

OFFICIAL GAZETTE



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DEPARTMENT OF
JUSTICE

DEPARTEMENT VAN
JUSTISIE

ISAZISO SIKAHULUMENI WAKWAZULU UNOMBOLO 50 KA 1994

UMKHANDLU WAKWAZULU OSHAYA UMTHETHO

UMTHETHO 14 KA 1993

UMTHETHO WAKWAZULU WOKUBAMBISA NGOKUSEBENZISA IMPAHLA EPATHEKAYO, 1993

UMongameli weZwe uyathokoza ngaphansi nangegunya lamandla anikezwe wona yisigaba 31 (2) soMthethosisekelo wemiBuso eziBusayo, 1971 (uMthetho 21 ka 1971) ukuba avume loMthetho olandelayo. (Umbhalo wesiNgesi usayinwe nguMongameli weZwe. Kuvunywe mhlaka 1993-08-24).

UMTHETHO

Wokuhlelela imiphumela yoMthetho yokubhaliswa kwesivumelwano sokubambisa empahleni ephathekayo eshiwo; ukuchithwa koMthetho neZivumelwano zokuBambisa (Natal), 1932; ukuze kulungiswe omunye uMthetho ngokulandela lokho kuchithwa; kanye nokuhlinzekela izindaba eziphathelelene nalokho.

MAKUMISWE UMTHETHO uMkhandlu waKwaZulu oShaya uMthetho, kanje:-

Imiphumela yoMthetho yesivumelwano esithize sokubambisa empahleni ephathekayo

- Uma isivumelwano sokubambisa esibophezela impahla ethintekayo kanye nephathekayo esishiwo futhi esichazwe esivumelwaneni ngendlela eyenza ukuba sibonakale kalula, sibhaliswe emva kokuqala kokusebenza kwaloMthetho kuhambisana noMthetho wokuBhaliswa kweziNdawo, 1937 (uMthetho Nombolo 47 ka 1937), leyo mpahla iyothi -
 - kuye nganoma yimuphi umthwalo owethweswe yona osukwini lokubhaliswa kwesivumelwano; kanye
 - nakuba ibe ingakahanjiswa kulowo okhiphe imali;kuyothathwa ngokuthi isibophezelwe (pledged) kulowo okhiphe imali ngokuphelele sengathi ibisibophezelwe ngokubhaliwe futhi yasiwa kulowo okhiphe imali.
- Ekukhokhweni kwemali ebolekiwe obekwenziwe isiqiniseko ngesivumelwano esishiwo esigatshaneni (1) okhiphe imali uyothi, ekuceleni kwalowo oweboleke imali, unikeze okhiphe imali, ngaphandle kokukhokhisa imali, isiqiniseko salokho kukhokhwa encwadini edingakalayo yokwesula isivumelwano.
- Kuye ngezihlinzeko zesigatshana (4) isivumelwano sokubambisa esicatshangwe esigatshaneni (1) kodwa hayi isivumelwano sokubambisa esicatshangwe esigabeni (1) soMthetho weZivumelwano zokuBambisa (Natal), 1932 (uMthetho Nombolo 18 ka 1932), esabhaliswa ngaphambi kokuqala ukusebenza kwaloMthetho siyothi, ekuweni (insolvency) kwalowo oweboleke imali ngaphambi noma emva kwalokho kuqalisa, kunikeze okhiphe imali ilungelo elifanayo mayelana nakho konke okusele okuphephile kwefa lalowo owile njengalelo elinikezwe okhiphe imali ngesivumelwano esejwayelekile ngokusho kwesigaba 102 soMthetho woKuwa (Insolvency), 1936 (uMthetho Nombolo 24 ka 1936).
- Izihlinzeko zesigatshana (3) ngeke zisebenze uma noma iyiphi ingxenye yalokho okusele okuyifa okuphephile, ngaphambi kokuqala ukusebenza kwaloMthetho, sekukhokhelwe kulabo abakwenetwayo ngokuyala kwe akhawunti esiqinisekisiwe.
- Uma, ekuqaleni ukusebenza kwaloMthetho, iakhawunti seyiqinisekisiwe kodwa izinkokhelo zingakakhokhwa njengoba kucatshangwe esigatshaneni (4), leyo akhawunti iyobuyele ivulwe ukuze kuhambisane nezihlinzeko zesigatshana (3) ngaphandle kokuthola imvume yenkantolo njen-
gokusho kwesigaba 112 soMthetho woKuwa, 1936.

Ukukhishwa kwelungelo lomqashisi lokubamba impahla

2. (1) Nakuba kukhona nomayini ephikisayo equkethe eMthethweni wezwe noma kunoma yimuphi uMthetho, impahla ephathekayo -
- (a) okuthi, ngesikhathi iboshezwe isivumelwano sokubambisa esibalulwe esigabeni 1 (1), ikomunye umuntu kodwa hayi oweboleke imali; noma
 - (b) okuqondiswa kuyo okuthi ngokudayiswa ikhokhelwe ngamancozu njengoba kuchazwe esigabeni 1 soMthetho weZivumelwano zokuThenga ngeSikweletu, 1980 (uMthetho Nombolo 75 ka 1980);
- ngeke yona yenganywe ilungelo lomqashisi lokubamba impahla.
- (2) Isimiso sesigatshana (1) mayelana nempahla ephathekayo eboshezwe isivumelwano sokubambisa esibalulwe esigabeni 1 (1) ngeke zisebenze uma lesosivumelwano sibhaliswe emva kokuba ilungelo lomqashisi lokubamba impahla seliqinisekisiwe isiyalo senkantolo.

Ukuchithwa koMthetho 18 ka 1932

3. uMthetho weZivumelwano zokuBambisa (Natal), 1932 (uMthetho Nombolo 18 ka 1932), ngalokhu uyachithwa.

Uhlobo lokubambisa

4. Isivumelwano sokubambisa esibophezela noma iyiphi impahla engathatheki noma isivumelwano soMthetho sokubambisa esibophezelayo esichazwe ngokwehluka impahla ephathekayo ngokusho kwesigaba 1, kodwa kungafaki noma yisiphi isivumelwano sokubambisa esibophezele ngokuthi impahla eyehlukile ngokusho kwesigaba 2 soMthetho woKuwa, 1936 (uMthetho Nombolo 24 ka 1936).

Ukongiwa

5. Akukho kuloMthetho okuqukethwe okuyo -
- (a) phazamisa noma yisiphi isibambiso, isibophezelo, isibambiso ngento, isibambiso esingabaluliwe, ukudlula okunye, amandla okuwa noma ilungelo lokubamba elitholakala noma ngokuyala kwanoma yimuphi uMthetho kaHulumeni noma -
 - (i) yimuphi umgwamanda; noma
 - (ii) iyiphi inhlango yabantu, eyakhiwe noma esungulwe noma ngaphansi kwanoma yimuphi uMthetho futhi exhaswe ngokuphelele noma ngokungaphelele izimali zomphakathi; noma
 - (b) iphazamise noma yiliphi ilungelo elitholakale ngaphansi koMthetho wokuBolekiswa kweziMali ngezimo, 1966 (uMthetho Nombolo 28 ka 1966).

Isihloko esifingqiwe

6. LoMthetho uyobizwa ngokuthi uMthetho waKwaZulu wokuBambisa ngokuSebenzisa iMpahla ePhathekayo, 1993.

KWAZULU GOVERNMENT NOTICE NO. 50 OF 1994

KWAZULU LEGISLATIVE ASSEMBLY

ACT 24 OF 1993

KWAZULU SECURITY BY MEANS OF MOVABLE PROPERTY ACT, 1993

The State President has been pleased under and by virtue of the powers vested in him by section 31 (2) of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971) to approve the following Act. (English text signed by the State President. Assented to on 1993-08-24).

ACT

To regulate the legal consequences of the registration of a notarial bond over specified movable property; to exclude the operation of the landlord's tacit hypothec in respect of certain movable property; to repeal the Notarial Bonds (Natal) Act, 1932; to adjust another law in consequence of such repeal; and to provide for matters connected therewith.

BE IT ENACTED by the KwaZulu Legislative Assembly, as follows -

Legal consequences of special notarial bond over movable property

1. (1) If a notarial bond hypothecating corporeal movable property specified and described in the bond in a manner which renders it readily recognizable, is registered after the commencement of this Act in accordance with the Deeds Registries Act, 1937 (Act No. 47 of 1937), such property shall -
- (a) subject to any encumbrance resting upon it on the date of registration of the bond; and
 - (b) notwithstanding the fact that it has not been delivered to the mortgagee,
- be deemed to have been pledged to the mortgagee as effectually as if it had expressly been pledged and delivered to the mortgagee.
- (2) Upon the discharge of the debt secured by a bond mentioned in subsection (1) the mortgagee shall, at the request of the mortgagor, furnish to the mortgagor, free of charge, proof of such discharge in the form required for the cancellation of the bond.
- (3) Subject to the provisions of subsection (4) a notarial bond contemplated in subsection (1) other than a notarial bond contemplated in section 1 of the Notarial Bonds (Natal) Act, 1932 (Act No. 18 of 1932), which was registered before the commencement of this Act shall, upon the insolvency of the mortgagor before or after such commencement, confer on the mortgagee the same preference in respect of the entire free residue of the insolvent estate as that conferred on a mortgagee by a general bond in terms of section 102 of the Insolvency Act, 1936 (Act No. 24 of 1936).

- (4) The provisions of subsection (3) shall not apply if any part of such free residue was, before the commencement of this Act, paid out to concurrent creditors in terms of a confirmed account.
- (5) If, at the commencement of this Act, an account has been confirmed but dividends have not yet been paid out as contemplated in subsection (4), such account shall be re-opened so as to give effect to the provisions of subsection (3) without obtaining the permission of the court in terms of section 112 of the Insolvency Act, 1936.

Exclusion of landlord's tacit hypothec

2. (1) Notwithstanding anything to the contrary contained in the common law or in any other law, movable property -
 - (a) which, while hypothecated by a notarial bond mentioned in section 1(1), is in the possession of a person other than the mortgagee; or
 - (b) to which an instalment sale transaction as defined in section 1 of the Credit Agreements Act, 1980 (Act No. 75 of 1980), relates, shall not be subject to a landlord's tacit hypothec.
- (2) The provisions of subsection (1) in respect of movable property hypothecated by a notarial bond mentioned in section 1 (1) shall not apply if such bond is registered after the landlord's hypothec has been confirmed by an order of court.

Repeal of Act 18 of 1932

3. The Notarial Bonds (Natal) Act, 1932 (Act No. 18 of 1932), is hereby repealed.

Special mortgage

4. A mortgage bond hypothecating any immovable property or a notarial mortgage bond hypothecating specially described movable property in terms of section 1, but excluding any other mortgage bond hypothecating movable property shall be deemed to be a special mortgage in terms of section 2 of the Insolvency Act, 1936 (Act No. 24 of 1936).

Savings

5. Nothing in this Act contained shall -
 - (a) affect any mortgage, hypothecation, pledge, tacit hypothec, preference, lien or right of retention acquired by or in accordance with any law by the Government or by -
 - (i) any body corporate; or
 - (ii) any association of persons, constituted or established by or under any law and supported wholly or partly by public funds; or
 - (b) affect any right acquired under the Agricultural Credit Act, 1966 (Act No. 28 of 1966).

Short title

6. This Act shall be called the KwaZulu Security by Means of Movable Property Act, 1993.

KWAZULU GOEWERMENTS KENNISGEWING NR. 50 VAN 1994

KWAZULU - WETGEWENDE VERGADERING

WET 14 VAN 1993

KWAZULU-WET OP SEKERHEIDSTELLING DEUR MIDDEL VAN ROERENDE GOED, 1993.

Dit het die Staatspresident behaag kragtens die bevoegheid hom verleen by artikel 31 (2) van die Grondwet van die Self Regerende Gebiede, 1971 (Wet 21 van 1971), om sy goedkeuring aan onderstaande Wet te heg. (Engelese teks deur die Staatspresident geteken. Goedgekeur op 1993-08-24).

WET

Om die regsgevolge van die registrasie van 'n notariële verband oor gespesifiseerde roerende goed te reël; die werking van die verhuurder se stils-wyende hipoteek ten opsigte van sekere roerende goed uit te sluit; die Wet op Notariële Verbande (Natal), 1932, te herroep; 'n ander wet as gevolg van sodanige herroeping aan te pas; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die KwaZulu-Wetgewende Vergadering, soos volg: -

Regsgevolge van spesiale notariële verband oor roerende goed

1. (1) Indien 'n notariële verband waarby liggaamlike roerende goed wat in die verbandakte gespesifiseer en beskryf word op 'n wyse wat dit gereedelik kenbaar maak, verhipotekeer word, na die inwerkingtreding van hierdie Wet ooreenkomstig die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), geregistreer word, word sodanige goed -
 - (a) onderworpe aan enige beswaring wat op die datum van registrasie van die verband daarop gerus het; en
 - (b) niteenstaande die feit dat dit nie aan die verbandhouer gelewer is nie, geag net so daadwerklik aan die verbandhouer verpand te wees asof dit uitdruklik aan die verbandhouer verpand en gelewer was.
- (2) By die aflos van die skuld wat deur 'n verband vermeld in subartikel (1) verseker is, moet die verbandhouer, op versoek van die verbandgewer, bewys van sodanige aflossing in die vorm wat vir die rojering van die verband benodig is, kosteloos aan die verbandgewer voorsien.
- (3) 'n In subartikel (1) beoogde notariële verband uitgesonderd 'n notariële verband beoog in artikel 1 van die Wet op Notariële Verbande (Natal), 1932 (Wet No. 18 van 1932), wat voor die inwerkingtreding van hierdie Wet geregistreer is, verleen behoudens die bepalings van

subartikel (4) by die insolvensie van die verbandgewer, hetsy voor of na sodanige inwerkingtreding, aan die verbandhouer dieselfde voorrang ten aansien van die geheel van die vrye oorskot van die insolvente boedel as wat deur 'n algemene verband aan 'n verbandhouer ingevolge artikel 102 van die Insolvensiewet, 1936 (Wet No. 24 van 1936), verleen word.

- (4) Die bepalings van subartikel (3) geld nie indien enige deel van sodanige vrye oorskot voor die inwerkingtreding van hierdie Wet uitbetaal is aan konkurrente skuldeisers ingevolge 'n rekening wat bekragtig is nie.
- (5) Indien 'n rekening by die inwerkingtreding van hierdie Wet al bekragtig is maar dividende nog nie soos in subartikel (4) beoog, uitbetaal is nie, word sodanige rekening heropen ten einde aan die bepalings van subartikel (3) gevolg te gee, sonder om magtiging deur die hof ingevolge artikel 112 van die Insolvensiewet, 1936, te verkry.

Uitsluiting van stilswyende hipoteek van verhuurder

2. (1) Ondanks andersluidende bepalings van enige ander wet of die gemene reg is roerende goed -
 - (a) wat, terwyl dit met 'n notariële verband vermeld in artikel 1 (1) beswaar is, in die besit van iemand anders as die verbandhouer is; of
 - (b) waarop 'n afbetalingsverkooptransaksie soos omskryf in artikel 1 van die Wet op Kredietoorreënkomste, 1980 (Wet No. 75 van 1980), betrekking het,nie aan die stilswyende hipoteek van 'n verhuurder onderworpe nie.
- (2) Die bepalings van subartikel (1) met betrekking to roerende goed wat by 'n notariële verband vermeld in artikel 1(1) verhipotekeer is, geld nie indien sodanige verband geregistreer is nadat die verhuurder se hipoteek perfek gemaak is nie.

Herroeping van Wet 18 van 1932

3. Die Wet op Notariële Verbande (Natal), 1932 (Wet No. 18 van 1932), word hierby herroep.

Speciale Verband

4. 'n Verband wat enige onroerende goed verhipotekeer of 'n notariële verband wat roerende goed spesiaal daarin beskryf verhipotekeer ingevolge artikel 1, maar met uitsluiting van in enige ander verband wat roerende goed verhipotekeer, word geag 'n spesiale verband te wees in terme van artikel 2 van die Insolvensiewet, 1936 (Wet No. 24 van 1936).

Voorbehoud

5. Die bepalings van hierdie Wet maak geen inbreuk nie op -
 - (a) enige verband, hipoteek, pand, regshipoteek, reg van voorkeur of retensiereg by of kragtens enige wet verkry deur die Regering of deur-
 - (i) enige regspersoon; of
 - (ii) enige vereniging van persone, wat by of kragtens enige wet saamgestel of ingestel is en wat geheel of gedeeltelik uit openbare fondse ondersteun word; of
 - (b) enige reg verkry kragtens die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966).

Kort titel

6. Hierdie Wet heet die KwaZulu-Wet op Sekerheidstelling deur Middel van Roerende Goed, 1993.

IZIMEMEZELO

ISAZISO KWABAMEMEZELOYO NABAKHOKHAYO IMALI

IZIMEMEZELO: Ngesentimitha noma ingxenye (Kuhlanganisa 13 milimitha ngenhla nangezansi kwesihloko nesiginesha.)

(a) Izicelo zamalayisense okuhweba: ngolwimi: inkokhelo elinga nayo engu R5.

(b) Ezinye izimemezele: ngolwimi:-
Uhlu olulodwa - R0,60/isentimitha - ukuphinda - R0,30/
isentimitha.

Izinhla ezimbili - R1,20/isentimitha - ukuphinda - R0,60/
isentimitha.

Izinhla ezintathu - R1,80/isentimitha - ukuphinda - R0,90/
isentimitha.

Ukulinganisa ubungako bohlu, linganisa amagama awu 6 ngomugqa ohlwini olulodwa; 14 izinhla ezimbili, 21 izinhla ezintathuezinemigqa emithathu kwisentimitha.

Umbhalo (olotshwe ngesandla) ubhalwe ecaleni elilodwa kuphela. Amabizo oqobo NGAMAGAMA AMAKHULU.

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeke kwamagama athile noma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalayisense amabhizinisi/emisebenzi mabaqaphele uhlelo 4 lwengxenye I yemithetho ephathelene namabhizinisi nokuhweba KwaZulu njengokusho koMthetho wakwaZulu wamaBhizinisi

IZICELO ZAMALAYISENSE OPHUZO

Abenza izicelo zamalayisense ophuzo mabaqaphele isijobelelo emithethweni ephathelene nophuzo njengokusho koMthetho wophuzo wakwaZulu ka 1980 okuyiyona-yona fomu yesaziso sesicelo selayisense yoPhuzo okufanele sikhishwe ngayo kule Gazethi kaHulumeni.

Izincwadi mazithunyelwe ku Nobhala weZangaphakathi,
Isikhwama sePosi X02, Ulundi 3838.

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ADVERTISEMENTS: Per cm, or part (including 13 mm at top and bottom of heading and signature):-

(a) Applications for trading licences per language - A flat rate of R5,00

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Single column - - - - R0,60/cm Repeat - - - R0,30/cm

Double Column - - - - R1,20/cm Repeat - - - R0,60/cm

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To Calculate approximate space, allow 6 words per line single Column, 14 Double Column, 21 Triple Column, with 3 lines to a cm. Manuscript to be written on one side only; proper names in BLOCK LETTERS. NO responsibility is accepted for losses arising from omissions or typographical errors.

ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

The attention of applicants for Business/Occupational licences is drawn to Schedule 4 of Part I of the regulations relating to Business and Trading Undertakings in KwaZulu in terms of the KwaZulu Business and Trading Undertakings Act 1974, which is the correct form of a Notice of Application for a Business Licence for publication in this Official Gazette.

LIQUOR LICENCE APPLICATIONS

The attention of applicants for Liquor Licences is drawn to the Annexure of the Regulations relating to Liquor Licences in terms of the KwaZulu Liquor Act 1980, which is the correct form of a Notice of Application for a Liquor Licence for publication in this Official Gazette.

Communications to be addressed to: -

The Secretary for Interior, Private Bag X02, Ulundi 3838

ADVERTENSIES

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Vir berekening van benaderde ruimte moet 6 woorde per reël enkele kolom, 14 per reël dubbele kolom, 21 per reël driedubbele kolom, en 3 reël per cm toegelaat word. Manuskripte moet duidelik op een kant en eienaam met BLOKLETTERS geskryf word. Geen aanspreeklikheid word vir verliese as gevolg van weglatings of drukfoute aanvaar nie.

ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

Die aandaag van applikante om Besigheids/beroepslisensies word gevestig op bylae 4 van Deel 1 van die Regulasies betreffende Besigheids/Beroepslisensies in KwaZulu ingevolge die KwaZulu-wet op Sake - en Beroepsondernemings, 1974, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Besigheidslisensie in hierdie Amptelike Koerant gepubliseer moet word.

AANSOEK OM DRANKLISENSIES

Die aandaag van applikante om Dranklisensies word gevestig op die aanhangsel van die Regulasies betreffende Dranklisensies kragtens die KwaZulu Drankwet, 1980, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Dranklisensie in hierdie Amptelike Koerant gepubliseer moet word.

Mededelings moet gerig word aan: -

**Die Sekretaris van Binnelandse Sake,
Privaatsaak X02 Ulundi 3838**