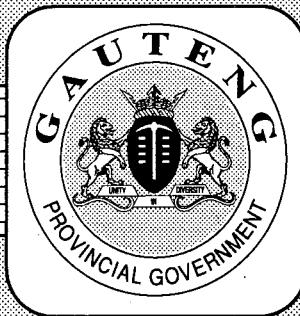


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THE PROVINCE OF  
GAUTENG



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GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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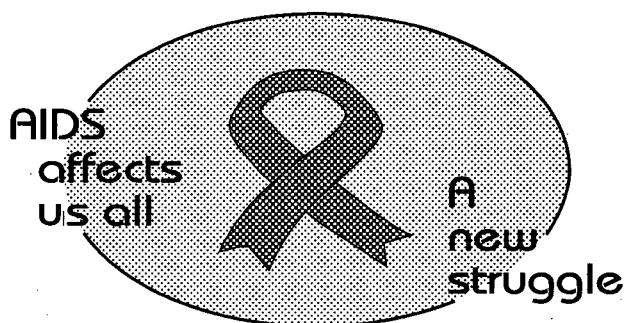
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Vol. 8

PRETORIA, 31 JULY JUILIE 2002

No. 230

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DEPARTMENT OF HEALTH

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## GENERAL NOTICE

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### NOTICE 1996 OF 2002

### GAUTENG PROVINCIAL LEGISLATURE

### PUBLICATION OF THE GAUTENG LAND ADMINISTRATION AMENDMENT BILL

Notice is hereby given that the Member of the Executive Council for Development Planning and Local Government intends to introduce the Gauteng Land Administration Amendment Bill, 2002 in the Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments on or before 19 August 2002 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 Lynn McKay)  
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 the existing enactment.

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Words underlined with a solid line indicate insertions in the existing enactment.

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**BILL**

**To amend the Gauteng Land Administration Act, 1996 so as to provide for the disestablishment of the Gauteng Land Fund; to substitute certain expressions; and to provide for matters incidental thereto.**

**BE IT ENACTED** by the Gauteng Provincial Legislature as follows:—

**Amendment of section 1 of Act No. 11 of 1996**

1. Section 1 of the Gauteng Land Administration Act, 1996 (hereinafter referred to as the "Principal Act"), is hereby amended:-

- (a) by substitution for the definition of "**Beneficiary**" of the following definition:

"'beneficiary' means any person, body corporate, institution, or body of persons corporate or unincorporated, who acquires Provincial Land or any right thereto; "

- (b) by the deletion of the definition of "**Fund**";

- (c) by the substitution for the definition of "**Gauteng Provincial Government**" of the following definition:

"'Gauteng Provincial Government' means the government of the province of Gauteng which is recognized as a province of the Republic of South Africa in terms of [section 124 (1) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)] section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);"

- (d) by the substitution for the definition of "**Premier**" of the following definition:

"'Premier' means the Premier-in-Executive Council of the Province as provided for under [section 144 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993)] section 125 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);"

- (e) by the substitution for the definition of "Provincial land" of the following definition:

" 'Provincial land' means any immovable property which vests in the Gauteng Provincial Government in accordance with the provisions of Section 239 (1) (b) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), read with item 28 (1) of Schedule 6 of the Constitution of the Republic of South Africa 1996, (Act No.108 of 1996) together with any immovable property acquired by the Gauteng Provincial Government pursuant to this Act;" and

- (f) by the substitution for the definition of "Treasury" of the following definition:

" 'Treasury' means the Treasury of the Gauteng Provincial Government as [ as provided under the Gauteng Exchequers Act ] defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);"

**Amendment of section 2E of Act No. 11 of 1996.**

2. Section 2E of the Principal Act is hereby amended:-

- (a) by the substitution for paragraph (b) of the following paragraph:-

"(b) containing the grounds on which the compensation has been rejected [.] ; and"

- (b) by the insertion after paragraph (b) of the following paragraph

(c) furnishing an acceptable compensation."

**Amendment of section 2F of Act No. 11 of 1996**

3. Section 2F of the Principal Act is hereby amended by the substitution for section 2F of the following section:

**"2F Disputes in regard to compensation.: (1)** The Premier and an owner, including a lessee who is not an owner, may, by agreement, submit any dispute concerning the amount of compensation to be paid in terms of this Act in respect of expropriation of property or the taking of any right to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965): Provided that the decision of the Arbitrator shall be final and binding on all the parties."

(2) In the absence of an agreement contemplated in subsection (1), the compensation to be paid for any property expropriated by the Premier or for any right to use such property shall, on the application of any party concerned, be determined by a Local or Provincial Division of the High Court in whose area of jurisdiction the property in question is situated."

**Amendment of section 4 of Act No. 11 of 1996**

4. Section 4 of the Principal Act is hereby amended by the substitution for section 4 of the following section:

**"4. Execution of documents.:The Premier shall sign on behalf of Gauteng Province, the appropriate documents required to give effect to the acquisition of any immovable property or disposal of Provincial Land in terms of section 2."**

**Amendment of section 5 of Act No. 11 of 1996**

5. Section 5 of the Principal Act is hereby amended:

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

"(1) The Premier may either generally or in regard to specific immovable property or Provincial land or in a specified case assign to any Member of the Executive Council any power or duty conferred or imposed upon him or her by [section 2, 2A, 3 or 4] this Act."

(b) by the insertion after subsection (3) of the following subsection:

"(4) An assignment referred to in subsection (1) must:

(a) not divest the Premier of the power or function assigned, and he or she may at any time amend or set aside any decision made there-under;

(b) not prevent the exercise of the power or performance of the function concerned by the Premier."

**Amendment of section 6 of Act No. 11 of 1996**

6. Section 6 of the Principal Act is hereby amended by substitution for section 6 of the following section:

**“6. Financial Provisions.: All monies paid and/or payable to the Gauteng Provincial Government upon disposal of any Provincial Land, and any other monies appropriated from time to time for the acquisition of immovable property shall be administered by Treasury in terms of the provisions of the Public Finance Management Act, 1999 (Act No.1 of 1999).”**

**Amendment of section 8 of Act No. 11 of 1996**

7. Section 8 of the Principal Act is hereby amended by the substitution for section 8 of the following section:

“If the provisions of this Act are [not reconcilable] inconsistent with the provisions of other Acts relating to the acquisition of immovable property and disposal of Provincial land, then the provisions of this Act shall prevail [unless legislation or regulations to the contrary are promulgated].”

**Short title**

8. This Act is called the Gauteng Land Administration Amendment Act, 2002 and comes into operation on the date fixed by the Premier by proclamation in the Provincial Gazette.

## **EXPLANATORY MEMORANDUM**

### **1. PURPOSE**

The purpose of the memorandum is to amend the Gauteng Land Administration Act, 1996 so as to provide for the disestablishment of the Gauteng Land Fund, to substitute certain expressions and to provide for matters incidental thereto.

### **2. BACKGROUND**

- 2.1 In 1996 the then Gauteng Department of Housing and Land Affairs promulgated the Gauteng Land Administration Act No. 11 of 1996 (hereinafter referred to as the "Principal Act"). The purpose of the Principal Act is to provide for the acquisition of immovable property and disposal of land owned by the Gauteng Provincial Government and for matters incidental thereto.
- 2.2 The Principal Act was administered by the Gauteng Department of Housing. The Land Affairs functions were, however, assigned to the Department of Development Planning and Local Government by way of an Executive Council resolution.
- 2.3 Despite the assignment alluded to in paragraph 2.2 above, it appears that certain functions in terms of the Principal Act, have to be performed by the Head of Department of Housing and the MEC responsible for Housing respectively.
- 2.4 Section 6(6) of the Principal Act provides that the Head of Department of Housing and Land Affairs is the accounting officer of the Gauteng Land Fund and section 6(10) provides that the MEC responsible for Housing and Land Affairs shall prepare reports to the Executive Council and the Legislature on the financial status of the fund and on prospect expenditure from the Fund.
- 2.5 Officials from the Department of Development Planning and Local Government and the Department of Housing met to discuss the necessary amendments to the Principal Act in order to align it with the Executive Council's resolution, which assigned the land function to the Department of Development Planning and Local Government.
- 2.6 To this end, the Gauteng Land Administration Amendment Bill, 2002, has been drafted and is attached hereto as Annexure "A".

### **3. OTHER DEPARTMENTS OR BODIES CONSULTED**

The Department distributed the draft Bill to all relevant provincial departments for inputs and comments. The Bill was distributed to the following departments:

- Department of Housing
- Department of Finance and Economic Affairs
- Department of Public Transport, Roads and Works
- Department of Education
- Department of Health
- Department of Agriculture, Conservation and Environmental Affairs
- Department of Safety and Liaison
- Social Services and Population Development

The Bill was also served on the Gauteng Land Committee, which comprises of representation from all Gauteng Provincial Departments.

### **4. ORGANISATIONAL AND PERSONNEL IMPLICATIONS**

Once the Bill is promulgated, it will be administered by the Department of Development Planning and Local Government. No additional personnel implications foreseen.

### **5. FINANCIAL IMPLICATIONS**

The costs in relation to the passing of the Amendment Bill will be borne by the Department of Development Planning and Local Government. No additional cost implications foreseen.

### **6. ENVIRONMENTAL IMPLICATIONS**

None

### **7. CLAUSE BY CLAUSE EXPLANATION OF THE BILL**

**Section 1.** Amends Section 1 of the Principal Act:

- (a) By providing for the substitution of the definitions of "Beneficiary", "Gauteng Provincial Government", "Premier", "Provincial Land" and "Treasury".
- (b) By providing for the deletion of the definition of "Fund" as section 6 of the Principal Act is being substituted for by section 6 of the Bill.

**Section 2.** amends section 2E of the Principal Act by inserting subsection (c). Section 25 (2) of the Constitution of the Republic of South Africa, 1996 provides that property may be expropriated only in terms of law of general application and for a public purpose or in the public interest; and subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

**Section 3.** provides for the substitution of the entire section 2F of the Principal Act.

**Section 4.** provides for the substitution of the entire section 4 of the Principal Act.

**Section 5.** provides for the substitution of the phrase "section 2, 2A,3 and 4)" with "this Act" in section 5 of the Principal Act.

**Section 6.** provides for the substitution of the entire section 6 of the Principal Act. Chapter 3 of the Public Finance Management Act, 1999 (PFMA)provides that all money received by a provincial government must be paid into the province's Provincial Revenue Fund. The Act also makes provision for the withdrawal of money from the Fund. Thus money paid and/ payable to the Gauteng province from the sale of provincial land will be deposited into the Gauteng Provincial Revenue Fund in compliance with the provisions of the PFMA.

**Section 7.** provides for the substitution of the phrase "not reconciliable" with "inconsistent" in section 8 of the Principal Act.

**Section 8.** provides for the short title and commencement of the Act.

## GAUTENGSE GRONDADMINISTRASIE-WYSIGINGSWET

### WETSONTWERP, 2002

#### ALGEMENE VERDUIDELIKENDE AANTEKENING:

[ ] Woorde in donkerdruk in vierkantige hakies dui op weglatings van bestaande bepalings

\_\_\_\_\_ Woorde wat met 'n soliede lyn ondersteep is, dui op invoegings in bestaande bepalings

## WETSONTWERP

Om die Gautengse Grondadministrasiewet, 1996 te wysig om voorsiening te maak vir die opheffing van die Gautengse Grondfonds, om sekere uitdrukkings te vervang en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

Word daar soos volg deur die Gautengse Provinciale Wetgewer VERORDEN:

#### Wysiging van artikel 1 van Wetnr. 11 van 1996

1. Artikel 1 van die Gautengse Grondadministrasiewet, Nr. 11 van 1996 (hierna genoem die "Hoofwet") word hiermee gewysig:-
  - (a) deur vervanging van die omskrywing van "Begunstigde" met die volgende omskrywing:

"begunstigde" beteken enige persoon, beheerliggaam, instelling of groep persone, ingelyf of oningelyf, wat Provinciale Grond of enige reg daartoe bekom."

- (b) deur skraping van die omskrywing van "**Fonds**".
- (c) deur vervanging van die omskrywing van "**Gautengse Provinciale Regering**" met die volgende omskrywing:

**"Gautengse Provinciale Regering"** beteken die regering van die provinsie van Gauteng wat as 'n provinsie van die Republiek van Suid-Afrika erken word ingevolge [artikel 124 (1) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993)] artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wetnr. 108 van 1996)."
- (d) deur vervanging van die omskrywing van "**Premier**" met die volgende omskrywing:

**"Premier"** beteken die Premier in Uitvoerende Raad van die Provinsie soos bepaal in [artikel 144 (1) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993)] artikel 125 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wetnr. 108 van 1996)."
- (e) deur vervanging van die omskrywing van "**Provinciale Grond**" met die volgende omskrywing:

**"Provinciale Grond"** beteken enige vaste eiendom wat gevestig is in die Gautengse Provinciale Regering ooreenkomstig die bepalings van Artikel 239 (1) (b) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993), gelees tesame met item 28 (1) van Bylae 6 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) tesame met enige vaste eiendom wat deur die Gautengse Provinciale Regering ingevolge hierdie Wet verkry word."
- (f) deur vervanging van die omskrywing van "**Tesourie**" met die volgende omskrywing:

"Tesourie" beteken die Tesourie van die Gautengse Provinciale Regering soos omskryf in artikel 1 van die Wet op Publieke Finansieringsbestuur, 1999 (Wetnr. 1 van 1999);"

### Wysiging van artikel 2E van Wet 11 van 1996

2. Artikel 2E van die Hoofwet word hiermee gewysig:-

(a) deur die invoeging van die volgende paragraaf na paragraaf (b):-

"(c) voorsiening van aanvaarbare vergoeding";

### Wysiging van artikel 2F van Wet 11 van 1996

3. Die volgende artikel vervang hiermee artikel 2F van die Hoofwet:

"2F Geskille ten opsigte van vergoeding: (1) Die Premier en 'n eienaar, insluitend 'n huurder wat nie 'n eienaar is nie, mag met ooreenstemming, enige geskil voorlê rakende die hoeveelheid vergoeding om ingevolge hierdie Wet ten opsigte van onteiening van eiendom betaal te word, of die neem van enige reg na arbitrasie ingevolge die Arbitrasiewet, 1965 (Wetnr. 42 van 1965): Met dien verstande dat die beslissing van die Arbiter finaal en bindend op alle partye sal wees."

(2) In die afwesigheid van 'n ooreenkoms soos benoog in subartikel (1), sal die vergoeding om betaal te word vir enige eiendom wat deur die Premier onteien word of vir enige reg om sodanige eiendom te gebruik, nadat enige betrokke party daarom aansoek gedoen het, bepaal word deur 'n Plaaslike of Provinciale Afdeling van die Hooggesregshof in wie se jurisdiksiegebied die betrokke eiendom geleë is of op die datum van die onteiening geleë is."

**Wysiging van artikel 4 van Wet 11 van 1996**

4. Die volgende artikel vervang hiermee artikel 4 van die Hoofwet:

"4. Verlyding van dokumente.: Die Premier sal die toepaslike dokumente wat vereis word om gevolg te gee aan die verkryging van enige vaste eiendom of verkoop van Provinciale Grond ingevolge artikel 2 namens die Gautengse Provinsie onderteken, of laat onderteken."

**Wysiging van artikel 5 van Wet 11 van 1996**

5. Artikel 5 van die Hoofwet word hiermee gewysig:

- (a) deur die vervanging van subartikel (1) met die volgende subartikel:-

"(1) Die Premier mag, hetsy algemeen of ten opsigte van spesifieke vaste eiendom of Provinciale Grond of in 'n gespesifiseerde geval, enige bevoegdheid of plig wat deur [artikel 2, 2A, 3 of 4] hierdie Wet aan hom of haar opgedra of opgelê word aan enige Lid van die Uitvoerende Raad toewys."

- (b) deur die invoeging van na subartikel (3) van die volgende subartikel:

"(4) 'n Toewysing waarna in subartikel (1) verwys word, moet:

- (a) nie die Premier ontneem van die bevoegdheid of funksie aldus toegewys nie, en hy of sy kan te enige tyd enige besluit wat ingevolge daarvan gemaak is, wysig of tersyde stel;

- (b) nie die Premier daarvan weerhou om die betrokke bevoegdheid uit te oefen of die betrokke funksie te verrig nie."

**Wysiging van artikel 6 van Wet 11 van 1996**

6. die volgende artikel vervang hiermee artikel 6 van die Hoofwet:

"6. Finansiële Bepalings.: Alle gelde betaal en/of betaalbaar aan die Gautengse Provinciale Regering na die verkoop van enige Provinciale Grond, en enige ander gelde wat van tyd tot tyd vir die verkryging van vaste eiendom toegeën word, moet deur die Tesourie ingevalg die bepalings van die Wet op Publieke Finansieringsbestuur, 1999 (Wetnr. 1 van 1999) gadministreer word."

**Wysiging van artikel 8 van Wet 11 van 1996**

7. artikel 8 van die Hoofwet word hiermee gewysig deur die vervanging van die sinsnede [nie versoenbaar] met die woord "teenstrydig."

**"8. Korttitel**

Hierdie Wet staan bekend as die Gautengse Grondadministrasie-wysigingswet, 2002 en tree in werking op die datum bepaal deur die Premier deur aankondiging in die Provinciale Koerant."

## ISICHI BIYELO SOMTHETHO OH LONGOZWAYO WOKUNGANYELWA KOMHLABA EGAUTENG, 2002

ISAZISO ESIVAMILE SOKUCACISA:

[ ] Amagama akubakaki abhalwe ngokuggamile abonisa izindawo ezeqiwe emthethweni osebenzayo.

Amagama adwetshelewe ngomugqa ogqamile abonisa izindawo ezenezelwe emthethweni osebenzayo.

---

## UMTHETHO OH LONGOZWAYO

Ukuchibiyela uMthetho Wokwenganyelwa Komhlaba EGauteng, 1996 ukuze kuvalwe iSikhwama Somhlaba SaseGauteng, ukuze kufakwe ezinye izinkulomo futhi ukuze kulungiselelwe izindaba ezihlobene nalokho.

LOMTHETHO WENZIWA USEBENZE yiSishayamthetho SesiFundazwe eSifundazweni saseGauteng ngendlela elandelayo:

### Ukuchibiyelwa kwengxenye1 yoMthetho ongunombolo 11 ka-1996

1. Ingxenye 1 yoMthetho Wokwenganyelwa Komhlaba EGauteng ongunombolo 11 ka-1996 (lapha okubhekiselwa kuwo ngokuthi "uMthetho Oyinhloko") uchibiyelwa ngalendlela:-
  - (a) ngokususa incazelo ethi "**oVuzwayo**" kufakwe incazelo elandelayo:  
       "'ovuzwayo' kusho noma yimuphi umuntu, indikimba yenhlango, inhlangano, noma indikimba yabantu abayinhlangano noma abaneyona inhlangano, abathola uMhlaba Wesifunda noma abanelungelo kuwo."
  - (b) ngokususwa kwencazelo ethi "**iSikhwama**".
  - (c) ngokususwa kwencazelo ethi "**uHulumeni Wesifunda SaseGauteng**" kufakwe incazelo elandelayo:  
       "'uHulumeni Wesifunda SaseGauteng' usho uhulumeni wesifunda saseGauteng esiqashelwa njengesifunda saseRepublic yaseNingizimu Afrika ngokuvumelana [nengxenye 124 (1) yoMthetho-sisekelo wase-Republic yaseNingizimu Afrika, 1993 (uMthetho 200 ka-1993)] ingxenye103 yoMthetho woMthetho-sisekelo wase-Republic yaseNingizimu Afrika, 1996 (uMthetho ongunombolo 108 ka-1996)."
  - (d) ngokususwa kwencazelo ethi "**uNdunankulu**" kufakwe incazelo elandelayo:  
       "'uNdunankulu' usho uNdunankulu oseKhanseleni Ephethe Esifundazweni njengoba kucaciswe ngaphansi [kwengxenye 144 (1) yoMthetho-sisekelo wase-Republic YaseNingizimu Afrika, 1993 (uMthetho 200 ka-1993)] ingxenye 125 yoMthetho woMthetho-sisekelo wase-Republic yaseNingizimu afrika, 1996 (uMthetho 108 ka-1996)."
  - (e) ngokususwa kwencazelo ethi "**umhlaba weSifunda**" kufakwe incazelo elandelayo:  
       "'umhlaba weSifunda' usho noma iyiphi indawo emiyo engaphansi kukaHulumeni Wesifunda SaseGauteng ngokuvumelana nokushiwo yiNgxenye 239 (1) (b) yoMthetho-sisekelo waseRepublic yaseNingizimu Afrika 1993 (uMthetho 200 ka-1993), ofundwe kanye nonombolo 28 (1) weSimiso 6 soMthetho woMthetho-sisekelo waseRepublic YaseNingizimu Afrika 1996, (uMthetho 108 ka-1996) kanye nanoma iyiphi indawo emiyo ezuzwe uHulumeni Wesifunda SaseGauteng ngokuvumelana naloMthetho."

- (f) Ngokususwa kwencazelo ethi **"iSikhwama Semali"** kufakwe iricazelo elandelayo:  
**"iSikhwama Semali" sisho iSikhwama Semali sikaHulumeni Wesifunda SaseGauteng njengoba kuchazwe engxenyeri 1 yoMthetho Wokuphathwa Kwezimali Zomphakathi, 1999 (uMthetho ongunombolo 1 ka-1999);"**

#### **Ukuchibiyelwa kwengxene 2E yoMthetho 11 ka-1996.**

2. Ingxene 2E yoMthetho Oyinhloko uchibiyelwa ngalendlela:-  
 (a) ngokunezelwa kwesigaba esilandelayo ngemva kwesigaba (b):-  
**"(c) ukukhipha umhlomulo owamukelekayo";**

#### **Ukuchibiyelwa kwengxene 2F yoMthetho 11 ka-1996**

3. Lengxene elandelayo ithatha indawo yengxene 2F yoMthetho Oyinhloko:

**"2F Izimpikiswano ngokuphathelene nomhlomulo.: (1) Undunankulu nomnikazi, kuLanganise nomqashi ongeyena umnikazi, bangase, uma bevumelana, balethe noma iziphi izimpikiswano ngokuphathelene nenani lomhlomulo okufanele likhokhwe ngokuvumelana naloMthetho ngokuphathelene nokuphucwa indawo noma ngokuphucwa noma yiliphi ilungelo lokuba kube nomlamuli ngokuvumelana noMthetho Wokulamula, 1965 (uMthetho ongunombolo 42 ka-1965): Inqobo nje uma isinqumo soMlamuli singenakuphikiswa futhi bonke abahilelekile bezophoqeleka ukuba basilandele."**  
**(2) Uma singekho isivumelwano esihlongozwayo engxenyaneni (1), umhlomulo okufanele ukhokhwe nganoma iyiphi indawo ephucwe nguNdunankulu noma nganoma yiliphi ilungelo lokusebenzisa leyondawo, uyongqunywa, uma noma ubani ohilelekile efaka isicelo, yiNdlu yeNdawo noma yeSifunda yeNkantolo Ephakeme leyondawo okukhulunywa ngayo engaphansi kwayo ngesikhathi sokuphucwa kwayo."**

#### **Ukuchibiyelwa kwengxene 4 yoMthetho 11 ka-1996**

4. **Lengxene elandelayo ithathelwa indawo yengxene 4 yoMthetho Oyinhloko:**  
**"4.Ukukhishwa kwamaphepha.:UNdunankulu uzosayina, noma enze ukuba kusayinwe, egameni leSifunda SaseGauteng, amaphepha afanele adingekayo ukuze**

kuphumeleliswe ukutholwa kwanoma iyiphi indawo emiyo noma ukuthengiswa koMhlaba Wesifunda ngokuvumelana nengxenye 2."

### **Ukuchibiyelwa kwengxenye 5 yoMthetho 11 ka-1996**

5. Ingxenye 5 yoMthetho Oyinhloko ichibiyelwa ngalendlela:

- (a) ngokususwa kwengxenyana (1) kufakwe ingxenyanan elandelayo:

"(1) UNdunankulu angase abele njengesenzo esivarnile noma ngokuqondene nendawo ethile emiyo noma umhlaba weSifunda noma indaba ethile noma yiliphi iLungu leKhansela Ephethe noma yiliphi igunya noma umsebenzi odluliselwa kulo noma elinikezwa wona yiloMthetho [ingxenye 2, 2A, 3 noma 4]."

- (b) ngokunezelwa ngemva kwengxenyana (3) kwengxenye elandelayo:

- "(4) Isabelo okubhekiselwa kuso engxenyaneni (1) akumelwe:

(a) siphuce uNdunankulu igunya noma umsebenzi owabelwe, futhi angase achibiele noma abekele eceleni noma yisiphi isinqumo esenziwa lapha ngarioma yisiphi isikhathi;

(b) sivimbele uNdunankulu ekusebenziseni igunya noma ekwenzeni umsebenzi wakhe."

### **Ukuchibiyelwa kwengxenye 6 yoMthetho ongunombolo 11 ka-1996**

6. Ingxenye elandelayo ithathelwa indawo yingxenye 6 yoMthetho Oyinhloko:

"6. Amalungiselelo Ezimali.: Yonke imali ekhokhwa futhi/noma ekhokhelwa uHulumeni Wesifunda SaseGauteng ngemva kokuthengiswa kwanoma yimuphi umhlaba weSifunda, kanye nanoma iyiphi imali esetshenziselwa ngezikhathi ezithile ukuthola indawo emiyo izofakwa eSikhwameni Sezimali ngokuvumelana nemibandela yoMthetho Wokuphathwa Kwezimali Zomphakathi, 1999 (uMthetho ongunombolo 1 ka-1999)."

**Ukuchibiyelwa kwengxenye 8 yoMthetho ongunombolo 11 ka-1996**

7. ingxenye 8 yoMthetho Oyinhloko iyalungiswa lapha ngokususwa kwegama elithi "ukungqubuzana" kufakwe elithi [okungenakwenzwa kuhambisane].

**8 Isihloko esifushane**

LoMthetho uzobizwa nqokuthi uMthetho Wokwenganyelwa Komhlaba EGauteng, 2002 futhi uzogala ukusebenza ngosuku olubekwe uNdunankulu ngesimemezelo esivela kuyi-Gazette Yesifunda.

MOLAO WO FETOTŠWEGO WA TSHEPETŠO YA NAGA WA GAUTENG,

MOLAOKAKANYWA, 2002

TSEBIŠO YA TLHALOŠO YA KAKARETŠO:

[ ] Mantšu a go ngwalwa ka bokoto a go ba ka gare ga mašakana a sekwere a bontšha ditlogelo go molao woo o lego gona.

Mantšu ao a thaletšwego a bontšha ditsenyo ka go molao.

## MOLAOKAKANYWA

Go fetola Molao wa Tshepetšo ya Naga wa Gauteng, 1996 gore go kgonegišwe go tlošwa ga Sekhwama sa Naga sa Gauteng, go bea dikgonegišo tše dingwe legatong la tše di lego gona le go kgoneglša merero ya go sepelelana le tšona.

**GO DIRWA MOLAO** ke Lekgotlatheramelao la Profense ya Gauteng  
ka moo go latelago:

**Phetolo ya Karolo 1 ya Molao No. 11 wa 1996**

1. Karolo ya 1 ya Moalo wa Tshepetšo ya Naga wa Gauteng wa No. 11 wa 1996 (morago ga mo o tla bitšwa "Molao Mogolo"), e a fetolwa:
  - (a) ka go bea thalošo ye nngwe legatong la "**Moholwa**" yeo e lego:  
"'moholwa' e šupa motho ofe goba ofe, mokgatio tlemano, setlhongwa, goba mokgatio wa batho, wo tlemanego goba o sa tlemana, yoo a humanago naga ya Profense goba tokelo efe goba efe ya yona."
  - (b) Ka go tloša tihalošo ya "**Sekhwama**".
  - (c) Ka go tloša tihalošo ya "**Mmušo wa Profense ya Gauteng**" gomme go bewe tihalošo yeo e latelago:  
" Mmušo wa Profense ya Gauteng' e tihaloša mmušo wa profense ya Gauteng yeo e amogelwago bjalo ka profense ya Rephapoliki ya Afrika Borwa go ya ka [karolo 124 (1) ya Molaotheo wa Rephapoliki ya Afrika Borwa, 1993 (Molao 200 wa 1993)] karolo 103 ya Molao wa Molaotheo wa Rephaboliki ya Afrika Borwa, 1996 (Molao No.108 wa 1996)."
  - (d) ka go tloša tihalošo ya "**Letona**" go bewe tihalošo yeo e latelago legatong la yona :  
" 'Letona' e tihaloša Letona ka go Lekgotla Phethišo la Profense bjalo ka ge go kgonegišitšwe ka fase ga [karolo 144 (1) ya Molaotheo wa Rephapoliki ya Afrika Borwa, 1993 (Molao 200 wa 1993)] karolo 125 ya Molao wa Molaotheo wa Rephapoliki ya Afrika Borwa, 1996 (Molao 108 wa 1996). "
  - (e) ka go tloša tihalošo ya "**Naga ya Profense**" go bewe tihalošo yeo e latelago legatong la yona:  
" 'Naga ya profense' e tihaloša thuo efe goba efe yeo e sa šuthego yeo e lego ya Mmušo wa Profense ya Gauteng go ya ka dikgonegišo tša Karolo 239 (1) (b) tša Molaotheo wa Rephapoliki ya Afrika Borwa 1993 (Molao 200 wa 1993), o balwa mmogo le ntsha 28 (1) ya Šetulo 6 ya Molao wa Molaotheo wa Afrika Borwa 1996, (Molao 108 wa 1996) le thoto efe goba efe ya go se šuthe yeo e humanwego ke Mmušo wa Profense ya Gauteng ge o diragatša Molao wo."

(f) Ka go tloša tlhalošo ya "Matlotlo" go bewe tlhalošo yeo e latelago:

"'Matlotlo' e šupa Matlotlo a Mmušo wa Profense ya Gauteng bjalo ka ge go tlhalošitše we ka go karolo 1 ya Molao wa Taolo ya Ditšelete tša Setšaba, 1999 (Molao No. 1 wa 1999);"

#### **Phetolo ya karolo 2E ya Molao 11 wa 1996.**

2. Karolo 2E ya Molao Mogolo e a fetolwa mo:-

(a) Ka go dira tsenyo morago ga temana (b) ya temana yeo e latelago:-

"(c) go tliša pušeletšo yeo e amogelegago";

#### **Phetolo ya karolo 2F ya Molao 11 wa 1996**

3. Mo go tlošwa karolo yeo e latelago gomme go tsenywa karolo 2F ya Molao Mogolo:

"2F Dingangišano tša mabapi le pušeletšo.: (1) Letona le mong, go balwa mohiri yoo e sego mong, ka kwano, ba ka no tliša ngangišano efe goba efe ya go amana le bokaalo bja pušeletšo bjo swanetšego go lefšwa go ya ka Molao wo mabapi le go amogwa thoto goba go išwa ga tokelo efe goba efe go namolwa go ya ka Molao wa Namolo, 1965 (Molao No. 42 wa1965): Ge fela e le gore sephetho sa Monamodi e tla ba sa mafelelo ebile se tla tlama makoko kamoka"

(2) Ge go se na kwano yeo e akantswego ka go sekakarolo (1), pušeletšo yeo e swanetšego go lefelelwaa naga yeo e amogilwego ke Letona goba tokelo efe goba efe ya go šomiša thoto ye bjalo, ka tiragatšo ya lekoko lefe goba lefe le amegago, e tla phethwa ke Karolo ya Gae goba ya Profense yeo thoto yeo go bolelwqago ka yona e lego ka fase ga taolo ya yona ka tšatši la kamogo."

#### **Phetolo ya karolo 4 ya Molao 11 wa 1996**

4. Karolo yeo e latelago e a tlošwa legatong la yona qo tsenywa karolo 4 ya Molao Mogolo:

"4.Ditokomane tša phethagatšo.:Letona le tla saena, goba la baka gore go saenwe, legatong la Profense ya Gauteng, ditokomane tša maswanedi tše di nyakegago go fa maatla khumano ya thoto efe goba efe ya go se šuthe goba tahlo ya Naga ya Profense go ya ka karolo 2."

### **Phetolo ya karolo 5 ya Molao 11 wa 1996**

5. Karolo 5 ya Molao Mogolo e a fetolwa:

(a) ka go bea sekakarolo (1) legatong la sekakarolo seo se latelago:

"(1) Letona le ka no re ka kakaretšo, goba gabotsebotse mabapi le thoto ya go se šuthe goba naga ya Profense goba lebakeng le itšego, la fa leloko lefe goba lefe la Lekgotla Phethiši maatla afe goba afe goba modiro woo le o filwego goba woo le o gapeleditšwego ke [karolo 2, 2A, 3 goba 4] ~ya Molao wo."

(b) Ka tsenyo ya ka morago ga sekakarolo (3) ya sekakarolo seo se latelago:

"(4) Go fa go boletšwego ka go sekakarolo (1) go swanetsše:

(a) go se tšeеле Letona maatla goba modiro wo filwego, gomme le ka no re ka nako efe goba efe la fetola goba la bœela ka thoko sephetho sefe goba sefe se tšeerwego;

(b) go se thibele go phethaqatšwa qa maatla goba tiragatšo ya modiro woo o amegago ka Letona."

### **Phetolo ya karolo 6 ya Molao No. 11 wa 1996**

6. Karolo yeo e latelago e tsenywa legatong la karolo 6 ya Molao Mogolo:

"6. Dikgonegišo tša Ditšhelete.: Ditšhelete kamoka tše di lefilwego le/goba tše swanetsego go lefšwa Mmušo wa Profense ya Gauteng ka morago ga thekišo ya naga efe goba efe ya Naga ya Profense, le ditšhelete dife goba dife tše humanwago nako le nako ka baka la khumano ya thoto ya go se šuthe di tla laolwa ke Matlotlo go ya ka dikgonegišo tša Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao No.1 wa 1999)."

## **Phetolo ya karolo 8 ya Molao wa No. 11 wa 1996**

7. karolo 8 ya Molao Mogolo e a fetolwa ka go tloša lefokwana [**ga di boelanyege**] go bewe lentšu la "fetogafetoga."

### **"8 Thaetlele ye Kopana**

Molao wo o tla bitšwa Molao wo Fetotšwego wa Tshepetšo ya Naga wa Gauteng, 2002 gomme o tla thoma go šoma ka tšatši leo le boletšwego ke Letona ka pego ka qare ga Kuranta ya Mmušo ya Profense."

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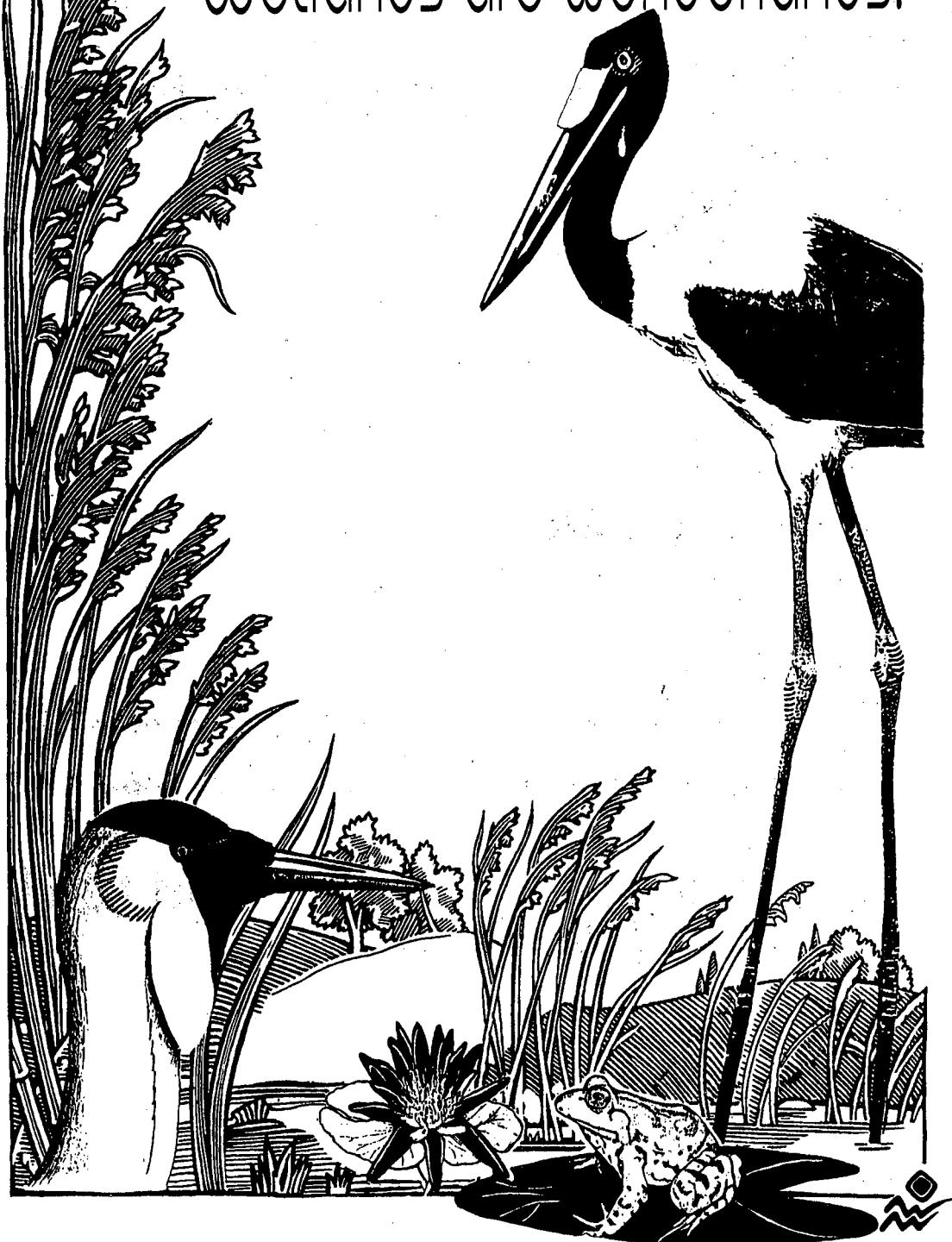
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