



# **NORTH WEST NOORDWES**

**EXTRAORDINARY • BUITENGEWOON**

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

**Vol: 264**

**MAHIKENG**  
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17 Augustus 2021

**No: 8254**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 126 OF 2021****CONDITIONS OF ESTABLISHMENT****TOWNSHIP: MOTHUTLUNG-A EXTENSION 1**

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY LOCAL MUNICIPALITY OF MADIBENG (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF SECTION 108 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 99 OF THE FARM ELANDSFONTEIN 440 JQ, HAS BEEN GRANTED.

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP**

**1.1 GENERAL**

The applicant shall satisfy the local authority that:

- 1.2.1 the relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township;
- 1.2.2 the consent of the mineral rights holders have been obtained;
- 1.2.3 the provisions of sections 72 (1) and 110 (1) of the Town-Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) have been complied with.

**2. CONDITIONS OF ESTABLISHMENT**

**2.1 NAME**

The name of the township shall be **Mothutlung-A Extension 1**.

**2.2 DESIGN**

The township shall consist of erven, and streets as indicated on General Plan S. G. No. 12661/1997.

**2.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

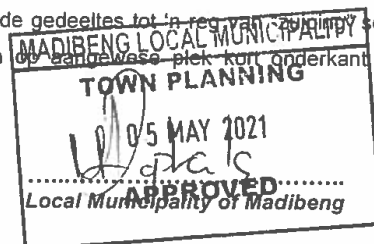
All erven shall be subject to existing conditions and servitudes, if any, excluding:

**2.3.1 In respect of Deed of Transfer T118360/2000 Portion 91 of Farm Elandsfontein no 440 J.Q:**

(a) Excluding the following servitudes which do not affect the township due to location:

- (i) Gedeelte 20 ('n gedeelte van Gedeelte 15) is onderworpe ten gunste van die eienaars van al die genoemde gedeeltes tot 'n reg van "quarry" soos aangedui deur die figuur nw w1 m op aangedwase plek kon onderkant die

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voornoemde dam gemerk "zuiping" op die Sketskaart geheg aan Verdelings Transport Nr. 13082/195.

- (ii) Die eienaars van Gedeeltes 16, 17, 18, 19, en die resterende gedeelte van gedeelte 15 is geregtig om hulle vee en diere na voornoemde "zuiping" te neem met die Zuipingsweg 10,39 meter breed lopende langs en ten suide van die voornoemde spruit oor gedeeltes 17, 18, 19, 20 en die resterende gedeelte van Gedeelte 15 soos aangedoon op die voornoemde "sketskaart" en die voornoemd gedeeltes 17, 18, 19, 20 en die resterende gedeelte van Gedeelte 15 waaroor genoemde "zuipings-weg" loop is respektiewelik en wederkeriglik onderworpe aan die Servituut van genoemde weg ten gunste van gedeelte 16, 17, 18, 19 en die resterende gedeelte van gedeelte 15.
- (iii) Al die voornoemde Gedeeltes is verder respektiewelik onderworpe aan en geregtig tot die gebruik van die tans bestaande publieke en private weë wat loop na die Weste na die Brits-Pretoria Hoof Weg, na die Noord Ooste na die Bosveld en na die Suid Ooste na die Wildt Stesie en Pretoria, soos aangewys op voornoemde Sektskaart.
- (iv) Die Regering of haar opvolgers as eienaar van Gedeelte A van die voornoemde Plaas, groot 1,7131 hektaar blykens Transort Nr. 5322/1920 sal die voormalige-

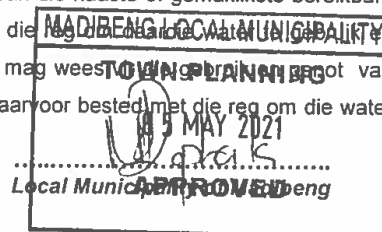
RESTERENDE GEDEELTE van GEDEELTE 20 (gedeelte van Gedeelte 15) waarvan die gedeelte aangedui deur figuur AaePA op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm

GEDEELTE 53 (gedeelte van GEDEELTE 20) waarvan die gedeelte aangedui deur figuur abgfNea op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm;

GEDEELTE 33 (gedeelte van GEDEELTE 21) waarvan die gedeelte aangedui deur figuur bBCdEjklMhgb op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm;

REMAINING EXTENT OF PORTION 21 (portion of Portion 15) waarvan die gedeelte aangedui deur figuur jFGHJKLlkj op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm, geleë ten noorde van die Elandsfontein Spruit, na en van die naaste of gemaklikste bereikbare publieke weg en sodanige reg van weg na en van die naaste of gemaklikste bereikbare water op voornoemde gedeeltes, met die reg om die water te gebruik en soveel daarvan as nodige en gerieflik mag wees te gebruik, groot van genoemde grond en die doeleindes waarvoor bested met die reg om die water

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deur middle van pype, waterlope of andersins na genoemde drond te lei en daarvoor enige madjinerie vir kragontwikkeling op te rig en te gebruik om die water op voormelde Gedeelte A te kry.

- (v) Die eienaar van Gedeelte 31 (n gedeelte van GEDEELTE 21) getranspoteer onder Akte van Transport Nr. 491/1930 zal geregtig zyn tot wiping voor zyn vee in de bestaande "Zuiping" in die Elandsspruit lopende door het resterende gedeelte van voorzegde gedeelte 20 groot als zulk 377,2752 hektaar zoals gehouden onder Verdelingstransport Nr. 13086/1925 ; (waarvan die gedeelte aangedui deur die figuur Aaepa en abgfNea op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm zoals thans gebruikt door al de eigenaren van voormeld gedeelte 15 van de plaats Elandsfontein met een recht van weg voor zulk vee over hel gezegd resterend gedeelte van gedeelte 20 naar gezegde zuiping langs de noordelike of zuidelike grens van gezegd resterend gedeelte zoals later door partyen te worden vasgesteld.
- (vi) Die voormalige Resterende Gedeelte van Gedeelte 20 (gedeelte van Gedeelte 15) aangedui deur die figuur AacA op aangehegte kaart L.G No. 12659/1997 (waarvan die gedeelte hiermee geregistreer n deel vorm) is onderhewig aan n Servituut Reg van Weg 4,72 meter wyd, aangedui deur die stippellyn k1 tot 9 op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980, met bykomende verpligtinge ten gunste van Gedeelte 54 (gedeelte van Gedeelte 20) van die gesegde plaas, gehou onder Transportakte Nr. 5990/1957, gedateer 15 Maart, 1957.
- (vii) Die voormalige GEDEELTE 91 van die plaas waarvan die gedeeltes aangedui deur die figuur AabBCDEjFGHJKLIMhfNEPA op konsolidasie diagram L.G No. 12658/1997 hierby aangeheg n gedeelte vorm is onderhewig aan die volgende voorwaardes:

Die reg is aan Eskom verleen om elektrisiteit oor die hierinvermelde eiendom te lei deur middel van verskeie kraglyne met bykomende regte en onderworpe aan voorwaarde soos vollediger sal blyk uit Notariële Akte van Servituut K5256/2000S welke middellyn van die kraglyn servituut, 47 vierkante meter breed aangedui word die lyn aBb op diagram No. 9399/2007 geheg aan Notariële akte van roetebepaling K4260/2017S.

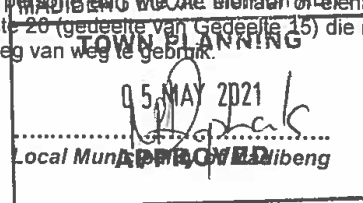
- (b) Excluding the following entitlements which shall not be passed on to the ervens in the township:

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- (i) Die resterende Gedeelte van Gedeelte 20 van gedeelte 15 van die gesegde plaas, groot as sodanig 291,6220 hektaar, aangedui deur die figuur ABCabcdeffA op aangehegte kaart L.G No. 2615/2007 (waarvan die eiendom hiermee geregistreer 'n gedeelte vorm) is geregtig tot 'n Serwituut van Suiping oor Gedeelte 41 (gedeelte van Gedeelte 20) van die gesegde plaas, gehou onder Transportakte Nr. 27983/1947 gedateer 9 September 1947.
- (ii) 'n Gedeelte van die voormalige Gedeelte 41 (Gedeelte van Gedeelte 20) Aangedui deur die figuur v w w1 m1 op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980, verder onderworpe sal wees aan 'n serwituut van suiping ten gunste van die Resterende Gedeelte van Gedeelte 20 (gedeelte van Gedeelte 15) van die plaas ELANDSFONTEIN No. 440 J.Q. voormeld, groot 291,6220 hektaar.
- (iii) De eigenaar van het gezegde gedeelte 31 waarvan die voormalige Resterende Gedeelte van GEDEELTE 31 (gedeelte van Gedeelte van Gedeelte 31) aangedui deur die figuur ff C dd ee ff op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 'n gedeelte uitmaak, zal gerechtigd zijn tot zuiping in de Elandspruit lopende door liet resterend gedeelte van voorzegd Gedeelte 20 groot als zulks 377,2752 hektaar, zoals gehouden onder Verdelings Transport Nr. 13086/1925, zoals thans gebruikt door al de eigenaren van voormeld Gedeelte 15 van die plaats ELANDSFONTEIN, met een recht van weg voor zulk vee over het gezegd resterende gedeelte van Gedeelte 20 naar gezegde zuiping langs de Noordelijke of Zuidelijke grens van gezegde Resterende Gedeelte zoals later door Partijente worden vastgesteld. Het gezegde Gedeelte 31 zal echter geen verdere oevereigendoms rechten hebben tot het water in de Elandsspruit en zal ook hoegenaamd geen recht hebben tot in de bestaande dam in de Spruit.
- (iv) Gezegde Gedeelte 31 ('n gedeelte van Gedeelte 20) waarvan die Voormalige GEDEELTE 48 (gedeelte van Gedeelte 31) aangedui deur die figuur ff C dd ee ff op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 'n gedeelte uitmaak, is geregtig tot 'n ewigdurende reg van weg oor die volgende eiendom: Gedeelte van die plaas SCHIETFONTEIN Nr. 437, geleë in die Registrasie Afdeling JQ, distrik Brits, groot 52,9623 hektaar, welke reg van weg 4.72 meter wyd sal wees en sal begin op die Suid-Westelike baken gemerk C op Die kaart Nr. 1149/96 wat betrekking het op Transportakte Nr. 9287/1904 gedateer 4 Oktober 1904, vandaar sal die reg van weg met 'n reguit lyn in 'n Noodelike regting loop na die grenslyn gemerk A B op die voormelde kaart en sal eindig by 'n Punt 630 tree regs geleë van die Noord-Westelike baken gemerk A op gemelde kaart.
- (v) Die eienaar of eienare van die voormalige Gedeelte 54 (gedeelte van Gedeelte 20) aangedui deur die figuur gg hh jj kk gg op die kaart aangeheg by Sertifikaat van Verenigde Titel T222/1980 sal vir die doel van toegang tot en uitgang van die gesegde gedeelte geregtig wees tot 'n serwituut reg van weg 4.72 meter wyd oor die Restant van Gedeelte 20 (gedeelte van Gedeelte 15) van die plaas Elandsfontein No. 440 JQ, distrik ODI, groot 261,6434 hektaar aangedui deur die stippellyn k1 tot 9 op die gemelde kaart, met die voorbehoud dat die eienaar of eienare van die genoemde restant van Gedeelte 20 (gedeelte van Gedeelte 15) en sodanige ander eienaar of eienare van die genoemde restant van Gedeelte 20 (gedeelte van Gedeelte 15) die reg mag verleen om genoemde serwituut reg van weg te gebruik.

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- (c) Excluding the following conditions which shall not be passed on to the ervens in the Township;

1. Subject to the condition that the council will transfer free of charge all sites utilised or intended to be utilised for State domestic purposes by the National Government and the North West Provincial Government, once a township register has been opened in the Deeds registries office.

#### 2.4 ENGINEERING SERVICES

The township owner shall be responsible for the provision and installation of internal and external engineering services.

#### 2.5 LAND FOR MUNICIPAL PURPOSES

Erven 2714 to 2717 shall be reserved by the township owner as parks.

#### 2.6 ACCESS

No ingress from Provincial Road 2284 to the township and no egress to Provincial Road 2284 from the township shall be allowed.

#### 2.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Provincial Road 2284 and for all stormwater running off or being diverted from the road to be received and disposed of.

#### 2.8 PRECAUTIONARY MEASURES

The township owner shall at his own expense, make arrangements in order to ensure that:

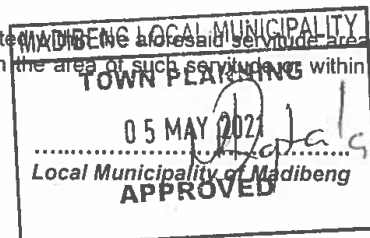
- (a) water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen; and
- (b) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm and compacted until the same grade of compaction as that of the surrounding material is obtained.

### 3. CONDITIONS OF TITLE

The erven except for the erven mentioned in clause 2(5) shall be subject to the following conditions imposed in terms of the provisions of the Town-Planning and Townships Ordinance, 1986:

- (a) The erf is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- (b) No buildings or other structure shall be erected within the area of such servitude and no large-rooted trees shall be planted within the area of such servitude or within 2 m thereof.

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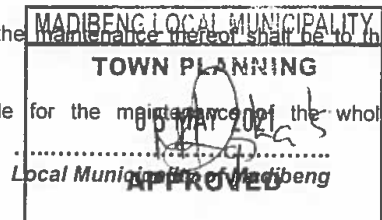
- (a) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**4. CONDITIONS TO BE INCORPORATED IN THE TOWN-PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN-PLANNING SCHEME IN OPERATION**

**4.1 GENERAL CONDITIONS (APPLICABLE TO ALL ERVEN)**

- (a) Except with the written consent of the local authority, and subject to such conditions as it may impose, neither the owner nor any other person shall -
- i) save and except to prepare the erf for building purposes, excavate any material therefrom;
  - ii) sink any wells or boreholes on the erf or extract any subterranean water therefrom;
  - (iii) make or permit to be made, on the erf for any purposes whatsoever, any tiles or earthenware pipes or other articles of a like nature.
- (b) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street the owner of the lower-lying erf shall be obliged to accept or permit the passage over the erf of such stormwater : Provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (c) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the local authority.
- (d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (e) No material or goods or any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such boundary this condition may be relaxed by the local authority subject to such conditions as may be determined by it.
- (f) A screen wall or walls shall be erected and maintained to the satisfaction of the local authority as and when required by it.
- (g) If the erf is fenced such fence and the maintenance thereof shall be to the satisfaction of the local authority.
- (h) The registered owner is responsible for the maintenance of the whole

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development on the erf. If the local authority is of the opinion that the erf or any portion of the development is not being satisfactorily maintained, the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.

- (i) No French drain shall be permitted on the erf.
- (j) Trenches and excavations for foundations, pipes, cables or for any other purposes shall be properly refilled with damp soil in layers not thicker than 150 mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the local authority.
- (k) All pipes that carry water shall be watertight and shall be provided with water tight flexible couplings.
- (l) The entire surface of the erf shall be drained to the satisfaction of the local authority in order to prevent surface water from damming up, and water from roof gutters shall be discharged away from the foundations.
- (m) The erf is situated in an area with soil conditions which can affect buildings and structures detrimentally and result in damage. Building plans submitted to the local authority shall indicate measures in accordance with recommendations contained in the Engineering-geological report compiled for the township, to limit possible damage to the buildings and structures as a result of the unfavourable foundation conditions, unless proof is submitted to the local authority that such measures are unnecessary or the same purpose can be achieved by alternative measures.

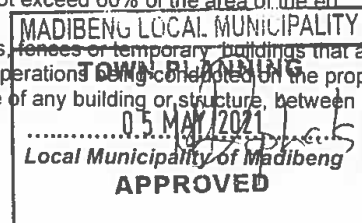
**4.2 ERVEN 1946 UP TO AND INCLUDING 2049, 2054 UP TO AND INCLUDING 2086, 2088 UP TO AND INCLUDING 2361, 2363 UP TO AND INCLUDING 2386 AND 2389 UP TO AND INCLUDING 2713**

**USE ZONE I: SPECIAL RESIDENTIAL**

The erf and the buildings erected thereon or to be erected thereon, shall be used solely for the purposes of a dwelling house and, with the special consent of the local authority, places of public worship, social halls, sports and recreation, institutions, places of instruction, medical suites and special uses, subject to the following conditions:

- (a) The occupants of a dwelling house may practice, *inter alia*, their social and religious activities and their occupations, professions or trades, including retail trade on the property on which such residential building is erected: Provided that: -
  - (i) the dominant use of the property shall remain residential;
  - (ii) the occupation, trade or profession or other activity shall not be noxious; and
  - (iii) the occupation, trade or profession shall not interfere with the amenity of the neighbourhood.
- (b) The height of buildings shall not exceed 2 storeys.
- (c) The coverage of the buildings shall not exceed 60% of the area of the erf.
- (d) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it

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and onto the side boundaries and also between the building and the rear boundary of the property:

- (i) The space at the side of the building shall be a minimum of 2 metres wide, provided the local authority may reduce this requirement to 1 (one) metre.
- (ii) The space at the rear of the building shall be a minimum of 2 metres.

#### 4.3 ERVEN 1940 UP TO AND INCLUDING 1943, 2050, 2052, 2053 AND 2362

##### USE ZONE XIV: SPECIAL (COMMUNITY FACILITY)

The erf and the buildings erected thereon or to be erected thereon, shall be used solely for the purposes of places of public worship, places of instruction, social halls, sport and recreational purposes and institutions.

- (a) The height of buildings shall not exceed 3 storeys.
- (b) The coverage of the buildings shall not exceed 70% of the area of the erf.
- (c) Parking shall be provided to the satisfaction of the local authority.
- (d) All other conditions as the local authority may impose are to be complied with.

#### 4.4 ERVEN 1944, 1945, 2087 AND 2388

##### USE ZONE XII: MUNICIPAL

The erf shall be used solely for municipal purposes in terms of the Brits Town Planning Scheme, 1 of 1958.

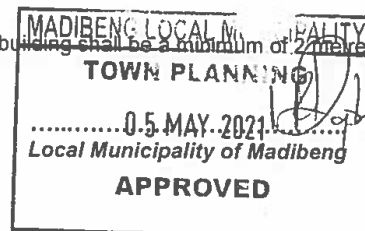
#### 4.5 ERF 2051

##### USE ZONE XIV: SPECIAL (BUSINESS)

The erf and the buildings erected thereon or to be erected thereon, shall be used solely for the purposes of shops, offices, restaurants, showrooms, residential buildings, places of public worship, places of instruction, social halls, sport and recreational purposes, institution, public garage, special purposes and places of amusement.

- (a) The height of buildings shall not exceed 3 storeys.
- (b) The coverage of the buildings shall not exceed 70% of the area of the erf.
- (c) Parking shall be provided to the satisfaction of the local authority.
- (d) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and onto the side boundaries and also between the building and the rear boundary of the property:
  - (i) The space at the side of the building shall be a minimum of 2 metres wide, provided the local authority may reduce this requirement to 1 (one) metre.
  - (ii) The space at the rear of the building shall be a minimum of 2 metres.

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**USE ZONE XIV: SPECIAL (POLICE STATION)**

The erf shall be used solely for a police station and subservient and subordinate uses subject to the conditions as may be imposed by the local authority.

**4.7 ERVEN 2714 UP TO AND INCLUDING 2717****USE ZONE XII: PUBLIC OPEN SPACE (PARK)**

The erf shall be used solely for a public open space (park) in terms of the Brits Town Planning Scheme, 1 of 1958.

**4.8 ERVEN SUBJECT TO SPECIAL CONDITIONS****ERVEN 2087, 2120 UP TO AND INCLUDING 2135, AND 2156 UP TO AND INCLUDING 2177**

- (a) The registered owner of the erf shall erect and maintain a physical barrier consisting of a 1,3 m high wire fence, or a fence of such other material as may be approved by local authority, in accordance with the latest standards of the Department of Public Works and Roads before or during development of the erf along the boundary thereof abutting on Provincial Road 2284 to the satisfaction of the local authority and shall maintain such fence to the satisfaction of the local authority.
- (b) Except for the physical barrier mentioned in Clause (a) above, a swimming pool or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance of 16m from the boundary of the erf abutting on Provincial Road 2284, nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Deputy Director-General, Department of Public Works and Roads.
- 4.6.1 Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on Provincial Road 2284.

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