoLwakhiwo lweZindlu yeNtshona Koloni; ukugqiba ngemithetho-siseko gabalala esebenza kubonelelo ngezindlu kwiPhondo leNtshona Koloni; ukuchaza indima yamanqwanqwa orhulumente wephondo nowommandla kulwakhiwo lwezindlu; ukumisela [**iBhodi yoLwakhiwo lweZindlu yePhondo yeNtshona Koloni**] iPhaneli yokuCebisa ngeMiba yezeZindlu yeNtshona Koloni; kunye neNgxowa-mali yoLwakhiwo lweZindlu yePhondo; ukuqinisekisa ukuba ulwakhiwo lwezindlu luhlanganiswa nazo zonke ezinye izinto eziyinxalenye yophuhliso olupheleleyo, nokubonelela ngemiba ehambelana nale ikhankanyiweyo.”. 25 30

### Isihloko esifutshane nokuqala kokusebenza

23. Lo Mthetho ubizwa ngokuba nguMthetho weZilungiso woLwakhiwo lweZindlu weNtshona Koloni, 2005, yaye uya kuqala ukusebenza ngomhla oya kubekwa yiNkulumbuso ngokwenza isibhengezo kwiGazethi yePhondo. 35





