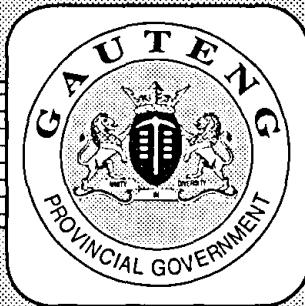


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

Provincial Gazette Extraordinary Buitengewone Provinciale Koerant

Selling price: R2,00 ◇ Other countries: R2,25
Verkoopprys: R2,00 ◇ Buitelands: R2,25

Vol. 3

PRETORIA, 10 NOVEMBER 1997

No. 409

GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 3448 OF 1997

GAUTENG REMOVAL OF RESTRICTIONS AMENDMENT BILL, 1997

In terms of Rule 132 (1) of the Standing Rules of the Gauteng Provincial Legislature, the Gauteng Removal of Restriction Amendment Bill, 1997 as well as the memorandum in terms of Rule 134, is hereby published for general information.

Any person or organisation wishing to comment on the said Bill may lodge his or her written comment with the Secretary of the Gauteng Provincial Legislature before 24 November 1997 at

The Office of the Secretary
Gauteng Provincial Legislature
Private Bag X52
JOHANNESBURG
2000

By order of the Secretary
of the Gauteng
Provincial Legislature

Chairperson of the Standing
Committee for Development
and Local Government

GENERAL EXPLANATION NOTE:

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

GAUTENG REMOVAL OF RESTRICTIONS AMENDMENT BILL, 1997

To amend the Gauteng Removal of Restrictions Act, 1996 by inserting definitions and improving others; to define more clearly the substitution of authority; to broaden the scope of conditions that can be amended by this Act; to rectify the consequential numbering of amended sections; to clarify the contribution in respect of engineering services, open spaces or parks, to clarify the transitional provisions and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:-

1. By the substitution of the long title of the Principle Act by the following new long title:

"To empower authorized local authorities to amend, suspend or remove restrictions or obligations in respect of land within their jurisdiction; to provide for certain references in title deeds to be construed as references to [authorised] authorized local authorities; to make provision for the regulation of fees charged by township owners in respect of consents required by applicants; to repeal Removal of Restrictions Act, 1967 (Act No.84 of 1967) in so far as it applies to the respective areas of jurisdiction of [authorised] authorized local authorities; and to make provision for certain matters incidental thereto."

2. By the substitution of parts of the Preamble to the Principle Act by the following:

"WHEREAS it is desirable to devolve to authorized local authorities certain powers of the Gauteng Province [in relation to the removal of] to enable authorized local authorities to decide to amend, suspend or remove restrictive conditions or obligations in respect of land [to allow for such decisions to be taken by authorised local authorities] situated within their areas of jurisdiction.

AND WHEREAS it is desirable to expedite the amendment, suspension or removal of restrictive conditions or obligations [the removal of restrictions] in order to facilitate efficient development."

Amendment of section 1 of Act No.3 of 1996

3. Section 1 of the Gauteng Removal of Restrictions Act, 1997 (hereafter referred to as the Principle Act), is hereby amended:-

by the substitution for the definition of "Applicant" of the following definition:
'Applicant' means: [the owner of land]

- (i) a person registered as the owner of land and his or her successor in title to the land [in question]; or
 - (ii) a person acting on behalf of the owner; or
 - (iii) an authorized local authority when acting of its own accord;"
- (b) by the substitution for the definition of "Authorized local authority" of the following definition:
- "Authorized local authority' means a transitional council which has been declared to be an authorized local authority in terms of section 2(1) of the [Town Planning and Townships] Ordinance; [1986 (Ordinance No.15 of 1986)];"
- (c) by the substitution for the definition of "MEC" of the following definition.
- "'MEC' means the member of the Executive Council of the Province responsible for Development Planning designated from time to time by the Premier of the Gauteng Government;"
- (d) by amending the definition of "Ordinance" by adding the following phrase at the end thereof "(Ordinance No. 15 of 1986)";
- (e) by amending the definition of "Registrar of Deeds" by adding the following phrase at the end thereof: "who is in charge of the deeds registry serving the area in which the land is situated;"
- (f) by the insertion after the definition of "Registrar of Deeds" of the following definition:
"1(8A) 'Standing Committee' means the Committee dealing with Development Planning and Local Government matters or its successor, instituted in terms of the Standing Rules of the Provincial Legislature of Gauteng made in terms of section 116 read with Item 10(4) of Schedule 6 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996)."
- (g) by amending the definition of "This Act" by adding the following phrase at the end thereof: "made under section 12;"
- (h) by substituting the definition of "Townships Board" by the following definition:
"'Townships Board' means the Townships Board established for the Province under section 3 of the [Town Planning and Townships] Ordinance, [1986] or any institution which may be established as the legal successor to the Townships Board;" and
- (i) by substituting the definition of "Transitional council" by the following definition: "'Transitional council' means a transitional council established in terms of [section 8] section 10(3)(a) read with section 8(3) of the Local Government Transition Act, 1993 (Act No.209 of 1993) or its legal successor.

Substitution of authority

4. Section 2 of the Principle Act is hereby amended by the substitution for section 2(1) of the following subsection:

"2(1) As from the date of commencement of this Act, for the purpose of a condition in respect of land situated within the Gauteng Province, which condition is:

- (a) [in any condition] registered against [any] a title deed or leasehold title; or
- (b) [which is] imposed under any town-planning scheme; or
- (c) imposed under a land use control mechanism having the effect of a town-planning scheme; or
- (d) a condition of title contained in the schedule to a condition of a proclamation of township establishment [relating to land which is situated within the province and];

and which condition further determines that land may only be utilised for certain purposes or in a certain manner with the consent or the permission of any such functionary, acting on [its] his or her own, or [,alternatively,] in consultation with the Townships Board,

reference to 'Minister', in the context of any land use conditions imposed under the repealed Black Communities Development Act, 1984 (Act No. 4 of 1984), 'Administrator', 'Townships Board', 'Competent Authority' as is contemplated in terms of section 235(6)(c)(ii) of the repealed Constitution of the Republic of South Africa, 1993 (Act No.200 of 1993), or 'Authority' as is contemplated in terms of Item 14(1) of Schedule 6 read with Item 14(5) of the same Schedule of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) or legislation assigned to the Member of the Executive Council in terms of section 132(2) of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) or 'Controlling Authority'

shall, if the local authority is an authorized local authority, be construed as a reference to [the said] that authorized local authority, if any, which has jurisdiction in the area in which the land is situated.

Amendment, suspension or removal of restrictions or obligations in respect of land by authorized local authority

5. Section 3 of the Principle Act is hereby amended:

- (a) by the substitution of subsection 3(1)(b) by the following:
"(b) [the] a provision of a by-law or of a town-planning scheme; or"
- (b) by the insertion after subsection 3(1)(b) of the following:
"(c) the provisions of a title condition contained in the schedule to the proclamation of a township; or

- (d) the provisions of a law relating to the establishment of townships or town planning;"
- (c) by the substitution for subsection 3(2) of the following:
 "(2) [The authorized local authority shall] Subject to the provisions of section 3 of the Development Facilitation Act, 1995 (Act No.67 of 1995), the authorized local authority may only amend, suspend or remove a restriction or obligation where the authorized local authority is [of the opinion] satisfied that-

 - (a) it is reasonable and desirable to do so in order to promote the preparation and approval of a general plan, the establishment of a township or the development of any area;"
 - (d) by the substitution for subsection 3(3) by following:
 "(3) The provisions of subsection (1) shall not apply to-
 - (a) any building line restriction which has been imposed by or under section 9 or 9(A) of the [advertising] Advertising on Roads and Ribbon Development Act, 1940 (Act No.21 of 1940) or imposed by the South African Roads Board in terms of the National Roads Act, 1971 (Act No.54 of 1971);
 - (b) any condition of title [effecting] affecting rights to minerals;"

[Procedure by authorized local authority on its own accord]

6. Section 4 of the Principle Act is hereby amended:

- (a) by the substitution for the heading of section 4 of the Principle Act of the following:
 "**Procedure whereby authorized local authority may act of its own accord"**;
- (b) by the insertion of the following at the end of subsection 4(1)(c):-
 "or delivered by hand, provided that proof of delivery is presented and"
- (c) by the substitution for the heading of subsection 4(2) of the following:
 "(2) The notice contemplated in subsection (1) shall -"

[Procedure by Applicant]

7. Section 5 of the Principle Act is hereby amended:

- (a) by the substitution for the heading of section 5 of the Principle Act of the following:
"Procedure whereby Applicant applies";
- (b) by the substitution for section 5(1) of the following subsection:
"(1) An applicant who wishes to apply [to an authorized local authority] for the amendment, suspension or removal of a restriction or obligation referred to in section 3(1), shall submit an application to the authorized local authority in whose area of jurisdiction the land in question is situated on the prescribed form,
which form shall be accompanied by such documents and further particulars as may be required by the authorized local authority."
- (c) by the substitution for section 5(2) of the following subsection:-
"(2) If the land is encumbered by a bond the [applicant shall furnish the authorized local authority] application shall be accompanied by the bondholder's consent and if any bond is registered against the land after the date of the application but before the publication of the relevant notice under section 6(8), the applicant shall furnish the authorized local authority with the consent of [the] that bondholder to the application."
- (d) by the substitution for section 5(4)(a) of the following subsection:
"(a) the authorized local authority shall be entitled to waive any fee imposed in terms of this Act which might otherwise have been payable by the applicant; and"
- (e) by the substitution for section 5(5)(c) of the following subsection:
"(5)(c) post a copy of the notice [by not later than the date of the publication referred to in paragraph (a), to the owner of the land] by registered post addressed to his or her last known address or deliver it by hand provided that proof of delivery can be presented to:
 - (i) the owner of [any] land [if the applicant is not the owner of such land] abutting upon or sharing a common boundary with [such] that land (specifically including any land which is only separated by a road); [and any such other] and
 - (ii) persons [as the authorized local authority may] specifically [direct] designated by the authorized local authority, in writing, within seven days of receipt of the application on the basis that [such person may be directly affected by the application, by registered post addressed to his or her last known address]
the application may effect them directly;
by not later than the date of the publication referred to in paragraph (a)."

(f) by the substitution for the heading of subsection 5(6) of the following:

"(6) The notice contemplated in subsection (5) shall -"

(g) by the substitution for section 5(8) of the following subsection:

"(8) (a) Within a period of 14 days after the conclusion of the period allowed for objections contemplated in section 5(6)(c), the authorized local authority shall send a copy of every objection received to the applicant by registered mail or deliver it by hand.

(b) The applicant may respond to these objections in writing within 28 days of date of posting or delivery by hand and submit the response to the authorized local authority."

Consideration of applications by authorized local authority

8. Section 6 of the Principle Act is hereby amended:

(a) by the substitution for subsection 6(1) of the following:-

"(1) On the expiry of the period specified in section 4(2)(b) or section 5(6)(c) and after the applicant has [provided the consent referred to in section 5(2) and] been afforded an opportunity to respond in accordance with section 5(8), the authorized local authority shall set a day, time and place for the hearing of the applicant, objectors and other persons making representations in relation to the application."

(b) by the insertion after subsection (1) of the following subsection:

"(1A) The authorized local authority may in its discretion waive the requirement of having a hearing on those applications which are not contested in any way."

(c) by the substitution for subsection 6(2) of the following:

"(2) The authorized local authority shall notify the applicant, every objector, every person who made representations and every other person who, in the opinion of the authorized local authority, has any interest in the matter, of the day, time and place of the hearing by registered post, or by hand provided that proof of delivery is presented at the option of the authorized local authority [or] at least 14 days prior to the date of the hearing if such hearing occurs: [Provided] provided that any notice sent by registered post shall be deemed to have been received within 10 days from the date of posting unless the contrary is proved by the addressee."

(d) by the substitution for subsection 6(7) of the following:

"(7)(a) The authorized local authority shall within 42 days after the hearing contemplated in subsection (3) or after compliance of section 5(7) if no hearing is held consider and make a decision on the [application] matter.

(7)(b) Before making its decision to refuse, grant, or amend the application [with due regard to: every objection lodged, all representations made, and all information furnished to it in terms of subsection (6), and the authorized local authority shall then refuse or, grant the application on such conditions as it may deem fit] the authorized local authority shall have due regard to:

- (i) every objection lodged;
- (ii) representations made;
- (iii) information furnished in terms of subsection (6);
- (iv) the circumstances in which the application is brought; and
- (v) other conditions it may consider relevant.

Appeal against decision of authorized local authority

9. Section 7 of the Principle Act is hereby amended:

(a) by substitution for subsection 7(1) of the following:-

"(1) The applicant and [any] persons who objected to the application and who is aggrieved by [any] the decision of the authorized local authority may, within a period of 28 days of the publication of the notice referred to in section [6(10)] 6(8) or within a further period of not more than 28 days as the Registrar may permit, appeal to the [Townships Board] MEC by lodging a notice of appeal to the Registrar in the prescribed form, and shall simultaneously furnish the authorized local authority with a copy of [such] the notice."

(b) by the substitution for subsection 7(2) of the following:

"(2) An applicant or objector who is aggrieved by the refusal or unreasonable delay of an authorized local authority to give a decision contemplated in sub-section (1) may, at any time, appeal to the [Townships Board] MEC by lodging a notice of appeal with the Registrar in the prescribed

form and shall simultaneously furnish the authorized local authority with a copy of [such] the notice."

- (c) by the substitution for subsection 7(3)(e) of the following:

"(e) the reasons for its decision referred to in section [6(10)] 6(8)."

- (d) by the substitution for subsection 7(5) of the following:

"(5) Where [any] persons~~s~~ who [is] are aggrieved by-

(i) a decision of an authorized local authority in favour of another person, hereinafter referred to as the third person;

(ii) the refusal or unreasonable delay of an authorized local authority to give a decision in respect of an application,

appeals to the [Townships Board] MEC in terms of sub-section (1) or (2), the Townships Board shall afford the third person or the person who has lodged an objection in respect of the application an opportunity to oppose the appeal."

- (e) by the substitution for subsection 7(6) of the following:

"(6) The Registrar shall refer the appeal to the Townships Board and the Townships Board shall determine a day, time and place for the hearing of the appeal and shall notify every party to the appeal by registered post of the day, time and place of the hearing of the appeal at least 14 days prior to the date of the appeal hearing [of the appeal]"

- (f) by the substitution for subsection 7(7) of the following:

"(7) Save for an appeal against a decision of an authorized local authority to approve an application in terms of sub-section [5] (5)(i) or an appeal against an unreasonable delay in terms of sub-section [5(ii)] (5)(ii), the appeal shall be considered with reference to the transcript of proceedings referred to in sub-section [3(d)] (3)(d); provided that the Townships Board shall undertake an inspection and may call for such evidence as it may deem necessary as to enable it to properly consider the appeal."

Payments of compensation

10. Section 8 of the Principle Act is hereby amended:

- (a) by the substitution for section 8(1) of the following:-

"8(1) [Any] A person who has [any] an interest in land, a building or [any] a right which either directly or indirectly suffers [any] diminution in value as a

result of the amendment, removal of suspension of [any] a condition or restriction or obligation contemplated in section 3(1) shall upon application be entitled to [such] the compensation as is determined by a compensation court [on application] established in terms of section 17 of the Ordinance, [mutatis mutandis].

8(2) For the purpose of this section the provisions of section 44 and regulation 27 of the [Town Planning and Townships] Ordinance, [1986] shall apply with the necessary changes."

[Coming into effect of the approval of an application]

11. Section 9 of the Principle Act is hereby amended:

- (a) by the substitution for heading of section 9 of the Principle Act of the following:
"Coming into [effect of the approval of an] operation of an approved application";
- (b) by the renumbering of section 9[1] of the Principle Act to read section 9;
- (c) by the substitution for section 9 of the Principle Act of the following:
"9[(1)] An approved application contemplated in section [6(7)] 6(8) shall come into operation on a date stated in the notice contemplated in that section, which date-
 - [a] (1) shall in the case where -
 - [i](a) objections were lodged or representations made; or
 - [ii](b) the application was approved subject to an amendment, be a date not less than 28 days from the date of the publication of the notice;
provided that if an appeal is lodged the application shall not come into effect until [such] the time as [the appeal is approved] notice of the decision on the appeal is given in terms of section 7(16);
 - [b] (2) shall, in any other case, be the date of the publication of the notice."

Endorsements in connection with the amendments, suspensions or removals of restrictions or obligations

12. Section 10 of the Principle Act is hereby amended:

- (a) by the substitution for subsection 10(1) of the following:-

"(1)[Immediately after] After the coming into [effect of any] operation of any approved application in terms of section 9, the owner shall deliver the original title deed to the Registrar of Deeds in order to permit the Registrar of Deeds and the Surveyor General to make [such] the appropriate entries and endorsements

on [any] a relevant register, title deed, diagram or plan in their respective offices as may be necessary to reflect the effect of the notice referred to in section 6(8) or section 7(16)."

- (b) by the substitution for subsection 10(2) of the following:

"(2) The authorized local authority shall in writing by registered post, within a period of 28 days of publication of the notice of approval in terms of section 6(8) or 7(16);

- (a) request the holder of [any] a title deed to deliver the title deed in question to the Registrar of Deeds; and
(b) [shall] forward a copy of [such] the written request to the Registrar of Deeds;

[Engineering services contributions]

13. Section 11 of the Principle Act is hereby amended:

- (a) by the substitution for the heading of section 11 of the Principle Act of the following:

"Contribution in respect of engineering services, open spaces or parks ";

- (b) by the substitution for subsection 11(1) of the following:-

"(1) Where an approved application [which is approved came] has come into operation in terms of section [8] 9 the authorized local authority may, within a period of 60 days from the date of [commencement] coming into operation of the approved application, by registered letter direct the owner of land to which the application relates to pay a contribution to it in respect of the provision of-

- (a) the engineering services contemplated in Chapter V of the [Town Planning and Townships] Ordinance, [1986 (Ordinance No.20 of 1986)] where it will be necessary to enhance or improve such services as a result of the [commencement] coming into operation of the approved application;

- (b) open spaces or parks where the [commencement] coming into operation of the approved application will bring about a higher residential density;

provided that where an owner has previously paid a contribution in terms of an amendment to a town-planning scheme the subdivision of land, the granting of a consent use or the establishment of a township as part of the process to achieve a single objective, no further contribution shall be payable."

- (c) by the substitution for subsection 11(2) of the following:
- "(2) For the purpose of subsection (1) the provisions of section 63 [or] of the [Town Planning and Townships] Ordinance, [1986] shall apply [*mutatis mutandis*] with the necessary changes."

Regulations

14. Section 12 of the Principle Act is hereby amended:

- (a) by the substitution for subsection 12(1) of the following:-
- "(1) prescribing the maximum amount and the manner in which the amount is determined which [may be charged as a fee by] a township owner may charge as a [consideration] fee for its consent in terms of a condition of title so as to permit a proposed use or subdivision which [is permitted in terms of] the applicable town-planning scheme authorizes;"
- (b) by the substitution for subsection 12(2) of the following:
- "(2) prescribing the procedure to be followed in terms of the provisions of this Act at [any] a hearing including a site inspection by the Townships Board or an authorized local authority as the case may be;"
- (c) by the substitution for subsection 12(3) of the following:
- "(3) relating to [any] matters which may be prescribed in terms of this Act and [any] matters which he or she may [considered] consider necessary or expedient [to be prescribed] for achieving the objects of this Act ["]."

Transitional provisions

15. Section 13 of the Principle Act is hereby amended by the substitution for section 13 of the following section:

- "13. [Any] An application for the amendment, suspension or removal of a restriction or obligation similar to that contemplated in section 3(1) made in terms of [any] a law in respect of which the Province has jurisdiction prior to the commencement of this Act, shall be dealt with under the [original] original enactment, which shall, for the purposes of [such an] that application, be treated as if this Act has not been enacted." [in so far as it applies to local authorities which are not authorized local authorities.]

Repeal of laws

16. Section 14 of the Principle Act is hereby amended by the substitution for section 14 of the following section:

- "14. The Removal of Restrictions Act, 1967 is hereby repealed in so far as it applies to authorized local authorities in the Province of Gauteng."

Short title and Commencement

17. This Act shall be called the Gauteng Removal of Restrictions Amendment Act, 1997 and it shall be deemed to have come into operation on 18 October 1996.

MEMORANDUM ON THE OBJECTS OF THE GAUTENG REMOVAL OF RESTRICTIONS AMENDMENT BILL, 1997.

The original of Gauteng Removal of Restrictions Bill, 1996 was extensively amended during the discussions of the Standing Committee on Development Planning and Local Government. The amendments were referred to the Gauteng Legislature and were adopted as amendments to the original Bill as it was advertised. The Act and the amendments were promulgated with the commencement date of 18 October 1996.

The amendments proposed by the Standing Committee to the Gauteng Legislature were not advertised for public comment. Consequently, after promulgation, various comments were received requesting the amendment of the Act.

The following amendments were requested and required: -

- (a) to clarify transitional provisions and to specify the circumstances in which the previous Removal of Restrictions Act, 1967 (Act No.84 of 1967) is repealed;
- (b) to extend the public participation process by allowing applicants to hand deliver notices;
- (c) to include omissions in the Act or to clarify sections of the Act e.g. definitions, rewriting section in a more acceptable order, appeals to be lodged with the MEC and limiting the operation of the Act to Gauteng; and
- (d) to make grammatical, technical, legal and numbering corrections to the Act;

The request to water down the advertisement notices was not incorporated.

1. The fundamental reason for the amendment of the Gauteng Removal of Restrictions Act, 1996 (Act No.3 of 1996) is the present wording of the transitional provisions in section 13 of the Act where the phrase "so far as it applies to local authorities which are not authorized local authorities", prevents the implementation of the Act.

The word "not" creates the problem in that authorized local authorities exist in Gauteng and the disputed phrase has the result that all applications for the removal of restrictions which have been submitted to the province have lapsed and applicants would have to re apply to the authorized local authorities for the removal or suspension of restrictions in the title deeds. Due to the time delay and cost of such re-application, millions of rands' worth of investments will be lost as well as thousands of job opportunities.

If the contested phrase is not removed, the Gauteng Province may face the situation that

If the contested phrase is not removed, the Gauteng Province may face the situation that all decisions taken as from 18 October 1996 are null and void.

2. The necessity to amend the transitional provisions of the Gauteng Removal of Restrictions Act, 1996 created the opportunity to address all the other requested amendments and these are now included in the Amendment Bill.
 3. It is also necessary to provide for the inclusion or amendments of sections, which were identified as deficiencies in the Act during its first six months in operation. These include added and amended definitions, the scope of conditions that can be amended by this Act and the discretion to waive determined requirements of the Act regarding site inspections, hearings and the delivery of notices.
 4. Grammatical and legal untidiness requires clearing up. Other amendments include clarity on the substitution of authority, the consequential numbering which was not done correctly, spelling mistakes, references to the Constitution and the function of the MEC in relation to the Townships Board in dealing with appeals.
 5. It is also necessary to expedite the completion of applications by inserting time frames in the Act within which decisions will have to be made.
- 6(a) The long title of the Act is amended in order to identify the areas of jurisdiction of the authorized local authorities, which is now written into the long title of the Act as well as in the Preamble.
- (b) The Act is specific on what its operations are. Specific operations are now also included in the Preamble.
- (c) Section 1 of the Act is amended in order to be clear in the definition. The following definitions have been change:-

“Applicant”
“Authorized Local Authority”
“MEC”
“The Ordinance”
“Registrar of Deeds”
“The Standing Committee”
“This Act”
“Townships Board” and
“Transitional council”.

- (d) Section 2(1) of the Act is amended in order to include consent uses in terms of schedules to a proclamation of a township into section 2(1) of the Principle Act. The substitution of authority is also extended to include the Interim and the Final Constitutions as well as the inclusion of legislation assigned to the MEC but which, in terms of the Constitution, should be performed by a local authority.

Conditions imposed in terms of the title deed and those imposed in terms of the town-planning scheme are distinguishable and therefore amendments have been made as well punctuation marks inserted.

- (e) Section 3 of the Act is amended as the Act only provides for the amendment, suspension or removal of restrictions registered against the title deed or town-planning scheme in terms of section 3. Some conditions are contained in the schedules to the proclamation of townships or in terms of the condition of establishment of the township. The Bill provides for these conditions to be amended, suspended or removed.

Minor technical amendments have been made to the text of the Act.

- (f) Section 4 of the Act is amended to provide that notices may be delivered by hand provided that proof of delivery is obtained instead of having to mail the notices.

In addition, a technical amendment has been necessary.

- (g) In section 5(2) of the Act provision is made for obtaining the consent of the bondholder. Developers requested that the subsection should be amended in two ways. Firstly they requested that the bondholder's **consent** should not be obligatory but rather that the bondholder only **comments** on the application. Secondly they requested that the absence of either the consent or the comments should not delay the finalisation of the application and that the consent or comment should only have to reach the decision-maker before a decision is taken. Local Authorities insisted that the application is not complete without the bondholder's consent. They refuse to accept an application unless all the required documentation has been submitted. The bondholder has a real right and a vested interest, which cannot be denied, especially when an application is made for a land use change with a lower value than the present. The wording of section 5(2) of the Act is changed to make it clear that the bondholder's consent is needed and that it should accompany the application.

The alternative for an applicant to give notice by hand delivery is also included in this section.

Grammatical, technical and legal amendments are also necessary.

- (h) Section 6(1) of the Act only makes provision for applications lodged by private applicants. Applications where the authorized local authority acts of its own accord was omitted and has been included.

The intention with the Act is to expedite the completion of applications in order to stimulate development. A time limit has been placed on the authorized local authority to finalize applications. Some applications also do not warrant a site inspection and a full hearing.

The authorized local authority therefore has discretion not to have a site inspection and or a full hearing especially where no objections were raised.

Technical amendments are also proposed for section 6 of the Act.

- (i) It is unclear in section 7 of the Act as to where an appeal has to be lodged. It is clear that the decision on the appeal is made by the MEC after reference to the Townships Board but in terms of the Act it seems as if an appeal is lodged with the Townships Board. Section 7 is amended to clearly indicate that appeals have to be submitted to the MEC.

Technical amendments regarding renumbering have been introduced for this section.

- (j) Section 8 of the Act is regarding the payment of compensation is grammatically and legally untidy and has been rectified.
- (k) Section 9 of the Act that deals with the commencement of an approved application, is legally untidy and has been rephrased.
- (l) Due to consequential amendments of previous sections, section 10 of the Act has been amended and the functions of the authorized local authority have been separated.
- (m) Section 11 of the Act is grammatically and legally unacceptable. The heading only refers to engineering services contribution whilst the section also provides for contributions in respect of open spaces and parks. This has been rectified.

In order to avoid double payment of a contribution, the Act makes provision for exceptions but does not include the subdivision of land, consent uses or township establishment which each have their own provisions for payment of a contribution. These land use changes have been exempted from the section.

- (n) Section 12(3) of the Act only allows the MEC to make regulations on other related matters once (the past tense "considered" is used). The MEC will now have the discretion to make regulations as and when necessary.

Technical amendments have been included.

- (o) The phrase "in so far as it applies to local authorities which are not authorized local authorities" in section 13 creates a legal problem.
The specific phrase has been corrected.
- (p) Section 14 of the Act is amended to clearly state that the Removal of Restrictions Act, 1967 is repealed with reference to authorized local authority and only within the area of jurisdiction of the Province of Gauteng.
- (q) Section 15 of the Act deals with the short title and the retrospective commencement of the Amendment Act.

KENNISGEWING 3448 VAN 1997**GAUTENGSE WYSIGINGSWETSONTWERP OP
DIE OPHEFFING VAN BEPERKINGS, 1997.**

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, asook die meegaande memorandum kragtens Reël 134, word hiermee ingevolge Reël 132 (1) van die Staande Reëls van die Gautengse Proviniale Wetgewer vir algemene kennisname gepubliseer.

Enige persoon of organisasie wat op bogenoemde Wetsontwerp kommentaar wil lewer, kan voor 24 November 1997 sy of haar geskrewe kommentaar by die Sekretaris van die Gautengse Proviniale Wetgewer indien.

Die Kantoor van die Sekretaris

Gautengse Proviniale Wetgewer

Privaatsak X52

JOHANNESBURG

2000

In opdrag van die Sekretaris
van die Gautengse
Proviniale Wetgewer

Voorsitter van die Staande
Komitee vir Ontwikkelingsbepalning
en Plaaslike Regering

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, word vir algemene kennisname gepubliseer.

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, word vir algemene kennisname gepubliseer.

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, word vir algemene kennisname gepubliseer.

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, word vir algemene kennisname gepubliseer.

Die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, word vir algemene kennisname gepubliseer.

ALGEMENE VERKLARENDE NOTA:

- [] Vetgedrukte woorde in vierkanthakkies dui weglatings uit bestaande wetgewing aan.
- Woorde wat met 'n ononderbroke lyn ondersteep is dui toevoegings tot bestaande wetgewing aan.
-

GAUTENGSE WYSIGINGSWETSONTWERP OP DIE OPHEFFING VAN BEPERKINGS, 1997

Om die Gautengse Wet op die Opheffing van Beperkings, 1996 (Wet nr. 3 van 1996), te wysig deur definisies in te voeg of te wysig, en andere te verbeter; deur gesagsverwisseling duideliker te omskryf; deur die omvang van voorwaardes wat deur hierdie Wet gewysig kan word uit te brei; deur die opeenvolgende nommers van gewysigde artikels aan te pas; deur die bydraes ten opsigte van ingenieursdienste, oop ruimtes of parke op te klaar; deur oorgangsbeplannings op te klaar en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

LAAT daar as volg deur die Provinciale Wetgewer van Gauteng UITGEVAARDIG WORD:

1. Deur die Hoofwet se lang titel met die volgende nuwe lang titel te vervang:

"Om gemagtigde plaaslike besture te bemagtig om beperkings of verpligte ten opsigte van grond binne hul jurisdiksie te wysig, op te skort of te verwijder; om voorsiening te maak vir die vertolking van sekere verwysings in titelakte as verwysings na gemagtigde plaaslike besture; om voorsiening te maak vir die regulering van fooie wat deur dorpsienaars gehef word ten opsigte van toestemming wat deur aansoekers benodig word; om die Wet op die Opheffing van Beperkings, 1967 (Wet nr. 84 van 1967) te herroep vir sover dit van toepassing is op die betrokke gebiede van jurisdiksie van gemagtigde plaaslike besture; en om voorsiening te maak vir sekere bykomstige sake."

2. Deur gedeeltes van die Aanhef tot die Hoofwet met die volgende te vervang:

"AANGESEIEN dit wenslik is om sekere magte van die Gautengse Provinse na gemagtigde plaaslike besture af te wentel om gemagtigde plaaslike besture in staat te stel om [in verband met die opheffing van] beperkende voorwaardes of verpligtinge ten opsigte van grond wat binne hul regssgebiede geleë is, te wysig, op te skort of op te hef [ten einde sodanige beslissings deur gemagtigde plaaslike besture moontlik te maak].

"EN AANGESEIEN dit wenslik is om die wysiging, opskorting of opheffing van beperkende voorwaardes of verpligtinge [die opheffing van beperkings] te bespoedig ten einde doeltreffende ontwikkeling te bemiddel."

Wysiging van artikel 1 van Wet nr. 3 van 1996

3. Artikel 1 van die Gautengse Wet op die Opheffing van Beperkings, 1997 (hierná bekend as die Hoofwet), word hiermee gewysig:-

(a) deur die definisie van "Aansoeker" met die volgende definisie te vervang: "Aansoeker" beteken: [die betrokke]

(i) 'n persoon wat geregistreer is as die eienaar van grond, en sy of haar opvolger in naam ten opsigte van die grond [grondeienaar]; of

(ii) 'n persoon wat namens die eienaar optree; of

(iii) 'n gemagtigde plaaslike bestuur wat uit eie beweging optree;"

(b) deur die definisie van "Gemagtigde plaaslike bestuur" met die volgende definisie te vervang:

"Gemagtigde plaaslike bestuur" beteken 'n oorgangsraad wat tot 'n gemagtigde plaaslike bestuur verklaar is ingevolge artikel 2(1) van die [Dorpsbeplanning- en Dorpe-] Ordonnansie; [1986 (Ordonnansie nr. 15 van 1986)];"

(c) deur die definisie van "LUR" met die volgende definisie te vervang:

"'LUR' beteken die lid van die Provinse se Uitvoerende Raad verantwoordelik vir Ontwikkelingsbeplanning wat van tyd tot tyd deur die Premier van die Gautengse Regering aangewys word;"

(d) deur die definisie van "Ordonnansie" te wysig deur die volgende frase aan die einde daarvan by te voeg: "(Ordonnansie nr. 15 van 1986)";

- (e) deur die definisie van "Registrateur van Aktes" te wysig deur die volgende frase aan die einde daarvan by te voeg: "wat in beheer is van die akteregistrasiekantoor wat die gebied bedien waarin die grond geleë is;"
- (f) deur die volgende definisie ná die definisie van "Registrateur van Aktes" in te voeg:
"1(8A) 'Staande Komitee' beteken die Komitee wat aangeleenthede hanteer wat met Ontwikkelingsbeplanning en Plaaslike Bestuur verband hou, of die opvolger van sodanige komitee, wat tot stand gebring is ingevolge die Staande Reëls van die Proviniale Wetgewer van Gauteng wat kragtens artikel 116 tesame met Item 10(4) van Bylae 6 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet nr. 108 van 1996) opgestel is."
- (g) deur die definisie van "Hierdie Wet" te wysig deur die volgende frase aan die einde daarvan by te voeg: "wat ingevolge artikel 12 opgestel is;"
- (h) deur die definisie van "Dorpераad" met die volgende definisie te vervang:
"Dorpераad" beteken die Dorpераad wat ingevolge artikel 3 van die [Dorpsbeplanning- en Dorpe-] Ordonnansie, [1986] vir die Provinie tot stand gebring is, of enige ander instelling wat as wetlike opvolger van die Dorpераad tot stand gebring mag word;" en
- (i) deur die definisie van "Oorgangsraad" met die volgende definisie te vervang:
"Oorgangsraad" beteken 'n oorgangsraad of die wetlike opvolger daarvan wat ingevolge [artikel 8] artikel 10(3)(a) tesame met artikel 8(3) van die Oorgangswet op Plaaslike Regering, 1993 (Wet nr. 209 van 1993) tot stand gebring is.

Gesagsverwisseling

4. Artikel 2 van die Hoofwet word hiermee gewysig deur artikel 2(1) met die volgende subartikel te vervang:

2(1) Vanaf die aanvangsdatum van hierdie Wet, vir die doeleindes van 'n voorwaarde wat van toepassing is op grond wat in die Provinie van Gauteng geleë is, welke voorwaarde:

 - (a) **[enige voorwaarde]** geregistreer is teen **[enige]** 'n titelakte of huurpagtitel; of
 - (b) **[wat]** ingevolge enige dorpsbeplanningskema gestel is; of
 - (c) gestel is ingevolge 'n beheermeganisme vir grondbenutting wat op 'n dorpsbeplanningskema neerkom; of

(d) 'n titelvoorwaarde is wat vervat is in die bylae tot 'n stigtingsvoorwaarde vir die totstandbringing van 'n dorp [in verband met grond wat in die provinsie geleë is];

en welke voorwaarde voorts bepaal dat grond slegs vir sekere doeleindes of op 'n sekere wyse benut mag word met die instemming of toestemming van enige sodanige amptenaar wat selfstandig optree, of [**alternatiewelik,**] in oorleg met die Dorpераad,

sal 'n verwysing na 'Minister', in die konteks van enige voorwaardes wat vir die benutting van grond gestel is ingevolge die voormalige Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet nr. 4 van 1984), 'Administrateur', 'Dorpераad', 'Bevoegde Owerheid', soos bepaal in artikel 235(6)(c)(ii) van die voormalige Grondwet van die Republiek van Suid-Afrika, 1993 (Wet nr. 200 van 1993), of 'Owerheid' soos bepaal in Item 14(1) van Bylae 6 tesame met Item 14(5) van dieselfde Bylae tot die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet nr. 108 van 1996), of wetgewing wat aan die Lid van die Uitvoerende Raad toegewys is ingevolge artikel 132(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet nr. 108 van 1996), of 'Beherende Owerheid'

vertolk word; mits die plaaslike owerheid 'n gemagtigde plaaslike bestuur is, as 'n verwysing na [**genoemde**] sodanige plaaslike owerheid, indien enige, wat jurisdiksie oor die gebied het waarbinne die grond geleë is."

Wysiging, opskorting of opheffing van beperkings of verpligtinge ten opsigte van grond deur gemagtigde plaaslike bestuur

5. Artikel 3 van die Hoofwet word hiermee gewysig:

- (a) deur die vervanging van subartikel 3(1)(b) met die volgende.
"(b) [die] 'n bepaling van 'n bywet of 'n dorpsbeplanningskema, of"
- (b) deur die volgende ná subartikel 3(1)(b) in te voeg:
"(c) die bepalings van 'n titel-voorwaarde vervat in die bylae tot die stigtingsvoorwaardes van 'n dorp; of
(d) die bepalings van 'n wet wat met die stigting van dorpe of dorpsbeplanning verband hou;"
- (c) deur subartikel 3(2) met die volgende te vervang:
"(2) [Die gemagtigde plaaslike bestuur sal] Onderhewig aan die bepalings van artikel 3 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet nr. 67 van 1995), mag die gemagtigde plaaslike bestuur slegs 'n beperking of verpligting wysig, opskort of ophef as die gemagtigde plaaslike bestuur [van mening is] tevrede is dat-

- (a) dit redelik en wenslik is om dit te doen ten einde die voorbereiding en goedkeuring van 'n algemene plan, die totstandbringung van 'n dorp of die ontwikkeling van enige gebied te bevorder;"
- (d) deur subartikel 3(3) met die volgende te vervang:
 - "(3) Die bepalings van subartikel (1) sal nie van toepassing wees op
 - (a) enige boulynbeperking wat gestel is deur of ingevolge artikel 9 of 9(A) van die Wet op die Adverteer langs en Toebou van Paaie, 1940 (Wet nr. 21 van 1940) of deur die Suid-Afrikaanse Padraad ingevolge die Wet op Nasionale Paaie, 1971 (Wet nr. 54 van 1971);
 - (b) enige titelvoorwaarde wat [uitvoering gee aan] mineraalregte affekteer;"

[Prosedure deur gemagtigde plaaslike bestuur wat uit eie beweging optree]

6. Artikel 4 van die Hoofwet word hiermee gewysig:
 - (a) deur die opskef van artikel 4 van die Hoofwet met die volgende te vervang:
"Prosedure [deur] waarvolgens gemagtigde plaaslike bestuur [wat] uit eie beweging mag optree";
 - (b) deur die volgende aan die einde van subartikel 4(1)(c) in te voeg:
"of per hand afgelewer, mits bewys van aflewering getoon word en"
 - (c) deur die opskef van subartikel 4(2) met die volgende te vervang:
"(2) Die kennisgewing wat in subartikel (1) beoog word sal -"

[Prosedure deur Aansoeker]

7. Artikel 5 van die Hoofwet word hiermee gewysig:
 - (a) deur die opskef van artikel 5 van die Hoofwet met die volgende te vervang:
"Prosedure [deur] waarvolgens Aansoeker aansoek doen";
 - (b) deur artikel 5(1) met die volgende subartikel te vervang:
"(1) 'n Aansoeker wat [by 'n gemagtigde plaaslike bestuur] wil aansoek doen om die wysiging, opskorting of opheffing van 'n beperking of verpligting waarna in artikel 3(1) verwys word, sal 'n aansoek op die

voorgeskrewe vorm by die gemagtigde plaaslike bestuur indien in wie se regsegebied die betrokke grond geleë is,

welke vorm vergesel sal word deur sodanige dokumente en ander besonderhede as wat deur die gemagtigde plaaslike bestuur vereis mag word."

- (c) deur artikel 5(2) met die volgende subartikel te vervang:-
"(2) As die grond met 'n verband beswaar is [sal die aansoeker die gemagtigde plaaslike bestuur] sal die aansoek vergesel wees van die verbandhouer se instemming en as enige verband op die grond geregistreer word ná die aansoekdatum, maar voor publikasie van die relevante kennisgewing ingevolge artikel 6(8), sal die aansoeker die gemagtigde plaaslike bestuur voorsien van die instemming van [die] sodanige verbandhouer tot die aansoek."
- (d) deur artikel 5(4) met die volgende subartikel te vervang:
"(a) die gemagtigde plaaslike bestuur sal daarop geregtig wees om kwytskelding te verleen ten opsigte van enige fooi wat ingevolge hierdie Wet gehef word wat andersins deur die aansoeker betaal sou moes word; en"
- (e) deur artikel 5(5) met die volgende subartikel te vervang:
"(5)(c) 'n afskrif van die kennisgewing per aangetekende pos [teen nie later nie as die publikasiedatum wat in paragraaf (a) ter sprake is, aan die grondeienaar] te stuur aan sy of haar laas bekende adres of dit per hand aflewer, mits bewys van aflewering getoon kan word aan;
(i) die eienaar van [enige] grond [as die aansoeker nie die eienaar van sodanige grond is nie] aangrensend aan of wat 'n gemeenskaplike grens met [sulke] sodanige grond deel (wat spesifiek enige grond insluit wat slegs deur 'n pad geskei word); [en enige sodanige ander] en
(ii) persone [soos die gemagtigde plaaslike bestuur mag aangewys deur die gemagtigde plaaslike bestuur, skriftelik, binne sewe dae ná ontvangs van die aansoek op grond daarvan dat [sodanige persoon direk deur die aansoek geaffekteer mag word, per aangetekende pos gerig aan sy of haar laasbekende adres] die aansoek hulle direk mag affekteer;

teen nie later nie as die publikasiedatum wat in paragraaf (a) ter sprake is."

- (f) deur die opskrif van subartikel 5(6) met die volgende te vervang:
Die kennisgewing wat in subartikel (5) beoog word sal -"
- (g) deur artikel 5(8) met die volgende subartikel te vervang:
 - "(8) (a) Binne 'n tydperk van 14 dae na afloop van die tydperk wat toegelaat word vir besware beoog in artikel 5(6)(c), sal die gemagtigde plaaslike bestuur 'n afskrif van elke beswaar wat ontvang is per aangetekende pos aan die aansoeker stuur of dit per hand aflewer.
 - (b) Die aansoeker mag skriftelik op hierdie besware reageer binne 28 dae na afloop van die datum van posversending of aflewering per hand, en die respons by die gemagtigde plaaslike bestuur indien."

Oorweging van aansoeke deur gemagtigde plaaslike bestuur

8. Artikel 6 van die Hoofwet word hiermee gewysig:

- (a) deur subartikel 6(1) met die volgende te vervang:-
 - "(1) By verstryking van die tydperk wat in artikel 4(2)(b) of artikel 5(6)(c) gespesifieer word, en nadat die aansoeker die [instemming wat in artikel 5(2) ter sprake is verskaf het en] geleentheid gebied is om te reageer ooreenkomsdig artikel 5(8), sal die gemagtigde plaaslike bestuur 'n datum, tyd en plek bepaal vir die aanhoor van die aansoeker, diegene wat beswaar aanteken en ander persone wat voorleggings in verband met die aansoek maak."
- (b) deur die volgende subartikel ná subartikel (1) in te voeg:
 - "(1A) Die gemagtigde plaaslike bestuur mag na goeddunke die vereiste om 'n aanhoorgeleentheid te bied ten opsigte van aansoeke wat geensins bestreden is nie tersyde stel."
- (c) deur subartikel 6(2) met die volgende te vervang:
 - "(2) Die gemagtigde plaaslike bestuur sal die aansoeker, elke persoon wat beswaar aangeteken het, elke persoon wat voorleggings gemaak het, en elke persoon wat volgens die gemagtigde plaaslike bestuur enige belang by die saak het, in kennis stel van die datum, tyd en plek van die aanhoorgeleentheid per aangetekende pos, of per hand, mits bewys van aflewering getoon kan word, welke kennisgewing sal geskied volgens

voordeur van die gemagtigde plaaslike bestuur [en] ten minste 14 dae voor die datum van die aanhoorgeleentheid mits sodanige aanhoring plaasvind: [Met] met dien verstande dat enige kennisgewing wat per aangegetekende pos gestuur word geag ontvang sal wees binne 10 dae na die versendingsdatum, tensy die geadresseerde die teendeel bewys."

- (d) deur subartikel 6(7) met die volgende te vervang:

"(7)(a) Die gemagtigde plaaslike bestuur sal binne 42 dae ná die aanhoorgeleentheid wat in subartikel (3) ter sprake is, of ná nakoming van artikel 5(7) indien geen aanhoring plaasvind nie die [aansoek] saak oorweeg en 'n beslissing daaroor maak.

(7)(b) Alvorens 'n besluit geneem word om die aansoek te af te keur, toe te staan of te wysig [met behoorlike inagneming van: elke beswaar wat aangeteken is, alle voorleggings wat gemaak is, en alle inligting wat verstrek is ingevolge subartikel (6), en die gemagtigde plaaslike bestuur sal die aansoek dan afkeur of toestaan op grond van welke voorwaardes dit ook al as gepas beskou]

sal die gemagtigde plaaslike bestuur grondige oorweging skenk aan:

- (i) elke beswaar wat aangeteken is;
- (ii) voorleggings wat gemaak is;
- (iii) inligting wat ingevoige subartikel (6) verstrek is;
- (iv) die voorwaardes waaronder die aansoek gemaak word; en
- (v) ander voorwaardes wat as relevant beskou word.

Appél teen beslissing van gemagtigde plaaslike bestuur

9. Artikel 7 van die Hoofwet word hiermee gewysig:

- (a) deur subartikel 7(1) met die volgende te vervang:-

"(1) Die aansoeker en [enige] persone wat teen die aansoek beswaar gemaak het en wat deur [enige] die beslissing van die gemagtigde plaaslike bestuur benadeel is, mag binne 'n tydperk van 28 dae ná publikasie van die kennisgewing wat in artikel [6(10)] 6(8) ter sprake is, of binne 'n

tydperk van nie langer nie as 28 dae, volgens vergunning van die Registrateur, tot die [Dorpераad] LUR appelleer deur kennis van appéel op die voorgeskrewe vorm by die Registrateur in te dien, en sal die gemagtigde plaaslike bestuur terselfdertyd voorsien van 'n afskrif van [sodanige] die kennisgewing."

(b) deur subartikel 7(2) met die volgende te vervang:

"(2) 'n Aansoeker of beswaarde wat benadeel is deur die weiering of onredelike vertraging van die gemagtigde plaaslike bestuur om 'n beslissing te maak soos beoog in subartikel (1), mag te eniger tyd tot die [Dorpераад] LUR appelleer deur kennis van appéel op die voorgeskrewe vorm by die Registrateur in te dien, en sal die gemagtigde plaaslike bestuur terselfdertyd voorsien van 'n afskrif van [sodanige] die kennisgewing."

(c) deur subartikel 7(3)(e) met die volgende te vervang:

"(e) die rede vir die beslissing wat in artikel [6(10)] 6(8) ter sprake is."

(d) deur subartikel 7(5) met die volgende te vervang:

"(5) In geval [enige] persone [wat] benadeel is deur-

- (i) 'n beslissing van 'n gemagtigde plaaslike bestuur ten gunste van 'n ander persoon, hierna bekend as die derde persoon;
- (ii) die weiering of onredelike vertraging van 'n gemagtigde plaaslike bestuur om 'n beslissing oor 'n aansoek te maak,

appéel tot die [Dorpераад] LUR ingevolge subartikel (1) of (2), sal die Dorpераад die derde persoon of die persoon wat in verband met die aansoek beswaar aangeteken het 'n geleentheid bied om die appéel teen te staan."

(e) deur subartikel 7(6) met die volgende te vervang:

"(6) Die Registrateur sal die appéel na die Dorpераад verwys en die Dorpераад sal 'n datum, tyd en plek vasstel vir aanhoor van die appéel, en sal elke party wat by die appéel betrokke is ten minste 14 dae voor die datum van die appéelverhoor [van die appéel] van die datum, tyd en plek van die aanhoor van die appéel in kennis stel"

(f) deur subartikel 7(7) met die volgende te vervang:

"(7) Behalwe vir 'n appéI teen 'n beslissing van 'n gemagtigde plaaslike bestuur om 'n aansoek ingevolge subartikel [5] (5)(i) goed te keur, of 'n appéI teen 'n onredelike vertraging ingevolge subartikel [5(ii)] (5)(ii), sal die appéI oorweeg word met verwysing na die transkripsie van verrigtinge wat in subartikel [3(d)] (3)(d) ter sprake is; met dien verstande dat die Dorperaad ondersoek sal instel en getuienis mag versoek wat as noodsaaklik beskou word om behoorlike oorweging van die appéI moontlik te maak.

Betaling van kompensasie

10. Artikel 8 van die Hoofwet word hiermee gewysig:

(a) deur artikel 8(1) met die volgende te vervang:-

"8(1) [Enige] 'n Persoon wat [enige] 'n belang het by grond, 'n gebou of [enige] 'n reg wat hetsy direk of indirek [enige] waardevermindering ervaar weens die wysiging, opheffing of opskorting van [enige] 'n voorwaarde of beperking of verpligting wat in artikel 3(1) beoog word, sal by aansoek geregtig wees op [sodanige] die kompensasie wat deur 'n kompensasiehof [by aansoek] wat ingevolge artikel 17 van die Ordonnansie tot stand gebring is bepaal word [mutatis mutandis].

8(2) Vir die doeleindes van hierdie artikel sal die bepalings van artikel 44 en regulasie 27 van die [Dorpsbeplanning- en Dorpe-] Ordonnansie, [1986] met die nodige veranderings geld.

[Inwerkingtreding van die goedkeuring van 'n aansoek]

11. Artikel 9 van die Hoofwet word hiermee gewysig:

- (a) deur die opskef van artikel 9 van die Hoofwet met die volgende te vervang:
"Inwerkingtreding van [die goedkeuring van 'n] 'n goedgekeurde aansoek";
- (b) deur aanpassing van die nommer van artikel 9[1] na artikel 9;
- (c) deur artikel 9 van die Hoofwet met die volgende te vervang:
"9[(1)] 'n Goedgekeurde aansoek soos beoog in artikel [6(7)] 6(8) sal in werking tree op die datum bepaal in die kennisgewing wat in daardie artikel beoog word, welke datum-

[a](1) sal wees, in geval -

[i](a) beswaar aangeteken is of voorleggings gemaak is; of

[iii](b) die aansoek goedgekeur is onderworpe aan 'n wysiging, 'n datum nie minder nie as 28 dae vanaf die publikasiedatum van die kennisgewing; met dien verstande dat as 'n appéel aangeteken word, die aansoek nie in werking sal tree nie totdat [die appel goedgekeur is] kennis van die appéelbeslissing verstrek is ingevolge artikel 7(16);

[b](2) in enige ander geval, die publikasiedatum van die kennisgewing."

Goedkeuring in verband met die wysiging, opskorting of opheffing van beperkings of verpligte

12. Artikel 10 van die Hoofwet word hiermee gewysig:

(a) deur subartikel 10(1) met die volgende te vervang:

"(1) [onmiddellik nadat] Nadat enige goedgekeurde aansoek ingevolge artikel 9 in werking getree het, sal die eienaar die oorspronklike titelakte aan die Registrateur van Aktes voorlê om die Registrateur van Aktes en die Landmeter-Generaal in staat te stel om [sodanig] die geskikte inskrywings en endosserings in [enige] 'n relevante register, titelakte, diagram of plan in hul betrokke kantore aan te bring wat nodig mag wees om die gevolg van die kennisgewing wat in artikel 6(8) of artikel 7(16) ter sprake is te weerspieël."

(b) deur subartikel 10(2) met die volgende te vervang:

"(2) Die gemagtigde plaaslike bestuur sal skriftelik per aangetekende pos, binne 'n tydperk van 28 dae na publikasie van die goedkeuringskennisgewing ingevolge artikel 6(8) of 7(16):

- (a) die houer van [enige] 'n titelakte versoek om die betrokke titelakte aan die Registrateur van Aktes voor te lê; en
- (b) [sal] 'n afskrif van [sodanig] die geskrewe versoek aan die Registrateur van Aktes stuur;

[Bydraes vir ingenieursdienste]

13. Artikel 11 van die Hoofwet word hiermee gewysig:

(a) deur die opschrif van artikel 11 van die Hoofwet met die volgende te vervang:
"Bydraes ten opsigte van ingenieursdienste, oop ruimtes of parke";

(b) deur subartikel 11(1) met die volgende te vervang:-

"(1) Wanneer 'n goedgekeurde aansoek [wat goedgekeur is] in werking [getree het] tree ingevolge artikel [8] 9, mag die gemagtigde plaaslike bestuur binne 'n tydperk van 60 dae vanaf die [aanvangs-] datum van inwerkingtreding van die goedgekeurde aansoek, die eienaar van grond wat met die aansoek verband hou per aangetekende pos aansê om 'n bydrae aan die gemagtigde plaaslike bestuur te betaal ten opsigte van die lewering van:-

- (a) die ingenieursdienste wat in Hoofstuk V van die [Dorpsbeplanning- en Dorpe-] Ordonnansie, [1986 (Ordonnansie nr. 20 van 1986)] beoog word, wanneer die verbetering of uitbreiding van sodanige dienste benodig word weens die [aanvang] inwerkingtreding van die goedgekeurde aansoek;
- (b) oop ruimtes of parke waar die [aanvang] inwerkingtreding van die goedgekeurde aansoek 'n hoër residensiële digtheid tot gevolg sal hê;

met dien verstande dat as die eienaar vantevore 'n bydrae betaal het ingevolge 'n wysiging aan 'n dorpsbeplanningskema, die onderverdeling van grond, die toestaan van goedkeuring, of die stigting van 'n dorp as deel van die proses om 'n enkele doelwit te bereik, geen verdere bydraes betaalbaar sal wees nie."

(c) deur subartikel 11(2) met die volgende te vervang:

"(2) Vir die doeleindeste van subartikel (1) sal die bepalings van artikel 63 [of] van die [Dorpsbeplanning- en Dorpe-] Ordonnansie, [1986] met die nodige veranderinge [mutatis mutandis]]" geld."

Regulasies

14. Artikel 12 van die Hoofwet word hiermee gewysig:

(a) deur subartikel 12(1) met die volgende te vervang:-

"(1) voorskrywing van die maksimum bedrag en die wyse waarop die bedrag bepaal word, wat [as fooi gehef mag word deur] 'n dorpseienaar mag hef as [bydrae] fooi vir sy of haar of hul instemming ingevolge 'n titelvoorraarde ten einde 'n beoogde benutting of onderverdeling te vergun wat [toegelaat word ingevolge] deur die toepaslike dorpsbeplanningskema gemagtig word;"

(b) deur subartikel 12(2) met die volgende te vervang:

"(2) voorskrywing van die prosedure wat deur die Dorperaad of 'n gemagtigde plaaslike bestuur, soos die geval ook al mag wees, gevolg moet word by [enige] 'n aanhoorgeleentheid, insluitende inspeksie van 'n perseel, ingevolge die bepalings van hierdie Wet;"

(c) deur subartikel 12(3) met die volgende te vervang:

"(3) verbandhoudend met [enige] aangeleenthede wat ingevolge hierdie Wet voorgeskryf mag word, en [enige] aangeleenthede wat hy of sy as nodig of wenslik mag [beskou het] beskou om die doeleindes van hierdie Wet te verwesenlik["]."

Oorgangsbeplings

15. Artikel 13 van die Hoofwet word hiermee gewysig deur artikel 13 met die volgende artikel te vervang:

"13. [Enige] 'n Aansoek om die wysiging, opskorting of opheffing van 'n beperking of verpligting soortgelyk aan dié wat in artikel 3(1) beoog word, wat gerig word ingevolge [enige] 'n wet waarvolgens die Provincie jurisdiksie het voor die aanvang van hierdie Wet, sal hanteer word kragtens die oorspronklike wetgewing, wat vir die doeleindes van [sodanige] daardie aansoek hanteer sal word asof hierdie Wet nog nie in werking getree het nie." [vir sover dit van toepassing is op plaaslike besture wat nie gemagtigde plaaslike besture is nie.]

Herroeping van wette

16. Artikel 14 van die Hoofwet word hiermee gewysig deur artikel 14 met die volgende te vervang:

"14. Die Wet op Opheffing van Beperkings, 1967, word hiermee herroep vir sover dit van toepassing is op gemagtigde plaaslike besture in die Provincie van Gauteng."

Verkorte titel en inwerkintreding

17. Hierdie Wet sal bekend staan as die Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997, en die datum waarop dit in werking getree het sal as 18 Oktober 1996 geag word.

MEMORANDUM OOR DIE DOELEINDES VAN DIE GAUTENGSE WYSIGINGSWETSONTWERP OP DIE OPHEFFING VAN BEPERKINGS, 1997

Die oorspronklike eksemplaar van die Gautengse Wetsontwerp op die Opheffing van Beperkings, 1996, is aansienlik gewysig tydens bespreking in die Staande Komitee op Ontwikkelingsbeplanning en Plaaslike Bestuur. Die wysigings is na die Gautengse Wetgewer verwys, en is aangeneem as wysigings aan die oorspronklike Wetsontwerp soos geadverteer. Die Wet en die wysigings is gepromulgeer met die datum van inwerkingtreding vasgestel as 18 Oktober 1996.

Die wysigings wat deur die Staande Komitee aan die Gautengse Wetgewer voorgehou is, is nie vir openbare kommentaar geadverteer nie. Gevolglik is 'n verskeidenheid kommentaar ontvang wat versoek het dat die Wet gewysig moet word.

Die volgende wysigings is versoek en benodig:-

- (a) om oorgangsbeplings op te klaar, en die voorwaardes waaronder die vorige Wet op die Opheffing van Beperkings, 1967 (Wet nr. 84 van 1967) herroep word, te spesifiseer;
- (b) om die proses van openbare deelname uit te brei deur aansoekers toe te laat om kennisgewings per hand af te lewer;
- (c) om weglatings by die Wet in te sluit, of om artikels van die Wet op te klaar, bv. definisies, die herskrywing van artikels tot 'n meer aanvaarbare samehang, aansoeke om appél wat tot die LUR gerig word, en beperking van die werking van die Wet tot Gauteng; en
- (d) om grammikale, tegniese, wetlike en nommer-korreksies in die Wet aan te bring.

Daar is nie gehoor gegee aan die versoek om die vereistes ten opsigte van advertensiekennisgewings te verskraal nie.

1. Die hoofrede vir wysiging van die Gautengse Wet op die Opheffing van Beperkings, 1996 (Wet nr. 3 van 1996), is die huidige bewoording van die oorgangsbeplings in artikel 13 van die Wet, waar die frase
"vir sover dit van toepassing is op plaaslike besture wat nie gemagtigde plaaslike besture is nie",
die uitvoering van die Wet belemmer.

Die probleem lê by die woord, "nie", aangesien Gauteng gemagtigde plaaslike besture het, en die omstrede frase die gevolg het dat alle aansoeke om die opheffing van beperkings wat aan die provinsie voorgelê is, verstryk het, en dat aansoekers weer sou moes aansoek doen by die gemagtigde plaaslike besture om die opheffing of opskorting

van beperkings in die titelaktes. Weens die vertragings en koste verbonde aan sodanige heraansoeke, sal beleggings ter waarde van miljoene Rande verlore gaan, sowel as duisende werkgeleenthede.

As die omstredre frase nie verwyder word nie, kan die Provinse van Gauteng die situasie in die gesig staar dat alle beslissings wat sedert 18 Oktober 1996 geneem is, ongeldig sou wees.

2. Die noodsaak om die oorgangsbeplings van die Gautengse Wet op die Opheffing van Beperkings, 1996, te wysig, het die geleentheid geskep om alle ander wysigings wat versoek is aan te bring, welke wysigings nou in die Wysigingswetsontwerp opgeneem is.
3. Dit is ook nodig om voorsiening te maak vir die insluiting van wysigings aan artikels wat as gebreke in die Wet uitgewys is tydens die eerste ses maande van die werking daarvan. Dit sluit in bygewerkte en gewysigde definisies, die omvang van voorwaardes wat deur hierdie Wet gewysig kan word, en die diskresie om die vasgestelde vereistes van die Wet ter syde te stel wat perseelinspeksies, aanhoorgeleenthede en die aflewering van kennisgewings betref.
4. Grammatikale en wetlike onnethede vereis regstelling. Ander wysigings sluit in opklaring van gesagsverwisseling, opeenvolgende artikelnummers wat foutief was, spelfoute, verwysings na die Grondwet en die funksie van die LUR teenoor dié van die Dorperaad in verband met hantering van appélsake.
5. Dit was voorts nodig om die afhandeling van aansoeke te versnel deur tydsraamwerke waarbinne beslissings gemaak moet word by die Wet in te sluit.
- 6(a) Die lang titel van die Wet word gewysig ten einde die gebiede van jurisdiksie van die gemagtigde plaaslike besture te identifiseer, wat nou in die lang titel van die Wet opgeneem is, asook in die Aanhef.
(b) Die Wet is spesifiek ten opsigte van die werking daarvan. Spesifieke werkinge word nou ook in die Aanhef ingesluit.
(c) Artikel 1 van die Wet word gewysig om definisies duideliker te maak. Die volgende definisies is gewysig:-

"Aansoeker"
"Gemagtigde plaaslike bestuur"
"LUR"
"Die Ordonnansie"
"Registrateur van Aktes"
"Die Staande Komitee"
"Hierdie Wet"
"Dorperaad" en
"Oorgangsraad".

- (d) Artikel 2(1) van die Wet word gewysig om daarby in te sluit die gebruik van instemming ingevolge bylae tot stigtingsvoorwaardes van 'n dorp. Gesagsverwisseling word ook gewysig deur insluiting van die Tussentydse en Finale Grondwet, asook die insluiting van wetgewing wat aan die LUR opgedra is, maar wat ingevolge die Grondwet deur 'n plaaslike bestuur hanteer moet word.

Daar kan onderskeid getref word tussen voorwaardes wat ingevolge die titelakte gestel word, en voorwaardes wat ingevolge die dorpsbeplanningskema gestel word, en gevvolglik is die nodige veranderinge aangebring, insluitende leestekens.

- (e) Artikel 3 van die Wet word gewysig aangesien die Wet slegs voorsiening maak vir die wysiging, opskorting of opheffing van beperkings wat teen die titelakte of dorpsbeplanningskema geregistreer is ingevolge artikel 3. Sekere voorwaardes word vervat in die bylae tot proklamasievoorwaardes van dorpe, of ingevolge die stigtingsvoorwaardes van die dorp. Die Wetsontwerp maak voorsiening vir die wysiging, opskorting of opheffing van hierdie voorwaardes.

Geringe tegniese wysigings is ook aan die bewoording van die Wet aangebring.

- (f) Artikel 4 van die Wet word gewysig om voorsiening daarvoor te maak dat kennisgewings per hand afgelewer kan word, op voorwaarde dat bewys van aflewering getoon kan word, in plaas daarvan dat kennisgewings per pos gestuur moet word.

Hierbenewens was tegniese wysigings ook nodig.

- (g) In artikel 5(2) van die Wet word voorsiening gemaak vir verkryging van die verbandhouer se instemming. Ontwikkelaars het versoek dat hierdie subartikel in twee opsigte gewysig moet word. Eerstens het hulle versoek dat die verbandhouer se instemming nie verpligtend moet wees nie, maar dat die verbandhouer eerder slegs kommentaar hoef te lewer op die aansoek. Tweedens het hulle versoek dat die afwesigheid van hetsy instemming of kommentaar, nie die afhandeling van die aansoek moet vertraag nie, en dat instemming of kommentaar slegs die besluitnemer hoef te bereik voordat 'n beslissing gemaak word. Plaaslike besture het daarop aangedring dat die aansoek nie volledig is sonder die verbandhouer se instemming nie. Hulle weier om 'n aansoek te oorweeg alvorens alle vereiste dokumentasie nie ingehandig is nie. Die verbandhouer het 'n tasbare reg en gevestigde belang, wat nie ontken kan word nie, veral as 'n aansoek gerig word vir verandering van grondbenutting wat tot 'n laer waarde as wat tans die geval is kan lei. Die bewoording van artikel 5(2) van die Wet word gewysig om dit duidelik te maak dat die verbandhouer se instemming wel benodig word, en dat dit die aansoek moet vergesel.

'n Aansoeker se alternatief om kennis per handaflewering te gee word by hierdie artikel ingesluit.

Grammatikale, tegniese en wetlike wysigings was ook nodig.

- (h) Artikel 6(1) van die Wet maak slegs voorsiening vir aansoeke wat deur privaat-aansoekers gemaak word. Aansoeke deur gemagtigde plaaslike besture wat uit eie beweging optree is wegelaat, en word nou ingesluit.

Die doelwit van die Wet is om die afhandeling van aansoeke te verhaas ten einde ontwikkeling te stimuleer. Sekere aansoeke benodig ook nie 'n perseelinspeksie en volle aanhoorgeleenheid nie.

Die gemagtigde plaaslike bestuur kan dus na goeddunke besluit om nie 'n perseelinspeksie uit te voer nie, en/of om nie 'n volle aanhoorgeleenheid te bied nie, indien geen beswaar teen die aansoek aangeteken is nie.

Tegniese wysigings is ook voorgestel vir artikel 6 van die Wet.

- (i) Artikel 7 van die Wet maak dit nie duidelik waar appél aangeteken moet word nie. Dit is wel duidelik dat die LUR oor die appél beslis ná verwysing na die Dorperaad, maar ingevolge die Wet wil dit voorkom of die appél tot die Dorperaad gerig word. Artikel 7 word gewysig om dit duidelik te maak dat appél by die LUR aangeteken moet word.

Tegniese wysigings ten opsigte van nommERVERWYSINGS is in hierdie artikel gemaak.

- (j) Artikel 8 van die Wet aangaande die betaling van kompensasie is grammatikaal en wetlik onnet, en is nou reggestel.

- (k) Artikel 9 van die Wet wat met die inwerkingtreding van 'n goedgekeurde aansoek te make het, is wetlik onnet, en is reggestel.

- (l) Weens die wysiging van opeenvolgende nommERVERWYSINGS van voorafgaande artikels, is artikel 10 van die Wet gewysig, en die onderskeie funksies van die gemagtigde plaaslike bestuur is van mekaar geskei.

- (m) Artikel 11 van die Wet is grammatikaal en wetlik onaanvaarbaar. Die opskrif verwys net na bydraes vir ingenieursdienste, terwyl die artikel ook voorsiening maak vir bydraes ten opsigte van oop ruimtes en parke. Dit is nou reggestel.

Ten einde dubbelbetaling van bydraes te verhoed, maak die Wet voorsiening vir uitsonderings, maar dit sluit nie die onderverdeling van grond, toestemingsgebruiken of dorp-stigting in nie, wat elk 'n eie reëling het vir die betaling van bydraes. Hierdie wysiging van grondbenutting is in hierdie artikel vrygestel van bydraes.

- (n) Artikel 12(3) van die Wet maak slegs daarvoor voorsiening dat die LUR eenmalig regulasies kan maak oor ander verwante sake (die verlede tyd vorm van "oorweeg" word gebruik). Die LUR sal nou die diskresie hê om regulasies te maak soos en wanneer dit benodig word.

Tegeniese wysigings is aangebring.

- (o) Die frase, "vir sover dit van toepassing is op plaaslike besture wat nie gemagtigde plaaslike besture is nie", in artikel 13 skep wetlike probleme. Hierdie frase is reggestel.
- (p) Artikel 14 van die Wet word gewysig om duidelik te bepaal dat die Wet op die Opheffing van Beperkings, 1967, herroep word met verwysing na gemagtigde plaaslike besture, en slegs binne dieregsgebied van die Provinsie van Gauteng.
- (q) Artikel 15 van die Wet handel oor die verkorte titel en terugwerkende inwerkingtreding van die Wysigingswetsontwerp.

PEGOKAKARETŠO**PEGO 3448 YA 1997****PILI YA KAONAFATŠO YA DIKILETŠO YA TLOŠO GAUTENG, 1997.**

Go ya ka Molao 132(1) ya Molao wo o Šomago wa Mmušo wa Profense ya Gauteng, Pili ya Kaonafatšo ya Dikiletšo tša Tlošo Gauteng, 1997, mmogo le memorantano go ya ka Molao 134, e a phatlalatšwa go fa batho meleatša ka kakaretšo.

Motho ofe kapa ofe goba mokgahlo woo o ratago go ntšha maikutlo ka ga Pili yeo e boletšwego a ka tliša ngongorego ya gagwe ka go ngwalela go Mongwaledi wa Mmušo wa Profense ya Gauteng pele ga 24 Nofemere 1997 atreseng ye:

The Office of the Secretary

Gauteng Provincial Legislature

Private Bag X52

JOHANNESBURG

2000

Ka taolo ya Mongwaledi
wa Mmušo wa Gauteng

Moswaramarapo wa Komiti yeo e Somago ya Kagole
Mmušo wa Segae.

TSEBIŠO YA TLHALOSOKAKARETŠO

[] Mantšu ao a ntshofaditšwego ka gare ga mašakana a laetša tlogelo go tšwa go tirišo ya bjale.

Mantšu ao a thaletšwego ka mothalo woo o kgomaganego a laetša dikoketšo go tirišo ya bjale.

PILI YA KAONAFATŠO YA DIKILETŠO YA TLOŠO YA GAUTENG, 1997.

Go kaonafatša Molao wa Dikiletšo wa Tlošo wa Gauteng, 1996 ka go oketša ka ditlhaloso le go kaonafatša tše dingwe; go hhalosa ka bottlalo tšhutišo ya bolaodi; go godiša boemo bja mabaka ao a ka kaonafatšwago ke Molao; go phošolla tatelano ya dikarolo tša kaonafatšo; go phošolla thušo go ya ka ditirelo tša boentšenere, go bulu dikgoba goba diphaka, go hhalosa ditšweletšo tša phetogo le go thuša ditabeng tše amanago le seo.

E PHETHAGATŠWE ke Mmušo wa Profense ya Gauteng ka tsela ye:

1. Ka go šuthiša Molaotheo ka go šomiša mantšu ao a phurulogilego:

"Go fa bolaodi bja selete bjo bo dumelitšwego maatla a go kaonafatša, go fega goba go tloša dikiletšo goba ditlamo go ya ka naga yeo e lego taolong ya bjona; go thuša ka ditaetšo ka go lengwalo la bong go šomišwa bjalo ka taetšo go bolaodi bja segae bjo bo dumelitšwego, go thuša ka taolo ya ditefelo tše di bewago ke beng ba makheišene go ya le ka tumelano yeo e tsongwago ke bakgopedi; go fedisa Tlošo ya Molao wa Dikiletšo, 1967 (Molao 84 wa 1967) go ya le ka fao o šomago lefelong la bolaodi bja segae bjo bo dumelitšwego.; le go thuša mabakeng a mangwe ao a ka amanago le seo."

2. Ka go šuthiša dikarolo tša Pulamadibogo tša Molaotheo ka tsela ye:

"Le ge eba go bohlokwa go fa bolaodi bja segae bjo bo dumeletšwego maatla a Profense ya Gauteng [go ka phedišo ya]

go kgontšha bolaodi bja segae bjo bo dumeletšwego go tšeа sephetho ka go kaonafatša, go fega goba go fediša mabaka a go šitiša, goba ditlamo go ya ka naga [go dumelala gore diphetho tša mohuta woo di tšewe ke bolaodi bja segae bjo bo dumeletšwego] yeo e lego lefelong leo le lego ka tlase ga taolo ya bjona.

LE GE E LE GORE go bohlokwa go lekola kaonafatšo, phego goba phedišo ya mabaka ao a šitišago goba ditlamo [phedišo ya dikiletšo] go thuša kago ya mmakgonthe.."

Kaonafatšo ya karolo 1 ya Molao 3 wa 1996

3. Karolo 1 ya Molao wa Dikiletšo wa Tlošo wa Gauteng, 1997(ka morqgo ga mo o bitšwa Molaotheo) o kaonafatšwa ka tsela ye:

(a) ka go šuthiša tlhaloso ya "Mokgopedi" go ya gore "Mokgopedi" e šupa: [mong naga]

(i) motho yoo a ngwadištšwego e le mong wa naga mme leina la naga ya ba la molatedi [yeo motho a ka e botšišago] goba

(ii) bolaodi bja segae bjo bo dumeletšwego ge bo ikemetše ka bo bjona"

(b) ka go fetoša tlhaloso ya "**Bolaodi bja segae bjo bo dumeletšwego**" ka tsela ye:

"**Bolaodi bja segae bjo bo dumelšwego**" bo šupa khansele ya phetogo yeo e begilwego go ba bolaodi bja segae bjo bo dumelšwego go ya ka karolo 2(1) ya Molawana wa [Peakanyo ya Toropo le Makheišene] [1996 (Molawana wa 1996 wa bo 15 wa 1986)]."

(c) ka go fetoša tlhaloso ya "**MEC**" ka tsela ye:

"**MEC**" e šupa leloko la Khansele ya Bokhuduthamaga ya Profense yeo e nago le maikarabelo mo go Peakanyo ya Kago mme e begwago nako le nako ke Tona ya Mmušo wa Gauteng."

(d) ka go kaonafatša tlhaloso ya "**Molawana**" ka go oketša ka mantšu a bofelong: "[Molwanaa 15 wa 1986]".

(e) ka go kaonafatša tlhaloso ya "**Mongwadiša Kwano**" ka go oketša mantšu a a latelago bofelong: "yoo a nago le boikarabelo ka bongwadišo bja Kwano lefelong leo naga e lego gona".

(f) Ka go oketša morago ga ga tlhaloso ya "**Mongwadiša Kwano**" ka tlhaloso ye e latelago:

"1(8A) "**Komiti yeo e Šomago**" e šupa Komiti yeo e swaraganego le ditaba tša Peakanyo ya Kago le Mmušo wa Segae, tše di hlomilwego go ya ka Melao yeo e Šomago ya Mmušo wa Profense ya Gauteng yeo e dirilwego go ya ka karolo 116 yeo e badilwedo le Ntlha 10(4) ya Seripa 6 ya Molaotheo wa Repabliki ya Africa Borwa, 1996 (Molao 108 wa 1990)".

(g) ka go fetoša tlhaloso ya **Molao wo**" ka go oketša ka mantšu a bofelong bja seo: "e dirilwe ka tlase ga karolo 12".

(h) Ka go fetoša tlhaloso ya P"**Poto ya Makheišene**" ka tlhaloso ye e latelago: **Poto ya Makheišene**" e šupa Poto ya Makheišene yeo e hlometšwego Profense ka tlase ga karolo 3 ya Molawana wa [Peakanyo ya Toropo le Makheišene], [1986] goba institute efe kapa efe yeo e ka hlongwago bjalo ka tateledi ya semolao ya Poto ya Makheišene", le

(i) ka go fetoša tlhaloso ya "**Khansele ya Phetogo**" ka tlhaloso ye e latelago "**Khansele ya Phetogo**" e šupa khansele ya phetogo yeo e hlomilwego go ya ka [karolo 8] karolo 10(3)(a) yeo e

badilwego le karolo 8(3) ya Molao wa Phetogo wa Mmušo wa Segae, 1993 (Molao 209 wa 1993) goba tateledi ya wona ya semmušo.

Kemelo ya Bolaodi

4. Karolo 2 ya Molaotheo mo e a fetošwa ka go emela karolo 2(1) ya karolwana ye e latelago:

"2(1) Go tloga ka letšatši leo Molao wo o thomago ka lona, lebakeng la boemo go ya ka naga

yeo e lego ka gare ga Profense ya Gauteng, boemo bjoo e le:

- (a) [boemong bofe kapa bofe] bjo bo ngwadišitšwego kgahlanong le [efe kapa efe] kwano ya bong goba kwano ya khirišo, goba
- (b) [yeo e] beilwego ka tlase ga skimi sengwe le sengwe sa peakanyo ya toropo, goba
- (c) e beilwego ka tlase ga tsela ya taolo ya naga yeo e nago le mohola wa skimi sa peakanyo ya toropo; goba
- (d) boemo bja sehlogo seo se lego go šetulo go boemo bja pego ya go hloma lekheišene [**yeo e sepetšanago le naga yeo e lego ka gare ga profense**];

boemo bjoo go iša pele bo laetšago gore naga e ka šomišwa fela meholeng ye itšego, goba ka tsela ye itšego ka tumelano goba turneletlo ya tšhomiso ya mohuta woo, e tšeа karolo [**ka bo yona**], goba [**ka lehlakoreng le lengwe**], ka go ikopanya le Poto ya Makheišene'

go bolela ka "Tona" boemong bja tšhomiso ya naga efe kapa efe bjo bo beilwego ka tlase ga Molao wa Tšwelotšopele ya Baagi ba Bathobaso, 1984 (Molao 4 wa 1984) woo o phumutšwego, "Moamogedi", "Poto ya Makheišene", "Setsebi", bjalo ka ge e bolelwa go ya ka karolo 235(6)(c)(ii) go Molaotheo wa Ripabliky ya Afrika Borwa, 1993 (Molao 200 wa 1993) woo o phumutšwego,, goba "Bolaodi" go ya le ka fao bo bolelwago go ya ka Hlogwana 14(5) ya Šetulo ya Molaotheo wa Ripabliky ya Afrika Borwa, 1996(Molao 108 wa 1996) goba go bea molao go go

filwego Leloko la Khanselephetiši go ya ka karolo 132(2) ya Molaotheo wa Ripabliki ya Afrika Borwa, 1996(Molao 108 wa 1996) goba "Bolaodi bjo bo lego Taolong"

ge eba bolaodi bja segae ke bolaodi bja segae bjo bo dumeletšwego, bo tla tšewa go ba taetši go bolaodi bja segae bjo bo dumeletšwego [bjo bo boletšwego], ge bo le gona, mme bo na le taolo lefelong leo naga e lego gona."

Phetošo, Phego goba phedišo ya dikiletšo goba ditlamo go ya ka naga ka bolaodi bja segae bjo bo dumletšwego.

5. Karolo 3 ya Molaotheo e fetolwa ka tsela ye:

(a) ka go fetoša karolwana 3(1)(b) ka tsela ye:

"(b) tšweletšo ya molawana goba wa skimi sa peakanyo ya toropo; goba"

(b) ka go oketša ka morago ga karolwana 3(1)(b) tše latelago:

"(c) ditšweletšo tša boemo bja bong yeo e lego go šetulo ya go bea makheišene, goba

(d) ditšweletšo tša molao woo o amanago le tlhomo ya makheišene goba peakanyo ya

toropo."

(c) ka go fetoša karolwana 3(2) ka tsela ye:

"(2) [Bolaodi bja segae bjo bo dumeletšwego bo tla] bo laelwa ke ditšweletšo tša karolo 3 ya Molao wa Tšweletšopele, 1995 (Molao 67 wa 1995), bolaodi bja segae bjo bo dumeletšwego bo ka fetoša fela, bja fega goba bja fedisa kiletšo goba tlamo moo bolaodi bja segae bjo bo dumeletšwego bo [nago le kgopololo] bo kgotsofetšego gore:

(a) go na le lebaka mme go bohlokwa go phetha seo e le gona go godiša tokišo le kamogelo ya polanekakaretšo, tlhomo ya lekheišene, goba tšweletšopele ya lefelo lefe kapa lefe,"

(d) ka go fetoša karolwana 3(3) ka tsela ye:

"(3) Ditšweletšo tša karolwana (1) di ka se šome go -

(a) kiletšo ya tselakago efe kapa efe yeo e beilwego ke goba ka tlase ga karolo 9 goba 9(A) ya [boithekiši] Boithekiši mo Ditseleng le Molao wa Tšwelotšopele ya Ribone, 1940 (Molao 21 wa 1940) goba o beilwego ke Poto ya Ditsela ya Afrika Borwa go ya ka Molao wa Ditsela wa Bosetšhaba, 1971 (Molao 54 wa 1971),

(b) boemo bofe kapa bofe bja thaetlele [bo thušago] bo amago ditokelo go diepša,"

[Tsela ka bolaodi bja segae bjo bo dumeletšwego ka kwano ya bjona]

[Tshepedišo ka bolaodi bja segae bjo bo dumeletšwego]

6. Karolo 4 ya Molaotheo e fetolwa ka tsela ye e latelago:

(a) ka go fetoša hlogo ya karolo 4 ya Molaotheo ya se se latelago:

"Tshepedišo moo elego gore bolaodi bja segae bjo bo dumeletšwego bo ka soma ka bo bjona";

(b) ka go oketša tše latelago bofelong bja karolwana 4(1)(c): -

goba tša tlišwa ka letsogo, mme taetšo ya bohlatse bja thomelo e laetšwe le"

(c) ka go fetoša hlogo ya karolwana 4(2) ka se se latelago:

"(2) Pego yeo e boletšwego karolwaneng (1)e tla:-

[Tshepedišo ka Mokgopedi]

7. Katrolo 5 ya Molaotheo e fetolwa ka tsela ye e latelago:

(a) ka go fetoša hlogo ya karolo 5 ya Molatotheo ka tsela ye:

"Tshepedišo moo e lego gore Mokgopedi o dira kgopelo";

(b) ka go fetoša karolo 5(1) ka tše di latelago:

"(1) Mokgopedi yoo a ratago go dira kgopelo [**go bolaodi bja segae bjo bo dumeletšwego**] go kaonafatša, go fega goba go fediša dikiletšo goba tlamo tše di boletšwego go karolo 3(1), o tla romela lengwalo la kgopelo go bolaodi bja segae bjo bo dumeletšwego **bjoo naga yeo go bolelwago ka yona e lego taolong ya bjona**. Kgopelo yeo e tla dirwa fomong yeo e dumeletšwego. Fomo yeo e tla felegetšwa ke mangwalo le ditlhaloššo tše di ka tsongwago ke bolaodi bja segae bjo bo dumeletšwego."

(c) ka go fetoša karolo 5(2) ya karolwana ye e latelago:

"(2) Ge naga e šitišwa ke tlamo [**mokgopedi o tla fa bolaodi bja segae bjo bo dumeletšwego**] **kgopelo e tla felegetšwa ke tumelelo ya mongtlamo** mme ge e le gore go na le tlamo yeo e ngwadištšwego ka naga ka morago ga letsatši la kgopelo, efela e le pele ga phatlalatšo ya pego ya maleba ka tlase ga karolo 6(8), mokgopedi o tla laetša bolaodi bja segae bjo bo dumeletšwego tumelo ya mongtlamo **go kgopelo**."

(d) ka go fetoša karolo 5(4)(a) ka karolwana ye e latelago:

"(a) bolaodi bja segae bjo bo dumeletšwego bo tla ba le maatla a go bea tefelo efe kapa efe yeo e **beilwego go ya ka Molao** yeo e ka bego e lefilwe ke mokgopedi, le"

(e) ka go fetoša karolo 5(5)(c) ya karolwana ye e latelago:

'(5)(c) romela khopi ya pego [pele ga letšatši la phatlalatšo leo le boletšwego temeng ya (a), go mongnaga] ka poso ya go ngwadišwa, gommē e lebišwe go atrese ya gagwe ya bofelo yeo e tsebjago, goba e romelwe ka letsogo, ge eba bohlatse bja thomelo bo ka laetšwa, go:

(i) mong wa naga [lefe kapa efel] [ge eba mokgopedi ga se mong wa naga ye] a dulago go goba a hlakanetše mollwane le naga [yeo] (gabotsebotse go akaretša nagna efe kapa efe yeo e e aragogantšwego ke tsela); [le efe kapa efe] le

(ii) batho [bjalo ka ge bolaodi bja segae bjo bo dumeletšwego bo ka] [laetša] bo laetšwe ke bolaodi bja segae bjo bo dumeletšwego, ka go ngwala nakong ya matšatši a šupa a go amogelwa ga kgopelo mo mabakeng a gore [motho yoo a ka angwa thwii ke kgopelo, ka poso ya go ngwadišwa e lebišitšwe atreseng ya bofelo yeo e tsebjago] kgopelo e ka ba ama thwii;
pele ga letšatši la phatlalatšo yeo e lebišitšwego temeng ya (a)

(f) ka go fetoša hlogo ya karolwana 5(6) ka tše latelago:

"(6) Pego yeo e boletšwego go karolwana (5) e tla-"

(g) ka go fetoša karolo 5(8) ka karolwana ye e latelago:

"(8)(a) Lekakeng la matšatši a 14 ka morago ga sephetho sa nako yeo e dumeletšwego go dira dikganetšo tše di boletšwego go karolo 5(6)(c), bolaodi bja segae bjo bo dumeletšwego bo tla romela khopi ya kganetšo enngwe le nngwe yeo e amogetšwego go mokgopedi ka poso ya go ngwadišwa, goba ya romela ka letsogo.

(b) Mokgopedi a ka fetola dikganetšo tše di go ngwala mo lebakeng la matšatši a 28 go tloga letšatšing la go romela ka poso goba ka letsogo, mme a tliša phetolo go bolaodi bja segae bjo bo dumeletšwego."

Tšhetšo ya kgopelo ka bolaodi bja segae bjo bo dumeletšwego:

8. Karolo 6 ya Molaotheo e fetolwa ka tsela ye:

"(1) Bofelong bja nako yeo e laeditšwego go karolo 4(2)(b) goba karolo 5(6)(c), le ka morago ga ge mokgopedi a [ge eba tumelelo yeo e boletšwego go karolo 5(2) le] filwe sebaka sa go fetola go ya karolo 5(8), bolaodi bja segae bjo bo dumeletšwego bo tla bea letšatši, nako le lefelo go tlo theeletša mokgopedi, moganetši le batho ba bangwe bao ba e lego dikemedi mabapi le kgopedi."

(b) ka go oketša ka morago ga karolwana (1) dikarolwana tše latelago:

"(1A) Bolaodi bja segae bjo bo dumeletšwego bo ka itšeela sephetho ka go tlošago ba gona ga theeletšo ka dikgopelo tše disego tša senkwa"

(c) ka go fetoša karolwana 6(2) ka tsela ye e latelago:

"(2) Bolaodi bja segae bjo bo dumeletšwego bo tla tsebiša mokgopedi, moganetši ofe kapa ofe, motho ofe kapa ofe yoo e lego kemedi, le motho ofe kapa ofe yoo, go ya ka dikgopololo tša bolaodi bja segae bjo bo dumeletšwego, a nago le kgahlego tabeng yeo, ka go mmegetša letšatši, nako le lefelo la theeletšo ka go romela lengwalo ka poso ya go ngwadišwa, goba ka letsogo, ge eba bohlatse bja thomelo bo filwe ka kgetho ya bolaodi bja segae bjo bo dumeletšwego [goba] matšatši a 14 pele ga letšatši la ditheeletšo, ge ditheeletšo tša mohuta woo di a phethwa: [Ge eba] ge eba pego efe kapa efe yeo e rometšwego ka poso ya go ngwadišwa e tla tšewa gore e amogetšwe lebakeng la matšatši a lesome go tloga ka letšatši la go romela ka poso, ntle le ge moromelwa a ganetšana le seo."

(d) ka go fetoša karolwana 6(7) ka tsela ye:

"(7)(a) Bolaodi bja segae bjo bo dumeletšwego lebakeng la matšatši a 42 ka morago ga theeletšo yeo e boletšwego go karolwana (3), goba ka morago ga go kwana le karolo 5(7), ge go se na theeletšo yeo e swerwego o tla šetša lw go tše sephetho go [mokgopedi] taba yeo.

(7)(b) Pele bo tsea sephetho sa go gana, go fa goba go kaonafatša kgopelo [go lebišitšwe gagolo gore: kganetšo efe kapa efe yeo e tšweletšwago, dikemelo ka moka tseo di dirwago, le melaetša ka moka yeo e tlšwago go bjona go ya ka karolwana (6), mme bolaodi bja segae bjo bo dumeletšwego bo ka gana, go fa kgopelo mo mabakeng ao bo bonago a swanelaj bholaodi bja segae bjo bo dumeletšwego bo tla šetša tše latelago:

- (i) kganetšo efe kapa efe yeo e dirwago;
- (ii) boemedi bjo bo dirilwego;
- (iii) melaetša yeo e filwego go ya ka karolwana (6)
- (iv) seemo seo kgopelo e dirwago go sona, le
- (v) diemo tše dingwe tseo bo di bonago di lebane

Boipiletšo kgahlanong le sephetho sa pušogae yeo e dumeletšwego

9. Karolo 7 ya Molaotheo e a fetošwa:

(a) ka go fetoša karolwana 7(1) ka tsela ye:

"(1) Mokgopedi le [mang kapa mang] batho/motho yoo a ganeditšego kgopelo, yoo a tshwentšwego ke sephetho [sese kapa sese] sa pušogae yeo e dumeletšwego, lebakeng la matšatši a 28 a phatlalatšo a pego yeo e lebišitšwego go karolo [6(10)] 6(8) goba mo nakong yeo e okeditšwego yeo e sa fetego matšatši a 28 ge Mongwadiši a dumetše, ba ka dira boipiletšo go Mongwadiši fomong yeo e dumeletšwego, mme o tla laetša sammaletee pušogae yeo e dumeletšwego kgopi ya pego [yeo]."

(b) ka go fetoša karolwana 7(2) ka tše latelago:

"(2) Mokgopedi goba moganetši yoo a ngongorišwago ke go ganetšwa goba titelo yeo e sa kwagalego ka pušogae yeo e dumeletšwego, go tsea sephetho seo se boletšwego karolwaneng (1),

nako efe kapa efe, a ka dira boipiletšo go [Lekgotla Makheišene] MEC ka go dira pego ya boipiletšo le Mongwadiši fomong yeo e dumelitšwego, mme a hlagiša sammaletee khopi ya pego [yeo] go pušogae yeo e dumelitšwego."

(c) ka go fetoša karolwana 7(3)(e) ka tsela ye:

"(e) mabaka a sephetho sa yona aoa a lebišitšwego go karolo [6(10)] 6(8)"

(d) ka go fetoša karolwana 7(5) ka tsela ye:

"(5) Moo batho motho [ofe kapa ofe] [yoo a bao ba ngongorišwago ke -

(i) sephetho sa pušogae yeo e dumelitšwego ka go hlaola motho yo mongwe, yoo ka morago a bitšwago motho wa boraro;

(ii) go ganetša goba titelo ya go se kwagale ka pušogae yeo e dunmeletšwego go fa sephetho mabapi le kgopelo,

boipiletšo go [Lekgotla la Makheišene] MEC go ya ka karolwana (1) goba (2), Lekgotla la Makheišene le tla fa motho wa boraro, goba motho yoo a dirilego kganetšo go ya ka kgopelo, a fiwa sebaka sa go thulana le boipiletšo."

(e) ka go fetoša karolwana 7(6) ka tsela ye:

"(6) Mongwadiši o tla lebiša boipiletšo go Lekgotla la Makheišene, mme Lekgotla la Makheišene le tla laetša letšatši, nako le lefelo la theeletšo ya boipiletšo, gomme le tla begela mokgahlo mang kapa mang yoo a amegago go boipiletšo ka poso ya go ngwadišwa ka ga letšatši, nako le lefelo la theeletšo ya boipiletšo matšatši go tloga go a 14 pele ga letšatši la theeletšo ya boipiletšo [**bja boipiletšo**]"

(f) ka go fetoša karolwana 7(7) ya tše latelago:

"(7) Seketša boipiletšo kgahlanong le sephetho sa pušogae yeo e dumeletšwego go dumela kgopelo go ya ka karolwana [5] (5)(i) goba boipiletšo kgahlanong le titelo yeo e sa kwagalego go ya ka karolwana [59ii]) (5)(ii), boipiletšo bo tla šetšwa ka go lebiša go ngwalollo ya ditshepetšo tše di lebišitšwego mo go karolwana [3(d)] (3)(d), ge e le gore Lekgotla la Makheišene le tla tše magato a tlhahlobo, gomme la nyaka bohlatse bjoo le bonago bo tsomega go le kgontšha go šetša boipiletšo ka tshwanelo."

Tefelo ya phumulamegokgo

10. Karolo 8 ya Molaotheo e fetolwa ka tsela ye:

(a) ka go fetoša karolo 8(1) ka tsela ye e latelago:

"8(1) Motho [**efe kapa ofe**] yoo a nago le kgahlego [**efe kapa efe**] ya naga, moago goba tokelo [**efe kapa efe**] yeo kgohlakgohlago [**bjang kapa bjang**] mohola ka baka la kaonafatšo, phedišo ya phego ya seemo [**sese kapa sese**] goba kiletšo goba tlamo yeo di boletšwego go karolo 3(1), ka go dira kgopelo o tla swanelwa ke plumulamegokgo [**yeo**] bjalo ka ge e laeditšwe ke kgoro ya phumulamegokgo [**ka go dira kgopelo**] e hlomilwego go ya ka karolo 17 ya Molawana, [mutatis mutandis]

8(2) Lebakeng la karolo ye ditšweletšo tša karolo 44 le taolo 27 ya [peakanyo ya Toropo le Makhešene] Molawana, [1986] di tla šoma le diphetošo tše di tsomegago."

[Go thoma go šoma ga kamogelo ya kgopelo]

11. Karolo 9 ya Molaotheo e a fetolwa:

(a) ka go fetoša sehlogo sa karolo 9 sa Molaotheo ka tsela ye "Go thoma [go šoma ga kamogelo ya] tshepedišo ya kgopelo yeo e amogetšwego

(b) ka go nomora ka lefsa karolo 9[1] Molaotheo go balega e le karolo 9,

(c) ka go fetoša karolo 9 ya Molaotheo ka tsela ye:

"9[(1)] Kgopelo yeo e dumetšwego yeo e boletšwego go karolo [6(7)] 6(8) e tla thoma go šoma letšatšing leo le begilwego go pego yeo e boletšwego go karolo yeo, letšatši leo

[a](1) le tla re moo-

[i](a) dikganetšo di diriwego goba boemedi bo laeditšwego, goba

[ii](b) kgopelo e ilego ya dumelwa, efela e tlamegile go kaonafatšwa, e ka ba letšatši leo le sego ka tlase ga matšatši a 28 go tloga ka letšatši la phatlalatšo ya pego, ge e le gore boipiletšo ge bo dirwa kgopelo e ka se thome go šoma go fihlela nako yeo [kgopelo e dumetšwego] pego ya sephetho mo go boipiletšo e filwe go ya ka karolo 7(16).

[b](2) bjang kapa bjang, e tla bago letšatši la phatlalatšo ya pego."

Tshaeno mabapi le diphetošo, diphego goba phedišo ya dikiletšo goba ditlamo

12. Karolo 10 ya Molaotheo e a fetolwa:

(a) ka go fetoša karolwana 10(1) ka tše latelago:

"(1)[Ka bjakwana ka morago ga fao] Ka morago ga go šoma ga tshepedišo ya go dumelwa ga kgopelo go ya ka karolo 9, mong o tla romela lengwalobohlatse la bong la mathomo go Mongadiši wa Lengwalobohlatse gore go dumelwelwe Mongwadiši wa Lengwalobohlatse le Molekodipharephare go dira matseno ao a maleba, le ditshaeno go pukungwadišo [ye nnngwe le ye nngwe] ya maleba, lengwalobohlatse la bong, sethalwa goba polane diofising tša bona ge go

tsomega gore go bonagatšwe mohola wa pego yeo e lebišitšwego go karolo 6(8) goba karolo 7(16)."

(b) ka go fetoša karolwana 10(2) ka tsela ye:

"(2) Pušogae yeo e dumelatšwego, ka go ngwala ka puongwadišo, lebakeng la matšatši a 28 a phatlalatšo ya pego ya tumelelo go ya ka karolo 6(8) goba 7(16)'

(a) kgopela mong wa lengwalobohlatse la bong [**lefe kapa lefe**] go romela lengwalobohlatse leo go Mongwadišo wa Mangwalobohlatse' le

(b) [**e tla**] tliša khopi ya kgopelo [**yeo**] ya go ngwalwa go Mongwadiši wa Mangwalobohlatse.

[Thušo ya ditirelo tša boentšenere]

13. Karolo 11 ya Molaotheo e fetolwa ka tsela ye:

(a) ka go fetoša sehlogo sa karolo 11 sa Molaotheo ka tše latelago:

"Thušo mabapi le ditirelo tša boentšenere, mafelo ao a bulegilego le diphaka";

(b) ka go fetoša karolwana 11(1) ka tsela ye:-

"(1) Moo kgopelo yeo e dumetšwego [**yeo e dumetšwego e thomilego**] e thomago go šoma go ya ka karolo [8] 9 pušogae yeo e dumelatšwego, mo nakong ya matšatši a 60 go tloga ka letšatši la go [**thoma**] thoma go šoma ga kgopelo yeo e dumetswego, ka lengwalongwadišo, a ka laela mong wa naga yoo kgopelo e mo amago, go lefela thušo go yona go ya ka ditšweletšo tša-

(a) ditirelo tša boentšenere tše di boletšwego go Kgaolo V ya [**Peakanyo ya Toropo le Makheišene**] Molawana, [1986(**Molawana 20 wa 1986**] moo go tla bago bohlokwa go thekga goba go kaonafatša ditirelo tša mohuta woo ka baka la [**go thoma**] go thoma go šoma ga kgopelo;

(b) bula dikgoba goba diphaka moo [go thoma] go thoma go šoma ga kgopelo yeo e dumetšwego go tla tliša tlalelano ya lefelo la bodulo;

ge e le gore moo mong a ilego a lefela thušo go ya ka go fetoša skimi sa peakanyo ya toropo, go aroganya naga ka diripana, go fa tumelelo goba tlhomo ya lekheišene, e le karolo ya tsela ya go fihlelela nepo e tee, ga go thušo ye nngwe yeo e tlago lefša."

(c) Ka go fetoša karolwana 11(2) ka tsela ye:

"2(2) Lebakeng la karolwana (1) ditšweletšo tša karolwana 63 [**goba**] tša [Pekanyo ya Toropo le Makheišene] Molawana, [1986] o tla šoma [**mutatis mutandis**] ka diphego tše di hlokegago."

Ditaolo

14. Karolo 12 ya Molatotheo e a fetolwa:

(a) ka go fetoša karolwana 12(1) ka tsela ye:

"(1) dumelela tšhelete ya godimo le tsela yeo tšhelete yeo e beelwago ka gona ye [e ka lefišwago bjalo ka tefelo] ke mong lekheišene a ka no lefiša bjalo ka [tšhetšo] tefelo ya go dumela ga yona go ya ka seemo sa bong, seo e le go dumelela tšhomiso yeo e akantšwego, goba karolwana yeo [e dumelatšwego go ya ka] se dumetšwego skimi sa peakanyo ya toropo seo e lego sa maleba."

(b) ka go fetoša karolwana 12(2) ka tsela ye:

"(2) go dumelela ditshepedišo tše di tlago latelwa go ya ka ditšweletšo tša Molao wo mo theeletšong [ye nngwe le ye nngwe], go akaretša le bohlahlobi bja lefelo ka Lkekgotla la Makheišene goba pušogae yeo e dumelatšwego, ge eba go bjalo."

(c) ka go fetoša karolwana 12(3) ka tsela ye:

"(3) e tswalanego le ditaba taba [eſe kapa eſe] yeo e ka dumelwago go ya ka Molao wo le ditaba taba [eſe kapa eſe] yeo a ka nogo [a e bonago] e tsomega goba e le bohlokwa [go ka dumelwa] go fihlelala dinepo tša Molao wo [""]"

Ditšweletšo tša phetogo

15. Karolo 13 ya Molaotheo i a fetolwa ka go fetoša karolo 13 ya karolo ye e latelago:

"13 Kgopelo [eſe kapa eſe] ya phetošo, phego goba go fediša ga dikiletšo goba tlamo yeo e swanago le yeo e boletšwego go karolo 3(1) yeo e dirilwego go ya ka molao [oſe kapa oſe] woo go wona Profense e nago le taolo pele ga go thoma ga Molao wo, go hola kgopelo [yeo], e tla tšewa eka Molao wo ga wa phethwa," [bjalo ka ge o šoma dipušogae tšeо e sego dipušogae tšeо di dumeletšwego.]

Phedišo ya molao

16. Karolo 14 ya Molaotheo e a fetolwa ka go fetoša karolo 14 ya karolo ye e latelago:

"14. Phedišo ya Molao wa Dikiletšo, 1967, e a fedišwa go ya le ka fao o šomago go dipušogae tšeо di dumeletšwego mo go Profense ya Gaueteng."

Hlogo ye kopana le thomo

17. Molao o o bitšwa Molao wa Phetošo wa Phedišo ya Dikiletšo wa Gauteng, 1997, mne o tla tšewa gore o thomile go šoma ka 18 Oktobere 1996.

**MEMORANDAMO WA DILO TŠA PILI YA DIPHETOŠO YA PHETOŠO YA
PHEDIŠO YA DIKILETŠO YA GAUTENG, 1997**

Pili ya Phedišo ya Dikiletšo ya Gauteng, 1969 e ile ya fetošwa gagolo ka nako ya kahlaahlo ya Komiti yeo e Šomago mo go Pekakanyo ya Tšwetšopele le Mmušo wa Segae. Diphetošo di ile tša lebišwa go Mmušo wa Gauteng mme di ile tša amogelwa bjalo ka diphetošo tša Pili ya pele bjalo ka ge e ile ya tsebišwa. Molao wo le diphetošo di ile tša tsebagatšwa mathomong a letšatsi la 18 Oktobere 1996.

Diphetošo tše latelago di ile tša kgopelwa tša be tša nyakwa -

- (a) go hlalošiša ditšeletšo tša phetogo le go hlaola mabaka ao Molao wa Phedišo ya Dikiletšo, 1967 (Molao 84 wa 1967) o fetilego o ilego wa fedišwa ka gona.
- (b) go oketša tsela ya botšeakarolo ga bohole ka go dumelela bakgopedi go tliša dipego;
- (c) go tsenya ditlgoelo go Molao goba go hlalošiša dikarolo tša Molao, mohlala, ditlhaloso, go ngwalolla dikarolo ka tsela yeo e amogelegago, boipiletšo bo bewe go MEC le go beela mollwana ditsela tša Molao go ba tša Gauteng, le
- (d) go dira diphošollo tša polelo, setekiniki, semolao le go nomora Molao,

Kgopelo ya go thapiša dipego tša ditsibišo ga tša akaretšwa.

1. Lebakalegolo la go fetoša Molao wa Phetošo wa Phedišo ya Dikiletšo wa Gauteng, 1996(Molao 3 wa 1996) ke go fa mantšu a ditšweletšo tša phetogo go karolo 13 ya Molao moo mantšu a

"moo e lego gore e a šoma go dipušogae tšeо e sego dipušogae tšeо di dumeletšwego," a thibela tlhomo ya Molao wo.

Lentšu "e sego" le hlola mathata go dipušogae tšeо di dumeletšwego di gona Gauteng mme mantšu ao go phenkišanwago ka wona a na le dipolo tša gore dikgopelo ka moka tša phedišo ya dikiletšo tšeо di rometšwego go profense di fedile mme bakgopedi ba tla swanelwa ke go kgopela gape go dipušogae tšeо di dumeletšwego go fedišeng goba go fegeng dikiletšo mo go lengwalobohlatse la bong. Ka baka la titelo ya nako le tshenyagelo ya go kgopela gape, dimilione tša diranta tša peeletšo di tla lahlegelwammogo le dikete tša sibaka tša mešomo.

Ge mantšu ao a lwešwago ga a tlošwa, Profense ya Gauteng e ka lebana le seemo sa gore dipheto ka moka tšeо di tšerwego go tloga ka 18 Oktobere 1996, di fetoge lefeela.

2. Tlhokeogo ya go fetoša ditšweletšo tša phetogo ya Molao wa Phedišo ya Dikiletšo wa Gauteng, 1996, e hlotše sebaka sa go lebelela diphetošo ka moka tšeо di kgopetšwego mme tšeо ka moka di a akaretšwa go Pili ya Phetošo.

3. Go bohlokwa go thuša ka kakaretšo goba phetošo ya dikarolo, tšeо di ilego tša hlaolwa bjalo ka diphokolo go Molao nakong ya dikgwedi tše tshela o šoma. Tšeо di akaretša ditlhaloso tše okeditšwego goba di fetotšwego, bogolo bja mabaka ao a ka fetolwago ke Molao wo le boikgopolelo bja go tloša dikgopelo tšeо di dirilwego tša Molao mabapi le tlhahlobo ya lefelo, theeletšo le go tliša ga dipego.

4. Bošaedi bja semolao le polelo bo nyaka go fedišwa. Diphetošo tše dingwe di akaretša tlhaloso mo go phetošo ya bolaodi, tatelano yeo e bego e sa ya phethwa ka tshwanelo, diphošo tša

mopeleto, boitsibišo go Molaotheo le mešomo ya MEC mabapi le Lekgotla la Makheišene go šomeng ka boipilešo.

5. Go sa le bohlokwa go kgotsofatša tlaleletšo ya dikgopelo ka go oketša dinako mo go Molao tšeо ka tšona diphetho di tla dirwago ka tšona.

6(a) Sehlogo se setelele sa Molao se a fetošwa gore go hlaolwe mafelo a pušo a dipušogae tšeо di dumelšwego, woo ga bjale o ngwatšwego ka sehlogo se setelele sa Molao mmogo le go Matseno.

(b) Molao o hlaola gore merero ya wona ke efe. Merero yeo e itšego le yona e a akaretšwa mo go Matseno.

(c) Karolo 1 ya Molaoe a fetošwa gore e be bonolo ka tlhaloso. Ditlhaloso tše latelago di fetotšwe-
"Mokgopedi"

"Pušogae yeo e dumelšwego"

"MEC"

"Molawana"

"Mongwadiši wa Mangwalobohlatse"

"Komiti yeo e Šomago"

"Molao wo"

"Lekgotla la Makheišene" le

"Khansele ya Phetogo"

(d) Karolo 2(1) ya Molao e fetolwa go akaretša tšhomisо ya tumelelano go ya ka mananeo a kgoeletšo ya lekheišene go karolo 2(1) ya Molao wa Profense. Phetošo ya bolaodi e godišwa go akaretša Molaotheo wa Motlaoswere le wa Bofelo, mmogo le kakaretšo ya go bea molao go go filwego MEC, efela, go ya ka Molaotheo, o tlamegilego go phethwa ke pušogae.

Mabaka ao a beilwego go ya ka lengwalobohlatse la bong le ao a beilwego go ya ka skimi sa peakanyo ya toropo, a hlaolega mme ka fao diphetošo di dirilwe mmogo le maswao a polelo a beilwe.

(e) Karolo 3 ya Molao e a fetolwa ka ge Molao o tšweletša fela phetošo, phego le phedišo ya dikiletšo tše di ngwadišitšwego kgahlanong le lengwalobohlatse la bong goba skimi sa peakanyo ya toropo go ya ka karolo 3. Mabaka a mangwe a akareditšwe go lenaneo la kgoeletšo ya makheišene, goba go ya ka mabaka a go hloma lekheišene. Pili e thuša ka mabaka ao a tlamegilego go fetošwa, go fegwa goba go tlošwa.

Diphetošo tše nnyane tša setekiniki di dirilwe mangwalong a Molao.

(f) Karolo 4 ya Molao e a fetolwa go tšweletša gore dipego di ka romelwa ka letsogo ge ebna bohlatse bja thomelo bo a hwetšwa, go na le gore dipego di romelwe ka poso.

Go tlaleletša, phetošo ya setekiniki e bile bohlokwa.

(g) Mo go karolo 5(2) ya Molao tšweletšo e a dirwa go hwetša tumelo ya mongtlamo. Batšwetšapele ba kgopetše gore karolwana e tlamegile go fetošwa ka ditsela tše pedi. Sa pele, ba kgopetše gore tumelo ya mongtlamo ga ya tlamega go tlama, efela e be gore mongtlamo o ntšha maikutlo mo go kgopelo. Sa bobedi ba kgopetše gore tlhokego ya tumelo goba go ntšha maikutlo di se ke tša ditela sephetho ka ga kgopelo, le gore tumelo goba go ntšha maikutlo e fihlelele motšeasephetho pele ga ge sephetho se ka tšewa. Dipušo gae di gateletše gore kgopelo ga ya felela ntle ga tumelo ya mongtlamo. Ba gana go amogela kgopelo ntle le ge mangwalo ka moka a tlišitšwe. Mongtlamo o na le tokelo ya maleba le kgahlego, yeo e ka se ganetšwego, kudu ge

kgopelo e direlwa naga yeo e fetogilego mohola go ba ka tlase ga wa bjale. Mantšu ao a šomišitšwego go karolo 5(2) ya Molao a fetolwa go hlalošša gore tumelo ya mongtlamo e a tsomega, mme e tlamegile go latelwa ke kgopelo.

Tsela yenngwe ya mokgopedi go fa pego ka letsgo e akareditšwe karolong ye.

Diphetošo tša polelo, setikiniki le semolao le tšona di di bohlokwa.

(h) Karolo 6(1) ya Molao e laetša fela ditšweletšo tša dikgopelo tše di dirilwego ke bakgopedi ba sephiring. Dikgopelo tše go tšona pušogae yeo e dumelitšwego e tšeago magato ka boyona, e be e lebetšwe mme gabajle e akareditšwe.

Maikemišetšo a Molao ke go kgotsofatša phetho ya dikgopelo gore tšwetšopele e hlohleletšwe.

Nako yeo e beetšwego mollwane e beilwe go pušogae yeo e dumelitšwego go feleletša dikgopelo.

DFikgopelo tše dingwe ga di some tlhahlobo ya lefelo le go theeletšwa ka botlalo.

Pušogae yeo e dumelitšwego ka fao e na le boikgopolelo bja go se dire tlhahlobo ya lefelo goba go theeletša ka botlalo, kudu moo dikganetšo di ilego tša dirwa.

Diphetošo tša setikiniki di a akanywa go karolo 6 ya Molao.

(i) Ga go kwešišege go karolo 7 ya Molao gore na boipiletšo bo dirwa kae. Go molaleng gore sephetho mo go boipiletšo se dirwa ke MEC ka morago ga lebiša go Lekgotla la Makheišene, efela go ya ka Molao go bonala eka boipiletšo bo dirwa go Lekgotla la Makheišene. Karolo 7 e a fetolwa go laetša gore boipiletšo bo tlamegile go lebišwa go MEC.

Diphetošo tša setikiniki mabapi le tatelano di begilwe go karolo ye.

- (j) Karolo 8 ya Molao yeo e lebišitše go tefelo ya phumulamegokgo, e na le bošaedi bja polelo le semolao, mme e phošollotšwe.
- (k) Karolo 9 ya Molao yeo e lebanego le go thoma ga dikgopelo tše di dumetšwego, e na le bošaedi bja semolao mme e beilwe ka mantšu a kaone.
- (l) Ka baka la phetošo ya tatelano ya dikarolo tše fetilego, karolo 10 ya Molao e fetotšwe mme le meholo ya pušogae yeo e dumeletšwego e arogantšwe.
- (m) Karolo 11 ya Molao bošaedi bja yona bja polelo le bja semolao ga bo amogelwe. Sehlogo se bolela fela ka thušo ya ditirelo tša boentšenere, mola e le gore karolo e tšweletša thušo go ya ka mafelo ao a bulegilego le diphaka. Se se phošollotšwe.

Go fedisa tefelo-gabedi ya thušo, Molao o tšweletša ditlogelo, efela ga o akaretše karogantšho ya naga, tšhomisyo ya tumelo goba tilhomo ya lekheišene leo lengwe le lengwe le nago le ditšweletšo tša lona tša thušo. Phetogo ye ya tšhomisyo ya naga di tlogetšwe mo go karolo.

- (n) Karolo 12(3) ya Molao e dumelela fela MEC go dira ditaelo mo ditabeng tše di sepetšanago gatee(lefatilego "seditšwego" le a šomišwa). MEC o tla ba le boikgopolelo go dira melao ge go tsomega.

Diphetošo tša semmušo di akreditšwe.

- (o) Mantšu a "go ya le ka fao e šomago go dipušogae tše e sego dipušogae tše di dumeletšwego" mo go karolo 13 di hlola bothata bja setekiniki.

Mantšu a ntshe a ile a phošollwa.

- (p) Karolo 14 ya Molao e a fetolwa go hlalošiša gore Molao wa Phedišo ya Dkiletšo, 1967 o fedišitšwe go ya ka pušogae yeo e dumelšwego, mme e le lefelong leo go bušago Profense ya Gauteng.
- (q) Karolo 15 ya Molao e lebane le sehlogo se se kopana le go thoma ka go lebelela morago ga Molao wa Phetošo.

INOTHISI KA WONKEWONKE / YOMPHAKATHI**INOTHISI 3448 KA 1997**

Umthethosivivinyo Ochibiyelayo Wase Gauteng Wokususwa kwezimo nemithethomgomu Evimbelayo nebekela imingcele , 1997 .

Ngokomthetho 132(1) ye Mithetho Esebenzayo yeSishayaMthetho Sesifunda Sase Gauteng ; uMthethosivivinyo Ochibiyelayo wase Gauteng Wokususwa Kwezimo nemithethomgomu Evimbelayo nebekela imingcele ka 1997 kanye nombiko okhumbuzana ngezindikimba zoMthetho , imemorandumu ; ngokoMthetho (Rule) 134 ; lapha uyakhishwa ukhishelwa ukwaziswa kuwonkewonke .

Noma ubani noma yiyphe inhlangano efisa ukuba nemibono ngalo Mthethosivivinyo oshivo , bangaletha imibono yabo ebhalwe phansi , bayidlulisele kuNobhala weSishayamthetho Sesifunda SaseGauteng ; ngaphambi komhlaka 24 ka November ku1997 , kulelikheli :

Ihovisi lika Nobhala
Isishayamthetho Sesifunda SaseGauteng
Private Bag X52
Egoli
2000

Ngokomthetho kaNobhala
WeSishayamthetho Sesifunda SaseGauteng

Usihlalo Wekomidi
Eliphethe Elimisilwe
Intuthuko noHulumeni
Wasekhaya

Incazeloyukucacisa amagama afakwe kubakaki nadwetshelwe

Amagama afakwe kubakaki abayizikwele [] abhalwe ngokugqamile , kuchaza okushiswayo/okushiyiwe emithethweni noma ekumisweni kwemithetho ekhona .

Amagama adwetshwelwe ngaphansi ngomugga kuchaza okufakwayo emithethweni noma ekumisweni kwemithetho ekhona .

**UMTHETHOSIVIVNYO OCHIBIYELAYO WASEGAUTENG WOKUSUSWA
KWEZIMO EZIVIMBELAYO NEMITHETHO EVIMBELAYO NEBEKELA
IMINGCELE , KA 1997 .**

Ukuchibiyela Umthetho waseGauteng Wokususwa kwezimo Ezivimbayo nemithethomgommo Evimbayo nebekela imingcele ka 1996; ngokufaka izincazelo nokuthuthukisa kwensiwe ngcono ezinye izincazelo; ukucacisa kuchazwe kahle ukushintshwa kwamandla ekuphatha; ukwandisa amandla izimo ezinokuchishiyelwa yiloMthetho ; ukulungisa ukulandelaniswa kwezinombolo zezigaba ezichibiyelwe ; ukucacisa iqhaza losizo lobunyiniyela ; izindawo ezipulekile ; ezinganalutho ; noma amapaki ; ukucacisa imibandela eguqukayo yesikhashana nokuhlinzeka ngezindaba ezimeyelana naloko .

UMA UMISIWE , yiSishayamthetho Sesisfunda SaseGauteng ; njengokulandelayo :

1. Ngokufaka isigaba esisha esilandelayo esikhundleni saleso soMthetho Wezimiso iPrinciple Act :

“Ukunika amandla , kugunyaziwe ohulumeni basekhaya noma iziphathimandla zasekhaya ezisemthethweni amaauthorized Local Authorities ukuba, zibe namandla okuchibiyela; ziyekise, zimise noma zisuse izimo ezivimbayo noma izibopho ezindaweni ezingaphansi kwazo / ezipethwe yileziphathimandla ; ukuhlinzekela ngemibandela ethile kumatayitela ukuba ishantshwe ibe imibandlela noma ithathwe njengemibandela enikezelwa iziphathimandla zasekhaya [ezisemthethweni]; ezisemthethweni ukuhlinzekela ngombandela wokulinganiselwa kwezimali ezimiswa ngabanini bamalokishi mayelana nezimvume ezifunwa ngabafaka izicelo ; ukususa kupheliswe. Umthetho Wokususwa Kwezimo Ezivimbayo ka 1967 (Umthetho Nommbolo 84 ka 1967) njengaloko ukhuluma ngezindawo ezipethwe yileziphathimandla ezisemthethweni [ezisemthethweni]; nokuhlinzekela ngezindaba ezithile ezihambisana naloku .

2. Ngokushintsha izigaba zeSingeniso (iPreamble) eMthethweni zoMthetho Wezimiso iPrinciple Act , ngaloku okulandelayo noma ngendlela elandelayo :

“ NJENGOBA kudingekile ukunikezela amandla athize kuziphathimandla okupatha isifunda SaseGauteng [mayelana nokususwa kwesimo] iziphathimandla ezigunyaziwe zinikwe amandla okunquma ukuchibiyela , ukuyekisa noma ukususa izimo ezivimbayo noma imibandela mayelana nendawo noma umhlaba osendaweni engaphansi kwazo noma ephethwe yizo. [ukuvumela ukuthi izinqumo ezinjengalezi zithathwe yiziphathimandla yasekhaya ezisemthethweni] .

FUTHI NJENGOBA NALAPHO kudingekile ukukhawulezisa ukuchubiyelwa , ukuyekiswa , noma ukususwa kwezimo nemibandela evimbelayo [ukususwa kwezimo ezivimbelayo] ukuze kuqhubekiselwe phambili intuthuko “.

Ukuchibiyelwa kwasigaba soMthetho Nombolo 3 ka 1996

3. Isigaba 1 soMthetho wase Gauteng Wokususwa Kwezimo Ezivimbelayo , ka 1997 (evma kusukela manje ngokushintshwa kwencazelo “ofaka isicelo” encazelweni elandelayo ozobizwa ngokuthi iPrinciple Act (Umthetho Wezimiso); lapha siyachitshiyelwa

(a) “ Ofaka isicelo kuchaza [umnini wendawo / womhlaba]

(i) Umuntu orejistile njengomnini womhlaba futhi nomlandelayo esikhundleni sakhe etayiteleni lomhlaba [okukhulunywa ngawo] noma

(ii) Umuntu omele umnini noma

(iii) Iziphathimandla zasekhaya ezisemthethweni iLocal Authority egunyaziwe uma isebenza ngendalela yayo

(b) Ngokushintshwa kwencazelo “ Iziphathimandla zasekhaya Ezigunyaziwe ” encazelweni elandelayo :

“ Iziphathimandla zasekhaya Ezigunyaziwe / Ezisemthethweni “ kuchazwa isigele sesikhashana esesimenyezelwe njengesiphathimandla sasekhaya esisemthethweni ngokuhambisana nesigaba 2(1) so Mthetho iOrdinance . [nomthetho wokuhlelwa kwa Malokishi namadolobha ka 1986 ; iOrdinance no 15 ka 1986]

(c) Ngokushintshwa kwencazelo ka MEC encazelweni elandelayo , kufakwe loku :

“ uMEC “ kuchaza ilungu lesigele sesigungu sesifunda iExecutive Council elibhekene nokuhlelwa kwentuthuko elibekwa izikhathi ngezikhathi nguNdumankulu kaHulumeni Wesifunda SaseGauteng .”

(d) Ngokuchibiyela incazelo “yoMthetho” obekwa isigungu esinikwe amandla Esingavamile ukubeka imithetho , iOrdinance “, ngokunezelela umusho elandelayo ekugcineni kwawo “ (iOrdinance engunombolo 15 ka 1986) “.

(e) Ngokuchibiyela incazelo ka Rejistra / UmgumiMarekhodi wezincwadi zezibopho (Registrar of Deeds “ngokunezelela umusho noma ibinzana lamagama ekugcineni “ yiloyo ophethe izincwadi zezibopho namagama abantu osebenzela indawo la kukhona khona umhlaba noma uphethe izincwadi zezibopho ezinamagama abantu okuyizincwadi zendawo la kukhona khona umhlaba “.

(f) Ngokufaka emva kwencazelo “ u Rejistra Wezincwadi zezibopho u Rejistra of Deeds”, encazelweni elandelayo :

1(8A) “ Ikomidi Elisebenzayo Elimisiwe iStanding Committee “ kuchazwa iKomiti eliphethe elisebenza ngezindaba zokuhlelwa kwentuthuko noHulumeni Wasekhaya noma abalandelayo, ikomiti elimiswe ngokomthetho ngokuhambisana nemithetho Emisiweyo yeSishayamthetho Sesifunda SaseGauteng eyenziwa ngokuhambisana nesigaba 116

kuhlangene nePhuzu 10 (4) loHla (schedule 6) Iwesithupha loMthethosisekelo waseRiphabhlikhi yase Ningizimu Afrika ka 1996 (Umthetho nombolo 108 ka 1996)

(g) Ngokuchibiyela incazel "LoMthetho" ngokunezelela ngebinzana lamagama ekugcineni kwawo "owenziwe ngaphansi kwesigaba 12"

(h) Ngokushintshisa incazel "Ibhodi yamalokishi - Township Board" ngenazel elandelayo : "Ibhodi yamalokishi" kuchazwa iBhodi yamalokishi eyaqaliswa yaqanjelwa isifunda ngaphansi kwesigaba 3 [Somthetho Wokuhlelwa kwamadolobha namalokishi] [ka 1986] SoMthetho, iOrdinance noma yiliphi iqembu noma inhlango engaqanjwa ngokusemhethweni ilandela iBhodi Lamalokishi, "futhi

(i) Ngokushintshanisa incazel "Isigele Sesikhashana - Transitional Council" ngenazel elandelayo .

" Isigele Sesikhashana - Itransitional Council" kuchazwa isigele esiqanjwe [ngokwesigaba 8] ngokwesigaba 10 (3) (a) sihlangene nesigaba 8 (3) SoMthetho kaHulumeni Wasekhaya iLocal Goverment Transition Act , ka 1993 (Umthetho Nombolo 209 ka 1993) noma ababalandelayo noma omlandelayo osemthethweni.

Ukushintshanisa kwamandla okuphatha.

4. Isigaba 2 soMthetho Wezimiso iPrinciple Act, lapha siyachitshiyelwa ngokushintshanisa kwesigaba 2(1) sesigatshana esilandelayo:

2(1) Kusukela ngosuku lokuqaliswa kwaloMthetho, ngokwesimo/esimayelana nomhlaba/nendawo engaphansi kwesifunda saseGauteng; leso simo/ loyo mbandela wokuthi

(a) [ngaphansi kwanomayimuphi umbandela] Umhlaba ubhaliswe ngetayitela noma [noma yiliphi] ngetayitela lokuqhashiselwa; noma

(b) [kube yilowo] onqunyiwe noma onqunyelwe ngaphansi kwanoma yiluphi uhlelo lokuhlela idolobha; noma

(c) Onqunyelwe ngaphansi kwesu lokusetshenziswa komhlaba, ube nokuzibonakalisa ohlelweni lokuhlelwa kwedolobha.

(d) Umandela wetayitela osehlelweni kuze kube embandeleni wokukhishwa nokumenyezelwa kokuqaliswa kwelokishi [okumayelana nomhlaba ongaphansi kwesifunda futhi]

futhi umbandela ophinde unqume ukuthi umhlaba ungasetshenziswelwa kuphela izinto ezithile noma inhoso ethile, noma ngendlela ethize ngemvume noma ngokubonisana nanoma yibaphi abamele, abasebenzayo noma [esikhundleni saloko] ngokubonisana neBhodi Lezamatokishi;

Ngokuphatelene “noNgqongqoshe” uma kukhulunywa ngemibandela yokusetshenziswa komhlaba enqunyelwe ngaphansi koMthetho owapheliswa wezindawo zabaMnyama iBlack Communities Development Act ka 1984 (Umthetho Nombolo 4 ka ka 1984); Umphathi- iAdministrator, “IBhodi Yezamalokishi” “Isiphathimandla Esifanele Esisebenzayo, nesinekhono” njengaloko kucatshangiwe ngokwesigaba 235 (6)(c)(ii) okuyisigaba Somthetho owachithwa/owapheliswa Umthethosisekelo waseRiphabhliki yaseNingizimu Afrika (uMthetho Nombolo 200 ka 1993); noma “Ogunyaziwe” ukuthi aphaphe njengaloko kubekiwe kucatshangelwe ngokwe phuzu 14(1) loHlelo 6 lifundwa lihlanganisa nephuzu 14(5) loHlelo lona lolo loMthethosisekelo WaseRiphabhliki yaseNingizimu Afrika ka 1966 (Umthetho no 108 ka 1996) noma umthetho onikezwe, okumele wenziwe yiLungu Lesigungu Lesigele (uMEC) ngokwesigaba 132(2) soMthethosisekelo WaseRiphabhliki yaseNingizimu Afrika ka 1996 (Umthetho nombolo 108 ka 1996) noma “ogunyaziwe ophethe” Kuyofanele kuthathwe njengereferensi kuleso siphathimandla sasekhaya esigunyaziwe [esishiwoyo], uma isiphathimandla sasekhaya siyisiphathimandla esigunyaziwe uma sikhona, okuyisiphathimandla esinamandla okuphatha kuleyondawo la kakhona khona umhlabu

Ukuchibiyelwa, ukumiswa/ukuyekiswa noma ukususwa kwezimo ezivimbelayo noma izivumelwano ezipathimandla zasekhaya ezigunyaziwe.

5. Isigaba 3 soMthetho weZimiso iPrinciple Act lapha uyachibiyelwa:

(a) ngokushintshanisa isigatshana 3(1) ngokulandelayo:

- (b) ukuhlinzekelwa komthetho obekwe ngumasipala wasekhaya noma wohlelo lokuhlelwa kwedolobha noma;"
- (b) Ngokufakwa kwaloku okulandelayo emva noma ekugcineni kwesigatshana 3(1)(b):
- (c) Ukuhlinzekelwa kwesimo setayitela esisohleni ekumenyezelweni kwelokishi; noma
- (d) Ukuhlinzekelwa komthetho ophathelene noma ukuhlelwa kwedolobha nohambisana nokuqaliswa kwamalokishi

(c) Ngokushintshanisa isigatshana 3(2) sokulandelayo:

"(2) [Iziphathimandla zasekhaya ezisemthethweni, iAuthorized Local Authority iyokwenza loku]. Ngokwezimo ezihlinzekelwe zesigaba 3 zoMthetho Wokuthuthukisa ukuhlelwa iDevelopment Facilitation Act, 1995 (Umthetho Nombolo 67 ka 1995); iziphathimandla zasekhaya ezigunyaziwe kuphela zingachibiyela, zisuse, ziye kise isimo nemithethomgom evimbelayo noma isivumelwano esibophezelayo la iziphathimandla zasekhaya ezigunyaziwe [zicabangela] zaneliseka ukuthi:-

(a) Kunyanzelekile futhi kufanelekile, kudingekile ukukwenza loko ukuze kuqhubekele phambili, kuthuthukiswe ukulungiselewa kanye nokuvunywa kwesu elijwayelekile, ukuqaliswa kwelokishi noma ukuthuthukiswa kwanoma yiyiphi indawo".

(d) Ngokushintshanisa isigaba 3(3) ngokulandelayo:

(3) Izimo nemibandela ehlinezekwe esigatshaneni (1) ayiyukusebenza-

(a) kunoma yisiphi isimo esivimbelayo sokuthi kungakhiwa esanqunywa sabekwa yisigaba 9 noma ngaphansi kwesigaba 9 noma 9(a) soMthetho [wokumemezela] Wokumemezela eMigwaqeni iAdvertising on Roads and Ribbon Development Act, ka

1940 (Umrathetho Nombolo 21, ka 1940) noma esanqunywa sabekwa yiBhodi

Lezemengwaqo laseNingizimu Afrika iSouth African Roads Board ngokoMthetho

WezeMigwaqo kazwelonke iNational Roads Act ka 1971(Umrathetho Nombolo 54 ka

1971)

(b) Kunoma yimuphi umbandela wetayitela -noma isivumelwano othinta ilungelo

lokumbiwa phansi (amaminareli)”

**[Inqubo lapho iziphathimandla zasekhaya ezigunyaziwe zisebenza ngendlela yazo
noma ngokwazo]**

6. Isigaba 4 soMthetho iPrinciple Act lapha siyachitshiyelwa:

(a) Ngokushintshanisa isihloko sesigaba 4 soMthetho iPrinciple Act sokulandelayo:

**“Inqubo nxashana iziphathimandla zasekhaya ezigunyaziwe zingasebenza ngendlela
yazo/ngokwazo.”**

(b) Ngokufaka okulandelayo ekugcineni kwasigatshana 4(1)(c): “noma kulethwe
mathupha, inqobo noma uma isiqinisekiso sokulethwa sinikezelwa futhi”

(c) Ngokushintshanisa isihloko sesigatshana 4(2) sokulandelayo

“(2) Inothisi okukhulunywa ngayo noma ehlosiwe esigatshaneni (1) kuyofanele..”

[Inqubo yaloyo ofaka isicelo]

7. Isigaba 5 soMthetho iPrinciple Act lapha siyachitshiyelwa

(a) Ngokushintshanisa isihloko sesigaba 5 soMthetho iPrinciple Act sokulandelayo:

“Inqubo lapho ofaka isicelo efaka isicelo”

(b) Ngokushintshanisa isigaba 5(1) sesigatshana esilandelayo.

“(1) Ofaka isicelo ofisa ukufaka isicelo [kuziphathimandla zasekhaya ezigunyaziwe] esifakela ukuchitshiyelwa, ukuyekiswa noma ukususwa kwesimo esivimbelayo noma isibopho okukhulunywa ngako esigabeni 3(1), uyofaka isicelo asihambise kuziphathimandla zasekhaya ezigunyaziwe, eziphethe indawo/umhlaba loyo okukhulunywa ngawo, sibe sefomini elimiselwe loko; leyofomu iyohambisana nezincwadi nemininingwane eminye engafunwa yiziphathimandla zasekhaya ezigunyaziwe.”

Ngokushintshanisa isigaba 5(2) sesigaba esilandelayo:-

“(2) Uma umhlaba uboshezelwe yibhodi [ofaka isicelo kufanele anikeze iziphathimandla zasekhaya ezingaziwe] isicelo kufanele siphelezewi imvume yomnini-bhondi. futhi uma kukhona emva kosuku lwesicelo kodwa ngaphambi kokukhishwa kwenothisi efanele ngaphansi kwesigaba 6(8); ofaka isicelo kufanele anikeze iziphathimandla zasekhaya ezigunyaziwe imvume yaloyo mnnibhondi esicelweni”

(d) Ngokushintshanisa isigaba 5(4) (a) sesigaba esilandelayo:-

(a) Iziphathimandla zasekhaya ezigunyaziwe ziyoba namandla okuyekisa noma yiziphi izimali ezinqunywe ngokwaloMthetho okwakufanele zikhokhwe ofaka isicelo futhi.

(e) Ngokushintshanisa isigaba 5(5)(c) sesigatshana esilandelayo:-

(5) (c) Posa ikhophi yenothisi [kungabi ngale kosuku lokukhishwa okukhulunywa ngalo esigabeni (a) uyise kumnini wendawo] ngokuyirejista eposini, uyise ekhelini agcine aziwa ngalo noma uyilethe mathupha inqobo uma isiqinisekiso sokuyiletha sizoba khona; sidluliselwe;

- (I) Kumnini [wanoma yiyiphi] wendawo [uma ofaka isicelo engeyena umnini waleyondawo] onqikana kuleyondawo noma naleyondawo noma edliselana umngcele [naleyo ndawo enjalo] naleyo ndawo (okuhlanganisa noma yimuphi umhlaba/indawo ohlukaniswa kuphela umgwaqo); [futhi noma ngabe yimuphi] futhi
- (ii) Kubantu [njengaloko kuqondiswe iziphathimandla zasekhaya ezigunyaziwe] nqo abakhethwe yiziphathimandla zasekhaya ezigunyaziwe, ngokubabhalela ezinsukwini eziyisikhombisa kutholakale isicelo, ngendlela yokuthi [loyo muntu angathinteka nqo ngesicelo; ngokuposelwa incwadi erejistiwe eposelwe ekhelini agcine aziwa ngalo] isicelo sinokumthinta nqo; kodwa leyoncwadi mayingalethwe emva kosuku lokukhishwa noma lokushicilelw/a/ukungezelwa) okukhulunywe ngalo esigabeni (a).
- (f) Ngokushintshanisa isihloko sesigatshana 5(6) sokulandelayo.
- “(6) Inothisi okukhulunywa ngayo noma okucatshangelwa phezu kwayo esigatshaneni 5 iyo-”
- (g) Ngokushintshanisa kwesigaba 5(8) sesigatshana esilandelayo:-
- “(8) (a) Ezinsukwini ezingu 14 emva kokuvalwa kwasikhathi esivulelw/e ukungahambisani okukhulunywa ngako kusigaba 5 (6) (c), iziphathimandla zasekhaya ezigunyaziwe kuyofanele zithumele ikhophi yaloko naloko kungahambisani okutholiwe, bazithumelele ofaka isicelo ngeposi, zirejistwe eposini lezoncwadi noma zilethwe mathupha ngesandla.
- (b) Ofake isicelo angasziphendula lezincwadi zokungahambisani ngokuthi abhale, aziphendule ezinsukwini ezingu 28 kusukela osukwini lokuposwa noma lokulethwa kwazo futhi bese ethumela izimpendulu kuziphathimandla zasekhaya ezigunyaziwe.

Ukucatshangelwa kwezelalo yiziphathimandla zasekhaya esigunyaziwe.

8. Isigaba 6 soMthetho iPrinciple Act lapha siyachitshiyelwa.

(a) ngokushintshanisa kwsigatshana 6 (1) kuloku okulandelayo:-

“(1) Ekupheleni kwesikhathi okumiswe esigabeni 4(2)(b) noma esigabeni 5(6)(c) futhi nangemuva kokuba ofake isicelo esenikiwe ithuba lokuphendula ngokuhambisana nesigaba 5(8), {inqobo uma imvume okukhulunywa ngayo esigabeni 5(2) futhi] isiphathimandla sasekhaya esigunyaziwe siyobeka uku, nesikhathi nendawo ukuthi kulalelwwe isicelo, nabasiphikisayo kanye, nabanye abantu abafisa ukuveza imibono yabo mayelana nesicelo.

Ngokufakwa kwsigatshana esilandelayo ekugcineni kwsigatshana (1).

“(1A) Isiphathimandla sasekhaya esigunyaziwe, ngokubona kwaso, singayekisa umbandela wakulalelwwe kwalezo zicelo ezingaphikiswa”

(c) Ngokushintshwanisa kwsigatshana 6(2) sokulandelayo:

“(2) Isiphathimandla sasekhaya esigunyaziwe kuyomele sazise ofake isicelo, yiloyo naloyo, ngokubona nokucabanga kwesiphathimandla sasekhaya esigunyaziwe, onothando nofisa ukwazi ngaloko (ngesicelo), abazise ngosuku, isikhathi nendawo la kuyokwenziwa khona umhlangano wokulalelwwe, baziswe ngezincwadi ezirejistiwe eposini, noma zilethwe mathupha, inqubo uma isiqinisekiso sokulethwa sinikezelwa ngokusho kwsiphathimandla sasekhaya esigunyaziwe [noma] okungenani, ngaphambi kwezinsuku ezingul4kufike osukwini lokulalelwwe kwesicelo uma loko kulalelwwe kuba khona, [Inqubo] inqubo uma kuyothathwa ngokuthi incwadi ethunyelwe ngesirejista eposini kufuze ngabe kwayo ngaphandle uma kuba nokunye okunesiqiniseko okushiwo yiloyo othunyelwe incwadi”.

(d) Ngokushintshaniswa kwesigaba 6(7) sesigaba esilandelayo:-

“(7)(a) Isiphathimandla esisemthethweni esigunyaziwe, esinsukwini ezingu 42 emva kokulalelwu kwasicelo okucatshangelwe esigatshaneni (3) noma emva kokuhambisana nokuvumelana nesigaba 5(7) uma kungekho kulalelwu kwasicelo, kuyomele sicabangele isicelo futhi sithathe isinqumo ngaloludaba [ngesicelo].

(7)(6) Ngaphambi kokwenza noma kokufinyelela esinqumeni sokwala, sokunika, noma sokuchibiyela nokubuyekeza isicelo, isiphathimandla sasekhaya esigunyaziwe, kuyomela sikhuthalele, sicabangele loku: [ngokucabangela yonke imibono yokuphikisana nesicelo elethiwe, zonke ozikhalaazo ezenziwe kanye nokunelwa, kanye nalo lonke ulwazi olunikezelwe kuso ngokwesigatshana (6), futhi isiphathimandla sasekhaya esigunyaziwe sesiyokwalela, noma sivumele isicelo ngokwalemibandela esicabangela ukuthi ifanele njengoba sibonasona]

- (i) Yiloko naloko kungahambisani nesicelo okulethiwe
- (ii) Izikhalaazo ezenziwe
- (iii) Ulwazi olunikeziwe ngokwesigatshana (6)
- (iv) Izimo eenza ukuthi kulethwe noma kufakwe isicelo; futhi
- (v) Noma ngabe yisiphi isimo esibona sifanelekile.

Ukuncengela isinqumo esithathwe yisiphathimandla sasekhaya esigunyaziwe

9. Isigaba 7 somthetho iPrinciple Act lapha siyachitshiyelwa:-

(a) Ngokushintshaniswa kwesigatshana 7(1) saloku okulandelayo “(1) ofake isicelo futhi [noma ubani] nabantu abangahambisananga nesicelo nonesikhalo [nganoma yisiphi] ngesinqumo sesiphathimandla sasekhaya esigunyaziwe, esikhathini esiyizinsuku ezine ku28 kukhishiwe inothisi okukhulunywa ngayo esigabeni [6(10] 6(8) noma esikhathini esengeziwe esingadluli ezinsukwini ezingu 28 njengaloko kunganquma, kuvume uRejistra, bangadlulisela ukunganeliseki kwabo, badlulisele imibono yabo phambili [kusishodi yezamalokishi] kuMEC, ngokuthi bafake inothisi yokudlulisela isicelo noRejistra efomini elimiselwe loko, futhi ngasikhathi sinye, badlulisele ikhophi [yaleyonothisi] yenothisi bayidlulisele kusiphathimandla sasekhaya esigunyaziwe.

(b) Ngokushintshaniswa kokulandelayo esigatshaneni 7(2)

“(2) Ofake isicelo noma ongahambisani nesicelo, onesikhalo sokwalelw noma sokubanjezelwa okungadingekile yisiphathimandla sasekhaya esigunyaziwe ukuthi sinike isinqumo esicatshangelwe esigatshaneni (1) noma ngesiphi isikhathi, angafaka iaphili, adlulisele phambili isicelo [kwiBhodi Yezamalokishi] kuMEC ngokuthi afake inothisi yokwedlulisela phambili isicelo sincengelwa noRejistra efomini elifanele nelimiselwe loko futhi ngasikhathi sinye ngokunjalo athumele isiphathimandla sasekhaya esigunyaziwe ikhophi [yaleyonothisi] yenothisi.

(c) Ngokushintshaniswa kokulandelayo esigatshaneni 7(3)(e):

“(e) Izizathu zesinqumo okukhulunywa ngako esigabeni [6(10] 6(8)”

(d) Ngokushintshaniswa kokulndelayo esigatshaneni 7(5)

“(5) Lapho [noma ubani] abantu abanezikhalazo bekhaliswa:-

(i) Yisinqumo sesiphathimandla sasekhaya esigunyaziwe esikhetha omunye (isinqumo sichema nomunye) emva kwaloku loyomuntu ozokwaziwa/ozobizwa njengomuntu wesithathu,

(ii) Wukwalelwa noma wukubanjezelwa okungadingekile okwenziwa yisiphathimandla sasekhaya esigunyaziwe ukubanjezelwa nokunqatshelwa kokunikezwa kwesinqumo mayelana nesicelo,

Ukudlulisela phambili kwesicelo [kwiBhodi Yezamalokishi] kuMEC ngokwesigatshana (1) noma (2); Ibhodi \yezamalokishi liyonikeza umuntu wesithathu ofake ukungahambisan nesicelo ithuba lokuphikisa isicelo sokuncenga, i-aphili.

(e) Ngokushintshanisa kokulandelayo esigatshaneni 7(6)

“(6) uRejistra uyodlulisela isicelo sokuncenga asize kwiBhodi Yezamalokishi, futhi iBhodi Yezamalokishi yobeka usuku isikhathi nendawo yokulalelwa kwesicelo sokuncenga futhi uytshela yiloyo naloyo othintekayo ekuncengweni kwesicelo ngeposi elirejistiwe, abasize ngosuku isikhathi nendawo yokulalelwa kwesicelo sokuncenga (i-aphili) okungenani ngaphambi kwezinsuku ezingu 14 kufike usuku lokulalelwa [kwesicelo sokuncenga]”.

(f) Ngokushintshanisa kokulandelayo esigabeni 7(7) nesinqumo sesipharthimandla sasekhaya esigunyaziwe mayelana nokuvumela isicelo ngokosigatshana [5] 5(I) noma isicelo sokuncenga mayelana nokubanjezelwa okungadingekile ngokwesigatshana [5(ii)] (ii), isicelo sokuncenga siyocatshangelwa ngokuhambisana naloko ekubhaliwe okuyizinqubo ekukhulunywa ngako esigatshaneni [3(d)] (3)(d); inqobo nje uma iBhodi

yezamalokishi iyohlela futhi ingafuna lesosiqinisekiso sobufakazi njengaloko ibona kudingekile ukuze kucatshanelwe kahle isicelo sokuncenga".

- amfikile

Ukukhokhwa kwesinxephezelo.

10. Isigaba 8 soMthetho iPrinciple Act lapha siyachitshiyelwa :

(a) Ngokushintshaniswa kokulandelayo esigabeni 8(1).

"8(1) [Noma ubani] Ubuntu [onanoma nasiphi] onothando nesifiso ngendawo ngebhilidi noma [yiliphi] ngelungelo okungathinteka kabana" kwehle izinga lentengo yako ngenxa yokuchitshiyelwa, ukususwa noma ukumiswa [kwanoma yimuphi] kombandela noma kwesima noma umthetho wokuylimbela noma isibopha okukhulunywa ngako esigabeni 3(1) uma efaka isicelo uyoba nelungelo [laleso] esinxephezelo njengaloko kumiswe yinkantolo yezinxephezelo [uma kufakwa isicelo] eyabekwa ngokwesigaba 17 soMthetho , Ordinance; [ngokuguquka okudingekile].

8(2) Ngokwenhloso yalesigaba imibandela yesigaba 44 kanye namalokishi] yoMthetho iOrdinance :[ka 1986] iyosebenza nezinguquko ezidingekile [Ukuqaliswa kwemvume yesicelo]

11. Isigaba 9 soMthetho iPrinciple Act lapha siyachitshiyelwa :

(a) Ngokushintshaniswa kweshloko sesigaba 9 soMthetho iPrinciple Act kokulandelayo "Ukuqaliswa kokusetshenziswa kwesicelo esivunyiwe [umphumela wemvume yoku]

(b) Ngokufakelwa kabusha kwezinombolo esigabeni 9[1] soMthetho , iPrinciple Act, ukuze ufundeke njengesigaba 9.

(c) Ngokushintshaniswa kokulandelayo esigaba 9 soMthetho wezimiso iPrinciple Act.

"9[(1)] Isicelo esesivunyelwe/esesivunyiwe okukhulunywa ngaso esigabeni [6(7)] 6(8)

siyoqala ukusebenza ngosuku olubhalwe nolushiwo enothisini eshiwoyo kuleso sigaba,

lolosuku -

[a] (1) Mayelana naloludaba -

[1] (a) Kuyoba usuku laphokungahambisani kwangeniswa / kwaletwa khona ngalo noma izikhalazo zenziwa khona ngalo.

[ii] (6) Kuyoba usuku mzukwane isicelo savunywa ngalo sekwenziwe ukuchishiyelwa, kube usuku engekho ngaphansi kwezinsuku ezingu 28 kusukela osukwini inothisi eyakhishwa ngayo; inqubo uma isicelo sokuncenga sifakiwe isicelo asiyuqala ukusebenza noma ukusetshenzisa kuze [kubunjwe isicelo sokuncenga] kunikezwe isikhathi sesinqumo senothisi yesicelo sokuncenga ngokwesigaba 7 (16).

[6] (2) Kuyoba usuku, kunoma yiluphi olunye udaba lokukhishwa noma lokumenyezelwa kwenothisi"

Izivumelwano mayelana nokuchitshiyelwa, ukuyekiswa nokususwa kwezimo ezivimbelayo noma imibandela.

12. Isigaba 10 soMthetho iPrinciple Act, lapha siyachitshiyelwa:

(a) Ngokushintshanisa kokulandelayo esigatshaneni 10 (1):-

"(1) [Masinya emva] Emva kokuqaliswa kokusetshengiswa kwesicelo esesivunyiwe ngokwesigaba 9, umnini uyaletsha itayitela uqobo lwalo alilethe kuRejistra, iRejistra of Deeds, ukuze avumele noma enzele ukuthi uRejistra kanye nomcwaningi wendawo noma

umdabuli wendawo jikele, Surveyor General bakwazi ukwenza [loko] ukubhalwa okufanele futhi nezivumelwano nemininingwane yokuqinisekisa erejisteni efanele loko [kunoma yiyiphi], noma isiqinisekiso setayitela, somdwebo nomasepulani emahovisini abo afanele njengaloko kudingekile ukuze kukhombise umphumela wenothisi ekukhulunywa ngako esigabeni 6(8) noma esigabeni 7 (16)”

(b) Ngokushintshaniswa kokulandelayo esigatshaneni 10(2)

“(2) Isiphathimandla sasekhaya esigunyakiye siyokwenza okulandelayo, ngokubhala phansi, ikanadi irejistwe eposini, ezinsukwini ezingu 28 ikhishiwe inothisi yokuvumela isicelo ngokwesigaba 6(8) noma 7(16):

(a) asicele umnini wetayitela [wanoma yiliphi] ukuthi alethe itayitela okukhulunywa ngalo kuRejistra namatayitela, Rejistrar of Deeds; futhi

(b) Kuyomele] sidlulisele ikhophi [yaleso] yesicelo esibhaliwe siye kuRejistra wamatayitela.

Umnikelo womnyango noma wosizolobuyiniyela]

13. Isigaba 11 soMthetho, iPrinciple Act, lapha siyatitshiyelwa.

(a) Ngokushintshaniswa kwesihloko sesigaba 11 soMthetho iPrinciple Act, yaloku okulandelayo:

“ Umnikelo mayelana nosizo lobuyiniyela, izindawo eziyulekile noma amapaki.

(b) Ngokushintshanisa okulandelayo esigatshaneni 11 (1).

“(1) Uma isicelo esivunyiwe [sekuqale isicelo esivunyiwe] sesiqalise ukusebenza ngokwesigaba [8] 9, isiphathimandla sasekhaya esigunyaziwe, esikhathini esiyizinsuku ezingubo kusukela osukwini [lokuqaliswa] lokuqala kokusebenza kwesicelo esesivunyiwe, ngokubhala incwadi irejistwe eposini, angabhalela achazele umnini wendawo isicelo esikhulumu ngaye, ukuthi akhokhe umnikelo awukhokhe kusiphathimandla esigunyaziwe mayelana nemibandela yaloku.

(a) Usizo loburijiniyela okukhulunywa noma okucatshangelwayo esifundweni v [soMthetho Wokuhlelwa kwedolobha namalokishi] soMthetho iOrdinance ; [ka 1986

(umthetho nombolo 20 ka 1986)] lapho kuyodingeka ukuthi kuthuthukiswe kwenziwe ngcono lolusizo ngenxa [yokuqaliswa] yokuqala kokusebenza kwesicelo esivunyiwe;

(b) Izindawo ezivulekile noma amapaki la ukuqala kokusebenza [ukuqaliswa] kwesicelo esivunyiwe kuyoletsha ukusindelana kwezakhiwo okuqala.

inqubo uma lapho umnini eke wakhokha ngaphambilini umnikelo ngenxa yokuchitshiyelwa kohlelo lokuhlelwa kwedolobha, okwehlukanisweni komhlaba; ekunikezelweni kokusetshenziswa kwemvume, noma ekuqalisweni kwelokishi njengengxenye yokufinyelela enhlosweni eyodwa, akukho ezinye izimali eziwumnikelo eziyokhokhwa.”

(c) Ngokushitshanisa kokulandelayo esigatshaneni (1) (2)

“(2) Ngenhloso yesigatshana (1) imibandela yesigaba 63 [noma] soMthetho iOrdinace

[soMthetho Wokuhlelwa kwedolobha namalokishi ka 1986] iyosetshenziswa

[ngokuquguquka komthetho] kwenziwe izinguquko ezifanele noma iyosetshenziswa nezinguquko ezifanele

Imithetho (Regulations)**14. Isigaba 12 soMthetho iPrincipal Act lapha siyachitshiyelwa.****(a) Ngokushintshaniswa kokulandelayo esigatshaneni 12(1)**

“(1) Ukumiswa noma ukunqunyelwa kwenani eliphezulu kanye nendlela esetshenziswayo ekufinyeleleni enanini [ebizwa njengemali efunwa] lemali umnini welokishi angayibiza njengemali [njengemali elingamiselwe neyinkokhelo] yemvume mayelana nesimo nombandela wetayitela ukuze kuvunyelwe ukuhlongozwayo okugunyazwa uhlelo lezokuhlelwa kwedolobha olufanele [kuvunyelwe ngokwenkambiso yohlelo]

(b) Ngokushintshaniswa kokulandelayo esigatshaneni 129(2):-

“(2) Ukunqunyelwa nokumiswa kwenqubo okumele ilandelwe mayelana nemibandela yaloMthetho [kunoma yikuphi] ekulalelwini kuflanganisa ukuhlolwa kwesiza kwenziwa iBhodi yezamalokishi noma siphathimandla sasekhaya esigunyaziwe kuye njengaloko kuhleliwe.

(c) Ngokushintshaniswa kokulandelayo esigatshaneni 12 (3):

“(3) okuphaphathelene [nanoma yiziphi] nezindaba ezinganqunyelwa zimiswe mayelana naloMthetho futhi [noma yiziphi] yizindaba [acabange] angacabanga ukuthi zifanele noma zijahekile [ukuthi zinqunyelwe] ukuthi ziphumelelise izinhloso zaloMthetho [“”]

Imibandela yeziinguqulo/Imibandela yoguquko**15. Isigaba 13 soMthetho iPrinciple Act, lapha, siyachitshiyelwa, ngokushintshaniswa kwesigaba esilandelayo esigabeni 13.**

“13. [Noma yisiphi] Isicelo sokuchibiyelayo esigabeni 13,

“13. [Noma yisiphi] Isicelo sokuchibiyelwa, ukumiswa, noma ukususwa kwezimo ezivimbelayo noma umbandela ofana nalowo oshiw oshiw esigabeni 3(1) okwensiwe [ngokwanoma yimuphi] ngokomthetho la isifunda siphethe ngaphambi kokuqaliswa kwaloMthetho, leso sicelo siyobhekela ngokusebenzia umthetho omdala/wokuqala, wona, oyosebenza sengathi loMthetho awukamiswa [leso sicelo] [njengaloko kuqondane neziphathimandla zasekhaya ezingezona iziphathimandla zasekhaya ezigunyaziwe]

Ukuchithwa/Ukupheliswa kwemithetho

16. Isigaba 14 soMthetho wezimiso iPrincipal Act lapha siyachitshiyelwa ngokushintshanisa kwesigaba esilandelayo esigabeni 14.

“14 Umthetho Wokususwa kwezimo nemithetho mgomo. Evimbelayo ka 1967 lapha uyachithwa njengaloko usebenza uqondene neziphathimandla zasekhaya ezigunyaziwe eSifundeni saseGauteng”.

Isihloko esifinqiwe kanye nokuqaliswa

17. Lomthetho uyobizwa ngokuthi Umthetho oChibiyela ukususwa kwezimo nemithethomgomo Evimbelayo waseGauteng ka 1997; futhi kuyothathwa ngokuthi uqale ukusebenza ngomhlaka 18 Wokhthoba ka 1996.

**UMBIKO OKHUMBUZANA NGEZINDIKIMBA ZOMTHETHO EZIHLOSIWE
ZOMTHETHOSIVIVNYO OCHIBIYELAYO WASEGAUTENG KA 1997**

**OKUNGUMTHETHOSIVIVNYO OCHIBIYELAYO OSUSA IZIMO
EZIVIMBELAYO NEMITHETHOMGOMO EVIMBELAYO NEBEKELA
IMINGCELE.**

Isimo sokuqela somthethosivivnyo wasekhaya waseGauteng Osusa Izimo Ezivimbelayo nemithethomgomo evimbelayo ka 1996 wachibiyelwa kakhulu ngesikhathi sezingxoxo zokubonisana zekomidi, iStanding Committee, eliphathelene nokuhlelwa kweNtuthuko noHulumeni Wasekhaya. Ukuchibiyelwa kwawo, nanezinto ezachibiyelwa zadluliselwa kwiSishayamthetho saseGauteng; zamukelwa njengezinto ezichibiyelwe (izichibiyelo) eMthethweni sivivnyo Wokuqala njengaloko wawukhishiwe wamenyezelwa. Umthetho kanye nezichibiyelo wamanyezelwa ezweni ngokomthetho ukuba uqaliswe ngomhlaka 18 kuOkhthoba 1996.

Izichibiyelo ezaphakanyiswa iKomidi, iStanding Committee, zadluliselwa kwiSishayamthetho saseGauteng azizange zimenyezelelwe umphakathi noma zikhishelwe umphakathi, ukuthi unikeze imibono yawo ngalezichibiyelo. Okulandela lapho emva kokumenyezelwa kwawo, imibono eyahlukene yatholakala, lemibono icela ukuthi uMthetho ushintshwe, uchibiyelwe.

Ukuchitshiyelwa okulandelayo kwacelwa futhi kwadingeka ukuba

a) Kucacisiswe imibandela ezosebenza ngesikhathi senguuko futhi kubekwe nqo imibandela nezimo ezenza ukuba uMthetho/ odlule Wokususwa Kwezimo Ezivimbelayo ka 1967 (uMthetho Nombolo 84, ka 1967) kungani uchithwa noma upheliswa.

- (b) Kwelulwe isikhathi sokuthi umphakathi nawo uzibandakanye, ubambe iqhaza kulomshikashika ngokuthi kuvunyelwe abafaka izicelo ukuthi balethe mathupha amanothisi.
- (c) Kufakwe lezo zinto ezazishiyiwe noma kucaciswe izigaba zomthetho. Isibonelo; izincazelo, ukubhalwa kabusha kwesigaba ngendlela eyamukelekayo nefanelekile, ukudluliselwa kwezikhalazo kumele kungeniswe, kuyiswe kuMEC nokubekela umngcele ukuthi UMthetho uzosebenza eGauteng; futhi
- (d) Nokulungisa ulimi, nokulandelana kwezinombolo, nokulungiswa kokubekeka koMthetho ngendlela esemthethweni nenobuchwepheshi.
- Isicelo sokucaciswa kwamanothisi okumemezelu azange sifakwe
1. Isizathu esikhulu nesibalulekile sokuchibiyela uMthetho waseGauteng Wokususwa kwezimo Ezivimbelayo ka 1996. (uMthetho Nombolo 3 ka 1996) wukubekeka, wukwakheka nayindlela imibandela ebhaleke ngayo njengamanje esigabeni 13 soMthetho lapho ibinzana lamagama alandelayo sivimbela ukuqaliswa koMthetho “njengaloko kuqondaniswe neziphathimandla zasekhaya ezingezona iziphathimandla zasekhaya ezisemthethweni nezigunyaziwe.”
- Igama “ezingezona” lidala inkinga ngendlela yokuthi, iziphathimandla zasekhaya ezigunyaziwe zikhona eGauteng futhi lomusho okuphikisanwa ngawo wenza ukuba zonke izicelo zokususwa kwezimo ezivimbelayo ezabe sezilethiwe esifundeni ziphelelwwe yisikhathi, zingabe zisasebenza futhi nabafake izicelo kufanele baphinde bafake izicelo futhi kuziphathimandla zasekhaya ezigunyaziwe ukuthi kususwe noma kuyekiswe izimo

ezivimbayo kumatayitela. Ngenxa yokubambezeleka nokuhamba kwesikhathi, nezindleko, zokuthi kubuye kubhalwe kucelwe futhi, kuzolahleka izimali eziningi kanye namathuba ezemisebenzi amaningi.

Uma ibinzana lamagama noma umusho okuqophisanwa/okuphikisanwa ngawo ungasuswa, iSifunda saseGauteng singabhekana nesimo sokuba zonke izinqumo ezathathwa kusukela ngomhlaka 18 kuOkhthoba 1996 ziyize ngokomthetho.

2. Isidingo sokuchibiyela imibandela yesikhashana noma yezinguquko, emayelana noMthetho waseGauteng Wokususwa Kwezimo Ezivimbayo ka 1996; kwadala ithuba lokubhekisia konke okunye ukuchibiyelwa okwekucelwe, futhi manje lokuchibiyelwa sekufakiwe kuMthethosivivinyo ochibiyelayo.

3. Kudingekile futhi ukuhlinzekela ngokufakwa noma ngokuchitshiyelwa kwezigaba, okwatholakala kuyizikhinyabezo eMthethweni ekusebenzeni kwawo ezinyangeni zokuqala eziyisithupha. Loku kuhlanganisa izincazelo ezinezelwe nezichibiyelwe, izimo ezingachitshiyelwa yiloMthetho, kanye nokuthathwa kwesinqumo sokuyekisa noma ukumisa izidingo zomthetho mayelana nokuhlelwa kweziza, ukulalelwa kwezicelo kanye nokulethwa kwamanothisi.

4. Ubuntu nokungabekki kahle kolimi nobunuku bokungabeki izinto ngokusemthethweni kudinga ukulungiswa. Okunye ukuchibiyelwa kuhlanganisa ukucaciswa kokushintshaniswa kwamandla okuphatha; ukufakwa kwezinombolo ngokulandelana okwakungenziwanga ngendlela; amaphutha okupela amagama, ukusetshenziswa kwamagama nemisho ngokucaphuna lawo magama/imisho kuhambelana noma kwela kuMthethosisekelo kanye

nomsebenzi kaMEC mayelana noma ngokweBhodi yamalokishi uma kudingidwa izikhhalazo.

5. Kudingekile ukuthi kujahiswe ukugcwaliswa kwezicelo noma ukwamukelwa kwezicelo ngokuthi kunqunyelwe isikhathi eMthethweni, isikhathi sokuthathwa kwezinqumo sibekelwe isikhathi noma umkhawulo.

6. (a) Isihloko esigcwele soMthetho sichtshiyelewa ukuze kucaciswe izindawo ezingaphansi komasipala basekhaya/kweziphatimandla zasekhaya ezigunyaziwe, okumanje sibhalwe ngokugcwele eMthethweni naseSingenisweni Somthetho, iPreamble.
(b) Umtetho ubeka ngokusobála ukuthi usebenza kanjani, kuphi. Ukusebenza komthetho okuqondene nqo manje sekufakiwe eSingenisweni SoMthetho, iPreamble.
(c) Isigaba 1 eMthethweni sichtshiyelewa ukuze sicaciswe izincazelo. Izincazelo ezilandelayo zishintshiwe.

“ Ofaka isicelo”

“ Isiphathimandla Sasekhaya Esigunyaziwe/Esisemthethweni”

“ uMEC”

“uMthetho omiswe wumgwamanda onikwe igunya yiPhalamende noma abaseMthethweni - iOrdinance”.

“uMgcinimarekhodi ogcina amagama abantu nendlela abasayine ngayo - uRegistrar of Deeds”

“Ikomidi Elimisiwe/Elikhethiwe

“Lomthetho”

“Ibhodi yamalokishi”

“ Isigele esibhekene nezinguqukuo

(d) Isigaba 2 (1) sibuyekezwe/ sichtshiyelelwe ukuba kufakwe ukusetshenziswa kwemvume ngokwezinhla ekumemezeleni ilokishi kungene esigabeni 2 (1) soMthetho Wezimiso, iPrinciple Act. Ukuhintshanisa kwamandla okuphatha kubekwe ngendlela yokuthi kuhalanganise Imithethosisekelo Yesikhashana nalowo okuyiwonawona kanye nomthetho onikezelwe uMEC; kodwa okungoko Mthethosisekelo kufanele kwensiwe isiphathimandla sasekhaya iLocal Authority.

Izimo nemibandela ebekwe mayelana netayitela naleyo ebekwe mayelana nezhinlelo zokuhlela idolobha zehlukanisiwe, ngakhoke, ukubuyekezwa nokuchibiyelwa sekwenziwe futhi kwafakwa nezimpawu zokuphumula ezibhalwayo emishweni.

e) Isigaba 3 soMthetho sichtshiyelelwe ngoba uMthetho uhlinzekela kuphela ukuchitshiyelwa, nokumiswa noma ukususwa kwezimo nemithethomgom evimbelayo okurejistelwe amatayitela noma uhlelo lokuhlela idolobha ngokwesigaba 3. Ezinye izimo zikhona ezinhlelweni (amaskejuli) ezitatinendeni ezenziwe zabekwa ngokomthetho zamalokishi noma ngokwezimo nemibandela yokuqaliswa kwelokishi. Umthethosivivinyo uhlinzekela ngalezizimo/ngalemibandela ukuthi ichitshiyelwe, imiswe noma isuswe.

Ukuchitshiyelwa okungatheni kobuchwepheshe nobuciko bokubeka umbhalo, noma into (umthetho) sekwenziwe ekubhalweni koMthetho.

(f) Isigaba 4 SoMthetho, sichtshiyelelwe ukuhlinzekela ngokuthi amanothisi angathunyelwa mathupha inqobo nje uma isiqinisekiso sokulethwa sitholakala esikhundleni sokuba amanothisi amane aposwe nje.

Ngaphezu kwaloko, ukuchitshiyelwa kobuchwepheshe nobuciko bokubeka umthetho bekudingekile.

(g) Esigabeni 5 (2) soMthetho, kuhlinzekelwe ngokuthi kutholakale imvume yomnini-bhondi. Abakhi bezindlu (amadivelopha) acelwa ukuthi isigatshana siguqulwe, sichitshiyelwe ngezindlela ezimbili. Okokuqala, bacela ukuthi imvume yomnini-bhondi akufanele iphoqeletle kodwa umnini webhondi kuphela anike imibono esicelweni esifakiwe. Okwesibili, bacela ukuthi ukungabikho kwemvume noma imibono akufanele kubambezele ukuqedelelw ka kwasicelo, futhi imvume noma umbono kufanele sifike kuloyo othatha isinqumo ngaphambi kokuba kuthathwe isinqumo. Iziphathimandla zasekhaya zacizelela ngokuthi isicelo asiphelele ngaphandle kwemvume yomnini bhondi ziyakukwamikela isicelo kuze kuphelele zonke izincwadi ezidingekayo, zilethwe. Umnini webhondi unelungelo elingenqatshelwe ngempela nangokuthanda kwakhe, ikakhulukazi uma isicelo sifakelwe ukushintshwa kokusetshenziswa komhlaba, okuzoba nembuyiselo encane, engaphansi kwaleyo yangaleso sikhathi. Ukubhaleka kweSigaba 5(2) soMthetho kushintshiwe ukuze kucaciswe ukuthi imvume yomnini webhondi iyadingeka nanokuthi kufanele ihanganiswe, ifakwe encwadini yokufaka isicelo.

Enye indlela yaloy ofaka isicelo yokuba angenise inothisi ngokuyiletha mathupha nako kufakiwe kulesigaba.

Ukuchitshiyelwa kokulungiswa kolimi, nobuciko bokubeka umbhalo nanokubekwa kombhalo ngokomthetho kuyadingeka.

h) Isigaba 6(1) soMthetho sihlinzekela kuperha izicelo ezifakwe ngabafaki bezicelo bangasese noma abazimele, abangamaphrayivethi. Izicelo la isiphathimandla sasekhaya esigunyaziwe sizisebenzela ngokwendlela yaso kwashiywa ngaphandle, manje sekufakiwe.

Inhloso yoMthetho wukujahisa, kukhawuleziswe ukuqedelelw kwezicelo ukuze kugqugquzelwe kwenziwe ngcono intuthuko. Kunqunywe isikhathi kwiziphathimandla zasekhaya ezigunyaziwe sokuthi ziqedele izicelo. Ezinye izicelo azidingi ukuthi kuyiwe endaweni kuyohlolwa leyondawo, (isiza) nanokuthi kube nomhlangano wokubonisana noma kulalelw isicelo emhlanganweni obizelwe loko.

Ngakhoke Isiphathimandla sasekhaya esigunyaziwe iAuthorized local authority, kusemandleni aso, kukuso ukuthi isiza singahlolwa futhi noma kungabanjwa umhlangano wokulalela isicelo, ikakhulukazi uma kungazange kube khona izikhalazo, noma ukungahambisani okuphakanyisiwe nokulethiwe.

Ukuchitshiyelwa kokulungiswa kobuciko bokubeka umbhalo kuyaphakanyiswa ukuba kwenziwe kusigaba 6 soMthetho.

(i) Akucacile eSigaben 7 soMthetho ukuthi isikhalazo noma isicelo sokudlulisela phambili isicelo kumele siye/sifakwe kuphi. Kucacile ukuthi isinqumo ngesikhalazo senziwa nguMEC esebonisene neBhodi Lamalokishi kodwa ngokoMthetho, kubukeka sengathi isikhalazo sifakwa ebhodini yezaMalokishi. Isigaba 7 sichtshiyelwa ukucacisa kahle ukuthi izikhalazo noma isicelo sokudlulisela phambili isicelo (i-aphili) kufanele sifakwe, sihanjiswe kuMEC.

Ukuchitshiyelwa kokulungiswa kobuciko bokubeka umbhalo mayelana nokufakwa kwezinombolo embhalweni kulesigaba kufakiwe/kungenisiwe noma kuqalisiwe.

j) Isigaba 8 soMthetho esimayelana nokukhokhwa kwesinxephezelo akubekekanga kahle,

ngokomthetho, nanolimi lwakhona okubhalwe ngalo alubekangka kahle futhi sekulungisiwe.

(k) Isigaba 9 soMthetho esikhulumma ngokuqaliswa kwesicelo

esesivunyawiwe/esesigunyaziwe, asibekangka kahle ngokomthetho futhi sesibhalwe kabusha.

(l) Ngenxa yezichibiyelo nezinguquko ebezidingekile ezigabeni ezendlule, ezingaphambili kwalesi, isigaba 10 soMthetho sichibiyelwe futhi nemisebenzi yesiphathimandla sasekhaya esigunyaziwe iAuthorized Local Authority yehlukanisiwe.

(m) Isigaba 11 soMthetho asivumelekile ngenxa yolimi olusetshenziswe lapho olungavumelekile kanye nokubekka kombhalo ngokomthetho okungavumelekile. Isihloko siqondise kuphela kumnyango wobunjiniyela, kanti isigaba sibuye sihlinzekele ngemali ekhishwayo efakelwa nezindawo ezipulekile ezingenalutho kanye namapaki . Loku kulungisiwe.

Ukuze kungakhokhwa kibili, uMthetho wenza izimiso nemibandela, uhlizekela ngokuthi ngobani okungamele bakhokhe, kodwa awufaki ukwehlukaniswa komhlaba; ukusetshenziswa kwemvume; noma ukuqaliswa kwelokishi, lezhinlelo noma lezhinla zinemibandela yazo yokukhokhwa kwemali ewumnikelo. Lezinguquko zokusetshenziswa komhlaba zona azingeni esigabeni.

n) Isagaba 12 (3) soMthetho, sivumela uMEC kuphela ukuthi abeke, enze imithetho mayelana nezinye izindaba eziphathelene nezihambelana nalezi kanye. (Kusetshenziswe inkathi edlule “kucatshangelwe”) uMEC manje, ngokusemandleni akhe, nangesifiso sakhe, uzokwenza imithetho noma angenza imithetho uma kudingekile.

Ukuchitshiyelwa kubuciko bokubeka umbhalo kufakiwe.

(o) Ibinzana lamagama elifundeka “njengaloko kuqondene neziphathimandla zasekhaya ezingezona iziphathimandla zasekhaya ezigunyaziwe esigabeni 13 “kudala inkinga ngokomthetho noma ngokwenqubo yomthetho.

Ibinzana lamagama noma umusho ohambelana naloku sewulungisiwe.

(p) Isigaba 14 soMthetho, sichitshiyelelwe ukubeka kucace ukuthi uMthetho ka 1967 Wokususwa kwezimo nemithethomgomo Evimbelayo uyapheliswa, uchithwa ngokuhambisa neziphathimandla noma ngokweziphathimandla zasekhaya ezigunyaziwe, futhi upheliswe noma uchithwa endaweni ephethwe nengena ngaphansi kwesifunda saseGauteng.

(q) Isigaba 15 soMthetho sikhulumma ngesihloko esifinqiwe nesizosebenza ukubiza loMthetho kanye nokuqaliswa koMthetho oChibiyelayo.



LET YOUR MOUSE DO THE WALKING

Subscribe to our full-text, Electronic Government Gazette and cut hours off the time you spend searching for information. Just point and click and within seconds, you can let your computer do the searching. Data is available within two days after publication and we can now also offer the full-text of the nine provincial gazettes.

Contact us today and save time, space and paper.

SABINET
The proven source of information

tel:[012] 663-4954 fax:[012] 663-3543 toll free tel:0800 11 11 73
e-mail: sabinet@sabinet.co.za www: <http://www.sabinet.co.za>

THE WEATHER BUREAU HELPS FARMERS
TO PLAN THEIR CROP



PEANUT BUTTER

COTTON

MAIZE

HONEY

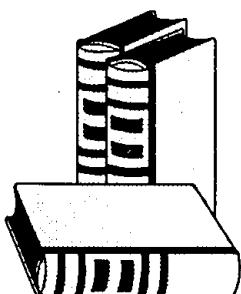
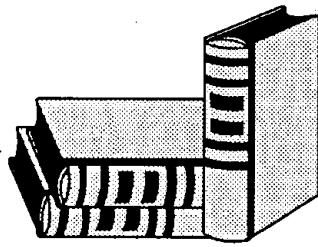


THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME





Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

*Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme*

CONTENTS

No.	GENERAL NOTICE	Page No.	Gazette No.
3448	Gauteng Removal of Restrictions Amendment Bill, 1997: For general information	1	409

INHOUD

No.	PLAASLIKE BESTUURSKENNISGEWING	Bladsy No.	Koerant No.
3448	Gautengse Wysigingswetsontwerp op die Opheffing van Beperkings, 1997: Vir algemene inligting	19	409