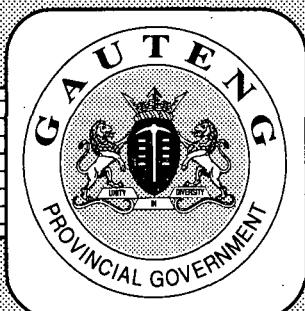


3 Bills

34-5
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THE PROVINCE OF
GAUTENG

DIE PROVINSIE
GAUTENG



Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

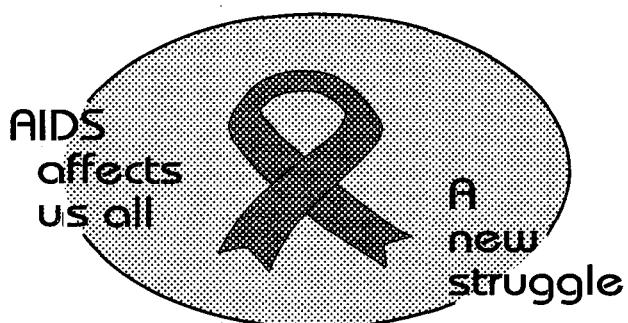
Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

Vol. 6

PRETORIA, 8 SEPTEMBER 2000

No. 126

We all have the power to prevent AIDS



AIDS

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DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICES

NOTICE 6204 OF 2000

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF LOCAL GOVERNMENT ORDINANCE AMENDMENT BILL

Notice is hereby given that the Member of the Executive Council for Development Planning and Local Government (Mr T G Fowler) intends to introduce the Local Government Ordinance Amendment Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments or representations on or before **29 September 2000** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms N Ngcwabe)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5474
Fax No: (011) 498-5719

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

B I L L

To amend the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939) to extend the categories of State-financed residential properties in respect of which clearance certificates are not required for the first registration of transfer to certain persons; and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of section 50(5) of Ordinance No. 17 of 1939

1. Section 50(5) of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939) is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) Subsection (1) shall not apply to the first transfer from the State, a provincial government or municipality to a buyer of a residential property which was financed with funds or loans made available by the State, the Provincial Government, a government body or municipality: Provided that nothing in this section shall preclude the subsequent collection by a municipality of any amounts owed to it at the date of such transfer."

Short title

2. This Act is called the Local Government Ordinance Amendment Act, 2000.

EXPLANATORY MEMORANDUM

Local Government Ordinance Amendment Bill, 2000

1. Purpose of the Bill

The purpose of the amendment Bill is to enable transfer to be passed to the first buyers of State-financed residential properties without first having to obtain a written statement from the municipality concerned to the effect that service charges and rates have been paid for a period of three years immediately preceding date of registration. Such debts do remain owing and may be collected subsequently by the municipality.

2. Social impact

The requirement for prepayment of rates and service charges before registration is a valuable measure for safeguarding the revenue of municipalities. However, in the abnormal circumstances now under consideration their interests and those of the community would be better served by removing this impediment to transfer, for the following reasons:

- (a) Official records would be brought up to date, occupants and owners formally identified and the collection of municipal debt facilitated;
- (b) transfer would enable home improvements to be financed through consolidation subsidies and mortgage finance;
- (c) pride in home ownership and a sense of permanence would be fostered, leading to strengthening of community spirit; and
- (d) people are presently occupying on a precarious form of temporary tenure, which is often not greatly valued but through registration of transfer they would acquire valuable assets.

3. Environmental impact

None.

4. Financial implications

The Province, as township owner, would not have to divert very large sums of money from housing or municipal assistance programmes in order to pay debts, which are not owing by it, in order to obtain clearance certificates.

Rates and service charges would remain owing by transferees and the balance sheets of municipalities would not be affected adversely.

Registered rights of ownership would be attachable in the event of default in payment of amounts owing to municipalities.

5. Clause-by-clause description

5.1 Clause 1 of the Bill substitutes subsection 50(5) for a new subsection (5).

5.2 Clause 2 contains the short title of the Bill.

[] Amagama abhalwe ngokugqamile akhombisa okukhishiwe emithethweni esikhona.

----- Amagama adwetshwele ngomugqa ohlangene akhombisa iziguqulo emithethweni esikhona.

UMTHETHOSIVINYWA

Ukuguqula isiMiso sikaHulumeni weNdawo sika-1939 (isiMiso 17 sika-1939) ukuze kwelulwe imikhakha yezindawo zokuhlala ezixhaswe ngemali nguHulumeni okungezukudingeka izitifiketi zokuphumelelisa mayelana nazo, ngokubhaliswa kokuqala kokwedluliselwa kwazo kabantu abathile; kanye nokubonelela izindaba ezithintene nalokho.

USHAYWE yisiShayamthetho sesiFundazwe saseGauteng njengoba kulandela:

Ukuguqulwa kwesigaba 50 (5) sesiMiso 17 sika-1939

1. Isigaba 50 (5) sesiMiso sikaHulumeni weNdawo, 1939, (isiMiso 17 sika-1939) siyaguqulwa ngalokhu ngokuthi kubekwe esikhundleni sesigatshana (5) okulandelayo:

(5) Isigatshana (1) asizukusebenza ekwedluliselweni kokuqala okusuka eMbusweni, kuhulumeni wesiFundazwe noma umasipala kuye kumthengi wendawo yokuhlala ebixhaswe ngezimali noma ngezimali ezebolekiwe ezivela eMbusweni, enhlanganweni kahulumeni noma umasipala: inqobo nje uma kungekho lutho kulesi sigaba okuzovimbela ukuqoqwa okulandelayo ngumasipala kwanoma yiziphi izimali azikweletwa ngosuku lokwedluliselwa okunje.

Isihloko esifushane

2. Lo Mthetho uzobizwa ngokuthi nguMthetho wokuGuqulwa kwesiMiso sikaHulumeni weNdawo ka-2000.

UMthethosivivinywa wokuGuqulwa kwesiMiso sikaHulumeni weNdawo, ka-2000

1. Inhoso yoMthethosivivinywa

Inhoso yesiguqulo soMthethosivivinywa ukusiza ukuthi ukwedlulisela kwedluliselwe kubathengi abangabokuqala bezindawo ezifakelwe izimali nguMbuso, ngaphandle kokuthi bathole kuqala isitatimende esibhaliwe esivela kumasipala othintekayo esichaza ukuthi imali yezinkonzo kanye nemali ekhokhelwa abedolobha ikhokhiwe esikhathini seminyaka emithathu eyandulela maduzane usuku lokubhalisa. Izikweletu ezinje ziyasala zikweletwa, futhi zingaqoqwa ngemuva kwalokho ngumasipala.

2. Umphumela kwezokuhalisana

Isidingo sokukhokhelwa ngaphambili kwemali ekhokhelwa idolobha neyezinkonzo ngaphambi kokubhaliswa kuyindlela esemqoka yokuphephisa imali etholwa ngomasipala. Kodwa-ke, ezimweni ezingejwayelekile ezibhekwayo manje, okomasipala kanye nokomphakathi, kuyosetshenzelwa kangcono ngokuthi kususwe lesi sithikamezo esivimba ukwedlulisela, ngenxa yezizathu ezilandelayo:

- a) amarekhodi asemthethweni ayobekwa esimweni esilungile, abahlali kanye nabanikazi bayotholwa ukuthi bangobani ngokusemthethweni bese kulungiswa ukuqoqwa kwesikweletu sikamasipala.
- b) ukwedlulisela kuyosiza ukuthi ukuthuthukisa ikhaya kutholelwwe izimali, ngokuthi kusetshenziswe izimali zokuxhasa zokuqinisa kanye nezimali ezitholwa ngokubambisa ngokuthile.

- c) ukuba neqholo ekubeni ngumninikhaya kanye nomqondo wento engenakuphela kuzokhulisa, kuholele ekuqinisweni komoya womphakathi; futhi
- d) njengamanje abantu bahlezi ngesinqe esisodwa sokuhlala okwesikhashana, okuyinto engathathwa njengegugu, kepha ngokuthi kubhaliswe ukwedluliselwa, bazothola izimpahla eyigugu.

3. Umphumela kwezendawo

Awukho.

4. Umphumela kwezezimali

IsiFundazwe, njengomninizokishi, asizukuphambukisa izamba zezimali ezinkulu zisuswe ezinhlelweni zezezindlu noma zosizo lukamasipala ukuze zikhokhe izikweletu, ezingakweletwa yiso, ukuze sithole isitifiketi esikhombisa ukuthi uphumelele.

Izimali ezikhokhelwa idolobha kanye nezinkonzo zizohlala zikweletwa yilabo okwedluliselwe kubo bese kuthi amabalance sheet omasipala angabe esathinteka ngendlela ewakhinyabezayo.

Amalungelo obunini abhalisiwe azodliwa uma kwenzeka kuba nokuphambuka ekukhokhweni kwezimali ezikweletwa omasipala.

5. Incazeloyesigaba ngesigaba

- 5.1 Isigaba 1 soMthethosivivinywa singena esikhundleni sesigatshana 50 (5) sesigatshana (5) esisha.
- 5.2 Isigaba 2 siqukethe isihloko esifushane soMthethosivivinywa

TLHALOSO YA KAKARETŠO

[] Mantšu a makoto ao a lego ka mašakaneng a sekwaere a laetša tše di tlogetšwego melaong ye e lego gona.

Mantšu ao a thaletšwego ka mothalo wa go se kgaoganywe, a laetša seo se tsenyeleditšwego melaong ye e lego gona.

MOLAOKAKANYWA WO O UKANGWAGO

Go fetoša Odinense ya Mmušo wa Selegae wa 1939 (Odinense 17 ya 1939), gore go katološwe dithoto tša mmušo tša bodulo tseo mabapi le tsona go ka se nyakwego ditifikeiti tša tumelelo ngwadišong ya pele ya go di fetišetsa go batho ba bangwe le go kgonagatšha merero yeo e amanago le tše.

Lekgotlatheramelao la Profense ya Gauteng le BEYA MOLAO ka mokgwa wo o latelago:

Phetošo ya karolo 50 (5) ya Odinense 17 ya 1939

1. Karolo 50(5) ya Odinense ya Mmušo wa Selegae, 1939, (Odinense 17 ya 1939) o fetošwa ka go tsenya se se latelago legatong la karolwana (5):
 - (5) Karolwana (1) e ka se ame phetišetšo ya pele go tloga go Mmušo, mmušo wa Profense goba mmasepala go ya go moreki wa thoto ya bodulo yeo e thekgilwego ka ditšhelete tša go tšwa go Mmušo, mokgatlo wa mmušo goba mmasepala: go hlokometšwe gore ga go se se lego ka karolong ye, seo se tla tlago pele ga kgoboketšo ya moragonyana ya mmasepala, ya tšhelete efe goba efe ye e kolotwago mmasepala letšatšing leo la phethišetso.

Hlogo ye kopana

2. Molao wo o tla bitswa Molaophetošwa wa Odinense ya Mmušo wa Selegae, 2000.

MEMORANDAMO WA DITLHALOSO

Molaokakanywa-phetošwa wa Odinense ya Mmušo wa Selegae, 2000

1. Morero wa Molaokakanywa

Morero wa Molaokakanywa-phetošwa wo ke go kgonagatša phetišetšo go bareki ba mathomo ba dithoto tša madulo tše di thekgwago ke mmuso ka ditšelete, ntle le gore ba hwetše pele pego ye e ngwadilwego go tšwa go mmasepala wo o angwago, moo e lego gore ditefelo tša ditirelo le metšhelo di lefetšwe lebakeng la mengwaga ye meraro pele ga letšatši la ngwadišo. Dikoloto tše bjalo di tla dula e le melato, gomme di ka lefelwa go mmasepala mafelelong.

2. Khuetšo leagong

Dinyakwa tša go lefelwa ga metšhelo le ditirelo pele ga ngwadišo, ke kgato ye bohlokwa tlhokomelong ya ditšelete tša bommasepala. Le ge go le bjalo, mabakeng ao a sa tlwaelegago ao gabjale a elwago šedi, ditlhologelo tša bona le tša setšhaba di tla direlwa bokaone ka go tloša tšitišo ye ya phetišetšo ka mabaka a a latelago:

- (a) dipego tša semmušo di tla beakanywa, badudi le beng ba tla tsebagatšwa semmušo gomme go be le le kgonagatšo ya go kgoboketsa ditšelete tše di kolotwago mmasepala;
- (b) phetišetšo e tla kgonagatša gore dikaynefatšo tša magae di thekgwe ka ditšelete ka dipaphelo tše di tlišitswego gotee, le ditšelete tša go lefela dithoto;
- (c) boikgantšho bja bong bja magae le maikutlo a bong bja go ya go ile, di tla tšweletšwa, gomme se se tla kgonagatša tiišo ya moywa setšhaba; le gore
- (d) gabjale batho ba dula mabung ka mokgwa wo o sa holofelegego wa tulo ya lebakanyana, woo gantši o sa bonwego o na le mohola, empa ka ngwadišo ya phetišetšo ba ka hwetše dithoto tše bohlokwa.

3. Khuetšo tikologong
Ga di gona.

4. Ditolamorago ditšheleteng

Profense, bjalo ka mong wa motse, e ka se gapeletšego go fapošetša ditšhelete tša godimo kudu go tšwa mananeong a kabo ya dintlo goba a thušo ya bommasepala gore e lefele melato yeo e se kolotswego ke yona, gore e hwetše hwetše ditifikeiti tša tumelelo.

Ditefelo tša metšhelo le ditirelo di tla dula di kolotwa ke bao ba hwetšwago diphetišetšo gomme matlakala a go laetša dithoto le dikoloto tša bommasepala a ka se huetšwe gampe.

Ditokelo tša di ngwadišitšwego tša bong di tla tšewa mabakeng a go tshelwa ga dikwano tša ditefelo tša ditšhelete tše di kolotwago bommasepala.

5. Tihaloso ya temana-ka-temana

- 5.1 Temana 1 ya Molaokaknywa e tšeya sebaka sa karolwana 50(5) go ba karolwana ye mpsha ya (5).
- 5.2 Temana 2 e na le hlogo ye kopana ya Molaokakanywa.

ALGEMENE VERDUIDELIKENDE NOTA

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WETSONTWERP

Om die Ordonnansie op Plaaslike Regering van 1939 (Ordonnansie No. 17 van 1939) te wysig, sodat die kategorieë van staatsgefinansierde residensiële eiendomme, waarvoor klaringsertifikate nie vereis word nie vir die eerste registrasie van oordrag aan sekere persone uitgebrei kan word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinciale Wetgewer van Gauteng soos volg:

Wysiging van artikel 50 (5) van Ordonnansie No. 17 van 1939

1. Artikel 50 (5) van die Ordonnansie op Plaaslike Regering, 1939 (Ordonnansie 17 van 1939) word hiermee gewysig, deur subartikel (5) met die volgende subartikel te vervang:

"(5) Subartikel (1) is nie van toepassing nie op die eerste oordrag vanaf die staat, 'n provinciale regering of munisipaliteit aan 'n koper van 'n residensiële eiendom, wat gefinansier is deur fondse of lenings wat deur die staat, die Provinciale Regering, 'n regeringsliggaam of munisipaliteit beskikbaar gestel is: Met dien verstande dat niks in hierdie artikel die daaropvolgende verhaling deur 'n munisipaliteit van enige bedrae wat aan dit verskuldig is op die datum van sodanige oordrag uitsluit."

Kort titel

Hierdie Wet heet die Wysigingswet vir die Ordonnansie op Plaaslike Regering, 2000.

Wysigingswetsontwerp vir die Ordonnansie op Plaaslike Regering, 2000

1. Doel van die wetsontwerp

Die doel van die wysigingswetsontwerp is om dit moontlik te maak, om oordrag aan eerste kopers van staatsgefinsioneerde eiendomme moontlik te maak, sonder dat 'n skriftelike verklaring eers verkry moet word van die betrokke munisipaliteit, met dien verstande dat dienstehettings en belastings betaal is vir 'n tydperk van drie jaar wat die registrasiedatum onmiddellik voorafgaan. Sodanige skuld bly betaalbaar en mag later deur die munisipaliteit verhaal word.

2. Uitwerking op die samelewing

Die vereiste om belastings en dienstegelde vooruit te betaal, voor registrasie, is 'n waardevolle maatreël om munisipaliteite se inkomste te beveilig. Teen die agtergrond van die abnormale omstandighede, wat nou in aanmerking geneem word, sal hulle belang en dié van die gemeenskap om die volgende redes egter beter gedien word deur hierdie beletsel op die oordrag te verwijder:

- (a) Amptelike rekords sal só bygewerk word, bewoners en eienaars sal formeel geïdentifiseer word en die invordering van skuld aan munisipaliteite sal vergemaklik word;
- (b) oordrag sal dit moontlik maak, om huisverbeterings deur middel van konsolidasiesubsidies en verbandfinansiering te finansier;
- (c) trots op huiseienaarskap en 'n gevoel van permanentheid sal bevorder word, en dit sal lei tot 'n sterker gemeenskapsgees, en
- (d) omdat mense tans op 'n onsekere manier met tydelike eienaarskap woon, wat dikwels nie hoog op prys gestel word nie, sal registrasie van oordrag hulle egter daartoe in staat stel om waardevolle bates te verkry.

3. Uitwerking op die omgewing

Geen.

4. Finansiële implikasies

Die Provincie sal, as eienaar van stedelike gebiede, nie baie groot bedrae geld van behuising of munisipale bystandsprogramme hoef oor te dra nie om skuld te betaal, wat dit nie skuld nie, ten einde klaringsertifikate te verkry.

Belastings en dienstehettings sal steeds deur die transportnemer betaal moet word en munisipaliteite se balansstate sal nie nadelig geraak word nie.

Geregistreerde eienaarskapsregte sal beslag opgelê kan word, indien bedrae wat aan munisipaliteite geskuld word nie betaal word nie.

5. Klousulegewyse beskrywing

5.1 Klousule 1 van die wetsontwerp vervang subartikel 50(5) met 'n nuwe subartikel (5).

Klousule 2 bevat die kort naam van die wetsontwerp

NOTICE 6205 OF 2000**GAUTENG PROVINCIAL LEGISLATURE****PUBLICATION OF GAUTENG CONVERSION OF CERTAIN
RIGHTS INTO LEASEHOLD OR OWNERSHIP AMENDMENT
BILL**

Notice is hereby given that the Member of the Executive Council for Housing (Mr P Mashatile) intends to introduce the Gauteng Conversion of Certain Rights into Leasehold or Ownership Amendment Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments or representations on or before **29 September 2000** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms S Gumede)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5562
Fax No: (011) 498-5719

GAUTENG DEPARTMENT OF HOUSING

GAUTENG CONVERSION OF CERTAIN RIGHTS INTO LEASEHOLD OR OWNERSHIP AMENDMENT BILL, 2000

(AS INTRODUCED)

by

(MEC FOR HOUSING)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

B I L L

To amend the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) to provide for a uniform procedure for the transfer of residential properties; and to provide for matters connected thereto.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of section 1 of Act No. 81 of 1988

1. Section 1 of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) (in this Act referred to as "the principal Act") is hereby amended by the substitution for the definition of 'Administrator' of the following definition:

"Administrator" - [, in relation to any matter referred to in this Act, means the Administrator-in-executive committee of the province in which that matter is to be dealt with;]

- (a) in relation to any matter referred to in sections 2 and 3 of this Act, means the adjudication panel and appeal panel contemplated in section 24B of the Gauteng Housing Act, 1998 (Act No. 6 of 1998), as amended; and
- (b) in relation to any other matter referred to in this Act, means the Member of the Executive Council responsible for housing matters in the Gauteng Province;"

Amendment of section 3 of Act No. 81 of 1988

2. Section 3 of the principal Act is hereby amended by the substitution for sub section (1) of the following sub section:

"3(1) Any person who considers himself aggrieved by any determination contemplated in section 2(4) may, within such period and in such manner as may be prescribed, appeal against that determination to the Administrator concerned, who may, [after investigation of the appeal and] with due regard to the provisions of section 2(3) and (4), confirm, set aside or vary the determination or make such other determination as in his or her opinion should have been made."

Amendment of section 6 of Act No. 81 of 1988

3. Section 6 of the principal Act is hereby amended by the insertion at the end of sub paragraph 6(2)(b) of the following subparagraph:

"6(2)(c) A residential permit holder's rights are deemed to have been cancelled if it is found through the adjudication process that such holder has abandoned his or her rights in respect of the residential property concerned or has entered into a transaction in terms of which such rights have been ceded, sold or disposed of in any other way.'

Repeal of laws

4. The law specified in the first column of the Schedule is repealed to the extent indicated in the second column thereof.

Short Title

5. This Act is called the Gauteng Conversion of Certain Rights into Leasehold or Ownership Amendment Act, 2000.

SCHEDULE

COLUMN 1 (Law repealed)	COLUMN 2 (Extent)
Conversion to Leasehold Regulations, 1988 published in Provincial Gazette No 4655 of 10 October 1990	Regulation 7

EXPLANATORY MEMORANDUM

1. PURPOSE OF THE BILL

The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) is being amended to provide for a uniform procedure for the transfer of residential properties-project.

2. SOCIAL IMPACT

Two different systems of adjudication are utilised for the transfer of residential properties. Regulation 6 & 8 properties are governed by the adjudication system prescribed by the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) and regulation 7 properties are governed by the adjudication system prescribed by the First Gauteng Housing Amendment Act, 2000. The amendment of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) will ensure that beneficiaries have access to a uniform and fair adjudication procedure.

3. CLAUSE-BY-CLAUSE DESCRIPTION

The proposed amendments to the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) are as follows:

3.1 Section 1:

This section deals with the amendment of the definition of "Administrator" in section 1 of the principal Act to provide for appeals under section 3 of the principle Act to adjudication and appeal panels.

3.2 Section 2:

This section deals with the amendment of section 3(1) of the principal Act to delete the provision relating to the investigation of appeals.

3.3 Section 3:

Section 3 amends section 6 of the principal Act by inserting subsection 6(2)(c) that provides for the abandonment or alienation of certain rights.

3.4 Section 4:

This section deals with the repeal of Regulation 7 of the Conversion to Leasehold Regulations, 1988.

3.5 Section 5:

This section contains the short title of the Act.

4. OTHER DEPARTMENTS AND BODIES CONSULTED

The proposed amendments to the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) only

have internal implications for the Department of Housing. Therefore, the Gauteng Conversion of Certain Rights into Leasehold or Ownership Amendment Bill, 2000 was only discussed within the Department of Housing.

5. FINANCIAL IMPLICATIONS

No significant additional financial implications for the Province are expected.

UMNYANGO WEZEZINDLU EGAUTENG

**UMTHETHO OCHIBIYEWE WASEGAUTENG WECONVERSION OF CERTAIN
RIGHTS INTO LEASEHOLD OR OWNERSHIP, KA-2000**

(NJENGOBA WETHULWA)

ngu-

(MEC WEZEZINDLU)

INCAZELO:

[] Amazwi abhalwe ngokuggamile kubakaki abayizikwele babonisa ukuthi kunamazwi akhishiwe emithetheni ekhona.

Amazwi adwetshelwe abonisa amazwi anezelwe emithethweni ekhona.

UMTHETHO

**Ukuchibiyela iConversion of Certain Rights into Leasehold or Ownership
Act, 1988 (Act No. 81 of 1988) ukuze kulungiselelwe inqubo efanayo yokudluliselwa kwezindawo zokuhlala; nokulungiselela izindaba ezihllobene nalokhu.**

UMA UNGASE UMISWE yiSishaya-mthetho Sesifundazwe SaseGauteng kanje:

Ukuchibiyelwa kwengxenye 1 ye-Act No. 81 of 1988

1. Ingxenye 1 yeConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) (kuloMthetho ebizwe ngokuthi "uMthetho oyinhloko") uyachibiyelwa lapha ngokufaka lokhu esikhundleni sencazelo yelithi 'Umphathi' encazelweni elandelayo:

"Umphathi" [ngokuhlobene nanoma iyiphi indaba okukhulunya ngayo kuloMthetho, usho uMphathi ekomitini labaphathi esifundazweni indaba ezosingathelwa kuso;]

- (a) ukuthi ngokuhlobene nanoma iyiphi indaba okubhekiselwa kuyo ezingxenye 2 no-3 zaloMthetho, kusho isigungu samajaji nesigungu sokudlulisela amacala esicatshanelwa engxenyeni 24B eMthethweni Wevezindlu EGauteng, ka- 1998 (Act No. 6 of 1998), ngemva kokuba uchibiyelwe; kanti
- (b) ukuthi ngokuhlobene nanoma iyiphi indaba okubhekiselwa kuyo kuloMthetho, kubhekisela ku-Member of the Executive Council ebhekele izindaba zezindlu eSifundazweni saseGauteng;"

Ukuchibiyelwa kwengxenye 3 yeAct No. 81 of 1988

2. Ingxenye 3 yoMthetho oyinhloko laph ichibiyelwa ngokufakwa kwengxenyana (1) kulengxenyana elandelayo:

"3(1) Noma yimuphi umuntu ocabanga ukuthi uphathwe kabi ngenxa yanoma yisiphi isinqumo esicatshanelwe engxenyeni 2(4), phakathi nesikhathi esinqunyiwe nangendalela enquuniwe, angase

adlulisele icala kuMphathi ohilelekile, okuyothi, **[ngemva kokucubungula icala elidiulisiwe futhi]** eye wacabangela ngokufanele ingxenye 2(3) no (4), aqinisekise, abekele eceleni noma akhiphe isinqumo esihlukile noma amise leso sinqumo ngendlela abona ukuthi bekufanele sime ngayo."

Ukuchibiyelwakwengxenye 6 yeAct No. 81 of 1988

3. Ingxenye 6 yoMthetho oyinhloko iyachibiyelwa lapha ngokufakwa kwengxenye yokugcina yesigatshana 6(2)(b) yesigatshana esilandelayo:

"6(2)(c) Amalungelo omuntu onemvume yokuhlala abhekwa njengasuliwe uma kuthi ngenqubo yokwahlulela kutholakale ukuthi lowo muntu uye walahlamalungelo akhe endawo yokuhlala ehilelekile noma uye wenza isivumelwano esenza amalungelo anjalo angasebenzi, awathengise noma awalahle nganoma iyiphi indlela.'

Ukwensiwa kwemithetho ibe yize

4. Umthetho ochazwe ohleni lokuqala oHiwelweni uba yize ngezinga eliboniswe ohleni Iwesibili Iwalo.

Umbhalo Omfushane

5. LoMthetho ubizwa ngokuthi uMthetho Ochibiyelwe WaseGauteng WeConversion of Certain Rights into Leasehold or Ownership, ka-2000.

UHLELO

UHLA 1 (Umthetho owenziwe waba yize)	UHLA 2 (Izinga)
IConversion to Leasehold Regulations, 1988 eyakhishwa ku-Provincial Gazette No 4655 yomhla ka-10 October 1990	Isiqondiso 7

INCWADI ECHAZAYO**1. INJONGO YOMTHETHO**

IConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) iyachibiyelwa ukuze inikeze inqubo efanayo emkhankasweni wokudlulisela izindawo zokuhlala kwabanye abantu.

2. UMPHUMELA KWEZENHLALO

Kunezimiso ezimbili ezihlukene zokukhipha isinqumo ekudluliselweni kwezindawo zokuhlala. Izindawo ezingena esiqondisweni 6 no-8 zilawulwa yisimiso sokukhipha isinqumo esishiwo kuConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) kanti izindawo ezingena esiqondisweni 7 zilawulwa yisimiso sokukhipha isinqumo esishiwo eMthethweni Wokuqala Wezezindlu Ochibiyelwe EGauteng, ka-2000. Ukuchibiyelwa kweConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) kuyoqinisekisa ukuthi abantu okufanele bathole izindawo bathola inqubo efanayo nengachemile yokukhishwa kwesinqumo.

3. INCAZELO YOMUSHWANA NGAMUNYE

Izichibiyelo ezihlongozwayo zeConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) zimi kanje:

3.1 Ingxenye 1:

Lengxenye ikhuluma ngokuchibiyelwa kwencazelo yelithi "Umpathathi" engxenyeni 1 yoMthetho oyinhloko ukuze kubhekkelwe amacala aduliswe ngaphansi kwengxenye 3 yoMthetho oyinhloko

adluliselwa esigungwini samajaji nasesigungwini sokudlulisela amacala.

3.2 Ingxenye 2:

Lengxenye ikhuluma ngokuchibiyelwa kwengxenye 3(1) yoMthetho oyinhloko ukuze kuqedwe ilungiselelo elihlobene nokucubungulwa kwamacala adlulisiwe.

3.3 Ingxenye 3:

Ingxenye 3 ichibiyela ingxenye 6 yoMthetho oyinhloko ngokufaka ingxenyana 6(2)(c) ebhekela ukulahla noma ukwenziwa abe yize amalungelo athile.

3.4 Ingxenye 4:

Lengxenye ikhuluma ngokwenziwa sibe yize isiQondiso 7 seConversion to Leasehold Regulations, 1988.

3.5 Ingxenye 5:

Lengxenye iqukethe umbhalo omfushane woMthetho.

4. EMINYE IMINYANGO NEZIGUNGU EZITHINTIWE

Izichibiyelo ezhlongozwe ku onversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988) zithinta uMnyango Wevezindlu ngaphakathi. Ngakho-ke, uMthetho Ochibiyelwe WaseGauteng WeConversion of Certain Rights into Leasehold or Ownership, ka-2000 uye wadingidwa kabanzi ngaphakathi eMnyangweni Wevezindlu kuphela.

5. INDLELA OZOTHINTA NGAYO EZEZIMALI

**Akukho shintsho olungako olwengeziwe olulindeleke kwezezimali
eSifundazweni.**

KGORO YA DINTLO YA GAUTENG

**PHETOLELO YA DITOKELO TŠE DINGWE TŠA GAUTENG GO BA
MOLAOKAKAKWA WOO O FETOTSWEGO WA BOHIRI GOBA WA BORUI,
2000**

(BJALO KA GE O TSEBAGADITŠWE)

ke

(LELOKO LA LEKGOTLA PHETHIŠI LA TSA DINTLO)

TSEBIŠO YA HALOŠO YA KAKARETŠO:

[] Mantšu ao a ngwadilwego ka bokoto a ka gare ga mašakana a dikhutlo a bontšha ditlogelo tša melao yeo e lego gona.

Mantšu ao a thaletšwego ka mothaladi wo mokoto a bontšha ditsenyo ka melaong yeo e lego gona.

MOLAOKAKANYWA

Go fetola Diphetolelo tša Ditokelo tše Dingwe go ba Molao wa Bohiri goba Borui, 1988 (Molao No. 81 wa 1988) go kgontšha tshepedišo yeo e tshwanago ya maruo a madulo; le go kgontšha ditaba tše di amanago le tšona.

E DIRAGATŠWA ke Theramelao ya Profense ya Gauteng ka mokgwa woo o latelago:

Amendment of section 1 of Act No. 81 of 1988

1. Karolo 1 ya Phetolelo ya Ditokelo tše Dingwe go ba Molao wa Bohiri goba wa Borui, 1988 (Molao No. 81 wa 1988) (ka Molaong wo o bitšwa "Molao wa theo") e fetolwa ka go tsenya legatong la yona hlalošo ya 'Mosepediši' yeo e latelago:

"Mosepediši" [mabapi le taba efe goba efe yeo e boletšwego ka Molaong wo, o šupa Mosepediši-ka-komitng-phethiši ka profenseng yeo taba yeo e yo ahlaahlwago ka go yona;]

- (a) Mabapi le taba efe goba efe yeo e boletšwego ka karolong ya bo 2 le 3 ya Molao wo, e šupa phanele ya boahlodi le phanele ya boipiletšo yeo e umakilwego ka karolong 24B ya Molao wa tše Dintlo wa Gauteng, 1998 (Molao No. 6 wa 1998), bjalo ka ge o fetotšwe; le
- (b) Mabapi le taba efe goba efe yeo e boletšwego ka Molaong wo, e šupa Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a tše dintlo ka Profenseng ya Gauteng;"

Phetolo ya karolo 3 ya Molao No. 81 wa 1988

2. Mo go fetolwa karolo ya bo 3 ya Molao wa theo ka go bea legatong la yona sekakarolwana (1) sa sekakarolwana seo se latelago:

"3(1) Motho ofe goba ofe yoo a itšeago gore ga se a swarwe gabotse ke sephetho sefe goba sefe seo se umakilwego ka karolong 2(4), lebakeng la nako leo le boletšwego le ka mokgwa

woo o ka no bolelwago, a ka no dira boipiletšo kgahlanong le sephetho se bjalo go Mosepediši yoo a amegago, yoo , [morago ga nyakišiso le boipiletšo] ka go hlokomela pele ditaetšo tša karolo 2(3) le (4), a ka no netefatšago, a beela thoko goba a fetola sephetho goba a dira sehetoh se sengwe seo go ya ka pono ya gagwe e ka bego e le sona nkabego se dirilwe.”

Phetolo ya karolo 6 ya Molao No. 81 wa 1988

3. Karolo 6 ya Molao wa theo e fetolwa ka tsenyo morago ga seka temana 6(2)(b) ya seka temana seo se latelago:

“6(2)(c) Ditokelo tša moswari wa phemiti ya madulo di tšewa gore di phimotšwe ge go ka humanwa ka tshepedišo ya boahlodi gore moswari yo bjalo o lahlile ditokelo tša gagwe tša madulo ao a amegago goba o tsenetše kwano yeo go ya ka yona ditokelo tše bjalo di gafelwago, di rekišwago goba di lahlegago ka tsela efe goba efe.”

Phedišo ya melao

4. Molao woo o boletšwego gabotsebotse ka kholomong ya pele ya Šetulo o fedišwa go ya ka mokgwa woo o boletšwego ka kholomong ya bobedi ya wona.

Thaetlele ye Kopana

5. Molao wo o Bitšwa Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao woo o Fetotšwego, 2000.

ŠETULO

KHOLOMO 1 (Molao woo fedisitšwego)	KHOLOMO 2 (Go fihla kae)
Phetolelo go Melawana ya Bohiri, 1988 yeo e gatisitšwego ka Kuranteng ya Mmušo ya Profense No 4655 ya 10 Oktoboro 1990	Molawana 7

MEMORANTAMO WA HLALOŠO

1. MAIKEMIŠETŠO A MOLAOKAKANYWA

Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 1988 (Molao No. 81 wa 1988) o fetolwa go kgontšha tshepedišo yeo e swanago ya protšeke ya tshutišetšo ya maruo a madulo.

2. THULANO PHEDIŠANONG

Ditshepedišo tše pedi tša go fapana tša kahlolo ya maruo a madulo. Maruo a Melawana 6 & 8 a laolwa ke tshepedišo ya kahlolo yeo e hlalošitšwego ke Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 1988 (Molao No. 81 wa 1988) le maruo a molawana 7 a laolwa ke tshepedišo ya kahlolo yeo e hlalošitšwego ke Molao wa Pele woo o Fetotšwego wa Dintlo wa Gauteng, 2000. Phetolelo ya Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 1988 (Molao No. 81 wa 1988) e tla netefatša gore baholwa ba kcona go humana tshepedišo ya kaholo ya go swana le ya nnate.

3. HLALOŠO YA LEFOKWANA-KA-LEFOKWANA

Diphetolo tše di šišintšwego go Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 1988 (Molao No. 81 wa 1988) di ka mokgwa woo o latelago:

3.1 Karolo 1:

Karolo ye e ahlaahla phetolo ya hlalošo ya "Mosepediši" ka kaolong 1 ya Molao wa theo go kgontšha boipiletšo ka fase ga karolo 3 ya Molao wa theo go diphanele tša kahlolo le boipiletšo.

3.2 Karolo 2:

Karolo ye e ahlaahla phetolo ya karolo 3(1) ya Molao wa theo go phimola taetšo yeo e amanago le nyakišišo ya boipiletšo.

3.3 Karolo 3:

Karolo 3 e fetola karolo 6 ya Molao wa theo ka go tsenya sekakarolo 6(2)(c) seo se kgontšhago go lahlwa goba go hlokomologwa ga ditokelo tše dingwe.

3.4 Karolo 4:

Karolo ye e ahlaahla phedišo ya Molawana 7 wa Melawana ya Phetolelo ya Bohiri, 1988.

3.5 Karolo 5:

Karolo ye e na le Thaetlele ye Kopana ya Molao.

4. DIKGORO TŠE DINGWE LE MEKGATLO YEO E RERIŠITŠWEGO

Diphetolo tše di šišintšwego tša Molao wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 1988 (Molao No. 81 wa 1988) di na le ditšhupo tša ka gare fela go Kgoro ya tša Dintlo. Ka moo, Molaokakakywa wa Phetolelo ya Ditokelo tše Dingwe tša Bohiri goba tša Borui go ba Molao, 2000 o rerilwe fela ka gare ga Kgoro ya tša Dintlo.

5. DITŠHUPO TŠA TŠA DITŠHELETE

Ga gona tša ditšhelete tše dikgolo tše di lebeletšwego tša Profense.

GAUTENGSE DEPARTEMENT VAN BEHUISING

**WYSIGING VAN DIE GAUTENGSE
WETSONTWERP VIR DIE OMSKEPPING VAN
SEKERE REGTE IN HUURBESIT OF
EIENAARSKAP, 2000**

(SOOS VOORGESTEL)

deur die

(LUR VIR BEHUISING)

ALGEMENE VERDUIDELIKING:

[] Vetgedrukte woorde tussen reghoekige hakies dui op weglatings uit bestaande wette

— Woorde wat met 'n soliede lyn ondersteep is, dui op byvoegsels tot bestaande wette

WETSONTWERP

Om die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) te wysig om 'n eenvormige prosedure vir die oordrag van wooneiendomme te voorsien; en om voorsiening vir verwante sake te maak.

Die volgende word deur die Gautengse Proviniale Wetgewer VERORDEN:

Wysiging van Gedeelte 1 van Wet Nr. 81 van 1988

1. Gedeelte 1 van die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) (waarna daar in hierdie Wet as "die Hoofwet" verwys word) word hiermee deur die vervanging van die omskrywing van "Administrateur" deur die volgende omskrywing gewysig:

"`Administrateur' – [, beteken met betrekking tot enige saak waarna daar in hierdie Wet verwys word, die Uitvoerende Administrateurkomitee van die provinsie waar die saak hanteer sal word;]

- (a) beteken met betrekking tot enige saak waarna daar in gedeelte 2 en 3 van hierdie Wet verwys word, die beoordelingspaneel en appèlpaneel soos in Gedeelte 24B van die Gautengse Wet op Behuising van 1998 (Wet Nr. 6 van 1998), soos gewysig, oorweeg; en
- (b) beteken met betrekking tot enige ander saak waarna daar in hierdie Wet verwys word, die Lid van die Uitvoerende Raad wat vir behuisingsake in die Gauteng-provinsie verantwoordelik is;"

Wysiging van Gedeelte 3 van Wet Nr. 81 van 1988

2. Gedeelte 3 van die Hoofwet word hiermee gewysig deur sub-gedeelte (1) deur die volgende sub-gedeelte te vervang:

"3(1) Enige persoon wat homself as gegrif beskou deur enige bepaling soos in gedeelte 2(4) oorweeg, mag, binne die voorgeskrewe tydperk en op die voorgeskrewe manier, appèl teen die bepaling van die betrokke Administrateur aanteken, wat, [na 'n ondersoek van die appèl en] met inagneming van die bepalings van Gedeelte 2(3) en (4), die bepaling sal bevestig, ter syde stel of varieer, of 'n ander bepaling sal opstel wat volgens sy of haar mening opgestel behoort gewees het."

Wysiging van Gedeelte 6 van Wet Nr. 81 van 1988

3. Gedeelte 6 van die Hoofwet word hiermee deur die byvoeging van die volgende sub-paragraaf aan die einde van sub-paragraaf 6(2)(b) gewysig:

"6(2)(c) 'n Woonpermithouer se regte sal as gekanselleer beskou word indien daar deur middel van die beoordelingsproses bevind word dat so 'n houer sy of haar regte met betrekking tot die betrokke

wooneiendom prysgegee het of 'n transaksie aangegaan het in terme waarvan sulke regte op enige ander manier gesedeer, verkoop of daarvan afstand gedoen is."

Herroeping van wette

4. Die wet wat in die eerste kolom van die Skedule gespesifieer is, word herroep in die mate soos in die tweede kolom daarvan gespesifieer.

Kort titel

5. Hierdie Wet word die Gautengse Wysigingswet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap, 2000, genoem.

SKEDULE

KOLOM 1 (Wet herroep)	KOLOM 2 (Omvang)
Omskepping in Huurbesitregulasies, 1988, afgekondig in die Provinciale Staatskoerant Nr. 4655 van 10 Oktober 1990	Regulasie 7

MEMORANDUM VAN VERDUIDELIKING

1. DOELWIT VAN DIE WETSONTWERP

Die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) word gewysig om voorsiening te maak vir 'n eenvormige prosedure vir die projek vir die oordrag van wooneiendomme.

2. SOSIALE TREFKRAG

Twee verskillende beoordelingstelsels word vir die oordrag van wooneiendomme gebruik. Eiendomme in terme van Regulasies 6 & 8 word deur die beoordelingstelsel soos deur die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) voorgeskryf, beheer, terwyl eiendomme in terme van Regulasie 7 deur die beoordelingstelsel soos deur die Eerste Gautengse Wysigingswet op Behuising van 2000 voorgeskryf, beheer word. Die wysiging van die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) sal verseker dat die begunstigdes toegang tot 'n eenvormige en regverdige beoordelingsprosedure het.

3. KLOUSULE-VIR-KLOUSULE VERDUIDELIKING

Die voorgestelde wysigings tot die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) is soos volg:

3.1 Gedeelte 1:

Hierdie gedeelte handel oor die wysiging van die omskrywing van "Administrateur" in Gedeelte 1 van die Hoofwet om in terme van

Gedeelte 3 van die Hoofwet voorsiening te maak vir appèlle tot beoordelings- en appèlpanele.

3.2 Gedeelte 2:

Hierdie gedeelte handel oor die wysiging van Gedeelte 3(1) van die Hoofwet om die bepaling met betrekking tot die ondersoek van appèlle te skrap.

3.3 Gedeelte 3:

Gedeelte 3 wysig Gedeelte 6 van die Hoofwet deur sub-gedeelte 6(2)(c) by te voeg, wat voorsiening vir die prysgewing of afstanddoening van sekere regte maak.

3.4 Gedeelte 4:

Hierdie gedeelte handel oor die herroeping van Regulasie 7 van die Regulasies vir die Omskepping in Huurbesit van 1988.

3.5 Gedeelte 5:

Hierdie gedeelte bevat die kort titel van die Wet.

4. ANDER DEPARTEMENTE EN LIGGAME GERAADPLEEG

Die voorgestelde wysigings tot die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) het slegs interne implikasies vir die Departement van Behuising. Dus is die Wysigingsontwerp vir die Gautengse Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap slegs binne die Departement van Behuising bespreek.

5. FINANSIELE IMPLIKASIES

Geen beduidende addisionele finansiële implikasies word vir die Provinsie verwag nie.

NOTICE 6206 OF 2000**GAUTENG PROVINCIAL LEGISLATURE****PUBLICATION OF FIRST GAUTENG HOUSING AMENDMENT BILL**

Notice is hereby given that the Member of the Executive Council for Housing (Mr P Mashatile) intends to introduce the First Gauteng Housing Amendment Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments or representations on or before **29 September 2000** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms S Gumede)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5562
Fax No: (011) 498-5719

GAUTENG DEPARTMENT OF HOUSING

FIRST GAUTENG HOUSING AMENDMENT BILL, 2000

(AS INTRODUCED)

by

(MEC FOR HOUSING)

GENERAL EXPLANATORY NOTE:

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

B I L L

To amend the Gauteng Housing Act, 1998 (Act No. 6 of 1998) to provide for a legislative framework for the transfer of residential properties; to establish adjudication and appeal panels in connection with the transfer of residential properties; and to provide for matters connected therewith.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of the long title of Act No. 6 of 1998

1. The long title of the Gauteng Housing Act, 1998 (Act No. 6 of 1998) (in this Act referred to as "the principal Act") is hereby amended by the substitution for the long title of the following long title:

"To provide for the promotion and facilitation of housing development within the Province of Gauteng; to lay down applicable general principles; to establish a provincial housing advisory board and fund; to provide for consultation; to set out the powers and duties of the Member of the Executive Council responsible for housing [**and Land Affairs**] in regard to the accreditation of local authorities, housing corporations, secure tenure, housing programmes, provision of rental and social housing; to provide for the transfer of residential properties; to establish adjudication and appeal panels in connection with the transfer of residential properties; and to provide for matters connected therewith."

Amendment of section 1 of Act No. 6 of 1998

2. Section 1 of the principal Act is hereby amended -

(a) by the deletion of the definition "Regulations" where it appears and inserting it after the definition "Province";

(b) by the insertion after the definition "Regulations" of the following definition:

' "State-financed residential properties" means residential properties that were financed with

funds or loans made available by the State, a government body or local authority;'; and

- (c) by the insertion after the definition "this Act" of the following definition:

'*Transfer of residential properties*' means the transfer of state-financed residential properties, which were first occupied before 1 July 1993 and units or erven contracted for by 30 June 1993, if allocated to individuals by 15 March 1994, and in certain instances is applicable to the discount benefit scheme at the discretion of the Board.'

Insertion of sections 24A, 24B, 24C and 24D in Act No. 6 of 1998

3. The following sections are inserted after section 24 of the principal Act:

"Transfer of residential properties

24A (1) The Department is authorised to adjudicate on disputed cases that emerge from Housing Bureaus established for the transfer of residential properties, by Premier's Directives in terms of section 171 of the Local Government Ordinance, 1939 (Ordinance No 17 of 1939) and disputed cases that emerged from the transfer of

residential properties in terms of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988).

(2) The MEC shall ensure the transfer of residential properties to individuals determined to be lawful beneficiaries in terms of this Act.

(3) The Department shall deal with disputed cases through adjudication and appeal panels established in terms of section 24B.

(4) The adjudication and appeal panels shall be abolished once all disputed cases have been disposed of.

Establishment and composition of adjudication and appeal panels

24B (1) There are hereby established an adjudication panel and an appeal panel.

(2) The MEC appoints so many adjudicators as the MEC deems necessary to adjudicate on disputed cases in order to determine the lawful beneficiary to whom a residential property must be transferred.

(3) The adjudication panel comprises of persons drawn from the following categories:

- (a) practicing advocates and attorneys; and
- (b) other legal professionals (lecturers, legal advisors, etc.);

Provided that -

- (i) they do not act as adjudicators in the area of a council if they are a member or employee of that council; or

(ii) they do not act as adjudicators in the area of a council if they are members of a firm of attorneys which have acted or is still acting on behalf of that council; or

(iii) if a state department or private company employs them, written permission to perform work as an adjudicator must be obtained from such employer.

(4) No adjudicator may represent any party to adjudication.

(5) The appeal adjudicators shall be selected by the MEC from the panel of adjudicators, and shall only deal with appeal adjudications.

(6) The prohibitions contained in subsection (3) equally apply to appeal adjudicators.

(7) Adjudicators and appeal adjudicators are appointed for a maximum period of two years; Provided that the MEC may re-appoint adjudicators and appeal adjudicators on the expiry of the two year period for a further period of two years.

(8) The remuneration of adjudicators and appeal adjudicators is determined by the MEC with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

(9) The MEC may from time to time review the membership of adjudicators and appeal adjudicators.

Regulations

24C (1) The MEC may by notice in the Provincial Gazette make regulations relating to any matter that may be prescribed in relation to the transfer of residential properties and may, without limiting the generality hereof, specifically prescribe -

- (a) the functions of the Department;**
- (b) the powers and duties of adjudicators and appeal adjudicators;**
- (c) the functions of municipalities;**
- (d) the procedure for conducting proceedings;**
- (e) the procedure for appeal hearings; and**
- (f) any other matters that the MEC deems necessary or sensible to prescribe in order to achieve the objects of the transfer of residential properties.**

Offences and penalties

24D (1) Any person who contravenes the regulations made in terms of section 24C shall be guilty of an offence and liable on conviction to a fine of maximum R500, 00 (five hundred rand) or imprisonment of a maximum of 6 (six) months or both such fine and imprisonment."

Short Title and Commencement

4 (1) This Act is called the First Gauteng Housing Amendment Act, 2000 and is deemed to have come into operation on the 1st of September 1998.

(2) Every investigation, adjudication or appeal in relation to the transfer of residential properties undertaken before the adoption of this Act shall be deemed to be lawful.

EXPLANATORY MEMORANDUM

1. PURPOSE OF THE BILL

The Gauteng Housing Act, 1998 (Act No. 6 of 1998) is being amended to make provision for the transfer of residential properties, which is currently in operation and being administered by the Department of Housing.

2. SOCIAL IMPACT

The promulgation of the Bill provides for one adjudication system for all state-funded properties, thus ensuring that a uniform, fair and transparent process is followed for the transfer of residential properties-project.

3. CLAUSE-BY-CLAUSE DESCRIPTION

The First Gauteng Housing Amendment Bill, 2000 provides for the following:

3.1 Clause 1

This clause amends the long title of the principal Act by providing for the transfer of residential properties and the establishment of adjudication and appeal panels.

3.2 Clause 2

This clause amends certain definitions by correcting the alphabetical order and it inserts new definitions.

3.3 Clause 3

This clause inserts sections-

- (a) 24A that provides for the legislative framework for the transfer of residential properties;
- (b) 24B that provides for the establishment and composition of adjudication and appeal panels;
- (c) 24C that provides for the power to make regulations relating to the transfer of residential properties; and
- (d) 24D that provides for offences and penalties.

3.4 Clause 4

This clause contains the short title of the Bill and provides for the retrospective force of the Bill.

4. OTHER DEPARTMENTS AND BODIES CONSULTED

The proposed amendments to the Gauteng Housing Act, 1998 only have internal implications for the Department of Housing. Therefore, the First Gauteng Housing Amendment Bill, 2000 has only been discussed extensively within the Department of Housing.

5. FINANCIAL IMPLICATIONS

There are no new financial implications for the Department of Housing. The costs for administering the transfer of residential properties are provided for under the budget of the Chief Directorate: Tenure and Assets Management, in the Department of Housing.

UMNYANGO WEZEZINDLU EGAUTENG

UMTHETHO WOKUQALA WEZEZINDLU OCHIBIYELWE EGAUTENG, KA- 2000

(NJENGOBA WETHULWA)

ngu-

(MEC WEZEZINDLU)

INCAZELO:

- [] Amazwi abhalwe ngokuggamile kubakaki abayizikwele babonisa ukuthi kunamazwi akhishiwe emithetheni ekhona.
- Amazwi adwetshelwe abonisa amazwi anezelwe emithethweni ekhona.

UMTHETHO

Ukuchibiyela uMthetho Wezezindlu EGauteng, ka-1998 (Act No. 6 of 1998)
ukuze kulungiselelwe uhlaka olushaya umthetho ekudluliselweni
kwezindawo zokuhlala; ukumisa izigungu ezikhipha ezingumo kanye

neziqula amacala adlulisiwe; kanye nokulungiselela izindaba ezhlobene nalokhu.

UMA UNGASE UMISWE yiSishaya-mthetho Sesifunda SaseGauteng kanje:

Ukuchibiyelwa kombhalo omude we- Act No. 6 of 1998

1. Umbhalo omude eMthethweni Wevezindlu WaseGauteng, ka-1998 (i-Act No. 6 of 1998) (kuloMthetho ubizwe ngokuthi "uMthetho oyinhloko") lapha ushintshwe ngokufakwa kombhalo omude esikhundleni sombhalo omude olandelayo:

"Ukuze kubhekkelwe intuthuko futhi kwensiwe lula ukuqhubelela phambili kwevezindlu eSifundi SaseGauteng; ukuze kubekwe obala izimiso ezivamile ezisebenzayo; ukumisa ibhodi lesifunda eleluleka ngezezindlu kanye nesikhwama; ukulungiselela ukubonisana; ukucacisa amandla nemisebenzi yeMember of the Executive Council ebhekele ezezindlu **[neziNdaba Zemihlabu]** ngokuqondene nokugunyaza ohulumeni basekhaya, izinhlangano zezindlu, i-tenure evikelekile, izinhlaka zezezindlu, ukulungiselela kwezindlu zokuqashisa noma zezenhlalo; ukulungiselela ukudlulisela kwezindawo zokuhlala kwabanye abantu; ukumisa izigungu zamajaji nezigungu zokudlulisela amacala ezizobhekela ukudlulisela kwezindawo zokuhlala kwabanye abantu; nokulungiselela izindaba ezhlobene nalezi."

Ukuchibiyelwa kwengxenye 1 ye-Act No. 6 of 1998

2. Ingxenye 1 yoMthetho oyinhloko iyachibiyelwa lapha -
- (a) ngokucisha incazel yethi "Iziqondiso" lapho ivela khono nokuyifaka ngemva kwencazelo yelithi "Isifundazwe";
 - (b) ngokufaka incazel elandelayo ngemva kwencazelo yelithi "Iziqondiso":
 'Izindawo zokuhlala ezixhaswa nguhulumeni ngemali'
 kusho izakhiwo zokuhlala ezazixhaswa ngemali
 yesikhwama noma imali-mboleko etholakala kuHulumeni,
 isigungu sikahulumeni noma uhulumeni wasekhaya,'; futhi
 ngokufaka incazel elandelayo ngemva kwencazelo yelithi
 "IoMthetho":
 'Ukudluliselwa kwezindawo zokuhlala kwabanye abantu"
 kusho ukudluliselwa kwezindawo zokuhlala ezixhaswa
 uhulumeni ngezimali, okwakuhlalwa kuzo ngokokuqala
 ngaphambi komhla ka-1 July 1993 kanye nezindlu
 ezizivumelwano zazo zase zenziwe ngo-30 June 1993,
 uma zase zabelwe abantu ngomhla ka-15 March 1994,
 futhi kwezinye izimo kusebenza esimisweni sesaphulelo
 esinqunywa yiBhodi.'

Ukufakwa kwezingxenye 24A, 24B, 24C no-24D kuAct No. 6 of 1998

3. Izingxenye ezilandelayo zifikwe ngemva kwengxenye 24
 yoMthetho oyinhloko:

"Ukudluliselwa kwezindawo zokuhlala kwabanye abantu

24A (1) Umnyango unegunya lokwahlulela emacaleni okuphikiswana ngawo avela eHhovisi Lezezindlu ngokuphathelene nokudluliselwa kwezindawo zokuhlala kwabanye abantu, ngeziQondiso ZikaNdunankulu ngokuvumelana nengxenye 171 yoMthetho Wohulumeni Basekhaya, ka-1939 (Ordinance No. 17 of 1939) namacula okuphikiswana ngawo aqubuka ngenxa yokudluliselwa kwezindawo zokuhlala kwabanye abantu ngokuvumelana neConversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988).

(2) UMEC uyoqinisekisa ukuthi ukudluliselwa kwezindawo zokuhlala kwabanye abantu kwenziwa kubantu abafanelekayo ngokomthetho ngokuvumelana naloMthetho.

(3) UMnyango uyosingatha amacula okuphikiswana ngawo usebenzisa amajaji nezigungu zokudluliselwa amacula ezimisive ngokuvumelana nengxenye 24B.

(4) Izigungu zamajaji nezigungu zokudluliselwa amacula ziyoohlakazwa lapho wonke amacula eseqedive.

Ukumiswa nokuklanywa kwezigungu zamajaji nezokudluliselwa amacula

24B (1) Kukhona isigungu samajaji nesigungu sokudluliselwa amacula esimisiwe.

(2) UMEC umisa amajaji ayinani alibona lifanele ukuze akhiphe izinqumo emacaleni okuphikiswana ngawo ukuze aqinisekise ukuthi ngubani okufanelekela ngokomthetho ukuba indawo yokuhlala idluliselwe kuye.

(3) Isigungu samajaji sakhiwa ngabantu abathathwe emikhakheni elandelayo:

(a) abasebenza njengabameli; kanye

(b) nabanye ochwephesho kwezomthetho (othisha bemfundo ephakeme, abeluleki kwezomthetho, njill.).

Uma nje -

(i) bengeke babe amajaji endaweni yomkhandlu uma bengamalungu noma besebenzela lowo mkhandlu; noma

(ii) bengeke babe amajaji endaweni yomkhandlu uma bengamalungu enkampani yabameli eye yamela lowo mkhandlu esikhathini esidlule namanje; noma

uma umnyango kahulumeni noma inkampane ezimele ibaqasha, kumelwe kutholakale imvume ebhalwe ngumqashi yokwenza umsebenzi njengamajaji.

(4) Alikho ijaji elingamelela noma yiliphi igembu ekukhisweni kwezingumo

(5) Amajaji asingatha amacala adlulisiwe ayokhethwa uMEC esigunqwini samajaji, futhi ayosebenza kuphela ngokukhipha izinqumo zamacala adlulisiwe.

(6) Imithetho esengxenyaneni (3) isezenza ngokulinganayo kumajaji asingatha amacala adlulisiwe

(7) Amajaji avamile nalawo asingatha amacala adlulisiwe ahlala ezikhundleni iminyaka emibili; Ngaphandle kalapho uMEC emisa kabusha amajaji avamile namajaji asingatha amacala adlulisiwe ekupheleni kweminyaka emibili ukuba abuye aqhubeke eminye iminyaka emibili

(8) Ihlo lesigungu samajaji nesigungu samacala adlulisiwe linqunywa nguMEC ngemva kokubonisana ne-Member of the Executive Council ebhekele izindaba zezimali eSifundazweni.

(9) (9) Ngezikathi ezithile uMEC uyobukeza ubulungu besigungu samajaji nesigungu sokudlulisela amacala.

Iziqondiso

24C (1) UMEC angakhipha isaziso ku-Provincial Gazette esiphathelene nezinto ezhlobene nokudlulisela kwezindawo zokuhlala kwabanye abantu, futhi nakuba kungase kungabi yilokhu kuphela, angase achaze -

- (a) imisebenzi yoMnyango;
- (b) amandla nemisebenzi yesigungu samajaji nesigungu sokudlulisela amacula;
- (c) imisebenzi yomasipala;
- (d) izinqubo ezilandelwayo;
- (e) inqubo yokugula amacula adulisiwe; kanye
- (f) nezinye izindaba uMEC azibona zifanele futhi kunenggondo ukuzichaza ukuze afinyeleel imigomo yokudlulisela izindawo zokuhlala kwabanye abantu

Amacula nezijeziso

24D (1) Noma ubani oyophambana neziqondiso ezinikezwe engxenyeni 24C uyobekwa icala futhi ahlawuliswe imali engengaphezu kuka-R500, 00 (amakhulu amahlanu amarandi) noma aggunywe ejele izinyanga ezingu-6 (eziyisithupha) noma kokubili inhlawulo enjalo futhi abuye aggunywe ejele."

Umbhalo Omfushane Nokusebenza

4 (1) LoMthetho ubizwa ngokuthi uMthetho Wokuqala Wevezindlu Ochibiyelwe EGauteng, ka-2000 (First Gauteng Housing Amendment Act, 2000) futhi kufanele ukuthi waqala ukusebenza ngomhla ka-1st kuSeptember 1998.

(2) Konke ukuhlola, ukukhishwa kwesinqumo noma ukudluliswa kwecala okuhlobene nokudlulisela kwezindawo zokuhlala kwabanye abantu okwenziwa ngaphambi kokwamukelwa kwaloMthetho kuyobhekwa njengokusemthethweni.

INCWADI ECHAZAYO

1. INJONGO YOMTHETHO

Umthetho Wevezindlu EGauteng, ka-1998 (Act No. 6 of 1998) uyachibiyelwa ukuze ubhekele ukudluliselwa kwezindawo zokuhlala kwabanye abantu, osebenzayo njengamanye futhi osetshenziswa nguMnyango Wevezindlu.

2. UMPHUMELA KWEZENHLALO

Ukumenyezelwa kaloMthetho kuyokwenza kube nesimiso esisodwa sokunquma kuzo zonke izindawo ezixhaswa nguhulumeni, kanjalo kuqinisekise ukuthi kulandelwa inqubo efanayo, engachemile futhi engenamfihlo ekudluliselweni kwezindawo zokuhlala.

3. INCAELO YOMUSHWANA NGAMUNYE

UMthetho Wokuqala Wevezindlu Ochibiyelwe EGauteng, ka-2000 unikeza okulandelayo:

3.1 Umushwana 1

Lomushwana uchibiyela umbhalo omude woMthetho oyinhloko ngokulungiselela ukudluliselwa kwezindawo zokuhlala nokumisa isigungu samajaji nesigungu sokudluliselwa amacala

3.2 Umushwana 2

Lomushwana uchibiyela izincazelo ezithile ngokulungisa ukulandelana kwazo ngezinhlamvu bese unezela izincazelo ezintsha.

3.3 Umushwana 3

Lomushwana ufaka izingxenye-

- (a) 24A elungiselela uhlaka olushaya umthetho ekudluliselweni kwezindawo zokuhlala;
- (b) 24B ebhekela ukumiswa nokwakhiwa kwesigungu samajani nesigungu sokudluliselwa amacula;
- (c) 24C ebhekela amandla okwenza iziqondiso ezipathelene nokudluliselwa kwezindawo zokuhlala; kanye
- (d) no-24D obhekela amacula nezijeziso.

3.4 Umushwana 4

Lomushwana unombhalo omfushane woMthetho futhi ucabangela amandla esikhathi esidlule oMthetho.

4. EMINYE IMINYANGO NEZIGUNGU EZITHINTIWE

Izichibiyelo ezihlongozwe Emthethweni Wevezindlu EGauteng, ka-1998 zithinta uMnyango Wevezindlu ngaphakathi. Ngakho-ke, uMthetho Wokuqala Wevezindlu Ochibiyelwe EGauteng, ka-2000 uye wadingidwa kabanzi ngaphakathi eMnyangweni Wevezindlu kuphela.

5. INDLELA OZOTHINTA NGAYO EZEZIMALI

Akukho lutho olusha oluzokusho eMnyangweni Wevezindlu. Izindleko zokunakekela ukudluliselwa kwezindawo zokuhlala zilungiselelwe ngaphansi kolwabiwo-mali IweChief Directorate: Tenure and Assets Management, eMnyangweni Wevezindlu.

KGORO YA TŠA DINTLO YA GAUTENG

**MOLAOKAKANYWA WOO O FETOTŠWEGO WA PELE WA DINTLO WA
GAUTENG**

, 2000

(BJALO KA GE O TSEBAGADITŠWE)

ke

(LELOKO LA LEKGOTLA PHETHIŠI LA DINTLO)

TSEBIŠO YA TLHALOŠO YA KAKARETŠO:

- [] Mantšu ao a ngwadilwego ka bokoto a ka gare ga mašakana a dikhutlo a bontšha ditlogelo tša melao yeo e lego gona.
- Mantšu ao a thaletšwego ka mothaladi wo mokoto a bontšha ditsenyo ka melaong yeo e lego gona.

MOLAOKAKANYWA

Go fetola Molao wa Dintlo wa Gauteng, 1998 (Molao No. 6 wa 1998) go kgontšha gore go be le tlhakamolao ya semolao ya go šuthišetšwa ga maruo a madulo; go tsebagatša diphanele tša kahlolo le tša boipiletšo

mabapi le tshutišetšo ya maruo a madulo; le go kgontšha mabaka ao a amanago le tšona.

E DIRAGATŠWA ke Theramelao ya Profense ya Gauteng ka mokgwa woo o latelago:

Phetolo ya thaetlele ye telele ya Molao wa No. 6 wa 1998

1. Thaetlele ye telele ya Molao wa Dintlo wa Gauteng, 1998 (Molao No. 6 wa 1998) (Ka Molaong wo o bitšwa "Molao wa theo") e fetolwa ka go tsenya legatong la yona thaetlele ye telele yeo e latelago:

"Go kgontšha kgodišo le nolofatšo ya tšwetšopele ya dintlo ka gare ga Profense ya Gauteng; go bea melaotshepetšo ya kakaretšo yeo e šomišegago; go tlhoma lekgotla la go eletša ka tša dintlo la profense le letlotlo; go kgontšha ditherišano; go hlaloša maatla le mešomo ya Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a tša dintlo [**le Merero ya Naga**] mabapi le tumelelo ya balaodi ba gae, dikoporasi tša dintlo, tshwaro ya naga yeo e bolokegilego, mananeo a tša dintlo, go kgontšha dintlo tša go hirwa le tša phedišano ; go kgontšha tshutišetšo ya maruo a madulo; go hloma diphanele tša kahlolo le diphanele tša boipiletšo mabapi le tshutišetšo ya maruo a madulo; le go kgontšha ditaba tše di amanago le tšona."

Phetolo ya karolo 1 of Molao No. 6 wa 1998**2. Karolo 1 ya Molao wa theo e a fetolwa mo -**

(a) ka go phimola hlalošo ya "Melawana" moo e hlagago le go e tsenya ka morago ga hlalošo ya "Profense";

(b) ka tsenyo ya ka morago ga "Melawana" ya hlalošo yeo e latelago:

'maruo a madulo ao a thušwago ke mmušo ka tša ditšelete" e šupa madulo ao a bego a lefelwa ka ditšelete goba dilounu tša go tšwa mmušong, mokgatlong wa mmušo goba bolaodi bja gae'; le

(c) Ka tsenyo morago ga hlalošo ya "Molao wo" ya hlalošo yeo e latelago:

'TšutiŠetšo ya maruo a madulo e šupa tšutišetšo ya madulo ao a thušwago ke mmušo ka ditšelete, ao a thomilego go dulwa pele pele ga di 1 tša Julae 1993 goba mafelo le ditsha tše di tsenetšwego dikontraka ge di 30 tša June 1993 di fihla, ge e le gore di filwe batho ka bobona ge di 15 tša Matšhe 1994 di fihla, gomme mabakeng a mangwe ge tše di be di šoma peakanyong ya mohola wa phokotšo go ya ka pono ya Lekgotla.'

Ditsenyo tša dikarolo tša bo 24A, 24B, 24C le 24D ka Molaong wa No. 6 wa 1998

3. Dikarolo tše di latelago di tsenywa morago ga karolo ya bo 24 ya Molao wa theo:

"Tšutišetšo ya maruo a madulo

24A (1) Kgoro e dumelitšwe go ahlola dikgetse tše di nago le dingangišano tše di tšwago Dipirong tša Dintlo tše di hlometšwego go šuthišetša madulo, ka Taetšo ya Letona go ya ka karolo ya bo 171 ya Molawana wa Mmušogae, 1939 (Molawana No 17 wa 1939) le dikgetse tše di nago le dingangišano tše di bakilwego ke tšutišetšo ya maruo a madulo go ya ka go Fetolelwa ga Ditokelo tše Dingwe go Molao wa Borui goba wa Bohiri, 1988 (Molao No. 81 wa 1988).

(2) Leloko la Lekgotla Phethiši le tla netefatša tšutišetšo ya maruo a madulo go batho ka bobona bao go phethilwego gore ke baholwa ba semolao go ya ka Molao wo.

(3) Kgoro e tla ahlaahla dikgetse tše di nago le dingangišano ka diphanele tša kahlolo le boipiletšo tše di hlomilwego go ya ka karolo 24B.

(4) Diphanele tša kahlolo le boipiletšo di tla fedišwa ge dikgetse kamoka tša go ba le dikngangišano di feditšwe.

Go hlongwa le bokagare bja diphanele tša boipiletšeo le kahlolo

24B (1) Mo go hlongwa phanele ya kahlolo le phanele ya boipiletšo.

(2) Leloko la Lekgotla Phethiši le bea baahlodi bao Leloko le bonago ba hlokega go phetha moholwa wa semolao woo madulo a swanetšego go šuthišetšwa go yena.

(3) Phanele ya kahlolo e na le batho bao ba tšerwego dikhatekoring tšeо di latelago:

- (a) boramolao le baatfokata bao ba šomago; le
- (b) baprofešenale ba bangwe ba semolao (bafahloši, baeletši ka tša molao, bjbj.);

Ge fela e le gore -

- (i) ga ba šome bjalo ka baahlodi lefelong la lekgotla ge e le maloko goba badiredi ba lekgotla leo; goba
- (ii) ga ba šome bjalo ka baahlodi ba lekgotla ge e le maloko a feme ya boramolao yeo e bego e šoma goba e sa šoma legatong la lekgotla leo; goba
- (iii) Ge kgoro ya mmušo goba khamphani ya praebete e ba thwala, tumelelo yeo e ngwadilwego fase ya go šoma bjalo ka moahlodi e swanetše go humanwa go tšwa mothwading yo bjalo.

(4) Ga go moahlodi yoo a ka no emelago leloko lefe goba lefe la go ahlola.

(5) Baahlodi ba boipilešo ba tla kgethwa ke Leloko la Lekgotla Phethiši go tšwa phaneleng ya baahlodi, gomme ba tla ahlaahla fela kahlolo ya boipiletšo.

(6) Dipaledišo tšeо di lego ka sekakarolwaneng sa bo (3) le tšona di šoma go baahlodi ba boipiletšo.

(7) Baahlodi le baahlodi ba boipiletšo ba bewa lebaka leo le sego ka godimo ga mengwaga ye mebedi; ka ntle le ge Leloko la Lekgotla Phethiši le ka bea ka leswa baahlodi le baahlodi ba boipiletšo ge lebaka la mengwaga ye mebedi le feta go šoma gape mengwaga ye mengwe ye mebedi.

(8) Megolo ya baahlodi le baahlodi ba boipiletšo e phethwa ke Leloko la Lekgotla Phethiši ka kwano ya Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a tša ditšhelete ka Profenseng.

(9) Nako le nako Leloko la Lekgotla Phethiši le ka no Lekola leswa boleloko bja baahlodi le baahlodi ba boipiletšo.

Melawana

24C (1) Ka go dira tsebišo ka Kuranteng ya Mmušo Leloko la Lekgotla Phethisi le ka no dira melawana yeo e amanago le taba efe goba efe yeo e ka no fiwago mabapi le tšhutišetšo ya maruo a madulo gomme le sa kgaoletše kakaretšo, le ka no hlaloša gabotsebotse -

- (a) mešomo ya Kgoro;**
- (b) maatla le mešomo ya baahlodi le baahlodi ba boipiletšo;**
- (c) mešomo ya bommasepala;**
- (d) tshepedišo ya go sepetša ditshepetšo;**
- (e) tshepedišo ya dikopano tša boipiletšo; le**
- (f) taba efe goba efe yeo leloko la lekgotla phethisi le bonago e hlokega goba e kwala gore e ka hlalošwa go kcona go phethagatša maikešetšo a tshuitišetšo ya maruo a madulo.**

Ditlolomolao le dikotlo

24D (1) Motho ofe goba ofe yoo a ganetšanago le melawana yeo e dirilwego go ya ka karolo 24C o tla humanwa a le molato wa tlolomolao gomme ge a otlwa o tla lefišwa tefo yeo e sego ka godimo ga R500,00 (makgolo a mahlano) goba a golegwa lebaka leo le sa fetego dikgwedi tše 6 (tshela) goba bobedi tefišo yeo le kgolego.”

Thaetlele ye kopana le go thoma

4 (1) Molao wo o bitšwa Molao wa pele wa tša Dintlo wa Gauteng woo o Fetotšwego, 2000 gomme o tšewa gore o thomile go šoma ka di 1 tša Setemere 1998.

(2) Nyakišišo ye nngwe le ye nngwe, kahlolo goba boipiletšo mabapi
le tšhutišetso ya maruo a madulo yeo e dirilwego pele ga kamogelo ya Molao wo
e tla tšewa e le molaong

MEMORANTAMO WA HLAOŠO

1. MAIKEMIŠETŠO A MOLAOKAKANYWA

Molao wa tša Dintlo wa Gauteng, 1998 (Molao No. 6 wa 1998) o a fetolwa go kgontšha tšhutišetšo ya maruo a madulo, yeo e diregago ga bajle gomme e sepetšwa ke Kgoro ya tša Dintlo.

2. THULANO PHEDIŠANONG

Go tsebagatšwa ga Molaokakanywa go kgontšha tshepedišo ya boahlodi ye tee maruong kamoka ao a thušwago ke mmušo ka tša ditšhelete, gomme go netefatšwa gore tshepedišo yeo e swanago, ya nnete le yeo e sa fihlego selo e šalwa morago ge go dirwa protšeke ya tšhutišetšo ya madulo.

3. HLAOŠO YA LEFOKO-KA-LEFOKO

Molaokakanywa wa Pele woo o Fetotšwego wa Dintlo wa Gauteng, 2000 o kgontšha tše di latelago:

3.1 Lefokwana 1

Lefokwana le le fetola thaetlele ye telele ya Molao wa theo ka go kgontšha tšhutišetšo ya maruo a madulo le go hlongwa ga diphanele tša boahlodi le boipiletšo.

3.2 Lefokwana 2

Lefokwana le le fetola dihlalošo tše dingwe ka go phošolla tatelano ya dialfabete gape e tsenya dihlalošo tše dimpšha.

3.3 Lefokwana 3

Lefokwana le le tsenya dikarolo-

- (a) 24A yeo e kgontšhago tlhakamolao ya semolao ya tšhutišetšo ya maruo a madulo;
- (b) 24B yeo e kgontšhago go hlongwa le bokagare bja diphanele tša boahlodi le boipiletšo;
- (c) 24C yeo e kgontšhago maatla a go dira melawana yeo e amanago le tšhutišetšo ya maruo a madulo; le
- (d) 24D yeo e kgontšhago ditlolomolao le dikotlo.

3.4 Lefokwana 4

Lefokwana le le na le thaetlele ye kopana ya molaokakanywa gomme le kgontšha maatla a go lebelela morago a Molaokakanywa.

4. DIKGORO TŠE DINGWE LE MEKGATLO YEO E RERIŠITŠWEGO

Diphetolo tše di šišintšwego go Molao wa dintlo wa Gauteng, 1998 di na le ditšhupo tša ka gare fela go Kgoro ya tša Dintlo. Ka moo, Molaokakanywa wa Pele woo o Fetotšwego wa tša Dintlo wa Gauteng, 2000 o rerilwe ka bottalo ka gare ga Kgoro ya tša Dintlo.

5. DITŠHUPU TŠA TŠA DITŠHELETE

Ga go na ditšhupo tša tša ditšhelete tše dimpšha go Kgoro ya tša Dintlo. Tshenyegelo ya go sepetša tšhutišetšo ya madulo e gona ka gare ga tekanyetšo ya Bolaodi Bogolo bja : Tshwaro le Taolo ya Maruo, ka gare ga Kgoro ya tša Dintlo.

GAUTENGSE DEPARTEMENT VAN BEHUISING

**WYSIGING VAN WETSONTWERP VIR DIE EERSTE GAUTENGSE
WET OP BEHUISING, 2000**

(SOOS VOORGESTEL)

deur die

(LUR VIR BEHUISING)

ALGEMENE VERDUIDELIKING:

[] Vetgedrukte woorde tussen reghoekige hakies dui op weglatings uit bestaande wette

— Woorde wat met 'n soliede lyn onderstreep is, dui op byvoegsels tot bestaande wette

WETSONTWERP

Om die Gautengse Wet op Behuising van 1998 (Wet Nr. 6 van 1998) te wysig om 'n wetgewingsraamwerk vir die oordrag van wooneiendomme daar te stel; om beoordelings- en appèlpanele met betrekking tot die oordrag van wooneiendomme saam te stel; en om voorsiening vir verwante sake te maak.

Die volgende word deur die Gautengse Provinciale Wetgewer VERORDEN:

Wysiging van die lang titel van Wet Nr. 6 van 1998

1. Die lang titel van die Gautengse Wet op Behuising, 1998 (Wet Nr. 6 van 1998) (waarna daar in hierdie Wet as "die Hoofwet" verwys word) word hiermee deur die vervanging van die lang titel deur die volgende lang titel gewysig:

"Om binne die Provinsie van Gauteng vir die bevordering en fasilitering van behuisingsontwikkeling voorsiening te maak; om die toepaslike algemene beginsels neer te lê; om 'n provinciale adviesraad vir behuising op te stel en be finansier; om

voorsiening vir konsultasie te maak; om die magte en pligte van die Lid van die Uitvoerende Raad wat vir behuising [en Grondsake] verantwoordelik is, neer te lê sover dit die akkreditering van plaaslike owerhede, behuisingskorporasies, gewaarborgde besitregte, behuisingsprogramme, die voorsiening van huur- en sosiale behuising betref; om vir die oordrag van wooneiendomme voorsiening te maak; om beoordelings- en appèlpanele met betrekking tot die oordrag van wooneiendomme saam te stel; en om vir verwante sake voorsiening te maak."

Wysiging van Gedeelte 1 van Wet Nr. 6 van 1998

2. Gedeelte 1 van die Hoofwet word hiermee gewysig –

(a) deur die skrapping van die omskrywing "Regulasies" waar dit voorkom en deur dit na die omskrywing "Provinsie" in te voeg;

(b) deur die byvoeging van die volgende omskrywing na die omskrywing van "Regulasies":

"Staats-finansierde wooneiendomme" beteken wooneiendomme wat met fondse of lenings wat deur die Staat, 'n regeringsinstelling of 'n plaaslike owerheid beskikbaar gestel is, gefinansier is'; en

(c) deur die byvoeging van die volgende omskrywing na die omskrywing van "hierdie Wet":

"Oordrag van wooneiendomme" beteken die oordrag van staatsfinansierde wooneiendomme wat vir die eerste keer voor 1 Julie 1993 bewoon is, asook van eenhede of

erwe waarvoor daar voor 30 Junie 1993 'n kontrak aangegaan is, indien hulle teen 15 Maart 1994 aan individue toegeken is, en in sekere gevalle, na goeddunke van die Raad, op die afslagvoordeelskema van toepassing is.'

Byvoeging van Gedeeltes 24A, 24B, 24C en 24D tot Wet Nr. 6 van 1998

3. Die volgende gedeeltes word na Gedeelte 24 van die Hoofwet bygevoeg:

"Oordrag van wooneiendomme

24A(1) Die Departement is volgens die Eerste Minister se Voorskrif in terme van Gedeelte 171 van die Plaaslike Owerheidsordinansie van 1939 (Ordinansie Nr. 17 van 1939) gemagtig om as beoordelaar op te tree in die geval van 'n dispoot by 'n Behuisingskantoor wat vir die oordrag van wooneiendomme ingerig is, asook in die geval van 'n dispoot wat tydens die oordrag van wooneiendomme in terme van die Wet op die Omskepping van Sekere Regte in Huurbesit of Eienaarskap van 1988 (Wet Nr. 81 van 1988) ontstaan het.

(2) Die LUR moet die oordrag van wooneiendomme aan individue wat in terme van hierdie Wet as wettige begunstigdes beskou word, verseker.

(3) Die Departement sal dispute deur middel van beoordelings- en appèlpanele wat in terme van Gedeelte 24B saamgestel is, hanteer.

(4) Die beoordelings- en appèlpanele sal ontbind word wanneer all dispute opgelos is.

Die oprigting en samestelling van beoordelings- en appèlpanele

24B(1) Daar word dus hiermee 'n beoordelingspaneel en 'n appèlpaneel opgerig.

(2) Die LUR stel soveel beoordelaars aan soos die LUR nodig ag om dispute op te los waar die wettige begunstigde aan wie 'n wooneiendom oorgedra moet word, bepaal moet word.

(3) Die evalueringspaneel bestaan uit persone wat uit die volgende kategorie kom:

- (a) praktiserende advokate en prokureurs; en
- (b) ander wetspraktisyne (dosente, wetsadviseurs; ens.);

Met dien verstande dat –

(i) hulle nie as beoordelaars vir 'n raad mag optree indien hulle lede of werknemers van die raad is nie; of

(ii) hulle nie as beoordelaars vir 'n raad mag optree indien hulle lede van 'n prokureursfirma is wat namens die raad opgetree het of steeds optree nie; of

(iii) indien hulle deur 'n staatsdepartement of privaatmaatskappy aangestel is, moet skriftelike magtiging om as beoordelaar op te tree deur die werkgewer verleen word.

(4) Geen beoordelaar mag enige geëvalueerde party verteenwoordig nie.

(5) Die appèlbeoordelaars moet deur die LUR uit die beoordelingspaneel gekies word en mag slegs appèlbeoordelings hanteer.

(6) Die verbod in sub-gedeelte (3) is ook op appèlbeoordelaars van toepassing.

(7) Beoordelaars en appèlbeoordelaars word vir 'n maksimum tydperk van twee jaar aangestel; met dien verstande dat die LUR die beoordelaars en appèlbeoordelaars na die

verstryking van die twee-jaar tydperk vir 'n verdere tydperk van twee jaar mag heraanstel.

(8) Die vergoeding van beoordelaars en appèlbeoordelaars word met die toestemming van die Lid van die Uitvoerende Raad wat vir finansiële sake in die Provincie verantwoordelik is, deur die LUR bepaal.

(9) Die LUR mag van tyd tot tyd die lidmaatskap van beoordelaars en appèlbeoordelaars hersien.

Regulasies

24C (1) Deur 'n kennisgewing in die Provinciale Staatskoerant te plaas, mag die LUR regulasies met betrekking tot enige saak wat ten opsigte van die oordrag van wooneiendomme voorgeskryf mag wees, opstel, en mag hy of sy ook, sonder om die algemeenheid daarvan te beperk, spesifiek die volgende voorskryf –

- (a) die funksies van die Department;
- (b) die magte en pligte van evalueerders en appèlevueerders;
- (c) die funksies van munisipaliteite;
- (d) die prosedure vir die hou van verrigtinge;
- (e) die prosedure vir appèlverhore; en
- (f) enige ander sake wat die LUR nodig of sinvol ag om die doelwitte van die oordrag van wooneiendomme te bereik.

Oortredings en strafmaatreëls

24D (1) Enige persoon wat die regulasies in terme van Gedeelte 24C oortree, sal hom aan 'n oortreding skuldig maak en sal by skuldigbevinding tot 'n boete van tot R500,00 (vyf honderd rand) of tronkstraf van tot 6 (ses) maande of beide so 'n boete en tronkstraf gevonnis kan word."

Kort titel en inwerkintreding

4 (1) Hierdie Wet staan as die Wysigingswet op die Eerste Gautengse Wet op Behuising, 2000 bekend en daar word geag dat dit op die 1ste September 1998 in werking getree het.

(2) Elke ondersoek, beoordeling of appèl met betrekking tot die oordrag van wooneiendomme wat voor die afkondiging van hierdie Wet onderneem is, sal as wettig beskou word.

MEMORANDUM VAN VERDUIDELIKING

1. DOELWIT VAN DIE WETSONTWERP

Die Gautengse Wet op Behuising van 1998 (Wet Nr. 6 van 1998) word gewysig om voorsiening te maak vir die oordrag van wooneiendomme wat tans in werking is en deur die Departement van Behuising gadministreer word.

2. SOSIALE TREFKRAG

Die afkondiging van die Wetsontwerp maak voorsiening vir een beoordelingstelsel vir alle staatsgefinsioneerde eiendomme, en verseker dus dat daar met die projek vir die oordrag van wooneiendomme 'n eenvormige, regverdig en deursigtige proses gevvolg word.

3. KLOUSULE-VIR-KLOUSULE VERDUIDELIKING

Die Wetsontwerp vir die Wysing van die Eerste Gautengse Wet op Behuising, 2000, maak voorsiening vir die volgende:

3.1 Klousule 1:

Hierdie klousule wysig die lang titel van die Hoofwet deur voorsiening te maak vir die oordrag van wooneiendomme en die opstel van beoordelings- en appèlpanele.

3.2 Klousule 2:

Hierdie klousule wysig sekere omskrywings deur die alfabetiese orde reg te stel en deur nuwe omskrywings by te voeg.

3.3 Klousule 3:

Hierdie klousule voeg die volgende gedeeltes by:-

- (a) 24A wat vir die wetgewende raamwerk vir die oordrag van wooneiendomme voorsiening maak;
- (b) 24B wat vir die opstel en samestelling van beoordelings- en appèlpanele voorsiening maak;
- (c) 24C wat vir die mag om regulasies vir die oordrag van wooneiendomme op te stel, voorsiening maak; en
- (d) 24D wat vir oortredings en strafmaatreëls voorsiening maak.

3.4 Klousule 4:

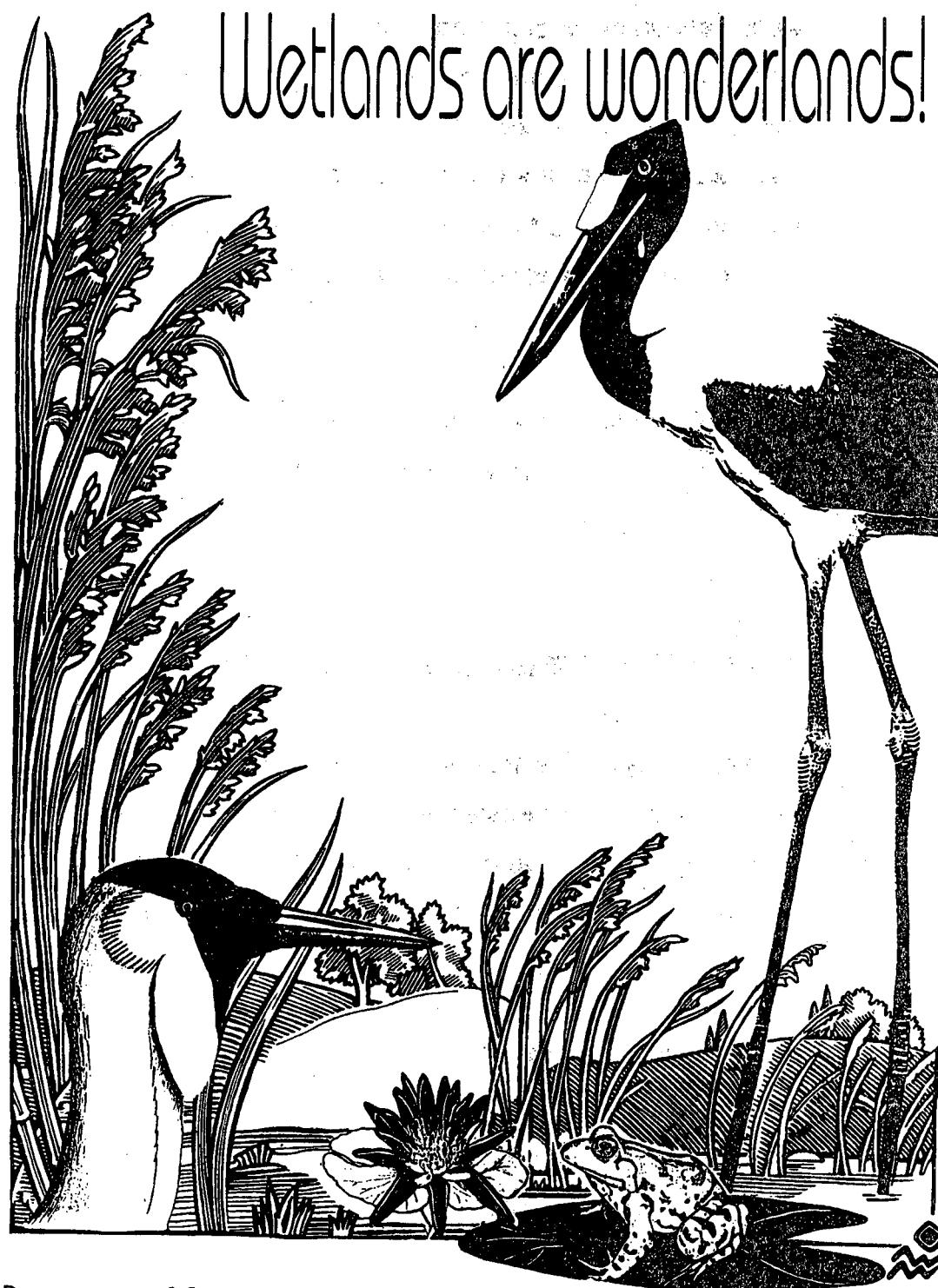
Hierdie klousule bevat die kort titel van die Wetsontwerp en maak voorsiening vir die terugwerkende inwerkingtreding van die Wetsontwerp.

4. ANDER DEPARTEMENTE EN LIGGAMME GERAADPLEEG

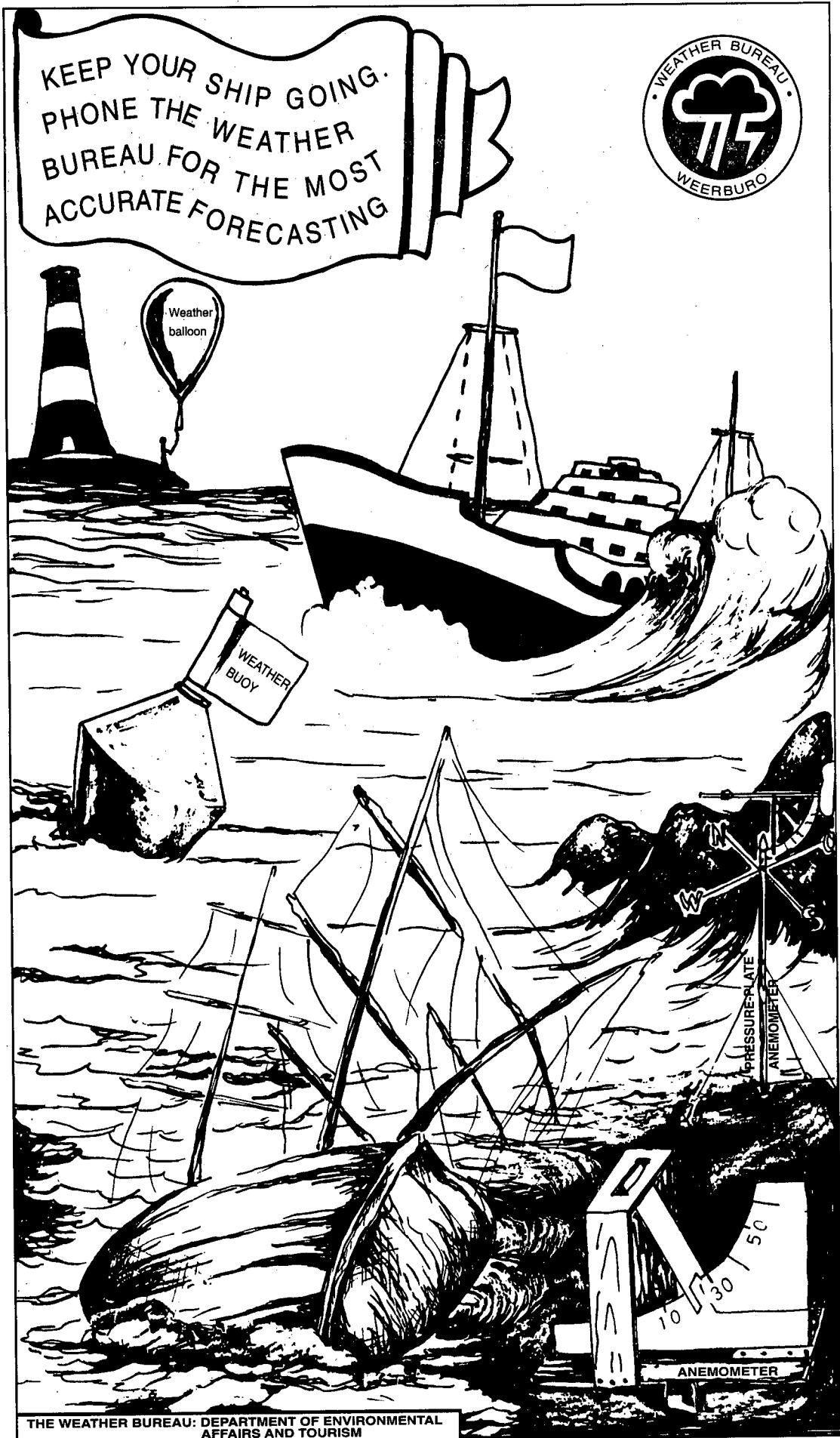
Die voorgestelde wysigings tot die Gautengse Wet op Behuising van 1998 het slegs interne implikasies vir die Departement van Behuising. Dus is die Wysigingsontwerp vir die Eerste Gautengse Wet op Behuising slegs binne die Departement van Behuising omvattend bespreek.

5. FINANSIELE IMPLIKASIES

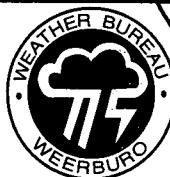
Daar is geen nuwe finansiële implikasies vir die Departement van Behuising nie. In die begroting van die Hoofdirektoraat: Bestuur van Eiendomsregte en Bates binne die Departement van Behuising word daar voorsiening gemaak vir die koste van die administrasie van die oordrag van wooneiendomme .



Department of Environmental Affairs and Tourism

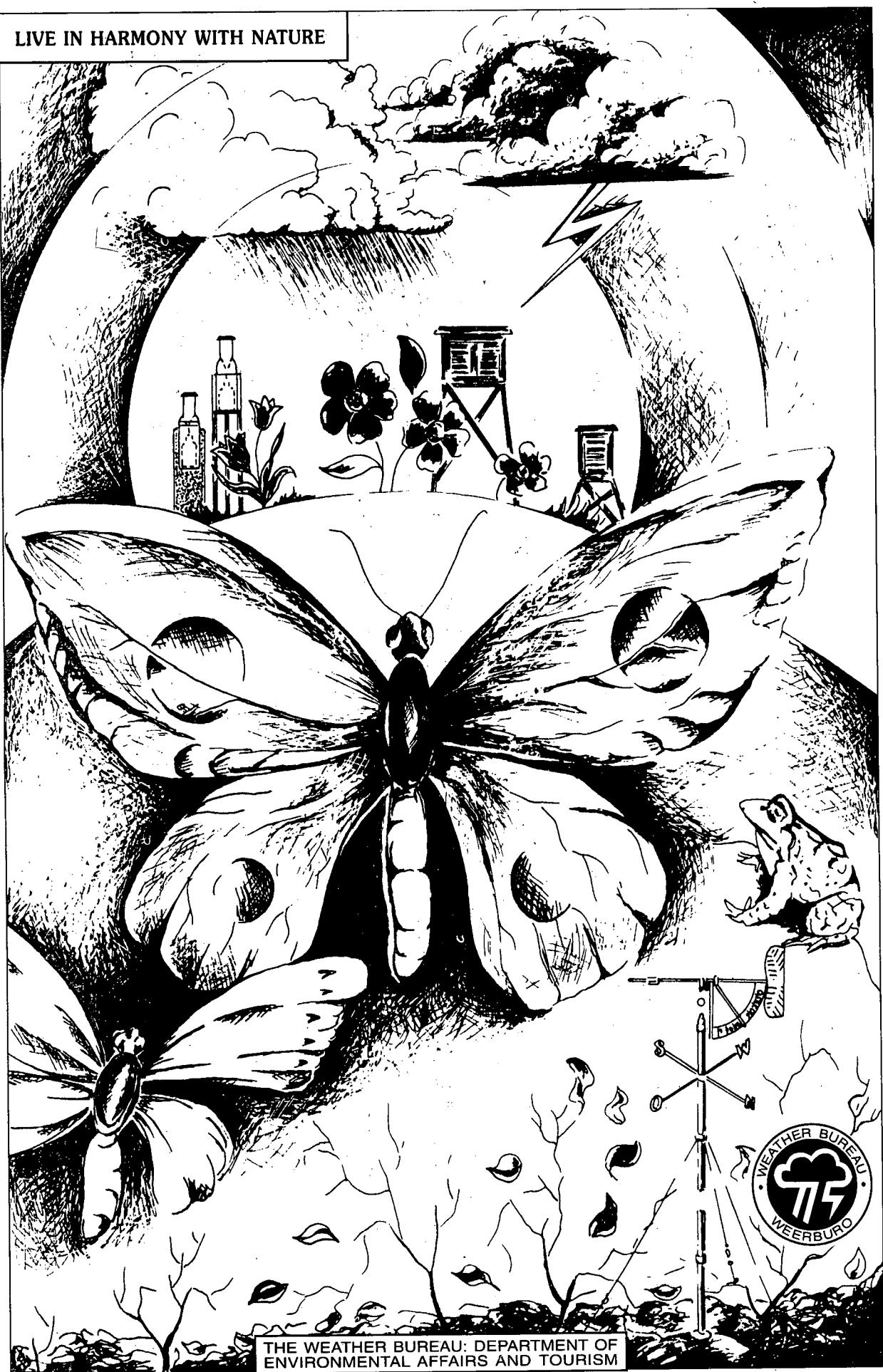


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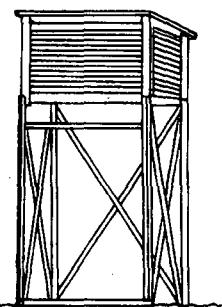
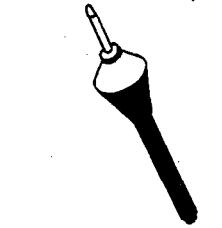
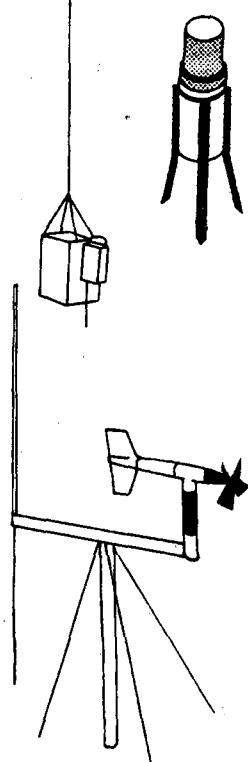
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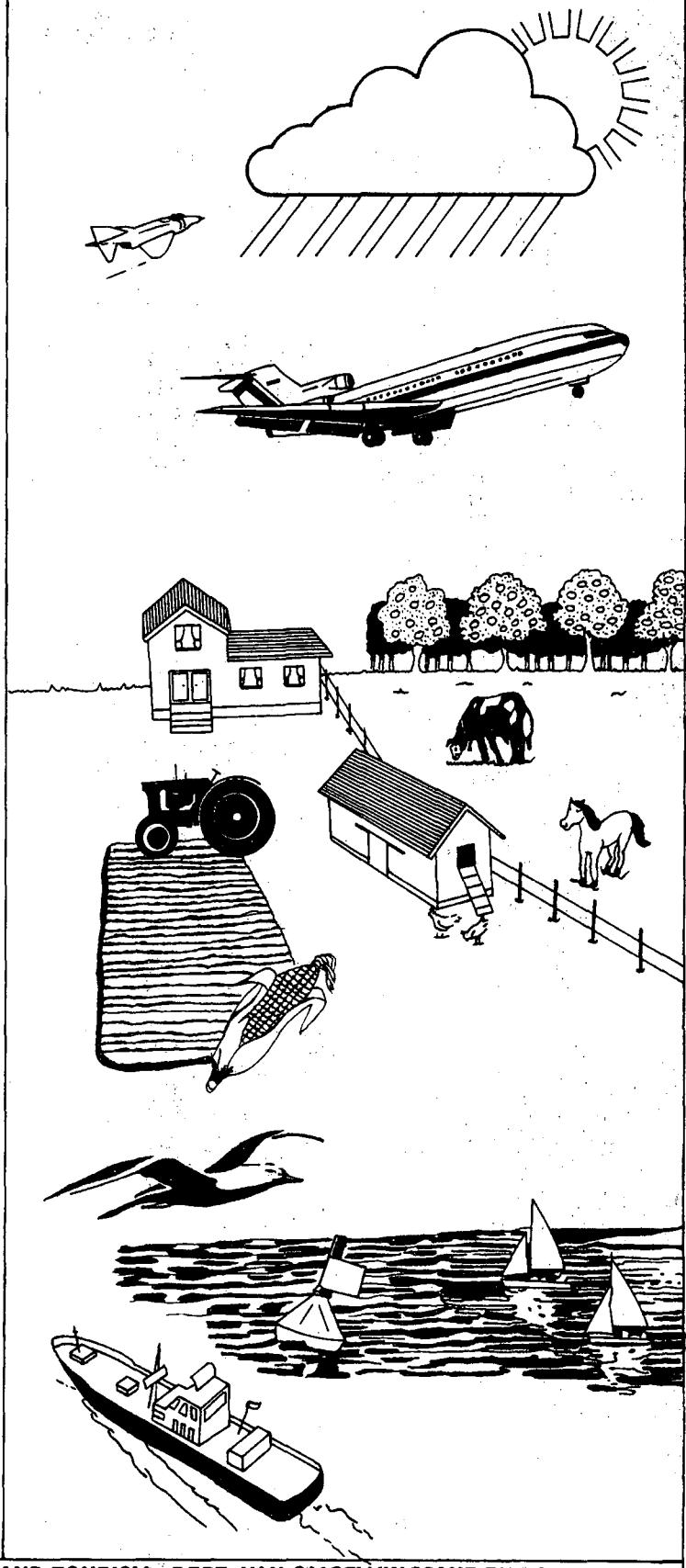


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