



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 10456

Regulasiekoerant

Vol. 600

**Pretoria, 30 June
Junie 2015**

No. 38914

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IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.





DO use the new Adobe Forms for your notice request. These new forms can be found on our website: www.gpwonline.co.za under the Gazette Services page.

DO attach documents separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment)

DO specify your requested publication date.

DO send us the electronic Adobe form. (There is no need to print and scan it).

DON'T submit request as a single PDF containing all other documents, i.e. form, proof of payment & notice content, it will be **FAILED** by our new system.

DON'T print and scan the electronic Adobe form.

DON'T send queries or RFQ's to the submit.egazette mailbox.

DON'T send bad quality documents to GPW. (Check that documents are clear and can be read)



Form Completion Rules

No.	Rule Description	Explanation/example
1.	All forms must be completed in the chosen language.	GPW does not take responsibility for translation of notice content.
2.	All forms must be completed in sentence case, i.e. No fields should be completed in all uppercase.	e.g. "The company is called XYZ Production Works"
3.	No single line text fields should end with any punctuation, unless the last word is an abbreviation.	e.g. "Pty Ltd.", e.g. Do not end an address field, company name, etc. with a period (.) comma (,) etc.
4.	Multi line fields should not have additional hard returns at the end of lines or the field itself.	This causes unwanted line breaks in the final output, e.g. <ul style="list-style-type: none"> Do not type as: 43 Bloubokrand Street Putsonderwater 1923 Text should be entered as: 43 Bloubokrand Street, Putsonderwater, 1923
5.	Grid fields (Used for dates, ID Numbers, Telephone No., etc.)	<ul style="list-style-type: none"> Date fields are verified against format CCYY-MM-DD Time fields are verified against format HH:MM Telephone/Fax Numbers are not verified and allow for any of the following formats limited to 13 characters: including brackets, hyphens, and spaces <ul style="list-style-type: none"> o 0123679089 o (012) 3679089 o (012)367-9089
6.	Copy/Paste from other documents/text editors into the text blocks on forms.	<ul style="list-style-type: none"> Avoid using this option as it carries the original formatting, i.e. font type, size, line spacing, etc. Do not include company letterheads, logos, headers, footers, etc. in text block fields.



No.	Rule Description	Explanation/example
7.	Rich text fields (fields that allow for text formatting)	<ul style="list-style-type: none"> • Font type should remain as Arial • Font size should remain unchanged at 9pt • Line spacing should remain at the default of 1.0 • The following formatting is allowed: <ul style="list-style-type: none"> ○ Bold ○ Italic ○ Underline ○ Superscript ○ Subscript • Do not use tabs and bullets, or repeated spaces in lieu of tabs and indents • Text justification is allowed: <ul style="list-style-type: none"> ○ Left ○ Right ○ Center ○ Full • Do not use additional hard or soft returns at the end of line/paragraphs. The paragraph breaks are automatically applied by the output software <ul style="list-style-type: none"> ○ Allow the text to wrap automatically to the next line only use single hard return to indicate the next paragraph ○ Numbered lists are allowed, but no special formatting is applied. It maintains the standard paragraph styling of the gazette, i.e. first line is indented.
	e.g. 1. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. 2. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.	



You can find the **new electronic Adobe Forms** on the website www.gpwonline.co.za under the Gazette Services page.

For any **queries or quotations**, please contact the **eGazette Contact Centre** on 012-748 6200 or email info.egazette@gpw.gov.za

Disclaimer

Government Printing Works does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.

GPW will not be held responsible for notices not published due to non-compliance and/or late submission.



DISCLAIMER:

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 545

30 June 2015

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE MAGISTRATES' COURTS OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words or expressions in bold typed in square brackets indicate omissions from existing rules.

____ Words or expressions underlined with a solid line indicate insertions in existing rules.

Definition

1. In this Schedule “the Rules” means the Rules Regulating the Conduct of the Proceedings of the Magistrates’ Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015 and R. 318 of 17 April 2015.

Amendment of rule 1(4)

2. Rule 1 of the Rules is hereby amended by the substitution for sub-rule (4) of the following sub-rule:

“(4)(a) The forms contained in Annexure 1 may be used with such variation as circumstances require.

(b) [Non-compliance with this subrule shall not in itself be a ground for exception, but at any court in which equipment has been installed for the purpose of facilitating the issue of summonses,] Subject to the provisions of paragraph (a), the clerk or registrar of the court may refuse to issue:

- (i) any summons purporting to be in the form of Form 2, 2A, 2B or 3 but which does not substantially comply with the prescribed requirements; or
- (ii) any written request as referred to in section 59 of the Act which does not substantially comply with a request contained in Form 5A or 5B.

(c) All process of the court for service or execution and all documents or copies to be filed of record other than documents or copies filed of record as documentary proof shall be on paper known as A4 standard paper of a size of approximately 210mm by 297 mm.”

Amendment of Annexure 1 to the Rules

3. Annexure 1 to the Rules is hereby amended by the substitution for –
- (a) Form No. 2A of Form No. 2A contained in the Annexure to this Schedule; and
 - (b) Form No. 2B of Form No. 2B contained in the Annexure to this Schedule.

Commencement

4. These rules come into operation on **31 July 2015**.

ANNEXURE

"No. 2A –

Summons: Provisional Sentence

*** For use in the District Court**

In the Magistrate’s Court for the District of

held at

Case No..... of 20

In the matter between

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

..... INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action:

.....

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest thereon at the rate of% per annum as from

Plaintiff’s claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....
.....

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20..... at (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20....., file an affidavit with the clerk of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED atthisday of20....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows: _____

Attorney's charges _____

_____ (i) Issue of summons

(Item 2 of Part II of Table A) R _____

_____ (ii) Attending court

(Item 7 of Part II of Table A) R _____

_____ (iii) Judgment fees

(Item 3 of Part II of Table A) R _____

Court fees R _____

Sheriff's fees R _____

Sheriff's fees on re-issue of summons R _____

Total R _____

And take notice that- _____

_____ (a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges; _____

(b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the clerk of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at this day of, 20.....

.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE CLERK OF THE COURT _____

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at this day of, 20....., _____

.....

Defendant/Defendant's attorney _____

.....

.....

(15 km physical address where service of process and documents shall be accepted) _____

.....

.....

.....

(Postal address) _____

* The original notice and affidavit must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 2A - Summons: Provisional Sentence

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

Held at

Case No..... of 20

In the matter between

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest thereon at the rate of% per annum as from

Plaintiff's claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....
.....

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20..... at (time) in the

forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20....., file an affidavit with the registrar of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED atthisday of20....

.....

Registrar of the Regional Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile number

.....
Electronic Mail Address

.....
*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows:

Attorney's charges

_____ (i) Issue of summons
 (Item 2 of Part II of Table A) R

_____ (ii) Attending court
 (Item 7 of Part II of Table A) R

_____ (iii) Judgment fees
 (Item 3 of Part II of Table A) R

Court fees R

Sheriff's fees R

Sheriff's fees on re-issue of summons R

Total R

And take notice that-

_____ (a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

_____ (b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the registrar of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to

undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to inquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before the court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at this day of, 20.....,

.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE REGISTRAR

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at this day of, 20.....,

.....

Defendant/Defendant's attorney

.....

.....

(15 km physical address where service of process and documents shall be accepted)

.....

.....

.....

(Postal address)

* The original notice and affidavit must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney."

“No. 2B –Combined Summons* For use in the District CourtIN THE MAGISTRATE’S COURT FOR THE DISTRICT OFHELD ATCase No..... of 20In the matter between:..... Plaintiffand..... DefendantTo the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

_____ (i) _____ within days of the service upon him or her of this summons file with the clerk of this court at(set out the physical address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff’s attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

_____ (ii) _____ thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff’s attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that-

_____ (a) _____ in default of defendant paying the amount of the claim and costs within the said period, or of defendant delivering a notice of intention to defend, he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence; _____

_____ (b) _____ if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the clerk of the aforesaid Court a consent to judgment; _____

_____ (c) _____ if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney. _____

Notice:

(i) _____ Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) _____ If the court is satisfied that-

_____ (aa) _____ the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or _____

_____ (bb) _____ the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or _____

_____ (cc) _____ the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed, _____

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act] _____

(iii) Any person who-

 (aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

 (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

 (cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

 (iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

 (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....,

.....

Defendant _____

WITNESSES:

1. (full names)....., (signature).....

(address).....

2. (full names)....., (signature).....

(address).....

OR

* Notice of intention to defend. _____

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....,

.....

Defendant/Defendant's attorney _____

15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

- Summons.....R
- Judgment.....R
- Attorney's charges.....R
- Sheriff's fees.....R
- Sheriff's fees on re-issue.....R
- Total:..... R

ANNEXURE

Particulars of Plaintiff's Claim

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Dated at.....this.....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

No. 2B –**Combined Summons***** For use in the Regional Court**IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OFHELD ATCase No..... of 20In the matter between:..... Plaintiffand..... DefendantTo the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within days of the service upon him or her of this summons file with the registrar of this court at(set out the physical address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

.....

Registrar

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that-

_____ (a) in default of defendant paying the amount of the claim and costs within the said period or of defendant delivering a notice of intention to defend he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence; _____

_____ (b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the registrar of the aforesaid Court a consent to judgment; _____

_____ (c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney. _____

Notice:

_____ (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

_____ (ii) If the court is satisfied that- _____

_____ (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or _____

_____ (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or _____

_____ (cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed, _____

_____ the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....,

.....

Defendant _____

WITNESSES:

1. (full names)....., (signature).....
(address).....
2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Registrar. _____

Kindly take notice that the defendant hereby notifies his or her intention to defend this action. _____

Dated at this day of, 20....., _____

.....

Defendant/Defendant's attorney _____

15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

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.....
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Dated at.....this....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....”

No. R. 545

30 June 2015

**UMTHETHO WEBHODI YEMITHETHO YEENKUNDLA ZOMTHETHO, 1985
(UMTHETHO OYINOMBOLO YE-107 KA-1985)**

**UKUTSHINTSHWA KWEMITHETHO ELAWULA UKUQHUTYWA KWEENKQUBO
KWIINKUNDLA ZOOMANTYI ZOMZANTSI AFRIKA**

IBhodi yemiThetho yeeNkundla zomThetho iye, phantsi kwamacandelo lesi-6 lomThetho weBhodi yemiThetho yeeNkundla zomThetho, 1985 (umThetho we-107 ka-1985), ngemvume yoMphathiswa wezobuLungisa neeNkonzo zoLuleko, yenza imithetho kwiShedyuli.

ISHEDYULI

INKQAKU LENGCACISO JIKELELE:

[] Amagama okanye iintetho ezibhalwe ngqindilili kwizibiyeli ezisisikwere zikhombisa ukukhutshwa kwimithetho esele ikhona.

Amagama okanye iintetho ezikrwelwe umgca ngomgca onqindilili zikhombisa ukufakwa kwimithetho esele ikhona.

Inkcazo

1. Kule shedyuli "imiThetho" ithetha imiThetho eLawulayo ekuQhutyweni kweeNkqubo kwiiNkundla zoMantyi zoMzantsi Afrika epapashwe phantsi kweSaziso sikaRhulumente esiyiNombolo. R. 740 wama-23 Agasti 2010, njengoko utshintshiwe siSaziso sikaRhulumente esineeNombolo R. 1222 wama-24 Disemba 2010, R. 611 wama-29 Julayi 2011, R. 1085 wama-30 Disemba 2011, R. 685 wama-31 Agasti 2012, R. 115 we-15 Februwari 2013, R. 263 we-12 Epreli 2013, R. 760 we-11 Oktobha 2013, R. 183 we-18 Matshi 2014, R. 215 wama-28 Matshi 2014, R. 507 wama-27 Juni 2014, R. 5 we-9 Janywari 2015, R. 32 wama-23 Janywari 2015, R. 33 wama-23 Janywari 2015 kunye no- R. 318 wowe-17 Epreli 2015.

Ukutshintshwa komThetho we-1(4)

2. UmThetho oku-1 wemiThetho ngale ndlela uyatshintshwa ngokufakwa kwalo mthetho unganeno (4): walo mthetho unganeno ulandelayo:

"(4)(a) lifom eziqulethwe kwiSihlomelo soku-1 zinokusetyenziswa ngokohlukana okunjalo njengoko iimeko zinokufuna.

(b) [Ukungathotyelwa kwalo mthetho unganeno ngokwako ngeke ibe ngumhlaba wokukhuphela ngaphandle, kodwa kuyo nayiphi na inkundla leyo kufakwe kuyo izixhobo ngenjongo yokuququzelela umba wokuvela phambi kukamantyi okanye ijaji,] Ngokuxhomekeke kumagatya omhlathi (a), umabhalane okanye umntu ogcina iincwadi zerejista wenkundla unokwala ukukhupha:

(iii) naziphi na iisamani ezingathi zezohlobo lweFom 2, 2A, 2B okanye 3 kodwa ezingangqinelani kakhulu neemfuneko ezimiselweyo; okanye

- (iv) nasiphi na isicelo esibhaliweyo njengoko kubhekiselwe kuso kwicandelo lama-59 lomThetho elingangqinelani kakhulu nesicelo esiqulethwe kwiFom 5A okanye 5B.

(c) Yonke inkqubo yasenkundleni yokwenziwa okanye ukusebenza kunye nawo onke amaxwebhu okanye iikopi eziza kufayilelwa irekhodi ngaphandle kwamaxwebhu kunye neekopi ezifayilelwe iirekhodi njengobungqina benkqubo yokunika ingxelo ziya kuba kwiphepha elaziwa ngokuba liphepha eliqhelekileyo le-A4 eliyisayizi emalunga nama-210mm ngama-297 mm.”

UTshintsho lweSihlomelo soku-1 semiThetho

3. ISihlomelo soku-1 semiThetho ngale ndlela siyatshintshwa ngokufaka endaweni -
(a) yeFom eyiNombolo 2A yeFom eyiNombolo 2A equlethwe kwiSihlomelo kule Shedyuli; kunye
(b) neFom eyiNombolo 2B yeFom eyiNombolo 2B equlethwe kwiSihlomelo kule Shedyuli.

Ukuqalisa

4. Le mithetho iqala ukusebenza **ngolwama-31 kuJulayi 2015.**

ISIHLOMELo

“esiyiNombolo 2A –

lisamani: Isigwebo esenza ukuba ummangali alihlawule ngoko nangoko ityala

***Kusetyenziswa yiNkundla yeSithili**

kwiNkundla kaMantyi yeSithili sase.....

ebelibanjwe e.....

INombolo yeTyala..... ka-20

Kumba ophakathi

.....koMmangali

kunye no

.....Mmangalelwa

KuSherifu okanye uSekela Sherifu wakhe:

UKWAZISA u-A.B., nge (xela indawo yokuhlala okanye indawo yoshishino kwaye ukuba siyaziwa, isini, umsebenzi kunye nendawo yengqesho)(apha ekuthiwa ngummangalelwa, ukuba i- C.D. (xela isini nomsebenzi), ka..... (indawo yokuhlala okanye indawo yoshishino)..... (apha ekuthiwa ngummangali), ngale ndlela ufaka amanyathelo omthetho ngokubhekisele kuye apho amanyathelo:

(1) Ummangalelwa ngale ndlela uya yalelwa ukuba ahlawule ummangali ngoko nangoko emva kokuhanjiswa kwezi samani isixa sama kunye nenzala ngezinga le.....% ngonyaka ukusukela ngo.....

Ibango lomangali ngokubhekisele kummangalelwa kwintlawulo yesixa esikhankanywe ngasentla se: (misela izizathu ezenza ukuba kuthathwe amanyathelo)

.....
.....

kunye nekopi oluhlonyelwe kuyo uxwebhu;

(2) Ngokusilela kwintlawulo enjalo, ummangalelwa ngale ndlela uyabizwa ukuba avele buqu phambi kwale nkundla okanye ligosa elimmeleyo e (indawo kunye nenkundla ukuba kuyimfuneko) ngowe wosuku lwe 20..... e (ixesha) ekuseni (okanye msinyane nje emva kokuba unokuchotshelwa umba) ukuvuma okanye ukukhaba uxanduva lommandalelwa kwibango elikhankanyiweyo.

(3) Ukuba ummandalelwa uyalukhaba uxanduva lwebango, ummandalelwa lungedlulanga usuku lwama 20....., uza kufaka ingxelo efungelweyo kumabhalana wale nkundla, aze anike ikopi ummandali okanye igqwetha lommandali kwidilesi ekhonjisiwe yokuhanjiswa kweesamani, apho ingxelo efungelweyo iza kubeka imihlaba yokhuselo lommandalelwa kwibango elikhankanyiweyo, kwaye ingakumbi exela ukuba ingaba ummandalelwa uyaluvuma na okanye uyalukhaba usayino lommandalelwa okanye lwe-arhente yommandalelwa oluvela kwiekhankanyiweyo kwaye ukuba lusayino lwe-arhente yommandalelwa ukuba ingaba ummandalelwa uyaluvuma na okanye elukhaba usayino okanye igunya le-arhente yommandalelwa.

Ummangalelwa waziswa ngokungaphaya ukuba kwimeko yokuba ummandalelwa angasihlawuli isixa kunye nenzala ekhankanyiwe ngasentla kummandali ngoko nangoko kwaye ukuba ummandalelwa uyasilela ukufaka ingxelo efungelweyo njengoko kukhankanyiwe ngaphambili, kunye nokuvela phambi kwale nkundla ngexesha elixelwe ngasentla, isigwebo sokuba ummandalelwa ahlawule ityala ngoko nangoko sinokunikwa ngokuphathelene neendleko zommandalelwa, kodwa oko ngokubhekisele kwintlawulo yesixa esikhankanyiweyo, inzala neendleko, ummandalelwa uya kuba nelungelo lokubanga isibambiso sembuyekezo ngaphaya koko ukuba ngaba isigwebo esikhankanyiweyo sinokuguqulwa.

IFAKWE UMHLA E ngowe wosuku lwe 20.....

.....

UMabhalana weNkundla

.....
UMmangali/igqwetha loMmangali

(i-15 yeekhilomitha kwiDilesi yeSitalato)

IDilesi yePosi

INombolo yeFeksi

IDilesi ye-Imeyile yeLetroniki

*Ummangali ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.

(Cima nokuba yeyiphi engangeniyo)

lindleko, ukuba ngaba amanyathelo athathiweyo awakuselwa, ziya kuba ngale ndlela ilandelayo:

Imali yeqqwetha _____

_____ (i) Ukukhutshwa kweesamani

(Inqaku lesi-2 leSigaba II seTheyibhile A) R

_____ (ii) Ukuza enkundleni

(Inqaku lesi-7 leSigaba II seTheyibhile A) R

_____ (iii) Imali yesigwebo

(Inqaku lesi-3 leSigaba II seTheyibhile A) R

Imali yenkundla R

Imali yeSherifu R

Imali yeSherifu yokukhutshwa kwakhona kweesamani R

Kuphelele R

Kwaye qaphela ukuba- _____

(a) xa ummangalelwa ehlawula ibango kunye neendleko ezikhankanyiweyo ngoko nangoko ngeke isigwebo siwiswe ngokubhekisele kummangalelwa apha kwaye ummangalelwa uya kulondoloza iindleko zesigwebo; _____

(b) xa ummangalelwa elivuma ibango kwaye enqwenela ukusivuma isigwebo, ummangalelwa unokufayila kumabhalane wenkundla ukuvuma ukuba netyala okusayinwe ngummangalelwa kwaye kwangqinwa ligqwetha lommandalelwa, okanye ngenye indlela kwaginisekiswa yingxelo efungelweyo, kwaye ukuba ummangalelwa unqwenela ukwamkela ukuhlawula ibango ngezavenge okanye ngenye indlela, ummangalelwa unokuya kummangali okanye kwigqwetha lommandali. _____

ISaziso: _____

(i) Nawuphi na umntu lowo inkundla, kwimbambano ephakathi kwabantu okanye imibutho, inike isigwebo okanye yenze umyalelo lowo, kwiintsuku ezili-10, ungazalisekiswa ngokupheleleyo isigwebo okanye umyalelo onjalo unokubizwa ngesaziso ngokwecandelo lama-65A(1) lomThetho ukuba avele ngosuku oluxeliweyo enkundleni kwiitshemba ukwenza ukuba inkundla ibuze ngesimo sezimali sesigwebo kumntu onetyala kunye nokwenza ukuba umyalelo onjalo njengoko inkundla inokucinga njalo ufaneleke kwaye ube nobulungisa. _____

(ii) Ukuba inkundla yonelisekile ukuba- _____

(aa) umntu oyalelwe ukuba ahlawule imali okanye, ukuba umntu oyalelwe ukuba ahlawule imali liqumrhu, umlawuli okanye igosa lequmrhu unolwazi ngesaziso esikhankanywe ngasentla kwaye usilele ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye _____

(bb) umntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa, apho iinkqubo zimiselwe elinye ixesha ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye _____

(cc) umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, liselele ukuhlala likhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha, _____

_____ inkundla, ngesicelo somntu onikwe umyalelo ngokubhekiselwe kumntu onetyala okanye igqwetha lakhe, inokugunyazisa ukukhutshwa komyalelo oyalela ukuba isherifu ibambe

umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa elinjalo kwaye aziswe phambi kwenkundla efanelekileyo ukuze inkundla iqhube uphando lwezimali. [ICandelo lama-65A(6) lomThetho]

(iii) Nawuphi na umntu-

(aa) obiziweyo ukuba avele phambi kwenkundla phantsi kwesaziso ngokwecandelo lama-65(1) okanye (8)(b) lomThetho (apho isherifu, itshintsha ukubanjwa komntu, inika loo mntu isaziso sokuvela enkundleni) kwaye asilela ngenkani ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) apho iinkqubo zimiselwe elinye ixesha ekhona yena ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ngenkani ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) ngenkani usilele ukuhlala ekhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha,

_____ uya kuba netyala kwaye uya kufanelekela isigwebo sesohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo lama-65A(9) lomThetho]

(iv) Ekuveleni phambi kwenkundla ngomhla omiselwe sisaziso ngokwecandelo lama-65A(1) okanye (8)(b) lomThetho kuthathwa amanyathelo okubamba umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, phantsi komyalelo ekubhekiselwe kuwo kwicandelo lama-65A(6) lomThetho okanye nawuphi na umhla ezimiselwe ngawo elinye ixesha iinkqubo, njengomntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa liza kubizwa ukuba linike ubungqina ngesimo salo sezimali okanye eso sequmrhu kunye nokukwazi kwalo ukuhlawula isibophelelo somthetho setyala. [ICandelo lama-65D(9) lomThetho]

(v) Nawuphi na umntu lowo inkundla, kwityala lomonakalo, inike nasiphi na isigwebo okanye yenze nawuphi na umyalelo ongazalisekisanga ngokupheleleyo isigwebo okanye umyalelo onjalo kwaye wahlawula zonke iindleko anoxanduba lwazo ngokunxulumene nalapho, ukuba uyitshintshile indawo ahlala kuyo, ishishini okanye ingqesho, kwiintsuku ezii-14 ukusuka kumhla wotshintsho ngalunye olunjalo kufuneka azise umabhalane wenkundla onike isigwebo esinjalo okanye owenze umyalelo onjalo kunye nawuphi na umntu obamba imali okanye igqwetha lakhe ngokupheleleyo nangokuchanekileyo ngokubhalwe phantsi ngendawo yakhe entsha yokuhlala, ishishini okanye ingqesho, kwaye ukusilela kwakhe ukwenza njalo,

umntu onjalo obamba imali uya kuba netyala kwaye unokugwetyelwa isohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo le-109 lomThetho]

1: Ukuvuma isibophelelo somthetho

Nceda uqaphele ukuba ummangalelwa uyasivuma isibophelelo somthetho kummangali njengoko kutshiwo njalo kwisamani.

Ifakwe umhla e ngowe wosuku lwama, 20.....

.....

Mmangalelwa

(Kufuneka angqinelwe liqqwetha lomangalelwa okanye ngenye indlela kuqinisekiswa yingxelo efungelweyo)

OKANYE

2: Isaziso senjongo yokuzikhusela*

Iya: UMABHALANA WENKUNDLA _____

Nceda uqaphele ukuba ummangalelwa uyasikhaba isibophelelo somthetho kwaye ingxelo efungelweyo yommangali ebeka phambili imihlaba leyo ummangalelwa angavumelaniyo nesibophelelo somthetho esihlonyelwe apha. _____

Ifakwe umhla e ngowe wosuku lwama, 20....., _____

.....

UMmangalelwa/iGqwetha loMmangalelwa _____

.....

.....

(i-15 yekhilomitha yedilesi yesitalato apho iinkqubo yeenkonzo kunye namaxwebhu aya kwamkelwa khona) _____

.....

.....

.....

(IDilesi yeposi) _____

* Isaziso sokuqala kunye nengxelo efunelweyo kufuneka zifayilwe kumabhalana wenkundla ize ikopi inikwe ummangali okanye igqwetha lommangali.

INombolo 2A - lisamani: Isigwebo esenza ukuba ummangali alihlawule ngoko nangoko ityala

***Kusetyenziswa kwiNkundla yoMmandla**

KWINKUNDLA YOMMANDLA KWICANDELO LOMMANDLA LE

ebelibanjwe

e.....

INombolo yeTyala..... ka-20

Kumba ophakathi

.....

koMmangali

kunye no

.....

Mmangalelwa

KuSherifu okanye uSekela Sherifu wakhe:

UKWAZISA U-A.B., nge (xela indawo yokuhlala okanye indawo yoshishino kwaye ukuba siyaziwa, isini, umsebenzi kunye nendawo yengqesho)(apha ekuthiwa ngummangalelwa, ukuba i-C.D. (xela isini nomsebenzi), ka..... (indawo yokuhlala okanye indawo yoshishino)..... (apha ekuthiwa ngummangali), ngale ndlela ufaka amanyathelo omthetho ngokubhekisele kuye apho inyathelo elibangwa ngummangali:

(1) Ummangalelwa ngale ndlela uya yalelwa ukuba ahlawule ummangali ngoko nangoko emva kokuhanjiswa kwezi samani isixa sama kunye nenzala ngezinga le.....% ngonyaka ukusukela ngo.....

Ibango lommandla ngokubhekisele kummangalelwa kwintlawulo yesixa esikhankanywe ngasentla se: (misela izizathu ezenza ukuba kuthathwe amanyathelo)

.....

 kunye nekopi oluhlonyelwe kuyo uxwebhu;

(2) Ngokusilela kwintlawulo enjalo, ummangalelwa ngale ndlela uyabizwa ukuba avele buqu phambi kwale nkundla okanye ligosa elimmeleyo e (indawo kunye nenkundla ukuba kuyimfuneko) ngowe wosuku lwe 20..... e (ixesha) ekuseni (okanye msinyane nje emva kokuba unokuchotshelwa umba) ukuvuma okanye ukukhaba uxanduva lomangalelwa kwibango elikhankanyiweyo.

(3) Ukuba ummangalelwa uyalukhaba uxanduva lwebango, ummangalelwa lungedlulanga usuku lwama 20....., uza kufaka ingxelo efungelweyo kumbhalisi wale nkundla, aze anike ikopi ummangali okanye igqwetha lomangali kwidilesi ekhonjisiwe yokuhanjiswa kweesamani, apho ingxelo efungelweyo iza kubeka imihlaba yokhuselo lomngalelwa kwibango elikhankanyiweyo, kwaye ingakumbi exela ukuba ingaba ummangalelwa uyaluvuma na okanye uyalukhaba usayino lomngalelwa okanye lwe-arhente yommangalelwa oluvela kwiekhankanyiweyo kwaye ukuba lusayino lwe-arhente yommangalelwa ukuba ingaba ummangalelwa uyaluvuma na okanye elukhaba usayino okanye igunya le-arhente yommangalelwa.

Ummangalelwa waziswa ngokungaphaya ukuba kwimeko yokuba umagalelwa angasihlawuli isixa kunye nenzala ekhankanywe ngasentla kummangali ngoko nangoko kwaye ukuba ummangalelwa uyasilela ukufaka ingxelo efungelweyo njengoko kukhankanyiwe ngaphambili, kunye nokuvela phambi kwale nkundla ngexesha elixelwe ngasentla, isigwebo sokuba ummangalelwa ahlawule ityala ngoko nangoko sinokunikwa ngokuphathelene neendleko zommngalelwa, kodwa oko ngokubhekisele kwintlawulo yesixa esikhankanyiweyo, inzala neendleko, ummngalelwa uya kuba nelungelo lokubanga isibambiso sembuyekezo ngaphaya koko ukuba ngaba isigwebo esikhankanyiweyo sinokuququlwa.

IFAKWE UMHLA E ngowe wosuku lwe 20.....

UmNtu oGcina iiNcwadi zeeRejista weNkundla uyoMmandla

.....

UMmangali/igqwetha loMmangali

(i-15 yeekhilomitha kwiDilesi yeSitalato)

.....

IDilesi yePosi

.....

Inombolo yefeksi

.....

IDilesi ye-Imeyile yeLetroniki

.....

*Ummangali ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.

(Cima nokuba yeyiphi engangeniyo)

lindleko, ukuba ngaba amanyathelo athathiweyo awakuselwa, ziya kuba ngale ndlela ilandelayo:

Imali yegqwetha _____

_____ (i) Ukukhutshwa kweesamani

(Inqaku lesi-2 leSigaba II seTheyibhile A) R

_____ (ii) Ukuza enkundleni

(Inqaku lesi-7 leSigaba II seTheyibhile A) R

_____ (iii) Imali yesigwebo

(Inqaku lesi-3 leSigaba II seTheyibhile A) R

Imali yenkundla R

IMali yeSherifu R

Imali yeSherifu yokukhutshwa kwakhona kweesamani R

Kuphelele R

Kwaye qaphela ukuba-

(a) xa ummangalelwa ehlawula ibango kunye neendleko ezikhankanyiweyo ngoko nangoko ngeke isigwebo siwiswe ngokubhekisele kummangalelwa apha kwaye ummangalelwa uya kulondoloza iindleko zesigwebo;

(b) xa ummangalelwa elivuma ibango kwaye enqwenela ukusivuma isigwebo, ummangalelwa unokufayila kumntu ogcina iincwadi zerejista wenkundla ukuvuma ukuba netyala okusayinwe ngummangalelwa kwaye kwangqinwa liqgwetha lommandalelwa, okanye ngenye indlela kwaqinisekiswa yingxelo efunqelweyo, kwaye ukuba ummangalelwa unqwenela ukwamkela ukuhlawula ibango ngezavenge okanye ngenye indlela, ummangalelwa unokuya kummangali okanye kwigqwetha lommandali.

ISaziso:

(i) Nawuphi na umntu lowo inkundla, kwimbambano ephakathi kwabantu okanye imibutho, inike isigwebo okanye yenze umyalelo lowo, kwiintsuku ezili-10, ungazalisekiswa ngokupheleleyo isigwebo okanye umyalelo onjalo unokubizwa ngesaziso ngokwecandelo lama-65A(1) lomThetho ukuba avele ngosuku oluxeliweyo enkundleni kwiitshemba ukwenza ukuba inkundla ibuze ngesimo sezimali sesigwebo kumntu onetyala kunya nokwenza ukuba umyalelo onjalo njengoko inkundla inokucinga njalo ufaneleke kwaye ube nobulungisa.

(ii) Ukuba inkundla yonelisekile ukuba-

(aa) umntu oyalelwe ukuba ahlawule imali okanye, ukuba umntu oyalelwe ukuba ahlawule imali liqumrhu, umlawuli okanye igosa lequmrhu unolwazi ngesaziso esikhankanywe ngasentla kwaye usilele ukucela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) umntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa, apho iinkqubo zimiselwe elinye ixesha ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, liselele ukuhlala likhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha,

inkundla, ngesicelo somntu onikwe umyalelo ngokubhekiselwe kumntu onetyala okanye igqwetha lakhe, inokugunyazisa ukukhutshwa komyalelo oyalela ukuba isherifu ibambe umntu oyalelwe ukuba ahlawule imali lisekanga umlawuli okanye igosa elinjalo kwaye amzise phambi kwenkundla ukuze inkundla iqhube uphando lwezimali. [ICandelo lama-65A(6) lomThetho]

(iii) Nawuphi na umntu-

(aa) obiziweyo ukuba avele phambi kwenkundla phantsi kwesaziso ngokwecandelo lama-65(1) okanye (8)(b) lomThetho (apho isherifu, itshintsha ukubanjwa komntu, inika loo mntu isaziso sokuvela enkundleni) kwaye asilela ngenkani ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) apho iinkqubo zimiselwe elinye ixesha ekhona yena ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ngenkani ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) ngenkani usilele ukuhlala ekhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha,

uya kuba netyala kwaye uya kufanelekela isigwebo sesohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo lama-65A(9) lomThetho]

(iv) Ekuveleni phambi kwenkundla ngomhla omiselwe sisaziso ngokwecandelo lama-65A(1) okanye (8)(b) lomThetho kuthathwa amanyathelo okubamba umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, phantsi komyalelo ekubhekiselwe kuwo kwicandelo lama-65A(6) lomThetho okanye nawuphi na umhla ezimiselwe ngawo elinye ixesha iinkqubo, njengomntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa liza kubizwa ukuba linike ubungqina ngesimo salo sezimali okanye eso sequmrhu kunye nokukwazi kwalo ukuhlawula isibophelelo somthetho setyala. [ICandelo lama-65D(9) lomThetho]

(v) Nawuphi na umntu lowo inkundla, kwityala lomonakalo, inike nasiphi na isigwebo okanye yenze nawuphi na umyalelo ongazalisekisinga ngokupheleleyo isigwebo

okanye umyalelo onjalo kwaye wahlawula zonke iindleko anoxanduba lwazo ngokunxulumene nalapho, ukuba uyitshintshile indawo ahlala kuyo, ishishini okanye ingqesho, kwiintsuku ezili-14 ukusuka kumhla wotshintsho ngalunye olunjalo kufuneka azise umntu ogcina iincwadi zeerejista wenkundla onike isigwebo esinjalo okanye owenze umyalelo onjalo kunye nawuphi na umntu obamba imali okanye igqwetha lakhe ngokupheleleyo nangokuchanekileyo ngokubhalwe phantsi ngendawo yakhe entsha yokuhlala, ishishini okanye ingqesho, kwaye ukusilela kwakhe ukwenza njalo, umntu onjalo obamba imali uya kuba netyala kwaye unokugwetyelwa isohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo le-109 lomThetho]

1: Ukuvuma isibophelelo somthetho

Nceda uqaphele ukuba ummangalelwa uyasivuma isibophelelo somthetho kummangali njengoko kutshiwo njalo kwisamani.

Ifakwe umhla e ngowe wosuku lwama 20.....

.....

Mmangalelwa

(Kufuneka angqinelwe liqgwetha lommangalelwa okanye ngenye indlela kuqinisekiswa yingxelo efungelweyo)

OKANYE

2: Isaziso senjongo yokuzikhusela*

Iya: UMNTU OGCINA IINCWADI ZEREJISTA

Nceda uqaphele ukuba ummangalelwa uyasikhaba isibophelelo somthetho kwaye ingxelo efungelweyo yommangali ebeka phambili imihlaba leyo ummangalelwa angavumelaniyo nesibophelelo somthetho esihlonyelwe apha.

Ifakwe umhla e ngowe wosuku lwama 20.....

.....

UMmangalelwa/iGqwetha loMmangalelwa

.....

.....
(i-15 yekhilomitha yedilesi yesitalato apho iinkqubo yeenkonzo kunye namaxwebhu aya kwamkelwa khona)

.....
.....
.....
(IDilesi yeposi)

* Isaziso sokuqala kunye nengxelo efunelweyo kufuneka zifayilwe kumntu ogcina iincwadi zerejista wenkundla ize ikopi inikwe ummangali okanye igqwetha lommangali.

“INombolo 2B –**liSamani eziDityanisiweyo*****Kusetyenziswa yiNkundla yeSithili**KWINKUNDLA KAMANTYI YESITHILI SASE.....EbelibanjweE.....INombolo yeTyala..... ka-20.....Kumba ophakathi :.....koMmangalikunye no.....MmangalelwaKuSherifu okanye uSekela Sherifu wakhe:

UKWAZISA U-A.B., nge (xela indawo yokuhlala okanye indawo yoshishino kwaye ukuba siyaziwa, isini, umsebenzi kunye nendawo yengqesho)(apha ekuthiwa ngummangalelwa, ukuba i- C.D, (xela isini nomsebenzi), we (xela indawo yokuhlala okanye indawo yoshishino) (apha ekuthiwa ngummangali), ngale ndlela ufaka amanyathelo omthetho ngokubhekisele kuye apho ummangali abanga ubulungisa kwimihlaba ebekwe kwiinkcukacha ezihlonyelwe apha.

UKWAZISA ummangalelwa ukuba ngokungaphaya ukuba xa engavumelani nebango kwaye efuna ukukhusela amanyathelo uya-

_____ (i) kwii ntsuku zokusebenza ekuzisweni kwale fayile yeesamani kumabhalane wale nkundla e(beka idilesi yesitalato yomabhalane wenkundla) isaziso ngeenjongo zakhe zokukhusela kunye nokunika ummangali okanye igqwetha lomangalelwa, saziso eso siya kunika idilesi ekubhekiselwe kuyo kumthetho we-13(3) ngokuhanjiswa kummangalelwa zonke izaziso namaxwebhu okuthatha amanyathelo;

(ii) emva koko, kwaye kwiintsuku ezingama-20 ezisemva kokufayilwa kunye nokuhanjiswa kwesaziso senjongo yokukhusela njengoko kukhankanyiwe ngasentla, ukufayila kumabhalane wenkundla kunye nokunika ummangali okanye igqwetha lommangali ingxelo yommangalelwa, ukukhuphela ngaphandle, isaziso sokurhoxisa, lukhona okanye lungekho urhoxiso lwebango ngelinye.

UKWAZISA ummangalelwa ngokungaphaya ukuba ummangalelwa uyasilela ukufayila kunye nokuhambisa isigwebo okanye isiggibo esinikwe yinkundla yomthetho esikhankanyiweyo njengoko kubangiwe sinokunikwa ngokubhekisele kuye ngaphandle kwesaziso esingaphaya kuye, okanye ukuba, ufayile kwaye wahambisa isaziso esinjalo, ummangalelwa uyasilela ukunika ingxelo yommangalelwa, ukukhuphela ngaphandle, isaziso sokurhoxisa, lukhona okanye lungekho urhoxiso lwebango ngelinye, isigwebo sinokunikwa ngokubhekisele kuye. Kwaye msinyane nje emva koko ukunika ummangalelwa ikopi yeesamani zakhe kunye nokubuyisela kwa oku kufanayo kumabhalane wenkundla nokuba yeyiphi na oyenzileyo.

IFAKWE UMHLA e ngowe wosuku lwe 20.....

.....

UMabhalana weNkundla

.....

UMmangali/igqwetha loMmangali

(i-15 yeekhilomitha kwiDilesi yeSitalato)

.....

IDilesi yePosi

.....

INombolo yeFeksi

.....

IDilesi yePosi yeLetroniki

.....

*Ummangali ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.

(Cima nokuba yeyiphi engangeniyo)

Ukuba ibango lisekelwe kwisixa mali sokuthengiswa kwempahla ukuze kuhlululwe, ummangalelwa kufuneka aqaphele ukuba-

(a) ekusilelenii kummangalelwa ukuhlawula isixa sebango kunye neendleko kwithiba elikhankanyiweyo, okanye ekuziseni kummangalelwa isaziso senjongo yokhuselo, uya kuthathwa ngokuba ulivumile ibango elikhankanyiweyo kwaye ummangali unokuqhuba ukusuka apha kwaye isigwebo sinokunikwa ngokubhekisele kummangalelwa engekho; _____

(b) xa ummangalelwa ehlawula ibango kunye neendleko ezikhankanyiweyo kwithuba elikhankanyiweyo ngeke isigwebo siwiswe ngokubhekisele kummangalelwa apha kwaye ummangalelwa uya kulondoloza iindleko zesigwebo. Ummangalelwa kwakhona uya kulondoloza iindleko zesigwebo ukuba, kwithuba elikhankanyiweyo, ufaka kumabhalane wenkundla ekhankanyiweyo ngaphambili ukuvuma osigwebo; _____

(c) xa ummangalelwa elivuma ibango kwaye enqwenela ukusivuma isigwebo okanye enqwenela ukwamkela ukuhlawula ibango ngezavenge okanye ngenye indlela, ummangalelwa unokuya kummangali okanye kwigqwetha lomangali. _____

ISaziso: _____

(i) Nawuphi na umntu lowo inkundla, kwimbambano ephakathi kwabantu okanye imibutho, inike isigwebo okanye yenze umyalelo lowo, kwiintsuku ezili-10, ungazalisekisanga ngokupheleleyo isigwebo okanye umyalelo onjalo unokubizwa ngesaziso ngokwecandelo lama-65A(1) lomThetho ukuba avele ngosuku oluxeliweyo enkundleni kwiitshemba ukwenza ukuba inkundla ibuze ngesimo sezimali sesigwebo kumntu onetyala kunye nokwenza ukuba umyalelo onjalo njengoko inkundla inokucinga njalo ufaneleke kwaye ube nobulungisa. _____

(ii) Ukuba inkundla yonelisekile ukuba- _____

(aa) umntu oyalelwe ukuba ahlawule imali okanye, ukuba umntu oyalelwe ukuba ahlawule imali liqumrhu, umlawuli okanye igosa lequmrhu unolwazi ngesaziso _____

esikhankanywe ngasentla kwaye usilele ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) umntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa, apho iinkqubo zimiselwe elinye ixesha ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, liselele ukuhlala likhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha,

inkundla, ngesicelo somntu onikwe umyalelo ngokubhekiselwe kumntu onetyala okanye igqwetha lakhe, inokugunyazisa ukukhutshwa komyalelo oyalela ukuba isherifu ibambe umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa elinjalo kwaye aziswe phambi kwenkundla efanelekileyo ukuze inkundla iqhube uphando lwezimali. [ICandelo lama-65A(6) lomThetho]

(iii) Nawuphi na umntu-

(aa) obiziweyo ukuba avele phambi kwenkundla phantsi kwesaziso ngokwecandelo lama-65(1) okanye (8)(b) lomThetho (apho isherifu, itshintsha ukubanjwa komntu, inika loo mntu isaziso sokuvela enkundleni) kwaye osilela ngenkani ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) apho iinkqubo zimiselwe elinye ixesha ekhona yena ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ngenkani ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) ngenkani usilele ukuhlala ekhona kwiinkqubo ezibandakanyekayo okanye kwiinkqubo ezimiselwe elinye ixesha,

uya kuba netyala kwaye uya kufanelekela isigwebo sesohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo lama-65A(9) lomThetho]

(iv) Ekuveleni phambi kwenkundla ngomhla omiselwe sisaziso ngokwecandelo lama-65A(1) okanye (8)(b) lomThetho kuthathwa amanyathelo okubamba umntu oyalelwe ukuba ahlawule imali ofunyenweyo kwaye ongonelisekanga umlawuli okanye igosa, phantsi komyalelo ekubhekiselwe kwicandelo lama-65A(6) lomThetho okanye nawuphi na umhla ezimiselwe ngawo elinye ixesha iinkqubo, njengomntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa liza kubizwa ukuba linike ubungqina ngesimo salo

sezimali okanye eso sequmrhu kunye nokukwazi kwalo ukuhlawula isibophelelo somthetho setyala. [ICandelo lama-65D(9) lomThetho]

(v) Nawuphi na umntu lowo inkundla, kwityala lomonakalo, inike nasiphi na isigwebo okanye yenze nawuphi na umyalelo ongazalisekisanga ngokupheleleyo isigwebo okanye umyalelo onjalo kwaye wahlawula zonke iindleko anoxanduba lwazo ngokunxulumene nalapho, ukuba uyitshintshile indawo ahlala kuyo, ishishini okanye ingqesho, kwiintsuku ezii-14 ukusuka kumhla wotshintsho ngalunye olunjalo kufuneka azise umabhalane wenkundla onike isigwebo esinjalo okanye owenze umyalelo onjalo kunye nawuphi na umntu obamba imali okanye igqwetha lakhe ngokupheleleyo nangokuchanekileyo ngokubhalwe phantsi ngendawo yakhe entsha yokuhlala, ishishini okanye ingqesho, kwaye ukusilela kwakhe ukwenza njalo, umntu onjalo obamba imali uya kuba netyala kwaye unokuqwetvelwa isohlwayo okanye ukuvallelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo le-109 lomThetho]

*Ukuvuma isigwebo.

Ndiyavuma ukuba sisibophelelo sam somthetho kummangali njengoko kutshiwo kwezi samani (okanye isixa sama-R..... kunye neendleko ukuza kuthi ga ngoku) kwaye ndiyasivuma isigwebo ngendlela efanelekileyo kwiimeko.

Ifakwe umhla e ngowe wosuku lwama 20.....,

.....

Mmangalelwa

AMANGQINA:

3. (amagama apheleleyo)..... (usayino).....
(idilesi).....
4. (amagama apheleleyo)..... (usayino).....
(idilesi).....

OKANYE

* Isaziso senjongo yokuzikhusela

KuMabhalana weNkundla.

Nceda uqaphele ukuba ummangalelwa ngale ndlela wazisa ngenjongo yakhe yokukhusela eli nyathelo. _____

Ifakwe umhla e ngowe wosuku lwama , 20....., _____

.....

UMmangalelwa/iGqwetha loMmangalelwa _____

I-15 leekhilomitha ledilesi yesitalato ukusuka kwindlu yeNkundla ngokwamkelwa kwenkonzo yenkqubo okanye yamaxwebhu

.....

IDilesi yeposi

.....

Inombolo yefasmile (ifeksi) (apho ikhoyo).....

IDilesi ye-Posi yeLetroniki (i-imeyile) (apho ikhoyo).....

*Ummangalelwa ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.

(Cima nokuba yeyiphi engangeniyo)

* Isaziso sokuqala kufuneka ifayilwe kumabhalana wenkundla ize ikopi inikwe ummangali okanye igqwetha lommandali.

Iindleko ukuba inyathelo elithathiweyo alikhuselwa ziya kuba ngale ndlela ilandelayo: _____

Iisamani.....R

Isigwebo.....R

Imali yegqwetha..R

Imali yeSherifu.....R

Imali yeSherifu yokukhutshwa kwakhonaR

Kuphelele:..... R

ISIHLOMELO

Iinkcukacha zeBango loMmangali

.....
.....
.....

Ifakwe umhla e.....ngowe.....wosuku lwe.....20.....

.....

UMmangali/igqwetha loMmangali

IDilesi yoMmangali/igqwetha loMmangali

.....

INombolo 2B –**liSamani eziDityanisiweyo*****Kusetyenziswa kwiNkundla yoMmandla**KWINKUNDLA YOMMANDLA KWICANDELO LOMMANDLA LEEBELIBANJWEE.....INombolo yeTyala..... ka-20.....Kumba ophakathi :.....koMmangalikunye no.....MmangalelwaKuSherifu okanye uSekela Sherifu wakhe:

UKWAZISA u-A.B., nge (xela indawo yokuhlala okanye indawo yoshishino kwaye ukuba siyaziwa, isini, umsebenzi kunye nendawo yengqesho)(apha ekuthiwa ngummangalelwa, ukuba i- C.D. (xela isini nomsebenzi), ka..... (indawo yokuhlala okanye indawo yoshishino)..... (apha ekuthiwa ngummangali), ngale ndlela ufaka amanyathelo omthetho ngokubhekisele kuye apho ummangali abanga ubulungisa kwimihlaba ebekwe kwiinkcukacha ezihlonyelwe apha

UKWAZISA ummangalelwa ukuba ngokungaphaya ukuba xa engavumelani nebango kwaye efuna ukukhusela amanyathelo uya-

(i) kwii ntsuku zokusebenza ekuzisweni kwale fayile yeesamani kumntu ogcina iincwadi zeerejista wale nkundla e(beka idilesi yesitalato yomntu ogcina iincwadi zeerejista wenkundla) isaziso ngeenjongo zakhe zokukhusela kunye nokunika

ummangali okanye igqwetha lommangalelwa, saziso eso siya kunika idilesi ekubhekiselwe kuyo kumthetho we-13(3) ngokuhanjiswa kummangalelwa zonke izaziso namaxwebhu okuthatha amanyathelo;

(ii) emva koko, kwaye kwiintsuku ezingama-20 ezisemva kokufayilwa kunye nokuhanjiswa kwesaziso senjongo yokukhusela njengoko kukhankanyiwe ngasentla, ukufayila kumntu ogcina iincwadi zeerejista wenkundla kunye nokunika ummangali okanye igqwetha lommangali ingxelo yommangalelwa, ukukhuphela ngaphandle, isaziso sokurhoxisa, lukhona okanye lungekho urhoxiso lwebango ngelinye.

UKWAZISA ummangalelwa ngokungaphaya ukuba ummangalelwa uyasilela ukufayila kunye nokuhambisa isigwebo okanye isigqibo esinikwe yinkundla yomthetho esikhankanyiweyo njengoko kubangiwe sinokunikwa ngokubhekisele kuye ngaphandle kwesaziso esingaphaya kuye, okanye ukuba, ufayile kwaye wahambisa isaziso esinjalo, ummangalelwa uyasilela ukunika ingxelo yommangalelwa, ukukhuphela ngaphandle, isaziso sokurhoxisa, lukhona okanye lungekho urhoxiso lwebango ngelinye, isigwebo sinokunikwa ngokubhekisele kuye. Kwaye msinyane nje emva koko ukunika ummangalelwa ikopi yeesamani zakhe kunye nokubuyisela kwa oku kufanayo kumntu ogcina iincwadi zeerejista wenkundla nokuba yeyiphi na oyenzileyo.

IFAKWE UMHLA e ngowe wosuku lwe
..... 20.....

.....

Umbhalisi

.....

UMmangali/igqwetha loMmangali

(i-15 yeekhilomitha kwiDilesi yeSitalato)

.....

IDilesi yePosi

.....

INombolo yeFeksi

.....
IDilesi ye-Imeyile yeLetroniki

*Ummangali ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.

(Cima nokuba yeyiphi engangeniyo)

Ukuba ibango lisekelwe kwisixa mali sokuthengiswa kwempahla ukuze kuhlululwe, ummangalelwa kufuneka aqaphele ukuba-

(a) ekusileleni kummangalelwa ukuhlawula isixa sebango kunye neendleko kwithuba elikhankanyiweyo okanye ekuziseni kummangalelwa isaziso senjongo yokhuselo uya kuthathwa ngokuba ulivumile ibango elikhankanyiweyo kwaye ummangali unokughuba ukusuka apha kwaye isigwebo sinokunikwa ngokubhekisele kummangalelwa engekho;

(b) xa ummangalelwa ehlawula ibango kunye neendleko ezikhankanyiweyo kwithuba elikhankanyiweyo ngeke isigwebo siwiswe ngokubhekisele kummangalelwa apha kwaye ummangalelwa uya kulondoloza iindleko zesigwebo. Ummangalelwa kwakhona uya kulondoloza iindleko zesigwebo ukuba, kwithuba elikhankanyiweyo, ufaka kumntu ogcina iincwadi zeerejista wenkundla ekhankanyiweyo ngaphambili ukuvuma osigwebo;

(c) xa ummangalelwa elivuma ibango kwaye enqwenela ukusivuma isigwebo okanye enqwenela ukwamkela ukuhlawula ibango ngezavenge okanye ngenye indlela, ummangalelwa unokuya kummangali okanye kwigqwetha lommandali.

ISaziso:

(i) Nawuphi na umntu lowo inkundla, kwimbambano ephakathi kwabantu okanye imibutho, inike isigwebo okanye yenze umyalelo lowo, kwiintsuku ezili-10, ungazalisekisanga ngokupheleleyo isigwebo okanye umyalelo onjalo unokubizwa ngesaziso ngokwecandelo lama-65A(1) lomThetho ukuba avele ngosuku oluxeliweyo enkundleni kwiitshemba ukwenza ukuba inkundla ibuze ngesimo sezimali sesigwebo kumntu onetyala kunye nokwenza ukuba umyalelo onjalo njengoko inkundla inokucinga njalo ufaneleke kwaye ube nobulungisa.

(ii) Ukuba inkundla yonelisekile ukuba-

(aa) umntu oyalelwe ukuba ahlawule imali okanye, ukuba umntu oyalelwe ukuba ahlawule imali liqumrhu, umlawuli okanye igosa lequmrhu unolwazi ngesaziso esikhankanywe ngasentla kwaye usilele ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) umntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa, apho iinkqubo zimiselwe elinye ixesha ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa, liselele ukuhlala likhona kwiinkqubo okanye kwiinkqubo ezimiselwe elinye ixesha,

inkundla, ngesicelo somntu onikwe umyalelo ngokubhekiselwe kumntu onetyala okanye igqwetha lakhe, inokugunyazisa ukukhutshwa komyalelo oyalela ukuba isherifu ibambe umntu oyalelwe ukuba ahlawule imali, umlawuli okanye igosa elinjalo kwaye aziswe phambi kwenkundla efanelekileyo ukuze inkundla iqhube uphando lwezimali. [ICandelo lama-65A(6) lomThetho]

(iii) Nawuphi na umntu-

(aa) obiziweyo ukuba avele phambi kwenkundla phantsi kwesaziso ngokwecandelo lama-65(1) okanye (8)(b) lomThetho (apho isherifu, itshintsha ukubanjwa komntu, inika loo mntu isaziso sokuvela enkundleni) kwaye osilela ngenkani ukuvela phambi kwenkundla ngomhla kunye nexesha elixelwe kwisaziso; okanye

(bb) apho iinkqubo zimiselwe elinye ixesha ekhona yena ekhona ngomhla kunye nangexesha elimiselwe yinkundla, aye wasilela ngenkani ukuvela phambi kwenkundla ngaloo mhla kunye nexesha; okanye

(cc) usilela ngenkani ukuhlala ekhona kwiinkqubo ezibandakanyekayo okanye kwiinkqubo ezimiselwe elinye ixesha, uya kuba netyala kwaye uya kufanelekela isigwebo sesohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo lama-65A(9) lomThetho]

(iv) Ekuveleni phambi kwenkundla ngomhla omiselwe

sisaziso ngokwecandelo lama-65A(1) okanye (8)(b) lomThetho kuthathwa amanyathelo okubamba umntu oyalelwe ukuba ahlawule imali ofunyenweyo kwaye ongonelisekanga umlawuli okanye igosa, phantsi komyalelo ekubhekiselwe kwicandelo lama-65A(6) lomThetho

okanye nawuphi na umhla ezimiselwe ngawo elinye ixesha iinkqubo, njengomntu oyalelwe ukuba ahlawule imali umlawuli okanye igosa liza kubizwa ukuba linike ubungqina ngesimo salo sezimali okanye eso sequmrhu kunye nokukwazi kwalo ukuhlawula isibophelelo somthetho setyala. [ICandelo lama-65D(9) lomThetho]

(v) Nawuphi na umntu lowo inkundla, kwityala lomonakalo, inike nasiphi na isigwebo okanye yenze nawuphi na umyalelo ongazalisekisanga ngokupheleleyo isigwebo okanye umyalelo onjalo kwaye wahlawula zonke iindleko anoxanduba lwazo ngokunxulumene nalapho, ukuba uyitshintshile indawo ahlala kuyo, ishishini okanye ingqesho, kwiintsuku ezii-14 ukusuka kumhla wotshintsho ngalunye olunjalo kufuneka azise umntu ogcina iincwadi zeerejista wenkundla onike isigwebo esinjalo okanye owenze umyalelo onjalo kunye nawuphi na umntu obamba imali okanye igqwetha lakhe ngokupheleleyo nangokuchanekileyo ngokubhalwe phantsi ngendawo yakhe entsha yokuhlala, ishishini okanye ingqesho, kwaye ukusilela kwakhe ukwenza njalo, umntu onjalo obamba imali uya kuba netyala kwaye unokugwetyelwa isohlwayo okanye ukuvalelwa ithuba elingedluliyo kwiinyanga ezintathu. [ICandelo le-109 lomThetho)]

*Ukuvuma isigwebo.

Ndiyavuma ukuba sisibophelelo sam somthetho kummangali njengoko kutshiwo kwezi samani (okanye isixa sama-R..... kunye neendleko ukuza kuthi ga ngoku) kwaye ndiyasivuma isigwebo ngendlela efanelekileyo kwiimeko.

Ifakwe umhla e ngowe wosuku lwama 20.....

.....

Mmangalelwa

AMANGQINA:

3. (amagama apheleleyo)..... (usayino).....
(idilesi).....
4. (amagama apheleleyo)..... (usayino).....
(idilesi).....

OKANYE

* Isaziso senjongo yokuzikhusela

Kumntu ogcina iincwadi zeerejista. _____

Nceda uqaphele ukuba ummangalelwa ngale ndlela wazisa ngenjongo yakhe yokukhusela eli nyathelo. _____Ifakwe umhla e ngowe wosuku lwama
....., 20....., _____

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UMmangalelwa/iGqwetha loMmangalelwaI-15 leekhilomitha ledilesi yesitalato ukusuka kwindlu yeNkundla ngokwamkelwa kwenkonzo yenkqubo okanye yamaxwebhu

.....

IDilesi yeposi

.....

Inombolo yefasmile (ifeksi) (apho ikhoyo).....IDilesi ye-Posi yeLetroniki (i-imeyile) (apho ikhoyo).....*Ummangalelwa ukulungele ukwamkela onke amaxwebhu kunye nezaziso ezilandelayo kwidilesi yefeksi/ idilesi yeposi yeletroniki/enye idilesi exeliweyo apha.**(Cima nokuba yeyiphi engangeniyo)*** Isaziso sokuqala kufuneka ifayilwe kumntu ogcina iincwadi zeerejista wenkundla ize ikopi inikwe ummangali okanye igqwetha lommangali.Iindleko ukuba inyathelo elithathiweyo alikhuselwa ziya kuba ngale ndlela ilandelayo: _____Iisamani.....RIsigwebo.....Imali yegqwetha..RImali yeSherifu.....R

Imali yeSherifu yokukhutshwa kwakhonaR

Kuphelele:.....Kuphelele

ISIHLOMELo

linkcukacha zeBango loMmangali

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Ifakwe umhla e.....ngowe....wosuku lwe.....20.....

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UMmangali/igqwetha loMmangali

IDilesi yoMmangali/igqwetha loMmangali

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IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
 Publikasies: Tel: (012) 748 6052, 748 6053, 748 6058
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