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No. 10431

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 1868 12 September 1986

WET OP HANDELSMETROLOGIE, 1973

WYSIGING VAN REGULASIES

Ek, Kent Diederich Skelton Durr, Adjunk-Minister van Finansies en van Handel en Nywerheid, handelende namens die Minister van Handel en Nywerheid, wysig hierby kragtens artikel 42 van die Wet op Handelsmetrologie, 1973 (Wet 77 van 1973), Deel I, Deel II, Deel III en Deel IV van die regulasies afgekondig by Goewermenskennisgewing R. 2362 van 18 November 1977, soos gewysig by Goewermenskennisgewings R. 2052 van 13 Oktober 1978, R. 527 van 21 Maart 1980, R. 1805 van 27 Augustus 1982, 192 van 10 Februarie 1984, R. 1739 van 9 Augustus 1985 en 2110 van 20 September 1985, soos in die Bylae hiervan uiteengesit.

K. D. S. DURR,
Adjunk-minister van Finansies en van Handel en Nywerheid.

BYLAE A

WYSIGING VAN DEEL I VAN DIE REGULASIES

1. Regulasie 1 word gewysig deur in die woordomskriving "bier" "2 persent" met "0,5 persent" te vervang.
2. Regulasie 5 word gewysig deur in die voorbehoudsbepaling in subregulasie (7) "(e)" met "(f)" te vervang.
3. Regulasie 7 word gewysig deur na die woord "katoenverband" in subregulasie (7) (vii) die woorde "en aanpasverband" in te voeg.
4. Regulasie 10 word gewysig deur in die voorbehoudsbepaling in subregulasie (2) die woord "ses" met die woord "drie" te vervang.
5. Regulasie 11 word gewysig deur—
(a) in subregulasie (1) (b) die woord "volkoringbrood" te skrap; en

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GOVERNMENT NOTICES

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 1868 12 September 1986

TRADE METROLOGY ACT, 1973

AMENDMENT OF REGULATIONS

I, Kent Diederich Skelton Durr, Deputy Minister of Finance and of Trade and Industry, acting on behalf of the Minister of Trade and Industry, in terms of section 42 of the Trade Metrology Act, 1973 (Act 77 of 1973), hereby amend Part I, Part II, Part III and Part IV of the regulations published under Government Notice R. 2362 of 18 November 1977, as amended under Government Notices R. 2052 of 13 October 1978, R. 527 of 21 March 1980, R. 1805 of 27 August 1982, 192 of 10 February 1984, R. 1739 of 9 August 1985 and 2110 of 20 September 1985, as set out in the Schedules hereto.

K. D. S. DURR,
Deputy Minister of Finance and of Trade and Industry.

SCHEDULE A

AMENDMENT OF PART I OF THE REGULATIONS

1. Regulation 1 is amended by the substitution in the definition "beer" for "2 per cent" of "0,5 per cent".
2. Regulation 5 is amended by the substitution for "(e)", where it appears in the proviso to subregulation (7), of "(f)".
3. Regulation 7 is amended by the insertion in subregulation (7) (vii) after the words "cotton crepe bandage" of the words "and conforming bandage".
4. Regulation 10 is amended by the substitution in the proviso to subregulation (2) for the word "six" of the word "three".
5. Regulation 11 is amended by—
(a) the deletion in subregulation (1) (b) of the words "whole-wheat bread,"; and

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- (b) in subregulasie (2) (b) die paragrawe (9) en (10) onderskeidelik te hernoem na (7) en (8).

6. Bylae 1 word gewysig deur—

- (a) in die Afrikaanse teks, in die eerste kolom van item (b) van Tabel V, die woord “geperforeerde” met die woord “ongeperforeerde” te vervang; en

- (b) na item (e) van Tabel VI die volgende in te voeg:

“(f) Saad	50 of meer eenhede	Een eenheid per 50 of deel daarvan	Twee eenhede per 50 of deel daarvan”.
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7. Bylae 5 word gewysig deur—

- (a) na die voorbehoudsbepaling in die derde kolom van item 19 van die tabel die volgende woorde in te voeg:

“en verder met dien verstande dat volume in kubieke maat nie vir die doel van verkoop van massa afgelei mag word nie”;

- (b) in die tweede kolom van item 35 van die tabel “900 cm²” met “9 dm²” te vervang; en

- (c) in die derde kolom van item 46 (b) (i) van die tabel die woord, “velgrootte” te skrap.

8. Bylae 6 word gewysig deur—

- (a) die hoeveelhede in die derde kolom van item 10 (b) van die tabel met die volgende hoeveelhede te vervang:

“250 ml, 500 ml, 750 ml, 1 l, 2 l, 4 l, 16 l en 20 l”;

- (b) die woorde in die tweede kolom van item 12 (b) van die tabel met die volgende woorde te vervang:

“(b) voorafverpakte bier, of ’n voorafverpakte mengsel van bier en limonade of ander koeldrank, wat meer as 0,5 % van alkohol by volume bevat”;

- (c) die hoeveelhede en woorde in die derde kolom van item 16 van die tabel met die volgende te vervang:

“100 ml, 200 ml, 375 ml, 500 ml, 1 l, 5 l, 20 l, 200 l en 210 l”;

- (d) die hoeveelhede in die derde kolom van item 19 (b) van die tabel met die volgende te vervang:

“25 g, 50 g, 100 g, 150 g, 200 g, 250 g, 300 g, 350 g, 400 g vir verpakings bevattende tien enkel-bediening sakkies, 500 g, 750 g, 1 kg, 1,5 kg, 10 kg, 20 kg en 30 kg”;

- (e) subitem (d) van item 35 van die tabel met die volgende te vervang:

“(d) deurlopend werkende toiletreinigers, reukverdrywers en kleurmiddels	Enige getal eenhede van of 40 g of 45 g”;
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- (f) item 38 van die tabel met die volgende te vervang:

“38. Droëvrugte soos in regulasie 1 van hierdie Deel omskryf of ’n mengsel van sodanige droëvrugte, eetbare neute en/of ander komponente waarvan die droëvrugte komponent nie minder is volgens massa as enige ander komponent nie	Enige voorafverpakte hoeveelheid tot en met 125 g; dan 150 g, 250 g, 500 g, 750 g, 1 kg en veelvoud van 0,5 kg bo 1 kg”;
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- (g) item 40 van die tabel met die volgende te vervang:

“40. Eetbare neute of ’n mengsel van eetbare neute, droëvrugte en/of ander komponente waarvan die eetbare neute komponent nie minder is volgens massa as enige ander komponent nie, net in buigsame houers voorafverpak	30g, 55 g, 100 g, 150g, 200 g, 500 g, 1 kg of ’n heelal veelvoud van 1 kg”;
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- (h) in die derde kolom van item 63 (b) van die tabel die volgende voorbehoudsbepaling na “200 l” in te voeg:

“: Met dien verstande dat enkel kar-was sakkies enige hoeveelheid tot en met 100 ml mag bevat”;

- (b) the renumbering in subregulation (2) (b) of paragraphs (9) and (10) to (7) and (8) respectively.

6. Schedule 1 is amended by—

- (a) the substitution in the Afrikaans text, in the first column of item (b) of Table V, for the word “geperforeerde” of the word “ongeperforeerde”;

- (b) the insertion in Table VI after item “(e)” of the following additional item:

“(f) Seed	50 or more units	One unit per 50 or part thereof	Two units per 50 or part thereof”.
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7. Schedule 5 is amended by—

- (a) the insertion at the end of the proviso in the third column of item 19 of the table of the words:

“and provided further that volume in cubic measure may not be derived from mass for the purpose of sale by volume in cubic measure”;

- (b) the substitution in the second column of item 35 of the table for “900 cm²” of “9 dm²”; and

- (c) the deletion in the third column of item 46 (b) (i) of the table of the words, “sheet size”.

8. Schedule 6 is amended by—

- (a) the substitution for the quantities in the third column of item 10 (b) of the table of the following:

“250 ml, 500 ml, 750 ml, 1 l, 2 l, 4 l, 16 l and 20 l”;

- (b) the substitution for the words in the second column of item 12 (b) of the table of the following:

“(b) prepacked beer, or a prepacked mixture of beer and lemonade or other cold drink, containing more than 0,5 % by volume of alcohol”;

- (c) the substitution for the quantities and words in the third column of item 16 of the table of the following:

“100 ml, 200 ml, 375 ml, 500 ml, 1 l, 5 l, 20 l, 200 l and 210 l”;

- (d) the substitution for the quantities in the third column of item 19 (b) of the table of the following:

“25 g, 50 g, 100 g, 150 g, 200 g, 250 g, 300 g, 350 g, 400 g for packs containing ten separate single-serving sachets, 500 g, 750 g, 1 kg, 1,5 kg, 10 kg, 20 kg and 30 kg”;

- (e) the substitution for sub-item (d) of item 35 of the table of the following:

“(d) continuous action toilet cleaners, deodorisers and colourants	Any number of units of either 40 g or 45 g”;
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- (f) the substitution for item 38 of the table of the following:

“38. Dried fruit as defined in regulation 1 of this Part or a mixture of such dried fruit, edible nuts and/or other components of which the dried fruit component is not less by mass than any other component	Any prepacked quantity up to and including 125 g; then 150 g, 250 g, 500 g, 750 g, 1 kg and multiples of 0,5 kg above 1 kg”;
--	--

- (g) the substitution for item 40 of the table of the following:

“40. Edible nuts or a mixture of edible nuts, dried fruit and/or other components of which the edible nut component is not less by mass than any other component, prepacked in flexible packaging only	30 g, 55 g, 100 g, 150 g, 200 g, 500 g, 1 kg or an integral multiple of 1 kg”;
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- (h) the insertion in the third column of item 63 (b) of the table of the following proviso after “200 l”;

“: Provided that single car-wash sachets may contain any quantity up to 100 ml”;

(i) item 76 van die tabel met die volgende te vervang:

"76. Spykers en hegspykers van alle soorte—

(a) wanneer volgens massa 25 g, 50 g, 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 25 kg en 50 kg;

(b) wanneer by getal voorafverpak 10, 25, 50, 100, 200, 500 en 1 000";

(j) die hoeveelhede in die derde kolom van item 91 van die tabel met die volgende te vervang:

"100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 20 kg, 50 kg, 70 kg en in die geval van rys ook 100 kg";

(k) die woorde in die tweede kolom van item 96 van die tabel met die volgende te vervang:

"Souse—alle tipes skinkbare vloeisouse insluitend vloeikruisouse, vloeibare gemengde smaakmiddels en sappe";

(l) item 98 van die tabel met die volgende te vervang:

"98. Saad..... Enige voorafverpakte hoeveelheid tot en met 50 g; dan 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 25 kg en 50 kg;

Met dien verstande dat—

(i) saad in getalle van 50, 100, 200, 500 en 1 000 slegs per getal voorafverpak kan word;

(ii) 'n voorafverpakte hoeveelheid saad met 'n massa van meer as 50 g waarvan die getal 'n veelvoud is van 1 000, synde nie minder as 2 000 of meer as 1 000 000 nie, van enige massa kan wees mits die getal as bykomende inligting tot die massaverklaring verklaar word; en

(iii) gesertifiseerde saad in verseelde houers wat kragtens die Wet op Plantverbetering, 1976 (Wet 53 van 1976), en saad wat op bestelling van 'n verbruiker vir sy eie gebruik voorafverpak word van enige massa of enige getal kan wees en die getal slegs as bykomende inligting tot die massaverklaring verklaar mag word";

(m) die woorde in die tweede kolom van item 102 van die Tabel met die volgende te vervang:

"Voorafverpakte gedroogte speserye of kruie wat vir die toebereiding van, of as smaakmiddel vir kos, gebruik word, synde gemaal of heel, insluitend ge-geurde sout en mengsels van sout en speserye of kruie, maar uitgesonderd sodanige speserye of kruie wanneer vir industriële gebruik voorafverpak of wanneer in 'n formuleverpakking";

(n) item 108 (a) van die tabel met die volgende te vervang:

"(a) strooi of versier..... 125 g, 250 g, 500 g, 1 kg, 2,5 kg, 12,5 kg en 25 kg; Met dien verstande dat klaargemengde versier-suiker in 'n hoeveelheid van 125 g voorafverpak kan word";

(o) die woorde in die tweede kolom van item 109 van die tabel met die woorde "Stroop—goue of swart en moskonfyt (druiwestroop)" te vervang;

(p) in die derde kolom van item 120 van tabel "340 ml" na "250 ml" en "450 ml" na "375 ml" in te voeg;

(q) in die derde kolom van item 124 van die tabel al die woorde na "1 kg" met die volgende te vervang:

"Met dien verstande dat 'n aerosolhouer slegs van 'n nominale volume wat in die onderstaande tabel gespesifiseer is mag wees en dat geen voorafverpakte aerosolhouer van enige sodanige gespesifiseerde nominale volume 'n uitstootbare massa van enige stof mag bevat wat minder is as die massa wat vir die betrokke houer gespesifiseer is, en verder met dien verstande dat die minimum uitstootbare massas in die tabel gespesifiseer nie op stowwe of mengsels van stowwe met 'n digtheid van 0,7 g/cm³ of minder teen 25 °C van toepassing is nie"; en

(i) the substitution for item 76 of the table of the following:

"76. Nails and tacks of all kinds—

(a) when prepacked by mass... 25 g, 50 g, 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 25 kg and 50 kg;

(b) when prepacked by number 10, 25, 50, 100, 200, 500 and 1 000";

(j) the substitution for the quantities in the third column of item 91 of the table of the following:

"100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 20 kg, 50 kg, 70 kg and in the case of rice also 100 kg";

(k) the substitution for the words in the second column of item 96 of the table of the following:

"Sauces—all types of liquid pourable sauces including liquid herb sauces, liquid condiment sauces and juices";

(l) the substitution for item 98 of the table of the following:

"98. Seed..... Any prepacked quantity up to and including 50 g; then 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg, 25 kg and 50 kg;

Provided that—

(i) seed in counts of 50, 100, 200, 500 and 1 000 may be prepacked by number only;

(ii) a prepacked quantity exceeding 50 g in mass and having a count which is a multiple of 1 000, being not less than 2 000 or greater than 1 000 000, may be of any mass provided that the count is stated as supplementary information to the mass statement; and

(iii) certified seed in sealed containers registered in terms of the Plant Improvement Act, 1976 (Act 53 of 1976), and seed specially prepacked on order from a user for his own use may be of any mass or of any number and the count may only be stated as supplementary information to the mass statement";

(m) the substitution for the words in the second column of item 102 of the table of the following:

"Prepacked dried spices or herbs, which are used for the seasoning or flavouring of food, whether ground or whole, including flavoured salt and mixtures of salt and spices or herbs, but excluding such spices or herbs when packed for industrial use or when in a formula pack";

(n) the substitution for item 108 (a) of the table of the following:

"(a) castor or icing..... 125 g, 250 g, 500 g, 1 kg, 2,5 kg, 12,5 kg and 25 kg; Provided that only ready mixed icing sugar may be prepacked in a quantity of 125 g";

(o) the substitution for the words in the second column of item 109 of the table of the words "Syrup—golden or black and grape-syrup (moskonfyt)";

(p) the insertion in the third column of item 120 of the table of "340 ml" after "250 ml" and "450 ml" after "375 ml";

(q) the substitution in the third column of item 124 of the table for all of the words after "1 kg" of the following:

"Provided that an aerosol container may be only of a nominal volume specified in the table below and that no prepacked aerosol container of any nominal volume so specified shall contain an expellable mass of any substance less than the mass specified for the relevant container, and provided further that the minimum expellable masses specified in the said table shall not apply in the case of substances or mixtures of substances with a density of 0,7 g/cm³ or less at 25 °C"; and

(r) in die derde kolom van item 124 van die tabel "250 ml" en "125 g" onderskeidelik in die kolomme onder die hoofde "Nominale volume van houer (randvol)" en "Minimum uitstootbare massa" in te voeg.

9. Bylae 7 word gewysig deur die voorbehoudsbepaling in paragraaf 8 (1) deur die volgende te vervang:

"Met dien verstande dat, in die geval van die oppervlakte van leer, die dm^2 vir oppervlakte groter as 1 m^2 en die cm^2 vir oppervlakte kleiner as 10 dm^2 gebruik mag word."

BYLAE B

WYSIGING VAN DEEL II VAN DIE REGULASIES

1. Regulasie 14 (3) (a) word gewysig deur die uitdrukking "subregulasie 15 (1)" met "regulasie 15 (1)" te vervang.

2. Regulasie 50 word in sy geheel geskrap.

3. Regulasie 60 word gewysig deur subregulasie (8) (e) daarvan te skrap.

BYLAE C

WYSIGING VAN DEEL III VAN DIE REGULASIES

1. Regulasie 4 word gewysig deur paragraaf (l) met die volgende te vervang:

"(l) 'n meetinstrument vir telling volgens getal, insluitend 'n telling-volgens-getal-funksie van 'n gesertifiseerde massameter;"

BYLAE D

WYSIGING VAN DEEL IV VAN DIE REGULASIES

1. Aanhangsel III in die Engelse teks word gewysig deur die woord "certificare", waar dit in die Verduidelikende Opmerking voorkom, met die woord "certificate" te vervang.

(r) the insertion in the third column of item 124 of the table of "250 ml" and "125 g" in the respective columns headed "Nominal volume of container (brimful)" and "Minimum expellable mass".

9. Schedule 7 is amended by the substitution for the proviso in paragraph 8 (1) of,

"Provided that, in the case of the area of leather, the dm^2 may be used for areas larger than 1 m^2 and the cm^2 may be used for areas smaller than 10 dm^2 ."

SCHEDULE B

AMENDMENT OF PART II OF THE REGULATIONS

1. Regulation 14 (3) (a) is amended by the substitution for the expression "subregulation 15 (1)" of "regulation 15 (1)";

2. Regulation 50 is deleted in its entirety.

3. Regulation 60 is amended by the deletion of subregulation (8) (e) thereof.

SCHEDULE C

AMENDMENT OF PART III OF THE REGULATIONS

1. Regulation 4 is amended by the substitution for paragraph (l) of the following:

"(l) any measuring instrument for counting by number, including a counting-by-number function of a certified massmeter;"

SCHEDULE D

AMENDMENT OF PART IV OF THE REGULATIONS

1. Annexure III is amended in the English text by the substitution for the word "certificare" where it occurs in the Explanatory Note, of the word "certificate".

DEPARTEMENT VAN JUSTISIE

No. R. 1876

12 September 1986

WYSIGING VAN DIE REGULASIES UITGEVAARDIG INGEVOLGE ARTIKEL 8 VAN DIE TRUSTGELDE BESKERMINGS WET, 1934 (WET 34 VAN 1934)

Die Minister van Justisie het kragtens die bevoegdheid hom verleen by artikel 8 van die Trustgelde Beskermings Wet, 1934 (Wet 34 van 1934), die regulasies afgekondig by Goewermentskennisgewing R. 12 van 7 Januarie 1983, soos volg gewysig:

1. Die wysiging van regulasie 3 (1) deur die vervanging van die uitdrukking "R1" deur die uitdrukking "R2".

2. Die wysiging van regulasie 3 (2) deur die vervanging van die uitdrukking "R2" deur die uitdrukking "R4".

DEPARTEMENT VAN LANDBOU- EKONOMIE EN -BEMARKING

No. R. 1892

12 September 1986

WET OP DIE UITVOER VAN LANDBOUPRODUKTE, 1971 (WET 51 VAN 1971)

ONDERSOEK- EN APPËLGELDE TEN OPSIGTE VAN SEKERE LANDBOUPRODUKTE WAT AS PRODUKTE ONDER DIE WET OP UITVOER VAN LANDBOUPRODUKTE, 1971 (WET 51 VAN 1971), VERKLAAR IS.—WYSIGING

Die Minister van Landbou-ekonomie het kragtens artikel 4 van die Wet op die Uitvoer van Landbouprodukte, 1971 (Wet 51 van 1971), die regulasies in die Bylae uitgevaardig.

DEPARTMENT OF JUSTICE

No. R. 1876

12 September 1986

AMENDMENT TO THE REGULATIONS MADE UNDER SECTION 8 OF THE TRUST MONEYS PROTECTION ACT, 1934 (ACT 34 OF 1934)

The Minister of Justice has under and by virtue of the powers vested in him by section 8 of the Trust Moneys Protection Act, 1934 (Act 34 of 1934), amended the regulations published by Government Notice R. 12 of 7 January 1983 as follows:

1. The amendment of regulation 3 (1) by the substitution for the expression "R1" of the expression "R2".

2. The amendment of regulation 3 (2) by the substitution for the expression "R2" of the expression "R4".

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 1892

12 September 1986

AGRICULTURAL PRODUCE EXPORT ACT, 1971 (ACT 51 OF 1971)

INSPECTION AND APPEAL FEES IN RESPECT OF CERTAIN AGRICULTURAL PRODUCTS DECLARED AS PRODUCTS UNDER THE AGRICULTURAL PRODUCE EXPORT ACT, 1971 (ACT 51 OF 1971).—AMENDMENT

The Minister of Agricultural Economics has under section 4 of the Agricultural Produce Export Act, 1971 (Act 51 of 1971), made the regulations in the Schedule.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing R. 1005 van 13 Mei 1983, soos gewysig deur Goewermentskennisgewing R. 592 van 30 Maart 1984 (soos verbeter by Goewermentskennisgewings R. 1577 van 27 Julie 1984, R. 1241 van 7 Junie 1985 en R. 597 van 27 Maart 1986.

Wysiging van regulasie 2

2. Regulasie 2 van die Regulasies word hierby gewysig deur item 41 van die tabel daarin deur die volgende item te vervang:

Soort produk	Ondersoekgeld
1	2
“(41) Rooibostee:	
(a) Behandel deur middel van raduriserings, ultrasoniese klankgolwe of stoom en aangebied vir visuele ondersoek en laboratorium ontleding	R1,30 per 100 kg, of gedeelte daarvan, in 'n besending.
(b) Onbehandel en aangebied vir visuele ondersoek en laboratorium ontleding as <i>Salmonella</i> -vry te wees	R3,25 per 100 kg, of gedeelte daarvan, in 'n besending.
(c) Onbehandel en slegs aangebied vir visuele ondersoek	65c per 100 kg, of gedeelte daarvan, in 'n besending”.

No. R. 1893**12 September 1986****BEMARKINGSWET, 1968 (WET 59 VAN 1968)****BEHEER OOR DIE UITVOER VAN ROOIBOSTEE**

Ek, Jacob Johannes Greyling Wentzel, Minister van Landbou-ekonomie, handelende kragtens artikel 87 van die Bemarkingswet, 1968 (Wet 59 van 1968)—

- (a) verbied hierby die uitvoer uit die Republiek van rooibostee soos in genoemde Wet omskryf, behalwe deur—
- die Rooibosteebeheerraad bedoel in artikel 3 van die Rooibosteebeheerskema gepubliseer by Proklamasie R. 167 van 1962, soos gewysig; of
 - 'n persoon wat daartoe gemagtig is by permit, wat na goeddunke van genoemde Raad uitgereik is, of andersins as ooreenkomstig voorwaardes deur genoemde Raad bepaal en in bedoelde permit uiteengesit;

Met dien verstande dat die totale hoeveelheid rooibostee wat gedurende enige bepaalde jaar uitgevoer mag word, nie 'n hoeveelheid mag oorskry nie wat ten opsigte van daardie jaar deur myself na oorlegpleging met die Nasionale Bemarkingsraad en genoemde Raad bepaal is;

- (b) bepaal hierby dat 'n aansoek om 'n permit in paragraaf (a) (ii) bedoel—
- op 'n vorm gedoen moet word wat vir dié doel van die Bestuurder van genoemde Raad verkrygbaar is; en
 - jaarliks gedurende Maart deur genoemde Raad oorweeg sal word;
- (c) stel hierby 31 Januarie van elke jaar vas as die laaste datum waarop sodanige aansoeke vir oorweging gedurende genoemde maand aanvaar sal word;
- (d) magtig genoemde Raad hierby om die oorweging van alle sodanige aansoeke wat na 31 Januarie van 'n bepaalde jaar ontvang word, tot Maart van die daaropvolgende jaar uit te stel; en

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice R. 1005 of 13 May 1983, as amended by Government Notice R. 592 of 30 March 1984 (as corrected by Government Notices R. 1577 of 27 July 1984), R. 1241 of 7 June 1985 and R. 597 of 27 March 1986.

Amendment of regulation 2

2. Regulation 2 of the Regulations is hereby amended by the substitution for item 41 of the table therein of the following item:

Kind of product	Inspection fee
1	2
“(41) Rooibos tea:	
(a) Treated by radurising, ultrasonic sound waves or steam and presented for visual inspection and laboratory analysis	R1,30 per 100 kg, or part thereof, in a consignment.
(b) Untreated and presented for visual inspection and laboratory analysis as being <i>Salmonella</i> free	R3,25 per 100 kg, or part thereof, in a consignment.
(c) Untreated and presented for visual inspection only	65c per 100 kg, or part thereof, in a consignment”.

No. R. 1893**12 September 1986****MARKETING ACT, 1968 (ACT 59 OF 1968)****CONTROL OF THE EXPORT OF ROOIBOS TEA**

I, Jacob Johannes Greyling Wentzel, Minister of Agricultural Economics, acting under section 87 of the Marketing Act, 1968 (Act 59 of 1968), hereby—

- (a) prohibit the exportation from the Republic of rooibos tea as defined in the said Act except by—
- the Rooibos Tea Control Board referred to in section 3 of the Rooibos Tea Control Scheme published by Proclamation R. 167 of 1962, as amended; or
 - any person authorised thereto by permit, issued in the discretion of the said Board, or otherwise than in accordance with conditions determined by the said Board and set out in such permit;

Provided that the total quantity of rooibos tea which may be exported during a particular year, shall not exceed a quantity determined in respect of that year by myself after consultation with the National Marketing Board and the said Board;

- (b) determine that an application for a permit referred to in paragraph (a) (ii) shall—
- be made on a form which is obtainable from the Manager of the said Board for this purpose; and
 - be considered annually by the said Board during March;
- (c) fix 31 January of each year as the last date on which any such applications will be accepted for consideration during the said month;
- (d) authorise the said Board to postpone the consideration of all such applications received after 31 January of a particular year, to March of the ensuing year; and

(e) herroep hierby Goewermentskennisgewing R. 931 van 26 April 1985.

J. J. G. WENTZEL,
Minister van Landbou-ekonomie.

No. R. 1901

12 September 1986

PLANTVERBETERINGSWET, 1976 (WET 53
VAN 1976)

TOEPASSING VAN WET

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou-ekonomie, handelende namens die Minister van Landbou-ekonomie kragtens artikel 2 van die Plantverbeteringswet, 1976 (Wet 53 van 1976)—

- (a) verklaar hierby dat al die bepalings van genoemde Wet van toepassing is op die saad van plante van die soorte in Bylae A vermeld;
- (b) verklaar hierby dat al die bepalings van genoemde Wet behalwe artikel 27 van toepassing is op—
 - (i) plante van die soorte in Bylae B vermeld;
 - (ii) die saad van plante van die soorte in Bylae C vermeld;
- (c) verklaar hierby dat al die bepalings van genoemde Wet behalwe artikels 26 en 27 van toepassing is op die saad van plante van die soorte in Bylae D vermeld, wat kragtens 'n skema soos in genoemde Wet omskryf, gesertifiseer is;
- (d) verklaar hierby dat al die bepalings van genoemde Wet behalwe artikels 13 (1) (a), (b) en (c) 15, 16, 17, 18, 19, 20, 21, 22, 26 en 27 van toepassing is op alle soorte plante wat nie in Bylae A, C of D vermeld word nie, en op die voortplantingsmateriaal anders as saad, van sodanige soorte plante; en
- (e) herroep hierby Goewermentskennisgewings R. 1062 van 23 Mei 1980, R. 1497 van 5 Julie 1985 en R. 280 van 14 Februarie 1986.

G. J. KOTZÉ,
Adjunk-minister van Landbou-ekonomie.

(e) repeal Government Notice R. 931 of 26 April 1985.

J. J. G. WENTZEL,
Minister of Agricultural Economics.

No. R. 1901

12 September 1986

PLANT IMPROVEMENT ACT, 1976 (ACT 53
OF 1976)

APPLICATION OF ACT

I, Gert Jeremias Kotzé, Deputy Minister of Agricultural Economics, acting on behalf of the Minister of Agricultural Economics under section 2 of the Plant Improvement Act 1976 (Act 53 of 1976), hereby—

- (a) declare that all the provisions of the said Act shall apply to the seed of plants of the kinds specified in Schedule A;
- (b) declare that all the provisions of the said Act except section 27 shall apply to—
 - (i) plants of the kinds specified in Schedule B; and
 - (ii) the seed of plants of the kinds specified in Schedule C;
- (c) declare that all the provisions of the said Act except section 26 and 27 shall apply to the seed of plants of the kinds specified in Schedule D, that is certified under a scheme as defined in the said Act;
- (d) declare that all the provisions of the said Act except sections 13 (1) (a), (b) and (c), 15, 16, 17, 18, 19, 20, 21, 22, 26 and 27 shall apply to all kinds of plants not specified in Schedule A, C, or D, and to the propagating material other than seed of such kinds of plants; and
- (e) repeal Government Notices R. 1062 of 23 May 1980, R. 1497 of 5 July 1985 and R. 280 of 14 February 1986.

G. J. KOTZÉ
Deputy Minister of Agricultural Economics.

BYLAE A/SCHEDULE A

SOORTE PLANTE WAARVAN DIE SAAD AAN ALLE BEPALINGS ONDERHEWIG IS/KINDS OF PLANTS OF WHICH THE SEED IS SUBJECT TO ALL PROVISIONS

Botaniese naam/Botanical name	Gewone naam/Common name
<i>Phaseolus acutifolius</i> A. Gray	Tepary droëboon/Tepary dry bean.
<i>Phaseolus coccineus</i> L.	Nierboon/Kidney bean.
<i>Phaseolus vulgaris</i> L.	Droëboon/Dry bean.
<i>Sorghum bicolor</i> (L.) Moench	Graansorghum/Grain sorghum.
<i>Vigna unguiculata</i> (L.) Walpers	Akkerboom/Cowpea.
<i>Zea mays</i> L.	Wit graanmielie/White grain maize.
<i>Zea mays</i> L.	Geel graanmielie/Yellow grain maize.

BYLAE B/SCHEDULE B

SOORTE PLANTE WAT AAN ALLE BEPALINGS BEHALWE ARTIKEL 27 ONDERHEWIG IS/KINDS OF PLANTS WHICH ARE SUBJECT TO ALL PROVISIONS EXCEPT SECTION 27

Botaniese naam/Botanical name	Gewone naam/Common name
<i>Vitis</i> spp	Druif/Grape.

BYLAE C/SCHEDULE C

SOORTE PLANTE WAARVAN DIE SAAD AAN ALLE BEPALINGS BEHALWE ARTIKEL 27 ONDERHEWIG IS/KINDS OF PLANTS OF WHICH THE SEED IS SUBJECT TO ALL PROVISIONS EXCEPT SECTION 27

Botaniese naam/Botanical name	Gewone naam/Common name
<i>Agrotricum</i>	—
<i>Allium cepa</i> L.	Ui/Onion.
<i>Allium porrum</i> L.	Prei/Leek.
<i>Asparagus officinalis</i> L.	Aspersie/Asparagus.
<i>Beta vulgaris</i> L.	Voerbeet/Fodder beet.
<i>Beta vulgaris</i> L. var. <i>cycla</i> (L.) Ulrich.....	Snybeet/Swiss chard.
<i>Beta vulgaris</i> L. var. <i>esculenta</i> L.	Tuinbeet/Garden beet.
<i>Brassica napus</i> L.	Weikool/Rape.
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Peter	Sweedse raap/Swede.
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (D.C.).....	Beeskool/Fodder kale.
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef	Brokkoli/Broccoli.
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>botrytis</i>	Blomkool/Cauliflower.
<i>Brassica oleracea</i> L. var. <i>acephala</i> D.C. subvar. <i>laciniata</i> L.	Boerkool/Borecole, curly kale.
<i>Brassica oleracea</i> L. var. <i>bullata</i> D.C. et var. <i>sabauda</i> L.	Savojekool/Savoy cabbage.
<i>Brassica oleracea</i> L. var. <i>bullata</i> subvar. <i>gemmifera</i> D.C.	Brusselse spruitjies/Brussels sprouts.
<i>Brassica oleracea</i> L. var. <i>capitata</i> L.	Kopkool/Cabbage.
<i>Brassica oleracea</i> L. var. <i>gongylodes</i> L.	Knolkool/Kohlrabi.
<i>Brassica pekinensis</i> (Lour.) Rupr.	Sjinese kool/Chinese cabbage.
<i>Brassica rapa</i> L.	Raap/Turnip.
<i>Bromus willdenowii</i> Kunth	Reddingsgras/Rescue grass.
<i>Capsicum</i> spp.	Rissie/Pepper.
<i>Cenchrus ciliaris</i> L.	—
<i>Chloris gayana</i> Kunth	Rhodesgras/Rhodes grass.
<i>Citrullus lanatus</i> (Thunb.) Matsumura et Nakai	Waatemoen/Watermelon.
<i>Citrullus lanatus</i> (Thunb.) Matsumura et Nakai	Makataan.
<i>Cucumis melo</i> L.	Spanspek/Sweet melon.
<i>Cucumis sativus</i> L.	Komkommer/Cucumber.
<i>Cucurbita maxima</i> Duch	Pampoen, Skorsie/Pumpkin, Squash.
<i>Cucurbita moschata</i> (Duch) Duch ex Poir	Pampoen, Skorsie/Pumpkin, Squash.
<i>Cucurbita pepo</i> L.	Skorsie/Squash.
<i>Dactylis glomerata</i> L.	Kropaargras/Cocksfoot.
<i>Daucus carota</i> L.	Geelwortel/Carrot.
<i>Desmodium intortum</i> (Mill.) Urb.	Groenblaardesmodium/Green leaf desmodium.
<i>Desmodium uncinatum</i> (Jacq.) D.C.	Silverblaardesmodium/Silver leaf desmodium.
<i>Digitaria smutsii</i> Stent	Smutsvingergras/Smuts digitaria.
<i>Eragrostis curvula</i> (Schrad.) C.G. Nees.....	—
<i>Eragrostis tef</i> (Zucc.) Trotter.....	Tefgras/Teff.
<i>Festuca arundinacea</i> Schreb.	Langswenkgras/Tall fescue.
<i>Glycine max</i> (L.) Merrill	Sojaboon/Soya bean.
<i>Gossypium hirsutum</i> L.	Katoen/Cotton.
<i>Helianthus annuus</i> L.	Sonneblom/Sunflower.
<i>Hibiscus cannabinus</i> L.	Stokroos/Kenaf.
<i>Lactuca sativa</i> L.	Slaai/Lettuce.
<i>Lespedeza cuneata</i> (Dum) G. Don.	Lespedeza.
<i>Lespedeza striata</i> (Thunb. ex Murr.) Hook et. Arn	Lespedeza.
<i>Lolium multiflorum</i> Lam.	Italiaanse raaigras, Westerwoldse raaigras/Italian ryegrass, Westerwold ryegrass.
<i>Lolium perenne</i> L.	Meerjarige raaigras/Perennial ryegrass.
<i>Lolium rigidum</i>	Eenjarige raaigras/Annual ryegrass.
<i>Lolium X hybridum</i> Hausskn	Basterraaigras/Hybrid ryegrass.
<i>Lotus corniculatus</i> L.	-/Birdsfoot trefoil.
<i>Lupinus albus</i> L.	Witlupien/White lupin.
<i>Lupinus angustifolius</i> L.	Smalblaarlupien/Narrow leaf lupin.
<i>Lupinus luteus</i> L.	Geellupien/Yellow lupin.
<i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farwell.....	Tamatie/Tomato.
<i>Macroptilium atropurpureum</i> (D.C.) Urb.	Persboom/Purple bean.
<i>Medicago littoralis</i> Rhode	Strand medic.
<i>Medicago minima</i> L. var. <i>brevispina</i> Benth.	Goldfields medi.
<i>Medicago orbicularis</i> (L.) Bart.	Button medic.
<i>Medicago polymorpha</i> L. var. <i>brevispina</i> (Benth.) Heyn	Burr medic.
<i>Medicago rugosa</i> Desr.	Gama medic.
<i>Medicago sativa</i> L.	Lusern/Lucerne.
<i>Medicago scutellata</i> (L.) Mill	Snail medic.
<i>Medicago tornata</i> (L.) Mill	Disc medic.
<i>Medicago truncatula</i> Gaertn.	Barrel medic.
<i>Medicago aculeata</i> (Gaert) Wild.	—
<i>Neonotonia wightii</i> (Arnott) Lackey.....	Glycine.
<i>Ornithopus compressus</i> L.	Geel serradella/Yellow serradella.
<i>Ornithopus sativus</i> (Brotero)	Serradella.
<i>Oryza sativa</i> L.	Rys/Rice.
<i>Paspalum dilatatum</i> Poir.	—
<i>Pastinaca sativa</i> L.	Witwortel/Parsnip.
<i>Pennisetum clandestinum</i> Hochst. ex Chiov.	Kikoejoegras/Kikuyu.
<i>Pennisetum typhoides</i> (Burman) Stapf et C. E. Hubbard	Babala/Pearl millet.
<i>Petroselinum hortense</i> (P. Miller) Nyman ex A. W. Hill	Pietersielie/Parsley.
<i>Phalaris stenoptera</i> Hack	—
<i>Phaseolus vulgaris</i> L.	Tuinboon (stam)/Garden bean (dwarf).
<i>Phaseolus vulgaris</i> L.	Tuinboon (rank)/Garden bean (runner).
<i>Pisum sativum</i> L. sensu lato	Droë ert/Dry pea.
<i>Pisum sativum</i> L. sensu lato	Tuinert/Garden pea.

Botaniese naam/Botanical name	Gewone naam/Common name
<i>Raphanus sativus</i> L.	Tuinradys/Garden radish.
<i>Raphanus sativus</i> L.	Voerradys/Fodder radish.
<i>Ricinus communis</i> L.	Kasterolie/Castor bean.
<i>Setaria sphacelata</i> (Schumach.) Staph.	Gewone setaria/Common setaria.
<i>Sinapis alba</i> L.	Witmosterd/White mustard.
<i>Solanum melongena</i> L. var. <i>exculentum</i> Nees	Eiervrug/Egg fruit.
<i>Sorghum</i> spp.	Voersorghum/Fodder sorghum.
<i>Stylosanthes guianensis</i> (Aub.) Swartz	Stylo.
<i>Stylosanthes hamata</i> (L.) Taub.	Karibiese stylo/Caribbean stylo.
<i>Stylosanthes humilis</i> H.B.K.	Townsville stylo.
<i>Stylosanthes scabra</i> Vog.	Struik stylo/Bush stylo.
<i>Trifolium batmanicum</i> L.	—
<i>Trifolium constantinopolitanum</i> Ser.	Turkse klawer/Turkish clover.
<i>Trifolium fragiferum</i> L.	Aarbeiklawer/Strawberry clover.
<i>Trifolium hirtum</i> All.	Roosklawer/Rose clover.
<i>Trifolium incarnatum</i> L.	Inkarnaatklawer/Crimson clover.
<i>Trifolium pauciflorum</i> Urd.	—
<i>Trifolium pratense</i> L.	Rooiklawer/Red clover.
<i>Trifolium repens</i> L.	Witklawer/White clover.
<i>Trifolium resupinatum</i> .	Persiese klawer/Persian clover.
<i>Trifolium spumosum</i> L.	—
<i>Trifolium subterraneum</i> L.	Ondergrondse klawer/Subterranean clover.
<i>Trifolium vesiculosum</i> Savi	Assegaaiklawer/Arrow leaf clover.
<i>Vicia benghalensis</i> L.	Pers wiek/Purple vetch.
<i>Vicia dasycarpa</i> (Roth.) Ten	Wolpeulwiek/Wooly-pod vetch.
<i>Vicia faba major</i> L.	Boerboon/Broad bean.
<i>Vicia sativa</i> L.	Gewone wiek/Common vetch.
<i>Vicia villosa</i> Roth	Harige wiek/Hairy vetch.
<i>Zea mays</i> (L.) <i>saccharata</i> Baily	Soetmielies/Sweetcorn.

BYLAE D/SCHEDULE D

SOORTE PLANTE WAARVAN GESERTIFISEERDE SAAD AAN ALLE BEPALINGS BEHALWE ARTIKELS 26 EN 27 ONDERHEWIG IS/
KINDS OF PLANTS OF WHICH CERTIFIED SEED IS SUBJECT TO ALL PROVISIONS EXCEPT SECTIONS 26 AND 27

Botaniese naam/Botanical name	Gewone naam/Common name
<i>Arachis hypogea</i> L.	Grondboon/Groundnut.

No. R. 1902

12 September 1986

WET OP LANDBOUPPLAE, 1983 (WET 36 VAN 1983)

BEHEERMAATREËLS BETREFFENDE KATOEN

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou-
ekonomie, handelende namens die Minister van Landbou-
ekonomie kragtens artikel 6 van die Wet op Landbouplae,
1983 (Wet 36 van 1983), skryf hierby die beheermaatreëls
in die Bylae uiteengesit, met betrekking tot katoen voor.

G. J. KOTZÉ,

Adjunk-minister van Landbou-ekonomie.

BYLAE

Woordomskriving

1. In hierdie Bylae het enige woord of uitdrukking waar-
aan 'n betekenis in die Wet geheg is, daardie betekenis en,
tensy uit die samehang anders blyk, beteken—

“bogroei” daardie gedeeltes van katoenplante wat meer
as 100 mm bo die grondoppervlakte is;

“die Wet” die Wet op Landbouplae, 1983 (Wet 36 van
1983);

“gasheerplante” katoenplante wat buite 'n katoenland
groei, en enige ander plant wat na die oordeel van die
uitvoerende beamppte as gasheer vir die insek *Apion*
soleatum dien of kan dien;

“katoenplante” plante van *Gossypium hirsutum* L. en *G.*
barbadense L.; en

“katoenland” 'n stuk grond waarop katoen geplant
word.

No. R. 1902

12 September 1986

AGRICULTURAL PESTS ACT, 1983 (ACT 36 OF 1983)

CONTROL MEASURES RELATING TO COTTON

I, Gert Jeremias Kotzé, Deputy Minister of Agricultural
Economics, acting on behalf of the Minister of Agricultural
Economics under section 6 of the Agricultural Pests Act,
1983 (Act 36 of 1983), hereby prescribe the control mea-
sures set out in the Schedule with regard to cotton.

G. J. KOTZÉ,

Deputy Minister of Agricultural Economics.

SCHEDULE

Definitions

1. Any word or expression in this Schedule to which a
meaning has been assigned in the Act shall have that mean-
ing and, unless the context otherwise indicates—

“cotton plants” means plants of *Gossypium hirsutum* L.
and *G. barbadense* L.;

“cotton field” means any piece of land on which cotton
is planted;

“host plants” means cotton plants growing outside a
cotton land, and any other plant that, in the opinion of
the executive officer, serves or could serve as host for
the insect *Apion soleatum*;

“the Act” means the Agricultural Pests Act, 1983 (Act
36 of 1983); and

“top growth” means those portions of cotton plants that
are more than 100 mm above the soil surface.

Verpligting betreffende die vernietiging van bogroei

2. Elke grondgebruiker in die gebied in kolom 1 van Tabel 1 vermeld, moet jaarliks laatstens op die datum in kolom 2 van genoemde Tabel daarteenoor vermeld, alle bogroei in katoenlande op die grond ten opsigte waarvan hy die gebruiker is, vernietig deur sodanige bogroei op 'n hoogte van hoogstens 100 mm bokant die grondoppervlakte af te sny of af te kap.

Verpligting betreffende die voorkoming van boggrondse hergroei

3. Elke grondgebruiker in die gebied in kolom 1 van Tabel 1 vermeld, moet jaarliks gedurende die tydperk in kolom 3 van genoemde Tabel daarteenoor vermeld, alle katoenplante in katoenlande op die grond ten opsigte waarvan hy die gebruiker is, en alle stoppels wat op sodanige katoenlande agtergebly het nadat bogroei vernietig is soos in klousule 2 beoog, vry van boggrondse hergroei hou.

Verpligting betreffende die vernietiging van katoenplante en gasheerplante

4. Elke grondgebruiker in die gebied in kolom 1 van Tabel 2 vermeld, moet jaarliks laatstens op die datum in kolom 2 van genoemde Tabel daarteenoor vermeld, alle katoenplante in katoenlande op die grond ten opsigte waarvan hy die gebruiker is, en alle gasheerplante wat binne 100 meter van enige sodanige katoenland groei, vernietig deur dit uit te haal en daarna te verbrand.

Verbod betreffende die hou, plant en kweek van katoenplante en gasheerplante

5. Geen grondgebruiker in die gebied in kolom 1 van Tabel 2 vermeld, mag gedurende die tydperk in kolom 3 van genoemde Tabel daarteenoor vermeld, enige katoenplant of gasheerplant op die grond hou, ten opsigte waarvan hy die gebruiker is, plant of kweek, of toelaat dat dit daar gehou, geplant of gekweek word nie.

Obligation relating to the destruction of top growth

2. Each user of land in the area specified in column 1 of Table 1 shall annually not later than the date specified in column 2 of the said Table opposite thereto, destroy all top growth in cotton fields on the land in respect of which he is the user by cutting or chopping such top growth off at a height of 100 mm or less above the soil surface.

Obligation relating to the prevention of aerial regrowth

3. Each user of land in the area specified in column 1 of Table 1 shall annually during the period specified in column 3 of the said Table opposite thereto keep all cotton plants in cotton fields on the land in respect of which he is the user, and all stubbles left on such cotton fields after the destruction of top growth as contemplated in clause 2, free of aerial regrowth.

Obligation relating to the destruction of cotton plants and host plants

4. Each user of land in the area specified in column 1 of Table 2 shall annually not later than the date specified in column 2 of the said Table opposite thereto, destroy all cotton plants in cotton fields on the land in respect of which he is the user, and all host plants growing within 100 metres of any such cotton land, by lifting it and thereafter burning it.

Prohibition relating to the keeping, planting and cultivation of cotton plants and host plants

5. No land user in the area specified in column 1 of Table 2 shall during the period specified in column 3 of the said Table opposite thereto, keep, plant or cultivate any cotton plant or host plant on the land in respect of which he is the user, or permit it to be kept, planted or cultivated there.

TABEL 1/TABLE 1

GEBIEDE WAARIN EN TYDPERKE WAARTYDENS DIE VERNIETIGING VAN BOGROEI EN DIE VOORKOMING VAN HERGROEI VERPLIGTEND IS/AREAS IN WHICH AND PERIODS DURING WHICH THE DESTRUCTION OF TOP GROWTH AND THE PREVENTION OF REGROWTH ARE COMPULSARY

Beskrywing van gebied/Description of area	Datum waarop bogroei vernietig moet wees/Date on which top growth has to be destroyed	Tydperk waartydens katoenplante en stoppels vry van hergroei gehou moet word/Period during which cotton plants and stubbles has to be kept free of regrowth
1	2	3
1 Die Oranje-Vrystaat/The Orange Free State	15 Aug.	15 Aug.-15 Sept.
2 Kaapprovinsie/Cape Province	15 Aug.	15 Aug.-15 Sept.
3 Transvaal, behalwe die volgende landdrosdistrikte/Transvaal excluding the following magisterial districts: Barberton, Nelspruit, White River/Witrivier	1 Sept.	1 Sept.-30 Sept.
4 Natal	1 Sept.	1 Sept.-30 Sept.

TABEL 2/TABLE 2

GEBIEDE WAARIN DIE VERNIETIGING VAN KATOENPLANTE EN GASHEERPLANTE VERPLIGTEND IS EN DIE HOU, PLANTE OF KWEEK DAARVAN VERBODE IS/AREAS WITHIN WHICH THE DESTRUCTION OF COTTON PLANTS AND HOST PLANTS IS COMPULSARY AND THE KEEPING, PLANTING AND CULTIVATION THEREOF IS PROHIBITED

Beskrywing van gebied/Description of area	Datum waarop katoen- en gasheerplante vernietig moet wees/Date on which cotton and host plants have to be destroyed	Tydperk waartydens die hou, plant of kweek van katoenplante en gasheerplante verbode is/Period during which the keeping, planting, and cultivation of cotton plants and host plants are prohibited
1	2	3
Die volgende landdrosdistrikte/The following magisterial districts: Barberton, Nelspruit, White River/Witrivier	1 Aug.	1 Aug.-30 Sept

No. R. 1903

12 September 1986

PLANTVERBETERINGSWET, 1976 (WET 53
VAN 1976)

REGULASIES MET BETREKKING TOT ONDERNE-
MINGS, VARIËTEITE, PLANTE EN VOORTPLAN-
TINGSMATERIAAL.—WYSIGING

Die Adjunk-minister van Landbou-ekonomie, hande-
lende namens die Minister van Landbou-ekonomie kragtens
artikel 34 van die Plantverbeteringswet, 1976 (Wet 53 van
1976), het die regulasies in die Aanhangsel uitgevaardig.

AANHANGSEL

Die regulasies gepubliseer by Goewermentskennisge-
wing R. 1064 van 23 Mei 1980, soos gewysig deur die
regulasies gepubliseer by Goewermentskennisgewings
R. 1621 van 22 Julie 1983, R. 2173 van 28 September
1984, R. 1287 van 14 Junie 1985, R. 1522 en R. 1524,
beide van 12 Julie 1985, R. 256 van 14 Februarie 1986 en
R. 1489 van 11 Julie 1986 word hierby verder gewysig deur
in Tabel 2 na die uitdrukking "Vigna unguiculata (L.)
Walpers . . . Akkerboon/Cowpea" in kolom 1 daarvan,
die uitdrukking "Vitis spp . . . Druif/Grape", "156" en
"5" onderskeidelik in kolom 1, 2, en 3 van vermelde
Tabel in te voeg.

DEPARTEMENT VAN MANNEKRAG

No. 1878

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

MEUBELNYWERHEID, TRANSVAAL.—WYSIGING
VAN HOOFOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van
Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsver-
houdinge, 1956, dat die bepalings van die Ooreen-
koms (hierna die Wysigingsooreenkoms genoem) wat
in die Bylae hiervan verskyn en betrekking het op die
Onderneming, Nywerheid, Bedryf of Beroep in die
opskrif by hierdie kennisgewing vermeld, met ingang
van die tweede Maandag na die datum van publikasie
van hierdie kennisgewing en vir die tydperk wat op 30
Junie 1988 eindig, bindend is vir die werkgewersor-
ganisasie en die vakvereniging wat die Wysigings-
ooreenkoms aangegaan het en vir die werkgewers en
werknemers wat lede van genoemde organisasie of
vereniging is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die
bepalings van die Wysigingsooreenkoms, uitgeson-
derd dié vervat in klousule 1 (1) (a), met ingang van
die tweede Maandag na die datum van publikasie van
hierdie kennisgewing en vir die tydperk wat op 30
Junie 1988 eindig, bindend is vir alle ander werkge-
wers en werknemers as dié genoem in paragraaf (a)
van hierdie kennisgewing wat betrokke is by of in
diens is in genoemde Onderneming, Nywerheid, Be-
dryf of Beroep in die gebiede in klousule 1 van die
Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE MEUBELNYWERHEID
TRANSVAAL

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en
aangegaan tussen die

No. R. 1903

12 September 1986

PLANT IMPROVEMENT ACT, 1976 (ACT 53
OF 1976)

REGULATIONS RELATING TO ESTABLISHMENTS,
VARIETIES, PLANTS AND PROPAGATING MATE-
RIAL.—AMENDMENT

The Deputy Minister of Agricultural Economics, acting
on behalf of the Minister of Agricultural Economics under
section 34 of the Plant Improvement Act, 1976 (Act 53 of
1976), has made the regulations in the Annexure.

ANNEXURE

The regulations published by Government Notice
R. 1064 of 23 May 1980, as amended by the regulations
published by Government Notices R. 1621 of 22 July 1983,
R. 2173 of 28 September 1984, R. 1287 of 14 June 1985,
R. 1522 and R. 1524, both of 12 July 1985, R. 256 of
14 February 1986 and R. 1489 of 11 July 1986 is hereby
further amended by the insertion in Table 2 after the ex-
pression "Vigna unguiculata (L.) Walpers . . . Akker-
boon/Cowpea" in column 1 thereof, of the expressions
"Vitis spp . . . Druif/Grape", "156" and "5" in columns
1, 2 and 3 of the said Table respectively.

DEPARTMENT OF MANPOWER

No. R. 1878

12 September 1986

LABOUR RELATIONS ACT, 1956

FURNITURE MANUFACTURING INDUSTRY, TRANS-
VAAL.—AMENDMENT OF MAIN AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Man-
power, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations
Act, 1956, declare that the provisions of the
Agreement (hereinafter referred to as the Amending
Agreement) which appears in the Schedule hereto and
which relates to the Undertaking, Industry, Trade or
Occupation referred to in the heading to this notice,
shall be binding, with effect from the second Monday
after the date of publication of this notice and for the
period ending 30 June 1988, upon the employers'
organisation and the trade union which entered into
the Amending Agreement and upon the employers
and employees who are members of the said organisa-
tion or union; and
- (b) in terms of section 48 (1) (b) of the said Act, declare
that the provisions of the Amending Agreement, ex-
cluding those contained in clause 1 (1) (a), shall be
binding, with effect from the second Monday after the
date of publication of this notice and for the period
ending 30 June 1988, upon all employers and em-
ployees, other than those referred to in paragraph (a)
of this notice, who are engaged or employed in the
said Undertaking, Industry, Trade or Occupation in
the areas specified in clause 1 of the Amending
Agreement.

P. T. C. DU PLESSIS
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE FURNITURE MANUFACTUR-
ING INDUSTRY, TRANSVAAL

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made
and entered into by and between the

Transvaal Furniture and Upholstery Manufacturers' Association
(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

National Union of Furniture and Allied Workers of South Africa
(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Meubelnywerheid, Transvaal,

om die Ooreenkoms gepubliseer by Goewermenskennisgewing R. 1347 van 30 Junie 1981, soos gewysig en verleng by Goewermenskennisgewings R. 1819 van 27 Augustus 1982, R. 1453 van 1 Julie 1983, R. 1919 en R. 1920 van 2 September 1983, R. 1026 van 10 Mei 1985, R. 2500 en R. 2501 van 8 November 1985 en R. 1344 van 27 Junie 1986, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Meubelnywerheid, Transvaal, nagekom word—

- deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakvereniging is en wat onderskeidelik by die Meubelnywerheid betrokke of daarin werk-saam is;
 - in die provinsie Transvaal en in die landdrostdistrik Vryburg soos dit op 24 Junie 1960 saamgestel was.
- (2) Ondanks subklousule (1), is hierdie Ooreenkoms—
- slegs van toepassing op werknemers vir wie lone daarin voorgeskryf word en op die werkgewers van dié werknemers;
 - van toepassing op vakleerlinge vir sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981, of met 'n regulasie gemaak of kontrak aangegaan ingevolge genoemde Wet; en
 - onderworpe aan die bepalings van die Vasstelling van die Nywerheidshof gedateer 30 Oktober 1984, in die saak tussen die Nywerheidsrade vir die Meubelnywerheid, Transvaal en Natal, en die Nywerheidsrade vir die Bounywerheid, Transvaal en Natal, en die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs-en Metallurgiese Nywerheid.

HOOFSTUK 1

2. KLOUSULE 3.—WOORDOMSKRYWING

(1) Voeg die volgende nuwe omskrywing in na die omskrywing "werknemer graad IV":

"'werknemer graad IV (A) (handskuurder)' 'n werknemer wat enigeen van of al die werksaamhede uitvoer wat in die Meubelnywerheid verrig word, soos in klousule 27 van Hoofstuk II van die Ooreenkoms bedoel;"

(2) Voeg die volgende nuwe omskrywing in na die omskrywing "militêre diens":

"'vennoot' iemand wat as sodanig aangedui word in 'n vennootskaps-ooreenkoms van 'n vennootskap wat kragtens klousule 18 as werkgewer geregistreer is of geregistreer moet word en—

- wat gemagtig is om op die bankrekening van die werkgewer te werk; en/of
- wie se naam voorkom as 'n vennoot in die vennootskaps-ooreenkoms wat by die Raad ingedien is en wat aan die bepalings van artikel 71 (2) van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), moet voldoen;"

(3) Voeg die volgende nuwe omskrywing in na die omskrywing "stukwerk":

"'proefwerknemer' 'n werknemer vir wie lone voorgeskryf word en wat in diens is van 'n spesifieke bedryfsinrigting vir 'n proeftydperk van twee weke om die werkgewer in staat te stel om te bepaal of die werknemer die werksaamhede in Hoofstuk II, of Hoofstuk III van die Ooreenkoms bedoel, kan uitvoer;"

(4) Voeg die volgende nuwe omskrywing in na die omskrywing "besoldiging":

"'personeelvermindergestoelae' die bedrag wat ooreenkomstig klousule 8 (soos hieronder gewysig) betaal moet word aan 'n werknemer wat afgedank is;"

(5) Vervang die omskrywing "werkende eienaar" of "werkende vennoot" deur die volgende omskrywing:

"'Werkende werkgewer' iemand uitgesonderd 'n vennoot of direkteur in 'n vennootskap of maatskappy of 'n lid van 'n beslote korporasie wat lid is van die Transvaal Furniture and Upholstery Manufacturers' Association, wat self werk verrig in enigeen van die werksaamhede bedoel in Hoofstuk II of Hoofstuk III van die Ooreenkoms en wat—

- kragtens klousule 18 as 'n werkgewer geregistreer is of moet wees; of
- 'n vennoot is in 'n vennootskap wat kragtens klousule 18 as 'n werkgewer geregistreer is of moet wees; of
- 'n direkteur is van 'n maatskappy wat kragtens klousule 18 as 'n werkgewer geregistreer is of moet wees; of

Transvaal Furniture and Upholstery Manufacturers' Association
(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

National Union of Furniture and Allied Workers of South Africa
(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Furniture Manufacturing Industry, Transvaal,

to amend the Agreement published under Government Notice R. 1347 of 30 June 1981, as amended and extended by Government Notices R. 1819 of 27 August 1982, R. 1453 of 1 July 1983, R. 1919 and R. 1920 of 2 September 1983, R. 1026 of 10 May 1985, R. 2500 and R. 2501 of 8 November 1985 and R. 1344 of 27 June 1986.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry, Transvaal—

- by all employers who are members of the employers' organisation and by all employees who are members of the trade union, who are engaged or employed in the Furniture Manufacturing Industry, respectively;
- in the Province of the Transvaal and in the Magisterial District of Vryburg as it was constituted as at 24 June 1960.

(2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—

- apply only to employees for whom wages are prescribed therein and to the employers of such employees;
- apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any regulation made thereunder or contract entered into in terms of the said Act; and
- be subject to the provisions of the Determination by the Industrial Court dated 30 October 1984, in the matter between the Industrial Councils for the Furniture Manufacturing Industry, Transvaal and Natal, and the Industrial Councils for the Building Industry, Transvaal and Natal, and the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry.

CHAPTER 1

2. CLAUSE 3.—DEFINITIONS

(1) Insert the following new definition after the definition "Grade IV employee":

"'Grade IV (A) employee (handsander)' means an employee who performs any or all of the operations performed in the Furniture Manufacturing Industry referred to in clause 27 of Chapter II of the Agreement;"

(2) Insert the following new definition after the definition "military service":

"'partner' means a person reflected as such in a partnership agreement of a partnership which is registered or is required to be registered as an employer in terms of clause 18 and—

- who has powers to operate on the banking account of the employer; and/or
- whose name appears as a partner in a partnership agreement lodged with the Council, which agreement shall conform to the requirements of section 71 (2) of the Labour Relations Act, Act 28 of 1956;"

(3) Insert the following new definition after the definition "piece-work":

"'probationer' means an employee for whom wages are prescribed and who is engaged at a specific establishment for a probationary period of two weeks to enable the employer to assess the employee's ability to perform the operations defined in Chapter II of Chapter III of the Agreement;"

(4) Insert the following new definition after the definition "remuneration":

"'retrenchment allowance' means the amount to be paid as prescribed in clause 8 (as amended hereunder) to an employee who has been retrenched;"

(5) Substitute the following for the definition "working proprietor" or "working partner":

"'working employer' means a person, other than a partner or a director in a partnership or company or a member of a close corporation which is a member of the Transvaal Furniture and Upholstery Manufacturers' Association, who himself performs any of the classes of work referred to in Chapter II or Chapter III of the Agreement and who—

- is registered as an employer in terms of clause 18, or is liable to such registration; or
- is a partner in a partnership which is registered as an employer in terms of clause 18, or is liable to such registration; or
- is a director of a company which is registered as an employer in terms of clause 18, or is liable to such registration; or

- (d) 'n lid is van 'n beslote korporasie wat kragtens klousule 18 as 'n werkgewer geregistreer is of moet wees;".

3. KLOUSULE 4.—SLUITING VAN BEDRYFSINRIGTINGS VIR DIE JAARLIKSE VAKANSIESLUITING

Vervang klousule 4 deur die volgende:

4. SLUITING VAN BEDRYFSINRIGTINGS VIR DIE JAARLIKSE VAKANSIESLUITING

Geen werkgewer mag werk verrig of van 'n werknemer vereis of hom toelaat om werk te verrig nie, en geen werknemer mag werk onderneem of verrig, teen besoldiging al dan nie, gedurende die volgende tydperke nie:

(1) 1986/87:

- (a) Vanaf die aand van Vrydag, 12 Desember 1986, tot die heropeningstyd op die oggend van Donderdag, 8 Januarie 1987; of
(b) vanaf die aand van Vrydag 19 Desember 1986, tot die heropeningstyd op die oggend van Woensdag, 14 Januarie 1987;

(2) 1987/88:

- (c) vanaf die aand van Vrydag, 11 Desember 1987, tot die heropeningstyd op die oggend van Donderdag, 7 Januarie 1988; of
(d) vanaf die aand van Vrydag, 18 Desember 1987, tot die heropeningstyd op die oggend van Woensdag, 13 Januarie 1988."

4. KLOUSULE 8.—KORTTYD

(1) Vervang die opskrif van klousule 8 deur die volgende:

"8. KORTTYD EN PERSONEELVERMINDERINGSTOELAE"

(2) Vervang subklousule (2) deur die volgende:

- "(2) Wanneer korttyd gewerk word, moet die beskikbare werk verdeel word onder die werknemers wat geraak is in 'n seksie, en as daar bevind word dat dit nodig is om werknemers af te dank, moet die werknemers wat afgedank gaan word 'n personeelverminderingstoelae van een week se gewone lone vir elke voltooide jaar diens, onderworpe aan 'n maksimum van 12 weke se normale lone, betaal word: Met dien verstande dat geen werknemer weens korttyd ontslaan mag word nie voordat die korttydwerkure tot minder as 35 per week oor 'n aaneenlopende tydperk van een week daal."

5. KLOUSULE 13.—VAKANSIEBONUSFONDS

In subklousule (1) (a), voeg die volgende nuwe voorbehoudsbepaling (iv) in:

- "(iv) die besoldiging van 'n werkende werkgewer vir die toepassing van hierdie klousule geag moet word die loon te wees wat vir die hoogs besoldigde werknemer in hierdie Ooreenkomst voorgeskryf word;".

6. KLOUSULE 18.—REGISTRASIE VAN WERKGEWERS

Vervang subklousule (2) deur die volgende:

- "(2) Waar die werkgewer 'n vennootskap of 'n beslote korporasie is, moet die inligting wat in subklousule (1) vereis word in verband met elkeen van die vennote of die lede van die beslote korporasie verstrek word, asook die naam waaronder die vennootskap of die beslote korporasie sake doen, tesame met 'n kopie van die vennootskaps-ooreenkomst of die stigtingsverklaring van die beslote korporasie, na gelang van die geval."

7. KLOUSULE 19.—WERKENDE EIENAARS EN VENNOTE

Vervang klousule 19 deur die volgende:

"19. WERKENDE WERKGEWERS

Alle werkende werkgewers moet voldoen aan klousules 7 (1), 10 en 13."

8. KLOUSULE 29.—LEERLINGE

(1) In subklousule 6 (a), voeg die uitdrukking, "uitgesonderd 'n leerling graad IV, in na die woorde " 'n Leerling'".

(2) Voeg die volgende nuwe subklousule (6) (c) in:

- "(6) (c) Die werksaamhede waarvoor 'n leerlingenskap graad IV toegestaan kan word, is ingedeel onder klousules 5, 8, 12, 15, 17, 18, 19, 20 en 24 van Hoofstuk II teen 'n getalsverhouding van een leerling tot 10 werknemers graad IV en/of graad IV (a): Met dien verstande dat sodanige leerlingeskappe slegs toegestaan kan word ten opsigte van geheel en al nuwe werknemers wat in die Nywerheid in diens geneem word. Die leertydperk van graad IV werksaamhede is 12 maande."

(3) In subklousule (7) (a), skrap die uitdrukking "en/of graad IV" na die uitdrukking "onder graad III".

(4) Vervang subklousule (8) deur die volgende:

- "(8) Die leertyd vir werksaamhede ingedeel onder klousules 2, 3, 6, 10, 13, 21 en 22 van Hoofstuk II is twee jaar."

(5) Voeg die volgende voorbehoudsbepalings in aan die einde van subklousule (10):

- "(10) Met dien verstande dat geen sertifikaat of diploma uitgereik word aan 'n werknemer wat 'n leertyd graad IV voltooi het nie."

- (d) is a member of a close corporation which is registered as an employer in terms of clause 18, or is liable to such registration;".

3. CLAUSE 4.—CLOSING OF ESTABLISHMENTS FOR ANNUAL HOLIDAY SHUT-DOWN

Substitute the following for clause 4:

"4. CLOSING OF ESTABLISHMENTS FOR ANNUAL HOLIDAY SHUT-DOWN

No employer shall perform work or require or allow an employee to perform work and no employee shall undertake or perform work, whether for remuneration or not, during the following periods:

(1) 1986/1987:

- (a) From the evening of Friday, 12 December 1986, to re-opening time on the morning of Thursday, 8 January 1987; or
(b) from the evening of Friday, 19 December 1986, to re-opening time on the morning of Wednesday, 14 January 1987;

(2) 1987/1988:

- (c) from the evening of Fridays, 11 December 1987, to re-opening time on the morning of Thursday, 7 January 1988; or
(d) from the evening of Friday, 18 December 1987 to re-opening time on the morning of Wednesday, 13 January 1988."

4. CLAUSE 8.—SHORT-TIME

(1) Substitute the following for the heading of clause 8:

"8. SHORT-TIME AND RETRENCHMENT ALLOWANCE"

(2) Substitute the following for subclause (2):

- "(2) When short-time is worked, the work available shall be distributed amongst the employees affected in any section, and should it be found necessary to dismiss any employees, the employees to be dismissed shall be paid a retrenchment allowance of one week's normal wage for each completed year of service, subject to a maximum of 12 week's normal wages: Provided that no employee shall be dismissed by reason of short-time until the hours of work on short-time fall below 35 per week over a continuous period of one week."

5. CLAUSE 13.—HOLIDAY BONUS FUND

In subclause (1) (a), insert the following new proviso (iv):

- "(iv) the remuneration of a working employer for the purposes of this clause shall be deemed to be the wage prescribed for the highest paid employee in this Agreement;".

6. CLAUSE 18.—REGISTRATION OF EMPLOYERS

Substitute the following for subclause (2):

- "(2) Where the employer is a partnership or a close corporation, information in accordance with subclause (1) regarding each of the partners or members of the close corporation, as well as the title under which the partnership or close corporation operates, shall be furnished, in addition to a copy of the partnership agreement or founding statement of the close corporation, as the case may be."

7. CLAUSE 19.—WORKING PROPRIETORS AND PARTNERS

Substitute the following for clause 19:

"19.—WORKING EMPLOYERS

All working employers shall observe the provisions of clauses 7 (1), 10 and 13."

8. CLAUSE 29.—LEARNERS

(1) In subclause (6) (a), insert the expression "excluding a Grade IV learner", after the words "A learner".

(2) Insert the following new subclause (6) (c):

- "(6) (c) The operations in respect of which Grade IV learnership may be granted are classified under clauses 5, 8, 12, 15, 17, 18, 19, 20 and 24 of Chapter II in a ratio of one learner to 10 Grade IV and/or Grade IV (A) employees: Provided that such learnership may only be granted in respect of an entirely new employee engaged in the Industry. The period of learnership shall be for a period of 12 months."

(3) In subclause (7) (a), delete the expression "and/or Grade IV" after the words "under Grade III".

(4) Substitute the following for subclause (8):

- "(8) The period of learnership for operations classified under clauses 2, 3, 6, 10, 13, 21 and 22 of Chapter II shall be two years."

(5) Add the following proviso to subclause (10):

- "(10) Provided that no certificate or diploma shall be issued to an employee who has completed a Grade IV learnership."

9. HOOFSTUK II.—MINIMUM LONE

Vervang Hoofstuk II deur die volgende:

"HOOFSTUK II.—MINIMUM LONE**1. Loonsverhogings**

Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom: Met dien verstande dat die minimum voorgeskrewe loon by elke geleentheid ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet, ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

Werklike verdienste	Tydsperk beginnende 30/6/87
Werknemers graad I wat R118,44 of meer per week verdien	Weekloon moet verhoog word met R10,12 per week
Werknemers graad II wat R113,16 of meer per week verdien	Weekloon moet verhoog word met R10,12 per week
Werknemers graad III wat R94,69 of meer per week verdien	Weekloon moet verhoog word met R10,12 per week
Werknemers graad IV wat R79,62 of meer per week verdien	Weekloon moet verhoog word met R10,12 per week
Werknemers graad IV (A) wat R79,62 of meer per week verdien	Weekloon moet verhoog word met R12,12 per week

Werklike verdienste	Tydsperk beginnende 1/7/87
Werknemers graad I wat R128,56 of meer per week verdien	Weekloon moet verhoog word met R11,88 per week
Werknemers graad II wat R123,28 of meer per week verdien	Weekloon moet verhoog word met R11,88 per week
Werknemers graad III wat R104,61 of meer per week verdien	Weekloon moet verhoog word met R11,88 per week
Werknemers graad IV wat R89,74 of meer per week verdien	Weekloon moet verhoog word met R11,88 per week
Werknemers graad IV (A) wat R91,74 of meer per week verdien	Weekloon moet verhoog word met R11,88 per week

	Tydsperk ein- digende 30/6/87	Vanaf 1/7/87
2. Werknemer graad I	128,56	140,44

Werknemers in diens in een van of al die werksaamhede wat in die Meubelnywerheid uitgevoer word, uitgesonderd die werknemers in klousules 3 tot 27 bedoel: Met dien verstande dat ten opsigte van die werksaamhede betreffende enige nuwe masjien wat ingevoer word en wat nie in klousules 3 tot en met 27 gespesifiseer word nie, werknemers vir sodanige werksaamhede betaal moet word teen die minimum lone in hierdie klousule voorgeskryf tot tyd en wyl die Raad die loonskaal vasstel vir die werksaamhede wat met so 'n masjien uitgevoer word.

(Die loon wat betaal word, moet bepaal word volgens die aard van die werk wat op sodanige masjiene verrig word en nie volgens die tipe masjien wat gebruik word nie.)

Die aard van die werk wat op 'n masjien verrig word terwyl dit aan die gang is, is die beslissende faktor by die bepaling van die tipe masjien.)

A. MEUBELMAKERY

3. Werknemer graad II	123,28	135,16
(1) Skaafwerk met die hand;		
(2) beitelwerk;		
(3) skraapwerk;		
(4) rasperwerk;		
(5) vylwerk;		
(6) speekskaafwerk;		
(7) saagwerk met die hand;		
(8) verstekke met die hand sny;		
(9) spykers en/of paneelspykers en/of kramme inslaan en/of inpons en/of inskiet.		
4. Werknemer graad III	104,61	116,49
(1) Glas in rame vassit (uitgesonderd skroefwerk);		
(2) verstekke van profiellys met die guillotine sny;		
(3) laaie se onderkante vaskram.		

9. CHAPTER II.—MINIMUM WAGES

Substitute the following for Chapter II:

"CHAPTER II.—MINIMUM WAGES**1. Wage increases**

The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion the minimum prescribed rate has to be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed rate for the class of work performed by him shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for that wage category:

Actual earnings	For period ending 30/6/87
Grade I employees earning R118,44 per week or more	Weekly wage to be increased by R10,12
Grade II employees earning R113,16 per week or more	Weekly wage to be increased by R10,12
Grade III employees earning R94,69 per week or more	Weekly wage to be increased by R10,12
Grade IV employees earning R79,62 per week or more	Weekly wage to be increased by R10,12
Grade IV (A) employees earning R79,62 per week or more	Weekly wage to be increased by R12,12

Actual earnings	Period commencing 1/7/87
Grade I employees earning R128,56 per week or more	Weekly wage to be increased by R11,88
Grade II employees earning R123,28 per week or more	Weekly wage to be increased by R11,88
Grade III employees earning R104,61 per week or more	Weekly wage to be increased by R11,88
Grade IV employees earning R89,74 per week or more	Weekly wage to be increased by R11,88
Grade IV (A) employees earning R91,74 per week or more	Weekly wage to be increased by R11,88

	For period ending 30/6/87	From 1/7/87
2. Grade I employee	R 128,56	R 140,44

Employees employed in any or all of the operations performed in the Furniture Manufacturing Industry, with the exception of the employees referred to in clauses 3 to 27: Provided that in respect of the operations relating to any new machine introduced and not specified in clauses 3 to 27 inclusive, employees shall be paid for such operations at the minimum wage prescribed in this clause until such time as the Council determines the wages rate for the operations performed on such machine.

(Payment of wages shall be determined by reference to the nature of work performed on such machines without reference to the type of machine used.)

The nature of work performed on a machine whilst in operation shall be the deciding factor in determining the type of the machine.)

A. FURNITURE MAKING

3. Grade II employee	123,28	135,16
(1) Planing by hand;		
(2) chiselling;		
(3) scraping;		
(4) rasping;		
(5) filing;		
(6) spokeshaving;		
(7) sawing by hand;		
(8) cutting mitres by hand;		
(9) knocking and/or punching and/or shooting in nails and/or panel pins and/or staples.		
4. Grade III employee	104,61	116,49
(1) Securing glass in frames (other than screwing operations);		
(2) cutting mitres of moulded beadings by guillotine;		
(3) stapling of drawer bottoms.		

	Tydpers ein- digende 30/6/87 R	Vanaf 1/7/87 R		For period ending 30/6/87 R	From 1/7/87 R
5. <i>Werknemer graad IV</i>	89,74	101,62	5. <i>Grade IV employee</i>	89,74	101,62
(1) Proppe en/of splinters invoeg en die oorskiet verwyder;			(1) Inserting plugs and/or slivers and removing excess;		
(2) alle vasboutwerk, met inbegrip van die vasbout van toebehore en die vasskroef van handvatsels in vooraf geboorde gate, uitgesonderd die monteer van meubels en/of meubelonderdele deur dit vas te bout en/of aanmekeer te sit, behalwe die werksaamhede in subklousule (3) bedoel;			(2) all bolting, including the bolting of fittings and screwing of handles into pre-drilled holes, excluding the assembling of furniture and/or furniture parts by means of bolting and/or fitting, other than the operations referred to in subclause (3);		
(3) vassit van die toebehore van stangsokke en/of slagplaatjies en/of beslae en/of sluitpenne;			(3) affixing fittings of rod sockets and/or striking plates and/or escutcheons and/or self studs;		
(4) leigate vir bonte, spykers, skroewe en/of plastiek-invoegsels met die hand of 'n handwerktuig boor.			(4) drilling guide holes for bolts, nails, screws and/or plastic inserts by hand or hand tool.		
(5) tappenne maak en/of spits maak;			(5) making and/or pointing of dowels;		
(6) soliede timmerhout buig;			(6) bending solid timber;		
(7) enige soort gelymde blok vassit (nie vasskroef of vasspyker nie);			(7) affixing of any kind of glue block (not screwed or nailed down);		
(8) sokke vir rolwielletjies aanbring;			(8) affixing sockets for casters;		
(9) rolwielletjies en/of koepels en/of katelstyle, hangerboute en -plate aanbring;			(9) affixing of casters and/or domes and/or bed irons, hanger bolts and plates;		
(10) hoekblokke in stoele inslaan en/of vassit (slegs van die tipe bekend as "Kitchen Bentwood", "Globe", "Standard", "Sturdy" en "Super"): Met dien verstande dat sodanige hoekblokke nie vasgespyker, vasgepen of vasgeskroef word nie;			(10) knocking in and/or securing of corner blocks to chairs (only of the type known as "Kitchen Bentwood", "Globe", "Standard", "Sturdy" and "Super"): Provided that such corner blocks shall not be nailed, pinned or screwed;		
(11) soliede timmerhout in 'n sagmaakmengsel in dompel.			(11) dipping of solid timber into softening solution;		
(12) lym meng en/of massameet en/of berei;			(12) mixing and/or mass-measuring and/or preparing glue;		
(13) tappenne inslaan;			(13) knocking in dowels;		
(14) lym en/of lymverhardingsmiddels aanbring;			(14) applying glue and/or glue hardeners;		
(15) skroewe insit in gate wat vooraf geboor is, ter voorbereiding vir skroefwerk;			(15) inserting screws into prebored holes preparatory to screwing;		
(16) kartelkramme invoeg in die raammonteringsproses;			(16) inserting corrugated fasteners in the process of assembling frames;		
(17) help met die aanmekearsit of montering van meubeldele wat vasgeklem of vasgeklamp moet word: Met dien verstande dat die getalsverhouding van sodanige assistente tot werknemers wat die lone ontvang wat in klousule 2 van hierdie Hoofstuk voorgeskryf word en wat klem- of klampwerk doen, hoogstens vier tot een mag wees en dat sodanige assistente in die afwesigheid van voornoemde werknemer wat die loon ontvang wat in klousule 2 van hierdie Hoofstuk voorgeskryf word, nie geag word assistente te wees nie: Voorts met dien verstande dat die assistente nie toegelaat mag word om gate te boor nie;			(17) assisting in the putting together or assembling of furniture parts which are to be cramped or clamped: Provided that the ratio of such assistants to employees in receipt of wages prescribed in clause 2 of this Chapter, who are engaged in cramping, shall not exceed four to one and that such assistants shall not be deemed to be assistants in the absence of the aforementioned employee who is in receipt of the wage prescribed in clause 2 of this Chapter: Provided further that the assistants shall not be permitted to bore holes;		
(18) glas in vooraf gemaakte groewe inlaat;			(18) dropping glass into premade grooves;		
(19) slegs met die hand selfheg- en/of kleefstroke vassit ten einde bordkante te bedek;			(19) affixing by hand only of selfretaining and/or gummed strips for the purpose of covering board edges;		
(20) moerbedekkings, beslagringe en/of skuif-doppe aanbring;			(20) affixing of nut covers, ferrules and/or glides;		
(21) skroefboute in pootjies of pote insit;			(21) inserting of screw bolts into stumps or legs;		
(22) proppe inslaan in gate wat vooraf geboor is om bevestigingswerk te bedek;			(22) knocking in of plugs into pre-bored holes to cover any fixing devices;		
(23) met leipatroon, patroon of setmaat uitmerk;			(23) marking out by template, pattern or jigs;		
(24) spieëls deur middel van kleefband vasheg;			(24) attaching mirrors by means of adhesive tape;		
(25) sierlyste in voorafbereide groewe insit (nie op panele nie);			(25) inserting ornamental beading into prepared grooves (not on panels).		
B. MEUBELMASJINWERK			B. FURNITURE MACHINING		
6. <i>Werknemer graad II</i>	123,28	135,16	6. <i>Grade II employee</i>	123,28	135,16
Een of meer van ondergenoemde masjiene stel en/of bedien en/of werk daarmee verrig:			Setting up and/or operating and/or performing work with any one or more of the following machines:		
(1) Dikteskaafmasjiene (enige skaafwerk behalwe reiskaafwerk);			(1) Thicknesser (any planing other than jointing-planing);		
(2) skaaflysmasjiene met vier en/of vyf beitels;			(2) four and/or five cutter planer moulder machine;		
(3) 'n outomatiese kopieermasjiene of kopieer-draaibank;			(3) automatic copying machine or copying lathe;		
(4) 'n meersny-en-sneewerkmasjiene;			(4) multiple cutter carving machine;		
(5) 'n kloofsaag;			(5) rip saw;		

	Tydsperk ein- digende 30/6/87 R	Vanaf 1/7/87 R		For period ending 30/6/87 R	From 1/7/87 R
(6) 'n kopieerdraaibank;			(6) copying lathe;		
(7) 'n dwarssaag;			(7) cross-cut saw;		
(8) 'n bandsaag;			(8) bandsaw;		
(9) 'n vlakslyper;			(9) surfacer;		
(10) 'n reguitrandskaafmasjien;			(10) straight line edger;		
(11) 'n swawelstertmasjien.			(11) dovetailing machine.		
(Die loon wat betaal word, moet bepaal word volgens die aard van die werk wat op sodanige masjien verrig word en nie volgens die tipe masjien wat gebruik word nie.)			(Payment of wages shall be determined by reference to the nature of work performed on such machines without reference to the type of machine used.)		
Die aard van die werk wat op 'n masjien verrig word terwyl dit aan die gang is, is die beslissende faktor by die bepaling van die tipe masjien.)			The nature of work performed on a machine whilst in operation shall be the deciding factor in determining the type of the machine.)		
7. <i>Werknemer graad III</i>	104,61	116,49	7. <i>Grade III employee</i>	104,61	116,49
Een of meer van ondergenoemde masjien stel en/of bedien en/of werk daarmee verrig:			Setting up and/or operating and/or performing work with any one or more of the following machines:		
(1) 'n Uitsnysaag;			(1) Jig saw;		
(2) 'n boormasjien;			(2) boring machine;		
(3) 'n skarnieruitholmasjien;			(3) hinge recessing machine;		
(4) 'n tapinvoegmasjien;			(4) dowel inserting machine;		
(5) 'n bandskuurmasjien;			(5) belt-sandpapering machine;		
(6) 'n tapgatmasjien;			(6) mortice machine;		
(7) 'n tromskuurmasjien;			(7) drum sanding machine;		
(8) 'n guillotine;			(8) guillotine;		
(9) 'n tolskuur- of suiermasjien;			(9) bobbin sandpapering or reciprocating machine;		
(10) 'n skyfskuur- en/of truskuurwentelmasjien;			(10) disc sanding and/or brushback, orbital sanders;		
(11) 'n bladklamp;			(11) leafcramp;		
(12) 'n kantfineermasjien, insluitende slegs kantfineerwerk, afwerking en/of skuurwerk.			(12) edge veneering machine, including edge veneering, trimming and/or sanding operations only.		
(Die loon wat betaal word, moet bepaal word volgens die aard van die werk wat op sodanige masjien verrig word en nie volgens die tipe masjien wat gebruik word nie.)			(Payment of wages shall be determined by reference to the nature of work performed on such machines without reference to the type of machine used.)		
Die aard van die werk wat verrig word op 'n masjien terwyl dit aan die gang is, is die beslissende faktor by die bepaling van die tipe masjien.)			The nature of work performed on a machine whilst in operation shall be the deciding factor in determining the type of the machine.)		
8. <i>Werknemer graad IV</i>	89,74	101,62	8. <i>Grade IV employee</i>	89,74	101,62
Een of meer van ondergenoemde masjien stel en/of bedien en/of werk daarmee verrig:			Setting up and/or operating and/or performing work with any one or more of the following machines:		
(1) 'n Houtskroefdraadsny- en/of houtbinneskroef-draadsnymasjien;			(1) Wood threading and/or wood tapping machine;		
(2) 'n tappersmasjien;			(2) dowel squeezing machine;		
(3) 'n tapplatdrukmasjien (uitgesonderd klemwerk);			(3) tennon squashing machine (other than cramping operations);		
(4) skuurpapierbande maak en/of aanmekeer heg vir 'n bandskuurmasjien;			(4) making and/or joining sandpaper belts for belt-sandpapering machine;		
(5) skuurpapierskywe maak en/of aanheg;			(5) making and/or affixing discs of sandpaper;		
(6) skuurpapier sny vir 'n skuurmasjien;			(6) cutting sandpaper for sandpapering machine;		
(7) skuurpapier aanbring op tolle en/of skuurmasjien;			(7) affixing sandpaper to bobbins and/or sanding machines;		
(8) setmate met materiaal laai en ontlai ter voorbereiding vir masjinerie: Met dien verstande dat dié setmate nie gebruik word vir die klem van meubeldele nie;			(8) the loading and unloading of jigs with material in preparation for machining: Provided that such jigs are not used for cramping of furniture parts;		
(9) masjien en/of motorvoertuie smeer en/of olie;			(9) greasing and/or oiling machines and/or motor vehicles.		
(Die loon wat betaal word, moet bepaal word volgens die aard van die werk wat op sodanige masjien verrig word en nie volgens die tipe masjien wat gebruik word nie.)			(Payment of wages shall be determined by reference to the nature of work performed on such machines without reference to the type of machine used.)		
Die aard van die werk wat op 'n masjien verrig word terwyl dit aan die gang is, is die beslissende faktor by die bepaling van die tipe masjien.)			The nature of work performed on a machine whilst in operation shall be the deciding factor in determining the type of the machine.)		
C. SAAGHERSTELWERK, INSTANDHOUDING EN HERSTEL VAN MASJIENE			C. SAW DOCTORING, MACHINE MAINTENANCE AND MACHINE REPAIRING		
9. <i>Werknemer graad III</i>	104,61	116,49	9. <i>Grade III employee</i>	104,61	116,49
Assistent vir die saaghersteller by die herstel van sae, beitels, lemme en messe, nie in sy permanente afwesigheid nie.			Assistent to the saw doctor in doctoring saws, cutters, blades and knives, not in his permanent absence.		

D. POLEERAFDELING

	Tydperk ein- digende 30/6/87 R	Vanaf 1/7/87 R
10. <i>Werknemer graad II</i>	123,28	135,16
(1) SPUITVERF van onderlaag;		
(2) 'n ontwerp produseer deur middel van 'n stel- sil en/of syskern;		
(3) veroudering (behalwe met die hand).		
11. <i>Werknemer graad III</i>	104,61	116,49
Veroudering met die hand.		
12. <i>Werknemer graad IV</i>	89,74	101,62
(1) Kleuterversies en/of kleutertekeninge op meubels oordruk;		
(2) 'n ontwerp produseer deur middel van 'n oordruk;		
(3) beits en/of kleurstowwe meng;		
(4) gepoleerde oppervlakke met die hand of masjien gestroop;		
(5) gate en/of krake vul;		
(6) was aansit, bleik, beits en olie;		
(7) opknapwerk by die op- en/of aflaaiplek;		
(8) die rande van lamelbord of laaghout verf en/of invul;		
(9) deure en/of toebehore van meubelstukke verwyder en terugplaas om dit te poleer en/of te herstel;		
(10) vlokwool op kleefoppervlakte versprei en die kleefstof vir vlokwool slegs vir die binnekante van laaie aansit;		
(11) metaalspuitverfwerk;		
(12) in emalje, verf of lakvernis doop;		
(13) oplossings deursy;		
(14) spuitapparaat skoonmaak;		
(15) vloebestrykmasjiene of soortgelyke toestelle voer en/of ontlaa en/of bedien, maar uitgesonderd die stel daarvan;		
(16) met die hand opvryf of skoon vee en/of was.		

E. STOFFEERAFDELING

13. <i>Werknemer graad II</i>	123,28	135,16
(1) 'n Fondament vir kronkelvere maak en/of aanbring met ander materiaal as hout- en/of metaallatte;		
(2) vere en/of veereenhede aan fundamente vassit;		
(3) vere in posisie vaswoel;		
(4) raamveer-, bedbasis- of ateljeerusbanke stoffeer;		
(5) kopplanke stoffeer, uitgesonderd diamantknope aanwerk;		
(6) los stoele, eetkamer- en/of kombuisstoele stoffeer.		
Vir die toepassing van hierdie klousule beteken 'n veereenheid 'n onafhanklik montasie van kronkelvere of aaneenlopende vere wat so inmekaar gevleg, aanmekaar gehef of so gemaak is dat 'n veerfondament en/of veerbinnekant verskaf vir gebruik in 'n binneveerkussing, binneveersitplek en/of binneveersitstoel.		
14. <i>Werknemer graad III</i>	104,61	116,49
(1) Gimp en/of fraaiings vasryg en/of vaskram;		
(2) knope aanwerk behalwe aan los kussings (uitgesonderd diamantknope aanwerk);		
(3) afmerk ter voorbereiding vir die vasheg van gimp en/of fraaiings;		
(4) fundamente vir kronkelveereenhede maak en/of aanbring met hout- en/of metaallatte;		
(5) deurknoopwerk.		
15. <i>Werknemer graad IV</i>	89,74	101,62
(1) Heliese vere en/of ketting en/of hoepelyster aanheg wat uitsluitlik as ondersteuning vir los stoelkussings moet dien;		
(2) rubberstroke aanbring wat uitsluitlik as ondersteuning vir los stoelkussings dien;		

D. POLISHING DEPARTMENT

	For period ending 30/6/87 R	From 1/7/87 R
10. <i>Grade II employee</i>	123,28	135,16
(1) Spraying undercoating;		
(2) producing a design by means of a stencil and/or silk screen;		
(3) ageing (other than by hand).		
11. <i>Grade III employee</i>	104,61	116,49
Ageing by hand.		
12. <i>Grade IV employee</i>	89,74	101,62
(1) Transferring nursery rhymes and/or nursery characters on to furniture;		
(2) producing a design by means of a transfer;		
(3) mixing stains and/or colouring materials;		
(4) stripping of polished surface by hand or machine;		
(5) filling in holes and/or crevices;		
(6) waxing, bleaching, staining and oiling;		
(7) touching up at the point of loading and/or off-loading;		
(8) painting and/or filling in of edges of laminated board or of plywood;		
(9) removing and replacing doors and/or fittings from articles of furniture for the purpose of polishing and/or repairing;		
(10) spreading flock on adhesive surfaces and the application of the adhesive for flock for the insides of drawers only;		
(11) spraying metal;		
(12) dipping in enamel, paint of lacquer;		
(13) straining solutions;		
(14) cleaning spraying apparatus;		
(15) feeding and/or off-loading and/or operating of flow-coater machines or similar plant but excluding the setting up;		
(16) ragging or wiping and/or washing by hand.		

E. UPHOLSTERY DEPARTMENT

13. <i>Grade II employee</i>	123,28	135,16
(1) Making and/or affixing a foundation for coil springs with any material other than wooden and/or metal laths;		
(2) securing springs and/or spring units to foundations;		
(3) lashing springs in position;		
(4) upholstering box spring, bed base or studio couches;		
(5) upholstering headboards other than diamond buttoning;		
(6) upholstering occasional chairs, diningroom and/or kitchen chairs.		
For the purposes of this clause, a spring unit means an independent assembly of coil or continuous springs so interconnected, associated or constructed as to provide a spring foundation and/or interior for use in an innerspring cushion, seat and/or seating device.		
14. <i>Grade III employee</i>	104,61	116,49
(1) Tacking and/or stapling gimp and/or fringes;		
(2) buttoning, excluding buttoning of loose cushions (other than diamond buttoning);		
(3) marking off preparatory to the securing of gimp and/or fringes;		
(4) making and/or affixing foundations for coil spring units with wood and/or metal laths;		
(5) tufting.		
15. <i>Grade IV employee</i>	89,74	101,62
(1) Affixing helical springs and/or chain and/or hoop iron for the sole purpose of serving as a support for loose cushions;		
(2) affixing rubber strips for the sole purpose of serving as a support for loose cushions;		

	Tydpers ein- digende 30/6/87	Vanaf 1/7/87		For period ending 30/6/87	From 1/7/87
	R	R		R	R
(3) heliese vere en/of ketting en/of sigsag- of nie-sakveerwerk aan rame vir stoffeerwerk aanheg;			(3) affixing helical springs and/or chains and/or zig-zag or no-sag springs to frames for upholstery;		
(4) hoepelyster en/of seilband en/of plaaservangende materiaal vir seilband aan los sitplekke en/of rugleunings vir eetkamerstoele aanheg;			(4) affixing hoop iron and/or webbing and/or webbing substitutes to loose seats and/or backs for diningroom chairs;		
(5) die hervering van veerkante met die sigsag- en/of nie-saktipe vere aan rame vir stoffeerwerk, met inbegrip van die aanheg van samestellende dele, maar uitgesonderd die vasryg en/of aanheg van goingsak en/of sisal en/of plaaservangende materiaal vir goingsak of sisal;			(5) the springing up of spring edges with zig-zag and/or no-sag type of spring to frames for upholstery, including the attachment of any component part but excluding the tacking on and/or securing of hessian and/or sisal and/or substitutes for hessian or sisal;		
(6) laaghout en/of geperste bord aan los sitplekke en rugleunings van stoele vasspyker en/of met hegspykers vasslaan vir stoffeerwerk;			(6) nailing and/or tacking plywood and/or compressed board to loose seats and backs of chairs for upholstery;		
(7) kussinkies aan los veerkussingeenhede heg;			(7) securing pads to unaffixed spring cushion units;		
(8) platforms sny vir die bedekking van heliese vere;			(8) cutting of platforms, used for covering helical springs;		
(9) 'n pluus- en/of baaloopmaak- en/of baalbreek-masjien bedien en/of werk daarmee verrig;			(9) operating a teasing and/or bale opening and/or bale breaking machine and/or performing any work therewith;		
(10) binneslope van kussings en/of oortreksels en/of peule met die hand of 'n masjien opstop;			(10) filling cushion cases and/or slips and/or bolsters by hand or machine;		
(11) vulsel in touvorm losdraai;			(11) unwinding filling materials in rope form;		
(12) knope en/of klossies maak;			(12) making buttons and/or tufts;		
(13) die stoffeerder help deur oortreksel vas te hou;			(13) assisting upholsterer in holding cover;		
(14) bandversier- en/of kraallyswerk maak;			(14) making banding and/or beading;		
(15) klaar gesnyde materiaal sorteer nadat dit by die grootmaat uitgesny is;			(15) sorting of ready-cut materials after bulk cutting;		
(16) klaar gemaakte stoelkussings vir aflewering nagaan en/of gereedmaak;			(16) regulating and/or preparing completed cushions for delivery;		
(17) skuimrubber en/of dergelike stowwe volgens grootte of vorm sny;			(17) cutting foam rubber and/or similar substances to size or shape;		
(18) skuimrubber en/of dergelike stowwe aan bedekkingsmateriaal vaslym slegs vir deurstikwerk;			(18) glueing of foam rubber and/or similar substances to covering material for quilting only;		
(19) rubberstroke sny;			(19) cutting rubber strips;		
(20) skuimrubber en/of dergelike stowwe aanme-kaar heg;			(20) joining together foam rubber and/or similar substances;		
(21) stroke tekstiel- en/of sintetiese stof aan skuimrubber en/of dergelike stowwe vasheg, maar uitdruklik uitgesonderd die vasheg daaraan van oortrek-materiaal, nl. "Fly";			(21) affixing textile and/or synthetic strips to foam rubber and/or similar substances, but expressly excluding the affixing of covering material thereto, viz. "Fly";		
(22) grootmaatlrole stoffeermateriaal van alle soorte van selfkant tot selfkant met die hand opbreek en/of opsnij;			(22) breaking up and/or cutting up by hand of bulk rolls of upholstery materials of all kinds from selfedge to selfedge;		
(23) karton in die stoffeerseksie met die hand en/of 'n masjien sny;			(23) cutting cardboard in upholstery section by hand and/or machine;		
(24) 'n skuimmaalmasjien bedien;			(24) operating foam mincing machine;		
(25) die snyer help om lae materiaalengtes neer te lê;			(25) assisting cutter in putting down layers of lengths of cloth;		
(26) van stowwe met 'n handmasjien reguit sny vir die onderkante of fondament bo-oor die vere (linne en goingsak);			(26) straight cutting of materials by hand machine for bottoms or underseating over springs (linen and hessian);		
(27) patrone vir die rugleunings van stoele of rusbanke op alle stowwe aftrek (herhalend);			(27) marking out pattern for chair or settee backs on all materials (repetitive marking);		
(28) onderkante van gestoffeerde artikels vasslaan;			(28) tacking on bottoms of upholstered articles;		
(29) meubels stroop vir herstelwerk;			(29) stripping of furniture for recovering;		
(30) rubber of rubbersurrogate aan kaal rame heg vir stoffeerwerk (uitgesonderd die vaswerk, vaskram of vasslaan daarvan);			(30) affixing of rubber or substitutes to bare frames for upholstery (excluding the sewing, stapling or tacking thereof);		
(31) karton of voeringmateriaal aan kaal rame heg vir stoffeerwerk;			(31) affixing of cardboard or lining materials to bare frames for upholstery;		
(32) rugleunings van karton, kaliko of goingsak slegs aan gestoffeerde kopstukke heg.			(32) affixing of cardboard, calico or hessian backs to upholstered headboards only.		

F. FINEERAFDELING

16. <i>Werknemer graad III</i>	104,61	116,49
(1) Fineerlaswerk verrig uitgesonderd op 'n vlakskaafmasjien;		
(2) inlegsels maak en/of invoeg (uitgesonderd die inlê van fineerwerk van artistieke ontwerp en vierendeling van fineerwerk);		
(3) rugkant- en nie-aanpasfineerwerk sny.		

F. VENEER DEPARTMENT

16. <i>Grade III employee</i>	104,61	116,49
(1) Jointing veneer other than on surface planer;		
(2) making and/or inserting inlays (excluding inlaying of veneers with an artistic design and quartering veneers);		
(3) cutting backing and non-match veneers.		

	Tydperk ein- digende 30/6/87	Vanaf 1/7/87
	R	R
17. <i>Werknemer graad IV</i>	89,74	101,62
(1) Kantfineerwerk met die hand;		
(2) perse van enige soort bedien en/of versorg en/of laai en/of ontlaai;		
(3) gom en/of lym en/of band en/of papier afwas en/of verwyder;		
(4) dele opstapel ná perswerk;		
(5) gom en gomverharders aanstryk en/of smeer;		
(6) oortollige fineer afwerk nadat dit vasgelym is (met 'n handwerktuig);		
(7) laswerk sonder bande met 'n masjien;		
(8) fineerhout en/of laaghout en/of hardbord in posisie vasbind, vaskram en/of vasspyker.		
G. MEUBELHOUTSNYAFDELING		
18. <i>Werknemer graad IV</i>	89,74	101,62
(1) Stippelpenswerk verrig;		
(2) kraallyste aan borde vaslym en/of vasheg vir houtsnwyk;		
(3) bestanddele vir vormwerk meng;		
(4) versiersels fatsoeneer (uitgesonderd die vassit daarvan).		
H. VERPAKKING VAN MEUBELS		
19. <i>Werknemer graad IV</i>	89,74	101,62
(1) Verstrekende stroke hout aan voltooide meubels aanbring vir die doel van verpakking of vervoer;		
(2) verpakingskrate en/of -kiste vir meubels en/of dele daarvan maak;		
(3) meubels en/of dele daarvan in goingsak verpak;		
(4) meubels en/of dele daarvan in kartondose en/of kartonhouers en/of plastiekvelle verpak;		
(5) kartondose en/of kartonhouers toemaak;		
(6) meubels en/of dele daarvan in papier en/of karton en/of plastiekvelle toedraai;		
(7) toebehore en/of dele van meubelstukke verwyder om vervoer en/of verpakking te vergemaklik;		
(8) toebehore en/of dele van meubelstukke wat vooraf verwyder is om die vervoer en/of verpakking daarvan te vergemaklik, terugsit.		
I. ALGEMENE WERKSAAMHEDE		
20. <i>Werknemer graad IV</i>	89,74	101,62
(1) Rottangvlegwerk;		
(2) rottangsitplekke aanbring;		
(3) riempiewerk;		
(4) 'n pluismasjien stel en/of bedien en/of werk daarmee verrig;		
(5) kussings vir veereenhede maak en/of sny;		
(6) werknemers in diens in verband met enigeen van die prosesse by die vervaardiging van veerbinnelende en/of die vervaardiging van hul samestellende dele;		
(7) veervervaardigingsmasjiene stel en/of bedien;		
(8) luidsprekerdoeke en bekledsel aan relings, deure, panele en borde vir radiokabinette aanbring;		
(9) oortollige lym van meubels of dele daarvan verwyder;		
(10) metaalstawe en/of skarniere en/of metaalbuis en/of -vere en/of hoepelyster en/of draad en/of metaalstroke sny;		
(11) klinkwerk en/of skroefdraad in ysterboute en/of -stawe sny;		
(12) hoepelyster reguit maak;		
(13) gate in metaal pons;		
(14) metaalstawe skoonmaak;		
(15) metaaldele buig, boor en/of monteer;		

	For period ending 30/6/87	From 1/7/87
	R	R
17. <i>Grade IV employee</i>	89,74	101,62
(1) Edge veneering by hand;		
(2) operating presses and/or attending and/or loading and/or unloading of presses of any kind;		
(3) washing off and/or removing gum and/or glue and/or tapes and/or paper;		
(4) stacking parts after pressing;		
(5) applying and/or spreading glue and glue hardeners;		
(6) trimming away excess veneer after affixing of veneer (by hand tool);		
(7) tapeless jointing by machine;		
(8) taping and/or stapling and/or tacking veneers and/or plywood and/or hardboard into position for pressing.		
G. FURNITURE CARVING DEPARTMENT		
18. <i>Grade IV employee</i>	89,74	101,62
(1) Stipple punching;		
(2) glueing and/or affixing beading to board for carving;		
(3) mixing ingredients for moulding;		
(4) making moulded embellishments (excluding the affixing thereof).		
H. FURNITURE PACKING		
19. <i>Grade IV employee</i>	89,74	101,62
(1) Affixing strengthening woodstrips to completed furniture for the purpose of packing or transporting;		
(2) making packing crates and/or cases for furniture and/or parts thereof;		
(3) packing furniture and/or furniture parts in hessian;		
(4) packing furniture and/or furniture parts in cartons and/or cardboard containers and/or plastic sheeting;		
(5) closing cartons and/or cardboard containers;		
(6) wrapping furniture and/or furniture parts in paper and/or cardboard and/or plastic sheeting;		
(7) removal of fittings and/or parts from articles of furniture to facilitate transportation and/or packing;		
(8) replacement of fittings and/or parts previously removed to facilitate their transportation and/or packing.		
I. GENERAL OPERATIONS		
20. <i>Grade IV employee</i>	89,74	101,62
(1) Weaving of cane;		
(2) affixing cane seats;		
(3) riempie work;		
(4) setting up and/or operating teasing machine and/or performing work therewith;		
(5) making and/or cutting pads for spring units;		
(6) employees employed in connection with any of the processes in the construction of spring interiors and/or the manufacture of their component parts;		
(7) setting up and/or operating springmaking machines;		
(8) affixing speaker cloths and fabrics to rails, doors, panels and boards for radio cabinets;		
(9) removing excess glue spread on furniture or parts thereof;		
(10) cutting metal rods and/or hinges and/or metal tubes and/or metal springs and/or hoop iron and/or wire and/or metal strips;		
(11) riveting and/or making threads on iron bolts and/or rods;		
(12) straightening hoop iron;		
(13) punching holes in metal;		
(14) cleaning metal rods;		
(15) bending, drilling and/or assembling metal parts;		

	Tydperk ein- digende 30/6/87 R	Vanaf 1/7/87 R		For period ending 30/6/87 R	From 1/7/87 R
(16) vere baal;			(16) baling springs;		
(17) vere vir preservering in 'n oplossing dompel;			(17) dipping springs into a solution for the purpose of preservation;		
(18) die stofsakke van skuurmasjiene skoonmaak;			(18) cleaning sandpapering machine dustbags;		
(19) vulmateriaal ontbaal en/of uitklop;			(19) unbaling and/or beating filling material;		
(20) vulmateriaal met die hand uitpluis;			(20) teasing filling materials by hand;		
(21) persele skoonmaak en/of uitvee;			(21) cleaning and/or sweeping premises;		
(22) masjinerie en/of uitrusting en/of gereedskap en/of werktuie en/of saaglemme skoonmaak;			(22) cleaning machinery and/or plants and/or tools and/or utensils and/or saw blades;		
(23) materiaal op- en/of aflai;			(23) loading and/or unloading materials;		
(24) goedere met 'n stootkar vervoer;			(24) transportation of goods by handcart;		
(25) goedere met 'n trapfiets vervoer;			(25) transportation of goods by pedal cycle;		
(26) gemeganiseerde hanteeruitrusting bedien;			(26) operation of mechanised handling equipment;		
(27) grondstowwe uitpak;			(27) unpacking raw materials;		
(28) stoomketels en/of verbranders en/of oonde bedien;			(28) attending boilers and/or incinerators and/or ovens;		
(29) droogoonde laai en/of ontlaai en/of bedien;			(29) loading and/or unloading and/or attending kilns;		
(30) drankies berei en/of bedien;			(30) making and/or serving beverages;		
(31) eet- en/of drinkgerei was;			(31) washing-up eating and/or drinking utensils;		
(32) timmerhout vir preservering behandel;			(32) treating of timber for preservation;		
(33) masjiendryfbande las;			(33) joining machine driving belts;		
(34) massameetwerk;			(34) mass-measuring;		
(35) meubels uitmekaarhaal;			(35) stripping furniture;		
(36) goedere dra en/of aandra;			(36) fetching and/or carrying;		
(37) voertuie op- en/of aflai;			(37) loading and/or unloading vehicles;		
(38) 'n masjienwerker help met die hantering van grondstowwe voor en na masjienwerk;			(38) assisting machinist in handling raw materials before and after machining;		
(39) assistent vir 'n versendingsklerk, stoorman of tydbeampte;			(39) assistant to despatch clerk, storeman or time-keeper;		
(40) afwitwerk;			(40) limewashing;		
(41) knope maak;			(41) making of buttons;		
(42) boodskappe en/of briewe aflewer;			(42) delivering messages and/or letters;		
(43) met 'n borsel skoonmaak;			(43) cleaning with a brush;		
(44) los werknemer R2,23 per uur en R2,50 per uur vanaf 1/7/87.			(44) casual employees R2,23 per hour and R2,50 per hour from 1/7/87.		
J. STOFFEERNAAIERS- EN/OF -NAAISTERSWERK			J. UPHOLSTERY SEAMSTERS' AND/OR SEAMSTRESSES' WORK		
21. <i>Werknemer graad III</i>	104,61	116,49	21. <i>Grade III employee</i>	104,61	116,49
(1) Meubeloortreksels stik;			(1) Sewing of furniture covers;		
(2) alle hegstukke vaswerk en/of aanhaak;			(2) sewing on and/or hooking on of any attachments;		
(3) kussingslope en/of -oortreksels stik;			(3) sewing of cushion cases and/or cushion slips;		
(4) donskombersoortreksels maak en/of stik;			(4) making and/or sewing of quilted covers;		
(5) omboorsels maak;			(5) making piping;		
(6) glipsteekwerk en/of gimp en/of fraings en/of materiaal aanwerk;			(6) slip-stitching and/or sewing gimp and/or fringes and/or materials;		
(7) grimp, fraings, galon en/of plooiwerk afmerk en/of vaswerk;			(7) marking off and/or affixing gimp, fringes, braid and/or pleating;		
(8) knope aan los kussings aanwerk, uitgesonderd diamantknoopwerk.			(8) buttoning of loose cushions other than diamond buttoning.		
K. GORDYNWERK			K. CURTAIN MAKING		
22. <i>Werknemer graad II</i>	123,28	135,16	22. <i>Grade II employee</i>	123,28	135,16
Gordyne met 'n roede of meetband en/of meet.			Fitting and/or measuring of curtains by rod or tape.		
23. <i>Werknemer graad III</i>	104,61	116,49	23. <i>Grade III employee</i>	104,61	116,49
(1) Gordyne stik en sny;			(1) Sewing and cutting of curtains;		
(2) glipsteekwerk aan gordynkapagterkante en fraings.			(2) Slip-stitching pelmet backs and fringes.		
24. <i>Werknemer graad IV</i>	89,74	101,62	24. <i>Grade IV employee</i>	89,74	101,62
(1) Strykwerk;			(1) Ironing;		
(2) alle soorte gordynhakies insteek en/of aanstik;			(2) Inserting and/or stitching of all types of curtain hooks;		
(3) afwerking van gordyne (slegs met die hand knoop waar blindesteekmasjien die werk voltooi het);			(3) finishing off of curtains (only to tie knot by hand where blind stitch machine has completed the work);		
(4) die kante van los gevoerde gordyne vasryg;			(4) tacking sides of loose-lined curtains;		
(5) bandstroke aan gordyne werk;			(5) taping out of curtain;		
(6) assistent vir 'n gordynpasser (slegs as die passer by is).			(6) assistant to curtain fitter (only in the presence of the fitter).		

L. DIVERSE—HULPWERKSAAMHEDE

	<i>Tydperk ein- digende</i>	<i>Vanaf</i>
	30/6/87	1/7/87
	R	R
25. <i>Werknemer graad II</i>	123,28	135,16
(1) Versendingsklerk;		
(2) stoomman;		
(3) tydbeampte;		
(4) sweiswerk, uitgesonderd puntsweiswerk;		
(5) sandstraling en/of branding.		
26. <i>Werknemer graad III</i>	104,61	116,49
(1) Oppasser;		
(2) wag;		
(3) puntsweiser;		
(4) doeksweiswerk.		

M. HANDSKUURWERKSAAMHEDE ALLE DEPARTEMENTE

27. <i>Werknemer graad IV (A)</i>	91,74	103,62
(1) Rasper- en/of vyl- en/of skraapwerk verrig (slegs houtsnijwerksaamhede);		
(2) skuurwerk met die hand of 'n draagbare masjien verrig;		
(3) met 'n skuurpasta en/of skuurvloeistof vryf deur middel van 'n masjien en/of meganiese toestel;		
(4) los uitstekende spykers, penne en/of kramme wegpons: Met dien verstande dat dit slegs gedoen word deur persone wat met die hand skuurwerk verrig en sodanige items wat nie gepons is nie gedurende die skuurproses in die skuurafdeling vind;		
(5) 'n masjien vir die skuur van gedraaide dele;		
(6) vernuwing met die hand of 'n masjien en/of meganiese toestel en met 'n ander stof as 'n skuurpasta en/of skuurvloeistof;		

N. VOORMANNE, ONDERBASE TOESIGHOUERS EN ONDERBASE GRAAD IV

(1) Voormanne en toesighouers	158,56	170,44
(2) Onderbase.....	148,56	160,44
(3) Onderbase graad IV	99,74	110,62

O. LEERLINGE

Leerlinge gemagtig ingevolge klausule 29 (1) van Hoofstuk I van hierdie Ooreenkoms wat die werk van naaiers en/of naaisters onder werknemers graad III leer en leerlinge onder werknemers graad I en/of graad II moet, ondanks die minimum loon wat gespesifiseer word op die sertifikaat wat ingevolge klausule 29 (3) en (4) van Hoofstuk I deur die Raad uitgereik word, minstens die volgende loon per week betaal word:

Gedurende die eerste ses maande van die leertyd: 80 persent;
gedurende die tweede ses maande van die leertyd: 85 persent;
gedurende die derde ses maande van die leertyd: 90 persent;
gedurende die vierde ses maande van die leertyd: 95 persent;
van die minimum voorgeskrewe loon vir werknemers graad I, graad II of graad III, na gelang van die geval.

(2) Die minimum weeklikse loon betaalbaar aan 'n leerling graad IV, soos gemagtig kragtens klausule 29 (5) (d) van Hoofstuk I, moet minstens die volgende wees:

Gedurende die eerste ses maande van die leertyd: 60 persent;
gedurende die tweede ses maande van die leertyd: 80 persent;
van die minimum voorgeskrewe loon van 'n werknemer graad IV.

P. JEUGDIGE WERKNEMERS

(1) Jeugdige manlike werknemers in 'n ambag of deel van 'n ambag aangewys kragtens die Wet op Vakleerlinge, 1944, moet gedurende die gemagtigde proeftyd minstens die lone betaal word wat kragtens genoemde Wet voorgeskryf word.

(2) *Alle ander jeugdige*.—Die minimum loon wat in hierdie Ooreenkoms voorgeskryf word vir werknemers in diens in dieselfde klas werk.

10. HOOFSTUK III, KLOUSULE B.—LOONSVERHOOGINGS EN MINIMUM LONE

Vervang subklausule (1) van klausule B deur die volgende:

"B. LOONSVERHOOGINGS EN MINIMUM LONE

(1) Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom: Met dien verstande dat die minimum voorgeskrewe loon by elke geleentheid ingevolge hierdie Ooreenkoms

L. MISCELLANEOUS—ANCILLARY OCCUPATIONS

	<i>For period ending 30/6/87</i>	<i>From</i>
	R	R
25. <i>Grade II employee</i>	123,28	135,16
(1) Despatch clerk;		
(2) storeman;		
(3) time-keeper;		
(4) welding, other than spotwelding;		
(5) sandblasting and/or burning;		
26. <i>Grade III employee</i>	104,61	116,49
(1) Caretaker;		
(2) watchman;		
(3) spotwelder;		
(4) welding of fabric.		

M. HANDSANDING OPERATIONS ALL DEPARTMENTS

27. <i>Grade IV (A) employee</i>	91,74	103,62
(1) Rasping and/or filing and/or scraping (operations in carving only);		
(2) sandpapering by hand or portable machine;		
(3) rubbing with an abrasive paste and/or abrasive liquid by machine and/or mechanical appliance;		
(4) punching away any protruding nails, pins and/or staples: Provided that this is done only by hand-sandpaperers finding such unpunched items during the sandpapering process in the sandpapering section;		
(5) machine for sanding turned parts;		
(6) reviving by hand or machine and/or mechanical appliance with a substance other than an abrasive paste and/or abrasive liquid;		

N. FOREMEN, CHARGEHANDS, SUPERVISORS AND GRADE IV CHARGEHANDS

(1) Foremen and supervisors	158,56	170,44
(2) Chargehands.....	148,56	160,44
(3) Grade IV chargehands.....	99,74	110,62

O. LEARNERS

(1) Learners authorised in terms of clause 29 (1) of Chapter I of this Agreement, employed in learning seamstresses' and/or seamstresses' work under Grade III employees and learners under Grade I and/or Grade II employees shall, notwithstanding the minimum wage specified on the certificate issued by the Council in terms of clause 29 (3) and (4) of Chapter I, be paid not less per week than the following wage:

During the first six months of learnership: 80 per cent;
during the second six months of learnership: 85 per cent;
during the third six months of learnership: 90 per cent;
during the fourth six months of learnership: 95 per cent;

of the minimum prescribed rate for Grade I, Grade II or Grade III employees, as the case may be.

(2) The minimum weekly wage to be paid to a Grade IV learner, as authorised in terms of clause 29 (5) (d) of Chapter I, shall not be less than the following:

During the first six months of learnership: 60 per cent;
during the second six months of learnership: 80 per cent;
of the minimum prescribed rate for a Grade IV employee.

P. JUVENILE EMPLOYEES

(1) Juvenile male employees engaged in a trade or part of a trade designated under the Apprenticeship Act, 1944, during the authorised probationary period shall be paid not less than the wages prescribed in terms of the provisions of the said Act.

(2) *All other juveniles*.—The minimum wage prescribed in this Agreement for employees employed on the same class of work.

10. CHAPTER III, CLAUSE B.—WAGE INCREASE AND MINIMUM WAGES

Substitute the following for subclause (1) of clause B:

"B. WAGE INCREASE AND MINIMUM WAGES

(1) The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion the minimum prescribed rate has to be increased in terms of this

verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet, ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

Indeling	Tydperk eindigende 30/6/87
Drywer ingedeel onder 1 (a) (i)	Weekloon verhoog word met R10,12
Drywer ingedeel onder 1 (a) (ii)....	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (a) (iii)...	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (a) (iv) en (b)	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (c).....	Weekloon moet verhoog word met R10,12
Indeling	Tydperk beginnende 1/7/87
Drywer ingedeel onder 1 (a) (i)	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (ii)....	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (iii)...	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (iv) en (b)	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (c).....	Weekloon moet verhoog word met R11,88

Loonvragte	Tydperk eindigende 30/6/87	Vanaf 1/7/87
	R	R
(a) Drywer van 'n motorvoertuig, uitgesonderd 'n stoomwa, wat gelisensieer is om 'n loonvrag te dra of te trek van—		
(i) minder as 2 722 kg (6 000 lb).....	97,84	109,72
(ii) 2 722 kg (6 000 lb) en meer, maar hoogstens 4 536 kg (10 000 lb).....	102,19	114,07
(iii) meer as 4 536 kg (10 000 lb) maar hoogstens 6 350 kg (14 000 lb).....	107,03	118,91
(iv) meer as 6 350 kg (14 000 lb).....	111,86	123,74
(b) Drywer van 'n stoomwa.....	111,86	123,74
(c) Drywer van 'n vrachtwagen, trekker, bromponie, passasiersmotor.....	89,74	101,62
(d) Los drywer van 'n motorvoertuig, uitgesonderd 'n stoomwa, wat gelisensieer is om (vir 'n tydperk van nege uur of minder as nege uur per dag) 'n loonvrag te dra of te trek van—		
(i) minder as 2 722 kg (6 000 lb).....	19,86	22,27
(ii) 2 722 kg (6 000 lb) en meer, maar hoogstens 4 536 kg (10 000 lb).....	20,58	23,04
(iii) meer as 4 536 kg (10 000 lb), maar hoogstens 6 350 kg (14 000 lb).....	21,85	24,25
(iv) meer as 6 350 kg (14 000 lb).....	22,81	25,25
(e) Los drywer van 'n stoomwa.....	22,81	25,25
(f) Los drywer van 'n vrachtwagen, trekker, bromponie, passasiersmotor.....	19,26	21,74

Met dien verstande egter dat geen werknemer op grond van 'n bepaling van hierdie klousules te eniger tyd 'n laer loon betaal mag word as dié wat hy ontvang het of wat hy geregtig sou gewees het om te ontvang in sy besondere pos op die datum waarop hierdie Ooreenkoms in werking tree nie."

(2) Vervang subklousule (6) deur die volgende:

"(6) *Verblyfstoelae*.—'n Werknemer moet, benewens ander besoldiging wat verskuldig is, aan sy werknemer wat tydens 'n reis onderneem vir die vervulling van sy pligte, van sy woonplek en sy werkplek se bedryfsinrigting afwesig is vir 'n tydperk van een of meer nagte, minstens die volgende verblyfstoelae betaal:

- Waar dit vir die werknemer nodig is om 'n aandete en bed te bekom: R7,00;
- waar dit vir die werknemer nodig is om 'n aandete, bed en ontbyt te bekom: R9,00;
- waar dit vir die werknemer nodig is om 'n bed, ontbyt, middag- en aandete te bekom: R11,00."

Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed rate for the class of work performed by him shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for the wage category:

Classification	For period ending 30/6/87
Driver classified under 1 (a) (i).....	Weekly wage to be increased by R10,12
Driver classified under 1 (a) (ii)....	Weekly wage to be increased by R10,12
Driver classified under 1 (a) (iii)...	Weekly wage to be increased by R10,12
Driver classified under 1 (a) (iv) and (b)	Weekly wage to be increased by R10,12
Driver classified under 1 (c).....	Weekly wage to be increased by R10,12
Classification	Period commencing 1/7/87
Driver classified under 1 (a) (i).....	Weekly wage to be increased by R11,88
Driver classified under 1 (a) (ii)....	Weekly wage to be increased by R11,88
Driver classified under 1 (a) (iii)...	Weekly wage to be increased by R11,88
Driver classified under 1 (a) (iv) and (b)	Weekly wage to be increased by R11,88
Driver classified under 1 (c).....	Weekly wage to be increased by R11,88

Pay-loads	For period ending 30/6/87	From 1/7/87
	R	R
(a) Driver of motor vehicle, other than a steam wagon, authorised to carry or haul a payload of—		
(i) under 2 722 kg (6 000 lb).....	97,84	109,72
(ii) 2 722 kg (6 000 lb) and over but not exceeding 4 536 kg (10 000 lb).....	102,19	114,07
(iii) over 4 536 kg (10 000 lb) but not exceeding 6 350 kg (14 000 lb).....	107,03	118,91
(iv) over 6 350 kg (14 000 lb).....	111,86	123,74
(b) Driver of steam wagon.....	111,86	123,74
(c) Driver of fork lift, tractor, scooter, passenger car.....	89,74	101,62
(d) Casual driver of motor vehicle other than a steam wagon, authorised to carry or haul a payload of (for any period or nine hours or less per day)—		
(i) under 2 722 kg (6 000 lb).....	19,86	22,27
(ii) 2 722 kg (6 000 lb) and over but not exceeding 4 536 kg (10 000 lb).....	20,58	23,04
(iii) over 4 536 kg (10 000 lb), but not exceeding 6 350 kg (14 000 lb).....	21,85	24,25
(iv) over 6 350 kg (14 000 lb).....	22,81	25,25
(e) Casual driver of a steam wagon.....	22,81	25,25
(f) Casual driver of fork lift, tractor, scooter, passenger car.....	19,26	21,74

Provided, however, that no employee shall at any time, by reason of any provision of these clauses, be paid a wage less than that which he received or would have been entitled to receive in his particular post as at the date on which this Agreement comes into operation."

(2) Substitute the following for subclause (6):

"(6) *Subsistence allowance*.—An employer shall, in addition to any other remuneration due, pay his employee who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period extending over one or more nights, a subsistence allowance of not less than—

- where it is necessary for the employee to obtain an evening meal and bed: R7,00;
- where it is necessary for the employee to obtain an evening meal, bed and breakfast: R9,00;
- where it is necessary for the employee to obtain bed, breakfast, lunch and evening meal: R11,00.

Namens die partye op hede die 21ste dag van Mei 1986 te Johannesburg onderteken.

I. LASAROW,

Voorsitter van die Raad.

S. M. LE ROUX,

Ondervoorsitter van die Raad.

P. C. SMIT,

Sekretaris van die Raad.

Signed at Johannesburg, on behalf of the parties, this 21st day of May 1986.

I. LASAROW,

Chairman of the Council.

S. M. LE ROUX,

Vice-Chairman of the Council.

P. C. SMIT,

Secretary of the Council.

No. R. 1879

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

BEDDEGOEDNYWERHEID, TRANSVAAL.—WYSIGING VAN HOOFOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 43 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1988 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalinge van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1988 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie Kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,

Minister van Mannekrag.

BYLAE

NYWERHEIDSRaad VIR DIE BEDDEGOEDNYWERHEID (TRANSVAAL)

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Bedding Manufacturers' Association of the Transvaal

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

National Union of Furniture and Allied Workers of South Africa

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Beddegoednywerheid (Transvaal),

om die Ooreenkoms gepubliseer by Goewermetskennisgewing R. 1345 van 30 Junie 1981, soos gewysig en verleng by Goewermetskennisgewings R. 1817 van 27 Augustus 1982, R. 1452 van 1 Julie 1983, R. 1917 en R. 1918 van 2 September 1983, R. 1016 van 10 Mei 1985, R. 2498 en R. 2499 van 8 November 1985, en R. 1345 van 27 Junie 1986, te wysig.

1. TOEPASSINGBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Beddegoednywerheid (Transvaal) nagekom word—

- (a) deur alle werkgewers wat lede is van die werkgewersorganisasie en betrokke is by die Beddegoednywerheid (Transvaal) en deur alle werknemers wat lede is van die vakvereniging en werksaam is in genoemde Nywerheid;
- (b) in die provinsie Transvaal.

No. R. 1879

12 September 1986

LABOUR RELATIONS ACT, 1956

BEDDING MANUFACTURING INDUSTRY, TRANSVAAL.—AMENDMENT OF MAIN AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 June 1988, upon the employers' organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 June 1988, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DU PLESSIS,

Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BEDDING MANUFACTURING INDUSTRY (TRANSVAAL)

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Bedding Manufacturers' Association of the Transvaal

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

National Union of Furniture and Allied Workers of South Africa

(hereinafter referred to as the "employees" or the "trade union"), of the one other part,

being the parties to the Industrial Council for the Bedding Manufacturing Industry (Transvaal),

to amend the Agreement published under Government Notice R. 1345 of 30 June 1981, as amended and extended by Government Notices R. 1817 of 27 August 1982, R. 1452 of 1 July 1983, R. 1917 and R. 1918 of 2 September 1983, R. 1016 of 10 May 1985, R. 2498, R. 3498 and R. 2499 of 8 November 1985, and R. 1345 of 27 June 1986.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Bedding Manufacturing Industry (Transvaal)—

- (a) by all employers who are members of the employers' organisation and are engaged in the Bedding Manufacturing Industry (Transvaal) and by all employees who are members of the trade union and are employed in the said Industry;
- (b) in the Province of the Transvaal.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms slegs van toepassing op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word.

HOOFSTUK I

2. KLOUSULE 3.—WOORDOMSKRYWING

(1) Voeg die volgende nuwe omskrywing in na die omskrywing "militêre diens":

"'vennoot' iemand wat as sodanig aangedui word in 'n vennootskaps-ooreenkoms van 'n vennootskap wat kragtens klousule 18 as werkgever geregistreer is of geregistreer moet word en—

- (a) wat gemagtig is om op die bankrekening van die werkgever te werk; en/of
- (b) wie se naam voorkom as 'n vennoot in die vennootskaps-ooreenkoms wat by die Raad ingedien is en wat aan die bepalings van artikel 71 (2) van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), moet voldoen;"

(2) Voeg die volgende nuwe omskrywing in na die omskrywing "stukwerk":

"'proefwerknemer' 'n werknemer vir wie lone voorgeskryf word en wat in diens is van 'n spesifieke bedryfsinrigting vir 'n proeftydperk van twee weke om die werkgever in staat te stel om te bepaal of die werknemer die werksaamhede in Hoofstuk II of Hoofstuk III van die Ooreenkoms bedoel, kan uitvoer;"

(3) Voeg die volgende nuwe omskrywing in na die omskrywing "besoldiging":

"'personeelverminderingstoelae' die bedrag wat ooreenkomstig klousule 8 (soos hieronder gewysig) betaal moet word aan 'n werknemer wat afgedank is;"

(4) Vervang die omskrywing "werkende eienaar" of "werkende vennoot" deur die volgende omskrywing:

"'werkende werkgever' iemand, uitgesonderd 'n vennoot of direkteur in 'n vennootskap of maatskappy of 'n lid van 'n beslote korporasie wat lid is van die Bedding Manufacturers' Association of the Transvaal, wat self werk verrig in engeen van die werksaamhede bedoel in Hoofstuk II of Hoofstuk III van die Ooreenkoms en wat—

- (a) kragtens klousule 18 as 'n werkgever geregistreer is of moet wees; of
- (b) 'n vennoot is in 'n vennootskap wat kragtens klousule 18 as 'n werkgever geregistreer is of moet wees; of
- (c) 'n direkteur is van 'n maatskappy wat kragtens klousule 18 as 'n werkgever geregistreer is of moet wees; of
- (d) 'n lid is van 'n beslote korporasie wat kragtens klousule 18 as 'n werkgever geregistreer is of moet wees;"

3. KLOUSULE 4.—SLUITING VAN BEDRYFSINRIGTINGS VIR DIE JAARLIKSE VAKANSIESLUITING

Vervang klousule 4 deur die volgende:

"4. SLUITING VAN BEDRYFSINRIGTINGS VIR DIE JAARLIKSE VAKANSIESLUITING

Geen werkgever mag werk verrig of van 'n werknemer vereis of hom toelaat om werk te verrig nie, en geen werknemer mag werk onderneem of verrig, teen besoldiging al dan nie, gedurende die volgende tydperke nie:

- (1) 1986/87:
 - (a) Vanaf die aand van Vrydag 12 Desember 1986, tot die heropeningstyd op die oggend van Donderdag, 8 Januarie 1987; of
 - (b) vanaf die aand van Vrydag 19 Desember 1986, tot die heropeningstyd op die oggend van Woensdag, 14 Januarie 1987;
- (2) 1987/1988
 - (c) vanaf die aand van Vrydag, 11 Desember 1987, tot die heropeningstyd op die oggend van Donderdag, 7 Januarie 1988; of
 - (d) vanaf die aand van Vrydag, 18 Desember 1987, tot die heropeningstyd op die oggend van Woensdag, 13 Januarie 1988."

4. KLOUSULE 8.—KORTTYD

(1) Vervang die opskrif van klousule 8 deur die volgende:

"8. KORTTYD EN PERSONEELVERMINDERINGSTOELAE"

(2) Vervang subklousule (2) deur die volgende:

"(2) Wanneer korttyd gewerk word, moet die beskikbare werk verdeel word onder die werknemers wat geraak is in 'n seksie, en as daar bevind word dat dit nodig is om werknemers af te dank, moet die werknemers wat afgedank gaan word 'n personeelverminderingstoelae van een week se gewone lone vir elke voltooië jaar diens, onderworpe aan 'n maksimum van 12 weke se gewone lone, betaal word: Met dien verstande dat geen werknemer weens korttyd ontslaan mag word nie voordat die korttydwerkure tot minder as 35 per week oor 'n aaneenlopende tydperk van een week daal."

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall only apply in respect of employees for whom wages are prescribed in this Agreement.

CHAPTER I

2. CLAUSE 3.—DEFINITIONS

(1) Insert the following new definition after the definition "military service":

"'partner' means a person reflected as such in a partnership agreement of a partnership which is registered or is required to be registered as an employer in terms of clause 18 and—

- (a) who has powers to operate on the banking account of the employer; and/or
- (b) whose name appears as a partner in a partnership agreement lodged with the Council, which agreement shall conform to the requirements of section 71 (2) of the Labour Relations Act, Act 28 of 1956;"

(2) Insert the following new definition after the definition "piece-work":

"'probationer' means an employee for whom wages are prescribed who is engaged at a specific establishment for a probationary period of two weeks to enable the employer to assess the employee's ability to perform the operations referred to in Chapter II or Chapter III of the Agreement;"

(3) Insert the following new definition after the definition "remuneration":

"'retrenchment allowance' means the amount to be paid as prescribed in clause 8 (as amended hereunder) to an employee who has been retrenched;"

(4) Substitute the following for the definition "working proprietor" or "working partner":

"'working employer' means a person, other than a partner, or a director, in a partnership or company or a member of a close corporation which is a member of the Bedding Manufacturers' Association of the Transvaal, who himself perform any of the operations referred to in Chapter II or Chapter III of the Agreement and who—

- (a) is registered as an employer in terms of clause 18, or is liable to such registration; or
- (b) is a partner in a partnership which is registered as an employer in terms of clause 18, or is liable to such registration; or
- (c) is a director of a company which is registered as an employer in terms of clause 18, or is liable to such registration; or
- (d) is a member of a close corporation which is registered as an employer in terms of clause 18, or is liable to such registration;"

3. CLAUSE 4.—CLOSING OF ESTABLISHMENTS FOR ANNUAL HOLIDAY SHUT-DOWN

Substitute the following for clause 4:

"4. CLOSING OF ESTABLISHMENTS FOR ANNUAL HOLIDAY SHUT-DOWN

No employer shall perform work or require or allow an employee to perform work and no employee shall undertake or perform work, whether for remuneration or not, during the following periods:

- (1) 1986/1987:
 - (a) From the evening of Friday, 12 December 1986, to re-opening time on the morning of Thursday, 8 January 1987; or
 - (b) from the evening of Friday, 19 December 1986, to re-opening time on the morning of Wednesday, 14 January 1987;
- (2) 1987/1988:
 - (c) from the evening of Friday, 11 December 1987, to re-opening time on the morning of Thursday, 7 January 1988; or
 - (d) from the evening of Friday, 18 December 1987, to re-opening time on the morning of Wednesday, 13 January 1988."

4. CLAUSE 8.—SHORT-TIME

(1) Substitute the following for the heading of clause 8:

"8. SHORT-TIME AND RETRENCHMENT ALLOWANCE"

(2) Substitute the following for subclause (2):

"(2) When short-time is worked, the work available shall be distributed amongst the employees affected in any section, and should it be found necessary to dismiss any employees, the employees to be dismissed shall be paid a retrenchment allowance of one week's normal wage for each completed year of service, subject to a maximum of 12 weeks' normal wages: Provided that no employee shall be dismissed by reason of short-time until the hours of work on short-time fall below 35 per week over a continuous period of one week."

5. KLOUSULE 13.—VAKANSIEBONUSFONDS

In subklousule (1) (a), voeg die volgende nuwe voorbehoudsbepaling (iv) in:

“(iv) die besoldiging van 'n werkende werkgewer vir die toepassing van hierdie klousule geag moet word die loon te wees wat vir die hoogs-besoldigde werknemer in hierdie Ooreenkoms voorgeskryf word.”

6. KLOUSULE 18.—REGISTRASIE VAN WERKGEWERS

Vervang subklousule (2) deur die volgende:

“(2) Waar die werkgewer 'n vennootskap of 'n beslote korporasie is, moet die inligting wat in subklousule (1) vereis word in verband met elkeen van die vennote of die lede van die beslote korporasie verstrek word, asook die naam waaronder die vennootskap of die beslote korporasie sake doen, tesame met 'n kopie van die vennootskapsooreenkoms of die stigtingsverklaring van die beslote korporasie, na gelang van die geval.”

7. KLOUSULE 19.—WERKENDE EIENAARS EN VENNOTE

Vervang klousule 19 deur die volgende:

“19. WERKENDE WERKGEWERS

Alle werkende werkgewers moet voldoen aan klousules 7 (1), 10 en 13.”

8. KLOUSULE 29.—LEERLINGE

(1) In subklousule (5) (a), voeg die uitdrukking “, uitgesonderd 'n leerling graad IV”, in na die woorde “'n Leerling”.

(2) Voeg die volgende nuwe subklousule (5) (d) in:

“(5) (d) Die werksaamhede waarvoor 'n leerlingskap graad IV toegestaan kan word, is omskryf in klousule 7 van Hoofstuk II in 'n getalsverhouding van een leerling tot 10 werknemers graad IV: Met dien verstande dat sodanige leerlingskappe slegs toegestaan kan word ten opsigte van geheel en al nuwe werknemers wat in die Nywerheid in diens geneem word. Die leertydperk vir werksaamhede graad IV is 12 maande.”

(3) Voeg die volgende voorbehoudsbepaling in aan die einde van subklousule (10):

“: Met dien verstande dat geen sertifikaat of diploma uitgereik word aan 'n werknemer wat 'n leerlingskap graad IV voltooi het nie.”

9. HOOFSTUK II.—MINIMUM LONE

Vervang Hoofstuk II deur die volgende:

“HOOFSTUK II.—MINIMUM LONE”**1. Loonsverhoging**

Onderstaande is die minimum weklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom: Met dien verstande dat die minimum voorgeskrewe loon by elke geleentheid ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet, ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

<i>Werklike verdienste</i>	<i>Tydperk beginnende 1/7/87</i>
Werknemers graad I wat R118,44 of meer per week verdien	Weekloon moet verhoog word met R10,12
Werknemers graad IA wat R113,16 of meer per week verdien	Weekloon moet verhoog word met R10,12
Werknemers graad II wat R106,82 of meer per week verdien	Weekloon moet verhoog word met R10,12
Werknemers graad III wat R94,49 of meer per week verdien	Weekloon moet verhoog word met R10,12
Werknemers graad IIIA wat R91,10 of meer per week verdien	Weekloon moet verhoog word met R10,12
Werknemers graad IV wat R79,62 of meer per week verdien	Weekloon moet verhoog word met R10,12
<i>Werklike verdienste</i>	<i>Tydperk beginnende 1/7/87</i>
Werknemers graad I wat R128,56 of meer per week verdien	Weekloon moet verhoog word met R11,88
Werknemers graad IA wat R123,28 of meer per week verdien	Weekloon moet verhoog word met R11,88
Werknemers graad II wat R116,94 of meer per week verdien	Weekloon moet verhoog word met R11,88
Werknemers graad III wat R104,61 of meer per week verdien	Weekloon moet verhoog word met R11,88
Werknemers graad IIIA wat R101,22 of meer per week verdien	Weekloon moet verhoog word met R11,88
Werknemers graad IV wat R89,74 of meer per week verdien	Weekloon moet verhoog word met R11,88

5. CLAUSE 13.—HOLIDAY BONUS FUND

In subclause (1) (a), insert the following new proviso (iv):

“(iv) the remuneration of a working employer for the purposes of this clause shall be deemed to be the wage prescribed for the highest paid employee in this Agreement.”

6. CLAUSE 18.—REGISTRATION OF EMPLOYERS

Substitute the following for subclause (2):

“(2) Where the employer is a partnership or a close corporation, information in accordance with subclause (1) regarding each of the partners or members of the close corporation, as well as the title under which the partnership or close corporation operates, shall be furnished, in addition to a copy of the partnership agreement or founding statement of the close corporation, as the case may be.”

7. CLAUSE 19.—WORKING PROPRIETORS AND PARTNERS

Substitute the following for clause 19:

“19. WORKING EMPLOYERS

All working employers shall observe the provisions of clauses 7 (1), 10 and 13.”

8. CLAUSE 29.—LEARNERS

(1) In subclause 5 (a), insert the expression “, excluding a Grade IV learner”, after the words “A learner”.

(2) Insert the following new subclause (5) (d):

“(5) (d) The operations in respect of which Grade IV learnership may be granted are defined under clause 7 of Chapter II in a ratio of one learner to 10 Grade IV employees: Provided that such learnership may only be granted in respect of an entirely new employee engaged in the Industry. The period of learnership in Grade IV operations shall be for a period of 12 months.”

(3) Add the following proviso to subclause (10):

“Provided that no certificate or diploma shall be issued to an employee who has completed a Grade IV learnership period.”

9. CHAPTER II.—MINIMUM WAGES

Substitute the following for Chapter II:

“CHAPTER II.—MINIMUM WAGES”**1. Wage increases**

The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion the minimum prescribed wage has to be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed wage for the class of work performed by him shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for that wage category:

<i>Actual earnings</i>	<i>For period ending 30/6/87</i>
Grade I employees earning R118,44 per week or more	Weekly wage to be increased by R10,12.
Grade IA employees earning R113,16 per week or more	Weekly wage to be increased by R10,12.
Grade II employees earning R106,82 per week or more	Weekly wage to be increased by R10,12.
Grade III employees earning R94,49 per week or more	Weekly wage to be increased by R10,12.
Grade IIIA employees earning R91,10 per week or more	Weekly wage to be increased by R10,12.
Grade IV employees earning R79,62 per week or more	Weekly wage to be increased by R10,12.
<i>Actual earnings</i>	<i>Period commencing 1/7/87</i>
Grade I employees earning R128,56 per week or more	Weekly wage to be increased by R11,88.
Grade IA employees earning R123,28 per week or more	Weekly wage to be increased by R11,88.
Grade II employees earning R116,94 per week or more	Weekly wage to be increased by R11,88.
Grade III employees earning R104,61 per week or more	Weekly wage to be increased by R11,88.
Grade IIIA employees earning R101,22 per week or more	Weekly wage to be increased by R11,88.
Grade IV employees earning R89,74 per week or more	Weekly wage to be increased by R11,88.

MINIMUM LONE

A. ONDERHOUD EN HERSTEL VAN MASJENE

	Tydspek eindi- gende 30/6/87	Vanaf 1/7/87
	R	R
2. <i>Werknemer graad I</i>	128,56	140,44
Onderhoudsmonteerwerk.		

B. MATRASMAAK

3. <i>Werknemer graad II</i>	116,94	128,82
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Werknemers in diens in een of meer van die werksaamhede wat in die Beddegoednywerheid uitgevoer word, uitgesonderd die werksaamhede in klousules 2 en 4 tot 9 bedoel: Met dien verstande dat ten opsigte van werksaamhede betreffende enige nuwe masjien wat ingevoer word en wat nie in klousules 4 tot en met 9 gespesifiseer word nie, werknemers vir sodanige werksaamhede betaal moet word teen die minimum lone in hierdie klousule voorgeskryf tot tyd en wyl die Raad die loonskaal vasstel vir die werksaamhede met so 'n masjien uitgevoer.

4. <i>Werknemer graad IIIA</i>	101,22	113,10
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Die matrasmaker bystaan in een of meer van die volgende werksaamhede:

- (1) 'n Vulmasjien bedien;
- (2) rame vir deurstikmasjiene opstel;
- (3) kussinkies aan veereenhede heg;
- (4) matrasrande aan veereenhede heg;
- (5) matraspaneel aan veereenhede heg (nie 'n bandsom-of rolsoommassien bedien nie);
- (6) vulsel op veereenhede sprei.

C. STOFFERING VAN RAAMVEER-, BEDBASIS- OF ATELJEERUSBANKE

5. <i>Werknemer graad II</i>	116,94	128,82
Alle soorte basisse (veer- of vaste) stoffeer.		

D. MATRASNAAISTER

6. <i>Werknemer graad III</i>	104,61	116,49
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- (1) Die naai van matrasslope;
- (2) die uitsny van matrasbinneslope en/of dele van matrasbinneslope en/of oortreksels vir matrasbinneslope.

E. ALGEMENE WERKSAAMHEDE

7. <i>Werknemer graad IV</i>	89,74	101,62
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- (1) Heliese vere en/of ketting en/of hoepelyster wat uitsluitlik as stut vir 'n los stoelkussing moet dien, aanheg;
- (2) rubberstroke wat uitsluitlik as stut vir 'n los stoelkussing moet dien, aanheg;
- (3) heliese vere en/of ketting en/of sigsag- of nie-sakveerwerk aanheg en/of hoepelyster aan los matte en/of rugleunings van eetkamerstoele heg, maar uitgesonderd 'n veerrand aan rugleunings en/of matte en/of arms van rame bou;
- (4) sisal- en/of klapperhaarkussinkies aan veerkussingeenhede heg;
- (5) platforms sny vir die bedekking van heliese vere;
- (6) die arm- en/of rugleuning van ateljeerusbanke in posisie vasbout waar die verbindingspunte vooraf bepaal en/of gereed gemaak is deur boorwerk of andersins;
- (7) bedveerrame vasbout en/of monteer en/of inkam en/of vooraf geboorde gate ruim en/of suiwer maak;
- (8) spoel vir alle tipes naaldmasjiene gereed maak;
- (9) deurgestikte rande volgens lengte sny;
- (10) gaatjies in matrasrande pons;
- (11) handvatsels en/of ventileerders aan matrasrande sit;
- (12) 'n deurvlegmasjien opstel en/of bedien en/of werk daarmee verrig;
- (13) kussinkies sny;
- (14) bedveerrame met die hand beits of vernis;
- (15) hingsels aansit;
- (16) lusse aan naalde in 'n drukdeurstikmasjien hang;

MINIMUM WAGES

A. MACHINE MAINTENANCE AND REPAIRING

	For period ending 30/6/87	From 1/7/87
	R	R
2. <i>Grade I employee</i>	128,56	140,44
Maintenance fitting.		

B. MATTRESS MAKING

3. <i>Grade II employee</i>	116,94	128,82
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Employees employed in any or all of the operations performed in the Bedding Manufacturing Industry, with the exception of the operations referred to in clauses 2 and 4 to 9: Provided that in respect of the operations relating to any new machine introduced and not specified in clauses 4 to 9 inclusive, employees shall be paid for such operations at the minimum wage prescribed in this clause until such time as the Council determines the wage rate for the operations performed on such machine.

4. <i>Grade IIIA employee</i>	101,22	113,10
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Assisting mattress maker in one or more of the following operations:

- (1) Operating a filling machine;
- (2) preparing frames for quilting machine;
- (3) securing pads to spring units;
- (4) securing mattress borders to spring units;
- (5) securing mattress panels to spring units (not operating tape edge machine or the roll edge machine);
- (6) laying out filling materials on spring units.

C. UPHOLSTERING OF BOX SPRING, BED BASES OR STUDIO COUCHES

5. <i>Grade II employee</i>	116,94	128,82
Upholstering all bases, spring or firm.		

D. MATTRESS SEAMSTERS

6. <i>Grade III employees</i>	104,61	116,49
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- (1) Sewing of mattress covers;
- (2) cutting of mattress cases and/or parts of mattress cases and/or covers for mattress cases.

E. GENERAL OPERATIONS

7. <i>Grade IV employee</i>	89,74	101,62
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- (1) Affixing helical springs and/or chain and/or hoop iron for the sole purpose of serving as a support for a loose cushion;
- (2) affixing rubber strips for the sole purpose of serving as a support for a loose cushion;
- (3) affixing a helical spring and/or chain and/or zig-zag or no-sag type of springing and/or affixing hoop iron to loose mats and/or backs for dining-room chairs, but excluding the building of a spring edge on backs and/or seats and/or arms of frames;
- (4) securing sisal and/or coir pads to spring cushion units;
- (5) cutting of platforms used for covering helical springs;
- (6) bolting in position arms and/or backs of studio couches where the points of conjunction have been predetermined and/or prepared by means of drilling or otherwise;
- (7) bolting and/or assembling and/or meshing of bedspring frames and/or enlarging and/or truing up drilled holes;
- (8) preparing spools for any type of needling machine;
- (9) cutting quilted borders to length;
- (10) punching holes in mattress borders;
- (11) fitting handles and/or ventilators to mattress borders;
- (12) setting up and/or operating an interlacing machine and/or performing work therewith;
- (13) cutting pads;
- (14) staining and/or varnishing of bed spring frames by hand;
- (15) affixing lugs;
- (16) hanging loops on needles in compression tufting;

	<i>Tydperk eindi- gende 30/6/87</i>	<i>Vanaf 1/7/87</i>
	R	R
(17) 'n doekspreimasjien laai en/of stoot en/of bedien of werk daarmee verrig;		
(18) 'n pluus- en/of baaloopmaak- en/of baalbreek-en/of skuimkerfmasjien bedien en/of werk daarmee verrig;		
(19) 'n lusmaakmasjien opstel en/of bedien en/of werk daarmee verrig;		
(20) lusse aan knope en/of klossies werk;		
(21) veereenhede aan bedrame heg, uitgesonderd 'n fondament vir 'n raamveer bou;		
(22) sisal- en/of klapperhaarkussinkies met die hand aan binneveereenhede heg;		
(23) stoelkussingoottreksels en/of peule opstop met vulsel, uitgesonderd met binnevere;		
(24) vulsel in touvorm losdraai;		
(25) knope en/of klossies maak;		
(26) die stoffeerder help deur oortreksel vir 'n loskussing vas te hou;		
(27) 'n versendingsklerk, stoorman of tydbeampte bystaan;		
(28) bandversiering en/of kraallyste maak;		
(29) klaar gesnyde materiaal sorteer nadat dit by die grootmaat uitgesny is;		
(30) klaargemaakte stoelkussings vir aflewering nagaan en/of gereed maak;		
(31) skuimrubber volgens grootte sny;		
(32) rubberstroke sny;		
(33) skuimrubber aanmekeer heg;		
(34) skuimrubber aan materiaal heg slegs vir deurstikwerk;		
(35) massameting;		
(36) beddegoed uitmekaarhaal;		
(37) ketting en/of draad en/of hoepelyster en/of vierkantige en/of ruitvormige maasskakels sny;		
(38) rollers vir deurstikmasjiene gereed maak;		
(39) skuimrubber- en/of plastiekblokke in matrasslope insit;		
(40) artikels in karton, papier, plastiek of soortge-lyke materiaal toedraai en verpak;		
(41) persele, voertuie, masjinerie, implemente, gereedskap, gerei en ander artikels skoonmaak;		
(42) voertuie op- of aflaai en op afleweringvoer- tuie help;		
(43) artikels dra, verskuif, opstapel of uitpak;		
(44) boodskappe, briewe of ander artikels te voet of per fiets, driewiel of ander hand- of voetvoertuig aflewer of vervoer;		
(45) drank maak en/of bedien;		
(46) karton of voeringmateriaal aan bedbassis- se heg;		
(47) los werknemer R2,23 per uur en R2,50 per uur vanaf 1/7/87.		

F. DIVERSE—HULPWERKSAAMHEDE

8. <i>Werknemer graad IA</i>	123,28	135,16
(1) Versendingsklerk;		
(2) stoorman;		
(3) tydbeampte;		
(4) sweiswerk, uitgesonderd puntsweiswerk.		
9. <i>Werknemer graad III</i>	104,61	116,49
(1) Opsigter;		
(2) wag;		
(3) puntsweiswerk;		
(4) T-moere vasheg slegs deur middel van kram- werk.		

G. VOORMANNE, ONDERBASE, TOESIGHOUERS EN ONDERBASE
GRAAD IV

(1) Voormanne en Toesighouers	158,56	170,44
(2) Onderbase	148,56	160,44
(3) Onderbase graad IV	97,74	111,62

	<i>For period ending 30/6/87</i>	<i>From 1/7/87</i>
	R	R
(17) loading and/or wheeling and/or operating a cloth spreading machine or performing work there-with;		
(18) operating a teasing and/or bale opening and/or bale breaking machine and/or foam chipping machine and/or performing work therewith;		
(19) setting up and/or operating a loop making machine and/or performing work therewith;		
(20) attaching loops to buttons and/or tufts;		
(21) attaching spring units to bed frames, exclud- ing the building of a foundation for a box spring;		
(22) affixing of sisal and/or coir pads by hand to interior spring units;		
(23) filling cushion covers and/or bolsters with filling material other than spring interiors;		
(24) unwinding filling materials in rope form;		
(25) making buttons and/or tufts;		
(26) assisting upholsterer in holding cover serving as a support for a loose cushion;		
(27) assisting a despatch clerk, storeman or time-keeper;		
(28) making banding and/or beading;		
(29) sorting of ready-cut materials after bulk cut- ting;		
(30) regulating and/or preparing completed cush- ions for delivery;		
(31) cutting foam rubber to size;		
(32) cutting rubber strips;		
(33) joining together foam rubber;		
(34) affixing foam rubber to material for quilting purposes only;		
(35) mass-measuring;		
(36) stripping of bedding;		
(37) cutting chain and/or wire and/or hoop iron and/or square and/or diamond mesh links;		
(38) preparing rollers for quilting machines;		
(39) inserting of foam rubber and/or plastic blocks into mattress cases;		
(40) wrapping and packing articles in cardboard, paper, plastic or similar material;		
(41) cleaning premises, vehicles, machinery, implements, tools, utensils and other articles;		
(42) loading or unloading vehicles and assisting on delivery vehicles;		
(43) carrying, moving, stacking or unpacking articles;		
(44) delivering or conveying messages, letter or other articles on foot or by means of a bicycle, tri- cycle or other hand or foot-propelled vehicle;		
(45) making and/or serving beverages;		
(46) affixing of cardboard or lining materials to bed bases;		
(47) casual employee R2,23 per hour and R2,50 per hour from 1/7/87.		

F. MISCELLANEOUS—ANCILLARY OCCUPATIONS

8. <i>Grade IA employee</i>	123,28	135,16
(1) Despatch clerk;		
(2) storeman;		
(3) timekeeper;		
(4) welding, other than spotwelding.		
9. <i>Grade III employee</i>	104,61	116,49
(1) Caretaker;		
(2) watchman;		
(3) spotwelding;		
(4) affixing of "T" nuts by means of stapling only.		

G. FOREMEN, CHARGEHANDS AND SUPERVISORS AND
GRADE IV CHARGEHANDS

(1) Foremen, supervisors	158,56	170,44
(2) Chargehands	148,56	160,44
(3) Grade IV chargehands	97,74	111,62

H. LEERLINGE

(1) Leerlinge gemagtig ingevolge klousule 29 (1) van Hoofstuk I van hierdie Ooreenkoms, wat die werk van naaiers en/of naaisters onder werknemer graad III leer en leerlinge onder werknemer graad I en/of graad II moet, ondanks die minimum loon wat gespesifiseer word op die sertifikaat wat ingevolge klousule 29 (3) en (4) van Hoofstuk I deur die Raad uitge-reik word, minstens die volgende loon per week betaal word:

- Gedurende eerste ses maande van leertyd: 80 persent;
- gedurende tweede ses maande van leertyd: 85 persent;
- gedurende derde ses maande van leertyd: 90 persent;
- gedurende vierde ses maande van leertyd: 95 persent;

van die minimum voorgeskrewe loon vir werknemers graad I, graad II of graad III, na gelang van die geval.

(2) Die minimum weekloon betaalbaar aan 'n leerling graad IV, goedgekeur kragtens klousule 29 (5) (d) van Hoofstuk I, moet nie minder as die volgende wees nie:

- Gedurende die eerste ses maande van leerlingstyd: 60 persent;
- gedurende die tweede ses maande van leerlingstyd: 80 persent;

van die minimum voorgeskrewe loon vir 'n werknemer graad IV.

I. JEUGDIGE WERKNEMERS

(1) Jeugdige manlike werknemers werksaam in 'n ambag of deel van 'n ambag aangewys kragtens die Wet op Mannekragopleiding, 1981, moet gedurende die gemagtigde proeftyd minstens die lone betaal word wat kragtens genoemde Wet voorgeskryf word.

(2) *Alle ander jeugdige.*—Alle ander jeugdige moet die minimum loon betaal word wat in hierdie Ooreenkoms voorgeskryf word vir werknemers in diens in dieselfde klas werk."

10. HOOFSTUK III, KLOUSULE B.—LOONSVERHOEGINGS EN MINIMUM LONE

(1) Vervang subklousule (1) deur die volgende:

(1) Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom: Met dien verstande dat die minimum voorgeskrewe loon by elke geleentheid ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet, ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

Indeling	Tydperk eindigende 30/6/87
Drywer ingedeel onder 1 (a) (i)	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (a) (ii)....	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (a) (iii)...	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (a) (iv) en (b)	Weekloon moet verhoog word met R10,12
Drywer ingedeel onder 1 (c).....	Weekloon moet verhoog word met R10,12
Indeling	Tydperk beginnende 1/7/87
Drywer ingedeel onder 1 (a) (i)	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (ii)....	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (iii)...	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (a) (iv) en (b)	Weekloon moet verhoog word met R11,88
Drywer ingedeel onder 1 (c).....	Weekloon moet verhoog word met R11,88

Loonvragte	Tydperk eindigende 30/6/87	Vanaf 1/7/87
	R	R
(a) Drywer van 'n motorvoertuig, uitgesonderd 'n stoomwa, wat gelisensieer is om 'n loonvrag te dra of te trek van—		
(i) minder as 2 722 kg (6 000 lb).....	97,84	109,72
(ii) 2 722 kg (6 000 lb) en meer, maar hoogstens 4 536 kg (10 000 lb).....	102,19	114,07
(iii) meer as 4 536 kg (10 000 lb) maar hoogstens 6 350 kg (14 000 lb).....	107,03	118,91
(iv) meer as 6 350 kg (14 000 lb).....	111,86	123,74
(b) Drywer van 'n stoomwa.....	111,86	123,74
(c) Drywer van 'n vorkhefswa, trekker, bromponie, passasiersmotor.....	89,74	101,62

H. LEARNERS

(1) Learners authorised in terms of clause 29 (1) of Chapter I of this Agreement employed in learning seamsters' and/or seamstresses' work under Grade III employee and learners under Grade I and/or Grade II employee shall, notwithstanding the minimum wage specified on the certificate issued by the Council in terms of clause 29 (3) and (4) of Chapter I, be paid not less per week than the following wage:

- During the first six months of learnership: 80 per cent;
- during the second six months of learnership: 85 per cent;
- during the third six months of learnership: 90 per cent;
- during the fourth six months of learnership: 95 per cent;

of the minimum prescribed rate for Grade I or Grade II or Grade III employees, as the case may be.

(2) The minimum weekly wage to be paid to a Grade IV learner, authorised in terms of clause 29 (5) (d) of Chapter I, shall be not less than the following:

- During the first six months of learnership: 60 per cent;
- during the second six months of learnership: 80 per cent;

of the minimum prescribed rate for a Grade IV employee.

I. JUVENILE EMPLOYEES

(1) Juvenile Male employees engaged in a trade or part of a trade designated under the Manpower Training Act, 1981, during the authorised probationary period, shall be paid not less than the wages prescribed in terms of the provisions of the said Act.

(2) *All other juveniles.*—All other juveniles shall be paid the minimum wage prescribed in this Agreement for employees employed on the same class of work."

10. CHAPTER III, CLAUSE B.—WAGE INCREASES AND MINIMUM WAGES

(1) Substitute the following for subclause (1):

"(1) The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion the minimum prescribed rate shall be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed rate for the class of work performed by him shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for that wage category:

Classification	For period ending 30/6/87
Driver classified under (1) (a) (i)...	Weekly wage to be increased by R10,12.
Driver classified under (1) (a) (ii)	Weekly wage to be increased by R10,12.
Driver classified under (1) (a) (iii)	Weekly wage to be increased by R10,12.
Driver classified under (1) (a) (iv) and (b)	Weekly wage to be increased by R10,12.
Driver classified under (1) (c)	Weekly wage to be increased by R10,12.
Classification	Period commencing 1/7/87
Driver classified under 1 (a) (i).....	Weekly wage to be increased by R11,88.
Driver classified under 1 (a) (ii)....	Weekly wage to be increased by R11,88.
Driver classified under 1 (a) (iii)...	Weekly wage to be increased by R11,88.
Driver classified under 1 (a) (iv) and (b)	Weekly wage to be increased by R11,88.
Driver classified under 1 (c)	Weekly wage to be increased by R11,88.

Pay-Loads	For period ending 30/6/87	From 1/7/87
	R	R
(a) Driver of a motor vehicle other than a steam wagon, authorised to carry or haul a payload of—		
(i) under 2 722 kg (6 000 lb).....	97,84	109,72
(ii) 2 722 kg (6 000 lb) and over, but not exceeding 4 536 kg (10 000 lb).....	102,19	114,07
(iii) over 4 536 kg (10 000 lb), not not exceeding 6 350 kg (14 000 lb).....	107,03	118,91
(iv) over 6 350 kg (14 000 lb).....	111,86	123,74
(b) Driver of a steam wagon.....	111,86	123,74
(c) Driver of fork lift, tractor, scooter, passenger car.....	89,74	101,62

Loonvragte	Tydperk eindigende 30/6/87	Vanaf 1/7/87
	R	R
(d) Los drywer van 'n motorvoertuig, uitgesonderd 'n stoomwa, wat gelisensieer is om (vir 'n tydperk van nege uur of minder as nege uur per dag) 'n loonvrag te dra of te trek van—		
(i) minder as 2 722 kg (6 000 lb).....	19,86	22,27
(ii) 2 722 kg (6 000 lb) en meer, maar hoogstens 4 356 kg (10 000 lb).....	20,58	23,04
(iii) meer as 4 536 kg (10 000 lb), maar hoogstens 6 350 kg (14 000 lb).....	21,85	24,25
(iv) meer as 6 350 kg (14 000 lb).....	22,81	25,25
(e) Los drywer van 'n stoomwa.....	22,81	25,25
(f) Los drywer van 'n vrkhuyswa, trekker, bromponie, passasiersmotor.....	19,26	21,74

Met dien verstande egter dat geen werknemer op grond van enige bepaling van hierdie klousules te eniger tyd 'n laer loon betaal mag word as die wat hy ontvang het of wat hy geregtig sou gewees het om te ontvang in sy besondere pos op die datum waarop hierdie Ooreenkoms in werking tree nie."

(2) Vervang subklousule (6) deur die volgende:

"(6) *Verblyftoelae*.—'n Werkgewer moet, benewens ander besoldiging wat verskuldig is, aan sy werknemer wat tydens 'n reis onderneem vir die vervulling van sy pligte, van sy woonplek en sy werkgewer se bedryfsinrigting afwesig is vir 'n tydperk van een of meer nagte, minstens die volgende verblyftoelae betaal:

(a) Waar dit vir die werknemer nodig is om 'n aandete en bed te bekom: R7,00;

(b) waar dit vir die werknemer nodig is om 'n aandete, bed en ontbyt te bekom: R9,00

(c) waar dit vir die werknemer nodig is om 'n bed, ontbyt, middag- en aandete te bekom: R11,00."

Namens die partye op hede die 21ste dag van Mei 1986 te Johannesburg onderteken.

I. LASAROW,

Voorsitter van die Raad.

S. M. LE ROUX,

Ondervoorsitter van die Raad.

P. C. SMIT,

Sekretaris van die Raad.

Pay-Loads	For period ending 30/6/87	From 1/7/87
	R	R
(d) Casual driver of a motor vehicle, other than a steam wagon, authorised to carry or haul a pay-load of (for any period of nine hours or less per day)—		
(i) under 2 722 kg (6 000 lb).....	19,86	22,27
(ii) 2 722 kg (6 000 lb) and over but not exceeding 4 536 kg (10 000 lb).....	20,58	23,04
(iii) over 4 536 kg (10 000 lb), but not exceeding 6 350 kg (14 000 lb).....	21,85	24,25
(iv) over 6 350 kg (14 000 lb).....	22,81	25,25
(e) Casual driver of a steam wagon.....	22,81	25,25
(f) Casual driver of a fork lift, tractor, scooter, passenger car.....	19,26	21,74

Provided, however, that no employer shall at any time, by reason of any provision of these clauses be paid a wage less than that which he received or would have been entitled to receive in his particular post as at the date on which this Agreement comes into operation."

(2) Substitute the following for subclause (6):

"(6) *Subsistence allowance*.—An employer shall, in addition to any other remuneration due, pay his employee who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period extending over one or more nights, a subsistence allowance of not less than—

(a) where it is necessary for the employee to obtain an evening meal and bed: R7,00;

(b) where it is necessary for the employee to obtain an evening meal, bed and breakfast: R9,00;

(c) where it is necessary for the employee to obtain bed, breakfast, lunch and evening meal: R11,00."

Signed at Johannesburg, on behalf of the parties, this 21st day of May 1986.

I. LASAROW,

Chairman of the Council.

S. M. LE ROUX,

Vice-Chairman of the Council.

P. C. SMIT,

Secretary of the Council.

No. R. 1904

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

BAK- EN OF BANKETNYWERHEID (KAAP).—WYSIGING VAN OPLEIDINGSFONDSOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 1987 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30

No. R. 1904

12 September 1986

LABOUR RELATIONS ACT, 1956

BAKING AND/OR CONFECTIONERY INDUSTRY (CAPE).—AMENDMENT OF TRAINING FUND AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 April 1987, upon the employers' organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union; and

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period

April 1987 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE BAK- EN/OF BANKETNYWERHEID (KAAP)

OPLEIDINGSFONDSOOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen

Western Cape Bakers' Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en

Bakery Employees' Industrial Union

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bak- en/of Banketnywerheid (Kaap),

om die Opleidingsfondsooreenkoms, gepubliseer by Goewermentskennisgewing R. 1219 van 12 Junie 1981, soos verleng by Goewermentskennisgewing R. 790 van 25 April 1986, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Bak- en/of Banketnywerheid nagekom word—

- (a) deur alle werkgewers wat lede is van die werkgewersorganisasie en deur alle werknemers wat lede is van die vakvereniging;
- (b) in die landdrosdistrikte Die Kaap, Wynberg, Simonstad, Bellville, Goodwood, Kuilsrivier, Somerset-Wes, Strand, Stellenbosch, Paarl en Wellington.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms van toepassing—

- (a) slegs op werknemers vir wie lone in die Hofooreenkoms voorgeskrif word en op die werkgewers van sodanige werknemers;
- (b) op vakleerlinge in sover as wat dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of 'n kontrak wat daarkragtens aangegaan of 'n voorwaarde wat daarkragtens bepaal is nie.

2. KLOUSULE 5.—ADMINISTRASIE VAN FONDS

1. Vervang subklousule (1) deur die volgende:

"(1) Die administrasie van die Fonds berus by 'n bestuurskomitee bestaande uit drie werkgewervertenwoordigers en drie werknemervertenwoordigers wat op 'n behoorlik gekonstitueerde vergadering van die Raad aangestel is. Vir elke vertenwoordiger moet 'n plaasvervanger deur die Raad aangestel word."

(2) In subklousule (4) en (4) (e), vervang "Raad" deur "Bestuurskomitee".

3. KLOUSULE 6.—BYDRAES TOT DIE FONDS

In subklousule (3), vervang "Raad" deur "Bestuurskomitee".

4. KLOUSULE 7.—FINANSIES

In subklousules (1) en (3), vervang "Raad" deur "Bestuurskomitee".

5. KLOUSULE 8.—ONTBINDING VAN FONDS

(1) Vervang subklousule (a) deur die volgende:

"(a) Wanneer hierdie Ooreenkoms weens verloop van tyd of weens funksiestaking om 'n ander rede verval, moet die Fonds nog deur die Bestuurskomitee geadminestreer word totdat dit oorgeplaas word na 'n ander fonds of fondse of liggaam wat vir dieselfde doel ingestel is as dié waarvoor die Opleidingsfonds in die lewe geroep is."

(2) Vervang subklousule (b) deur die volgende:

"(b) ingeval die Raad gedurende die geldigheidsduur van hierdie Ooreenkoms of 'n verlenging daarvan ontbind word, moet die Bestuurskomitee wat dan aan die bewind is, voortgaan om die Fonds te administreer.

Vakatures wat in die Komitee ontstaan, kan deur die Nywerheidsregistrator gevul word uit die geledere van die werkgewers of die werknemers, na gelang van die geval, ten einde te verseker dat die getal werkgewers- en werknemersvertenwoordigers en hul plaasvervangers in die Komitee ewe groot is."

6. KLOUSULE 9.—LIKWIDASIE

Skrap klousule 9.

ending 30 April 1987, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DU PLESSIS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BAKING AND/OR CONFECTIONERY INDUSTRY (CAPE)

TRAINING FUND AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between

Western Cape Bakers' Association

(hereinafter referred to as the "employers" or the "employers organisation"), of the one part, and

Bakery Employees' Industrial Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Baking and/or Confectionery Industry (Cape),

to amend the Training Fund Agreement published under Government Notice R. 1219 of 12 June 1981, as extended by Government Notice R. 790 of 25 April 1986.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Baking and/or Confectionery Industry—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
- (b) in the Magisterial Districts of The Cape, Wynberg, Simon's Town, Bellville, Goodwood, Kuils River, Somerset West, Strand, Stellenbosch, Paarl and Wellington.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—

- (a) apply only to employees for whom wages are prescribed in the Main Agreement, and to the employers of such employees;
- (b) apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any condition fixed thereunder.

2. CLAUSE 5.—ADMINISTRATION OF FUND

1. Substitute the following for subclause (1):

"(1) The administration of the Fund shall be vested in a management committee consisting of three employer representatives and three employee representatives appointed by a duly constituted meeting of the Council. For each representative an alternate shall be appointed by the Council."

(2) In subclause (4) and (4) (e), substitute "Management Committee" for "Council".

3. CLAUSE 6.—CONTRIBUTIONS TO THE FUND

In subclause (3), substitute "Management Committee" for "Council".

4. CLAUSE 7.—FINANCE

In subclauses (1) and (3), substitute "Management Committee" for "Council".

5. CLAUSE 8.—DISSOLUTION OF FUND

(1) Substitute the following for subclause (a):

"(a) In the event of the expiry of this Agreement by effluxion of time or cessation for any other cause, the Training Fund shall continue to be administered by the Management Committee until it be transferred by the Management Committee to any other fund or funds or other body constituted for substantially the same purposes as those for which this Training Fund was created."

(2) Substitute the following for subclause (b):

"(b) In the event of the Council being dissolved during the currency of this Agreement or any extension thereof, the Fund shall continue to be administered by the Management Committee in the office at the time.

Any vacancy occurring on the Committee may be filled by the Industrial Registrar from employers and employees, as the case may be, so as to ensure an equality of employer and employee representatives on the Committee."

6. CLAUSE 9.—LIQUIDATION

Delete clause 9.

7. KLOUSULE 10.—AGENTE

Vervang "Raad" deur "Bestuurskomitee".

8. KLOUSULE 11.—VRYSTELLINGS

Vervang "Raad" deur "Bestuurskomitee".

9. KLOUSULE 12.—VRYWARING

Vervang "Raad" deur "Bestuurskomitee".

Namens die partye op hede die 26ste dag van Mei 1986 te Kaapstad onderteken.

J. D. F. COLINESE,

Voorsitter.

S. HARRIS,

Ondervoorsitter.

J. L. CROCKER,

Sekretaris.

No. R. 1905

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

KLERASIENYWERHEID, ORANJE-VRYSTAAT EN NOORD-KAAPLAND.—HERNUWING VAN HOOF-OOREENKOMS

Ek, Mattheus Willem Johannes le Roux, Direkteur: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (4) (a) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van Goewermenskennisgewings R. 602 van 25 Maart 1983 en R. 2091 van 21 September 1984 van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 1988 eindig.

M. W. J. LE ROUX,

Direkteur: Mannekrag.

No. R. 1906

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

WASSERY-, DROOGSKOONMAAK- EN KLEUR-BEDRYF (TRANSVAAL). — VERLENGING VAN HOOF-OOREENKOMS

Ek, Mattheus Willem Johannes le Roux, Direkteur: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperke vasgestel in Goewermenskennisgewings R. 511 van 8 Maart 1985, R. 2631 van 22 November 1985, R. 519 van 21 Maart 1986 en R. 921 van 16 Mei 1986, met 'n verdere tydperk wat op 31 Desember 1987 eindig.

M. W. J. LE ROUX,

Direkteur: Mannekrag.

No. R. 1907

12 September 1986

WET OP ARBEIDSVERHOUDINGE, 1956

WASSERY-, DROOGSKOONMAAK- EN KLEUR-BEDRYF (TRANSVAAL). — VERLENGING VAN VOORSORG- EN SIEKTEBYSTANDSFONDSOOREENKOMS

Ek, Mattheus Willem Johannes le Roux, Direkteur: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperke vasgestel in Goewermenskennisgewings R. 2655 van 7 Desember 1984, R. 2632 van 22 November 1985, R. 530 van 21 Maart 1986 en R. 922 van 16 Mei 1986, met 'n verdere tydperk wat op 31 Desember 1987 eindig.

M. W. J. LE ROUX,

Direkteur: Mannekrag.

7. CLAUSE 10.—AGENTS

Substitute "Management Committee" for "Council".

8. CLAUSE 11.—EXEMPTIONS

Substitute "Management Committee" for "Council".

9. CLAUSE 12.—INDEMNITY

Substitute "Management Committee" for "Council".

Signed at Cape Town, on behalf of the parties, this 26th day of May 1986.

J. D. F. COLINESE,

Chairman.

S. HARRIS,

Vice-Chairman.

J. L. CROCKER,

Secretary.

No. R. 1905

12 September 1986

LABOUR RELATIONS ACT, 1956

CLOTHING INDUSTRY, ORANGE FREE STATE AND NORTHERN CAPE.—RENEWAL OF MAIN AGREEMENT

I, Mattheus Willem Johannes le Roux, Director: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 48 (4) (a) (ii) of the Labour Relations Act, 1956, declare the provisions of Government Notices R. 602 of 25 March 1983 and R. 2091 of 21 September 1984 to be effective from the date of publication of this notice and for the period ending 30 April 1988.

M. W. J. LE ROUX,

Director: Manpower.

No. R. 1906

12 September 1986

LABOUR RELATIONS ACT, 1956

LAUNDRY, DRY CLEANING AND DYEING TRADE (TRANSVAAL). — EXTENSION OF MAIN AGREEMENT

I, Mattheus Willem Johannes le Roux, Director: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the periods fixed in Government Notices R. 511 of 8 March 1985, R. 2631 of 22 November 1985, R. 519 of 21 March 1986 and R. 921 of 16 May 1986, by a further period ending 31 December 1987.

M. W. J. LE ROUX,

Director: Manpower.

No. R. 1907

12 September 1986

LABOUR RELATIONS ACT, 1956

LAUNDRY, DRY CLEANING AND DYEING TRADE (TRANSVAAL).—EXTENSION OF PROVIDENT AND SICK BENEFIT AGREEMENT

I, Mattheus Willem Johannes le Roux, Director: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the periods fixed in Government Notices R. 2655 of 7 December 1984, R. 2632 of 22 November 1985, R. 530 of 21 March 1986 and R. 922 of 16 May 1986, by a further period ending 31 December 1987.

M. W. J. LE ROUX,

Director: Manpower.

DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE

No. R. 1851 12 September 1986

WET OP ARGITEKTE, 1970 (WET 35 VAN 1970)

KENNISGEWING INGEVOLGE ARTIKEL 31B (2).—
BEHEERRAAD VIR LANDSKAPARGITEKTE

Ek, Lourens Albertus Petrus Anderson Munnik, Minister van Kommunikasie en van Openbare Werke, stel hierby kragtens artikel 31B (2) van die Wet op Argitekte, 1970 (Wet 35 van 1970), 'n beheerraad in wat bekend sal staan as die Beheerraad vir Landskapargitekte.

No. R. 1852 12 September 1986

REGULASIES UITGEVAARDIG KRAGTENS ARTIKEL 31B (3) VAN DIE WET OP ARGITEKTE, 1970 (WET 35 VAN 1970).—BEHEERRAAD VIR LANDSKAPARGITEKTE

Die Minister van Kommunikasie en van Openbare Werke het kragtens artikel 31B (3) van die Wet op Argitekte, 1970 (Wet 35 van 1970), die regulasies in die Bylae uitgevaardig.

BYLAE INHOUDSOPGAWE

HOOFSTUK 1

Regulasie 1: Woordomskrywing

HOOFSTUK 2

Regulasie 2: Samestelling van die beheerraad en eerste vergadering

Regulasie 3: Kwalifikasies van beheerraadslede en omstandighede waaronder hulle hul amp ontruim

Regulasie 4: Ampsduur van beheerraadslede

Regulasie 5: Algemene funksies van die beheerraad

HOOFSTUK 3

Regulasie 6: Registrasie van landskapargitekte en landskapargitekte-inopleiding

HOOFSTUK 4

Regulasie 7: Gedragskode en onbehoorlike gedrag

Regulasie 8: Ondersoek na onbehoorlike gedrag

Regulasie 9: Strawwe vir onbehoorlike gedrag

HOOFSTUK 5

Regulasie 10: Instelling en funksies van komitees

HOOFSTUK 6

Regulasie 11: Vergaderings en prosedures op vergaderings van die beheerraad en komitees van die beheerraad

AANHANGSEL A: Vereistes vir registrasie ingevolge regulasie 6

AANHANGSEL B: Registrasie- en jaargelde.

HOOFSTUK 1

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan in die Wet op Argitekte, 1970 (Wet 35 van 1970), 'n betekenis geheg is, dieselfde betekenis en beteken—

“beheerraad” die Beheerraad vir Landskapargitekte ingestel kragtens Goewermmentskennisgewing R. 1851 van 12 September 1986;

“die register” die register in regulasie 6 (13) bedoel;

“die Wet” die Wet op Argitekte, 1970 (Wet 35 van 1970);

“instituut” die Instituut van Landskapargitekte van Suidelike Afrika;

“komitee” 'n komitee ingestel kragtens regulasie 10;

“landskapargitek” iemand wat ingevolge regulasie 6 as landskapargitekte geregistreer is;

DEPARTMENT OF PUBLIC WORKS AND LAND AFFAIRS

No. R. 1851 12 September 1986

ARCHITECTS' ACT, 1970 (ACT 35 OF 1970)

NOTICE IN TERMS OF SECTION 31B (2).—BOARD
OF CONTROL FOR LANDSCAPE ARCHITECTS

I, Lourens Albertus Petrus Anderson Munnik, Minister of Communications and of Public Works, do hereby, in terms of section 31B (2) of the Architects' Act, 1970 Act 35 of 1970, establish a board of control to be known as the Board of Control for Landscape Architects.

No. R. 1852 12 September 1986

REGULATIONS MADE IN TERMS OF SECTION 31B (3) OF THE ARCHITECTS' ACT, 1970 (ACT 35 OF 1970).—BOARD OF CONTROL FOR LANDSCAPE ARCHITECTS

The Minister of Communications and of Public Works has, in terms of section 31B (3) of the Architects' Act, 1970 (Act 35 of 1970), made the regulations set out in the Schedule hereto.

SCHEDULE CONTENTS CHAPTER 1

Regulation 1: Definitions

CHAPTER 2

Regulation 2: Constitution of the board of control and first meeting

Regulation 3: Qualifications of members of the board of control and circumstances under which they shall vacate office

Regulation 4: Term of office of members of the board of control

Regulation 5: General functions of the board of control

CHAPTER 3

Regulation 6: Registration of landscape architects and of landscape architects in training

CHAPTER 4

Regulation 7: Code of conduct and improper conduct

Regulation 8: Inquiry into improper conduct

Regulation 9: Punishments for improper conduct

CHAPTER 5

Regulation 10: Establishment and functions of committees

CHAPTER 6

Regulation 11: Meetings and procedures at meetings of the board of control and committees of the board of control

ANNEXURE A: Requirements for registration in terms of regulations 6

ANNEXURE B: Registration and annual fees.

CHAPTER 1 DEFINITIONS

1. In these regulations, unless the context indicates otherwise, any expression to which a meaning has been assigned in the Architects' Act, 1970 (Act 35 of 1970), has the same meaning, and—

“board of control” means the Board of Control for Landscape Architects established in terms of Government Notice R. 1851 dated 12 September 1986;

“committee” means a committee established in terms of regulation 10;

“institute” means the Institute of Landscape Architects of Southern Africa;

“landscape architect” means a person registered as a landscape architect in terms of regulations 6;

“landscape architect in training” means a person registered as a landscape architect in training in terms of regulation 6;

“landskapargitek-in-opleiding” iemand wat ingevolge regulasie 6 as landskapargitek-in-opleiding geregistreer is; en

“landskapargitek-instituut” enige vereniging van landskapargitek- of van landskapargitek- en landskapargitek-in-opleiding wat deur die beheerraad erken word.

HOOFTUK 2

SAMESTELLING VAN DIE BEHEERRAAD EN EERSTE VERGADERING

2. (1) Die Beheerraad bestaan uit die volgende lede wat deur die Minister aangestel moet word, naamlik—

- (a) een persoon wat 'n dosent in landskapargitektuur aan 'n Suid-Afrikaanse universiteit moet wees en wat deur die Komitee van Universiteitshoofde genomineer moet word;
- (b) twee persone met ondervinding in landskapargitektuur van wie minstens een in diens van die Staat moet wees;
- (c) een persoon deur die raad aangewys; en
- (d) vyf persone genomineer deur die instituut.

(2) Wanneer 'n nominasie of 'n aanwysing ingevolge subregulasie (1) (a), (c) of (d) nodig word, moet die Minister die betrokke liggaam deur skriftelike kennisgewing in kennis stel om binne 'n tydperk in die kennisgewing vermeld, maar minstens 60 dae vanaf die datum van die kennisgewing, soveel persone te nomineer of aan te wys, na gelang van die geval, as wat deur die liggaam vir aanstelling in die beheerraad as lede of plaasvervangende lede genomineer of aangewys moet word.

(3) Vir elke lid van die beheerraad ingevolge subregulasie (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as die betrokke lid aangestel word, en 'n plaasvervangende lid aldus aangestel kan 'n vergadering van die beheerraad bywoon en aan die verrigtinge daarvan deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel is, van bedoelde vergadering afwesig is;

(4) Die eerste vergadering van die beheerraad word gehou op 'n tyd en plek deur die Minister vasgestel.

KWALIFIKASIES VAN BEHEERRAADSLEDE EN OMSTANDIGHEDE WAARONDER HULLE HULAMP ONTRUIM

3. (1) Geen persoon word aangestel—

- (a) as lid van die beheerraad ingevolge regulasie 2 (1) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy 'n Suid-Afrikaanse burger is;
- (b) as lid van die beheerraad ingevolge regulasie 2 (1) (a) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy 'n dosent in landskapargitektuur aan 'n Suid-Afrikaanse universiteit is;
- (c) as lid van die beheerraad ingevolge regulasie 2 (1) (c) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy 'n argitek is;
- (d) as lid van die beheerraad ingevolge regulasie 2 (1) (a) of 2 (1) (d) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy 'n landskapargitek is en as sodanig kragtens regulasie 6 geregistreer is: Met dien verstande dat hierdie regulasie nie van toepassing is nie op alle vergaderings van die beheerraad gedurende 'n tydperk van 6 maande vanaf die datum van die eerste vergadering van die beheerraad; of
- (e) as lid van die beheerraad ingevolge regulasie 2 (1) (d) of as plaasvervanger van sodanige lid ingevolge regulasie 2 (3) nie, tensy hy lid is van die instituut.

“landscape architects' institute” means any association of landscape architects or of landscape architects and landscape architects in training recognised by the board of control;

“register” means the register referred to in regulation 6 (13); and

“the Act” means the Architects' Act, 1970 (Act 35 of 1970).

CHAPTER 2

CONSTITUTION OF THE BOARD OF CONTROL AND FIRST MEETING

2. (1) The board of control shall consist of the following members to be appointed by the Minister, namely—

- (a) one person who shall be a lecturer in landscape architecture at a South African university and shall be nominated by the Committee of University Principals;
- (b) two persons with experience in landscape architecture, of whom at least one shall be in the service of the State;
- (c) one person designated by the council; and
- (d) five persons nominated by the institute.

(2) Whenever a nomination or a designation in terms of subregulation (1) (a), (c) or (d) becomes necessary, the Minister shall notify the body concerned by notice in writing to nominate or designate, as the case may be, within a period specified in the notice, being not less than 60 days from the date thereof, so many persons as may be required to be nominated or designated by it for appointment to the board of control as members or alternate members.

(3) For every member of the board of control appointed in terms of subregulation (1), there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed may attend and take part in the proceedings at any meeting of the board of control whenever the member to whom he has been appointed as alternate member is absent from such meeting.

(4) The first meeting of the board of control shall be held at a time and place to be fixed by the Minister.

QUALIFICATIONS OF MEMBERS OF THE BOARD OF CONTROL AND CIRCUMSTANCES UNDER WHICH THEY SHALL VACATE OFFICE

3. (1) No person shall be appointed—

- (a) as a member of the board of control in terms of regulation 2 (1), or as an alternate to any such member in terms of regulation 2 (3), unless he is a South African citizen;
- (b) as a member of the board of control in terms of regulation 2 (1) (a), or as an alternate to any such member in terms of regulation 2 (3), unless he is a lecturer in landscape architecture at a South African university;
- (c) as a member of the board of control in terms of regulation 2 (1) (c), or as an alternate to any such member in terms of regulation 2 (3), unless he is an architect;
- (d) as a member of the board of control in terms of regulation 2 (1) (a) or (2) (1) (d) or as an alternate to any such member in terms of regulation 2 (3), unless he is a landscape architect registered as such in terms of regulation 6: Provided that this regulation shall not apply to the meetings of the board of control during a period of 6 months from the date of the first meeting of the board of control; or
- (e) as a member of the board of control in terms of regulation 2 (1) (d), or as an alternate to any such member in terms of regulation 2 (3), unless he is a member of the institute.

(2) 'n Lid van die beheerraad en enige plaasvervangende lid ingevolge regulasie 2 (3) aangestel, ontruim sy amp indien hy—

- (a) ingevolge subregulasie (1) onbevoeg word om as lid van die beheerraad aangestel te word;
- (b) as lid bedank;
- (c) insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (d) kragtens die een of ander wet as geestesongestelde persoon aangehou word;
- (e) weens 'n misdryf skuldig bevind is en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (f) weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word, of indien hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister nie 'n geskikte persoon is om lid van die beheerraad te wees nie;
- (g) ingevolge regulasie 6 (7) en 6 (8) nie meer as landskapargitek of landskapargitek-in-opleiding geregistreer is nie;
- (h) sonder toestemming van die beheerraad van drie agtereenvolgende vergaderings van die beheerraad afwesig is;
- (i) ingevolge regulasie 2 (1) (b) aangestel is en in diens van die Staat was op die datum van sy aanstelling, en daarna ophou om 'n persoon in diens van die Staat te wees;
- (j) ingevolge regulasie 2 (1) (d) aangestel is en ingevolge regulasie 6 'n registreerbare persoon is en nie binne drie maande vanaf die datum van die eerste vergadering van die beheerraad ingevolge regulasie 6 om registrasie aansoek doen nie; of
- (k) 'n landskapargitek is en—
 - (i) toelaat dat sy registrasie verval; of
 - (ii) sy naam uit die register geskrap word as gevolg van 'n straf wat hom ingevolge hierdie regulasies opgelê is.

AMPSDUUR VAN BEHEERRAADSLEDE

4. (1) Elke lid van die beheerraad word aangestel vir 'n tydperk van drie jaar.

(2) Elke lid van die beheerraad behou, na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

(3) Wanneer 'n lid van die beheerraad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, behoudens die toepaslike bepalings van regulasie 2, iemand aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is.

(4) Iemand wie se ampstermyn as lid van die beheerraad verstryk het, kan weer aangestel word.

(5) Subregulasies (1), (2), (3) en (4) van hierdie regulasie is *mutatis mutandis* van toepassing ten opsigte van persone aangestel ingevolge regulasie 2 (3).

ALGEMENE FUNKSIES VAN DIE BEHEERRAAD

5. Die beheerraad het die volgende algemene funksies:

- (a) Om, behoudens die bepalings van regulasie 6, 'n aansoek om registrasie te oorweeg en daaroor te besluit kragtens hierdie regulasies, en die name van die betrokke applikante wie se aansoeke suksesvol is in die register in te skryf.

(2) A member of the board of control, and any alternate member appointed in terms of regulation 2 (3), shall vacate his office if he—

- (a) becomes disqualified in terms of subregulation (1) from being appointed as a member of the board of control;
- (b) resigns as a member;
- (c) becomes insolvent or assigns his estate for the benefit of or compounds with his creditors;
- (d) is under any law detained as a mentally ill person;
- (e) is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (f) is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Minister not a fit person to be a member of the board of control;
- (g) in terms of regulation 6 (7) or 6 (8) is no longer registered as a landscape architect or landscape architect in training;
- (h) has been absent from three consecutive meetings of the board of control without its leave;
- (i) was appointed in terms of regulation 2 (1) (b) and having been in the service of the State at the date of his appointment, thereafter ceases to be a person in the service of the State;
- (j) was appointed in terms of regulation 2 (1) (d) and is a person registerable in terms of regulation 6 and does not apply to be registered in terms of regulation 6 within three months from the date of the first meeting of the board of control; or
- (k) is a landscape architect and—
 - (i) allows his registration to lapse; or
 - (ii) if his name is removed from the register because of a punishment imposed in terms of these regulations.

TERM OF OFFICE OF MEMBERS OF THE BOARD OF CONTROL

4. (1) Every member of the board of control shall be appointed for a period of three years.

(2) Every member of the board of control shall, on expiration of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(3) When a member of the board of control vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of regulation 2, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(4) Any person whose period of office as a member of the board of control has expired shall be eligible for re-appointment.

(5) Subregulations (1), (2), (3) and (4) of this regulation shall apply *mutatis mutandis* in respect of persons appointed in terms of regulation 2 (3).

GENERAL FUNCTIONS OF THE BOARD OF CONTROL

5. The board of control shall have the following general functions:

- (a) Subject to the provisions of regulation 6, to consider and decide upon any application for registration in terms of these regulations and to enter in the register the names of the applicants concerned whose applications are successful.

- (b) Om te besluit oor die vorm van die register en sertifikate wat ingevolge hierdie regulasies gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderings daarop aangebring kan word.
- (c) Om enige publikasie met betrekking tot die professie van landskapargitektuur en verwante aangeleenthede te finansier, te druk en te versprei en die publisering daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer.
- (d) Om onder landskapargitekte 'n hoë standaard van opvoeding en opleiding en van professionele gedrag aan te moedig.
- (e) Om ondersoek in te stel na bewerings van onbehoorlike gedrag waaraan 'n landskapargitek of 'n landskapargitek-in-opleiding hom aan bewering skuldig sou gemaak het.

HOOFTUK 3

REGISTRASIE VAN LANDSKAPARGITEKTE EN LANDSKAPARGITEKTE-IN-OPLEIDING

6. (1) Iemand wat begerig is om as landskapargitek of as landskapargitek-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die beheerraad indien op die wyse deur die beheerraad voorgeskryf, en sodanige aansoek moet vergesel gaan van die registrasiegeld in Aanhangel B voorgeskryf en sodanige inligting wat die beheerraad verlang.

(2) Indien die beheerraad na oorweging van so 'n aansoek oortuig is dat die aansoeker voldoen het aan al die vereistes vir registrasie ingevolge enige van die kategorieë uiteengesit in Aanhangel A, moet die beheerraad, behoudens die bepalings van subregulasie (6), die applikant as landskapargitek of as landskapargitek-in-opleiding, na gelang van die geval, registreer en by betaling van die jaargeld betaalbaar kragtens Aanhangel B, aan hom 'n registrasiesertifikaat uitreik.

(3) Wanneer iemand wat ingevolge subregulasie (2) as landskapargitek-in-opleiding geregistreer is, aan die in paragraaf A.2 van Aanhangel A genoemde vereistes voldoen het, en die beheerraad oortuig is dat hy minstens 21 jaar oud is, moet die beheerraad die registrasie van sodanige persoon kanselleer en hom, behoudens die bepalings van subregulasie (6), op aansoek as landskapargitek ingevolge subregulasie (2) registreer.

(4) Iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasies volle professionele lid van die instituut was, word geag aan die in Aanhangel A vermelde vereistes vir registrasie te voldoen het, en op aansoek by die beheerraad moet die beheerraad sodanige persoon as landskapargitek registreer en aan hom 'n registrasiesertifikaat uitreik.

(5) Niemand word ingevolge die bepalings van subregulasie (4) as landskapargitek geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie regulasies, of binne die verdere tydperk wat die beheerraad in 'n besondere geval toelaat, by die beheerraad aansoek gedoen het om aldus geregistreer te word.

(6) Die beheerraad kan weier om 'n persoon ingevolge hierdie regulasies as landskapargitek of as landskapargitek-in-opleiding te registreer indien hy—

- (a) te eniger tyd uit 'n vertrouensamp verwyder is;
- (b) te eniger tyd veroordeel is weens afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument, meened of enige bevoegde uitspraak op genoemde aanklagte, en ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as R200 gevonnis is;

- (b) To decide upon the form of the register and certificates to be kept, maintained or issued in terms of these regulations, the reviewing thereof and the manner in which alterations thereto may be effected.
- (c) To finance, print and circulate, and administer the publishing of, and generally to take any steps necessary to publish, any publication relating to the profession of landscape architects and cognate matters.
- (d) To encourage a high standard of education and training and professional conduct amongst landscape architects.
- (e) To conduct inquiries into allegations of improper conduct of which any landscape architect or landscape architect in training is alleged to have been guilty.

CHAPTER 3

REGISTRATION OF LANDSCAPE ARCHITECTS AND LANDSCAPE ARCHITECTS IN TRAINING

6. (1) Any person who desires to be registered as a landscape architect or as a landscape architect in training shall lodge with the board of control an application in writing as prescribed by the board of control for such registration, and such application shall be accompanied by a registration fee prescribed in Annexure B and such information as may be required by the board of control.

(2) If, after consideration of any such application, the board of control is satisfied that the applicant has complied with all the requirements for registration under any one of the categories set out in Annexure A, the board of control shall, subject to the provisions of subregulation (6), register the applicant as a landscape architect or as a landscape architect in training, as the case may be, and on payment of the registration fee due in terms of Annexure B, issue to him a certificate of registration.

(3) Whenever any person who is registered as a landscape architect in training in terms of subregulation (2) has complied with the requirements mentioned in paragraph A.2 of Annexure A, and the board of control is satisfied that he is not less than 21 years of age, the board of control shall cancel the registration of such person and shall, subject to the provisions of subregulation (6), on application register him as a landscape architect in terms of subregulation (2).

(4) Any person who, immediately prior to the commencement of these regulations, was a full professional member of the institute, shall be deemed to have complied with the requirements for registration mentioned in Annexure A, and the board of control shall on application to it register such person as a landscape architect and issue to him a registration certificate.

(5) No person shall be registered as a landscape architect in terms of the provisions of subregulation (4) unless he applied to the board of control to be so registered within six months after the date of commencement of these regulations, or within such further period as the board of control may in any particular case allow.

(6) The board of control may refuse to register any person as 'n landscape architect or as a landscape architect in training in terms of these regulations if he—

- (a) has at any time been removed from an office of trust;
- (b) has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document, perjury or any competent judgement in respect of the said charges and has been sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding R200;

- (c) kragtens die een of ander wet as geestesongestelde persoon aangehou word;
- (d) ingevolge 'n straf wat hom kragtens hierdie regulasies opgelê is, onbevoeg vir registrasie verklaar is;
- (e) 'n ongerehabiliteerde insolvente persoon is of met sy skuldeisers 'n ooreenkoms aangegaan het; of
- (f) hom skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die beheerraad nie 'n geskikte persoon is om geregistreer te word nie.

(7) Die beheerraad kan die registrasie van 'n persoon as landskapargitek of as landskapargitek-in-opleiding kanselleer indien sodanige persoon na sy registrasie aan 'n subregulasie (6) (a), (b), (c) of (d) vermelde onbevoegdverklaring onderhewig word, of indien sy boedel gesekwestreer word of hy 'n ooreenkoms met sy skuldeisers aangaan, of indien hy hom binne 'n tydperk van drie jaar voor sy registrasie skuldig gemaak het of hom na sy registrasie skuldig maak aan gedrag as gevolg waarvan hy na die oordeel van die beheerraad nie 'n geskikte persoon is om geregistreer te word nie, of indien hy per abuis geregistreer is of geregistreer is op grond van inligting wat daarna bewys word vals te wees.

(8) Die registrasie van 'n persoon as landskapargitek of as landskapargitek-in-opleiding, na gelang van die geval, vervel indien sodanige persoon—

- (a) versuim om die in Aanhangsel B voorgeskrewe jaargeld of heffing of gedeelte daarvan te betaal binne 60 dae nadat sodanige geld of heffing of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die beheerraad in 'n besondere geval, hetsy voor of na die verstryking van bedoelde 60 dae, toelaat;
- (b) tensy hy deur die raad ingevolge paragraaf A.1. (5) van Aanhangsel A vrygestel is, ophou om te voldoen aan die in paragraaf A.1. (4) van Aanhangsel A vermelde vereistes; of
- (c) terwyl hy iemand is wat ingevolge subregulasie (2) as landskapargitek-in-opleiding geregistreer is, vir 90 agtereenvolgende dae of langer versuim het om werk van 'n in paragraaf A.1. (3) van Aanhangsel A vermelde soort onderworpe aan die opdragte en beheer van 'n landskapargitek te verrig. Met dien verstande dat die beheerraad 'n onderbreking in gemelde tydperk van 90 agtereenvolgende dae of langer kan kondoneer indien daar ten genoeë van die beheerraad bewys gelever word dat sodanige onderbreking buite die beheer van die betrokke persoon was.

(9) Die beheerraad moet op skriftelike versoek van 'n landskapargitek of van 'n landskapargitek-in-opleiding sy naam uit die register skrap, maar die skrapping het geen uitwerking op enige aanspreeklikheid wat sodanige landskapargitek of landskapargitek-in-opleiding voor die datum van sodanige versoek opgeloop het nie.

(10) Behoudens die bepalinge van subregulasie (6) moet die beheerraad op aansoek by hom iemand wat voorheen ingevolge subregulasie (2) as landskapargitek of as landskapargitek-in-opleiding geregistreer was, as landskapargitek of as landskapargitek-in-opleiding registreer indien hy die in Aanhangsel B voorgeskrewe registrasiegeld en heffing en enige agterstallige jaargeld en heffing of gedeelte daarvan tesame met die uitgawes deur die beheerraad aangegaan in verband met die verhaal van agterstallige gelde of heffings, betaal het en die registrasiesertifikaat kragtens subregulasie (12) aangevra, teruggestuur het.

(11) Iemand wat ingevolge hierdie regulasies as landskapargitek of as landskapargitek-in-opleiding geregistreer is, kan homself as sodanig beskryf en iemand wat as landskapargitek geregistreer is, indien hy die in Aanhangsel B voorgeskrewe jaargeld en heffing of gedeelte daarvan betaal het, daarop geregtig—

- (a) om homself as landskapargitek te beskryf en om sy professie in die Republiek te beoefen; en

- (c) is under any law detained as a mentally ill person;
- (d) is disqualified from registration in terms of a punishment imposed under these regulations;
- (e) is an unrehabilitated insolvent or has entered into an arrangement with his creditors; or
- (f) has been guilty of conduct by reason whereof he is in the opinion of the board of control, not a fit person to be registered.

(7) The board of control may cancel the registration as a landscape architect or as a landscape architect in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subregulation (6) (a), (b), (c) or (d), or whose estate is sequestrated or who enters into an arrangement with his creditors, or who was within a period of three years prior to his registration or is subsequent to his registration guilty of conduct by reason whereof he is in the opinion of the board of control not a fit person to be registered, or who was registered in error or on information subsequently proved to be false.

(8) The registration of any person as a landscape architect or as a landscape architect in training, as the case may be, shall lapse if such person—

- (a) fails to pay any annual fee or levy or portion thereof, prescribed under Annexure B and payable by him, within 60 days after such fee or levy or portion thereof becomes due or within such further period as the board of control may in a particular case allow, whether before or after the expiration of the said 60 days;
- (b) unless he has been granted exemption by the council in terms of paragraph A.1.(5) of Annexure A, ceases to comply with the requirements mentioned in paragraph A.1.(4) of Annexure A; or
- (c) being a person registered as a landscape architect in training in terms of subregulation (2), has for 90 consecutive days or longer failed to perform any work of a kind mentioned in paragraph A.1.(3) of Annexure A under the direction and control of a landscape architect: Provided that the board of control may condone any break in the said period of 90 consecutive days or longer if it is proved to the satisfaction of the board of control that such break was beyond the control of the person concerned.

(9) The board of control shall at the written request of any landscape architect or of any landscape architect in training remove his name from the register but the removal shall not affect any liability incurred by such landscape architect or landscape architect in training prior to the date of such request.

(10) Subject to the provisions of subregulation (6), the board of control shall on application to it register as a landscape architect or as a landscape architect in training any person who was previously registered as a landscape architect or as a landscape architect in training in terms of subregulation (2), if he has paid the prescribed registration fee and levy prescribed in Annexure B and any arrear annual fee and levy or portion thereof together with any expenses incurred by the board of control in connection with the recovery of any arrear fees or levies and has returned the registration certificate requested in terms of subregulation (12).

(11) A person who is registered under these regulations as a landscape architect or as a landscape architect in training may describe himself as such, and a person registered as a landscape architect shall, if he has paid the annual fee and levy or any portion thereof as prescribed in Annexure B, be entitled to—

- (a) describe himself as a landscape architect and to carry on his profession in the Republic; and

- (b) om sy professie aan te dui of bekend te maak deur vir alle doeleindes van die betiteling "LILASA" agter sy naam gebruik te maak.

(12) Iemand wie se registrasie as landskapargitek of as landskapargitek-in-opleiding, na gelang van die geval, ingevolge subregulasie (7) ingetrek is of ingevolge subregulasie (8) verval het, of wie se naam ingevolge subregulasie (9) uit die register geskrap is, moet sy registrasiesertifikaat aan die beheerraad terugbesorg binne 30 dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas word om dit te doen.

(13) Die beheerraad moet 'n register van landskapargitek- en landskapargitek-in-opleiding hou en byhou, en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek by betaling van die gelde wat die beheerraad voorskryf.

HOOFTUK 4

GEDRAGSKODE EN ONBEHOORLIKE GEDRAG

7. (1) Enige persoon geregistreer ingevolge hierdie regulasies moet by die beoefening van sy professie die volgende gedragskode nakom:

- (a) Hy moet die openbare veiligheid, gesondheid en belang behoorlik in ag neem.
- (b) Hy moet sy verpligtinge teenoor sy werkgever of kliënt op 'n bevoegde en bekwame wyse en met volkome getrouheid en eerlikheid nakom.
- (c) Hy moet hom so gedra dat die waardigheid, status en goeie naam van die professie hoog gehou word.
- (d) Hy mag nie werk van 'n landskapargitektoniese aard onderneem wat hy, met inagneming van sy opleiding en ondervinding, nie bevoeg is om te verrig nie.
- (e) Hy moet enige wesenlike belang wat hy het in 'n maatskappy, firma of persoon wat kontrak-, raadgevende of vervaardigingsbesigheid bedryf wat verband hou of kan hou met die werk waarvoor hy aangestel is, asook besonderhede van enige tantième wat aan hom betaalbaar is vir 'n artikel of proses wat gebruik word vir doeleindes van die werk waarvoor hy aangestel is, skriftelik aan sy werkgever of kliënt openbaar.
- (f) Behoudens die bepalinge van paragraaf (e), mag hy nie regstreeks of onregstreeks enige gratifikasie, kommissie of ander finansiële voordeel ontvang nie vir 'n artikel of proses wat gebruik word vir doeleindes van die werk waarvoor hy aangestel is, tensy sodanige gratifikasie, kommissie of ander finansiële voordeel skriftelik deur sy werkgever of kliënt gemagtig is.
- (g) Hy mag nie kwaadwillig of op roekelose wyse, hetsy regstreeks of onregstreeks, die professionele aansien, vooruitsigte of sake van 'n ander landskapargitek skaad nie.
- (h) Hy moet sy gedrag in verband met landskapargitekswerk buite die grense van die Republiek van Suid-Afrika skik ooreenkomstig die reëls in hierdie regulasies vir sover hulle van toepassing is: Met dien verstande dat waar daar in 'n land buite die Republiek erkende standaarde van professionele gedrag bestaan, hy sodanige standaarde moet eerbiedig.
- (i) Hy mag nie willens en wetens pogings aanwend om by 'n bepaalde diens 'n ander landskapargitek te verdring nadat definitiewe stappe reeds gedoen is om laasgenoemde aan te stel nie.
- (j) Hy mag nie sy professionele dienste op 'n selfverheffende wyse of op 'n wyse wat die waardigheid van die professie skaad, adverteer nie.

- (b) indicate his profession or make it known by using for all purposes the title "MILASA" after his name.

(12) Any person whose registration as a landscape architect or as a landscape architect in training, as the case may be, has been cancelled in terms of subregulation (7) or has lapsed in terms of subregulation (8), or whose name has been removed from the register in terms of subregulation (9), shall return to the board of control his certificate of registration within 30 days from the date upon which he is directed by the registrar, by notice in writing transmitted by post, to do so.

(13) The board of control shall keep and maintain a register of landscape architects and landscape architects in training, and such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the board of control may prescribe.

CHAPTER 4

CODE OF CONDUCT AND IMPROPER CONDUCT

7. (1) Every person registered in terms of these regulations shall, in carrying on his profession, comply with the following code of conduct:

- (a) He shall have due regard to the public safety, health and interest.
- (b) He shall discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and honesty.
- (c) He shall order his conduct so as to uphold the dignity, standing and reputation of the profession.
- (d) He shall not undertake landscape architectural work of such nature for the execution of which his education and experience have not rendered him competent.
- (e) He shall disclose to his employer or client, in writing, any substantial interest he may have in any company, firm or person carrying on any contracting, consulting or manufacturing work which is or may be related to the work for which he is employed, and particulars of any royalty accruing to him from any article or process used in or for the purpose of the work in respect of which he is employed.
- (f) Subject to paragraph (e) he shall not receive either directly or indirectly any gratuity, commission or other financial benefit on any article or process used in or for the purpose of the work in respect of which he is employed, unless such gratuity, commission or other financial benefit has been authorised, in writing, by his employer or client.
- (g) He shall not maliciously or recklessly injure, whether directly or indirectly, the professional reputation, prospects or business of any other landscape architect.
- (h) He shall order his conduct in connection with landscape architectural work outside the borders of the Republic of South Africa to the rules in these regulations in so far as they are applicable: Provided that where there are recognised standards of professional conduct in a country outside the Republic, he shall adhere to those standards.
- (i) He shall not knowingly attempt to supplant another landscape architect in a particular engagement after definite steps have been taken towards the latter's employment.
- (j) He shall not advertise his professional services in a self-laudatory manner or in a manner which is derogatory to the dignity of the profession.

- (k) Hy mag nie sonder die magtiging van sy werkgever of kliënt kontrakte of bestellings plaas of die medium wees vir betalings namens sy werkgever of kliënt nie.
- (l) Hy mag nóg persoonlik nóg deur die tussenkoms van 'n ander persoon, ongeag of sodanige persoon in sy diens is of nie, professionele werk werf of aanvaar of aanbied om by wyse van kommissie of andersins vir die verkryging van sodanige werk te betaal.
- (2) 'n Landskapargitek of 'n landskapargitek-in-opleiding is skuldig aan onbehoorlike gedrag indien hy—
 - (a) versuim om enige bepaling van die gedragskode voorgeskryf in subregulasie (1), na te kom;
 - (b) werk van 'n landskapargitektoniese aard verrig in verband met enige aangeleentheid wat die onderwerp van 'n geskil of regseding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of geding gunstig verloop vir die party vir wie die werk gedoen word;
 - (c) besoldiging vir gelewerde dienste ontvang van iemand anders as sy kliënt of werkgever;
 - (d) gedurende 'n tydperk waarin hy om watter rede ook al deur die beheerraad geskors is, werk van 'n landskapargitektoniese aard verrig;
 - (e) 'n kriminele misdryf begaan in die loop van die beoefening van sy professie.

ONDERSOEK NA ONBEHOORLIKE GEDRAG

8. (1) Die beheerraad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan 'n persoon wat ingevolge hierdie regulasies as landskapargitek of as landskapargitek-in-opleiding geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was, en om ten opsigte daarvan, indien bewese bevind, 'n straf op te lê wat kragtens regulasie 9 voorgeskryf is: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of privaatregtelike verrigtinge in 'n geregshof uitmaak of waarskynlik sal uitmaak, die beheerraad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is: Met dien verstande voorts dat die bepalings van hierdie regulasie nie afbreuk doen aan die reg van 'n landskapargiteksinstituut om ingevolge die konstitusie en reëls van daardie instituut tug- of ander maatreëls op enige van sy lede toe te pas nie.

(2) Die vryspreking of die skuldigbevinding van 'n landskapargitek of 'n landskapargitek-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe kragtens hierdie regulasies teen hom gedoen word op 'n aanklag van onbehoorlike gedrag nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, as hulle bewys sou word, die misdryf uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf uitmaak waaraan hy by sy verhoor op genoemde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan die landskapargitek of landskapargitek-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige landskapargitek of landskapargitek-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat dit die aangeklaagde landskapargitek of landskapargitek-in-opleiding vry staan om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

(4) Wanneer 'n straf wat kragtens regulasie 9 opgelê is, uit 'n boete bestaan of 'n boete insluit, moet die bedrag daarvan deur die beheerraad op die betrokke persoon verhaal en in die fondse van die beheerraad gestort word.

- (k) He shall not place contracts or orders or be the medium of payments on his employer's or client's behalf without the authority of his employer or client.
- (l) He shall neither personally nor through the agency of any other person, whether or not such person is in his employ, canvass or solicit professional employment nor offer, by way of commission or otherwise, to make payment for the obtaining of such employment.
- (2) A landscape architect or a landscape architect in training shall be guilty of improper conduct if he—
 - (a) fails to comply with any provision prescribed in sub-regulation (1);
 - (b) performs work of a landscape architectural nature in connection with any matter which is the subject of dispute or litigation on condition that payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed;
 - (c) accepts remuneration for services rendered from any person other than his client or employer;
 - (d) performs work of a landscape architectural nature during any period in respect of which he has been suspended by the board of control for any reason;
 - (e) commits a criminal offence in carrying on his profession.

INQUIRY INTO IMPROPER CONDUCT

8. (1) The board of control shall have the power to inquire into cases of improper conduct of which a person who is registered in terms of these regulations as a landscape architect or as a landscape architect in training is alleged to have been guilty while so registered, and to impose in respect thereof, if found proved, any punishment prescribed in terms of regulation 9: Provided that in the case of alleged improper conduct which forms or is likely to form the subject of criminal or civil proceedings in a court of law, the board of control may postpone the inquiry until such proceedings have been determined: Provided further that nothing contained in these regulations shall affect the right of any landscape architects' institute to take disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) The acquittal or the conviction of a landscape architect or a landscape architect in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under these regulations on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which the landscape architect or landscape architect in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by the court shall, upon the identification of such landscape architect or such landscape architect in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the landscape architect or landscape architect in training charged to adduce evidence that he was in fact wrongly convicted.

(4) Whenever any punishment imposed in terms of regulation 9 consists of or includes any fine, the amount thereof shall be recoverable by the board of control from the person concerned, and any amount so recovered shall be paid into the funds of the board of control.

(5) Die beheerraad kan, vir die doeleindes van 'n ondersoek ingevolge hierdie regulasies—

- (a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoedelik 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word, in sy besit of bewaring of onder sy beheer het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor die beheerraad te verskyn om ondervra te word of om daardie boek, dokument of saak voor te lê, en kan 'n boek, dokument of saak wat aldus voorgelê is, vir ondersoek behou;
- (b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die voorsitter aan hom 'n eed oplê of van hom 'n bevestiging aanneem en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer voor te lê; of
- (c) enige persoon aanstel om die beheerraad in sodanige ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering.

(6) 'n Dagvaarding van iemand om voor die beheerraad te verskyn of om 'n boek, dokument of saak voor te lê, moet in die vorm wees wat die beheerraad voorskryf, moet deur die voorsitter van die beheerraad of 'n deur die beheerraad daartoe gemagtigde persoon onderteken word, en word bestel op 'n wyse deur die beheerraad bepaal.

(7) Indien iemand wat behoorlik kragtens hierdie regulasies gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die voorsitter van die beheerraad hom van verdere bywoning verskoon, of indien iemand wat kragtens subregulasie (5) (b) opgeroep is, weier om as getuie beëdig te word of om 'n bevestiging af te lê, of sonder genoegsame rede versuim om volledig en bevredigend na sy beste wete en oortuiging te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer voor te lê wat hy aangesê is om voor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die voorlegging van so 'n boek, dokument of saak, die regsbeginsels met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê, of om 'n boek, dokument of saak voor te lê, van toepassing is.

(8) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging afgelê het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring doen oor 'n aangeleentheid, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(9) Iemand wat die voorsitter of 'n lid of 'n beampte van die beheerraad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie regulasies aan hom verleen, is aan 'n misdryf skuldig.

(10) Daar moet aan iemand wie se gedrag deur die beheerraad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuie te lewer, getuies ten behoeve van homself op te roep en te ondervra en ander getuies te kruisondervra.

(11) Iemand wat weens 'n misdryf ingevolge subregulasie (7), (8) of (9) veroordeel word, is strafbaar met 'n boete van hoogstens R200.

(5) For the purpose of any inquiry in terms of these regulations, the board of control may—

- (a) summon any person who, in its opinion, may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the inquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;
- (b) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control; or
- (c) appoint any person to advise the board of control at such inquiry on matters pertaining to law, procedure or evidence.

(6) A summons for the attendance before the board of control of any person, or for the production of any book, document or thing, shall be in the form prescribed by the board of control, shall be signed by the chairman of the board of control or a person authorised thereto by it, and shall be served in such a manner as the board of control may determine.

(7) If any person who has been duly summoned under these regulations fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the chairman of the board of control, or if any person called under subregulation (5) (b) refuses to be sworn in or to affirm as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the inquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that, in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(8) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(9) Any person who wilfully hinders the chairman or any member of official of the board of control in the exercise of any power conferred upon him by or in terms of these regulations, shall be guilty of an offence.

(10) A person whose conduct is being inquired into by the board of control shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorised in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(11) Any person convicted of an offence under subregulation (7), (8) or (9) shall be liable to a fine not exceeding R200.

STRAWWE VIR ONBEHOORLIKE GEDRAG

9. (1) 'n Landskapargitek of 'n landskapargitek-in-opleiding wat ingevolge hierdie regulasies aan onbehoorlike gedrag skuldig bevind is, kan een of meer van die volgende strawwe opgelê word:

- (a) 'n Berisping of 'n waarskuwing of 'n berisping en 'n waarskuwing.
- (b) 'n Boete van hoogstens R500.
- (c) Tydelike of permanente onbevoegdverklaring vir registrasie ingevolge regulasie 6.

(2) Die beheerraad kan na goeë dunske en onderworpe aan sodanige voorwaardes, as daar is, wat hy wens voor te skryf—

- (a) die toepassing van 'n straf opgelê ingevolge subregulasie (1) (b), vir 'n tydperk van hoogstens drie jaar vanaf die datum van oplegging van sodanige straf, opskort; of
- (b) 'n straf opgelê ingevolge subregulasie (1) (b), verminder; of
- (c) 'n straf opgelê ingevolge subregulasie (1) (b) of (c), vervang deur 'n ander straf in subregulasie (1) genoem: Met dien verstande dat die straf in die plek daarvan gestel, nie swaarder is nie as die straf wat oorspronklik opgelê is.

HOOFSTUK 5**INSTELLING EN FUNKSIES VAN KOMITEES**

10 (1) Die beheerraad kan komitees instel om hom met die verrigting van sy werksaamhede en pligte by te staan en kan dié persone wat hy goeëvind, aanstel om lede van so 'n komitee te wees: Met dien verstande dat minstens een lid van so 'n komitee, of sy plaasvervangende lid, lid of plaasvervangende lid van die beheerraad moet wees.

(2) Die voorsitter en vise-voorsitter van so 'n komitee moet deur die beheerraad vanuit die lede van die komitee aangewys word.

(3) 'n Lid van 'n komitee ingestel kragtens subregulasie (1) wat nie 'n landskapargitek is nie, mag nie as voorsitter of vise-voorsitter van so 'n komitee aangewys word of op 'n vergadering van so 'n komitee voorsit nie.

(4) Dit is die funksie van 'n komitee om die beheerraad by die verrigting van sy werksaamhede en pligte kragtens hierdie regulasies by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die beheerraad in 'n spesifieke geval of in die algemeen na 'n komitee verwys of wat uit eie beweging deur sodanige komitee geopper is.

HOOFSTUK 6**VERGADERINGS EN PROSEDURES OP VERGADERINGS VAN DIE BEHEERRAAD EN KOMITEES VAN DIE BEHEERRAAD**

11. (1) *Verkieping van voorsitter en vise-voorsitter van die beheerraad:*

- (a) Die lede van die beheerraad kies op die eerste vergadering van elke nuut saamgestelde beheerraad en daarna wanneer dit nodig word, uit hul midde 'n voorsitter en 'n vise-voorsitter wat dié ampte beklee vir die tydperk deur die beheerraad bepaal, mits hulle lede van die beheerraad bly.
- (b) Indien die voorsitter of die vise-voorsitter van die beheerraad sy amp ontruim voor die verstryking van die tydperk deur die beheerraad kragtens paragraaf (a) bepaal, word 'n ander lid van die beheerraad, behoudens die bepalings van paragraaf (a), gekies tot voorsitter of vise-voorsitter, na gelang van die geval, van die beheerraad, vir die onverstreke gedeelte van sodanige tydperk.

PUNISHMENT FOR IMPROPER CONDUCT

9. (1) A landscape architect or a landscape architect in training who has in terms of these regulations been found guilty of improper conduct is liable to one or more of the following punishments:

- (a) A reprimand or a caution or a reprimand and a caution.
- (b) A fine not exceeding R500.
- (c) Temporary or permanent disqualification from registration in terms of regulation 6.

(2) The board of control may, in its discretion and subject to such conditions as it may wish to prescribe, if any—

- (a) suspend the operation of any punishment imposed in terms of subregulation (1) (b) for a period not exceeding three years from the date on which such punishment is imposed; or
- (b) reduce any punishment imposed in terms of subregulation (1) (b); or
- (c) substitute any other punishment referred to in subregulation (1) for any punishment imposed in terms of subregulation (1) (b) or (c): Provided that the punishment imposed in this manner shall not be more severe than the punishment originally imposed.

CHAPTER 5**ESTABLISHMENT AND FUNCTIONS OF COMMITTEES**

10. (1) The board of control may establish committees to assist it in the performance of its functions and duties and may appoint such persons as it may deem fit to be members of any such committee: Provided that at least one member of such a committee or his alternate shall be a member or alternate member of the board of control.

(2) The chairman and vice-chairman of such a committee shall be designated by the board of control from among the members of the committee.

(3) A member of a committee established in terms of subregulation (1) who is not a landscape architect shall not be designated as chairman or vice-chairman of such a committee or act as chairman during a meeting of such a committee.

(4) The function of a committee is to assist the board of control with the performance of its functions and duties in terms of these regulations and to enquire into and give advice or make recommendations in connection with any matter which the board of control may in any specific case or generally refer to a committee or which may have been raised by such a committee of its own accord.

CHAPTER 6**MEETINGS AND PROCEDURES AT MEETINGS OF THE BOARD OF CONTROL AND COMMITTEES OF THE BOARD OF CONTROL**

11. (1) *Election of chairman and vice-chairman of the board of control:*

- (a) The members of the board of control shall, at the first meeting of every newly constituted board of control and thereafter as the occasion arises, from among their number elect a chairman and vice-chairman who shall hold office for such period as the board of control may determine, provided that they remain members of the board of control.
- (b) If the chairman or the vice-chairman of the board of control vacates his office before the expiration of the period determined by the board of control in terms of paragraph (a), another member of the board of control shall, subject to the provisions of paragraph (a), be elected chairman or vice-chairman, as the case may be, of the board of control for the unexpired portion of such period.

- (c) Indien die voorsitter om die een of ander rede nie kan optree nie, moet die vise-voorsitter, indien hy dit kan doen, in sy plek optree.
- (d) Indien die voorsitter en die vise-voorsitter van 'n vergadering van die beheerraad afwesig is of nie kan voorsit nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter of die vise-voorsitter sy amppligte hervat, al die pligte van die voorsitter verrig.
- (e) 'n Lid van die beheerraad wat nie 'n landskapargitek is nie, mag nie tot voorsitter of vise-voorsitter van die beheerraad gekies word of op 'n vergadering van die beheerraad voorsit nie.
- (f) Geen persoon mag vir 'n tydperk van langer as ses jaar as voorsitter dien nie.

(2) *Vergaderings van die beheerraad:*

- (a) Behoudens regulasie 2 (4) word alle vergaderings van die beheerraad gehou op die tye en plekke wat die beheerraad bepaal: Met dien verstande dat die beheerraad minstens twee keer in elke jaar moet vergader: Met dien verstande voorts dat indien die beheerraad aan die einde van 'n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter sodanige tyd en plek moet bepaal.
- (b) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die beheerraad belê.
- (c) Die voorsitter moet op 'n skriftelike versoek wat deur minstens vyf lede van die beheerraad onderteken is, 'n spesiale vergadering van die beheerraad belê wat op 'n tyd en plek deur hom bepaal, dog binne vier weke na die datum van ontvangs van sodanige versoek, gehou moet word.
- (d) Aan elke lid van die beheerraad moet minstens twee weke skriftelike kennis gegee word van elke vergadering van die beheerraad.
- (e) 'n Meerderheid van al die lede van die beheerraad maak 'n kworum vir 'n beheerraadsvergadering uit.
- (f) Die besluit van 'n meerderheid van die lede van die beheerraad wat op 'n beheerraadsvergadering aanwesig is, maak 'n besluit van die beheerraad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem, ook 'n beslissende stem.
- (g) Indien 'n lid van die beheerraad wat teenwoordig is op 'n beheerraadsvergadering, dit nie eens is met 'n besluit van die beheerraad wat op sodanige vergadering geneem is nie, kan hy versoek dat sy teenkanting, met of sonder die redes daarvoor, genotuleer word, en die persoon wat op sodanige vergadering voorsit, moet aan sodanige versoek voldoen of toesien dat daaraan voldoen word.

(3) *Vergaderings van komitees:*

- (a) Die eerste vergadering van 'n komitee word gehou op die tyd en plek wat die voorsitter van die beheerraad bepaal en alle verdere vergaderings word gehou op die tye en plekke deur die voorsitter van so 'n komitee bepaal.
- (b) Die voorsitter van 'n komitee kan in oorleg met die voorsitter van die beheerraad te eniger tyd 'n spesiale vergadering van so 'n komitee belê op 'n tyd en plek deur hom bepaal.
- (c) Subregulasie (2) (d), (e), (f) en (g) is *mutatis mutandis* van toepassing ten opsigte van vergaderings van elke komitee.

- (c) If for any reason the chairman is not able to act, the vice-chairman, if able to do so, shall act in his stead.

- (d) If the chairman and vice-chairman are absent from any meeting of the board of control or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may, during that meeting and until the chairman or vice-chairman resumes duty, perform all the duties of the chairman.

- (e) A member of the board of control who is not a landscape architect shall not be elected chairman or vice-chairman of the board of control or preside at any meeting thereof.

- (f) No person may serve as chairman for longer than six years.

(2) *Meetings of the board of control:*

- (a) Subject to regulation 2 (4), all meetings of the board of control shall be held at such times and places as may be fixed by the board of control: Provided that the board of control shall meet at least twice in every year: Provided further that, if at the close of any meeting the board of control has not fixed the time and place for its next meeting, such time and place shall be determined by the chairman.

- (b) The chairman may at any time call a special meeting of the board of control.

- (c) The chairman shall, upon a written request signed by not less than five members of the board of control, call a special meeting thereof to be held within four weeks after the date of receipt of such request at such time and place as he may determine.

- (d) Every member of the board of control shall be given not less than two weeks' notice, in writing, of every meeting of the board of control.

- (e) A majority of all members of the board of control shall form a quorum at any meeting of the board of control.

- (f) The decision of a majority of the members of the board of control present at any meeting thereof shall constitute a decision of the board of control and, in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

- (g) If a member of the board of control who is present at a meeting of the board of control does not agree with a resolution of the board of control passed at such a meeting, he may request that his dissension, with or without the reasons therefor, be recorded in the minutes, and the person presiding at such a meeting shall comply with such a request or ensure that it is complied with.

(3) *Meetings of committees:*

- (a) The first meeting of a committee shall be held at a time and place to be fixed by the chairman of the board of control, and all further meetings shall be held at such times and places as may be fixed by the chairman of such committee.

- (b) The chairman of a committee may in consultation with the chairman of the board of control at any time call a special meeting of that committee at such time and place as he may determine.

- (c) Subregulation (2) (d), (e), (f) and (g) shall apply *mutatis mutandis* in respect of meetings of each committee.

AANHANGSEL A**VEREISTES VIR REGISTRASIE INGEVOLGE
REGULASIE 6****A.1 LANDSKAPARGITEKTE****A.1. (1) *Minimum ouderdom***

21 jaar

A.1. (2) *Kwalifikasies*

A.1. (2) (a) 'n Graad in landskapargitektuur aan 'n Suid-Afrikaanse universiteit of enige eksamen wat deur die beheerraad vir die doeleindes van regulasie 6 erken word.

A.1. (2) (b) 'n Graad in landskapargitektuur aan 'n buitelandse universiteit of 'n gelykstaande buitelandse kwalifikasie gesertifiseer as synde gelykstaande met die kwalifikasie in paragraaf (a) hierbo.

A.1. (2) (c) Volle professionele lidmaatskap van 'n buitelandse professionele instituut van landskapargitekture deur die Internasionale Federasie van Landskapargitekture geaffilieer of geakkrediteer.

A.1. (3) *Praktiese ondervinding*

Die applikant moes gedurende 'n tydperk van twee jaar, waarvan ten minste een jaar in Suidelike Afrika moet wees, as landskapargitek-in-opleiding (of, indien die beheerraad so bepaal, in enige ander hoedanigheid) landskapargitekswerk gedoen het wat na die oordeel van die beheerraad van voldoende verskeidenheid en bevredigende aard en standaard is en ten opsigte waarvan die applikant 'n portefeulje met sy aansoek om registrasie moet voorlê.

A.1. (4) *Ander kwalifikasies*

Die applikant moet lid van 'n landskapargitekstinstituut wees en tot 'n klas van die lede behoort wat die beheerraad bepaal, tensy die applikant deur die raad kragtens paragraaf A.1. (5) hieronder van hierdie vereiste vrygestel is.

A.1. (5) *Vrystelling*

Die raad kan 'n applikant vrystel van die vereistes in paragrafe A.1. (4) en A.2. (2) vermeld indien die raad oortuig is dat lidmaatskap van 'n landskapargitekstinstituut—

- (a) in stryd is met die godsdienstige leerstellings wat sodanige applikant aanhang; of
- (b) sonder grondige rede van sodanige applikant weerhou word.

A.2 LANDSKAPARGITEKTE-IN-OPLEIDING**A.2. (1) *Opvoedkundige kwalifikasies***

A.2. (1) (a) 'n Graad in landskapargitektuur aan 'n Suid-Afrikaanse universiteit of enige eksamen wat deur die beheerraad vir die doeleindes van regulasie 6 erken word; of

A.2. (1) (b) 'n graad in landskapargitektuur aan 'n buitelandse universiteit of 'n gelykstaande buitelandse kwalifikasie deur die Raad vir Geesteswetenskaplike Navorsing gesertifiseer as synde gelykstaande met die kwalifikasie in paragraaf A.2. (1) (a) hierbo.

A.2. (2) *Ander kwalifikasies*

Die applikant moet lid van 'n landskapargitekstinstituut wees en tot 'n klas van die lede behoort wat die beheerraad bepaal, tensy die applikant deur die raad kragtens paragraaf A.1. (5) hierbo van hierdie vereiste vrygestel is.

ANNEXURE A**REQUIREMENTS FOR REGISTRATION IN TERMS
OF REGULATION 6****A.1 LANDSCAPE ARCHITECTS****A.1. (1) *Minimum age***

21 years

A.1. (2) *Qualifications*

A.1. (2) (a) A degree in landscape architecture at a South African university, or any examination recognised by the board of control for the purposes of regulation 6.

A.1. (2) (b) A degree in landscape architecture at a foreign university, or an equivalent foreign qualification which has been certified by the Human Sciences Research Council to be of equal standing with the qualification in paragraph (a) above.

A.1. (2) (c) Full professional membership of a foreign professional institute of landscape architects affiliated to or accredited by the International Federation of Landscape Architects.

A.1. (3) *Practical experience*

The applicant shall, during a period of two years, at least one year of which shall be in Southern Africa, have performed as a landscape architect in training (or, if the board of control so determines, in any other capacity), landscape architectural work which in the opinion of the board of control is of sufficient variety and of a satisfactory nature and standard, in respect of which work the applicant shall submit a portfolio with his application for registration.

A.1. (4) *Other qualifications*

The applicant shall be a member of a landscape architects' institute and shall belong to such class of members as the board of control may determine, unless the applicant has been exempted by the council in terms of paragraph A.1. (5) hereunder.

A.1. (5) *Exemption*

The council may grant an applicant exemption from the requirements mentioned in paragraphs A.1. (4) and A.2. (2) if the council is satisfied that membership of a landscape architects' institute—

- (a) is contrary to such religious tenets as are adhered to by such applicant; or
- (b) is being withheld from such applicant without good cause.

A.2 LANDSCAPE ARCHITECTS IN TRAINING**A.2. (1) *Educational qualifications***

A.2. (1) (a) A degree in landscape architecture at a South African university, or any examination recognised by the board of control for the purposes of regulation 6; or

A.2. (1) (b) a degree in landscape architecture at a foreign university, or an equivalent foreign qualification, which has been certified by the Human Sciences Research Council to be of equal standing with the qualification in paragraph A.2. (1) (a) above.

A.2. (2) *Other qualifications*

The applicant shall be a member of a landscape architects' institute and shall belong to such class of members as the board of control may determine, unless the applicant has been exempted by the council in terms of paragraph A.1. (5) above.

AANHANGSEL B**REGISTRASIE- EN JAARGELDE**

- B.1 In hierdie Aanhangsel, tensy dit uit die samehang anders blyk, beteken—

“jaar” die tydperk beginnende op 1 Julie van ’n jaar en eindigende op 30 Junie van die daaropvolgende jaar;

“jaargeld” die geld betaalbaar deur ’n landskapargitek of deur ’n landskapargitek-in-opleiding binne 30 dae vanaf die datum waarop hy in kennis gestel is van sy registrasie ingevolge regulasie 6, *pro rata* tot die oorblywende gedeelte van die jaar en daarna jaarliks op of voor 30 Junie van elke jaar; en

“registrasiegeld” die geld betaalbaar wanneer iemand ingevolge regulasie 6 om registrasie as landskapargitek of as landskapargitek-in-opleiding aansoek doen.

- B.2 *Registrasiegeld*

’n Bedrag van tyd tot tyd deur die beheerraad bepaal: Met dien verstande dat indien ’n aansoek om registrasie nie slaag nie, sodanige bedrag as wat die beheerraad mag bepaal, aan die aansoeker terugbetaal moet word.

- B.3 *Jaargeld*

’n Bedrag van tyd tot tyd deur die beheerraad vir landskapargitek en vir landskapargitek-in-opleiding bepaal.

- B.4 *Duplikaatregrasiesertifikaat*

- B.4. (1) *Uitreikingsgeld*

’n Bedrag van tyd tot tyd deur die beheerraad bepaal: Met dien verstande dat ’n duplikaatregrasiesertifikaat uitgereik word slegs indien die applikant ’n beëdigde verklaring voorlê met die strekking dat die oorspronklike sertifikaat verlore geraak het, dat alle moontlike stappe gedoen is om dit op te spoor en dat hy die betrokke sertifikaat desondanks nie kan vind nie.

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. R. 1897

12 September 1986

REGULASIES BETREFFENDE DORPSTIGTING- EN GRONDGEBRUIK

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, vaardig hierby kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), die regulasies uit vervaar in die bygaande Bylae, welke regulasies in werking tree op 15 September 1986.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE

HOOFSTUK I

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“administrateur”, behalwe waar ’n Administrateur kragtens die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), optree soos in regulasie 3 bedoel, of kragtens enige ander wet as die Wet optree, ’n

ANNEXURE B**REGISTRATION AND ANNUAL FEES**

- B.1 In this Annexure, unless the context otherwise indicates—

“annual fee” means the fee payable by a landscape architect or by a landscape architect in training within 30 days from the date on which he is informed of his registration in terms of regulation 6, *pro rata* to the balance of the year remaining, thereafter annually on or before 30 June of each year;

“registration fee” means the fee payable when a person applies for registration as a landscape architect or as a landscape architect in training in terms of regulation 6; and

“year” means the period commencing on 1 July of any year and ending on 30 June of the next succeeding year.

- B.2 *Registration fee*

A fee to be determined from time to time by the board of control: Provided that if an application for registration is not successful, such amount as may be determined by the board of control shall be refunded to the applicant.

- B.3 *Annual fee*

A fee to be determined by the board of control from time to time for landscape architects and landscape architects in training.

- B.4 *Duplicate registration certificate*

- B.4. (1) *Issuing fee*

A fee to be determined from time to time by the board of control: Provided that a duplicate certificate shall be issued only if the applicant submits an affidavit to the effect that the original certificate has been lost, that every effort has been made to trace it and that he has nevertheless not been able to find the certificate concerned.

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. R. 1897

12 September 1986

REGULATIONS RELATING TO TOWNSHIP ESTABLISHMENT AND LAND USE

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984), make the regulations contained in the accompanying Schedule, which regulations shall come into operation on 15 September 1986.

J. C. HEUNIS,

Minister of Constitutional Development and Planning.

SCHEDULE

CHAPTER I

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

“administrator” means, except where an Administrator acts under the Black Local Authorities Act, 1982 (Act 102 of 1982), as contemplated in regulation 3, or under any law other than the Act, an administrator in whom the assets, liabilities, rights, duties and obligations of a

administrateur in wie die bates, laste, regte, pligte en verpligtinge van 'n raad vestig soos beoog in artikel 3 (1) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet 75 van 1986), en ook 'n owerheidsbesag op wie sodanige bates, laste, regte, pligte en verpligtinge oorgegaan het soos beoog in artikel 3 (2) van daardie Wet;

“betrokke gesag” die gesag bedoel in regulasie 26;

“diensteooreenkoms” 'n ooreenkoms aangegaan tussen 'n dorpsdigter wat nie 'n plaaslike owerheid is nie en die betrokke gesag, ingevolge waarvan die onderskeie verantwoordelikhede van die twee partye vir die voorsiening van interne en eksterne ingenieursdienste en die vlak van sodanige dienste soos in regulasie 27 beoog, bepaal word;

“dienstearbitrasieraad” 'n raad deur die Minister kragtens regulasie 31 ingestel;

“die Wet” die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984);

“dorpstigter” —

(a) 'n administrateur, plaaslike owerheid of dorpsontwikkelaar wat die eienaar of behoorlik gemagtigde agent van die eienaar is van die grond wat die onderwerp is van die aansoek om goedkeuring as 'n dorp, of wat die instemming het van die eienaar tot die stigting, in eie naam, van 'n dorp op sodanige grond;

(b) 'n administrateur, plaaslike owerheid of dorpsontwikkelaar aan wie die grond wat die onderwerp is van die aansoek om goedkeuring as 'n dorp kragtens 'n grondbeskikbaarheidsooreenkoms beskikbaar gestel is soos in artikel 34 (9) van die Wet beoog;

“gemagtigde beampte” iemand deur die Minister of sy gevolmagtigde as sodanig aangewys;

“goedgekeurde aansoek” 'n aansoek om die stigting van 'n dorp wat deur die Minister kragtens regulasie 16 goedgekeur is, maar waar die betrokke grond nog nie 'n goedgekeurde dorp geword het nie;

“goedgekeurde dorp” grond ten opsigte waarvan 'n kennisgewing deur die Minister in die *Staatskoerant* uitgereik is soos in regulasie 23 beoog, waarin die goedkeuring daarvan as 'n dorp verklaar word;

“grondgebruiksvoorwaardes” die titelvoorwaardes of dorpsvoorwaardes soos in artikel 57B van die Wet bedoel en vervat in Aanhangsel F van hierdie regulasies, en ook enige dorpsbeplanningskema wat sodanige voorgeskrewe voorwaardes vervang het, soos in daardie artikel beoog;

“grondbeskikbaarheidsooreenkoms” 'n ooreenkoms wat aangegaan is tussen die liggaam deur wie grond beskikbaar gestel word soos in artikel 34 (9) van die Wet beoog en die persoon of liggaam aan wie grond beskikbaar gestel word en wat deur die Minister goedgekeur is soos in regulasie 4 beoog;

“Landmeter-generaal” die betrokke landmeter-generaal soos in artikel 49 van die Opmetingswet, 1927 (Wet 9 van 1927), omskryf;

“oordrag, met betrekking tot die oordrag van grond, ook 'n toekenning van 'n reg van huurpag soos in artikel 52 (1) van die Wet beoog, en die daaropvolgende oordrag van sodanige huurpag deur 'n huurpaghouer aan 'n bevoegde persoon;

“Registrateur” die betrokke registrateur.

board vest as contemplated in section 3 (1) (a) of the Abolition of Development Bodies Act, 1986 (Act 75 of 1986), and includes a public authority to which such assets, liabilities, rights, duties and obligations have passed as contemplated in section 3 (2) of that Act;

“approved application” means an application for the establishment of a township that has been approved by the Minister in terms of regulation 16 but where the land in question has not yet become an approved township;

“approved township” means land in respect of which a notice has been published by the Minister in the *Gazette* as contemplated in regulation 23 declaring that the township has been approved.

“authorised officer” means any person designated as such by the Minister or his authorised representative;

“land availability agreement” means an agreement that has been concluded between the body making land available as contemplated in section 34 (9) of the Act and the person or body to whom the land is made available and that has been approved by the Minister as contemplated in regulation 4;

“land use conditions” means the conditions of title or township conditions contemplated in section 57B of the Act and contained in Annexure F to these regulations, and includes any townplanning scheme that has replaced such prescribed conditions as contemplated in that section;

“Registrar” means the relevant registrar;

“relevant authority” means the relevant authority referred to in regulations 26;

“services agreement” means an agreement concluded between a township applicant who is not a local authority and the relevant authority, in terms of which the relative responsibilities of the two parties are determined for the provision of internal and external engineering services and the level of such services as contemplated in regulation 27;

“services arbitration board” means a board established by the Minister in terms of regulation 31;

“Surveyor-General” means the relevant surveyor-general as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927);

“the Act” means the Black Communities Development Act, 1984 (Act 4 of 1984);

“township applicant” means—

(a) an administrator, local authority or township developer who is the owner or the duly authorised agent of the owner of the land that is the subject of the application for approval as a township, or who has the consent of such owner to establish a township on such land in his own name;

(b) an administrator, local authority or township developer to whom the land that is the subject of the application for approval as a township has been made available as contemplated in section 34 (9) of the Act, in terms of a land availability agreement;

“transfer”, in relation to the transfer of land, includes a grant of a right of leasehold as contemplated in section 52 (1) of the Act, and the subsequent transfer of such leasehold by a leaseholder to a competent person.

HOOFSTUK II**ALGEMEEN****TOEPASSING VAN REGULASIES**

2. 'n Dorp mag slegs deur 'n dorpsstigter gestig word en slegs soos in hierdie regulasies beoog: Met dien verstande dat—

- (a) enige persoon grond kan gebruik vir die doel van bewoning deur werknemers van 'n mynonderneming, waar ten opsigte van sodanige gebruik—
 - (i) 'n oppervlakteregpermit kragtens die Wet op Mynregte, 1967 (Wet 20 van 1967), uitgereik is in oorleg met die gemagtigde beampte; of
 - (ii) 'n permit soos geoog in artikel 6 (1) van die Wet op Fisiese Beplanning, 1967 (Wet 86 van 1967), uitgereik is vir die oprigting van wonings;
- (b) die Minister, behoudens sodanige bedinge en voorwaardes as wat hy mag bepaal, vrystelling van enige of al die vereistes van hierdie regulasies kan verleen aan—
 - (i) 'n statutêre liggaam,
 - (ii) enige persoon wat betrokke is in bona fide-mynbedrywighede,
 - (iii) 'n eienaar of okkupeerder van grond waarvan die ontwikkeling of uitleg, na die oordeel van die Minister, 'n vakansieoord, openbare oord of soortgelyke oord uitmaak of sal uitmaak,
 - (iv) 'n koöperasie soos in artikel 1 (1) van die Wet op Koöperasies, 1981 (Wet 91 van 1981) omskryf,
 - (v) 'n welsynsorganisasie kragtens artikel 13 van die Nasionale Welsynswet, 1978 (Wet 100 van 1978), geregistreer,
 - (vi) 'n administrateur of 'n dorpsontwikkelaar wat 'n dorp buite 'n plaaslike owerheidsgebied stig soos in regulasie 3 (b) beoog,
 - (vii) enige persoon wat 'n informele nedersetting stig, ontwikkel of verbeter in omstandighede uitdruklik deur die Minister toegelaat, of deur of kragtens enige ander wet toegelaat;
 - (viii) enige ander persoon of liggaam, in 'n geval waar die Minister van oordeel is dat sodanige vrystelling spoedige ontwikkeling tot gevolg sal hê en dat sodanige ontwikkeling in die openbare belang sal wees;
- (c) enige persoon wat in bona fide-boerderybedrywighede betrokke is die grond waarop hy aldus betrokke is, kan gebruik vir die behuising van enige persone wat wettiglik op sodanige grond mag woon, met inbegrip van *bona fide*-heeltydse werknemers in sy diens op daardie grond asook die afhanklikes van sodanige werknemers;
- (d) indien die Staat 'n dorp stig, hy nie gebonde is aan hierdie regulasies nie, en die dorp, wanneer 'n uitlegplan en 'n algemene plan opgestel en goedgekeur is, geag word gestig te wees soos in artikel 35 (1) van die Wet beoog;

GROND

3. 'n Dorp mag slegs in 'n ontwikkelingsgebied gestig word en die betrokke grond moet ook binne 'n plaaslike owerheidsgebied wees: Met dien verstande dat—

- (a) die Minister 'n dorp kan goedkeur in 'n deel van 'n ontwikkelingsgebied wat nog nie in 'n plaaslike owerheidsgebied val nie, maar wat, na die mening

CHAPTER II**GENERAL****APPLICATION OF REGULATIONS**

2. A township may be established only by a township applicant and only as contemplated in these regulations: Provided that—

- (a) any person may use land for the residential purposes of employees of a mining undertaking, where in respect of such use—
 - (i) a surface right permit has been issued in terms of the Mining Rights Act, 1967 (Act 20 of 1967), in consultation with the authorised officer; or
 - (ii) a permit contemplated in section 6 (1) of the Physical Planning Act, 1967 (Act 86 of 1967), has been issued for the erection of dwellings;
- (b) the Minister may, on such terms and conditions as he may determine, exempt from any or all of the requirements of these regulations—
 - (i) a statutory body,
 - (ii) any person engaged in bona fide mining operations,
 - (iii) an owner or occupier of land the development or layout of which, in the opinion of the Minister, constitutes or will constitute a holiday resort, public resort or similar resort,
 - (iv) a co-operative as defined in section 1 (1) of the Co-operatives Act, 1981 (Act 91 of 1981),
 - (v) a welfare organisation registered in terms of section 13 of the National Welfare Act, 1978 (Act 100 of 1978),
 - (vi) an administrator or a township developer who establishes a township outside a local authority area as contemplated in regulation 3 (b),
 - (vii) any person who establishes, develops or improves an informal settlement in circumstances expressly allowed by the Minister or allowed by or under any other law,
 - (viii) in any case where the Minister considers that such exemption would facilitate speedy development and that such development would be in the public interest, any other person or body;
- (c) any person engaged in bona fide framing operations may use the land on which he is so engaged for the housing of any persons who may lawfully reside on such land, including *bona fide* full-time employees is his service on such land and the dependants of such employees;
- (d) if the State establishes a township, it shall not be bound by these regulations, and the township shall be deemed to have been established as contemplated in section 35 (1) of the Act, upon a layout plan and a general plan having been prepared and approved.

LAND

3. A township may be established only in a development area, and the land concerned must also be in a local authority area: Provided that—

- (a) the Minister may approve a township in a part of a development area that is not yet in a local authority area, but which, in the opinion of the Minister, will or

van die Minister in 'n plaaslike owerheidsgebied ingesluit sal word of waarskynlik ingesluit sal word deur 'n Administrateur, soos beoog in artikel 2 (2) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982);

- (b) 'n administrateur of 'n dorpsontwikkelaar wat kragtens 'n vrystelling ingevolge regulasie 2 (b) (vi) optree, of die Staat, 'n dorp kan stig op grond in 'n ontwikkelingsgebied wat buite 'n plaaslike owerheidsgebied val: Met die voorbehoud dat—
- (i) die dorp, nadat dit 'n goedgekeurde dorp geword het, deur 'n administrateur geadminestreer moet word soos in artikel 31 van die Wet beoog, en sodanige administrateur of, behoudens die bepalinge van genoemde artikel, die Minister, of ander liggaam of persoon deur die Minister aangewys, moet ook beheer oor die grond in die dorp uitoefen totdat 'n plaaslike owerheid saamgestel is wat, na die oordeel van die Minister, gesag in sodanige dorp kan uitoefen, en die grond waaruit die dorp bestaan deur 'n Administrateur in die plaaslike owerheidsgebied ingesluit is soos in artikel 2 (2) van die Wet op Swart Plaaslike Owerhede, 1982, beoog;
 - (ii) indien grond aan 'n plaaslike owerheid oorge- dra staan te word of daarin staan te vestig uit hoofde daarvan dat dit publieke plekke is, of by wyse van begiftiging, of 'n bedrag geld wat betaal staan te word in plaas van sodanige oordrag soos in regulasie 16 (2) beoog, sodanige grond oorge- dra moet word aan of vestig in, of sodanige bedrag betaal moet word aan die administrateur, die Minister of die persoon of lig- gaam in subregulasie (i) bedoel deur die Minis- ter aangewys, in afwagting van die inlywing van die betrokke grond in 'n plaaslike owerheidsgebied deur 'n Administrateur, soos in subparagraaf (i) beoog, en dat by sodanige inlywing, die betrokke grond of bedrag oorge- dra moet word aan of vestig in, of oorbetal moet word aan, na gelang van die geval, die betrokke plaaslike owerheid deur die Minister, die betrokke administrateur of sodanige persoon of liggaam.

GRONDBESKIKBAARHEIDSOOREENKOMS

4. Die bedinge en voorwaardes waarop grond aan 'n persoon of liggaam kragtens artikel 34 (9) van die Wet beskikbaar gestel is, moet in 'n skriftelike grondbeskikbaarheidsooreenkoms vervat wees wat aangegaan is tussen die liggaam wat die grond beskikbaar stel en die persoon of liggaam aan wie die grond beskikbaar gestel word, en wat—

- (a) wesenlik voldoen aan die riglyne uiteengesit in Aanhangsel A, of sodanige ander of bykomende riglyne wat in die algemeen deur die gemagtigde beampte, van tyd tot tyd, uitgereik word, of deur hom in 'n bepaalde geval neergelê word; en
- (b) aan die Minister voorgelê en deur hom goedgekeur is.

OORGANG

5. Dorpsstigtingprosedures vir die goedkeuring van 'n uitlegplan of 'n algemene plan waarmee 'n administrateur begin het, maar wat nog nie voltooi is nie, (ongeach of hy deur 'n plaaslike owerheid optree of 'n privaatonwikkelaar namens hom optree), kragtens artikel 35 (1), gelees met artikels 36 (1) en 41 (2) van die Wet, voor die datums van inwerkingtreding van die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986 (Wet 74 van 1986), en

is likely to be incorporated into a local authority area by an Administrator as contemplated in section 2 (2) of the Black Local Authorities Act, 1982 (Act 102 of 1982);

- (b) an administrator of a township developer acting under an exemption contemplated in regulation 2 (b) (vi), or the State, may establish a township on land in a development area which is outside a local authority area: With the proviso that—
- (i) the township shall, upon becoming an approved township, be administered by an administrator as contemplated in section 31 of the Act, and such administrator or, subject to the provisions of the said section, the Minister, or any body or person designated by the Minister, shall also exercise control over the land in the township until a local authority is constituted which can in the opinion of the Minister exercise jurisdiction in respect of such township, and the land comprising the township has been incorporated into the relevant local authority area by an Administrator as contemplated in section 2 (2) of the Black Local Authorities Act, 1982;
 - (ii) if land is to be transferred to or will vest in a local authority by virtue of the fact that it constitutes public places, or by way of an endowment, or an amount of money is to be paid in lieu of such transfer as contemplated in regulation 16 (2), then such land shall be transferred to or shall vest in, or such amount shall be paid to the administrator, the Minister or the person or body designated by the Minister referred to in subregulation (i), pending the incorporation of the relevant land into a local authority area by an Administrator, as contemplated in sub-paragraph (i), and upon such incorporation the relevant land or amount shall be transferred to or vest in, or be paid over to, as the case may be, the relevant local authority by the Minister, the relevant administrator, or such person or body.

LAND AVAILABILITY AGREEMENT

4. The terms and conditions on which land has been made available to any person or body in terms of section 34 (9) of the Act shall be contained in a land availability agreement concluded in writing between the body making available the land and the person or body to whom the land is made available, and which—

- (a) complies substantially with the guide-lines set out in Annexure A, or such other or additional guide-lines as may be issued generally by the authorised officer from time to time, or determined by him in any particular case; and
- (b) has been submitted to and approved by the Minister.

TRANSITION

5. Township establishment procedures for the approval of a layout plan or a general plan commenced, but not yet completed, by an administrator (whether or not acting through a local authority or a private developer on his behalf) in terms of section 35 (1) as read with sections 36 (1) and 41 (2) of the Act prior to the dates on which the Black Communities Development Amendment Act, 1986 (Act 74

hierdie regulasies, watter datum ook al die laaste datum is, (in hierdie regulasie die "effektiewe datum" genoem) word soos volg hanteer:

(1) Indien, op die effektiewe datum, 'n persoon of liggaam, met inbegrip van 'n plaaslike owerheid of dorpsontwikkelaar, besig is met die ontwikkeling van die betrokke grond ingevolge 'n ooreenkoms met 'n administrateur of 'n plaaslike owerheid, met inbegrip van enige sodanige ooreenkoms wat, waar nodig, deur die Minister voor die effektiewe datum goedgekeur is soos in die Wet beoog, geniet die bedinge van dié ooreenkoms voorkeur bo die bepalings van hierdie regulasies in die mate dat die bepalings van hierdie regulasies en die bedinge van die ooreenkoms met mekaar onbestaanbaar is: Met dien verstande dat—

(a) die bepalings van hierdie regulasies sover as wat redelikerwys moontlik is, nagekom word op die wyse en op die stadiums in subregulasie (2) beoog;

(b) indien daar tot tevredenheid van die gemagtigde beampte aangetoon word dat alhoewel 'n bepaling van hierdie regulasies nie met 'n ooreenkoms soos beoog in hierdie subregulasie onbestaanbaar is nie, dit duidelik onvanpas is of dat dit in die openbare belang is dat sodanige bepaling nie ten opsigte van die betrokke aansoek toegepas moet word nie, hy kan bepaal dat sodanige bepaling nie op die betrokke aansoek van toepassing is nie.

(2) Behoudens die bepalings van subregulasie (1)—

(a) indien, op die effektiewe datum, 'n aansoek om die goedkeuring van 'n uitlegplan reeds by die Minister ingedien is maar nog nie deur hom goedgekeur is nie, is die bepalings van Hoofstuk III, behalwe in soverre die gemagtigde beampte anders gelas, nie van toepassing op die aansoek nie en word die aansoek geag 'n goedgekeurde aansoek te wees sodra die Minister die betrokke uitlegplan goedgekeur het: Met dien verstande dat—

(i) die bepalings van regulasies 16 en 17 *mutatis mutandis* van toepassing is ten opsigte van die aansoek;

(ii) met ingang van die datum waarop die aansoek geag word 'n goedgekeurde aansoek te wees soos in hierdie paragraaf beoog, die bepalings van Hoofstukke IV, V en VI *mutatis mutandis* van toepassing is op die aansoek, behalwe in soverre daar in enige stigtingsvoorwaarde bedoel in regulasie 16 anders aangedui word of in soverre die gemagtigde beampte anders gelas; en

(iii) 'n uitlegplan wat voor die effektiewe datum vir goedkeuring by 'n plaaslike owerheid ingedien is, maar op daardie datum nog nie soos in hierdie paragraaf beoog, by die Minister ingedien is nie, geag word by die Minister ingedien te wees soos in hierdie paragraaf bedoel: Met dien verstande dat indien sodanige uitlegplan op 'n datum vier maande na die effektiewe datum nog nie deur die plaaslike owerheid goedgekeur is en inderdaad by die Minister ingedien is nie, die betrokke aansoek as 'n nuwe aansoek ingevolge Hoofstuk III behandel word;

of 1986), and these regulations came into force, whichever is the later date (in this regulation referred to as "the effective date"), shall be dealt with as follows:

(1) If on the effective date any person or body, including a local authority or township developer, is conducting the development of the relevant land in terms of an agreement with an administrator or a local authority, including any such agreement that was, where necessary, approved by the Minister as contemplated in the Act prior to the effective date, the provisions of such agreement shall take precedence over the provisions of these regulations, to the extent that the provisions of these regulations and the terms of such agreement are mutually inconsistent: Provided that—

(a) the provisions of these regulations shall as far as reasonably possible be complied with in the manner and at the stages contemplated in subregulation (2);

(b) if it is shown to the satisfaction of the authorised officer that any provision of these regulations not inconsistent with an agreement as contemplated in this subregulation is nevertheless clearly inappropriate or that it is in the public interest that such provision should not be applied in respect of the relevant application, he may direct that such provision shall not apply to the relevant application.

(2) Subject to the provisions of subregulation (1)—

(a) if on the effective date an application for the approval of a layout plan has been lodged with the Minister but not yet approved by him, the provisions of Chapter III shall, save to the extent otherwise directed by the authorised officer, not apply in respect of the application, and the application shall be deemed to be an approved application upon the Minister having approved the relevant layout plan: Provided that—

(i) the provisions of regulation 16 and 17 shall be applied *mutatis mutandis* in respect of the application;

(ii) with effect from the date on which the application is deemed to be an approved application as contemplated in this paragraph, the provisions of Chapters IV, V and VI shall apply to the application, *mutatis mutandis*, except to the extent otherwise indicated in any condition of establishment referred to in regulation 16, or otherwise directed by the authorised officer; and

(iii) any layout plan submitted to a local authority for approval prior to the effective date, but on that date not yet lodged with the Minister as contemplated in this paragraph, shall be deemed to have been lodged with the Minister as intended in this paragraph: Provided that, if by a date four months after the effective date such layout plan has not yet been approved by the local authority and actually lodged with the Minister, the relevant application shall be treated as a new application in terms of Chapter III;

- (b) indien, op die effektiewe datum, 'n uitlegplan ten opsigte van 'n voorgestelde dorp reeds goedgekeur is, maar 'n algemene plan nog nie goedgekeur is nie, word die aansoek geag 'n goedgekeurde aansoek te geword het op die datum waarop die uitlegplan deur die Minister goedgekeur is en is die bepalings van Hoofstukke IV, V en VI *mutatis mutandis* op die aansoek van toepassing, behalwe in soverre die gemagtigde beampte anders gelas; of
- (c) indien 'n uitleg- en 'n algemene plan reeds op die effektiewe datum goedgekeur is ten opsigte van 'n voorgestelde dorp—
 - (i) word die aansoek geag 'n goedgekeurde aansoek te geword het op die datum waarop die Minister die uitlegplan goedgekeur het; en
 - (ii) is die bepalings van regulasies 23, 24 en 25, asook van Hoofstukke V en VI, *mutatis mutandis* op die aansoek van toepassing, behalwe in soverre die gemagtigde beampte anders gelas.

HOOFTUK III

AANSOEK OM DORPSTIGTING

TOEPASSING VAN HOOFTUK

6. Behoudens die bepalings van regulasies 2 en 5, is hierdie Hoofstuk van toepassing op aansoeke om dorpstigting deur alle dorpstigers gedoen: Met dien verstande dat indien die dorpstiger 'n plaaslike owerheid is, die bepalings van regulasie 9 (1) (a) nie van toepassing is nie.

AANSOEK AAN GEMAGTIGDE BEAMPTE

7. (1) 'n Dorpstiger dien 'n skriftelike aansoek by die gemagtigde beampte in, wat vergesel moet gaan van ten minste—

- (a) waar sodanige ooreenkomste nie reeds aan die Minister voorgelê is soos in regulasie 4 (b) beoog nie, 'n afskrif van 'n grondbeskikbaarheidsooreenkoms, indien toepaslike;
- (b) ontwerp-stigtingsvoorwaardes wat aan die riglyne, neergelê in Aanhangel B, voldoen;
- (c) voorgestelde titelvoorwaardes, asook 'n aanduiding van die mate waarin die grondgebruiksvoorwaardes op die dorp van toepassing sal wees;
- (d) 'n ontwerpuitlegplan;
- (e) 'n behoorlik voltooide aansoekvorm en twee afskrifte, wesenlik in die vorm van Aanhangel B, tesame moet sodanige bykomende dokumente en inligting wat daarin bedoel word en tersaaklik vir die aansoek is; en
- (f) 'n verduidelikende memorandum ter ondersteuning van die aansoek.

(2) Die gemagtigde beampte erken, onmiddellik by ontvangs van 'n aansoek in subregulasie (1) bedoel, ontvangs van die aansoekvorm bedoel in subregulasie (1) (e) en die dokumente daarby aangeheg, deur datering en ondertekening van die erkenningsvorm op die dorpstiger se afskrif van die aansoekvorm, of, indien die dorpstiger nie in staat is om sy afskrif van die vorm by die gemagtigde beampte af te haal nie, deur sodanige vorm of 'n soortgelyke skriftelike erkenning van ontvangs aan die dorpstiger te pos.

ONDERSOEK NA MINERAALREGTE

8. (1) Indien—

- (a) die mineraalregte ten opsigte van die grond waarop 'n dorpstiger begerig is om 'n dorp te stig, geskei is van die eiendomsreg van die grond;

(b) if on the effective date a layout plan has been approved in respect of the proposed township, but a general plan has not yet been approved, the application shall be deemed to have become an approved application on the date on which the layout plan was approved by the Minister, and the provisions of Chapters IV, V and VI shall apply in respect of the application, *mutatis mutandis*, save to the extent otherwise directed by the authorised officer; or

(c) if on the effective date a layout plan as well as a general plan has been approved in respect of the proposed township—

- (i) the application shall be deemed to have become an approved application on the date on which the layout plan was approved by the Minister; and
- (ii) the provisions of regulations 23, 24 and 25, as well as of Chapters V and VI, shall apply in respect of the application, *mutatis mutandis*, save to the extent otherwise directed by the authorised officer.

CHAPTER III

APPLICATION FOR TOWNSHIP ESTABLISHMENT

APPLICATION OF CHAPTER

6. Subject to regulations 2 and 5 this Chapter applies to applications for township establishment made by all township applicants: Provided that, if the township applicant is a local authority, the provisions of regulation 9 (1) (a) shall not be applicable.

APPLICATION TO AUTHORISED OFFICER

7. (1) A township applicant shall submit a written application to the authorised officer which includes at least—

- (a) where such agreement has not yet been submitted to the Minister as contemplated in regulation 4 (b), a copy of a land availability agreement, if applicable;
- (b) draft conditions of establishment complying with the guide-line as set out in Annexure B;
- (c) proposed title conditions, including an indication of the extent to which the land use conditions will apply to the township;
- (d) a draft layout plan;
- (e) a duly completed application form in two copies, substantially in the form of Annexure B, together with such additional documents and information as are referred to therein and are relevant to the application; and
- (f) an explanatory memorandum substantiating the application.

(2) The authorised officer shall immediately upon receipt of the application referred to in subregulation (1) acknowledge receipt of the application form referred to in subregulation (1) (e), and the documents attached thereto, by signing and dating the form of acknowledgement on the applicant's copy of the application form or, if the township applicant is unable to collect his copy of such form from the authorised officer, by posting such form or a similar written acknowledgement of receipt to the township applicant.

INVESTIGATION OF MINERAL RIGHTS

8. (1) If—

- (a) the rights to minerals in respect of the land on which the township applicant wishes to establish a township have been severed from the ownership of the land;

- (b) die eienaar van die grond waarop 'n dorpsdigter begeerig is om 'n dorp te stig, 'n huur van regte op minerale toegestaan het of 'n prospekterkontrak gesluit het, waarvan die een of albei ingevolge die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), geregistreer is, of 'n notariële akte verly het soos in artikel 8 van die Wet op Edelgesteentes, 1964 (Wet 73 van 1964), of artikel 19 (1) van die Wet op Mynregte, 1967, bedoel, welke notariële akte geregistreer is of geag word geregistreer te wees; of
- (c) die grond waarop die dorpsdigter begerig is om 'n dorp te stig, geproklameer is soos in die Wet op Mynregte, 1967, beoog,

moet die dorpsdigter die inligting in subregulasies (2) en (3) bedoel, insluit in die aansoek in regulasie 7 beoog.

(2) 'n Dorpsdigter moet in sy aansoek in die omstandighede in subregulasie (1) bedoel, aandui—

- (a) of die houer of huurder van die mineraalregte of die houer van die regte uit hoofde van 'n prospekterkontrak of 'n notariële akte, toegestem het tot die stigting van die dorp, of, ondanks redelike pogings om hom op te spoor, nie opgespoor kan word nie;
- (b) of die dorpsdigter die betrokke Administrateur, soos in artikel 4 van die Wet op Onteining van Minerale regte (Dorpe), 1969 (Wet 96 van 1969), beoog, versoek het om die mineraalregte te onteien;
- (c) of die geproklameerde grond in regulasie 8 (1) (c) beoog, vir die doel van 'n dorp uitgehou is ingevolge artikel 184 van die Wet op Mynregte, 1967, of nie gebruik word vir myndoeleindes of 'n doel wat daarmee in verband staan nie en die eienaar van die grond, met die skriftelike toestemming van die Staatsmyningenieur soos in artikel 1 van die Wet op Mynregte, 1967, bedoel, versoek is om toe te stem of toegestem het dat 'n dorp op die grond gestig word;
- (d) of enige ander stappe ten opsigte van sodanige grond gedoen is.

(3) Indien enige van of al die stappe in paragraaf (a), (b) of (c) van subregulasie (2) vermeld nie gedoen is nie, of waarskynlik nie voltooi sal wees voor die aansoek 'n goedgekeurde aansoek word nie, of, na die oordeel van die dorpsdigter, nie gedoen kan word sonder dat dit 'n wesenlike vertraging in die ontwikkeling van die dorp sal veroorsaak nie, moet die dorpsdigter in sy aansoek in subregulasie (1) bedoel, vermeld of hy versoek dat die Minister die aansoek goedkeur soos in regulasie 16 (1) beoog, ondanks die feit dat sodanige stappe nog nie gedoen is nie of waarskynlik nie voor sodanige goedkeuring voltooi sal wees nie, en indien wel, moet die aansoek ook die voorwaardes, indien daar is, wat die dorpsdigter die Minister versoek om in hierdie verband op risiko van die dorpsdigter te stel, soos in regulasie 16 (1) bedoel, vermeld.

KENNISGEWING AAN SEKERE LIGGAME

9. (1) So gou doenlik na indiening van sy aansoek by die gemagtigde beampte soos in regulasie 7 beoog, moet die dorpsdigter skriftelike kennis, wesenlik in die vorm van Aanhangsel C, vergesel van twee afskrifte van die aansoek met meegaande dokumente wat by die gemagtigde beampte ingevolge regulasie 7 ingedien is, tesame met 'n afskrif van 'n erkenning van ontvangs in regulasie 7 (2) beoog, gee aan—

- (a) die plaaslike owerheid, indien daar een is, in wie se plaaslike owerheidsgebied die grond wat die onderwerp van die aansoek is, geleë is; en
- (b) 'n persoon of liggaam aangewys kragtens subregulasie (2), wat, na die oordeel van die gemagtigde beampte, sodanige kennisgewing behoort te ontvang synde 'n party wat belang by die aansoek het.

- (b) the owner of the land on which the township applicant wished to establish a township has granted a lease of the rights to minerals or has entered into a prospecting contract, either or both of which is or are registered in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), or has executed a notarial deed contemplated in section 8 of the Precious Stones Act, 1964 (Act 73 of 1964), or section 19 (1) of the Mining Rights Act, 1967, which notarial deed is registered or deemed to be registered; or
- (c) the land on which the township applicant wishes to establish a township is proclaimed land as contemplated in the Mining Rights Act, 1967,

the township applicant shall include in the application contemplated in regulation 7 the information referred to in subregulations (2) and (3).

(2) The township applicant shall in his application in the circumstances contemplated in subregulation (1) indicate whether—

- (a) the holder or lessee of the rights to the minerals or the holder of the rights in terms of the prospecting contract or notarial deed has consented to the establishment of the township, or cannot be traced, despite reasonable efforts to trace him;
- (b) the applicant has requested the relevant Administrator as contemplated in section 4 of the Expropriation of Mineral Rights (Townships) Act, 1969 (Act 96 of 1969), to expropriate the right to minerals;
- (c) the proclaimed and contemplated in regulation 8 (1) (c) has been reserved for the purposes of a township in terms of section 184 of the Mining Rights Act, 1967, or is not used for mining purposes or purposes incidental thereto and the owner of the land, with the written consent of the Government Mining Engineer referred to in section 1 of the Mining Rights Act, 1967, has been requested to consent to or has consented to a township being established on the land;
- (d) any other steps have been taken in respect of such land.

(3) If any or all of the steps contemplated in paragraph (a), (b) or (c) of subregulation (2) have not been taken, are not likely to be completed prior to the application being coming an approved application or, in the opinion of the township applicant, cannot be taken without causing substantial delay to the development of the township, then the township applicant shall indicate in his application referred to in subregulation (1) whether he requests that the Minister approve the application as contemplated in regulation 16 (1) notwithstanding the fact that such steps have not yet been taken or are not likely to be completed prior to such approval, and, if so, the application shall also state the conditions, if any, that the township applicant requests the Minister to impose in this connection at the risk of the township applicant as contemplated in regulation 16 (1).

NOTICE TO CERTAIN BODIES

9. (1) As soon as possible after lodging his application with the authorised officer as contemplated in regulation 7, the township applicant shall give written notice substantially in the form of Annexure C, enclosing two copies of the application and accompanying documents lodged with the authorised office in terms of regulation 7, together with a copy of an acknowledgement of receipt contemplated in regulation 7 (2), to—

- (a) the local authority, if any, in whose local authority area the land forming the subject to the application is situated; and
- (b) any person or body designated in terms of subregulation (2) who should in the opinion of the authorised officer receive such notice as a party interested in the application.

(2) Die gemagtigde beampte moet die dorpsdigter in kennis stel van en moet die partye aandui, aan wie die kennisgewing beoog in subregulasie (1) (b) beteken moet word en die gemagtigde beampte se aanduiding kan, hetsy in die algemeen of in 'n bepaalde geval—

- (a) enige provinsiale paaiedepartement, enige ander departement of afdeling van die betrokke provinsiale administrasie, enige staatsdepartement of enige persoon wat, na die oordeel van die gemagtigde beampte, belang by die aansoek mag hê;
- (b) enige plaaslike owerheid of plaaslike bestuursliggaam wie se plaaslike bestuursbevoegdheid, -pligte of -funksies, na die oordeel van die gemagtigde beampte, indien die dorp goedgekeur sou word, daardeur geraak sal word;
- (c) enige plaaslike owerheid of plaaslike owerheidsliggaam, streeksdiensteraad of ander liggaam wat 'n ingenieursdiens, in Hoofstuk V beoog, op die grond ten opsigte waarvan die aansoek gedoen word, sal lewer;
- (d) die Registrateur, insluit.

(3) Die dorpsdigter moet, so gou doenlik nadat hy die kennisgewings in subregulasie (1) bedoel, gegee het, by die gemagtigde beampte sodanige bewys van kennisgewings gegee aan die persone of liggame bedoel in daardie subregulasie en van die datum van ontvangs van sodanige kennisgewings deur sodanige persone of liggame, lewer as wat die gemagtigde beampte verlang en wanneer die gemagtigde beampte die dorpsdigter in kennis stel van die aangeleenthede in subregulasie (2) beoog, dui hy terselfdertyd die wyse aan waarop sodanige bewys aan hom verstrek moet word.

OPENBARE KENNISGEWING

10. (1) 'n Dorpsdigter moet so gou doenlik nadat hy sy aansoek by die gemagtigde beampte ingedien het soos in regulasie 7 beoog, kennis van die aansoek gee deur vir twee agtereenvolgende weke 'n kennisgewing, wesenlik in die vorm van Aanhangsel D, in 'n Afrikaanstalige en in 'n Engelstalige daaglikse koerant te publiseer wat gewoonlik gesirkuleer word in of naby die ontwikkelingsgebied waarin die grond wat die onderwerp van die aansoek is, geleë is.

(2) Die dorpsdigter moet die kennisgewing in subregulasie (1) bedoel op die amptelike kennisgewingbord van die plaaslike owerheid, indien daar een is, in wie se plaaslike owerheidsgebied die dorp gestig of waarskynlik gestig sal word, vir dieselfde tydperk van twee weke in subregulasie (1) beoog, laat aanbring.

(3) Die dorpsdigter moet, so gou doenlik nadat die kennisgewings in subregulasie (1) bedoel, gepubliseer is, aanvaarbare bewys van die publikasie en die datums daarvan aan die gemagtigde beampte lewer.

BESWARE OF VERTOË

11. (1) 'n Persoon of liggaam aan wie 'n kennisgewing en afskrifte van die aansoek gegee is soos in regulasie 9 beoog, kan, binne 'n tydperk van 30 dae vanaf die datum waarop sodanige kennisgewing aan sodanige persoon of liggaam gegee is, 'n skriftelike beswaar indien by, of skriftelik verhoë rig aan die gemagtigde beampte ten opsigte van die aansoek: Met dien verstande dat, indien sodanige persoon of liggaam nie in staat is om sodanige beswaar in te dien of sodanige verhoë te rig binne die gemelde tydperk van 30 dae nie, of om die aansoek behoorlik binne die gemelde tydperk te ondersoek nie, hy, binne daardie tydperk, die gemagtigde beampte skriftelik kan versoek om die gemelde tydperk te verleng, en so 'n versoek moet die tydsduur vermeld waarvoor hy verlang dat die gemagtigde beampte gracie vir die

(2) The authorised officer shall inform the township applicant of and shall determine the parties who shall be served with the notice contemplated in subregulation (1) (b) and the authorised officer's determination may either generally or in any particular case include—

- (a) any provincial road department, any other department or division of the relevant provincial administration, any Government department which or any person who, in the opinion of the authorised officer, may be interested in the application;
- (b) any local authority or local government body whose local authority powers, duties or functions will, in the opinion of the authorised officer, be affected by the township, if approved;
- (c) any local authority or local government body, regional services council or other body that will provide any engineering service contemplated in Chapter V to the land in respect of which the application will be made;
- (d) the Registrar.

(3) The township applicant shall as soon as possible after having given the notices contemplated in subregulation (1) lodge with the authorised officer such proof of notices given to the persons or bodies contemplated in that subregulation and of the date of the receipt of such notices by such persons or bodies as the authorised officer may require, and the authorised officer shall indicate the manner of such proof required by him to the township applicant at the same time as he informs the township applicant of the matters contemplated in subregulation (2).

PUBLIC NOTICE

10. (1) A township applicant shall, as soon as possible after having lodged his application with the authorised officer as contemplated in regulation 7, give notice of the application by publishing for two consecutive weeks a notice substantially in the form of Annexure D in one Afrikaans and one English daily newspaper normally circulated in or near the development area in which the land that forms the subject of the application is situated.

(2) The township applicant shall cause the notice referred to in subregulation (1) to be displayed on the official notice board of the local authority, if any, within whose local authority area the township will or is likely to be established for the same two-week period contemplated in subregulation (1).

(3) The township applicant shall, as soon as possible after having published the notices referred to in subregulation (1), deliver to the authorised officer acceptable proof of the publication and the dates thereof.

OBJECTIONS OR REPRESENTATIONS

11. (1) A person or body given notice and copies of the application as contemplated in regulation 9 may, within a period of 30 days from the date on which such notice was given to such person or body, lodge a written objection with or make representations in writing to the authorised officer in respect of the application: Provided that, if such person or body is unable to lodge such objection or make such representations within the said 30-day period, or sufficiently to investigate the application within that period, it may, within that period, request the authorised officer in writing to extend the said period, and any such request shall set out the

indiening van die beswaar of vertoë moet verleë, sowel as die aard van die beswaar of vertoë wat sodanige persoon of liggaam van voorneme is om te maak of rig, of, na verdere ondersoek van die aansoek, sou kon of waarskynlik maak of rig.

(2) Enige persoon kan, binne 'n tydperk van 30 dae vanaf die datum van die eerste publikasie van die openbare kennisgewing in regulasie 10 beoog, 'n skriftelike beswaar of skriftelik vertoë ten opsigte van die aansoek indien by of rig aan die gemagtigde beampte.

(3) Nadat die 30-daetydperke vir die indiening van besware, vertoë of versoeke soos in subregulasie (1) en (2) beoog, verstryk het, moet die gemagtigde beampte 'n afskrif van enige sodanige beswaar of vertoë wat by hom ingedien is, asook van elke versoek in subregulasie (1) bedoel wat deur hom ontvang is, aan die dorpsdigter stuur.

(4) Enige persoon of liggaam wat vertoë rig of 'n beswaar indien soos in subregulasie (1) beoog, moet, saam met sy vertoë of beswaar een van die afskrifte van die aansoek wat by die kennisgewing in regulasie 9 (1) bedoel, ingesluit was, aan die gemagtigde beampte lewer.

(5) Nadat die 30-daetydperke vir die indiening van besware of vertoë beoog in subregulasie (1) en (2) verstryk het, en geen beswaar of vertoë van enige persoon of liggaam in subregulasies (1) en (2) beoog, deur die gemagtigde beampte ontvang is nie, word sodanige persoon of liggaam geag geen beswaar te hê teen of vertoë wens te rig ten opsigte van die aansoek nie: Met dien verstande dat—

- (a) die gemagtigde beampte, indien hy by oorweging van enige skriftelike versoek in subregulasie (1) bedoel, of op enige ander grond, tevrede is dat 'n persoon of liggaam aan wie kennis kragtens regulasie 9 gegee is, 'n beswaar wil indien of behoort in te dien of vertoë wil rig of behoort te rig maar nie in staat is om dit binne die 30-daetydperk in subregulasie (1) toegelaat, te doen nie, en dat sodanige beswaar of vertoë, indien gehandhaaf, die stigting van die dorp wesenlik sal beïnvloed of effektief sal voorkom of waarskynlik, indien gehandhaaf, wesenlik sal beïnvloed of effektief sal voorkom, behoudens die bepalings van regulasie 12, die tydperk toegelaat vir die indiening van sodanige beswaar of die rig van sodanige vertoë kan verleng vir die periode of periodes wat hy dienstig ag, en dat die gemagtigde beampte die dorpsdigter dienoreenkomstig in kennis moet stel;
- (b) die gemagtigde beampte, indien hy, behoudens die bepalings van regulasie 12, tevrede is dat die aansoek voortgesit mag word, hetsy in geheel of gedeeltelik, terwyl 'n beswaar of vertoë afgewag word, die toepassing van die bepalings van hierdie regulasies *mutatis mutandis* kan toelaat ten opsigte van die aansoek of enige gedeelte daarvan, op sodanige voorwaardes as wat hy bepaal;
- (c) dit nie soos in hierdie subregulasie beoog, beskou word dat 'n persoon of liggaam in subregulasies (1) en (2) bedoel, geen beswaar het teen of vertoë het in verband met die aansoek nie, tensy die gemagtigde beampte die bewys ontvang het dat kennis aan sodanige persoon of liggaam gegee is soos in regulasie 9 (3) of in regulasie 10 (3) beoog, na gelang van die geval.

ANTWOORD DEUR DORPSDIGTER

12. (1) Die dorpsdigter kan, binne 14 dae of sodanige langer tydperk as wat die gemagtigde beampte mag toelaat, na ontvangs deur die dorpsdigter van die afskrifte, van besware, vertoë en versoeke soos in regulasie 11 (3) beoog, of na die verstryking van 'n verlengingstydperk soos in regulasie 11 (5) (a) beoog, na gelang van die geval, skriftelik aan die gemagtigde beampte—

- (a) sy antwoord besorg op 'n beswaar of vertoë wat aan hom gelewer is soos in regulasie 11 (3) beoog, en

period within which it requests the authorised officer to allow it to lodge the objection or submission, as well as the nature of the objection or representations that such person or body intends to or, upon further investigation of the application, might or is likely to lodge or make.

(2) Any person may, within a period of 30 days from the date of the first publication of the public notice contemplated in regulation 10, lodge a written objection with or make representations in writing to the authorised officer in respect of the application.

(3) After the 30-day periods for lodging objections, representations or requests as contemplated in subregulations (1) and (2) have expired, the authorised officer shall forward to the township applicant a copy of any such objection or representation lodged with him and also of every request contemplated in subregulation (1) that has been received by him.

(4) Any person or body lodging an objection or making representations as contemplated in subregulation (1) shall, together with his representations or objection, deliver to the authorised officer one of the copies of the application enclosed with the notice contemplated in regulation 9 (1).

(5) After the 30-day periods for lodging objections or representations contemplated in subregulations (1) and (2) have expired, and if no objection or representations were received by the authorised officer from any person or body contemplated in subregulations (1) and (2), it shall be deemed that such person or body has no objection to or representations in respect of the application: Provided that—

- (a) the authorised officer may, if, upon consideration of any written request referred to in subregulation (1), or on any other ground, he is satisfied that any person or body to whom notice was given in terms of regulation 9 wishes to or should lodge an objection or make representations but is unable to do so within the 30-day period allowed in subregulation (1) and that such objection or representations will, if upheld, materially affect or effectively preclude or are likely, if upheld, materially to affect or effectively to preclude establishment of the township, subject to the provisions of regulation 12, extend the period allowed for the lodging of such objection or the making of representations by such period or periods of time as he may deem appropriate, and the authorised officer shall inform the township applicant accordingly;
- (b) the authorised officer may, if, subject to the provisions of regulation 12, he is satisfied that the application may proceed, either wholly or in part, while any objection or representation is awaited, allow the provisions of these regulations to be applied in respect of the application or any part thereof, *mutatis mutandis*, on such conditions as he may determine;
- (c) it shall not be deemed as contemplated in this subregulation that a person or body contemplated in subregulations (1) and (2) has no objection to or representations in respect of the application, unless the authorised officer has received the proof that notice was given to such person or body as contemplated in regulation 9 (3) or in regulation 10 (3), as the case may be.

REPLY BY TOWNSHIP APPLICANT

12. (1) The township applicant may, within 14 days or such longer period as the authorised officer may allow, after the receipt by the township applicant of the copies of objections, representations and requests as contemplated in regulation 11 (3), or after the expiry of any period of extension as contemplated in regulation 11 (5) (a), as the case may be, deliver in writing to the authorised officer—

- (a) his reply to any objection or representations delivered to him as contemplated in regulation 11 (3); and

(b) sy kommentaar verstrek oor die gewensheid van die toepassing van regulasie 11 (5) (a) of (b) deur die gemagtigde beampte ten opsigte van die aansoek of enige gedeelte daarvan.

(2) Indien die dorpsdigter nie sy antwoord of kommentaar binne die tydperk deur of kragtens subregulasie (1) toegelaat, besorg nie, verbeur hy die reg om dit te doen.

(3) Ten einde te besluit of hy 'n verlenging van tyd vir die indiening van 'n beswaar of vertoë, soos beoog in regulasie 11 (5) (a), moet toelaat al dan nie, en of hy die toepassing van die bepalinge van hierdie regulasies ten opsigte van enige gedeelte van die aansoek terwyl 'n beswaar of vertoë afgewag word, soos beoog in regulasie 11 (5) (b), moet toelaat al dan nie kan die gemagtigde beampte enige inspeksie uitvoer, ondersoek instel of onderhoud voer, *mutatis mutandis*, soos in regulasie 13 beoog.

OORWEGING DEUR GEMAGTIGDE BEAMPTTE

13. Nadat die tydperk wat by of kragtens regulasie 12 (1) aan die dorpsdigter veroorloof is om sy antwoord of kommentaar te lewer, verstryk het, moet die gemagtigde beampte die aansoek oorweeg, met inagneming van enige beswaar of vertoë ingedien en enige antwoord of kommentaar deur die dorpsdigter gelewer, en kan hy vir daardie doel—

- (a) enige inspeksie uitvoer of enige ondersoek instel (insluitende enige oorlegpleging met sodanige persone as wat die gemagtigde beampte mag bepaal) wat hy dienstig ag; en
- (b) met enige persoon of liggaam 'n onderhoud voer wat 'n beswaar ingedien of vertoë gerig of kommentaar gelewer het, insluitende die dorpsdigter,

en die dorpsdigter is geregtig om by enige sodanige inspeksie, ondersoek of onderhoud teenwoordig te wees.

WYSIGING VOOR GOEDKEURING VAN AANSOEK

14. Te eniger tyd nadat sy aansoek by die gemagtigde beampte ingedien is, maar voordat sodanige aansoek 'n goedgekeurde aansoek geword het, kan die dorpsdigter—

- (a) uit eie beweging en met die toestemming van die gemagtigde beampte, of
- (b) op versoek van die gemagtigde beampte,

die aansoek wysig: Met dien verstande dat waar die wysiging na die oordeel van die gemagtigde beampte wesenlik is, die gemagtigde beampte sodanige kennis van die wysiging moet gee of die wysiging met sodanige persone of liggame bespreek, as wat hy nodig ag, of waar die wysiging na die oordeel van die gemagtigde beampte so wesenlik is dat dit 'n nuwe aansoek uitmaak, die gemagtigde beampte sodanige vereistes aan die dorpsdigter in verband met die indiening van 'n nuwe aansoek en die gee van kennisgewings kan stel as wat hy dienstig ag.

AANBEVELING AAN MINISTER

15. Binne 60 dae nadat die tydperk wat die dorpsdigter gegun is om sy antwoord of kommentaar in te dien soos in regulasie 12 beoog, verstryk het, moet die gemagtigde beampte die aansoek aan die Minister voorlê, tesame met sy verslag waarin hy sy aanbevelings aan die Minister met betrekking tot die aansoek doen.

BESLUIT VAN MINISTER

16. (1) By ontvangs van 'n aansoek vergesel van die gemagtigde beampte se verslag soos in regulasie 15 beoog, kan die Minister die aansoek of enige deel daarvan wat slegs op 'n gedeelte van die betrokke grond betrekking het, goedkeur of die aansoek of enige deel daarvan weier, of 'n besluit daaroor in die geheel of gedeeltelik uitstel: Met dien

(b) his comments on the desirability of the authorised officer applying regulation 11 (5) (a) or (b) in respect of the application or any part thereof.

(2) If the township applicant does not deliver his reply or comments within the period allowed by or in terms of subregulation (1), he shall forfeit the right to do so.

(3) For the purposes of reaching a decision on whether or not to allow any extension of time for the lodging of an objection or the making of representations, or to allow the provisions of these regulations to be applied in respect of any part of the application, while any objection or representation is awaited, as contemplated in regulation 11 (5) (a) or (b), the authorised officer may conduct any inspection, investigation or interview, *mutatis mutandis* as contemplated in regulation 13.

CONSIDERATION BY AUTHORISED OFFICER

13. After the period afforded the township applicant for making his reply or comments by or in terms of regulation 12 (1) has expired, the authorised officer shall consider the application, having regard to every objection or representation lodged and to any reply or comments made by the township applicant, and he may for that purpose—

- (a) conduct any inspection or institute any investigation (including any consultations with such persons as the authorised officer may determine) which he may deem expedient; and
- (b) interview any person or body who or which lodged an objection or made representations or comments, including the township applicant,

and the township applicant shall be entitled to be present at any such inspection, investigation or interview.

AMENDMENT BEFORE APPROVAL OF APPLICATION

14. At any time after his application has been lodged with the authorised officer but before such application has become an approved application, the township applicant may—

- (a) of his own accord and with the consent of the authorised officer; or
- (b) at the request of the authorised officer,

amend the application: Provided that where the amendment is, in the opinion of the authorised officer, a substantial one, the authorised officer shall give such notice of the amendment or discuss the amendment with such persons or bodies as he may deem necessary, or, where the amendment is, in the opinion of the authorised officer, so substantial that it constitutes a new application, the authorised officer may give such directions to the township applicant relating to the lodging of a new application and the giving of notices as he may deem appropriate.

RECOMMENDATION TO MINISTER

15. Within 60 days after the period allowed the township applicant to lodge his reply or comments contemplated in regulation 12 has expired, the authorised officer shall submit the application to the Minister, together with his report in which he makes his recommendation to the Minister regarding the application.

DECISION OF MINISTER

16. (1) On receipt of an application accompanied by the authorised officer's report contemplated in regulation 15, the Minister may approve the application or any part thereof relating to a portion of the relevant land only, or refuse it or any part thereof, or postpone a decision thereon either wholly or in part: Provided that, where the land concerned

verstande dat waar die betrokke grond onderworpe is aan enige regte, of geproklameerde grond is, soos in regulasie 8 (1) (a), (b) of (c) bedoel, die Minister die aansoek kan goedkeur, onderworpe aan sodanige voorwaardes, indien daar is, betreffende die regte van die houer of huurder van mynregte, die deproklamerings van die grond kragtens die Wet op Mynregte, 1967, of die afsondering van die betrokke grond vir dorpsdoeleindes soos in artikel 184 van daardie Wet beoog, as wat hy na oorleg, indien hy dit nodig ag, met die Minister van Mineraal- en Energiesake, of sy behoorlik aangewese verteenwoordiger mag bepaal.

(2) Wanneer die Minister 'n aansoek goedkeur, kan hy, benewens 'n voorwaarde in subregulasie (1) beoog, enige voorwaarde wat hy raadsaam ag op lê, met inbegrip van die voorwaarde dat 'n begiftiging *in natura* of in kontant vereis word: Met dien verstande dat sodanige begiftiging slegs betrekking mag hê op die oordrag aan of vestiging in 'n plaaslike owerheid of enige persoon of liggaam, of 'n administrateur, soos in regulasie 3 beoog, van grond wat bestem is vir gebruik as 'n openbare oop ruimte op die uitlegplan, of die betaling van 'n geldsom in plaas van sodanige oordrag of vestiging.

(3) Nadat die Minister 'n aansoek of enige gedeelte daarvan goedgekeur het, moet die gemagtigde beampte die dorpsdigter, die Registrateur, die Landmeter-generaal en die plaaslike owerheid, indien daar een is, wie se plaaslike owerheidsgebied die goedgekeurde dorp sal insluit, skriftelik in kennis stel van sodanige goedkeuring en van enige voorwaarde deur die Minister opgelê.

(4) Indien die Minister die aansoek geweier of 'n besluit daaroor uitgestel het, hetsy in die geheel of gedeeltelik, of voorwaardes kragtens subregulasie (2) opgelê het wat wesenlik verskil van die voorwaardes voorgelê in die dorpsdigter se aansoek in regulasie 7 beoog, moet die gemagtigde beampte, op skriftelike versoek van die dorpsdigter, 'n afskrif van die Minister se skriftelike redes vir sy besluit of uitstel aan die dorpsdigter stuur.

(5) Nadat die dorpsdigter in kennis gestel is dat sy aansoek goedgekeur is, maar voordat 'n registrasie of endossement plaasgevind het soos in regulasie 21 (1) beoog, kan die Minister enige voorwaarde deur hom opgelê, wysig of skrap, of enige verdere voorwaarde byvoeg, en is die bepaling van subregulasie (4) ten opsigte van sodanige wysiging of skapping *mutatis mutandis* van toepassing.

WYSIGING NA GOEDKEURING VAN AANSOEK

17. (1) 'n Dorpsdigter wat in kennis gestel is dat sy aansoek goedgekeur is soos in regulasie 16 beoog, kan te eniger tyd voordat die algemene plan met betrekking tot die voorgestelde dorp goedgekeur is soos in regulasie 19 beoog, op sodanige wyse as wat die gemagtigde beampte bepaal by die Minister aansoek doen om die wysiging van die uitlegplan met betrekking tot die voorgestelde dorp, of om die verdeling van die dorp in twee of meer afsonderlike dorpe.

(2) By ontvangs van 'n aansoek in subregulasie (1) bedoel, kan die Minister—

- (a) waar die dokumente in regulasie 19 beoog, nie reeds by die Landmeter-generaal ingedien is nie; of
- (b) waar die dokumente in regulasie 19 beoog, wel by die Landmeter-generaal ingedien is, maar nie reeds deur hom soos in daardie regulasie bedoel, goedgekeur is nie, na oorlegpleging met die Landmeter-generaal,

toestem tot 'n wysiging van die uitlegplan of tot 'n verdeling van die dorp in subregulasie (1) bedoel, onderworpe aan enige voorwaardes wat die Minister dienstig mag ag.

(3) Waar die toestemming in subregulasie (2) beoog, verleen is, moet die gemagtigde beampte die dorpsdigter skriftelik daarvan en van enige voorwaarde opgelê, in kennis stel.

is subject to any rights or is proclaimed land as contemplated in regulation 8 (1) (a), (b) or (c), the Minister may approve the application subject to such conditions, if any, regarding the rights of the holder or lessee of mining rights, the deproclamation of the land under the Mining Rights Act, 1967, or the reservation of the land in question for township purposes as contemplated in section 184 of that Act, as he may determine after consultation, if deemed necessary by him, with the Minister of Mineral and Energy Affairs or his duly appointed representative.

(2) When the Minister approves an application, he may, in addition to any condition contemplated in subregulation (1), impose any condition he may deem expedient, including a condition requiring the provision of an endowment in kind or in cash: Provided that such an endowment may relate only to the transfer to or vesting in the local authority or any other person or body, or an administrator, as contemplated in regulation 3, of land designated for use as a public open space on the layout plan, or the payment of an amount of money in lieu of such transfer or vesting.

(3) After the Minister has approved an application or any part thereof, the authorised officer shall in writing notify the township applicant, the Registrar, the Surveyor-General and the local authority, if any, whose local authority area will include the approved township of such approval, and of any condition imposed by the Minister.

(4) If the Minister has refused the application or postponed a decision thereon either wholly or in part, or has imposed conditions under subregulation (2) that are materially different from the conditions submitted in the township applicant's application contemplated in regulation 7, the authorised officer shall, on the township applicant's written request, forward a copy of the Minister's written reasons for his decision to the township applicant.

(5) After the township applicant has been notified that his application has been approved, but before a registration or endorsement has taken place as contemplated in regulation 21 (1), the Minister may amend or delete any condition imposed by him or add any further condition, and the provisions of subregulation (4) shall apply, *mutatis mutandis* in respect of such amendment or deletion.

AMENDMENT AFTER APPROVAL OF APPLICATION

17. (1) A township applicant who has been notified that his application has been approved as contemplated in regulation 16 may, at any time prior to the general plan relating to the proposed township having been approved as contemplated in regulation 19, apply to the Minister in such manner as the authorised officer may determine for the amendment of the layout plan relating to the proposed township, or for the division of the township into two or more separate townships.

(2) On receipt of an application referred to in subregulation (1) the Minister may—

- (a) where the documents contemplated in regulation 19 have not yet been lodged with the Surveyor-General; or
- (b) where the documents contemplated in regulation 19 have been lodged with the Surveyor-General but not yet approved by him as intended in that regulation, after consultation with the Surveyor-General,

consent to an amendment of the layout plan or to a division of the township referred to in subregulation (1) subject to any conditions that the Minister may deem expedient.

(3) Where the consent contemplated in subregulation (2) has been granted, the authorised officer shall notify the township applicant in writing thereof and of any condition imposed.

(4) Die verlening van toestemming kragtens subregulasie (2), en die kennisgewing deur die gemagtigde beampte in subregulasie (3) bedoel, word geag 'n goedkeuring en 'n kennisgewing, na gelang van die geval, te wees ten opsigte van 'n aansoek vir die gewysigde dorp of van elke afsonderlike dorp, soos in regulasie 16 beoog.

HOOFSTUK IV

PROSEDURE VIR VERKLARING TOT GOEDGEKEURDE DORP

VERBOD OP STRYDIGE GEBRUIK

18. (1) Met ingang van die datum van die Minister se goedkeuring van 'n dorpstigtingsaansoek soos in regulasie 16 beoog, verleen die eienaar van die betrokke grond, die betrokke administrateur, enige persoon of liggaam belas met die administrasie van sodanige grond, of die plaaslike owerheid, indien daar een is, wie se plaaslike owerheidsgebied die goedgekeurde dorp sal insluit, nie enige toestemming, goedkeuring of magtiging wat in stryd sal wees nie met die grondgebruiksvoorwaardes of enige ander gebruiksvoorwaardes wat op die dorp van toepassing sal wees soos in regulasie 32 bedoel.

(2) Indien 'n plaaslike owerheid, die betrokke administrateur, of enige persoon of liggaam belas met die administrasie van die betrokke grond, van oordeel is dat die bepalinge van die voorwaardes in subregulasie (1) bedoel, oortree sou word indien—

- (a) die oprigting of verandering van aanbouing aan enige gebou onderneem of voortgesit word;
- (b) die onderverdeling van enige grond onderneem of voortgesit word;
- (c) enige werk gedoen, onderneem of voortgesit word; of
- (d) enige bepaalde gebruik gemaak word van enige grond of gebou,

kan die plaaslike owerheid, sodanige administrateur of sodanige persoon of liggaam by wyse van skriftelike kennisgewing sodanige oprigting, verandering, aanbouing, onderverdeling, werk of gebruik, verbied: Met dien verstande dat hierdie bepaling nie van toepassing is nie op die oprigting of verandering van of aanbouing aan 'n gebou onderneem of voortgesit ooreenkomstig 'n goedgekeurde bouplan of 'n goedkeuring kragtens enige ander wet verleen.

VOORLEGGING VAN PLANNE AAN LANDMETER-GENERAAL

19. (1) 'n Dorpstigter wat kragtens regulasies 16 in kennis gestel is dat sy aansoek deur die Minister goedgekeur is of dat 'n wysiging of verdeling goedgekeur is soos in regulasie 17 beoog, na gelang van die geval, moet, binne 'n tydperk van twaalf maande vanaf die datum van sodanige kennisgewing, of sodanige verdere tydperk as wat die gemagtigde beampte toelaat, sodanige planne, diagramme of ander dokumente as wat die Landmeter-generaal mag vereis, by die Landmeter-generaal vir goedkeuring indien, en indien die dorpstigter versuim om dit te doen, vervel die aansoek: Met dien verstande dat die gemagtigde beampte, waar dit dienstig is, die dorpstigter kan toelaat om sodanige planne, diagramme of ander dokumente by die Landmeter-generaal in te dien op 'n stadium voordat die betrokke aansoek 'n goedgekeurde aansoek geword het: Met dien verstande voorts dat, in sodanige geval, die uitlegplan met betrekking tot die dorp reeds deur die Minister goedgekeur moes gewees het soos in die Wet beoog, indien nodig afsonderlik van ander aspekte van die aansoek wat kragtens regulasie 16 deur die Minister oorweeg word.

(2) So gou doenlik na indiening van die planne, diagramme of ander dokumente in subregulasie (1) bedoel, moet die dorpstigter die gemagtigde beampte in kennis stel van die datum van sodanige indiening.

(4) The granting of a consent in terms of subregulation (2), and the notice by the authorised officer referred to in subregulation (3), shall be deemed to be an approval and a notice, as the case may be, in respect of an application for the amended township or of each separate township, as contemplated in regulation 16.

CHAPTER IV

PROCEDURE FOR DECLARING AN APPROVED TOWNSHIP

PROHIBITION OF CONFLICTING USE

18. (1) With effect from the date of the Minister's approval of a township application as contemplated in regulation 16, the owner of the land concerned, the relevant administrator, any person or body charged with the administration of such land, or the local authority, if any, whose local authority area will include the approved township shall not grant any consent, approval or authority that would be in conflict with the land use conditions or any other use conditions that will apply to the township, as contemplated in regulation 32.

(2) If a local authority, the relevant administrator, or any person or body charged with the administration of the relevant land is of the opinion that the provisions of the conditions referred to in subregulation (1) would be contravened if—

- (a) the erection or alteration of or addition to any building is undertaken or proceeded with;
- (b) the subdivision of any land is undertaken or proceeded with;
- (c) any work is performed, undertaken or proceeded with; or
- (d) any particular use is made of any land or building,

the local authority, such administrator or such person or body may by written notice prohibit such erection, alteration, addition, subdivision, work or use: Provided that this provision shall not apply to the erection or alteration of or addition to a building undertaken or proceeded with in accordance with an approved building plan or in terms of an approval granted in terms of any other law.

SUBMISSION OF PLANS TO SURVEYOR-GENERAL

19. (1) A township applicant who has been notified in terms of regulation 16 that his application has been approved by the Minister or that an amendment or division has been approved as contemplated in regulation 17, as the case may be, shall, within a period of 12 months from the date of such notice, or such further period as the authorised officer may allow, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, and if the township applicant fails to do so, the application shall lapse: Provided that the authorised officer may, where appropriate, allow the township applicant to lodge such plans, diagrams or other documents with the Surveyor-General at a stage prior to the relevant application having become an approved application: Provided further that, in such event, the layout plan relating to the proposed township shall have been first approved by the Minister as contemplated in the Act, if necessary separately from other aspects of the application being considered by the Minister in terms of regulation 16.

(2) As soon as possible after lodging the plans, diagrams or other documents referred to in subregulation (1), the township applicant shall inform the authorised officer of the date of such lodging.

(3) Indien die dorpsdigter versuim om binne 'n redelike tyd nadat hy die planne, diagramme of ander dokumente bedoel in subregulasie (1) ingedien het, te voldoen aan enige vereistes wat die Landmeter-generaal regtens kan stel, kan die Landmeter-generaal die gemagtigde beampte dienooreenkomstig in kennis stel, en indien die gemagtigde beampte tevrede is, nadat hy die dorpsdigter aangehoor het, dat die dorpsdigter sonder grondige rede versuim het om aan enige sodanige vereistes te voldoen, moet die gemagtigde beampte die dorpsdigter van sy bevinding in kennis stel, en daarop verval die aansoek: Met dien verstande dat, indien enige reg van huurpag ten opsigte van onopgemete persele soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie moet verval of nie verval het nie, en hy dan geregtig is om op koste van die dorpsdigter te laat voldoen aan die vereistes van die Landmeter-generaal.

(4) Nadat die planne, diagramme of dokumente wat die Landmeter-generaal vereis tot sy tevredeheid by hom ingedien is, handel hy met sodanige planne, diagramme of ander dokumente ooreenkomstig die Opmetingswet, 1927.

(5) 'n Algemene plan deur die Landmeter-generaal goedgekeur, handelende soos in subregulasie (4) beoog, of enige algemene plan wat voor die inwerkingtreding van die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986, kragtens die Wet goedgekeur is, kan deur die Landmeter-generaal gewysig word of gedeeltelik of in die geheel gekanselleer word of die grond wat op sodanige algemene plan aangetoon word kan gekonsolideer of onderverdeel word op sodanige bedinge en voorwaardes as wat die Minister mag goedkeur of gelas.

(6) Die dorpsdigter is verantwoordelik vir die indiening by die Landmeter-generaal van enige aansoek om die wysiging of gedeeltelike of totale kansellering van 'n algemene plan in subregulasie (5) bedoel, tesame met enige goedkeuring of lasgewing in daardie subregulasie bedoel, en sodanige wysigende algemene plan moet aan die vereistes van die Opmetingswet, 1927, voldoen.

(7) Enige beding of voorwaarde deur die Minister goedgekeur of gelas soos in subregulasie (5) beoog, kan enige voorwaarde betreffende die betaling van vergoeding, indien daar is, of die sluiting van 'n openbare plek insluit.

(8) Nadat die algemene plan met betrekking tot die dorp, of enige gedeelte daarvan, deur die Landmeter-generaal goedgekeur is, is die dorpsdigter daarvoor verantwoordelik om sodanige gevolglike wysigings aan die betrokke uitlegplan aan te bring as wat die vorm waarin die algemene plan goedgekeur is, mag vereis, en is dit nie nodig dat 'n nuwe of bykomende aansoek gedoen word of goedkeuring verleen word ten opsigte van 'n uitlegplan wat aldus gewysig is nie.

(9) Die dorpsdigter moet, binne 'n tydperk van drie maande na die datum waarop die planne en diagramme aan die Landmeter-generaal voorgelê en deur hom goedgekeur is, 'n gesertifiseerde afskrif of natreksel van die algemene plan van die dorp, tesame met 'n afskrif van die uitlegplan soos in subregulasie (8) bedoel, by die gemagtigde beampte indien en, indien die goedgekeurde dorp binne die plaaslike owerheidsgebied van 'n plaaslike owerheid geleë sal wees, ook by daardie plaaslike owerheid.

HUURPAG KRAGTENS ARTIKEL 52 (5) VAN DIE WET GEDURENDE DORPSTIGTING

20. (1) Ondanks enige andersluidende bepalings van hierdie regulasies, met inbegrip van, maar nie beperk nie tot—

- (a) die vereiste dat die Registrateur normaalweg met die betrokke titelaktes met betrekking tot 'n voorgestelde dorp kragtens Hoofstuk IV van die Registrasie van Aktes Wet, 1937, handel soos in regulasie 21 (1) beoog;

(3) If the township applicant fails, within a reasonable time after he has lodged the plans, diagrams or other documents referred to in subregulation (1), to comply with any requirements the Surveyor-General may lawfully lay down, the Surveyor-General may notify the authorised officer accordingly, and if the authorised officer is satisfied, after hearing the township applicant, that the township applicant has failed to comply with any such requirement without sound reason, the authorised officer shall notify the applicant that he is so satisfied, and thereupon the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he shall be entitled to cause the requirements of the Surveyor-General to be complied with at the expense of the township applicant.

(4) After the Surveyor-General shall have been satisfied that the required plans, diagrams or documents have been lodged with him, he shall deal with such plans, diagrams or documents in accordance with the Land Survey Act, 1927.

(5) A general plan approved by the Surveyor-General, acting as contemplated in subregulation (4), or any general plan approved under the Act prior to the coming into force of the Black Communities Development Amendment Act, 1986, may be amended or partially or totally cancelled by the Surveyor-General on the land shown on such general plan may be consolidated or subdivided, on such terms and conditions as the Minister may approve or direct.

(6) The township applicant shall be responsible for submitting any application for the amendment or partial or total cancellation of a general plan referred to in subregulation (5) to the Surveyor-General, together with any approval or direction referred to in that subregulation, and such amending general plan shall comply with the requirements of the Land Survey Act, 1927.

(7) Any term or condition approved or directed by the Minister as contemplated in subregulation (5) may include any condition as to the payment of compensation, if any, or the closing of any public place.

(8) After the general plan relating to the township, or any part thereof, has been approved by the Surveyor-General, the township applicant shall be responsible for making such consequential amendments to the relevant layout plan as may be dictated by the form in which the general plan was approved, and it shall not be necessary for any new or additional application to be made or approval to be granted in respect of a layout plan so amended.

(9) The township applicant shall, within a period of three months after the date on which the Surveyor-General has approved the plans and diagrams submitted to him, lodge a certified copy or tracing of the general plan of the township, together with a copy of the layout plan, amended as contemplated in subregulation (8), with the authorised officer and, if the approved township will be within the local authority area of any local authority, also with that local authority.

LEASEHOLD IN TERMS OF SECTION 52 (5) OF THE ACT DURING TOWNSHIP ESTABLISHMENT

20. (1) Notwithstanding anything to the contrary contained in these regulations, including, but not limited to—

- (a) the requirement that the Registrar must in the ordinary course deal with the relevant title deeds relating to a proposed township in terms of Chapter IV of the Deeds Registries Act, 1937, as contemplated in regulation 21 (1);

- (b) die vereiste dat die Registrateur normaalweg nie enige transaksie mag registreer ten opsigte van grond geleë in 'n voorgestelde dorp in omstandighede behalwe soos in regulasie 21 (3) beoog nie; en
- (c) die feit dat aan sekere vereistes voldoen moet word alvorens die grond in 'n voorgestelde dorp in 'n registrasiekantoor registreerbaar word soos in regulasie 25 (2) beoog,

moet 'n Registrateur 'n reg van huurpag ten opsigte van 'n perseel wat nog nie op 'n algemene plan aangetoon is nie, registreer, soos in artikel 52 (5) en (9) van die Wet beoog: Met dien verstande dat die betrokke perseel geïdentifiseer is met verwysing na 'n ontwerpalgemene plan of ontwerpdiagram ingedien by die Landmeter-generaal, soos in regulasie 6 (4) van die Huurpagregulasies, 1985, beoog.

(2) Die persoon in regulasie 6 (3) (b) van die Huurpagregulasies, 1985, bedoel, ken nie 'n verwysingsnommer vir doeleindes van 'n registrasie soos in subregulasie (1) beoog aan 'n ontwerp- algemene plan toe nie, tensy hy tevrede is dat—

- (a) 'n kontrak in regulasie 24 (4) beoog, behoorlik gesluit is ten opsigte van die betrokke grond, of gesluit kan word ten opsigte van sodanige grond, deurdat—
 - (i) die betrokke aansoek 'n goedgekeurde aansoek geword het soos in regulasie 24 (4) (a) beoog; en
 - (ii) indien die dorpsdigter nie 'n plaaslike owerheid is wat al die ingenieursdienste aan die dorp voorsien soos in regulasie 30 beoog nie, sodanige dorpsdigter en die betrokke gesag albei hulle diensteverpligtinge nagekom het of die ondernemings of waarborge soos bedoel in regulasie 24 (4) (b) gegee het, of, indien die dorpsdigter wel 'n plaaslike owerheid is soos in regulasie 30 beoog, sodanige dorpsdigter alle ingenieursdienste met betrekking tot die betrokke grond geïnstalleer en voorsien het soos in regulasie 24 (4) (c) beoog; en
- (b) die planne, diagramme en ander dokumente in regulasie 19 (1) bedoel, behoorlik by die Landmeter-generaal ingedien is soos in daardie regulasie bedoel, ten opsigte van die betrokke grond, maar nog nie soos in regulasie 19 beoog, goedgekeur is nie.

(3) Hierdie regulasie word nie so uitgelê dat dit 'n vereiste is dat aan die bepalings van subregulasie (2) voldoen moet word, of dat die Registrateur verbied word om 'n reg van huurpag soos in artikel 52 (5) van die Wet beoog, te registreer nie, in 'n geval waar 'n dorp nie kragtens hierdie regulasies gestig word nie, of waar die Minister 'n persoon of liggaam vrygestel het van die bepalings van hierdie regulasies soos in subregulasie 2 (b) beoog: Met dien verstande dat, indien 'n dorpsdigter 'n aansoek by die gemagtigde beampte ingevolge regulasie 7 ingedien het, of 'n uitlegplan ingedien het of geag word 'n uitlegplan in te gedien het by die Minister soos in regulasie 5 (2) (a) beoog, 'n registrasie van huurpag ingevolge artikel 52 (5) van die Wet, slegs op die wyse beoog in hierdie regulasie, geskied.

INDIENING VAN PLANNE, DIAGRAMME EN AKTES BY REGISTRATEUR

21. (1) Die dorpsdigter moet die betrokke planne en diagramme, tesame met die betrokke titelaktes by die Registrateur indien om daarmee te handel ingevolge Hoofstuk IV van die Registrasie van Aktes Wet, 1937: Met dien verstande dat die Registrateur nie enige registrasie of endossement kragtens daardie hoofstuk toelaat nie tot tyd en wyl hy

- (b) the requirement that the Registrar shall in the ordinary course of events not register any transactions in respect of the land situated in a proposed township in circumstances other than those contemplated in regulation 21 (3); and
- (c) the fact that certain requirements must be met before the land in a proposed township becomes registrable in a registration office as contemplated in regulation 25 (2),

the Registrar shall register a right of leasehold in respect of premises not yet shown on a general plan, as contemplated in section 52 (5) and (9) of the Act: Provided that the site concerned shall have been identified by reference to a draft general plan or draft diagram submitted to the Surveyor-General as contemplated in regulation 6 (4).

(2) The person contemplated in regulation 6 (3) (b) of the Leasehold Regulations, 1985 shall not allocate a reference number to a draft general plan for the purposes of a registration as contemplated in subregulation (1) unless he is satisfied that—

- (a) a contract as contemplated in regulation 24 (4) has been duly entered into in respect of the land concerned, or may be entered into in respect of such land, in that—
 - (i) the relevant application has become an approved application as contemplated in regulation 24 (4) (a); and
 - (ii) if the township applicant is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities or have both delivered undertakings or guarantees as contemplated in regulation 24 (4) (b), or, if the township applicant is a local authority as contemplated in regulation 30, such township applicant has installed and provided all engineering services in respect of the relevant land as contemplated in regulation 24 (4) (c); and
- (b) the plans, diagrams and other documents referred to in regulation 19 (1) have been duly lodged with the Surveyor-General as contemplated in that regulation, in respect of the land concerned, but have not yet been approved as contemplated in regulation 19.

(3) This regulation shall not be construed as requiring the provisions of subregulation (2) to be complied with, or prohibiting the Registrar from registering a right of leasehold as contemplated in section 52 (5) of the Act, in a case where a township is not being established under these regulations or where the Minister has exempted any person or body from the provisions of these regulations as contemplated in regulation 2 (b): Provided that, if a township applicant has lodged an application with the authorised officer in terms of regulation 7 or has lodged or is deemed to have lodged a layout plan with the Minister as contemplated in regulation 5 (2) (a), any registration of a leasehold in terms of section 52 (5) of the Act shall take place only in the manner contemplated in this regulation.

LODGING OF PLANS, DIAGRAMS AND DEEDS WITH REGISTRAR

21. (1) The township applicant shall lodge the relevant plans and diagrams, together with the relevant title deeds, with the Registrar, to be dealt with in terms of Chapter IV of the Deeds Registries Act, 1937: Provided that the Registrar shall not allow any registration or endorsement to take place in terms of that chapter until such time as he is informed in

skriftelik deur die gemagtigde beampte in kennis gestel is, dat die volgende vereistes tot tevredenheid van die gemagtigde beampte nagekom is, hetsy ten opsigte van die geheel of ten opsigte van 'n gedeelte van die dorp:

- (a) Die aansoek om die stigting van 'n dorp 'n goedgekeurde aansoek geword het vir sover dit op die betrokke grond betrekking het.
 - (b) Indien die dorpsstigter nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp voorsien soos in regulasie 30 bedoel nie, sodanige dorpsstigter en die betrokke gesag 'n diensteooreenkoms gesluit het, of, alternatiewelik, die diensteverantwoordelikhede van die partye deur 'n dienstearbitrasieraad bepaal is in die omstandighede in regulasie 26 (3) beoog.
 - (c) Die dorpsstigter voldoen het aan sodanige stigtingsvoorwaardes as wat die Minister ingevolge regulasie 16 (2) vereis het vervul moet word voordat hy die dorp tot 'n goedgekeurde dorp verklaar.
- (2) Die betrokke planne, diagramme en titelaktes moet deur die dorpsstigter ingedien word soos in subregulasie (1) beoog binne drie maande vanaf die datum van die goedkeuring van die planne en diagramme soos in regulasie 19 beoog, of binne sodanige langer tydperk as wat die gemagtigde beampte toelaat, by gebreke waarvan die aansoek verval: Met dien verstande dat indien 'n reg van huurpag ten opsigte van 'n onopgemete perseel soos in artikel 52 (5) van die Wet en regulasie 20 beoog, geregistreer is ten opsigte van grond in die voorgestelde dorp, die gemagtigde beampte kan verklaar dat die aansoek nie verval of nie verval het nie, en hy verder die nodige planne, diagramme en titelaktes kan laat voorberei en aan hom laat lewer en dit by die Registrateur laat indien op koste van die dorpsstigter.
- (3) Sodra die Registrateur met die titelaktes gehandel het soos in subregulasie (1) bedoel, moet hy die gemagtigde beampte in kennis stel van die betrokke endossemente of registrasies, en daarna mag die Registrateur, buite en behalwe die oordrag van 'n openbare oop ruimte soos in regulasie 25 (1) (a) beoog, geen verdere transaksies registreer ten opsigte van enige grond geleë in die voorgestelde dorp nie, tot tyd en wyl die Registrateur die skriftelike kennisgewing van die gemagtigde beampte in regulasie 25 (2) bedoel, ontvang het: Met dien verstande dat hierdie subregulasie nie uitgelê word nie as sou dit die Registrateur belet om 'n reg van huurpag ten opsigte van 'n onopgemete perseel in die voorgestelde dorp te registreer soos in artikel 52 (5) van die Wet en regulasie 20 beoog.

VOORTSETTING VAN AANSOEK DEUR NUWE DORPSTIGTER

22. (1) Indien die eiendomsreg van grond ten opsigte waarvan aansoek om die stigting van 'n dorp gedoen is, verander het, of die betrokke grond beskikbaar gestel is aan 'n ander persoon of liggaam ingevolge artikel 34 (9) van die Wet, as die persoon of liggaam aan wie die grond oorspronklik beskikbaar gestel was, of 'n ander persoon as die oorspronklike dorpsstigter die agent geword het van die eienaar of sy toestemming verkry het om 'n dorp op die grond te stig, en die nuwe eienaar van die grond of nuwe persoon of liggaam aan wie die grond beskikbaar gestel is, of die nuwe agent of die nuwe houer van die toestemming, die gemagtigde beampte skriftelik in kennis stel dat hy begerig is om met die aansoek voort te gaan, kan die gemagtigde beampte, indien die aansoek nie verval het nie, toestem tot die voortsetting van die aansoek deur sodanige nuwe persoon op enige voorwaarde wat hy dienstig mag ag.

(2) 'n Dorpsstigter wat kragtens subregulasie (1) voortgaan met 'n aansoek, word vir die doeleindes van hierdie regulasies geag die dorpsstigter te wees wat oorspronklik die aansoek gebring het.

writing by the authorised officer that the following requirements have been met to the satisfaction of the authorised officer, whether in respect of the whole township or of any part thereof:

- (a) The application for the establishment of a township has become an approved application in so far as it relates to the land in question.
- (b) If the township applicant is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have concluded a services agreement or, alternatively, the service responsibilities of the parties have been determined by a services arbitration board in the circumstances contemplated in regulation 26 (3).
- (c) The township applicant has complied with such conditions of establishment as the Minister has required in terms of regulation 16 (2) to be fulfilled prior to his declaring the township to be an approved township.

(2) The relevant plans, diagrams and title deeds shall be lodged by the township applicant as contemplated in subregulation (1) within three months of the date of the approval of the plans and diagrams as contemplated in regulation 19, or within such further period as the authorised officer may allow, failing which the application shall lapse: Provided that, if any right of leasehold in respect of unsurveyed premises as contemplated in section 52 (5) of the Act and in regulation 20 has been registered in respect of land in the proposed township, the authorised officer may declare that the application shall not lapse, or has not lapsed, and he may cause the necessary plans, diagrams and title deeds to be prepared and delivered to him and to be lodged with the Registrar at the expense of the township applicant.

(3) As soon as the Registrar has dealt with the title deeds as contemplated in subregulation (1), he shall notify the authorised officer of the relevant endorsements or registrations and thereafter the Registrar shall, save for the transfer of a public open space as contemplated in regulation 25 (1) (a), not register any further transactions in respect of any land situated in the proposed township until such time as he has received the written notice from the authorised officer referred to in regulation 25 (2): Provided that this subregulation shall not be construed as prohibiting the Registrar from registering a right of leasehold in respect of unsurveyed premises in the proposed township as contemplated in section 52 (5) of the Act and in regulation 20.

CONTINUATION OF APPLICATION BY NEW APPLICANT

22. (1) If the ownership of land in respect of which an application for the establishment of a township has been made has changed or the land concerned has been made available to a person or body as contemplated in section 34 (9) of the Act, other than the one to whom the land was originally made available, or a person other than the original township applicant has become the agent of the owner or has been granted his consent to establish a township on the land, and the new owner of the land or new person or body to whom the land was made available, or the new agent or consent holder notifies the authorised officer in writing that he wishes to continue with the application, the authorised officer may, if the application has not lapsed, consent to the continuation of the application by such new person on any condition he may deem expedient.

(2) A township applicant who continues with an application in terms of subregulation (1) shall, for the purposes of these regulations, be deemed to be the township applicant who originally made the application.

KENNISGEWING WAT DIE DORP TOT GOEDGEKEURDE DORP VERKLAAR

23. (1) Nadat die Registrateur met die betrokke titelaktes gehandel het soos in regulasie 21 (1) beoog, en indien die Minister tevrede is dat die dorp binne 'n plaaslike owerheidsgebied geleë is of dat regulasie 3 (a) of (b) op die betrokke grond van toepassing is, verklaar die Minister die dorp tot goedgekeurde dorp by wyse van kennisgewing in die *Staatskoerant*: Met dien verstande dat die Minister, indien die vereistes in regulasie 21 (1) en in hierdie subregulasie beoog, nagekom is ten opsigte van slegs een of meer gedeeltes van die grond wat deur die aansoek geraak word, 'n goedgekeurde dorp kan verklaar ten opsigte van slegs sodanige gedeelte of gedeeltes, en hy te eniger tyd daarna, sodra aan sodanige vereistes ten opsigte van die oorblywende gedeeltes grond voldoen is, sodanige gedeeltes kan verklaar as in die goedgekeurde dorp ingesluit te wees.

(2) Met ingang van die datum van die publikasie van die kennisgewing in subregulasie (1) bedoel, vestig die eendomsreg van enige openbare plekke in die betrokke dorp, uitgesonderd enige openbare oop ruimte wat as 'n begiftiging oorgedra moet word soos beoog in regulasie 25 (1), *ipso facto*, behoudens die bepalings van regulasie 3 (b), in die plaaslike owerheid in wie se plaaslike owerheidsgebied die dorp geleë is, en sodanige vestiging moet deur die Registrateur op 'n wyse as wat hy dienstig ag, genoteer word in ooreenstemming met enige wet wat die praktyk in sy kantoor reël.

KONTRAKTE EN OPSIES

24. (1) Behoudens die bepalings van subregulasie (4), mag geen persoon, nadat 'n dorpsstigter stappe gedoen het om 'n dorp te stig—

- (a) enige kontrak sluit vir die verkoop, ruil, vervreemding of beskikking, op enige wyse, van of oor grond in die voorgestelde dorp nie; of
- (b) 'n opsie verleen om grond in die voorgestelde dorp te koop nie,

totdat die gemagtigde beampte die Registrateur ingevolge regulasie 25 (2) in kennis gestel het dat die grond in die dorp of in die betrokke gedeelte daarvan registreerbaar geword het uit hoofde van die feit dat aan die vereistes van daardie regulasie voldoen is: Met dien verstande dat die bepalings van hierdie subregulasie nie uitgelê word nie as sou dit belet dat—

- (i) enige persoon grond waarop hy wens 'n dorp te stig, kan koop, behoudens die voorwaarde dat, sodra die grond in die dorp of enige gedeelte daarvan in 'n registrasiekantoor registreerbaar word, soos in regulasie 25 (2) beoog, een of meer van die erwe in sodanige dorp of gedeelte daarvan aan die verkoper oorgedra sal word;
- (ii) enige persoon 'n grondbeskikbaarheidsooreenkoms sluit, of
- (iii) enige dorpsstigter die reg en verpligting om grond wat aan sodanige dorpsstigter behoort, te ontwikkel, aan 'n dorpsontwikkelaar, seeder of delegeer, of, in die geval van grond wat deur sodanige dorpsstigter as die behoorlik gemagtigde agent of met die toestemming van die eienaar ontwikkel word, aan enige persoon of liggaam aan wie sodanige sessie of delegasie kragtens sodanige magtiging of toestemming verleen mag word, of, in die geval van grond wat aan sodanige dorpsstigter beskikbaar gestel is soos in artikel 34 (9) van die Wet beoog, aan enige persoon of liggaam aan wie sodanige sessie of delegasie gegee kan word ingevolge 'n grondbeskikbaarheidsooreenkoms.

(2) Enige persoon wat in stryd met subregulasie (1) grond vervreem, begaan 'n misdryf.

NOTICE DECLARING TOWNSHIP AN APPROVED TOWNSHIP

23. (1) After the Registrar has dealt with the relevant title deeds as contemplated in regulation 21 (1), and if the Minister is satisfied that the township is situated within a local authority area or that regulation 3 (a) or (b) applies to the land in question, the Minister shall declare the township an approved township by notice in the *Gazette*: Provided that the Minister may, if the requirements contemplated in regulation 21 (1) and in this subregulation have been complied with in respect of one or more portions of the land affected by the application only, declare an approved township in respect of such portion or portions only, and he may at any time or times thereafter, when such requirements have been complied with in respect of the remaining portions of the land, declare such portions to be included in the approved township.

(2) With effect from the date of publication of the notice referred to in subregulation (1), the ownership of any public places, excluding any public open space to be transferred as an endowment as contemplated in regulation 25 (1) in the township concerned shall, subject to the provisions of regulation 3 (b), *ipso facto* vest in the local authority within whose local authority area the township is situated, and such vesting shall be recorded by the Registrar subject to any law governing the practice of his office in such manner as he may deem appropriate.

CONTRACTS AND OPTIONS

24. (1) Subject to the provisions of subregulation (4), no person shall, after a township applicant has taken steps to establish a township—

- (a) enter into a contract for the sale, exchange, alienation or disposal in any other manner of land in the proposed township; or
- (b) grant an option to purchase land in the proposed township,

until such time as the authorised officer has notified the Registrar in terms of regulation 25 (2) that the land in the township or in the relevant portion thereof has become registrable by virtue of the fact that the requirements contemplated in that regulation have been met: Provided that the provisions of this subregulation shall not be construed as prohibiting—

- (i) any person from purchasing land on which he wishes to establish a township subject to a condition that upon the land in the township or any part thereof becoming registrable in a registration office, as contemplated in regulation 25 (2), one or more of the erven in such township or part thereof will be transferred to the seller;
- (ii) any person from concluding a land availability agreement; or
- (iii) any township applicant from ceding or delegating the right and obligation to develop any land owned by such township applicant to a township developer, or in the case of any land being developed by such township applicant as the duly authorised agent or with the consent of the owner, to any person or body to whom such cession or delegation may take place in terms of such authority or consent, or, in the case of land made available to such township applicant as contemplated in section 34 (9) of the Act, to any person or body to whom such cession or delegation may take place in terms of a land availability agreement.

(2) Any person who disposes of land in contravention of subregulation (1) shall be guilty of an offence.

(3) Vir die doeleindes van subregulasie (1) beteken—

- (a) “stappe” ook stappe wat ’n aansoek in regulasie 7 beoog, voorafgaan;
- (b) “enige kontrak” ook ’n kontrak wat onderworpe is aan enige voorwaarde, met inbegrip van ’n opskortende voorwaarde.

(4) Ondanks die bepalings van subregulasie (1), kan ’n dorpstigter of ander persoon of liggaam wat geregtig sou gewees het om oor grond in die voorgestelde dorp te beskik, as dit nie was vir die bepalings van subregulasie (1) nie, ’n kontrak soos beoog in daardie subregulasie sluit, insluitende ’n kontrak vir die toekennig van ’n reg van huurpag ten opsigte van ’n perseel wat nog nie opgemeet is nie, soos in artikel 52 (5) van die Wet en regulasie 20 beoog, indien—

- (a) die aansoek om die stigting van ’n dorp ’n goedgekeurde aansoek geword het vir sover dit betrekking het op grond waarop die kontrak in subregulasie (1) beoog, betrekking het; en
- (b) in die geval van ’n dorpstigter wat nie ’n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog nie, sodanige dorpstigter en die betrokke gesag, albei hulle diensverpligtinge nagekom het ingevolge ’n dienste-ooreenkoms of ’n bepaling van ’n dienstearbitrasie-raad soos in regulasie 31 beoog, ten opsigte van die grond waarop die kontrak in subregulasie (1) beoog, betrekking het, of, alternatiewelik—

- (i) die dorpstigter, ten opsigte van sodanige grond, aan die gemagtigde beampte ’n waarborg deur ’n bank, bouvereniging of ander finansiële instelling of enige ander waarborg aanvaarbaar vir die gemagtigde beampte gelewer het, wat uitgedruk word betaalbaar te wees aan die betrokke gesag, vir ’n bedrag wat voldoende is om die koste verbonde aan die voltooiing van die dienste waarvoor die dorpstigter verantwoordelik is soos in hierdie paragraaf beoog, te dek, ingeval die dorpstigter nie sy verpligtinge ten opsigte van sodanige dienste teen ’n datum vermeld in die waarborg nagekom het nie; en

- (ii) die betrokke gesag, ten opsigte van sodanige grond aan die gemagtigde beampte ’n onderneming deur die Staat of enige statutêre liggaam, of ’n waarborg deur ’n bank, bouvereniging of ander finansiële instelling, of enige ander waarborg aanvaarbaar vir die gemagtigde beampte, gelewer het, wat uitgedruk word betaalbaar te wees aan die dorpstigter ten opsigte van die betrokke gesag se diensverpligtinge in hierdie paragraaf beoog, *mutatis mutandis* in die vorm in subparagraaf (i) bedoel;

- (c) in die geval van ’n plaaslike owerheid wat al die ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog, sodanige dorpstigter alle ingenieursdienste geïnstalleer en voorsien het met betrekking tot die grond waarop die kontrak in subregulasie (1) beoog, betrekking het,

en ’n sertifikaat deur die gemagtigde beampte uitgereik met die strekking dat aan paragrawe (a) en (b), of (a) en (c), na gelang van die geval, voldoen is ten opsigte van die betrokke grond, dien as prima facie bewys vir alle doeleindes ingevolge hierdie regulasies, dat die vereistes uiteengesit in paragrawe (a) en (b), of (a) en (c), na gelang van die geval, nagekom is: Met dien verstande dat niks in hierdie regulasie vervat, afbreuk doen aan die bepalings van regulasies 21 (3) en 25 (2) nie.

(3) For the purposes of subregulation (1)—

- (a) “steps” includes steps preceding an application contemplated in regulation 7;
- (b) “any contract” includes a contract that is subject to any condition, including a suspensive condition.

(4) Notwithstanding the provisions of subregulation (1), a township applicant or any other person or body who or which would have been entitled to dispose of land in the proposed township were it not for the provisions of subregulation (1) may enter into a contract as contemplated in that subregulation, including a contract for a grant of a right of leasehold in respect of premises that have not yet been surveyed, as contemplated in section 52 (5) of the Act and regulation 20, if—

- (a) the application for the establishment of a township has become an approved application in so far as it relates to the land to which the contract contemplated in subregulation (1) relates; and
- (b) in the case of a township applicant who is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities in terms of a services agreement or the determination by a services arbitration board as contemplated in regulation 31 in respect of the land to which the contract contemplated in subregulation (1) relates, or, alternatively—

- (i) the township applicant has, in respect of such land, delivered to the authorised officer a guarantee by a bank, building society or other financial institution, or any other guarantee acceptable to the authorised officer, which shall be expressed to be payable to the relevant authority, in an amount sufficient to cover the costs of completion of the services for which the township applicant is responsible as contemplated in this paragraph, in the event of the township applicant not having fulfilled his obligations in respect of such services by a date stated in the guarantee; and

- (ii) the relevant authority has, in respect of such land, delivered to the authorised officer an undertaking by the State or any statutory body, or a guarantee by a bank, building society or other financial institution, or any other guarantee acceptable to the authorised officer, which shall be expressed to be payable to the township applicant, in respect of the relevant authority’s service responsibilities contemplated in this paragraph, *mutatis mutandis* in the form intended in subparagraph (i);

- (c) in the case of a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant has installed and provided all engineering services in respect of the land to which the contract contemplated in subregulation (1) relates,

and a certificate issued by the authorised officer to the effect that paragraphs (a) and (b) or (a) and (c), as the case may be, have been complied with in respect of the relevant land shall serve as prima facie proof for all purposes in terms of these regulations that the requirements set out in paragraphs (a) and (b) or (a) and (c), as the case may be, have been met: Provided that nothing contained in this regulation shall detract from the provisions of regulations 21 (3) and 25 (2).

(5) Ondanks die bepalinge van subregulasie (4), word niks in hierdie regulasies so uitgelê dat aan regulasie (4) voldoen moet word in geval van, of 'n verbod plaas op die toekenning van 'n reg van huurpag ten opsigte van 'n perseel wat nog nie opgemeet is nie, soos in artikel 52 (5) van die Wet beoog, waar 'n dorp nie ingevolge hierdie regulasie gestig word nie, of waar die Minister 'n persoon of liggaam van die bepalinge van hierdie regulasies vrygestel het soos in regulasie 2 (b) beoog.

BEGIFTIGINGS EN REGISTRASIE IN REGISTRASIE-KANTOOR

25. (1) Waar van 'n dorpsdigter verlang word om—

- (a) grond wat op die uitlegplan bestem is vir gebruik as 'n openbare oop ruimte aan 'n plaaslike owerheid oor te dra; of
- (b) 'n begiftiging in kontant te betaal aan die plaaslike owerheid in plaas van die oordrag van sodanige grond,

uit hoofde van 'n stigtingsvoorwaarde in regulasie 16 bedoel, moet die grond aldus oorgedra word op die koste van die dorpsdigter of moet die begiftiging aldus betaal word, na gelang van die geval, binne 'n tydperk van 6 maande vanaf die datum van publikasie van die kennisgewing in regulasie 23 beoog of binne sodanige langer tydperk as wat die gemagtigde beampte mag toelaat.

(2) Sodra—

- (a) die grond of enige gedeelte daarvan kragtens regulasie 23 (1) tot goedgekeurde dorp verklaar is;
- (b) behoudens subregulasie 2 (c) of (d), alle stigtingsvoorwaardes deur die Minister kragtens regulasie 16 opgelê, nagekom is, met inbegrip van die oordrag van openbare oop ruimtes, of die betaling van 'n kontantbedrag in plaas van sodanige oordrag, by wyse van 'n begiftiging; en
- (c) in die geval van 'n dorpsdigter wat nie 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog nie, sodanige dorpsdigter en die betrokke gesag, albei hulle diensverantwoordelikhede nagekom het, of, in die alternatief, waarborge of ondernemings gelewer het, *mutatis mutandis* soos in regulasie 24 (4) (b) beoog; of
- (d) in die geval van 'n dorpsdigter wat 'n plaaslike owerheid is wat alle ingenieursdienste aan die dorp verskaf soos in regulasie 30 beoog, sodanige dorpsdigter al sodanige ingenieursdienste geïnstalleer en verskaf het,

moet die gemagtigde beampte die Registrateur in kennis stel dat die betrokke grond geregistreer kan word deurdat die vereistes van paragrafe (a), (b) en (c), of (a), (b) en (d), na gelang van die geval, nagekom is, en moet hy ook die grond in die dorp ten opsigte waarvan sodanige vereistes nagekom is, identifiseer, en kan die Registrateur, met ingang van die datum van sodanige kennisgewing, begin om transaksies ten opsigte van die betrokke grond te registreer. Met dien verstande dat, indien die grond wat in die gemagtigde beampte se kennisgewing aan die Registrateur, soos in hierdie subregulasie beoog, geïdentifiseer is, verband hou met slegs 'n gedeelte van die voorgestelde dorp, die gemagtigde beampte, van tyd tot tyd, nadat hy sodanige kennis aan die Registrateur gegee het, die Registrateur in kennis kan stel wanneer grond in die oorblywende gedeeltes van die dorp registreerbaar word.

(5) Notwithstanding the provisions of subregulation (4), nothing contained in these regulations shall be construed as requiring subregulation (4) to be complied with in the case of or prohibiting a grant of a right of leasehold in respect of premises which have not yet been surveyed, as contemplated in section 52 (5) of the Act, where a township is not being established under these regulations or where the Minister has exempted any person or body from the provisions of these regulations as contemplated in regulation 2 (b).

ENDOWMENTS AND REGISTRATION IN REGISTRATION OFFICE

25. (1) Where a township applicant is required to—

- (a) transfer land designated on the layout plan for use as a public open space to a local authority; or
- (b) pay an endowment in cash to the local authority in lieu of the transfer of such land,

by virtue of a condition of establishment referred to in regulation 16, the land shall be so transferred at the cost of the township applicant or the endowment shall be so paid, as the case may be, within a period of six months from the date of publication of the notice contemplated in regulation 23 or within such further period as the authorised officer may allow.

(2) As soon as—

- (a) the land or any portion thereof has been declared an approved township in terms of regulation 23 (1);
- (b) subject to subregulation (2) (c) or (d), all conditions of establishment imposed by the Minister in terms of regulation 16 have been complied with, including the transfer of public open spaces, or the payment of an amount in cash in lieu of such transfer, by way of an endowment; and
- (c) in the case of a township applicant who is not a local authority providing all engineering services to the township as contemplated in regulation 30, such township applicant and the relevant authority have both fulfilled their service responsibilities or, alternatively, have delivered guarantees or undertakings, *mutatis mutandis* as contemplated in regulation 24 (4) (b); or
- (d) in the case of a township applicant who is a local authority providing all engineering services in respect of the township as contemplated in regulation 30, such township applicant has installed and provided all such engineering services,

the authorised officer shall notify the Registrar that the relevant land has become registrable in that the requirements of paragraphs (a), (b) and (c) or (a), (b) and (d), as the case may be, have been met, and shall also identify the land in the township in respect of which such requirements have been met, and the Registrar may, with effect from the date of such notice, proceed to register transactions in respect of the relevant land: Provided that, if the land identified in the authorised officer's notice to the Registrar as contemplated in this subregulation relates to a portion only of the proposed township, the authorised officer may, from time to time after having given such notice to the Registrar, notify the Registrar when land in the remaining portions of the township becomes registrable.

HOOFSTUK V INGENIEURSDIENSTE

VOORSIENING VAN INGENIEURSDIENSTE

26. (1) Behoudens die bepalings van regulasie 30, moet elke dorp wat ingevolge hierdie regulasies gestig is, voorsien word van sodanige ingenieursdienste as wat in 'n diensteooreenkoms, tussen die dorpsdigter en die plaaslike owerheid, indien daar een is, ooreengekom is, binne wie se plaaslike owerheidsgebied die goedgekeurde dorp ingesluit sal word, of, in die afwesigheid van sodanige plaaslike owerheid, die gemagtigde beampte handelende as die verteenwoordiger van die Minister, die betrokke administrateur, of die persoon of liggaam deur die Minister aangewys soos in regulasie 3 (b) (i) bedoel (sodanige persoon, owerheid of beampte word die "betrokke gesag" genoem).

(2) 'n Diensteooreenkoms in subregulasie (1) beoog, moet—

- (a) wesenlik voldoen aan die riglyne in Aanhangsel E uiteengesit, of sodanige ander of bykomende riglyne as wat die gemagtigde beampte van tyd tot tyd mag uitreik of in 'n bepaalde geval bepaal, en
- (b) voorgelê aan en goedgekeur word deur die gemagtigde beampte: Met dien verstande dat, indien die gemagtigde beampte die betrokke gesag is, sodanige voorlegging of goedkeuring nie verlang word nie.

(3) Indien die partye van wie vereis word om 'n diensteooreenkoms te sluit, nie tot 'n ooreenkoms kan geraak oor 'n aangeleentheid wat by die ooreenkoms ingesluit moet word nie, of hoegenaamd nie tot 'n ooreenkoms kan kom nie, moet sodanige aangeleentheidde waaroor die partye nie tot 'n vergelyk kan kom nie, deur die gemagtigde beampte aan 'n dienstearbitrasieraad voorgelê word soos in regulasie 31 beoog.

KLASSIFIKASIE EN VLAK VAN INGENIEURSDIENSTE

27. (1) Iedere ingenieursdiens wat vir 'n dorp voorsien word, moet, in die geval van 'n dorpsdigter wat nie 'n plaaslike owerheid is nie—

- (a) in 'n diensteooreenkoms geklassifiseer word; of
- (b) by onstentenis van sodanige ooreenkoms, deur 'n dienstearbitrasieraad geklassifiseer word,

as 'n interne of eksterne ingenieursdiens, ooreenkomstig die riglyne in Aanhangsel E uiteengesit, welke dienste wat aldus geklassifiseer word, in hierdie hoofstuk onderskeidelik "interne ingenieursdienste" en "eksterne ingenieursdienste", genoem word.

(2) Iedere ingenieursdiens wat vir 'n dorp voorsien moet word, moet van 'n standaard wees wat toepaslik is vir die voorsiening van ingenieursdienste in die dorp aan die betrokke gemeenskap: Met dien verstande dat indien 'n geskil met betrekking tot die ingenieursontwerpstandaarde tussen die partye wat verantwoordelik is vir die voorsiening van sodanige dienste sou ontstaan, sodanige geskil deur die gemagtigde beampte na 'n dienstearbitrasieraad vir 'n uitsluitsel verwys kan word.

VERANTWOORDELIKHEID VIR INSTALLERING EN VOORSIENING VAN INGENIEURSDIENSTE

28. (1) Behoudens die bepalings van regulasie 30—

- (a) is die dorpsdigter verantwoordelik vir die installering en voorsiening van interne ingenieursdienste, en
- (b) is die betrokke gesag verantwoordelik vir die installering en voorsiening van eksterne ingenieursdienste.

CHAPTER V ENGINEERING SERVICES

PROVISION OF ENGINEERING SERVICES

26. (1) Subject to the provisions of regulation 30, every township established under these regulations shall be provided with such engineering services as may be agreed in a services agreement between the township applicant and the local authority, if any, within whose local authority area the approved township will be included or, in the absence of such local authority, the authorised officer acting as the representative of the Minister, the relevant administrator, or the person or body designated by the Minister as contemplated in regulation 3 (b) (i) (such person, authority or officer being referred to as "the relevant authority").

(2) Any services agreement contemplated in subregulation (1) shall—

- (a) comply substantially with the guide-lines set out in Annexure E, or such other or additional guide-lines as may be issued by the authorised officer from time to time, or determined by him in any particular case; and
- (b) be submitted to and approved by the authorised officer: Provided that, if the authorised officer is the relevant authority, no such submission or approval shall be required.

(3) If the parties required to conclude the services agreement are unable to reach agreement on any matter to be included in the agreement, or at all, such matters as the parties are unable to agree shall be referred to a services arbitration board by the authorised officer, as contemplated in regulation 31.

CLASSIFICATION AND LEVEL OF ENGINEERING SERVICES

27. (1) Every engineering service to be provided for a township shall, in the case of a township applicant who is not a local authority—

- (a) be classified in a services agreement; or
- (b) in the absence of such an agreement, be classified by a services arbitration board,

as an internal or external engineering service in accordance with the guide-lines set out in Annexure E, such services so classified being referred to in this Chapter as "internal engineering services" and "external engineering services" respectively.

(2) Every engineering service to be provided for a township shall be of such a standard as is appropriate for the provision of engineering services in the township for the community concerned: Provided that, if a dispute regarding the engineering design standards should arise between the parties responsible for the provision of such services, then such dispute may be referred by the authorised officer to a services arbitration board for decision.

RESPONSIBILITY FOR INSTALLATION AND PROVISION OF ENGINEERING SERVICES

28. (1) Subject to the provisions of regulation 30—

- (a) the township applicant shall be responsible for the installation and provision of internal engineering services; and
- (b) the relevant authority shall be responsible for the installation and provision of external engineering services.

(2) Ondanks die bepalings van subregulasie (1)—

- (a) kan die betrokke gesag, op versoek en op die koste van die dorpsdigter, enige interne ingenieursdiens installeer en voorsien of sodanige diens laat installeer en voorsien;
- (b) kan die dorpsdigter, op versoek en op die koste van die betrokke gesag, enige eksterne ingenieursdiens installeer en voorsien of sodanige diens laat installeer en voorsien, of
- (c) kan die dorpsdigter enige eksterne ingenieursdiens installeer en voorsien waarvan die betrokke gesag nie die verskaffer is nie, en word die koste van sodanige installering en voorsiening nie deur die betrokke gesag gedra nie.

INGENIEURSDIENSTE MOET TOT TEVREDENHEID VAN BETROKKE GESAG WEES

29. Behoudens die bepalings van regulasie 30, moet die interne en enige eksterne ingenieursdienste geïnstalleer of voorsien deur die dorpsdigter, geïnstalleer en voorsien word ooreenkomstig die diensteooreenkoms of die besluit van die dienstearbitrasieraad, na gelang van die geval, tot tevredenheid van die betrokke gesag, en vir dié doel moet die dorpsdigter by die betrokke gesag sodanige verslae, tekeninge, en spesifikasies indien as wat die betrokke gesag verlang.

INDIEN DORPSDIGTER 'N PLAASLIKE OWERHEID IS

30. Indien die dorpsdigter 'n plaaslike owerheid is, is hy verantwoordelik vir die installering en voorsiening van alle ingenieursdienste wat aan die dorp voorsien moet word.

DIENTSEARBITRASIERADE

31. (1) Die minister kan, van tyd tot tyd, by skriftelike aanstelling, een of meer dienstearbitrasierade instel om enige aangeleentheid te ondersoek wat na hulle verwys word, en die gemagtigde beampte kan enige bepaalde vraag of algemene aangeleentheid wat hy dienstig ag of wat kragtens hierdie regulasies deur so 'n raad bepaal kan word, na so 'n raad verwys vir uitsluitel.

(2) 'n Dienstearbitrasieraad bestaan uit die volgende lede deur die Minister aangestel op sodanige bedinge en voorwaardes as wat hy mag bepaal:

- (a) 'n President, wat 'n advokaat of prokureur of afgetrede regter of landdros moet wees.
 - (b) Een persoon wat as 'n professionele ingenieur geregistreer is ingevolge die Wet op Professionele Ingenieurs, 1968 (Wet 81 van 1968).
 - (c) Een persoon wat as 'n rekenmeester en ouditeur geregistreer is ingevolge die Wet op Openbare Rekenmeesters en Ouditeure, 1951 (Wet 51 van 1951).
 - (d) Een persoon met ondervinding in plaaslike owerheidsaangeleenthede.
- (3) 'n Dienstearbitrasieraad maak sy eie reëls betreffende sy prosedure en verrigtinge.
- (4) Aan 'n lid van 'n dienstearbitrasieraad word sodanige gelde en toelaes betaal as wat die Tesourie van tyd tot tyd mag bepaal, hetsy in die algemeen of in die besonder.
- (5) Enige party by 'n aangeleentheid wat voor 'n dienstearbitrasieraad dien, kan persoonlik verskyn of deur iemand anders verteenwoordig word.

(6) 'n Dienstearbitrasieraad kan sodanige besluit met betrekking tot koste van die verrigtinge neem as wat hy regverdig ag, en waar hy besluit dat koste teen 'n party toegeken moet word, moet hy die bedrag daarvan in sy diskresie bepaal.

(2) Notwithstanding the provisions of subregulation (1)—

- (a) the relevant authority may, at the request and at the expense of the township applicant, install and provide any internal engineering service or cause such service to be installed and provided;
- (b) the township applicant may, at the request and at the expense of the relevant authority, install and provide any external engineering service or cause such service to be installed and provided; or
- (c) the township applicant may install and provide any external engineering service of which the relevant authority is not the supplier, and the costs of such installation and provision shall not be borne by the relevant authority.

ENGINEERING SERVICES TO BE TO SATISFACTION OF RELEVANT AUTHORITY

29. Subject to the provisions of regulation 30, the internal and any external engineering services installed or provided by the township applicant shall be installed and provided in accordance with the services agreement or the decision of the services arbitration board, as the case may be, to the satisfaction of the relevant authority, and for that purpose the township applicant shall lodge with the relevant authority such reports, drawings and specifications as the relevant authority may require.

IF TOWNSHIP APPLICANT IS LOCAL AUTHORITY

30. If the township applicant is a local authority, it shall be responsible for the installation and provision of all engineering services to be provided in respect of the township.

SERVICES ARBITRATION BOARDS

31. (1) The Minister may, from time to time, by appointment in writing, establish one or more services arbitration boards to investigate any matter referred to them, and the authorised officer may refer any particular question or general matter which he considers appropriate or which in terms of these regulations may be determined by such a board to such a board for decision.

(2) A services arbitration board shall consist of the following members appointed by the Minister on such terms and conditions as he may determine:

- (a) A president, who shall be an advocate or an attorney or a retired judge or magistrate.
- (b) One person registered as a professional engineer in terms of the Professional Engineers' Act, 1968 (Act 81 of 1968).
- (c) One person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951).
- (d) One person with experience in local government affairs.

(3) A services arbitration board may make its own rules regarding its procedure and proceedings.

(4) A member of a services arbitration board shall be paid such fees and allowances as the Treasury may from time to time determine, either generally or specifically.

(5) Any party to a matter being considered by a services arbitration board may appear before the board in person or may be represented by any other person.

(6) A services arbitration board may make such decision regarding costs of proceedings as it may deem just, and where it decides that costs shall be awarded against any party it shall, in its discretion, also determine the amount thereof.

(7) Sodra 'n dienstearbitrasieraad tot 'n besluit geraak het oor 'n aangeleentheid wat kragtens hierdie regulasie na hom verwys is, moet hy sonder versuim die gemagtigde beampte en die partye van sodanige besluit in kennis stel, en daarna word sodanige besluit afdoende en bindend vir die partye by die geskil.

(8) 'n Dienstearbitrasieraad moet, op skriftelike versoek van enige party by die aangeleentheid ten opsigte waarvan sodanige raad uitsluitel gegee het soos in subregulasie (7) beoog, sy skriftelike redes aan sodanige party verstrek, en ook aan enige ander party by die geskil.

HOOFTUK VI GRONDGEBRUIK

GRONDGEBRUIKSVOORWAARDES

32. (1) Die titelvoorwaardes of dorpsvoorwaardes wat deur die Staat, 'n administrateur, 'n plaaslike owerheid of dorpsstiger opgelê en geregistreer kan word soos in artikel 57B van die Wet beoog, is soos in Aanhangsel F uiteengesit, hetsy 'n dorp ingevolge hierdie regulasies gestig is al dan nie.

(2) Die grondgebruiksvoorwaardes in subregulasie (1) bedoel, word sover doenlik by verwysing in 'n grondbrief, 'n eerste transportakte van eiendomsreg of 'n sertifikaat in artikel 57B van die Wet bedoel, ingelyf, en 'n verwysing na sodanige voorwaardes in sodanige grondbrief, transportakte of sertifikaat word gedoen wesenlik op die wyse voorgeskryf in paragraaf 7 van die aansoekvorm bedoel in regulasie 7, wat in Aanhangsel B uiteengesit is, en soos bedoel in Aanhangsel E van die Huurpagregulasies, 1985.

(3) Ondanks die bepalinge van subregulasies (1) en (2) is die Staat, 'n administrateur, plaaslike owerheid of dorpsontwikkelaar nie verplig om die grondgebruiksvoorwaardes in dié bedoelde subregulasies beoog, op te lê en te registreer nie, maar kan, in plaas daarvan, sodanige gewysigde of vervangende voorwaardes op lê en registreer met betrekking tot die gebruik van die betrokke grond, wesenlik in die alternatiewe vorms in paragraaf 7 van Aanhangsel B uiteengesit.

TITEL

33. Hierdie regulasies heet die Dorpsstiging- en Grondgebruiksregulasies, 1986.

AANHANGSEL A

RIGLYNE VIR GRONDBESKIKBAARHEIDS- OOREENKOMS

'n Grondbeskikbaarheidsooreenkoms in regulasie 4 bedoel, moet onder andere aan die volgende riglyne voldoen:

1. PARTYE

Die name van die partye by die ooreenkoms en hulle besigheidsadresse moet vermeld word.

2. DIE GROND

Daar behoort 'n voldoende omskrywing van die grond waarop die ooreenkoms betrekking het, te wees, met verwysing na byvoorbeeld enige titelakte waaronder die grond gehou word, 'n diagram voorberei deur 'n geregistreerde landmeter, of enige algemene plan wat ten opsigte van daardie grond voorberei is.

3. VOORWAARDES

3.1 Indien die ooreenkoms onderworpe is aan die nakoming van enige voorwaardes, moet sodanige voorwaardes duidelik vermeld word. Die voorwaardes kan byvoorbeeld voorwaardes insluit met betrekking tot—

3.1.1 die Minister se goedkeuring van die bedinge waarop die grond beskikbaar gestel word,

(7) As soon as a services arbitration board has reached its decision on any matter referred to it in terms of this regulation, it shall forthwith inform the authorised officer and the parties to the dispute of such decision, and thereupon such decision shall become final and binding on the parties to the dispute.

(8) A services arbitration board shall, at the written request of any party to any matter in respect of which such board has made a decision as contemplated in subregulation (7), furnish its reasons for such decision in writing to such party and also to any other party to the dispute.

CHAPTER VI LAND USE

LAND USE CONDITIONS

32. (1) Whether or not a township has been registered in terms of these regulations, the conditions of title or township conditions that may be imposed by the State, an administrator, a local authority or a township developer and registered as contemplated in section 57B of the Act shall be as set out in Annexure F.

(2) The land use conditions contemplated in subregulation (1) shall as far as possible be incorporated by reference into a deed of grant, a first deed of transfer of ownership or a certificate referred to in section 57B of the Act, and reference to such conditions in such deed of grant, deed of transfer or certificate shall be made substantially in the manner prescribed in paragraph 7 of the application form contemplated in regulation 7, which is set out in Annexure B, and as contemplated in Annexure E to the Leasehold Regulations, 1985.

(3) Notwithstanding the provisions of subregulations (1) and (2), the State, an administrator, a local authority or a township developer shall not be obliged to impose and register the land use conditions contemplated in the said subregulations, but may, instead, impose and register amended or substituting conditions relating to the use of the land in question, substantially in the alternative forms set out in paragraph 7 of Annexure B.

TITLE

33. These regulations may be cited for all purposes as the Township Establishment and Land Use Regulations, 1986.

ANNEXURE A

GUIDE-LINES FOR LAND AVAILABILITY AGREEMENT

A land availability agreement as contemplated in regulation 4 shall comply *inter alia* with the following guide-lines:

1. PARTIES

The names of the parties to the agreement and their business addresses must be stated.

2. THE LAND

There should be an adequate definition of the land to which the agreement relates, with reference to, for example, any title deed under which the land is held, a diagram prepared by a registered land surveyor or any general plan that has been prepared in respect of that land.

3. CONDITIONS

3.1 If the agreement is made subject to the fulfilment of any conditions, these conditions must be clearly stated. They may include, for instance, conditions relating to—

3.1.1 the Minister's approval on the terms on which the land is made available,

- 3.1.2 die Minister se goedkeuring van die feit dat die bedinge waarop die grond beskikbaar gestel word, is soos in die grondbeskikbaarheidsooreenkoms uiteengesit,
- 3.1.3 die Minister se goedkeuring van die reg van die persoon of liggaam aan wie die grond beskikbaar gestel word, om enige van sy regte en verpligtinge uit hoofde van die ooreenkoms te sedgeer of te deleger (indien van toepassing),
- 3.1.4 die stigting van 'n dorp op die grond,
- 3.1.5 die inlywing van die grond in die jurisdiksiegebied van enige liggaam of owerheid.

3.2 Indien enige voorwaardes soos in paragraaf 3.1 bedoel, gestel is, moet die ooreenkoms duidelik meld wat die gevolg sal wees indien sodanige voorwaardes nie nagekom word nie.

4. DORPSBEPLANNINGSAANGELEENTHEDE EN AANSOEK OM STIGTING VAN DORP

4.1 Indien 'n dorp nie alreeds op die betrokke grond gestig is nie, of die toepaslike dorpsbeplanning- en opmetingswerk nog nie voltooi is nie, moet die ooreenkoms meld watter van die partye verantwoordelik sal wees om dit te laat doen en ook binne watter tydperk.

4.2 Indien die partye aldus ooreenkom, kan die persoon of liggaam aan wie die grond beskikbaar gestel word, deur die liggaam wat die grond beskikbaar stel, aangewys word om die nodige dorpsbeplanning- en opmetingswerk te laat doen en om aansoek te doen om die stigting van 'n dorp op die grond.

4.3 Die ooreenkoms behoort aangeleentheid wat betrekking het op die wyse waarop die dorp gestig sal word, byvoorbeeld die voorgestelde stigtingsvoorwaardes wat nagekom moet word, te reël.

5. DIENSTE

5.1 Indien die betrokke grond nog nie van dienste voorsien is nie, en indien die persoon of liggaam wat die grond beskikbaar stel ook die betrokke gesag is waarna in regulasie 26 (1) verwys word, moet die ooreenkoms die onderskeie verantwoordelikhede van die partye om voorsiening vir dienste te maak ten opsigte van die grond, *mutatis mutandis*, in ooreenstemming met die riglyne ten opsigte van diensteooreenkomste vervat in Aanhangel E van hierdie regulasies, asook die tydperk waarbinne sodanige dienste voltooi moet wees, meld.

5.2 Indien die betrokke grond beskikbaar gestel word deur 'n ander persoon of liggaam as 'n betrokke gesag soos in paragraaf 5.1 bedoel, is dit nie nodig om die dienste in besonderhede te omskryf nie, en 'n opsomming van die vlak of vlakke van sodanige dienste sal voldoende wees.

6. OPRIGTING VAN VERBETERINGE

6.1 Die onderskeie verantwoordelikhede van die partye om verbetering op die betrokke grond op te rig, moet duidelik uit die ooreenkoms blyk.

6.2 Met inagneming van die bepalings van regulasie 24, behoort dit uit die ooreenkoms duidelik te blyk wanneer kontrakte vir die vervreemding van die grond gesluit kan word.

6.3 Die standaard van enige verbetering wat aangebring moet word, moet duidelik uit die ooreenkoms blyk.

6.4 Daar moet bepaal word wanneer die oprigting van verbetering 'n aanvang sal neem en wanneer sodanige verbetering voltooi sal wees.

6.5 Die ooreenkoms moet sover as moontlik 'n buigsame tydraamwerk daarstel, wat aan die persoon of liggaam aan wie die grond beskikbaar gestel is, 'n diskresie sal verleen om die fases, indien daar is, waarbinne die ontwikkeling sal plaasvind, te bepaal.

3.1.2 the Minister's approval of the fact that the terms on which the land is made available are as set out in the land availability agreement,

3.1.3 the approval by the Minister of the right of the person or body to whom the land is made available to cede or delegate any of its rights and obligations in terms of the agreement (if appropriate),

3.1.4 the establishment of a township on the land,

3.1.5 the incorporation of the land into the area of jurisdiction of any body or authority.

3.2 If any conditions as contemplated in paragraph 3.1 were imposed, the agreement must state clearly what the effect would be if any such conditions are not fulfilled.

4. TOWN PLANNING MATTERS AND APPLICATION FOR TOWNSHIP ESTABLISHMENT

4.1 If a township has not yet been established on the land concerned, or if the relevant town planning and land survey work has not yet been completed, the agreement must state which of the parties will be responsible for having this done and also within what period of time.

4.2 If the parties so agree, the person or body to whom the land is made available may be appointed by the body making the land available to it to have the necessary town planning and land survey work done and to make application for the establishment of a township on the land.

4.3 The agreement should regulate matters relating to the manner in which the township will be established, e.g. the proposed conditions of establishment that must be fulfilled.

5. SERVICES

5.1 If the land concerned has not yet been provided with services, and if the person or body making the land available is also the relevant authority referred to in regulation 26 (1), the agreement must address the relative responsibilities of the parties to provide services to the land, *mutatis mutandis* in accordance with the guidelines in respect of services agreements contained in Annexure E to these regulations, and also the time period within which services must be completed.

5.2 If the land concerned is being made available by a person or body other than the relevant authority referred to in paragraph 5.1, it is not necessary for the services to be described in detail, and a summary indicating the level or levels of such services will be sufficient.

6. ERECTION OF IMPROVEMENTS

6.1 The relative responsibilities of the parties to erect improvements on the land concerned must be clear from the agreement.

6.2 Having regard to the provisions of regulation 24, it should be clear from the agreement when contracts for the disposal of the land may be concluded.

6.3 The standard of any improvements to be constructed must be clear from the agreement.

6.4 It must be stated when the construction of improvements will commence and when such improvements shall have been completed.

6.5 The agreement should as far as possible provide a flexible time framework, allowing the person or body to whom the land is made available the discretion to determine the phases, if any, in which the development will take place.

7. BESKIKKING

7.1 Dit moet duidelik uit die ooreenkoms blyk watter erwe of watter getal of kategorie erwe, indien daar is, die persoon of liggaam aan wie die grond beskikbaar gestel word, verplig of geregtig is om oor te beskik.

7.2 Die ooreenkoms behoort die wyse te omskryf waarop die partye beoog om aan sekere regsvereistes te voldoen, byvoorbeeld—

7.2.1 die hoedanigheid van die persoon of liggaam aan wie die grond beskikbaar gestel is by die verlening van 'n reg van huurpag of by die oordrag van enige van die grond aan kopers;

7.2.2 die wyse waarop die partye beoog om te handel met die omskepping van huurpag in eiendomsreg soos in artikel 57A van die Wet bedoel.

7.3 Die partye kan die wyse waarop dorpsontwikkelaars (met inbegrip van werkgewers wat behuising aan hulle werknemers wil verskaf), uitgesonderd die persoon of liggaam aan wie die grond beskikbaar gestel is, betrokke kan raak in die ontwikkeling, byvoorbeeld, die toepaslike persoon of liggaam kan toegelaat word om sy regte en verpligtinge te sedgeer te deleger ten opsigte van die grondbeskikbaarheidsooreenkoms aan sodanige sessionarisse of kategorieë sessionarisse as wat in die ooreenkoms beskryf word. Indien sodanige sessie of delegasie of 'n soortgelyke transaksie gaan plaasvind, behoort die ooreenkoms egter duidelik te bepaal dat die persoon of liggaam aan wie die grond beskikbaar gestel is, self ten minste die eersvolgende stap in die ontwikkeling van die grond behoort te neem, afhangende van die stadium van ontwikkeling waarop die grond beskikbaar gestel is, byvoorbeeld—

7.3.1 die dorpsbeplanning en opmetingswerk is voltooi;

7.3.2 die aansoek om dorpstigting het 'n goedgekeurde aansoek geword;

7.3.3 die voorgename dorp het 'n goedgekeurde dorp geword;

7.3.4 die installering en voorsiening van dienste is afgehandel;

7.3.5 verbeterings in die vorm van wonings is opgerig.

7.4 Bepalings met betrekking tot verskeie kategorieë kopers aan wie erwe van die hand gesit sal word, kan ingesluit word, byvoorbeeld—

7.4.1 persone wat hulle wonings wil laat oprig deur die persoon of liggaam aan wie die grond beskikbaar gestel is;

7.4.2 persone wat hulle erwe van die toepaslike persoon of liggaam sal verkry, maar wat hulle wonings deur ander kontrakteurs sal laat oprig;

7.4.3 persone wat hulle wonings ingevolge 'n selfhelpbehuisingsskema of enige ander skema, bedryf deur die betrokke persoon of liggaam, sal oprig.

7.5 Waar toepaslik, kan die ooreenkoms handel oor die vraag of voorrang aan kopers wat op 'n amptelike behuisingswaglys geregistreer is, verleen sal word, asook die wyse waarop die voorrang gereël sal word.

7.6 Die ooreenkoms behoort so duidelik as moontlik 'n datum te bepaal waarop die persoon of liggaam aan wie die grond beskikbaar gestel is, die erwe waarna in paragraaf 7.1 verwys word, van die hand gesit sal hê, en behoort die regte van die partye te reël in die geval waar sodanige persoon of liggaam nie in staat is om betyds sodanige erwe van die hand te sit nie, soos om byvoorbeeld te bepaal dat so 'n persoon of liggaam die reg sal hê om sodanige erwe te verhuur.

7. DISPOSAL

7.1 It must be clear from the agreement which erven or what number or categories of erven, if any, the person or body to whom the land is made available, is obliged or entitled to dispose.

7.2 The agreement should define the manner in which the parties propose to deal with certain legal requirements, for example—

7.2.1 the capacity of the person or body to whom the land is made available in granting a right of leasehold or transferring any of the land to purchasers;

7.2.2 the manner in which the parties propose to deal with the conversion of rights of leasehold to ownership as contemplated in section 57A of the Act.

7.3 The parties may describe the manner in which township developers (including employers who wish to house their staff) other than the person or body to whom the land is made available may become involved in the development, for example the relevant person or body may be allowed to cede or delegate its rights and obligations in terms of the land availability agreement to such cessionaries or categories of cessionaries as are described in the agreement. However, if such a cession or delegation or a similar transaction is to take place, the agreement should clearly provide that the person or body to whom the land is made available should itself take at least the next succeeding step in the development of the land, depending on the stage of development at which the land is made available to it, e.g.—

7.3.1 the town planning and land survey work have been completed;

7.3.2 the application for township establishment has become an approved application;

7.3.3 the proposed township has become an approved township;

7.3.4 the installation and provision of services have been completed;

7.3.5 improvements in the form of dwellings have been constructed.

7.4 Provisions may be included relating to various categories of purchasers to whom erven will be disposed of, for example—

7.4.1 person who will have their dwellings constructed by the person or body to whom the land is made available;

7.4.2 persons who will acquire erven from the relevant person or body but will have their dwellings constructed by other contractors;

7.4.3 persons who will erect their dwellings under a self-help housing scheme or any other scheme conducted by the relevant person or body.

7.5 Where appropriate, the agreement can deal with the question whether preference will be given to purchasers who are registered on any official housing waiting-list and the manner in which such preference will be regulated.

7.6 The agreement should as clearly as possible provide a date by which the person or body to whom the land is made available shall have disposed of the erven referred to in paragraph 7.1 and should regulate the rights of the parties in the event of such person or body being unable to dispose of such erven in time, such as providing that such person or body shall have the right to let such erven.

8. AANSPREKLIKHEID VIR PLAASLIKE OWERHEIDS- EN DIENSTEGELDE

Voorsiening behoort gemaak te word vir die betaling aan die betrokke plaaslike owerheid van plaaslike owerheidsgelde, dienstegelde en ander belastinge, deur kopers of deur die persoon of liggaam aan wie die grond beskikbaar gestel is, indien toepaslik.

9. BEDINGE VAN VERKOOPAKTES

(Alle persele uitgesonderd besigheids- en industriële persele)

9.1 Voorsiening behoort gemaak te word dat die persoon of liggaam aan wie die grond beskikbaar gestel is, 'n skriftelike verkoopakte kan aangaan wat voldoen aan die bepalings van enige toepaslike wetgewing, met enige persoon aan wie hy 'n perseel vervreem (uitgesonderd 'n besigheids- of industriële perseel) ingevolge die grondbesikbaarheids-ooreenkoms, voor of by die toewysing aan daardie persoon, van 'n voorlopige toekenning van huurpag ten opsigte van die erf, of voor die registrasie van die oordrag van die erf op die naam van sodanige persoon.

9.2 Daar behoort voorsiening vir 'n verkoopprijs gemaak te word in die verkoopakte in paragraaf 9.1 bedoel.

9.3 Dit behoort duidelik te wees op watter gedeelte van die verkoopprijs in paragraaf 9.2 bedoel, die persoon of liggaam aan wie die grond beskikbaar gestel is, geregtig is om vir sy eie rekening te behou of op welke wyse sodanige gedeelte vasgestel moet word.

9.4 Dit behoort duidelik te wees welke gedeelte van die verkoopprijs in paragraaf 9.2 bedoel deur die persoon of liggaam aan wie die grond beskikbaar gestel is, betaalbaar sal wees aan die persoon of liggaam wat die grond aldus beskikbaar gestel het, hoe so 'n gedeelte bepaal moet word, en op welke wyse en wanneer die balans betaal moet word. So 'n gedeelte mag nie minder wees nie as die gedeelte in regulasie 3(1) van die Openbare Grond: Prysregulasies, 1986, bedoel, tesame met die onkoste, indien enige, aangegaan deur die persoon of liggaam wat die grond beskikbaar stel ten opsigte van onder andere dorpsstigting en die voorsiening van dienste aan die betrokke perseel.

9.5 Voorsiening kan gemaak word vir die insluiting van 'n klousule in elke verkoopakte wat die aandag van elke persoon wat 'n erf uit hoofde van daardie ooreenkoms verkry, vestig op die feit dat hy aanspreeklik sal wees vir plaaslike owerheidsgelde, gemeterde en ongemeterde dienstegelde en diensinspeksiegelde, vasgestel in ooreenstemming met die toepaslike verordeninge en/of regulasies wat van tyd tot tyd geld.

9.6 Voorwaardes kan in die grondbesikbaarheidsooreenkoms ingesluit word betreffende die bepalings van enige verkoopakte wat gebruik behoort te word ten opsigte van enige spesiale behuisingskema wat bedryf sal word deur 'n persoon of liggaam aan wie die grond beskikbaar gestel is (insluitende 'n selfhelpbehuisingskema), wat onder andere oor die volgende handel:

- 9.6.1 Die voorbereiding en voorlegging van bouplanne aan die betrokke plaaslike owerheid.
- 9.6.2 Die finansiering van bouwerke.
- 9.6.3 Die aanstelling van argitekte, bourekenaars, ingenieurs, boukontraheurs en subkontraheurs.
- 9.6.4 Die toesig oor en administrasie van bouwerke deur die persoon of liggaam aan wie die grond beskikbaar gestel is.
- 9.6.5 Maatstawe om die tydige voltooiing van bouwerk te verseker.
- 9.6.6 Die oprigting van tydelike strukture terwyl die bouwerk aan die gang is.

8. LIABILITY FOR LOCAL AUTHORITY AND SERVICE CHARGES

Provision should be made for the payment to the relevant local authority of local authority charges, service charges and other imposts by the person or body to whom the land is made available, if appropriate, and by purchasers.

9. TERMS OF DEEDS OF DISPOSAL

(All sites other than sites intended for business or industrial purposes)

9.1 Provision should be made for the person or body to whom the land is made available to enter into a written deed of disposal complying with any relevant law with any person to whom it alienates a site (other than a business or industrial site) pursuant to the land availability agreement, prior to or upon the allocation to that person of a provisional grant of leasehold in respect of the erf, or prior to the registration of transfer of that erf into the name of such person.

9.2 Provision should be made for a disposal price in any deed of disposal referred to in paragraph 9.1.

9.3 It should be clear what portion of the disposal price referred to in paragraph 9.2 the person or body to whom the land is made available shall be entitled to retain for its own account, or how such portion is to be determined.

9.4 It should be clear what portion of the disposal price referred to in paragraph 9.2 shall be payable by the person or body to whom the land is made available to the person or body making the land available to it, or how such portion is to be determined, and it shall also be stated in what manner and when such balance shall be payable. Such portion shall not be less than the portion contemplated in regulation 3 (1) of the Public Land Price Regulations, 1986, together with the costs incurred by the person or body making the land available, if any, in respect of *inter alia* township establishment and the provision of services relating to the site in question.

9.5 Provision may be made for inclusion of a clause in every deed of disposal drawing the attention of any person acquiring an erf in terms of that deed to the fact that he shall be liable for the local authority charges, metered and unmetered service charges and service inspection fees determined in accordance with the relevant by-laws and/or regulations in force from time to time.

9.6 Provisions may be included in the land availability agreement regarding the terms of any deed of disposal that should be used in respect of any special housing scheme to be conducted by the person or body to whom the land is made available (including a self-help housing scheme) dealing *inter alia* with the following:

- 9.6.1 The preparation and submission to the relevant local authority of building plans.
- 9.6.2 The financing of the building works.
- 9.6.3 The appointment of architects, quantity surveyors, engineers, building contractors and subcontractors.
- 9.6.4 The supervision and administration by the person or body to whom the land is made available of building works.
- 9.6.5 Measures to ensure that the building works are completed in good time.
- 9.6.6 The erection of temporary structures while construction is in progress.

10. VERVREEMDING VAN BESIGHEIDS- EN INDUSTRIËLE PERSELE

Voorsiening behoort gemaak te word vir die wyse en bedinge waarop enige van die partye, erwe bedoel vir besigheids- of industriële doeleindes, kan vervreem. Die volgende moet in gedagte gehou word:

10.1 Daar behoort 'n skriftelike verkoopakte soos in paragraaf 9.1 bedoel, te wees, en die riglyne in paragrafe 9.2 en 9.3 behoort ook gevolg te word. Die minister sou egter nie 'n grondprys ten opsigte van 'n besigheids- of industriële perseel soos in regulasie 3 van die Openbare Grond: Prysregulasies, 1986, bedoel, bepaal het nie.

10.2 Dit is nie nodig dat oor die grond by wyse van openbare tender, soos in die Openbare Grond: Prysregulasies, 1986, beoog, beskik word nie. Die metode van openbare tender is egter nie uitgesluit nie en kan gebruik word.

11. KONTRAKBREUK

Die ooreenkoms kan sodanige bedinge en voorwaardes met betrekking tot kontrakbreuk of -beëindiging bevat as waaroor die partye mag ooreenkom en wat nie onbestaanbaar met die bepalinge van artikel 34 (9) van die Wet is nie: Met dien verstande dat die ooreenkoms uitdruklik moet bepaal dat versuim deur enige persoon om dorpsbeplanning en opmetingswerk binne die tydperk in paragraaf 4.1 bedoel, te voltooi, die installering en voorsiening van dienste binne die tydperk in paragraaf 5.1 bedoel, te voltooi, en die oprigting van verbeteringe binne die tydperk in paragraaf 6.4 bedoel, te voltooi, geag sal word 'n verbreking te wees van die voorwaardes waarop die grond beskikbaar gestel is, soos in artikel 34 (9) (c) (i) van die Wet bedoel, en dat die grond wat aldus beskikbaar gestel is, daarop teruggeneem kan word en daarmee gehandel kan word volgens daardie artikel.

12. ALGEMEEN

Daar kan sodanige ander bedinge en voorwaardes wees wat nie met hierdie riglyne onbestaanbaar is nie, waarop die partye mag ooreenkom.

10. DISPOSAL OF BUSINESS AND INDUSTRIAL SITES

Provision should be made for the manner and terms of disposal by any of the parties of any erven intended for business or industrial purposes. The following should be borne in mind:

10.1 There should be a written deed of disposal as contemplated in paragraph 9.1, and the guide-lines in paragraphs 9.2 and 9.3 should also be followed. However, the Minister would not have determined a land price in respect of a business or industrial site, as contemplated in regulation 3 of the Public Land Price Regulations, 1986.

10.2 It is not necessary for the land to be disposed of by way of public tender as contemplated in the Public Land Price Regulations, 1986. However, the method of public tender is not excluded, and may be used.

11. BREACH OF CONTRACT

The agreement may contain such terms and conditions relating to breach of contract or termination as the parties may agree and as are not inconsistent with the provisions of section 34 (9) of the Act: Provided that the agreement shall expressly provide that a failure by any person to complete town planning and land survey work within the time period contemplated in paragraph 4.1, the installation and provision of services within the time period contemplated in paragraph 5.1, and the erection of improvements within the period contemplated in paragraph 6.4 shall be regarded as a breach of the terms on which the land was made available as contemplated in section 34 (9) (c) (i) of the Act and that thereupon the land thus made available may be withdrawn and dealt with in terms of that section.

12. GENERAL

There may be such other terms and conditions not inconsistent with these guide-lines as the parties may agree.

AANHANGSEL B**AANSOEK OM DORPSTIGTING**

(Aansoek kragtens regulasie 7 van die Dorpstigting- en Grondgebruiksregulasies, 1986)

DEEL 1: ERKENNING VAN ONTVANGS

AAN:

.....

.....

.....

(dorpstigter moet sy naam en adres invoeg).

Ek erken hierby ontvangs van die oorspronklike en twee afskrifte van Dele II en III van hierdie vorm asook die dokumente hieronder vermeld (dorpstigter moet omskrywing van dokumente invoeg) en ek ken hierby verwysingsnommer aan hierdie aansoek toe.

1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

9.....

10.....

Gemagtigde beampte

Datum van ontvangs

Die Gemagtigde Beampte

Dorpstigter se adres:

Tel. No.:

Dorpsdigter se verwysing:

Meneer

VOORGESTELDE DORP:

GELEË TE:

Ek, die ondergetekende,

synde—

*die geregistreerde eienaar van die grond soos hierin beskryf

OF

*die behoorlik gevolmagtigde agent van die geregistreerde eienaar van die grond hierin beskryf.

OF

*die persoon of liggaam met toestemming van die geregistreerde eienaar van die grond hierin beskryf, om 'n dorp op die grond in my eie naam te stig,

OF

*die persoon of liggaam aan wie die grond hierin beskryf, beskikbaar gestel is soos in artikel 34 (9) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, beoog.

doen hierby aansoek om toestemming om 'n dorp te stig op die hierinvermelde grond en verstrek die besonderhede wat hierna verskyn.

Datum

Handtekening

* Skrap wat nie van toepassing is nie.

JA

NEE

NVT

1. DOKUMENTE INGESLUIT BY AANSOEK

(Maak asseblief 'n kruisie in die toepaslike kolom)

- | | | | | |
|------|---|-------|-------|-------|
| 1.1 | Twee afskrifte van voltooide aansoekvorm, wat elk vergesel gaan van die dokumente soos hieronder aangedui..... | ..... | ..... | ..... |
| 1.2 | 'n Afdruk van die voorgestelde dorpsuitleg ..... | ..... | ..... | ..... |
| 1.3 | 'n Afskrif van die memorandum ter ondersteuning van die aansoek ..... | ..... | ..... | ..... |
| 1.4 | 'n Afskrif van die titelakte(s) ..... | ..... | ..... | ..... |
| 1.5 | 'n Afskrif van enige akte van serwituut wat op die grond van toepassing is ..... | ..... | ..... | ..... |
| 1.6 | 'n Afskrif van enige verbandakte(s) wat op die grond van toepassing is ..... | ..... | ..... | ..... |
| 1.7 | 'n Afskrif van die sertifikaat van mineraalregte of die sessie van mineraalregte ..... | ..... | ..... | ..... |
| 1.8 | 'n Afskrif van die eienaar se toestemming of sy volmag, indien van toepassing ..... | ..... | ..... | ..... |
| 1.9 | 'n Afskrif van die dorpsstiger se maatskappybesluit, indien van toepassing ..... | ..... | ..... | ..... |
| 1.10 | 'n Vloedwaterlynsertifikaat wat aandui of die grond onderhewig is of nie is nie aan 'n 1-in-50-jaar-vloed..... | ..... | ..... | ..... |
| 1.11 | 'n Afskrif van die verbandhouer se toestemming, indien van toepassing ..... | ..... | ..... | ..... |
| 1.12 | 'n Afskrif van die mineraalregtehouer se toestemming, indien van toepassing..... | ..... | ..... | ..... |
| 1.13 | Bewys van reserwering vir doeleindes van 'n dorp ingevolge artikel 184 van die Wet op Mynregte, 1967, indien van toepassing ..... | ..... | ..... | ..... |
| 1.14 | 'n Afskrif van 'n geotegniese verslag ..... | ..... | ..... | ..... |
| 1.15 | 'n Sertifikaat van 'n landmeter, dorpsbeplanner of prokureur wat bepaal dat die titelvoorwaardes of serwituut(ute) soos in die titelakte(s) verskyn nie die voorgestelde dorp affekteer nie, of wat die wyse waarop elke serwituut gekanselleer of gewysig sal word, aandui ..... | ..... | ..... | ..... |
| 1.16 | 'n Afskrif van die grondbesikbaarheidsooreenkoms, indien daar een is ..... | ..... | ..... | ..... |
| 1.17 | 'n Afskrif van die diensteooreenkoms, indien reeds aangegaan ..... | ..... | ..... | ..... |
| 1.18 | 'n Aansoek om aanwysing as 'n ontwikkelingsgebied ingevolge artikel 33 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, indien nodig ..... | ..... | ..... | ..... |
| 1.19 | Indien die antwoord "nee" of "nie van toepassing" is ten opsigte van enige van die vooraangaande dokumente, moet redes daarvoor verstrekkend word (lang verduidelikings kan aangeheg word as aanhangsels): | ..... | ..... | ..... |

1.20 Ander dokumente aangeheg:

2. SPESIFIEKE INGLIGTING TEN OPSIGTE VAN BEOOGDE DORP

2.1 Naam van die beoogde dorp (dui ook aan of die naam deur die toepaslike gesag goedgekeur is, en indien wel, deur wie):

2.2 Naam van die dorpsdigter

2.3 Eiendom:

Titelbeskrywing van elke deel van die plaas/kleinhoewe* waarop die beoogde dorp gestig staan te word:

(i) Titellakte No.

(ii) Titellakte No.

(iii) Titellakte No.

2.4 Volle naam van die geregistreerde eienaar van die grond:

2.5 Die grond is/is nie* onder verband (nie)* en die besonderhede van die betrokke verbandaktes is soos volg:

2.5.1 Eiendom:

(i) Verband No.

ten gunste van

(ii) Verband No.

ten gunste van

(iii) Verband No.

ten gunste van

2.5.2 Eiendom:

(i) Verband No.

ten gunste van

(ii) Verband No.

ten gunste van

(iii) Verband No.

ten gunste van

2.6 Mineraalregte is/is nie* geskei van die eiendomsreg van die grond (nie)* en word gehou deur:

kragtens Sertifikaat No.

kragtens Sertifikaat No.

kragtens Sertifikaat No.

2.7 'n Huurkontrak van die mineraalregte is/is nie* toegestaan (nie)*/'n Prospektteerkontrak is/is nie* aangegaan nie*, waarvan die besonderhede soos volg is*:

2.8 Status van die grond ingevolge die Wet op Mynregte, 1967:

2.8.1 Die grond is/is nie* geproklameer ingevolge die Wet (nie)* (verskaf besonderhede):

2.8.2 Die grond is/is nie* uitgehou vir dorpsdoeleindes ingevolge artikel 184 van die Wet (nie)* (verskaf besonderhede):

2.8.3 Die grond is/is nie* gemyn vir edelmetale of onedele metale soos omskryf in artikel 1 van die Wet (nie)* (verskaf besonderhede):

2.9 Die dorpsdigter is van voorneme om nog die volgende stappe te doen ten opsigte van die posisie soos uiteengesit in paragrawe 2.6, 2.7, 2.8.1, 2.8.2 en 2.8.3 hierbo (dui volle besonderhede aan van die stappe wat die dorpsdigter van plan is om te doen en wanneer dit waarskynlik afgehandel sal wees soos in regulasie 8 (2) bedoel):

- 2.10 Die dorpsdigter versoek dat die Minister die aansoek goedkeur ondanks die feit dat die stappe genoem in 2.9 hierbo, nie alreeds gedoen is nie en versoek die Minister voorts om die volgende voorwaardes in dié verband van toepassing te maak ooreenkomstig regulasie 16 (1):
- 2.11 Die beoogde dorp—
- 2.11.1 is geleë binne die munisipale of plaaslike owerheidsgebied van.....
- 2.11.2 grens aan die volgende munisipale of plaaslike owerheidsgebiede:
- 2.11.3 sal gestig word op grond wat aangewys is, of wat geag word aangewys te wees as 'n ontwikkelingsgebied soos bedoel in artikel 33 (1) of (4) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 by (meld toepaslike *Staatskoerant* verwysing):
- 2.12 Die beoogde dorp is geleë in die gebied van die dorpsbeplanningskema/is nie geleë in die gebied van enige dorpsbeplanningskema nie. *
- 2.13 Die voorgestelde grondgebruik(e) en die getal erwe bestem vir elke gebruik:
- | Voorgestelde grondgebruik | Getal erwe |
|---------------------------|------------|
| Residensieel | |
| Besigheid | |
| Industrieel | |
| Gemeenskapsfasiliteit | |
| Munisipaal | |
| Onbepaald | |
| Openbare oop ruimte | |
| Ander | |
- 2.14 Dui in detail aan hoe elk van die voorwaardes en serwitute in die akte(s) van oordrag van die eiendom die beoogde dorp raak en hoe met elk van hierdie voorwaardes en serwitute gehandel staan te word:
- (Waar aangedui word dat 'n titelvoorwaarde of serwituut nie die beoogde dorp raak nie, moet 'n sertifikaat van 'n geregistreerde landmeter of dorpsbeplanner of prokureur ingedien word.)
- 2.15 Die grond waarop die dorp gestig sal word—
- *is aan die dorpsdigter beskikbaar gestel deur.....
- soos in artikel 34 (9) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, beoog, en die voorwaardes waarop die grond aldus beskikbaar gestel is, is vervat in 'n grondbeskikbaarheidsooreenkoms, waarvan 'n afskrif aan hierdie aansoek geheg is/is by die gemagtigde beampte vir sy goedkeuring ingedien op..... (meld die datum)*
- OF
- * sal deur die dorpsdigter ontwikkel word ten behoeve van.....
- (voeg volle naam van eienaar in) uit hoofde van 'n volmag, waarvan 'n afskrif by hierdie aansoek aangeheg is,
- OF
- *sal deur die dorpsdigter ontwikkel word op die grond van.....
- (voeg volle naam van eienaar in) in die dorpsdigter se eie naam uit hoofde van 'n toestemming verleen deur bogenoemde eienaar, waarvan 'n afskrif by hierdie aansoek aangeheg is.

* Skrap wat nie van toepassing is nie.

DEEL III: STIGTINGSVOORWAARDES

[Kyk Regulasie 7 (1) (b). Die Minister sal hierdie Deel van die aansoek as basis gebruik vir die opla van stigtingsvoorwaardes kragtens regulasie 16.]

3. OPSOMMING VAN DORPSBESONDERHEDE

(Paragraaf 3 dien as 'n opsomming en 'n kontroleblad. Met uitsondering van paragraaf 3.8 hieronder, moet die dorpsdigter besonderhede verskaf.)

- 3.1 Voorgestelde naam van dorp
- 3.2 Bevattende (getal erwe en gebruike)
- 3.3 Soos getoon op uitlegplan No.
- 3.4 Geleë te
- 3.5 In die jurisdiksiegebied van (plaaslike owerheid)
- 3.6 Transportakte(s) No.

- [illegible]

- ## 5.7 ANDER VOORWAARDES

This image shows a single sheet of white paper with horizontal dashed lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(Voeg die erfnummers soos dit op die uitlegplan verskyn in. Indien dieselfde erwe uiteindelik ander nummers op 'n algemene plan deur die Landmeter-generaal uit hoofde van regulasie 19 toegeken word nadat die Minister hierdie aansoek kragtens regulasie 16 goedgekeur het, kan oordrag van sodanige erwe gegee word met verwysing na die nummers soos dit op die algemene plan verskyn.)

- | | |
|-----|---|
| 6.1 | Residensieel: Erfnommers |
| 6.2 | Besigheid: Erfnommers |
| 6.3 | Industrieel: Erfnommers |
| 6.4 | Gemeenskapsfasiliteit: Erfnommers |
| 6.5 | Munisipaal: Erfnommers |
| 6.6 | Openbare oop ruimte: Erfnommers |
| 6.7 | Onbepaald: Erfnommers |

(Kyk Grondgebruiksvoorwaardes gepubliseer in Aanhangsel F van die Dorpstigting- en Grondgebruiksregulasies. Indien verskillende voorwaardes van toepassing sal wees op verskillende kategorieë van erwe, moet die dorpsdigter aantoon op welke erwe sodanige voorwaardes van toepassing sal wees.)

- Die gebruik van die voormelde perseel is.....
(voeg in die gebruik van die betrokke perseel soos deur die Minister goedgekeur—kyk paragraaf 6 hierbo), soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aanhangsel F van die Dorpsstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat, op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, die in voormelde Grondgebruiksvoorwaardes vervang, soos beoog in artikel 57B van die gemelde Wet.

OF

Die gebruik van die voormelde perseel is
(voeg die goedgekeurde gebruik in) soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aanhangsel F van die Dorpsstigting- en Grondgebruiksregulasies uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat die volgende spesiale voorwaardes van toepassing is bykomend tot/in plaas van* genoemde Grondgebruiksvoorwaardes:

1.
2.
3.

Met dien verstande voorts, dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié in voormelde Grondgebruiksvoorwaardes, en in hierdie voorwaardes vervang, soos in artikel 57B van die gemelde Wet beoog.

OF

*Die volgende voorwaardes moet by die titelakte van elke perseel ingesluit word (voltooi indien Grondgebruiksvoorwaardes in Aanhangsel F van die Dorpstigting- en Grondgebruiksregulasies, 1986 nie gebruik sal word nie):

.....

Met dien verstande dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié vervang wat in hierdie voorwaardes vervat is en wat daarna geen verdere regsrag of effek het nie.

- 7.2.1 Die erf is onderworpe aan 'n serwituut, 1 meter wyd, ten gunste van die plaaslike owerheid, vir riool- en ander munisipale doeleindes, langs enige twee grense uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut van 1 meter wyd, vir munisipale doeleindes, oor die toegangsdeel van die erf, indien en wanneer deur die plaaslike owerheid benodig: Met dien verstande dat die plaaslike owerheid vrystelling kan verleen van die nakoming van hierdie serwituutreg.
- 7.2.2 Geen gebou of ander struktuur mag opgerig word binne die bogenoemde serwituutgebied nie en geen grootwortelbome mag in die gebied van sodanige serwituut of binne 1 meter daarvan geplant word nie.
- 7.2.3 Die plaaslike owerheid is daarop geregtig om tydelik op die grond aangrensend aan die voorgenoemde serwituutgebied, sodanige materiaal te stort as wat uitgegrawe mag word in die loop van die konstruksie, onderhoud of verwydering van sodanige hoofrioolleidings of ander werk as wat hy na sy oordeel nodig ag en is voorts geregtig op redelike toegang tot genoemde grond vir bogenoemde doel, onderworpe daaraan dat enige skade aangerig tydens die proses van konstruksie, instandhouding of verwydering van sodanige hoofrioolleidings en ander werk, goed te maak deur die plaaslike owerheid.

* Skrap wat nie van toepassing is nie.

AANHANGSEL C

VORM VAN KENNISGEWING WAT AAN SEKERE PERSONE OF LIGGAME GEGEE MOET WORD

[Regulasie 9 (1)]

NEEM ASSEBLIEF KENNIS DAT

(die dorpstigter) 'n aansoek om dorpstigting in die vorm van die twee aangehegte afskrifte van die aansoek by die gemagtigde beampte soos bedoel in die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, ingedien het.

NEEM VOORTS ASSEBLIEF KENNIS DAT u, binne 'n tydperk van 30 (dertig) dae vanaf die datum van hierdie kennisgewing, 'n beswaar of vertoë ten opsigte van die aansoek, by of aan die genoemde gemagtigde beampte kan indien of rig soos in regulasie 11 van die bovermelde Regulasies bedoel, of, indien u nie in staat is om so 'n beswaar of sodanige vertoë binne sodanige tydperk in te dien of te rig nie, of die aansoek binne daardie tydperk behoorlik kan ondersoek nie, kan u binne daardie tydperk die genoemde beamptes skriftelik versoek om die tydperk te verleng en die tydperk noem waarbinne u in staat sal wees om 'n beswaar in te dien of vertoë te rig, asook die aard van die beswaar of vertoë wat u beoog of na verdere ondersoek sou, of moontlik sou, indien of rig.

NEEM VOORTS ASSEBLIEF KENNIS DAT enige beswaar, vertoë of versoek om uitstel by die kantoor van die gemagtigde beampte te.....afgelewer moet word.

Dorpstigter

Datum

AANHANGSEL D

VORM VAN KENNISGEWING WAT IN KOERANT GEPUBLISEER MOET WORD

[Regulasie 10 (1)]

NEEM ASSEBLIEF KENNIS DAT die ondergenoemde dorpstigter 'n aansoek om die stigting van die dorp hieronder beskryf, soos bedoel in die Dorpstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, by die gemagtigde beampte ingedien het.

NEEM ASSEBLIEF VERDER KENNIS DAT die toepaslike plan(ne), dokument(e) en inligting vir inspeksie by die kantoor van die dorpstigter (hieronder aangedui) vir 'n tydperk van 30 (dertig) dae vanaf(vul datum in van eerste publikasie van hierdie kennisgewing) ter insae lê.

NEEM ASSEBLIEF VERDER KENNIS DAT iemand wat beswaar wil maak teen of vertoë wil rig ten opsigte van die toestaan van die aansoek, sodanige beswaar of vertoë tesame met die redes daarvoor, binne genoemde tydperk van 30 (dertig) dae aan die gemagtigde beampte by sy adres hieronder uiteengesit, moet aflewer.

Naam van dorp

Naam van dorpstigter

Adres van dorpstigter waar dokumente geïnspekteer kan word

Adres van gemagtigde beampte

Getal en sonering van erwe

Ligging en beskrywing van grond

AANHANGSEL E***RIGLYNE VIR DIENSTEOOREENKOMS**

(*Hierdie ooreenkoms kan ook deel vorm van die grondbesikbaarheidsooreenkoms waar van toepassing—kyk paragraaf 5 van Aanhangel A.)

Enige diensteooreenkoms soos in regulasie 26 bedoel, moet onder andere aan die volgende riglyne voldoen:

1. **PARTYE**
Die name van die partye by die kontrak en hulle besigheidsadresse met vermeld word.
2. **DIE GROND**
Daar behoort 'n voldoende beskrywing te wees van die grond waarop die ooreenkoms betrekking het, met verwysing na byvoorbeeld enige titelakte waaronder die grond gehou word, 'n diagram deur 'n geregistreerde landmeter voorberei en enige algemene plan wat ten opsigte van die grond voorberei is. Daarby behoort daar aangedui te word of die dorpsdigter die eienaar of agent van die eienaar van die grond is, of hy in sy eie naam optree met die toestemming van die eienaar, alternatiewelik, of die grond aan hom beskikbaar gestel is ingevolge artikel 34 (9) van die Wet.
3. **VOORWAARDES**
 - 3.1 Indien die ooreenkoms onderworpe is aan die nakoming van enige voorwaardes, moet hierdie voorwaardes duidelik gemeld word. Hulle kan byvoorbeeld voorwaardes insluit met betrekking tot—
 - 3.1.1 die insluiting van die grond wat ontwikkel moet word by 'n plaaslike owerheidsgebied deur 'n Administrateur handelende kragtens die Wet op Swart Plaaslike Owerheide, 1982 (Wet 102 van 1982), gelees met die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet 91 van 1983); of
 - 3.1.2 die oorgaan van die aansoek om dorpsdigting tot 'n goedgekeurde aansoek.
 - 3.2 Indien enige van die voorwaardes in 3.1 bedoel, opgelê is, moet die ooreenkoms duidelik meld wat die gevolg sou wees indien sodanige voorwaardes nie nagekom sou word nie.
4. **KLASSIFIKASIE VAN INGENIEURSDIENSTE**
Die ingenieursdienste wat vir die dorp voorsien moet word, behoort geklassifiseer te word as interne of eksterne ingenieursdienste soos in regulasie 27 beoog op die grondslag dat—
 - 4.1 "eksterne ingenieursdienste" uit beide "grootmaatsdienste" en "koppeldienste" bestaan;
 - 4.2 "grootmaatsdienste" al die primêre water-, riool-, elektrisiteit- en stormwaterdienste, asook die padnetwerk in die stelsel waaraan die interne dienste gekoppel moet word, beteken;
 - 4.3 "koppeldienste" alle nuwe dienste wat nodig is om die interne dienste te koppel met die grootmaatsdienste, beteken;
 - 4.4 "interne dienste" alle dienste binne die grense van die nuwe dorp wat nodig is vir die daarstelling van gedienste erwe in ooreenstemming met die vlak van dienste waarop ooreengekom is tussen die dorpsdigter en die betrokke gesag in regulasie 26 (1) bedoel, beteken;
 - 4.5 indien 'n diens binne die grense van 'n nuwe dorp ook 'n ander dorp binne die jurisdiksiegebied van die betrokke gesag in regulasie 26 (1) bedoel, bedien, sodanige diens en die koste van die voorsiening daarvan as 'n interne ingenieursdiens hanteer moet word in die mate wat dit die nuwe dorp dien, en as 'n eksterne ingenieursdiens in die mate wat dit enige sodanige ander dorp of ontwikkeling dien.
5. **ONTWIKKELINGSVERANTWOORDELIKHEDE**
 - 5.1 **Dorpsbeplanning en Opmeting**
As 'n algemene reël behoort die dorpsdigter verantwoordelik te wees vir alle opmetingswerk, dorpsbeplanning en aanverwante werk wat nodig is vir die doeleindes van registrasie van die algemene plan wat op die nuwe dorp betrekking het, en behoort hy alle koste aldus aangegaan, te verhaal deur die verkoop van gedienste erwe.
 - 5.2 **Verantwoordelikheid vir Ingenieursdienste**
Daar moet duidelike bepalinge wees wat die verantwoordelikheid vir die installering en voorsiening van interne en eksterne ingenieursdienste soos in regulasie 28 (1) beoog, van die onderskeie partye by die diensteooreenkoms bepaal: Met dien verstande dat indien enige van die partye 'n ingenieursdiens moet voorsien en installeer op versoek en koste van die ander, soos in regulasie 28 (2) bedoel, die dienste wat aldus geïnstalleer en verskaf moet word, duidelik geïdentifiseer word en die bedrag, of die wyse van vasstelling van die bedrag, van enige uitgawe waarna in daardie subregulasie verwys word, duidelik uiteengesit moet word.
 - 5.3 **Aanvullende Grootmaatsdienste**
Dit moet duidelik wees of aanvullende grootmaatsdienste deur die betrokke gesag soos in regulasie 26 (1) bedoel, geïnstalleer en voorsien moet word, en indien wel, moet sodanige dienste geïdentifiseer word.
 - 5.4 **Bydrae tot Koste van Dienste**
Die ooreenkoms behoort nie voorsiening te maak dat die dorpsdigter bydra tot die koste van die installering en voorsiening van eksterne ingenieursdienste nie, en omgekeerd, behoort die ooreenkoms ook nie voorsiening te maak dat die betrokke gesag in regulasie 26 (1) bedoel, bydra tot die installering en voorsiening van interne ingenieursdienste nie. Die enigste uitsondering op hierdie riglyn sal 'n geval wees waar die dorpsdigter eksterne ingenieursdienste installeer en voorsien waarvan die betrokke owerheid nie die verskaffer is nie, en verkies om sy eie koste in hierdie verband te dra, soos in regulasie 28 (2) (c) bedoel.
 - 5.5 **Dienskoppelings**
Daar moet bepaal word welke party verantwoordelik sal wees vir die installasie en voorsiening van dienskoppelings aan woon-, besigheids-, industriële, gemeenskapsfasiliteit- en munisipale erwe, of aan enige sodanige erwe soos bedoel in die Grondgebruiksvoorwaardes wat Aanhangel F van hierdie regulasies uitmaak, asook hoe die koste van sodanige dienskoppelings verhaal sal word. Die dienskoppelings wat gemaak word, moet voldoende beskryf word in die diensteooreenkoms, en kan alle koppelings insluit tussen die betrokke interne dienste en die betrokke erf, wat byvoorbeeld bestaan uit—
 - 5.5.1 'n waterrioolpyp wat by 'n riolaansluiting eindig;
 - 5.5.2 'n waterpyp wat by 'n watermeter eindig;
 - 5.5.3 'n elektriese huisaansluitingskabel wat op die betrokke erf eindig.
 - 5.6 **Vlak en Standaard van Interne Dienste**
Die vlak en standaard van die interne dienste wat deur die dorpsdigter geïnstalleer en voorsien moet word, behoort duidelik geïdentifiseer te word, met verwysing na onder andere—
 - 5.6.1 waternetwerk;
 - 5.6.2 rioolnetwerk;
 - 5.6.3 paaie en stormwaterdreinerings;
 - 5.6.4 elektrisiteitsnetwerk (hoog- en laagspanning); en
 - 5.6.5 straatverligting,
 behoudens die oorwegings waarna in regulasie 27 (2) verwys word.
 - 5.7 **Voltooiing van Dienste**

- 5.7.1 Dit moet duidelik of bepaalbaar wees wanneer die dorpsdigter en die betrokke gesag waarna in regulasie 26 (1) verwys word, sal begin met die konstruksie van interne en eksterne ingenieursdienste, teen watter tempo die konstruksie van sodanige dienste behoort te vorder, en wanneer sodanige dienste voltooi sal wees.
- 5.7.2 Voorsiening moet gemaak word vir die inspeksie en afgee van interne ingenieursdienste aan die betrokke gesag, en vir die datum wanneer alle risiko en eiendomsreg ten opsigte van sodanige dienste op die betrokke owerheid sal oorgaan.
- 5.8 Instandhouding van Dienste
- Voorsiening vir die volgende verantwoordelikhede behoort gemaak te word nadat die interne dienste aan die betrokke owerheid soos in regulasie 26 (1) bedoel, afgegee is:
- 5.8.1 Wanneer normale onderhoud deur die betrokke gesag 'n aanvang sal neem.
- 5.8.2 Die verantwoordelikheid van die dorpsdigter vir die regstelling van defekte in materiaal en vakmanskap, uitgesluit normale slytasie.
- 5.8.3 Die regte van sodanige betrokke gesag waar die dorpsdigter versuim het om enige defekte reg te stel binne 'n redelike tydperk nadat hy versoek is om dit te doen.
6. VERSEKERING
- Voorsiening behoort gemaak te word dat elke party genoegsame versekeringsdekking verkry ten opsigte van versekerbare risiko's tydens die duur van die ontwikkeling van die nuwe dorp.
7. WAARBORGE
- Indien dit beoog word dat die dorpsdigter ooreenkomste sal sluit om oor erwe in die nuwe dorp te beskik voordat die grond in die dorp in 'n aktekantoor soos in regulasie 25 (2) bedoel, registreerbaar word, en ook voor die voltooiing van of eksterne of interne ingenieursdienste, soos in regulasie 24 (4) (b) beoog, behoort voorsiening gemaak te word om die onderlinge verhouding tussen die partye en hulle verantwoordelikheid vir waarborge en ondernemings, soos in regulasie 24 (4) (b) (i) en (ii) bedoel, te reël, en sodanige voorsiening kan benewens die vereistes in daardie subregulasie uiteengesit, ook bepaal dat enige sodanige waarborg of onderneming—
- 7.1 onherroeplik moet wees, gedurende die tydperk van geldigheid, waarvoor die instansie of liggaam die waarborg of onderneming uitgereik het;
- 7.2 oordraagbaar moet wees deur die persoon of liggaam aan wie sodanige waarborg of onderneming uitgedruk is betaalbaar te wees.
8. BRONNE VAN FINANSIERING
- Daar kan voorsiening gemaak word vir die wyse waarop die partye onderneem om hulle onderskeie verantwoordelikhede ingevolge die diens-ooreenkomste te finansier, en waar toepaslik, kan die dorpsdigter onderneem om enige oorbruggingsfinansiering aan die betrokke gesag in regulasie 26 (1) bedoel, te verskaf op sodanige bedinge en voorwaardes as waarop tussen die partye ooreengekom mag word en wat normaal en gebruiklik is in die handelspraktijk.
9. KONTRAKBREUK EN ARBITRASIE
- Die ooreenkoms behoort duidelik voorsiening te maak vir die wyse waarop die partye die diens-ooreenkoms kan beëindig (as 'n algemene reël, op voldoende kennisgewing deur die gekrenkte party aan die party in verstek) en die ooreenkoms kan spesifiek sodanige bedinge as waartoe die partye ooreenkom, boekstaaf, met betrekking tot onder andere—
- 9.1 die uitgawes, finansierings- en renteheffings en ander verlies of skade wat een party geregtig sal wees om, in die geval van kontrakbreuk, van die ander party te verhaal, of die beëindiging van die kontrak om enige ander rede;
- 9.2 aangeleentheid wat, in die geval van enige dispuut tussen die partye, vir arbitrasie verwys kan word en die besonderhede van die verwysing na arbitrasie soos in die Wet op Arbitrasie, 1965, (Wet 42 van 1965) bedoel.
10. ALGEMEEN
- Daar kan sodanige ander bedinge en voorwaardes wees wat nie met hierdie riglyne onbestaanbaar is nie, as waarop die partye ooreenkom.

AANHANGSEL F

GRONDGEBRUIKSVOORWAARDES

(Titelvoorwaardes of dorpsvoorwaardes bedoel in artikel 57B van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984)

INHOUD

DEEL 1—ALGEMEEN

Omskrywings
Toepassing van dokument
Verantwoordelike owerheid

DEEL 2—KANTRUIMTE EN AGTERRUIMTE

Kantruimte en Agterruimte
Verslapping van die kantruimte en agterruimte

DEEL 3—BOUBEPERKINGS EN GRONDGEBRUIK

Oprigting en die gebruik van grond of gebruik van geboue
Voorwaardes van toepassing op alle eiendomme
Bykomende gebruik toegelaat op residensiële eiendom
Spesiale voorwaardes van toepassing op openbare motorhawes
Vergunningsgebruik of goedkeuring deur verantwoordelike owerheid
Aansoek om vergunningsgebruik en besware
Verval van goedkeuring of vergunningsgebruik
Onderverdeling of konsolidasie van eiendom
Voorsiening vir parkering
Beperking op hoogte van geboue
Beperking op dekking van geboue

DEEL 4—ALGEMENE BEVALLIGHEID EN GERIEF

Algemene bevalligheid en gerief.

DEEL 5—DIVERSE

Betekening van kennisgewings
Oortredings
Titel

DEEL 1

GRONDGEBRUIKSVOORWAARDES

ALGEMEEN

1. OMSKRYWINGS

In hierdie voorwaardes, tensy dit uit die samehang anders blyk, beteken—

“besigheidsdoeleindes” die gebruik van ’n gebou en/of grond vir kantore, uitstallokale, restaurante of vir enige ander besigheids- of kommersiële doel uitgesonderd ’n plek van onderrig, ’n winkel, ’n openbare garage, ’n industrie, ’n hinderlike industrie, ’n bouerswerf of ’n skrootwerf;

“dekking” die oppervlakte van ’n eiendom wat deur geboue gedek word, gemeet oor die buitemure, vertikaal van bo-af beskou, en uitgedruk as ’n persentasie van die oppervlakte van die eiendom;

“eienaar” met betrekking tot grond of ’n gebou—

(a) die geregistreerde eienaar;

(b) die geregistreerde houër van ’n reg van huurpag soos in die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, bedoel;

(c) ’n persoon wat die boedel administreer van iemand in (a) of (b) hierbo bedoel, hetsy as eksekuteur, trustee of voog of in enige ander hoedanigheid;

(d) ’n persoon wat betaling ontvang van enige okkupeerder, of ’n persoon wat betaling sal ontvang indien sodanige grond of gebou verhuur sou word, vir sy eie rekening of as agent vir iemand wat daarop geregtig is of wat ’n belang daarby het, en

(e) die behoorlik gemagtigde agent van ’n persoon bedoel in (a) tot (d) hierbo;

“eiendom” enige gedeelte van grond of ’n huurpagperseel wat as ’n aparte eenheid in ’n aktekantoor geregistreer is, asook onopgemete persele soos in artikel 52 (5) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, bedoel;

“gebou” ook ’n konstruksie of ’n struktuur van watter aard ook al;

“gebruiksone” ’n sone wat onderworpe is aan die beperkings op die oprigting en gebruik van geboue of die gebruik van grond vermeld in Tabel A;

“gemeenskapsaal” ’n gebou wat ontwerp is vir gebruik of hoofsaaklik gebruik word vir sosiale byeenkomste, samekomste, vergaderings of ontspanningsdoeleindes;

“hinderlike industrie” ’n industrie of bedryf wat as gevolg van geraas of afvalstowwe gevaarlik of hinderlik vir die gesondheid en welstand van die breet publiek is, byvoorbeeld maar nie beperk tot die smelt van erts en minerale, werke vir die maak van sulfaatkleurmiddels of die sintering van sulfaatraende stowwe

“industrie” ’n aktiwiteit op enige perseel wat neerkom op die gebruik van sodanige perseel as ’n “fabriek” soos bedoel in die omskrywing van dié begrip in die Algemene Administratiewe Regulasies kragtens artikel 35 van die Wet op Masjinerie- en Beroepsveiligheid, 1983 (Wet 6 van 1983), uitgevaardig by Goewermentskenningsgewing R. 2206 van 5 Oktober 1984;

“inrigting” ’n gebou wat ontwerp is of hoofsaaklik gebruik word as liefdadigheidsinrigting, hospitaal, verpleeginrigting, sanatorium of kliniek, of enige ander inrigting, hetsy openbaar of privaat;

“okkupeerder” in verband met enige gebou, struktuur of grond, ook enige persoon wat so ’n gebou, struktuur of grond okkupeer of wettiglik geregtig is om dit te okkupeer of enigiemand wat die beheer of bestuur daarvoor het en ook die agent van so ’n persoon wat afwesig is uit die gebied of ten opsigte van wie dit nie seker is waar hy hom bevind nie;

“openbare garage” ’n gebou wat ontwerp is of grond wat hoofsaaklik gebruik word vir die onderhoud, herstel of die vulling met brandstof van motorvoertuie en aanverwante doeleindes;

“plek van onderrig” grond wat gebruik word of ’n gebou wat ontwerp is of hoofsaaklik gebruik word vir ’n skool, tegniese kollege, lesingsaal, instituut of ander opvoedkundige sentrum en ook ’n kleuterskool, ’n monikke- of nonneklooster, ’n openbare biblioteek, ’n kunsgalery, ’n museum en ’n gimnasium;

“plek vir openbare godsdiensoefening” ’n gebou wat ontwerp is vir gebruik, of hoofsaaklik gebruik word, as ’n kerk, kapel, bidvertrek, bedehuis, sinagoge, moskee, of ander plek van openbare godsdiensoefening, asook ’n gebou bestem en gebruik vir godsdiensoonderrig en ’n instituut op dieselfde terrein as, en verbonde aan bogenoemde geboue wat bedoel is om vir gesellige verkeer en ontspanning gebruik te word, maar nie ’n begrafniskapel nie, wat geag word ’n “spesiale doel” te wees;

“residensiële gebou” ’n gebou ontwerp vir of hoofsaaklik gebruik vir bewoning deur mense en die gebruikte toegelaat ingevolge paragraaf 8, wat een of meer wooneenhede kan bevat;

“spesiale doel” ’n doel waarvoor grond en geboue gebruik mag word wat nie in hierdie voorwaardes gespesifiseer is nie;

“verantwoordelike owerheid” die owerheid bedoel in paragraaf 3;

“verdieping” die ruimte binne ’n gebou wat tussen een vloervlak en die volgende vloervlak geleë is of tussen een vloervlak en die plafon of dak daarbo;

“vloeroppervlakte” die somtotaal van die oppervlakte wat ’n gebou op die vloervlak van elke verdieping beslaan;

“winkel” grond gebruik of ’n gebou wat ontwerp is vir gebruik, of hoofsaaklik gebruik word vir die doel om kleinhandel met die nodige gepaardgaande opberging en verpakking te dryf, en omvat ’n bygaande gebruik op dieselfde perseel welke gebruik voortspruitend uit en ondergeskik is aan die kleinhandel wat daarin bedryf word;

“wooneenheid” ’n onderling verbinde stel kamers, wat ’n kombuis of opwasplek kan insluit, ontwerp vir menslike bewoning.

2. TOEPASSING VAN DOKUMENT

2.1 Hierdie voorwaardes geld vir enige eiendom met ’n titelvoorwaarde wat daarna verwys op die wyse in regulasie 32 van die Grondstigting- en Grondgebruiksregulasies, 1986, bedoel.

2.2 Die bepalinge van hierdie voorwaardes maak geen bestaande gebou onwettig wat wettig ooreenkomstig goedgekeurde bouplanne opgerig is nie: Met dien verstande dat veranderings, uitgesonderd klein veranderings, of die verandering van die gebruik van so ’n gebou ooreenkomstig hierdie voorwaardes moet geskied.

3. VERANTWOORDELIKE OWERHEID

Die plaaslike owerheid, of, indien daar geen sodanige plaaslike owerheid is nie, die persoon of liggaam wat verantwoordelik is vir die beheer oor die betrokke grond, is die owerheid verantwoordelik vir die toepassing en administrasie van hierdie voorwaardes.

DEEL 2

KANTRUIMTE EN AGTERRUIMTE

4. KANTRUIMTE EN AGTERRUIMTE

4.1 Geen gebou, uitgesonderd grensmure, heinings of tydelike geboue wat benodig word in verband met bouwerk wat op ’n eiendom gedoen word, mag opgerig word nie sonder ’n ruimte, vry van enige gebou of struktuur, tussen die gebou en een van die sygrense asook tussen die gebou en die agterste grens van die eiendom.

4.2 Die ruimte aan die kant van die gebou moet minstens een meter wyd wees.

4.3 Die ruimte aan die agterkant van die gebou moet minstens een meter wyd wees.

5. VERSLAPPING VAN KANTRUIMTE EN AGTERRUIMTE

5.1 By ontvangs van 'n skriftelike aansoek kan die verantwoordelike owerheid die oprigting van 'n gebou binne die kantruimte of agterruimte toelaat.

5.2 Enige toestemming kragtens paragraaf 5.1 verleen, is geldig vir die duur van die bestaansduur van die betrokke gebou.

DEEL 3

BOUBEPERKINGS EN GRONDGEBRUIKE

6. OPRIGTING EN GEBRUIK VAN GEBOUE OF GEBRUIK VAN GROND

Die doel waarvoor grond en geboue in elk van die gebruiksones in kolom 1 van Tabel A gespesifiseer—

6.1 opgerig en/of gebruik mag word;

6.2 opgerig en/of gebruik mag word slegs met die toestemming van die verantwoordelike owerheid;

6.3 nie opgerig en/of gebruik mag word nie,

word onderskeidelik in die tweede, derde en vierde kolom van Tabel A getoon.

TABEL A

Gebruiksones	Toegelate gebruike	Gebruike toegelaat slegs met toestemming van die verantwoordelike owerheid	Verbode gebruike
(1)	(2)	(3)	(4)
Residensiële	Residensiële geboue	Plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport en ontspanningsdoeleindes, inrigtings, mediese suites, spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie.
Besigheid.....	Winkels, besigheidsdoeleindes, residensiële geboue, plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings	Gebruike nie in kolom (2) of (4) nie	Hinderlike industrieë.
Industrieel.....	Industrie, besigheidsdoeleindes, winkels, openbare garages, skrootwerwe, parkeer-ruimtes	Hinderlike industrieë, en spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie
Gemeenskapsfasiliteit	Plekke van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings	Residensiële geboue, spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie.
Munisipaal	Munisipale doeleindes.....	Residensiële geboue, spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie.
Onbepaald.....	Geen	Gebruike nie in kolom (4) Nie.....	Hinderlike industrieë.
Openbare oop ruimtes	Parke, sport- en ontspanningsfasiliteite en geboue wat vir verwante doeleindes gebruik word	Residensiële geboue, spesiale doeleindes	Gebruike nie in kolom (2) of (3) nie.

7. VOORWAARDES VAN TOEPASSING OP ALLE EIENDOMME

7.1 Behalwe met skriftelike toestemming van die verantwoordelike owerheid en onderworpe aan die voorwaardes wat hy mag opleë, het geen eienaar of enige ander persoon—

7.1.1 die reg om, behalwe om die erf vir boudoeleindes voor te berei, enige materiaal daarvan te verwyder nie;

7.1.2 die reg om enige boorgate of putte daarop te sink nie of ondergrondse water daaruit te onttrek nie.

7.2 Indien dit onprakties is om stormwater van hoërliggende eiendomme direk na 'n openbare straat te dreineer, is die eienaars van die laerliggende eiendomme verplig om die afloop van stormwater oor hulle eiendomme te ontvang: Met dien verstande dat die eienaar van 'n hoërliggende eiendom, waarvan die stormwater oor 'n laerliggende eiendom vloei, verplig is om 'n prorata-gedeelte van die koste te betaal van enige pypleiding of drein wat die eienaar van sodanige laerliggende eiendom nodig vind om te bou vir die doel om die stormwater wat aldus oor sy eiendom vloei, weg te lei.

7.3 Die plasing van 'n gebou met inbegrip van buitegeboue, op 'n eiendom en van ingange tot en uitgange uit 'n openbare straatstelsel, tot tevredenheid van die verantwoordelike owerheid moet wees.

7.4 Die eienaar is verantwoordelik vir die onderhoud van die hele ontwikkeling op die eiendom.

8. BYKOMENDE GEBRUIKE TOEGELAAT OP RESIDENSIËLE EIENDOMME

8.1 Die getal wooneenhede en die grootte van 'n residensiële gebou wat op 'n eiendom opgerig mag word, word slegs deur die hoogte- en dekkingsbepalings van hierdie voorwaardes en enige toepaslike gesondheids- en bouregulasies, beperk.

8.2 Die okkupeerders van 'n residensiële gebou kan hulle godsdienst- en sosiale bedrywighede, hulle nering, professies of ambagte, met inbegrip van kleinhandelbedrywighede, op die eiendom waarop sodanige residensiële gebou opgerig is, beoefen: Met dien verstande dat—

8.2.1 die oorheersende gebruik van die eiendom residensiël bly;

8.2.2 die nering, ambag of profesie of ander aktiwiteit of bedrywigheid nie hinderlik is nie; en

8.2.3 die nering, ambag of profesie nie met die bevalligheid van die omgewing inmeng nie.

9. SPESIALE VOORWAARDES VAN TOEPASSING OP OPENBARE GARAGES

9.1 Daar mag niks opgeberg en geen herstelwerk van enige aard aan voertuie of uitrusting gedoen word in 'n openbare garage nie, behalwe in 'n gedeelte wat vir daardie doel afgeskort is tot tevredenheid van die verantwoordelike owerheid.

9.2 Die verantwoordelike owerheid kan die beperking in paragraaf 9.1 verslap in die geval waar die eiendom omring is deur of aangrensend is aan industriële gebruike.

10. VERGUNNINGSGEBRUIK OF GOEDKEURING DEUR VERANTWOORDELIKE OWERHEID

- 10.1 'n Aansoek aan die verantwoordelike owerheid om die goedkeuring van 'n vergunningsgebruik ten opsigte van die betrokke eiendom wat gelys is in kolom 3 van Tabel A moet gedoen word deur die eienaar van die grond of gebou waarop die aansoek betrekking het. Met dien verstande dat die bepalinge van hierdie paragraaf en paragrawe 11 en 12, nie van toepassing is nie op enige aansoek aan of toestemming of goedkeuring deur die verantwoordelike owerheid nie vir enige doeleindes ingevolge hierdie voorwaardes uitgesonderd dié in kolom 3 van Tabel A bedoel.
- 10.2 Die bevoegdheid van die verantwoordelike owerheid om sy stemming of goedkeuring kragtens paragraaf 10.1 te verleen, sluit die bevoegdheid in om toestemming of goedkeuring te weier, en, indien toestemming of goedkeuring verleen is, ook die bevoegdheid om die voorwaardes op te lê wat hy nodig ag.
- 10.3 Indien die eienaar van die betrokke eiendom 'n voorwaarde waarop die toestemming of goedkeuring deur 'n verantwoordelike owerheid soos in paragraaf 10.2 bedoel, verleen is, verbreek het, kan die verantwoordelike owerheid 'n kennisgewing aan die eienaar of die okkuperder van die betrokke eiendom beteken waarin hy aangesê word om die verbreking te herstel, en indien die verbreking nie herstel word soos in die kennisgewing vereis nie, kan sodanige goedkeuring of toestemming deur die verantwoordelike owerheid beëindig word.
- 10.4 Die kennisgewing in paragraaf 10.3 vermeld, moet 'n spesifieke tydperk voorskryf waarbinne die verbreking herstel moet word.
- 10.5 'n Aansoeker wat gegrief voel oor enige besluit van die verantwoordelike owerheid soos in hierdie paragraaf bedoel, kan binne 28 dae vanaf die besluit by die gemagtigde beampte appel aanteken. Met dien verstande dat indien die verantwoordelike owerheid weier om 'n besluit te neem oor enige aansoek of die neem van 'n besluit onredelik vertraag, die aansoeker na die gemagtigde beampte kan appelleer asof hy appelleer teen 'n besluit van die verantwoordelike owerheid.

11. AANSOEK OM VERGUNNINGSGEBRUIK EN BESWARE

- 11.1 'n Eienaar wat van voorneme is om by die verantwoordelike owerheid om toestemming soos bedoel paragraaf 10.1 aansoek te doen, moet voor die indiening van sodanige aansoek—
- 11.1.1 'n kennisgewing op die eiendom of gebou waarop dit betrekking het, aanbring, vertoon en in stand hou vir 'n tydperk van veertien dae; en
- 11.1.2 veertien dae skriftelik kennis gee aan die eienaars van aanliggende eiendomme en van die eiendomme direk oorkant die straat van die eiendom wat die onderwerp van die aansoek vorm.
- 11.2 'n Kennisgewing in paragraaf 11.1 bedoel, moet meld dat enige persoon wat enige beswaar teen die aansoek wil inbring, so 'n beswaar skriftelik by die verantwoordelike owerheid en by die aansoeker kan indien, binne veertien dae na die laaste dag waarop die kennisgewing vertoon is.
- 11.3 Bewys van die vertoning van die kennisgewing bedoel in paragraaf 11.1.1, en 'n lys van die eienaars bedoel in paragraaf 11.1.2, en hul adresse, moet die aansoek aan die verantwoordelike owerheid vergesel.
- 11.4 Die verantwoordelike owerheid moet enige besware wat binne die kennisgewingtydperke van veertien dae bedoel in paragraaf 11.1 ontvang is, oorweeg, en moet binne 60 dae na die vervaldatum van sodanige kennisgewingtydperke die aansoeker en die beswaarmakers, indien daar is, van sy besluit verwittig deur 'n afskrif van sodanige besluit aan die betrokke persoon/persone te lewer.
- 11.5 'n Besluit deur die verantwoordelike owerheid bedoel in 11.4, tree nie in werking alvorens die briewe van kennisgewing aan die aansoeker en beswaarmakers deur hulle ontvang is, soos in paragraaf 11.4 bedoel, of, indien 'n appel ingedien is ingevolge paragraaf 10.5, totdat 'n beslissing ten opsigte van sodanige appel bereik is.

12. VERVAL VAN GOEDKEURING OF VERGUNNING

Indien die regte wat uit hoofde van die verlening deur die verantwoordelike owerheid van 'n goedkeuring of vergunning ingevolge paragraaf 10 nie binne een en twintig maande vanaf die verlening van sodanige goedkeuring of vergunning uitgeoefen is nie, of, as die regte uitgeoefen is, maar die vergunde gebruik vir 'n aaneenlopende periode van agtien maande onderbreek word, verval die betrokke goedkeuring of vergunning, behalwe indien enige voorwaarde waarop sodanige goedkeuring of vergunning verleen is, spesifiek anders bepaal, of as die eienaar bewys tot tevredenheid van die verantwoordelike owerheid lewer dat hy voornemens is om die uitoefening van sy regte te hervat.

13. ONDERVERDELING EN KONSOLIDASIE VAN EIENDOMME

Geen eiendom word onderverdeel of gekonsolideer nie, behalwe ooreenkomstig regulasie 19 (5) en (6) van die Dorpsstigting- en Grondgebruikregulasies, 1986, en enige tersaaklike bepaling van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984.

14. VOORSIENING VAN PARKERING

- 14.1 Genoegsame parkeerruimte moet voorsien word ten opsigte van die gebruike in Tabel B gelys: Met dien verstande dat sodanige parkeerruimte uitgelê moet word tot tevredenheid van die verantwoordelike owerheid.
- 14.2 Die verantwoordelike owerheid kan op aansoek van die eienaar van die betrokke eiendom, toestemming verleen vir 'n verslapping van die vereistes vir parkering soos in Tabel B uiteengesit:

TABEL B

Gebruik	Perseeloppervlakte	Minimum vereistes vir parkering
Residensiële geboue	Minder as 2 000 m ²	Nul.
	2 000 m ² en meer	1 ruimte per wooneenheid.
Winkels	Minder as 2 000 m ²	Nul.
	2 000 tot 2 999 m ²	3 ruimtes per 100 m ² winkelvloeroppervlakte.
	3 000 m ² en meer	4 ruimtes per 100 m ² winkelvloeroppervlakte.
Kantore	Minder as 2 000 m ²	Nul.
	2 000 m ² en meer	2 ruimtes per 100 m ² kantoorvloeroppervlakte.
Industriële en besigheidsdoeleindes	Minder as 2 000 m ²	Nul.
	2 000 m ² en meer	1 ruimte per 100 m ² vloeroppervlakte.

15. BEPERKINGS OP HOOGTE VAN GEBOUE

- 15.1 Geboue opgerig op eiendomme in residensiële gebruike mag nie twee verdiepings oorskry sonder die toestemming van die verantwoordelike owerheid nie.
- 15.2 Geboue opgerig op eiendomme in gebruike, uitgesonderd residensiële gebruike, mag nie drie verdiepings oorskry sonder die toestemming van die verantwoordelike owerheid nie.
- 15.3 Die aantal verdiepings in hierdie paragraaf bedoel, sluit die grondverdieping in, maar nie kelderverdiepings onder die grondvlak nie.

16. BEPERKINGS OP DEKKING VAN GEBOUE

- 16.1 Geboue mag nie die dekking in Tabel C gespesifiseer, oorskry nie: Met dien verstande dat die verantwoordelike owerheid, op skriftelike aansoek, goedkeuring kan verleen vir 'n verdere dekking wat nie tien persent te bowe mag gaan nie.

TABEL C

Gebruiksone	Toelaatbare dekking
Residensieel	60%
Besigheid	70%
Industrieel	70%
Gemeenskapsfasiliteit	70%
Munisipaal	Tot tevredenheid van die verantwoordelike owerheid
Openbare oop ruimte	
Onbepaalde	

DEEL 4

ALGEMENE BEVALLIGHEID EN GERIEF

19. ALGEMENE BEVALLIGHEID EN GERIEF

- 19.1 Ondanks enige andersluidende bepalinge van hierdie voorwaardes, gebruik of ontwikkel niemand 'n eiendom op sodanige wyse wat afbreuk doen aan die bevalligheid of gerief van die gebied waarbinne dit geleë is nie.
- 19.2 Die bepalinge van hierdie paragraaf is deur die verantwoordelike owerheid of enige ander party, teen 'n huurder of geregistreerde eienaar van die betrokke eiendom soos in paragraaf 19.1 beoog, afdwingbaar.

DEEL 5

DIVERSE

20. BETEKENING VAN KENNISGEWINGS

'n Kennisgewing wat ingevolge hierdie voorwaardes beteken kan of moet word, kan beteken word—

- 20.1 deur die kennisgewing aan 'n persoon of aan sy behoorlik gevolmagtigde agent persoonlik, te lewer; of
- 20.2 per geregistreerde pos.

21. OORTREDINGS

Enige persoon wat enige bepaling van hierdie voorwaardes oortree of versuim om daaraan te voldoen, begaan 'n misdryf.

22. TITEL

Hierdie voorwaardes heet die Grondgebruiksvoorwaardes.

ANNEXURE B

APPLICATION FOR TOWNSHIP ESTABLISHMENT

(Application in terms of regulation 7 of the Township Establishment and Land Use Regulations, 1986)

PART I: ACKNOWLEDGEMENT OF RECEIPT

TO:.....

.....

.....

.....

(applicant to insert his name and address)

I hereby acknowledge receipt of the original and two copies of Parts II and III of this form, together with the documents referred to below (township applicant to insert description of documents), and I hereby allocate the reference number to this application.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Authorised Officer

Date of receipt

PART II: APPLICATION

The Authorised Officer

.....

(insert address)

Township applicant's address:

.....

Tel. No.:

Township applicant's reference:

Sir

PROPOSED TOWNSHIP:

SITUATED ON:

I, the undersigned,
being—

*the registered owner of the land described herein,

OR

*the duly authorised agent of the registered owner of the land described herein,

OR

*the person or body with the consent of the registered owner of the land described herein to establish a township on such land in my own name,

OR

*the person or body to whom the land described herein has been made available as contemplated in section 34 (9) of the Black Communities Development Act, 1984,

hereby apply for permission to establish a township on the land described herein and submit the particulars that appear hereafter.

Date

Signature

* Delete that which is not applicable.

	YES	NO	N/A
1. DOCUMENTS INCLUDED IN APPLICATION (Please make a cross in the appropriate columns)			
1.1 Two copies of completed application form, each accompanied by the documents as indicated below			
1.2 A print of the proposed township layout			
1.3 A copy of the memorandum in support of the application			
1.4 A copy of the title deed(s)			
1.5 A copy of any deed of servitude that applies to the land			
1.6 A copy of any mortgage bond(s) relating to the land			
1.7 A copy of the mineral rights certificate or mineral rights cession			
1.8 A copy of the owner's consent or power(s) of attorney, if applicable			
1.9 A copy of the township applicant's company resolution, if applicable			
1.10 A floodline certificate indicating whether the land is or is not subject to a 1 in 50 year flood			
1.11 A copy of the mortgagee's consent, if applicable			
1.12 A copy of the mineral right holder's consent, if applicable			
1.13 Proof of reservation for township purposes in terms of section 184 of the Mining Rights Act, 1967, if applicable			
1.14 A copy of a geotechnical report			
1.15 A certificate from a land surveyor, town planner or attorney stating that the conditions of title or servitude(s) recorded in the title deed(s) do not affect the proposed township, or stating the manner in which each servitude is to be cancelled or amended			
1.16 A copy of the land availability agreement, if any			
1.17 A copy of the services agreement, if already concluded			
1.18 An application for designation as a development area in terms of section 33 of the Black Communities Development Act, 1984, if required			
1.19 If the answer is "no" or "not applicable" in respect of any of the foregoing documents, give reasons (lengthy explanations can be attached as annexures)			
.....			
.....			
.....			
.....			

1.20 Other documents attached

2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

2.1 Name of proposed township (also indicate whether name has been approved by the appropriate authority and, if so, by whom):

2.2 Name of township applicant:

2.3 Property

Title deed description of every portion of the farm/smallholding* on which the proposed township is to be established:

(i) Title Deed No.:

(ii) Title Deed No.:

(iii) Title Deed No.:

2.4 Full name of registered owner of the land:

2.5 The land is/is not* mortgaged and particulars of the relevant mortgage bonds are as follows:

2.5.1 Property:

(i) Bond No. in favour of

(ii) Bond No. in favour of

(iii) Bond No. in favour of

2.5.2 Property:

(i) Bond No. in favour of

(ii) Bond No. in favour of

(iii) Bond No. in favour of

2.6 Mineral rights have/have not* been severed from the ownership of the land and are held by:

..... under Certificate No.

..... under Certificate No.

..... under Certificate No.

2.7 A lease of the rights to minerals has/has not* been granted/A prospecting contract has/has not* been entered into, the particulars of which are as follows*:

2.8 Status of land in terms of the provisions of the Mining Rights Act, 1967:

2.8.1 The land has/has not* been proclaimed in terms of the Act (furnish details):

2.8.2 The land has/has not* been reserved for township purposes in terms of section 184 of the Act (furnish details):

2.8.3 The land has/has not* been mined for precious metals or base metals as defined in section 1 of the Act (furnish details):

2.9 The township applicant proposes still to take the following steps in respect of the position set out in paragraphs 2.6, 2.7, 2.8.1, 2.8.2 and 2.8.3 above [indicate full particulars of the steps that the township applicant proposes to take and when they are likely to be completed, as contemplated in regulation 8 (2)]:

2.10 The township applicant requests that the Minister approve the application notwithstanding the fact that the steps referred to in paragraph 2.9 above have not yet been taken, and further requests that the Minister imposes the following conditions in this regard, as contemplated in regulation 16 (1):

2.11 The proposed township—

2.11.1 is situated within the municipal or local authority area of

2.11.2 adjoins the following municipal or local authority areas:

2.11.3 will be established on land that has been designated or that is deemed to have been designated as a development area as contemplated in section 33 (1) or (4) of the Black Communities Development Act, 1984, under (state relevant *Gazette* reference):

2.12 The proposed township falls within the area of the
town planning scheme/does not fall within the area of any town planning scheme*

2.13 Proposed land use(s) and total number of erven intended for each use:

<i>Proposed use</i>	<i>Number of erven</i>
Residential	
Business	
Industrial	
Community facility	
Municipal	
Undetermined	
Public open space	
Other	

2.14 Indicate in detail how each of the conditions and servitudes contained in the deed(s) of transfer of the properties affects the proposed township and how these conditions and servitudes are to be dealt with:

(Where it is indicated that any condition of title or servitude does not affect the proposed township, a certificate to this effect from a registered land surveyor or town planner or attorney shall be submitted.)

2.15 The land on which the township will be established—

*has been made available to the township applicant by
..... as contemplated in section 34 (9) of the Black Communities Development Act, 1984, and the conditions on which the land has been so made available are contained in a land availability agreement, a copy of which is attached to this application/has been lodged with the authorised officer of approval on (state the date)*

OR

*will be developed by the township applicant on behalf of
..... (insert full name of owner) by virtue of a power of attorney, a copy of which is attached to this application

OR

*will be developed by the township applicant on the land of
..... (insert full name of owner) in the township applicant's own name by virtue of a consent granted by the above-mentioned owner, a copy of which is attached to this application

* Delete that which is not applicable.

PART III: CONDITIONS OF ESTABLISHMENT

[See regulation 7 (1) (b). The Minister will use this part of the application as the basis for imposing conditions of establishment in terms of regulation 16.]

3. SUMMARY OF TOWNSHIP PARTICULARS

(Paragraph 3 serves as a summary and check sheet. With the exception of paragraph 3.8 below, the township applicant must provide details.)

- 3.1 Proposed name of township
- 3.2 Comprising (number of erven and uses)
- 3.3 As shown on layout plan No.
- 3.4 Situate on
- 3.5 In the area of jurisdiction of (local authority)
- 3.6 Deed(s) of Transfer No.
- 3.7 Dated (state date of this application)
- 3.8 Amendments, if any (to be completed by authorised officer)

(The conditions stated in paragraph 4 are guide-lines only and the township applicant may suggest amended and/or different conditions in appropriate cases.)

The applicant shall at his own expense cause the following conditions and servitudes to be cancelled or otherwise dealt with as follows:

The township applicant shall at his own expense cause the component portions comprising the township to be consolidated where necessary.

[Propose the conditions relating to mineral rights as contemplated in regulations 8 (3) and 16 (1).]

(The conditions stated in paragraph 5 are guide-lines only and the township applicant may suggest amended or different conditions in appropriate cases.)

The name of the township shall be

The township shall consist of erven and streets as indicated on plan

All erven except the following erven shall be made subject to existing conditions and servitudes not cancelled or otherwise dealt with in terms of paragraph 4.1 above, if any, including the reservation of rights to minerals:

The township applicant shall at his own expense cause all existing buildings and structures situated within the side space and rear space or over common boundaries to be demolished to the satisfaction of the authorised officer when required by the authorised officer to do so.

If, by reason of the establishment of the township, it should become necessary to reposition any existing circuits of the Electricity Supply Commission, the cost thereof shall be borne by the township applicant.

5.6.1 The township applicant shall provide and install all internal services in the township, as provided for in the services agreement or by a decision of a services arbitration board, as the case may be.

5.6.2 The relevant authority referred to in regulation 26 shall provide and install all external services in the township, as provided for in the services agreement or by a decision of a services arbitration board, as the case may be.

(Insert other conditions to be complied with before the land becomes registrable, for example conditions relating to endowments or conditions in respect of mineral rights to be met after approval of the township.)

6. SUGGESTED LAND USES TO BE APPROVED BY MINISTER

(Insert the erf numbers as they appear on the layout plan. If the same erven eventually bear different numbers on a general plan approved by the Surveyor-General in terms of regulation 19, after the Minister has approved this application in terms of regulation 16, transfer may be given of such erven with reference to the numbers as they appear on the general plan.)

- 6.1 Residential: Erven Numbers.....
 6.2 Business: Erven Numbers.....
 6.3 Industrial: Erven Numbers.....
 6.4 Community facility: Erven Numbers.....
 6.5 Municipal: Erven Numbers.....
 6.6 Public open space: Erven Numbers.....
 6.7 Undetermined: Erven Numbers.....

7. DRAFT CONDITIONS OF TITLE

(Refer to Land Use Conditions published in Annexure F to the Township Establishment and Land Use Regulations. If different conditions will apply to various categories of erven, the township applicant must indicate to which erven such conditions will apply.)

- 7.1 *The following conditions shall be included in the title deed of each erf (applicable only where township applicant wishes to apply the land use conditions without amendment):

The use of the aforesaid site shall be
 (insert the use for the relevant site approved by the Minister—see paragraph 6 above), as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, as contemplated in section 57B of the said Act.

OR

*The following conditions shall be included in the title deed of each erf (applicable only where the township applicant wishes to apply the land use conditions subject to certain amendments):

The use of the aforesaid site shall be (insert approved use), as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that the following special conditions shall apply in addition to/instead of* the said Land Use Conditions:

1.
 2.
 3.

Provided further that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, and in these conditions, as contemplated in section 57B of the said Act

OR

*The following conditions shall be included in the title deed of each site (complete if the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986 will not be used):

.....

Provided that on the date on which a town planning scheme relating to the site comes into force the rights and obligations contained in such scheme shall supersede those contained in these conditions, which shall thereafter be of no force or effect.

- 7.2.1 The erf is subject to a servitude, 1 metre wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 1 metre wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may waive compliance with the requirements of this servitude.
- 7.2.2 No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 1 metre thereof.
- 7.2.3 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.

* Delete that which is not applicable.

ANNEXURE C**FROM OF NOTICE TO BE GIVEN TO CERTAIN PERSONS OR BODIES**

[Regulation 9 (1)]

PLEASE TAKE NOTICE THAT.....

..... (the township applicant) has lodged an application for township establishment in the form of the enclosed two copies of the application with the authorised officer as contemplated in the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984.

PLEASE TAKE NOTICE FURTHER THAT you may within a period of 30 (Thirty) days from the date of this notice, lodge an objection with or make representations in respect of the application to the said authorised officer as contemplated in regulation 11 of the above-mentioned regulations or, if you are unable to lodge such objection or make such representations within such period, or sufficiently to investigate the application within that period, you may, within that period, request the said authorised officer in writing to extend the said period, stating the period within which you will be able to lodge an objection or make representations as well as the nature of the objection or representations that you intend to or, upon further investigation, might or are likely to lodge or make.

PLEASE TAKE NOTICE FURTHER THAT any objection, representation or request for extension must be delivered to the office of the authorised officer at.....

.....
 Township Applicant

.....
 Date

ANNEXURE D**FORM OF NOTICE TO BE PUBLISHED IN NEWSPAPER**

[Regulation 10 (1)]

PLEASE TAKE NOTICE THAT the township applicant mentioned below has lodged an application for the establishment of the township described below with the authorised officer as contemplated in the Township Establishment and Land Use Regulations, 1986, made in terms of section 66 (1) of the Black Communities Development Act, 1984.

PLEASE TAKE NOTICE FURTHER THAT the relevant plan(s), document(s) and information are available for inspection at the office of the township applicant (indicated below) for a period of 30 (Thirty) days from (insert date of first publication of this notice).

PLEASE TAKE NOTICE FURTHER THAT any person who desires to object to or make representations in respect of the granting of the application must deliver such objection or representation together with the reasons therefor to the authorised officer at his address set out below within the said period of 30 (Thirty) days.

Name of township.....

Name of township applicant.....

Address of township applicant where documents can be inspected.....

Address of authorised officer.....

Number and zoning of erven.....

Locality and description of land.....

ANNEXURE E***GUIDE-LINES FOR SERVICES AGREEMENT**

(*This agreement can also form part of the land availability agreement, where appropriate—see paragraph 5 of Annexure A.)

Any services agreement as contemplated in regulation 26 shall comply *inter alia* with the following guide-lines:

1. PARTIES

The names of the parties to the agreement and their business addresses must be stated.

2. THE LAND

There should be an adequate definition of the land to which the agreement relates, with reference to, for example, any title deed under which the land is held, a diagram prepared by a registered land surveyor and any general plan that has been prepared in respect of the land. In addition, it should be recorded whether the township applicant is the owner or the agent of the owner of the land or acting in his own name with the consent of such owner or whether the land has been made available to him in terms of section 34 (9) of the Act.

3. CONDITIONS

3.1 If the agreement is made subject to the fulfilment of any conditions, these conditions must be clearly stated. They may include, for instance, conditions relating to—

3.1.1 the inclusion of the land to be developed in a local authority area by an Administrator acting under the Black Local Authorities Act, 1982 (Act 102 of 1982), as read with the Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983); or

3.1.2 the application for township establishment becoming an approved application.

3.2 If any conditions as contemplated in paragraph 3.1 are imposed, the agreement must state clearly what the effect would be if any such conditions were not fulfilled.

4. CLASSIFICATION OF ENGINEERING SERVICES

The engineering services to be provided for the township should be classified as internal or external engineering services, as contemplated in regulation 27, on the basis that—

4.1 "external engineering services" consist of both "bulk services" and "link services";

4.2 "bulk services" means all the primary water, sewerage, electricity and spormwater services, as well as the road network in the system to which the internal services are to be linked;

4.3 "link services" means all new services necessary to link the internal services to the bulk services;

4.4 "internal services" means all services within the boundaries of the new township that are necessary for the establishment of serviced erven in accordance with the level of services agreed between the township applicant and the relevant authority contemplated in regulation 26 (1);

4.5 if a service within the boundaries of the new township also serves any other township within the area of jurisdiction of the relevant authority referred to in regulation 26 (1), such service and the costs of its provision shall be treated as an internal engineering service to the extent that it serves the new township and as an external engineering service to the extent that it serves any such other township or development.

5. DEVELOPMENT RESPONSIBILITIES**5.1 Town planning and land surveying**

As a general rule, the township applicant should be responsible for all land surveying, town planning and related work required for the purposes of registering the general plan relating to the new township, and he should recover all costs so incurred through the sale of serviced erven.

5.2 Responsibility for engineering services

There must be clear provisions recording the responsibilities of the relative parties to the services agreement for the installation and provision of internal and external engineering services as contemplated in regulation 28 (1): Provided that if any one of the parties is to provide and install an engineering service at the request and at the expense of the other, as contemplated in regulation 28 (2), the services to be so installed and provided shall be clearly identified and the amount or the manner of determining the amount of any expense referred to in that subregulation shall be clearly set out.

5.3 Additional bulk services

It must be clear whether additional bulk services are to be installed and provided by the relevant authority contemplated in regulation 26 (1), and if so, such services should be identified.

5.4 Contribution to costs of services

The agreement should not provide for the township applicant to contribute to the costs of the installation and provision of external engineering services and conversely the agreement should also not provide for the relevant authority referred to in regulation 26 (1) to contribute to the costs of the installation and provision of internal engineering services. The only exception to this guideline will be a case where the township applicant installs and provides external engineering services of which the relevant authority is not the supplier and elects to bear his own costs in this regard as contemplated in regulation 28 (2) (c).

5.5 Service connections

It must be stated which party shall be responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, or to any of such erven, as contemplated in the Land Use Conditions which form Annexure F to these regulations, and how the costs of such service connections shall be recovered. The service connections to be made shall be adequately defined in the services agreement, and may include all connections between the internal services concerned and the individual erf concerned, consisting of, for example—

5.5.1 a water-borne sewerage pipe terminating at a sewer connection;

5.5.2 a water pipe terminating at a water meter;

5.5.3 an electricity house connection cable terminating on the relevant erf.

5.6 Level and standard of internal services

The level and standard of the internal services to be installed and provided by the township applicant should be clearly identified with reference to *inter alia*—

5.6.1 water reticulation;

5.6.2 sewerage reticulation;

5.6.3 roads and stormwater drainage;

5.6.4 electricity reticulation (high and low tension); and

5.6.5 street lighting, subject to the considerations referred to in regulation 27 (2),

5.7 Completion of services

5.7.1 It must be clear or determinable when the township applicant and the relevant authority referred to in regulation 26 (1) shall have commenced construction of internal and external engineering services, at what rate the construction of such services should proceed and when such services shall have been completed.

5.7.2 Provision must be made for the inspection and handing over of internal engineering services to the relevant authority and for the date on which all risk and ownership in respect of such services shall pass to such relevant authority.

5.8 Maintenance of services

Provision should be made for the following responsibilities after the internal services have been handed over to the relevant authority contemplated in regulation 26 (1):

5.8.1 When normal maintenance by that relevant authority shall commence.

5.8.2 The responsibility of the township applicant for the rectification of defects in material and workmanship, other than normal wear and tear.

5.8.3 The rights of such relevant authority where the township applicant has failed to rectify any defects within a reasonable period after having been requested to do so.

6. INSURANCE

Provision should be made for each of the parties to take out adequate insurance cover in respect of such risks as are insurable for the duration of the development of the new township.

7. GUARANTEES

If it is contemplated that the township applicant will enter into contracts for the disposal of erven in the new township prior to the land in the township becoming registrable in a deeds registry as contemplated in regulation 25 (2) and also before the completion of either external or internal engineering services as contemplated in regulation 24 (4) (b), provision should be made to regulate the relationship between the parties and their responsibilities for the provision of guarantees and undertakings as intended in regulation 24 (4) (b) (i) and (ii), and such provisions may, in addition to the requirements set out in that subregulation, also state that any such guarantee or undertaking shall—

7.1 be irrevocable during its period of validity by the institution or body that issued the guarantee or undertaking;

7.2 be transferable by the person or body to whom such guarantee or undertaking is expressed to be payable.

8. SOURCES OF FINANCING

Provision may be made for the manner in which the parties undertake to finance their relative responsibilities in terms of the services agreement, and, where appropriate, the township applicant may undertake to provide any bridging finance to the relevant authority contemplated in regulation 26 (1), on such terms and conditions as may be agreed between the parties and as may be normal and usual in commercial practice.

9. BREACH OF CONTRACT AND ARBITRATION

The agreement should clearly provide the manner in which any of the parties may terminate the services agreement (as a general rule, on adequate notice by the aggrieved party to the defaulting party) and the agreement may specifically record such terms as the parties may agree relating to *inter alia*—

9.1 the expenditure, finance and interest charges and other loss or damage that any one party shall be entitled to recover from the other in the event of a breach of the agreement by any party or the termination of the agreement for any other reason;

9.2 matters that may be referred to arbitration in the event of any dispute between the parties, and the details of the referral to arbitration as contemplated in the Arbitration Act, 1965 (Act 42 of 1965).

10. GENERAL

There may be such other terms and conditions not inconsistent with these guide-lines as the parties may agree.

ANNEXURE F**LAND USE CONDITIONS**

(Conditions of title or township conditions contemplated in section 57B of the Black Communities Development Act, 1984)

CONTENTS**PART I—GENERAL**

Definitions

Application of document

Responsible authority

PART 2—SIDE AND REAR SPACE

Side and rear space

Relaxation of side and rear space

PART 3—BUILDING RESTRICTIONS AND USE OF LAND

Erection and use of buildings or use of land

Conditions applicable to all properties

Additional uses permitted in respect of residential properties

Special conditions applying to public garages

Consent use or approval by the responsible authority

Applications for consent use and objections

Lapsing of approval or consent

Subdivision and consolidation of properties

Provision of parking

Restrictions on height of buildings

Restrictions on coverage of buildings

PART 4—GENERAL AMENITY AND CONVENIENCE

General amenity and convenience

PART 5—MISCELLANEOUS

Serving of notices

Offences

Title

PART 1**LAND USE CONDITIONS****GENERAL****1. DEFINITIONS**

In these conditions, unless the context otherwise indicates—

“building” includes a construction or structure of any nature;

“business purposes” means a use of a building and/or land for offices, showrooms, restaurants or any other business or commercial purposes other than for a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrapyard;

“coverage” means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;

“dwelling unit” means an interconnected suite of rooms, designed for human habitation that may contain a kitchen or scullery;

“floor area” means the sum of the areas covered by the building at the floor level of each storey;

“industry” means an activity on any premises amounting to the use of such premises as a factory as contemplated in the definition of that word in the General Administrative Regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), under Government Notice R. 2206 of 5 October 1984;

“institution” means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;

“noxious industry” includes any industry or trade that by virtue of noise or effluents is dangerous or harmful to the health and welfare of the general public, such as but not limited to smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur-bearing materials;

“occupant” in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown;

“owner” in relation to a building or land, means—

(a) the registered owner;

(b) the registered holder of a right of leasehold as contemplated in the Black Communities Development Act, 1984;

(c) a person who administers the estate of any person mentioned in (a) or (b) above, whether as executor, administrator or guardian or in any other capacity;

(d) a person who receives payment from any occupant, or a person who would receive payment should such building or land be let, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and

(e) the duly authorised agent of a person contemplated in (a) to (d) above;

“place of instruction” means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;

“place of public worship” means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as and associated with any of the foregoing buildings that is intended to be used for social intercourse and recreation, but does not include a funeral chapel, which shall be deemed to be a “special purpose”;

“property” means any portion of land or a leasehold site that is registered as a separate unit in a deeds registry, and includes unsurveyed premises contemplated in section 52 (5) of the Black Communities Development Act, 1984;

“public garage” means a building designed for or land used primarily for the maintenance, repair or fuelling of vehicles and purposes ancillary thereto;

“residential building” means a building designed or used primarily for human habitation and the uses permitted in terms of paragraph 8, which may include one or more dwelling units;

“responsible authority” means the authority referred to in paragraph 3;

“shop” means land used or a building designed or used primarily for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site that is incidental and subordinate to the conduct of the retail trade;

“social hall” means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes;

“special purposes” means purposes for which land or buildings may be used that are not specified in these conditions;

“storey” means the space in a building between one floor level and the following floor level or between one floor level and the ceiling or roof above;

“use zone” means a zone that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained in Table A.

2. APPLICATION OF DOCUMENT

- 2.1 These conditions shall apply to any property with a condition of title that refers to it in the manner contemplated in regulation 32 of the Township Establishment and Land Use Regulations, 1986.
- 2.2 The provisions of these conditions shall not render unlawful any existing building that has been lawfully erected in accordance with approved building plans: Provided that alterations, other than minor alterations, or a change of use of such building shall be effected in accordance with these conditions.

3. RESPONSIBLE AUTHORITY

The local authority, or, if there is no such local authority, the person or body responsible for the control of the relevant land shall be the authority responsible for enforcing and administering the provisions of these conditions.

PART 2**SIDE AND REAR SPACE****4. SIDE AND REAR SPACE**

- 4.1 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 one of the side boundaries and also between the building and the rear boundary of the property.
- 4.2 The space at the side of the building shall be a minimum of one metre wide.
- 4.3 The space at the rear of the building shall be a minimum of one metre wide.

5. RELAXATION OF SIDE AND REAR SPACE

- 5.1 On receipt of a written application, the responsible authority may permit the erection of a building within the side or rear space.
- 5.2 Any permission granted in terms of paragraph 5.1 shall be valid for the life of the building concerned.

PART 3**BUILDING RESTRICTIONS AND USE OF LAND****6. ERECTION AND USE OF BUILDING OR USE OF LAND**

The purposes for which buildings and land in each of the use zones specified in column 1 of Table A may—

- 6.1 be erected and/or used;
- 6.2 be erected and/or used only with the consent of the responsible authority; or
- 6.3 not be erected and/or used,
- are shown in the second, third and fourth columns of Table A respectively.

TABLE A

Use zone	Permitted uses	Uses permitted only with the consent of the responsible authority	Prohibited uses
(1)	(2)	(3)	(4)
Residential	Residential buildings	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, special purposes	Uses not under column (2) or (3).
Business	Shops, business purposes, residential buildings, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Uses not under column (2) or (4)	Noxious industries.
Industrial	Industry, business purposes, shops, public garages, scrapyards, parking areas	Noxious industries, special purposes	Uses not under column (2) or (3).
Community facility ...	Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Residential buildings, special purposes	Uses not under column (2) or (3).
Municipal	Municipal purposes	Residential buildings, special purposes	Uses not under column (2) or (3).
Undetermined	Nothing	Uses not under column (4)	Noxious industries.
Public open space	Parks, sports and recreational facilities and buildings used in connection therewith	Residential buildings, special purposes	Uses not under column (2) or (3).

7. CONDITIONS APPLICABLE TO ALL PROPERTIES

- 7.1 Except with the written consent of the responsible authority, and subject to such conditions as it may impose neither the owner nor any other person shall—
- 7.1.1 have the right, except to prepare the erf for building purposes, to excavate any material therefrom;
- 7.1.2 have the right to sink any wells or boreholes thereon or abstract any subterranean water therefrom.
- 7.2 Where it is impracticable for stormwater to be drained from higher-lying properties direct to a public street, the owners of the lower-lying properties shall be obliged to accept and permit the passage over their properties of such stormwater: Provided that the owner of any higher-lying property the stormwater from which is discharged over any lower-lying property shall be liable to pay a proportionate share of the cost of any pipeline or drain that the owner of such a lower-lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.
- 7.3 The siting of buildings, including outbuildings, on any property and of entrances to and exits from a public street system shall be to the satisfaction of the responsible authority.
- 7.4 The owner shall be responsible for the maintenance of the entire development on the property.

8. ADDITIONAL USES PERMITTED IN RESPECT OF RESIDENTIAL PROPERTIES

- 8.1 The number of dwelling units and the size of a residential building that may be erected on a property shall be limited only by the height and coverage provisions of these conditions and by any applicable health and building regulations.
- 8.2 The occupants of a residential building may practise, *inter alia*, their social and religious activities and their occupations, professions, or trades, including retail trade, or the property on which such residential building is erected: Provided that—
- 8.2.1 the dominant use of the property shall remain residential;
- 8.2.2 the occupation, trade or profession or other activity shall not be noxious; and
- 8.2.3 the occupation, trade or profession shall not interfere with the amenity of the neighbourhood.

9. SPECIAL CONDITIONS APPLYING TO PUBLIC GARAGES

- 9.1 Nothing shall be stored and no repairs of any nature to vehicles or equipment shall be undertaken in a public garage, except in an area that is screened to the satisfaction of the responsible authority for such purposes.
- 9.2 The responsible authority may relax the restriction contained in paragraph 9.1 in a case where the property is adjacent to or surrounded by industrial uses.

10. CONSENT USE OR APPROVAL BY THE RESPONSIBLE AUTHORITY

- 10.1 Any application to the responsible authority for the approval of a consent use in respect of the relevant property that is listed in column 3 of Table A, shall be made by the owner of the land or building to which the application relates: Provided that the provisions of this paragraph 10 and of paragraphs 11 and 12 shall not apply to any application to or approval or consent by the responsible authority for any purposes in terms of these conditions other than those contemplated in column 3 of Table A.
- 10.2 The power of the responsible authority to grant its consent or its approval in terms of paragraph 10.1 shall include the power to refuse consent or approval and, if consent or approval has been granted, the power to impose any conditions that it may deem fit.
- 10.3 If the owner of the relevant property is in breach of a condition upon which any consent or approval was granted by a responsible authority as contemplated in paragraph 10.2, the responsible authority may serve a notice upon such owner or the occupant of the property concerned calling on him to remedy such breach, and if the relevant breach is not remedied as required in such notice such consent or approval may be terminated by the responsible authority concerned.
- 10.4 The notice referred to in paragraph 10.3 shall require that the breach be remedied within a specified period.
- 10.5 Any applicant who feels aggrieved by any decision of the responsible authority as contemplated in this paragraph may appeal to the authorised officer within twenty-eight days of the decision: Provided that, if the responsible authority refuses to give a decision on any application or delays unreasonably in giving a decision, the applicant may appeal to the authorised officer as if he were appealing against a decision of the responsible authority.

11. APPLICATIONS FOR CONSENT USE AND OBJECTIONS

- 11.1 Any owner intending to apply to the responsible authority for its consent as contemplated in paragraph 10.1 shall, prior to the submission of such application—
- 11.1.1 affix, display and maintain a notice of such application on the land or building to which it applies for a period of fourteen days; and
- 11.1.2 give fourteen days written notice to the owners of adjacent properties and of the properties directly across the street from the property that forms the subject of the application.
- 11.2 A notice referred to in paragraph 11.1 shall state that any person having any objection to the application may lodge such objection in writing with the responsible authority and with the applicant within fourteen days after the date of the last day on which the notice was displayed.
- 11.3 Proof of the display of the notice contemplated in paragraph 11.1.1 and a list of the owners contemplated in paragraph 11.1.2 and their address shall accompany the application to the responsible authority.
- 11.4 The responsible authority shall consider any objections received within the fourteen-day notice periods contemplated in paragraph 11.1 and shall, within 60 days after the expiry of such notice periods, notify the application and the objectors, if any, of its decision by delivering a copy of such decision to the persons concerned.
- 11.5 A decision by the responsible authority contemplated in paragraph 11.4 shall not take effect until the letters of notification to the applicant and objectors have been received by such persons as contemplated in paragraph 11.4 or, if an appeal is lodged in terms of paragraph 10.5, until a decision has been reached in respect of such appeal.

12. LAPSING OF APPROVAL OR CONSENT

If the rights obtained by virtue of the grant by the responsible authority of an approval or consent in terms of paragraph 10 are not exercised within twenty-four months of the grant of such approval or consent, or if the rights have been exercised but the use permitted thereunder is interrupted for a continuous period of eighteen months, the relevant approval or consent shall lapse, unless any condition upon which such approval or consent was granted specifically provides otherwise or the owner proves to the satisfaction of the responsible authority that he intends to resume the exercise of his rights.

13. SUBDIVISION AND CONSOLIDATION OF PROPERTIES

No property shall be subdivided or consolidated except than in accordance with regulation 19 (5) and (6) of the Township Establishment and Land Use Regulations, 186, and any relevant provision of the Black Communities Development Act, 1984.

14. PROVISION OF PARKING

- 14.1 Sufficient parking space shall be provided in respect of the uses listed in Table B: Provided that such parking space shall be laid out to the satisfaction of the responsible authority.
- 14.2 The responsible authority may, on application by the owner of the relevant property, grant permission for a relaxation of the parking requirements set out in Table B.

TABLE B

Use	Site Area	Minimum parking requirements
Residential buildings	Less than 2 000 m ² 2 000 m ² and over	Nil. 1 Space per dwelling unit.
Shops	Less than 2 000 m ² 2 000 to 2 999 m ² 3 000 m ² and over	Nil. 3 spaces per 100 m ² of shopping floor area. 4 spaces per 100 m ² of shopping floor area.
Offices	Less than 2 000 m ² 2 000 m ² and over	Nil. 2 spaces per 100 m ² of office floor area.
Industry and business purposes	Less than 2 000 m ² 2 000 m ² and over	Nil. 1 space per 100 m ² of floor area.

15. RESTRICTIONS ON HEIGHT OF BUILDINGS

- 15.1 Buildings erected on properties in residential use zones shall not exceed two storeys without the consent of the responsible authority.
- 15.2 Buildings erected on properties in use zones other than residential use zones shall not exceed three storeys without the consent of the responsible authority.
- 15.3 The number of storeys contemplated in this paragraph shall include the storey at ground level but shall not include basement storeys that are below ground level.

16. RESTRICTIONS ON CONVERGENCE OF BUILDINGS

Buildings shall not exceed the coverage specified in Table C: Provided that on written application the responsible authority may grant consent for a maximum of 10 % additional coverage.

TABLE C

Use zone	Permissible coverage
Residential	60 %
Business	70 %
Industrial	70 %
Community facility	70 %
Municipal Public open space Undetermined	To the satisfaction of the responsible authority

PART 4**GENERAL AMENITY AND CONVENIENCE****19. GENERAL AMENITY AND CONVENIENCE**

- 19.1 Notwithstanding anything to the contrary contained in these conditions, no person shall use or develop a property in such a way as will detract from the amenity of convenience of the area within which it is located.
- 19.2 The provisions of this paragraph shall be enforceable by the responsible authority or any other party against any lessee or registered owner of the relevant property as contemplated in paragraph 19.1.

PART 5**MISCELLANEOUS****20. SERVING OF NOTICES**

Any notice required or authorised to be served in terms of these conditions may be served—

- 20.1 by delivering the notice to any person or to his duly authorised agent personally; or
- 20.2 by registered post.

21. OFFENCES

Any person who contravenes or fails to comply with any provision of these conditions shall be guilty of an offence.

22. TITLE

These conditions may be referred to for all purposes as the Land Use Conditions.

No. R. 1898**12 September 1986**

HUURPAGREGULASIES, 1985.—WYSIGING VAN GOEWERMENSKENNISGEWING R. 2451 VAN 1 NOVEMBER 1985

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, wysig hierby, kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), die regulasies afgekondig by Goewermenskennisgewing R. 2451 van 1 November 1985, ooreenkomstig die bygaande Bylae, welke regulasies in werking tree op 15 September 1986.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE**1. Regulasie 1 word hierby gewysig—**

- (a) deur die volgende woordskrywing na die omskrywing van "aansoek om toekenning van huurpag" in te voeg:

" 'administrateur' 'n administrateur in wie die bates, laste, regte, pligte en verpligtinge van 'n raad vestig soos beoog in artikel 3 (1) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet 75 van 1986), en ook 'n owerheidsgesag op wie sodanige bates, laste, regte, pligte en verpligtinge oorgegaan het soos beoog in artikel 3 (2) van daardie Wet;"

No. R 1898**12 September 1986**

LEASEHOLD REGULATIONS, 1985.—AMENDMENT OF GOVERNMENT NOTICE R. 2451 OF 1 NOVEMBER 1985

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984, (Act 4 of 1984), amend the regulations promulgated by Government Notice R. 2451 of 1 November 1985 in accordance with the accompanying Schedule, which regulations shall come into operation on 15 September 1986.

J. C. HEUNIS,

Minister of Constitutional Development and Planning.

SCHEDULE**1. Regulation 1 is hereby amended—**

- (a) by the insertion before the definition of "application for grant of leasehold" of the following definition:

" 'administrator' means an administrator in whom the assets, liabilities, rights, duties and obligations of a board vest as contemplated in section 3 (1) (a) of the Abolition of Development Bodies Act, 1986, (Act 75 of 1986), and includes a public authority to which such assets, liabilities, rights, duties and obligations have passed as contemplated in section 3 (2) of that Act;"

- (b) deur die woordskrywing van "huurpaggewer" deur die volgende woordskrywing te vervang:

" 'huurpaggewer' die Staat of enige persoon of liggaam wat 'n reg van huurpag kan verleen soos bedoel in artikel 52 (1) van die Wet;";

- (c) deur die woordskrywing van "identiteitsnommer", te skrap;

- (d) deur die woordskrywing van "raad" te skrap;

- (e) deur die woordskrywing van "reg van huurpag" te skrap;

- (f) deur die woordskrywing van "sertifikaat van geregistreerde toekenning van huurpag" deur die volgende woordskrywing te vervang:

" 'sertifikaat van geregistreerde toekenning van huurpag' die in regulasie 13 (1) bedoelde sertifikaat;";

- (g) deur die woordskrywing van "sertifikaat van voorlopige toekenning van huurpag" deur die volgende woordskrywing te vervang:

" 'sertifikaat van voorlopige toekenning van huurpag' die in regulasie 10 (3) bedoelde sertifikaat;";

2. HOOFSTUK II word hierby geskrap.

3. Die opskrif van HOOFSTUK III word hierby deur die volgende opskrif vervang:

"IDENTIFIKASIE VAN PERSELE".

4. Regulasie 6 word hierby deur die volgende regulasie vervang:

"IDENTIFIKASIE VAN PERSELE

6. (1) 'n Perseel wat op 'n plan of lugfoto soos bedoel in artikel 52 (5) van die Wet verskyn, word geïdentifiseer by wyse van 'n sertifikaat deur 'n landmeter nadat opdrag vir die opmeting daarvan as 'n losstaande perseel of as 'n erf in 'n dorp gegee is en sodanige sertifikaat moet—

- (a) verwys na sodanige plan of lugfoto, wat—

(i) die grense van die betrokke perseel, die afmetings van sodanige grense uitgedruk tot een desimaal van 'n meter en die benaderde oppervlakte van die perseel in vierkante meter aandui;

(ii) die nommer van die perseel en die nommers van al die aangrensende persele wat aangedui word, weergee;

(iii) voorsien is van 'n verwysingsnommer toegeken deur 'n beampte in die Departement van Staatkundige Ontwikkeling en Beplanning in artikel 52 (5) van die Wet, bedoel;

(iv) in bewaring gehou word deur die Landmeter-generaal of die betrokke registrateur soos onderling deur hulle gereël; en

- (b) 'n duidelike, beknopte en ondubbelsinnige beskrywing van elke fisieke kenmerk en ander wyses van afbakening bevat wat die grense van die perseel op so 'n wyse afbaken dat dit duidelik uitgeken kan word deur 'n landmeter wat die perseel binne die tydperk van vier jaar soos bedoel in artikel 52 (5) (b) van die Wet, opmeet.

(2) 'n Plan of lugfoto bedoel in subregulasie (1) word opgestel of gereproduseer op 'n wyse wat vir die landmeter in daardie subregulasie bedoel, aanvaarbaar is.

- (b) by die deletion of the definition of "board";

- (c) by the substitution for the definition of "certificate of provisional grant of leasehold" of the following definition:

" 'certificate of provisional grant of leasehold' means the certificate referred to in regulation 10 (3);";

- (d) by the substitution for the definition of "certificate of registered grant of leasehold" of the following definition:

" 'certificate of registered grant of leasehold' means the certificate referred to in regulation 13 (1);";

- (e) by the deletion of the definition of "identity number";

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

" 'leasehold grantor' means the State or any person or body who or that may grant a right of leasehold as contemplated in section 52 (1) of the Act;";

- (g) by the deletion of the definition of "right of leasehold".

2. CHAPTER II is hereby deleted.

3. The following heading is hereby substituted for the heading to CHAPTER III:

"IDENTIFICATION OF SITES".

4. The following regulation is hereby substituted for regulation 6:

"IDENTIFICATION OF SITES

6. (1) A site appearing on a plan or aerial photograph contemplated in section 52 (5) of the Act shall be identified by way of a certificate by a land surveyor after instructions for the survey of such site as a single site or as an erf in a township have been issued, and such certificate shall—

- (a) refer to such plan or photograph, which shall—

(i) indicate the boundaries of the relevant site, the dimensions of such boundaries expressed to one decimal of a metre and the approximate area in square metres of the site;

(ii) reflect the number of the site and the numbers of all the adjoining sites shown;

(iii) bear a reference number allocated by the officer in the Department of Constitutional Development and Planning referred to in section 52 (5) of the Act;

(iv) be kept in the custody of the Surveyor-General or the relevant registrar as arranged between them; and

- (b) contain a clear, concise and unambiguous description of each physical feature and other means of demarcation defining the boundaries of the site in such a manner that they may be clearly identified by a land surveyor who surveys the site within the period of four years contemplated in section 52 (5) (b) of the Act.

(2) A plan or aerial photograph referred to in subregulation (1) shall be drawn or reproduced in a manner acceptable to the land surveyor referred to in that subregulation.

(3) Die vereistes vervat in subregulasie (1) vind nie toepassing nie in 'n geval waar 'n landmeter namens 'n dorps-aansoeker 'n ontwerp- algemene plan of diagram aan die Landmeter-generaal vir goedkeuring voorgelê het: Met dien verstande dat—

- (a) een of meer persele bedoel in subregulasie (1) vir die doeleindes van regulasie 20 van die Dorpstigting en Grondgebruiksregulasies, 1986, deur 'n landmeter geïdentifiseer word met verwysing na sodanige algemene plan of diagram, ondanks die feit dat die betrokke algemene plan of diagram nog nie deur die betrokke Landmeter-generaal goedgekeur is nie; en
 - (b) 'n verwysingsnommer aan sodanige algemene plan of diagram toegeken is soos in subregulasie (1) (a) (iii) beoog.
- (4) 'n Plan of lugfoto bedoel in subregulasie (1) word geag gesertifiseer te wees ten effekte dat dit verband hou met die betrokke grond deur die beaampte bedoel in artikel 52 (5) van die Wet, nadat daardie beaampte 'n verwysingsnommer aan 'n plan of lugfoto soos beoog in subregulasie (1) (a) (iii) of subregulasie (3) (b), na gelang van die geval, toegeken het en nadat sodanige perseel ingevolge subregulasie (1) of (3) (a), na gelang van die geval, deur 'n landmeter geïdentifiseer is."

5. Regulasie 7 word hierby geskrap.

6. Die volgende regulasie word hierby na regulasie 7 ingevoeg:

"OPMETINGSKOSTE BETAALBAAR DEUR HUURPAGGEWER

7A. Indien die huurpaggewer versuim om die perseel op te meet binne die tydperk neergelê in artikel 52 (5) (b) van die Wet, en die huurpaghouer die perseel laat opmeet soos beoog in artikel 52 (7) van die Wet, is die huurpaggewer aanspreeklik teenoor die huurpaghouer vir die volle koste van daardie opmeting."

7. Regulasie 8 word hierby geskrap.

8. Regulasie 10 word hierby gewysig—

- (a) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) 'n Huurpaggewer, behalwe die Staat of 'n dorpsontwikkelaar, wat, met betrekking tot grond waarvan hy die geregistreerde eienaar is, weier om 'n reg van huurpag te verleen, moet, op skriftelike versoek van die huurpagapplikant, die redes vir sy beslissing verstrek."

- (b) deur paragraaf (b) van subregulasie (3) deur die volgende paragraaf te vervang:

"(b) wat onderhewig gemaak kan word aan sodanige bykomende bedinge en voorwaardes as wat in 'n ooreenkoms vervat is: Met dien verstande dat geen sodanige beding of voorwaarde in stryd met enige bepaling van die Wet of hierdie regulasies is nie."

- (c) deur die uitdrukking "vier" deur die uitdrukking "ses" waar dit in subregulasie (4) verskyn, te vervang;

- (d) deur subregulasie (5) deur die volgende subregulasie te vervang:

"(5) 'n Sertifikaat van voorlopige toekenning van huurpag en die ooreenkoms in subregulasie (3) bedoel, indien daar een is, is 'n ooreenkoms op die bedinge daarin uitgedruk."

9. Regulasie 11 word hierby geskrap.

10. Regulasie 12 word hierby gewysig deur die skraping van subregulasie (2) daarvan.

(3) The requirements contained in subregulation (1) shall not apply in the case where a land surveyor has submitted a draft general plan or diagram on behalf of a township applicant to the Surveyor-General for approval: Provided that—

- (a) any one or more sites referred to in subregulation (1) shall be identified by a land surveyor for the purposes contemplated in regulation 20 of the Township Establishment and Land Use Regulations, 1986 by reference to such general plan or diagram, notwithstanding the fact that the general plan or diagram, in question has not yet been approved by the Surveyor-General; and
- (b) a reference number shall have been allocated to such general plan or diagram as contemplated in subregulation (1) (a) (iii).

(4) A plan or aerial photograph referred to in subregulation (1) shall be deemed to have been certified as relating to the land concerned by the officer referred to in section 52 (5) of the Act, upon that officer having allocated a reference number to a plan or aerial photograph as contemplated in subregulation (1) (a) (iii) or subregulation (3) (b), as the case may be, and upon the relevant land surveyor having identified such site as contemplated in subregulation (1) or 3 (a), as the case may be."

5. Regulation 7 is hereby deleted.

6. The following regulation is hereby inserted after regulation 7:

"SURVEY COSTS PAYABLE BY LEASEHOLD GRANTOR

7A. If the leasehold grantor fails to survey the premises within the period determined in section 52 (5) (b) of the Act, and the leaseholder causes the premises to be surveyed as contemplated in section 52 (7) of the Act, the leasehold grantor shall be liable to the leaseholder for the full costs of that survey."

7. Regulation 8 is hereby deleted.

8. Regulation 10 is hereby amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

"(2) A leasehold grantor, other than the State or a township developer in respect of land of which it is the registered owner, who declines to grant a right of leasehold shall, on written request by the leasehold applicant, furnish the reasons for its decision."

- (b) by the substitution for paragraph (b) of subregulation (3) of the following paragraph:

"(b) may be made subject to such additional terms and conditions as are contained in an agreement: Provided that no such term or condition is in conflict with any provision of the Act or these regulations."

- (c) by the substitution for the expression "four" wherever it appears in subregulation (4) of the expression "six";

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

"(5) A certificate of provisional grant of leasehold and the agreement referred to in subregulation (3), if any, shall constitute an agreement in the terms expressed therein."

9. Regulation 11 is hereby deleted.

10. Regulation 12 is hereby amended by the deletion of subregulation (2) thereof.

11. Regulasie 13 word hierby deur die volgende regulasie vervang:

"TOEKENNING VAN HUURPAG

13. (1) Die toekenning van 'n reg van huurpag ten opsigte van 'n huurpagperseel of ten opsigte van 'n perseel beoog in artikel 52 (5) van die Wet, geskied by registrasie deur 'n registrateur van 'n sertifikaat van geregisteerde toekenning van huurpag, wesenlik in die vorm van Aanhangsel E.

(2) Indien 'n toekenning van huurpag geregisteer word ten opsigte van 'n perseel wat nog nie deur 'n landmeter opgemeet is nie, soos beoog in artikel 52 (5) van die Wet, moet die registrateur die sertifikaat in subregulasie (1) beoel, endosseer—

(a) ten effekte dat die betrokke perseel 'n onopgemete perseel is soos getoon op 'n plan of lugfoto in bewaring by die Landmeter-generaal of betrokke registrateur beoog in regulasie 6 (1) (a) (iv) of by die Landmeter-generaal ingedien soos beoog in regulasie 6 (3); en

(b) met die verwysingsnommer beoog in regulasie 6 (1) (a) (iii) of 6 (3) (b), na gelang van die geval.

(3) Te eniger tyd nadat die perseel geregisteer is soos beoog in subregulasie (2) opgemeet is soos beoog in artikel 52 (5) van die Wet, en 'n diagram of algemene plan met betrekking tot sodanige perseel deur die Landmeter-generaal goedgekeur is, moet 'n registrateur, die endossement beoog in subregulasie (2) roeier en die betrokke diagram by die sertifikaat van titel aanheg: Met dien verstande dat—

(a) indien die perseel as 'n erf op 'n algemene plan aangedui word, 'n paslike verwysing na die algemene plan op die sertifikaat geëndosseer moet word;

(b) 'n registrateur kan vereis dat 'n sertifikaat deur 'n landmeter onderteken, met vermelding dat die perseel wat op sodanige diagram of algemene plan getoon word, ooreenstem met die perseel soos geregisteer, voor sodanige rojering voorgelê moet word;

(c) 'n registrateur sodanige verdere endossemente met betrekking tot die opgemete grootte of nommer van die betrokke perseel kan aanbring as wat hy nodig ag."

12. Regulasie 14 word hierby geskrap.

13. Die volgende regulasie word hierby na regulasie 14 ingevoeg:

"BEWYS VAN BEVOEGDHEID

14A. 'n Toekenning of oordrag van 'n reg van huurpag word nie deur 'n registrateur geregisteer nie tensy 'n eedsverklaring deur die huurpagapplikant of oordragnemer aan hom voorgelê word ten effekte dat hy 'n bevoegde persoon is: Met dien verstande dat hierdie regulasie nie van toepassing is op 'n verbandhouer wat oordrag ingevolge artikel 54 (1) van die Wet neem nie."

14. Regulasie 15 word hierby geskrap.

15. Die volgende hoofstuk word hierby na HOOFSTUK V ingevoeg:

"HOOFSTUK V A

OMSKEPPING VAN HUURPAG IN EIENDOMSREG

OOREENKOMS EN SPESIALE VOORWAARDE

17A. (1) Die ooreenkoms beoog in artikel 57A (1) (a) van die Wet wat die huurpaggewer magtig om 'n spesiale voorwaarde in die sertifikaat van geregisteerde toekenning van huurpag ten effekte dat die huurpagapplikant afstand doen van sy reg om huurpag in eiendomsreg te omskep sonder die toestemming van die huurpaggewer en sonder betaling van 'n omskeppingsprys, te registreer, moet vervat wees in 'n bepaling in die ooreenkoms beoog in regulasie 10 (3) (b).

11. The following regulation is hereby substituted for regulation 13:

"GRANT OF LEASEHOLD

13. (1) The grant of a right of leasehold in respect of a leasehold site or in respect of premises contemplated in section 52 (5) of the Act shall take effect on registration by a registrar of a certificate of registered grant of leasehold substantially in the form of Annexure E.

(2) If a grant of leasehold is being registered in the respect of premises that have not yet been surveyed by a land surveyor as contemplated in section 52 (5) of the Act, the certificate referred to in subregulation (1) shall be endorsed by the registrar—

(a) to the effect that the premises concerned are unsurveyed premises as shown on a plan or aerial photograph held by the Surveyor-General or the relevant registrar as contemplated in regulation 6 (1) (a) (iv) or lodged with the Surveyor-General as contemplated in regulation 6 (3); and

(b) with the reference number referred to in regulation 6 (1) (a) (iii) or 6 (3) (b), as the case may be.

(3) At any time after the premises have been registered as contemplated in subregulation (2), have been surveyed as contemplated in section 52 (5) (b) of the Act and a diagram or general plan relating to such premises has been approved by the Surveyor-General, a registrar shall cancel the endorsement contemplated in subregulation (2) and attach to the relevant diagram to the certificate of title: Provided that—

(a) if the premises is shown as an erf on a general plan, an appropriate reference to the general plan shall be endorsed on the certificate;

(b) a registrar may require a certificate to be submitted prior to such cancellation, signed by a land surveyor, stating that the site represented on such general plan or diagram corresponds with the premises as registered;

(c) a registrar may make such further endorsements as he may deem necessary with regard to the surveyed area or number of such site."

12. Regulation 14 is hereby deleted.

13. The following regulation is hereby inserted after regulation 14:

"PROOF OF COMPETENCE

14A. A registrar shall not register a grant or transfer of a right of leasehold unless a sworn declaration by the leasehold applicant or transferee to the effect that he is a competent person has been submitted to him: Provided that this regulation shall not apply to a mortgagee taking transfer in terms of section 54 (1) of the Act."

14. Regulation 15 is hereby deleted.

15. The following chapter is hereby inserted after CHAPTER V:

"CHAPTER V A

CONVERSION OF LEASEHOLD TO OWNERSHIP

AGREEMENT AND SPECIAL CONDITION

17A. (1) The agreement contemplated in section 57A (1)(a) of the Act entitling the leasehold grantor to register in the certificate of registered grant of leasehold a special condition that the leasehold applicant waives his right to obtain conversion of leasehold to ownership without the consent of the leasehold grantor and without payment of a conversion price shall be contained in a provision in the agreement contemplated in regulation 10 (3) (b).

(2) Indien die huurpaggewer die Staat, 'n administrateur of 'n plaaslike owerheid is, mag die ooreenkoms in subregulasie (1) vermeld, nie bepaal dat die geregistreerde eienaar geregtig is om die huurpagapplikant te verplig om die huurpag in eiendomsreg te omskep nie, en enige sodanige bepaling is van nul en gener waarde.

(3) 'n Ooreenkoms en 'n spesiale voorwaarde bedoel in subregulasie (1) moet uitdruklik—

- (a) die identiteit van die eienaar van die betrokke grond soos in artikel 57A van die Wet beoog, of die identiteit van die persoon van wie die eienaar se toestemming verkry moet word, vermeld; en
- (b) die identiteit van die begunstigde vermeld indien die omskeppingsprys nie aan die eienaar bedoel in paragraaf (a) betaal word nie.

OMSKEPPINGSPRYS

17B. (1) Behoudens die bepalinge van subregulasie (2) kan 'n ooreenkoms en spesiale voorwaarde bedoel in regulasie 17A bepaal dat die omskeppingsprys in paalemente afbetaal word.

(2) Geen paalement bedoel in subregulasie (1) is betaalbaar—

- (a) alvorens die huurpaghouer sy keuse om sy reg om 'n omskepping te verkry, uitgeoefen het nie; of
- (b) in 'n geval waar die eienaar van die betrokke grond nie 'n huurpaggewer soos bedoel in regulasie 17A (2) is nie, alvorens die eienaar 'n reg om die huurpaghouer te verplig om daardie reg van huurpag in eiendomsreg te omskep, afdwing het nie.

(3) Geen rente op enige omskeppingsprys of paalement in subregulasies (1) en (2) bedoel, is deur die huurpaghouer aan die eienaar verskuldig of betaalbaar voor die datum waarop die omskeppingsprys, of die eerste paalement ten opsigte van die omskeppingsprys, na gelang van die geval, betaalbaar geword het nie.

(4) Ten einde te bepaal of die prys van vervreemding met betrekking tot 'n reg van huurpag, tesame met die omskeppingsprys aangedui in 'n ooreenkoms of spesiale voorwaarde bedoel in regulasie 17A, op die datum waarop die betrokke ooreenkoms gesluit is, die prys van vervreemding wat betaalbaar sou gewees het indien die eienaar die grond in eiendom oorgedra het soos beoog in artikel 57A (1) (b) van die Wet, oorskry, moet sodanige prys van vervreemding ten opsigte van die grond—

- (a) in die geval waar die huurpaggewer die Staat, 'n plaaslike owerheid of 'n administrateur is, die bedrag wees van die prys van vervreemding aangebied deur sodanige huurpaggewer vir die oordrag van daardie perseel in eiendomsreg, met inagneming van die huurpagapplikant se reg om te kies of hy huurpag of eiendomsreg wil verkry, soos beoog in artikel 57D van die Wet;
- (b) in die geval waar die huurpaggewer 'n dorpsontwikkelaar is, die bedrag wees van die prys van vervreemding aangebied deur sodanige dorpsontwikkelaar, vir die oordrag van daardie perseel in eiendomsreg of, in geval sodanige dorpsontwikkelaar nie bereid is om die perseel aldus aan die huurpagapplikant oor te dra nie, die bedrag bepaal deur sodanige dorpsontwikkelaar.

(5) 'n Ooreenkoms en spesiale voorwaarde bedoel in regulasie 17A, kan bepaal dat die ooreengekome omskeppingsprys van tyd tot tyd mag verander na die sluiting van sodanige ooreenkoms: Met dien verstande dat—

- (a) die bedrag van sodanige omskeppingsprys duidelik vasstelbaar moet wees op enige stadium na die sluiting van sodanige ooreenkoms;

(2) If the leasehold grantor is the State, an administrator or a local authority, the agreement referred to in subregulation (1) may not provide that the registered owner is entitled to compel the leasehold applicant to convert the leasehold to ownership, and any such provision shall be null and void.

- (a) state the identity of the owner of the relevant land as contemplated in section 57A of the Act, or the identity of the person from whom the owner's consent shall be obtained; and
- (b) state the identity of the payee, if the conversion price is not to be paid to the owner referred to in paragraph (a).

CONVERSION PRICE

17B. (1) Subject to the provisions of subregulation (2), and agreement and special condition referred to in regulation 17A may provide that the conversion price is to be paid in instalments.

(2) No instalments referred to in subregulation (1) shall be payable—

- (a) before the leaseholder has elected to exercise his right to obtain a conversion; or
- (b) in a case where the owner of the relevant land is not a leasehold grantor referred to in regulation 17A (2), before the owner has enforced any right to compel the leaseholder to convert that right of leaseholder into ownership.

(3) No interest on any conversion price or instalment referred to in subregulations (1) and (2) shall be owing or payable by the leaseholder to the owner before the date on which the conversion price or the first instalment in respect of the conversion price, as the case may be, has become payable.

(4) For the purposes of determining whether the disposal price in respect of a right of leasehold, together with the conversion price stipulated in an agreement or special condition referred to in regulation 17A, on the date on which the relevant agreement is concluded exceeds the disposal price that would have been payable in respect of the land had the owner transferred ownership of the land and contemplated in section 57A (1) (b) of the Act, such disposal price in respect of the land shall—

- (a) in the case where the leasehold grantor is the State, a local authority or an administrator, be the amount of the disposal price offered by such leasehold grantor for the transfer of that site in ownership, pursuant to the leasehold applicant's right to elect whether it wishes to be acquired leasehold or ownership as contemplated in section 57D of the Act;
- (b) in the case where the leasehold grantor is a township developer, be the amount of the disposal price offered by such township developer for the transfer in ownership of that site or, in the event of such township developer not being prepared so to transfer the site to the leasehold applicant, be an amount determined by such township developer.

(5) An agreement and special condition referred to in regulation 17A may provide that the agreed conversion price may vary from time to time after the conclusion of such agreement: Provided that—

- (a) the amount of such conversion price shall be clearly determinable at any stage after the conclusion of such agreement;

(b) die bedrag waarmee die omskeppingsprys verander, gemeet aan die bedrag van die omskeppingsprys wat betaalbaar sou gewees het indien die omskeppingsprys betaalbaar was op die datum waarop die ooreenkoms bedoel in regulasie 17A gesluit is (in hierdie paragraaf "die oorspronklike omskeppingsprys" genoem), nie 'n vermeerdering van die oorspronklike omskeppingsprys verteenwoordig wat meer is as die bedrag rente wat op sodanige oorspronklike omskeppingsprys sou aangewas het, indien die oorspronklike omskeppingsprys rente teen die jaarlikse rentekoers, soos van tyd tot tyd kragtens die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet 55 van 1975), voorgeskryf, sou gedra het, bereken vanaf die datum waarop sodanige ooreenkoms gesluit is, tot die datum wanneer die toestemming in regulasie 17C beoog, beide datums ingesluit, verleen word: Met dien verstande voorts dat—

- (i) die bedrag rente bereken vir die doel in hierdie paragraaf beoog, die hoofsaaklik van die oorspronklike omskeppingsprys kan oorskry; en
- (ii) indien die bedrag van die verandering van die omskeppingsprys die bedrag rente wat sou aangewas het op sodanige oorspronklike omskeppingsprys soos in hierdie paragraaf bedoel, oorskry, die bedrag van die omskeppingsprys betaalbaar deur die huurpaghouer beperk is tot die bedrag van sodanige rente.

TOESTEMMING

17C. Indien 'n reg van huurpag onderworpe is aan 'n voorwaarde dat die huurpaghouer afstand gedoen het van sy reg om 'n omskepping te verkry sonder die toestemming van die eienaar en sonder betaling van 'n omskeppingsprys, soos beoog in artikel 57A (1) van die Wet, moet die eienaar, op versoek van die huurpaghouer en by voldoening aan die vereistes van sodanige voorwaarde, 'n toestemming aan die huurpaghouer uitreik wesenlik in die vorm van Aanhangsel D wat die toestemming van die eienaar tot omskepping deur die huurpaghouer van die betrokke reg van huurpag in eiendomsreg, bevestig.

16. Regulasie 18 word hierby deur die volgende regulasie vervang:

"REG VAN OKKUPASIE

18. Geen perseelpermit, woonpermit, of sertifikaat van bewoning bedoel in enige ander wet hoof verkry of gehou te word nie ten opsigte van 'n huurpagperseel of 'n perseel beoog in artikel 52 (5) van die Wet, deur—

- (a) die huurpagapplikant;
- (b) 'n geregistreerde huurpaghouer ten opsigte van sodanige huurpagperseel of perseel;
- (c) 'n koper van 'n reg van huurpag ten opsigte van die perseel;
- (d) 'n inwoner by of huurder van die huurpaghouer ten opsigte van die reg van huurpag.

17. Regulasie 19 word hierby geskrap.

18. Die volgende regulasie word hierby na regulasie 19 ingevoeg:

"REGTE VAN VERBANDHOUER

19A. Waar 'n verbandnemer 'n reg van huurpag kragtens artikel 52 (11) (a) van die Wet gekoop het, kan hy, onderworpe aan die bepalings van die Wet en hierdie regulasies, dit aan 'n bevoegde persoon verkoop of verhuur gedurende 'n tydperk wat nie 12 maande te bowe gaan nie, of sodanige verlengde tydperk as wat die Direkteur-generaal op skrif mag bepaal, hetsy in die algemeen of in 'n bepaalde geval, bereken vanaf die datum waarop sodanige verbandhouer sodanige reg gekoop het.

(b) the amount of the variation in the conversion price measured against the amount of the conversion price that would have been payable had the conversion price been payable on the date on which the agreement referred to in regulation 17A was concluded (in this paragraph referred to as "the original conversion price") shall not represent an increase in the original conversion price that is more than the amount of interest that would have accrued on such original conversion price had the original conversion price borne interest at the annual interest rate prescribed from time to time under the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975), calculated from the date on which such agreement was concluded until the date on which the consent contemplated in regulation 17C is issued, both days inclusive: Provided further that—

- (i) the amount of interest calculated for the purposes intended in this paragraph may exceed the principal sum of the original conversion price; and
- (ii) if the amount of the variation in the conversion price exceeds the amount of interest that would have accrued on such original conversion price as contemplated in this paragraph, the amount of the conversion price payable by the leaseholder shall be limited to the amount of such interest.

CONSENT

17C. If a right of leasehold is subject to a condition that the leaseholder waived his right to obtain a conversion without the consent of the owner and without payment of a conversion price, as contemplated in section 57A (1) of the Act, the owner shall, upon request by the leaseholder and upon the requirements of such condition having been met, issue a consent to the leaseholder substantially in the form of Annexure D confirming the consent of the owner to conversion by the leaseholder of the relevant right of leasehold to ownership.

16. The following regulation is hereby substituted for regulation 18:

"RIGHT OF OCCUPANCY

18. No site permit, residential permit or certificate of occupation referred to in any other law shall be required in respect of a leasehold site or of premises contemplated in section 52 (5) of the Act to be obtained or held by—

- (a) the leasehold applicant;
- (b) any registered leaseholder in respect of such leasehold site or premises;
- (c) a purchaser of a right of leasehold in respect of the site;
- (d) any tenant or lessee of the leaseholder in respect of the right of leasehold.

17. Regulation 19 is hereby deleted.

18. The following regulation is hereby inserted after regulation 19:

"RIGHTS OF MORTGAGEE

19A. Where a mortgagee has purchased a right of leasehold in terms of section 52 (11) (a) of the Act he may, subject to the provisions of the Act and these regulations, sell or let it to a competent person during a period not exceeding 12 months, or such extended period as the Director-General may in writing determine, either in general or in a particular case, calculated from the date on which such mortgagee purchased such right.

19. Regulasies 20 en 21 word hierby geskrap.

20. Regulasie 22 word hierby gewysig deur die volgende subregulasies na subregulasie (2) in te voeg:

“(3) 'n Aansoek om die toekenning van 'n reg van huurpag wat behoorlik gedoen is voor die wysiging van die Wet deur die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986 (Wet 74 van 1986), word mee gehandel asof sodanige aansoek behoorlik kragtens die Wet aldus gewysig, gedoen is, en enige behoorlik voltooide of uitgereikte dokumente voorgeskryf of toegelaat kragtens die Wet voor die voormelde wysiging, word aanvaar vir die ooreenstemmende doeleindes van hierdie regulasies.

(4) 'n Registrateur weier nie, vir 'n tydperk van twaalf maande na die wysiging van die Wet soos beoog in subregulasie (3), om 'n reg van huurpag te registreer bloot omrede die dokumente wat vir die doel van registrasie ingedien word, dokumente is wat voor die vermeldde wysiging kragtens die Wet voorgeskryf was nie.”

21. Aanhangsel A word hierby geskrap

22. Aanhangsel B word hierby gewysig deur die besonderhede onder die opskrif “Besonderhede van perseel” deur die volgende te vervang:

“Besonderhede van perseel

Volledige beskrywing van die perseel ten opsigte waarvan hierdie aansoek gedoen word:

Perseel No.
Dorp of ontwikkelingsgebied.....
Grootte in vierkante meter
Aangedui op Plan No.”

23. Aanhangsel C word hierby deur die volgende Aanhangsel vervang:

“AANHANGSEL C

SERTIFIKAAT VAN VOORLOPIGE TOEKENNING VAN HUURPAG
[Regulasie 10 (3)]

Hierby word bevestig dat (verstrek die naam van die huurpaggewer ten volle) 'n reg van huurpag toeken—

(a) aan (sien verduidelikende notas hieronder):

Volle naam⁽¹⁾
Identiteitsnommer⁽²⁾
Geboortedatum⁽³⁾
Woonadres⁽⁴⁾
Besigheidsadres
Handtekening.....

Man se handtekening⁽⁵⁾.....

Datum Getuies:
1.
2.;

(b)⁽⁶⁾.....

.....

.....

.....

(c) ten opsigte van die volgende perseel:

Perseel No.
Dorp of ontwikkelingsgebied.....
Grootte in vierkante meter
Aangedui op Plan No.

(d) teen betaling van of sekuriteit vir die bedrag van R

(e) onderworpe aan die volgende registreerbare voorwaardes⁽⁷⁾;

(f) onderworpe aan die verdere bedinge en voorwaardes wat in 'n ooreenkoms gedateer vervat is⁽⁸⁾;

(g) onderworpe aan die voorwaarde dat die gebruik van die voormelde perseel—

- (i) residensieel;
- (ii) besigheid;
- (iii) industrieel;

19. Regulations 20 and 21 are hereby deleted.

20. Regulation 22 is hereby amended by the insertion after subregulation (2) of the following subregulations:

“(3) Any application for the grant of a right of leasehold duly made before the amendment of the Act by the Black Communities Development Amendment Act, 1986 (Act 74 of 1986), shall be dealt with as if such application had been duly made in terms of the Act as so amended, and any duly completed or issued documents prescribed or allowed under the Act before its amendment as aforesaid shall be accepted for the corresponding purposes of these regulations.

(4) A registrar shall not, for a period of twelve months after the amendment of the Act as contemplated in subregulation (3), decline to register a right of leasehold merely because the documents lodged for the purposes of registration are documents prescribed under the Act before the said amendment.”

21. Annexure A is hereby deleted.

22. Annexure B is hereby amended by the substitution for the particulars under the heading “Particulars of site” of the following:

“Particulars of site

Full description of the site in respect of which this application is made:

Site No.
Township or development area.....
Area in square metres.....
Indicated on Plan No.”

23. The following Annexure is hereby substituted for Annexure C:

“ANNEXURE C

CERTIFICATE OF PROVISIONAL GRANT OF LEASEHOLD

[Regulation 10 (3)]

This is to confirm that.....(state leasehold grantor's name in full) grants a right of leasehold—

(a) to (see explanatory notes below):

Full name⁽¹⁾
Identity number⁽²⁾
Date of birth⁽³⁾
Residential address⁽⁴⁾
Business address
Signature
Husband's signature⁽⁵⁾.....

Date Witnesses:

1.

2.

(b)⁽⁶⁾.....

.....

.....

.....

(c) in respect of the following site:

Site No.
Township or development area.....
Area in square metres.....
Indicated on Plan No.

(d) against payment of or security for the sum of R

(e) subject to the following registrable conditions⁽⁷⁾;

(f) subject to the further terms and conditions contained in an agreement dated⁽⁸⁾;

(g) subject to the condition that the use of the aforesaid site shall be—

- (i) residential;
- (ii) business;
- (iii) industrial;

- (iv) gemeenskapsfasiliteit;
- (v) munisipaal;
- (vi) onbepaald; of
- (vii) openbare oop ruimte,

is soos beoog in die Grondgebruiksvoorwaardes vervat in Aanhangel F van die Dorpstigting- en Grondgebruiksregulasies⁽⁹⁾.

Die geldigheidsduur van hierdie sertifikaat en onderneming verval op , behalwe indien dit verleng is by wyse van onderstaande endossement.

Geteken.....
Vir..... (Huurpaggewer)
Datum.....

*Geldigheidsduur van
hierdie sertifikaat
word verleng tot*

Geteken

Datum

- | | | |
|---------|-------|-------|
| 1. .... | ..... | ..... |
| 2. .... | ..... | ..... |
| 3. .... | ..... | ..... |
| 4. .... | ..... | ..... |

Notas:

- (1) Indien die applikant 'n natuurlike persoon/ingelyfde liggaam is, vermeld die volle naam soos dit in applikant se identiteitsdokument/sertifikaat van inlywing verskyn. Indien die applikant 'n vennootskap/oningelyfde liggaam van persone is, vermeld die volle name.
- (2) Nie van toepassing waar applikant 'n vennootskap of oningelyfde liggaam van persone is nie, behalwe waar 'n verwysings- of registrasienommer inderdaad toegeken is. In die geval van 'n burger van 'n staat waarvan die grondgebied vroeër deel van die Republiek uitgemaak het, soos in paragraaf (a) van die woordomskrif van "bevoegde persoon" in artikel 1 van die Wet beoog, wat nie 'n Suid-Afrikaanse identiteitsnommer het nie, moet hierdie paragraaf nie ingevoeg word nie of, alternatiewelik, kan die nommer in 'n identiteitsdokument of 'n paspoort of ander reisdokument, uitgereik kragtens 'n wet van sodanige staat, ingevoeg word.
- (3) Is slegs op 'n natuurlike persoon van toepassing.
- (4) Is slegs op 'n natuurlike persoon van toepassing.
- (5) Slegs van toepassing indien die huurpagnemer 'n getroude vrou is wat onderhewig is aan die maritale mag van haar man.
- (6) Indien huurpag toegeken word aan twee of meer applikante gesamentlik, verskyn die besonderhede van die tweede en verdere persone hier. Indien die huurpagnemer 'n vennootskap of oningelyfde liggaam van persone is, vermeld besonderhede van elke vennoot of elke lid daarvan hier. Die besonderhede moet gelykluidend wees met dié in paragraaf (a) van die vorm vermeld, en notas (1) tot (5) is van toepassing.
- (7) Voeg die voorwaardes wat in 'n registrasiekantoor registreerbaar is, met inbegrip van 'n spesiale voorwaarde in artikel 57A bedoel, in.
- (8) Voeg die datum van die ooreenkoms, indien daar een is, bedoel in regulasie 10 (3) (b) in. Sodanige ooreenkoms moet nie aan die sertifikaat geheg te word nie.
- (9) Dui aan die grondgebruik van die perseel wat sal geld ooreenkomstig die Grondgebruiksvoorwaardes soos in Aanhangel F van die Dorpstigting- en Grondgebruiksregulasies uiteengesit is. Indien die gemelde Grondgebruiksvoorwaardes nie op die perseel van toepassing sal wees nie, verstrekk volke besonderhede van die beoogde grondgebruik van die perseel."

24. Aanhangel D word hierby deur die volgende aanhangel vervang:

"AANHANGSEL D

TOESTEMMING

[Regulasie 17C]

Ek,, die geregistreerde eienaar van perseel nommer..... dorp..... deur my gehou kragtens..... nommer..... ten opsigte waarvan..... die geregistreerde huurpaghouer is wat sodanige reg van huurpag kragtens akte van huurpag nommer..... hou, bevestig hierby dat ek toestemming verleen tot die omskepping deur die gemelde huurpaghouer van die gemelde reg van huurpag ten opsigte van die gemelde perseel in eiendomsreg soos beoog in artikel 57A van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984.

Gedateer te op hede die dag van 19.....

Getuiens:

- | | |
|---------|---------------|
| 1. | Eienaar |
| 2. | " |

25. Aanhangel E word hierby deur die volgende aanhangel vervang:

- (iv) community facility;
- (v) municipal;
- (vi) undetermined; or
- (vii) public open space,

as contemplated in the Land Use Conditions contained in Annexure F to the Township Establishment and Land Use Regulations, 1986⁽⁹⁾.

The currency of this certificate and undertaking shall expire on....., save when extended by means of endorsement below.

Signed.....

For..... (Leasehold grantor)

Date.....

*Currency of this
certificate is
extended to*

Signed

Date

- | | | |
|---------|-------|-------|
| 1. .... | ..... | ..... |
| 2. .... | ..... | ..... |
| 3. .... | ..... | ..... |
| 4. .... | ..... | ..... |

Notes:

- (1) If the applicant is a natural person/incorporated body, state full name appearing in applicant's identity document/certificate of incorporation. If the applicant is a partnership/unincorporated body of persons, state its full names.
- (2) Not applicable where applicant is a partnership or unincorporated body of persons, unless an identity or registration number has in fact been allocated. In the case of a citizen of a state, the territory of which formerly formed part of the Republic, as contemplated in paragraph (a) of the definition of "competent person" in the Act, who does not have a South African identity number, this paragraph may be left blank, or, alternatively, the number in an identity document, or a passport or other travel document issued under any law of such a state, may be inserted.
- (3) Applies to a natural person only.
- (4) Applies to a natural person only.
- (5) Applicable only if a married woman grantee is subject to her husband's marital power.
- (6) If leasehold is granted to two or more applicants jointly, particulars of the second and other grantees shall appear here. If the grantee is a partnership or unincorporated body of persons, particulars of each partner or each member shall be given here. The particulars shall conform to those set out in paragraph (a) of the form, and notes (1) to (5) apply.
- (7) Insert conditions which are registrable in a registration office, including a special condition referred to in section 57A of the Act.
- (8) Insert the date of the agreement, if any, referred to in regulation 10 (3) (b). Such agreement need not be attached to this certificate.
- (9) Indicate the land use of the site that will be applied under the Land Use Conditions contained in Annexure F to the Township Establishment and Land Use Regulations, 1986. If the said Land Use Conditions will not apply to the site, full particulars of the proposed land use for the site must be indicated."

24. The following annexure is hereby substituted for Annexure D:

"ANNEXURE D

CONSENT

[Regulation 17C]

I,, the registered owner of site number..... township..... held by me under..... number..... in respect of which..... is the registered leaseholder, holding such right of leasehold under deed of leasehold number..... hereby confirm that I consent to the conversion by the said leaseholder of the said right of leasehold in respect of the said site to ownership as contemplated in section 57A of the Black Communities Development Act, 1984.

Dated at..... on this..... day of..... 19.....

Witnesses:

- | | |
|---------|-------------|
| 1. | Owner |
| 2. | " |

25. The following annexure is hereby substituted for Annexure E:

"AANHANGSEL E**SERTIFIKAAT VAN GEREГИSTREERDE TOEKENNING VAN HUURPAG**

[Regulasie 13]

Sertifikaat No.

1. Hierby word gesertifiseer dat die reg van huurpag ten opsigte van perseel nommer....., groot en getoon op algemene plan/plan/lugfoto* nommer..... toegeken is aan..... identiteits-/registrasienommer* (huurpaggewer), wat die grond hou kragtens..... nommer....., en dat die gemelde reg van huurpag verval 99 jaar na die registrasie hiervan.

2. Die gebruik van die voormelde perseel sal wees..... [voeg in die gebruik van die betrokke perseel kragtens die Dorpsstigting- en Grondgebruiksregulasies uitgevaardig kragtens artikel 66 (1) van die Wet], soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aanhangsel F van die Dorpsstigting- en Grondgebruiksregulasies uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984: Met dien verstande dat op die datum van inwerkingtreding van 'n dorpsbeplanningskema wat op die perseel van toepassing is, die regte en verpligtinge in sodanige skema vervat, dié in voormelde Grondgebruiksvoorwaardes vervang, soos beoog in artikel 57B van die gemelde Wet.

OF

*(In die alternatief, voeg ander voorwaardes in toegelaat met betrekking tot grondgebruik kragtens die Wet).....

SESIALE VOORWAARDES

* Skrap wat nie van toepassing is nie.

Registrasiekantoor te

Datum

Folionommer in register.....

Registrateur."

26. Aanhangsel F word hierby gewysig deur in Deel B die voorbehoudsbepalings by afdelings II en III te skrap.

No. R. 1899

12 September 1986

REGULASIES BETREFFENDE DIE BEPALING VAN DIE PRYS VAN OPENBARE GROND

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, vaardig hierby kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), die regulasies uit vervat in die bygaande Bylae, welke regulasies in werking tree op 15 September 1986.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE**HOOFSTUK I****WOORDOMSKRYWING EN TOEPASSING****Woordoms krywing**

1. In hierdie regulasies, tensy dit uit die samehang anders blyk, beteken—

"administrateur" 'n administrateur in wie die bates, laste, regte, pligte en verpligtinge van 'n ontwikkelingsraad vestig soos bedoel in artikel 3 (1) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet 75 van 1986), en ook 'n owerheids gesag op wie sodanige bates, laste, regte, pligte en verpligtinge oorgegaan het soos beoog in artikel 3 (2) van daardie Wet;

"ANNEXURE E**CERTIFICATE OF REGISTERED GRANT OF LEASEHOLD [Regulation 13]**

Certificate No.

1. It is hereby certified that the right of leasehold in respect of site number....., measuring and shown on general plan/plan/aerial photograph* number..... has been granted to..... identity/registration* number..... by..... (leasehold grantor), who holds the land under number....., and that the said right of leasehold expires 99 years after registration hereof.

2. The use of the aforesaid site shall be

[insert the use for the relevant site under the Township Establishment and Land Use Regulations, 1986 made in terms of section 66 (1) of the Act] as defined and subject to such conditions as are contained in the Land Use Conditions in Annexure F to the Township Establishment and Land Use Regulations, 1986 made in terms of section 66 (1) of the Black Communities Development Act, 1984: Provided that on the date on which a town planning scheme relating to the site comes into force, the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions, as contemplated in section 57B of the said Act.

OR

*(Alternatively insert other conditions relating to land use allowed under the Act).....

SPECIAL CONDITIONS

* Delete that which is not applicable.

Registration office at

Date

Folio number in register.....

Registrar."

26. Annexure F is hereby amended by the deletion in part B of the provisos to sections II and III.

No. R. 1899

12 September 1986

REGULATIONS RELATING TO THE DETERMINATION OF THE PRICE OF PUBLIC LAND

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984), make the regulations contained in the accompanying Schedule, which regulations shall come into operation on 15 September 1986.

J. C. HEUNIS,

Minister of Constitutional Development and Planning.

SCHEDULE**CHAPTER I****DEFINITIONS AND APPLICATION****Definitions**

1. In these regulations, unless the context otherwise indicates—

"administrator" means an administrator in whom the assets, liabilities, rights, duties and obligations of a development board vest as contemplated in section 3 (1) (a) of the Abolition of Development Bodies Act, 1986 (Act 75 of 1986), and includes a public authority to which such assets, liabilities, rights, duties and obligations have passed as contemplated in section 3 (2) of the said Act;

“die Wet” die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984).

Toepassing

2. (1) Hierdie regulasies geld slegs ten opsigte van kooppryse vir die eerste toekenning van 'n reg van huurpag of die eerste vervreemding van grond wat die eiendom is van, of berus by die Staat, 'n administrateur of 'n plaaslike owerheid of wat, behoudens die bepalings van regulasie 8, ingevolge artikel 34 (9) van die Wet aan 'n persoon of liggaam beskikbaar gestel is.

(2) Die Staat, 'n administrateur of 'n plaaslike owerheid vervreem nie, of verleen nie 'n reg van huurpag ten opsigte van grond bedoel in subregulasie (1) teen 'n prys wat op 'n ander wyse as ingevolge hierdie regulasies vasgestel is nie.

HOOFSTUK II

VASSTELLING VAN GRONDGEDEELTE VAN PRYS

Vasstelling deur Minister

3. (1) Behoudens die bepalings van subregulasie (2) stel die Minister daardie gedeelte van die koopprys vas wat op 'n reg van huurpag of die grond bedoel in regulasie 2 (1) betrekking het, na goeddunke: Met dien verstande dat die Minister kan ag slaan op—

- (a) die waarde vir boerderydoeleindes van enige aangrensende of nabygeleë plaasgrond;
- (b) die markwaarde van enige aangrensende of nabygeleë verbeterde grond;
- (c) die waardes of pryse in enige mark wat mag ontwikkel ten opsigte van enige aangrensende of nabygeleë verbeterde grond;
- (d) die persone of gemeenskap wat na verwagting die grond of huurpagte ten opsigte daarvan gaan verkry;
- (e) geologiese of ander fisiese omstandighede;
- (f) aangrensende grondgebruik;
- (g) enige aankoopprys voorheen vir die grond betaal;
- (h) die ligging van die grond;
- (i) die termyn waarvoor enige bestaande vasstelling wat kragtens hierdie regulasies gemaak is of geag word gemaak te wees, van krag is;
- (j) enige ander faktore wat die Minister tersaaklik ag.

(2) 'n Bedrag wat deur die Minister vasgestel is as dié gedeelte van die koopprys in subregulasie (1) bedoel, sluit uit—

- (a) die koste verbonde aan dorpsstigting, insluitende die opmetingskoste;
- (b) ontwikkelingskoste, wat, sonder om afbreuk te doen aan die algemeenheid van die uitdrukking, finansieringskoste, projekbeplanningskoste, die koste van bestuur en administrasie, regs-koste, dienstegelede, perseelhuur, plaaslike owerheidsbelastinge, heffings, en soortgelyke kostes;
- (c) die koste van verbeterings, insluitende infrastruktuur en strukture op die betrokke grond opgerig;
- (d) tussentydse rente;
- (e) eiendomsagentekommissie.

(3) Die Minister stel die gedeelte van die koopprys beoog in subregulasie (1) vas na oorlegpleging met—

- (a) die eienaar van die grond, in die geval van grond waarvan die administrateur of 'n plaaslike owerheid die eienaar is of wat by hom berus;
- (b) in omstandighede beoog in artikel 34 (9) van die Wet, die persoon aan wie die grond beskikbaar gestel is;
- (c) enige ander persoon na goeddunke van die Minister.

“the Act” means the Black Communities Development Act, 1984 (Act 4 of 1984).

Application

2. (1) These regulations shall apply only in respect of purchase prices for the first grant of a right of leasehold or the first alienation of land that is owned by or that vests in the State, an administrator or a local authority or that, subject to the provisions of regulation 8, has been made available to any person or body in terms of section 34 (9) of the Act.

(2) The State, an administrator or a local authority shall not alienate or grant a right of leasehold of land referred to in subregulation (1) at a disposal price determined in some way other than under these regulations.

CHAPTER II

DETERMINATION OF LAND PORTION OF PRICE

Determination by the Minister

3. (1) Subject to the provisions of subregulation (2), the Minister shall determine that portion of the purchase price relating to a right of leasehold or the land referred to in regulation 2 (1) in his discretion: Provided that the Minister may have regard to—

- (a) the value for farming purposes of any adjacent or nearby farm land;
- (b) the market value of any adjacent or nearby improved land;
- (c) the values in prices in any market that may develop in respect of any adjacent or nearby improved land;
- (d) the persons who or community that it is contemplated will acquire the land or leaseholds in respect thereof;
- (e) geological or other physical conditions;
- (f) adjacent land usage;
- (g) any purchase price previously paid for the land;
- (h) the location of the land;
- (i) the period for which any existing determination made or deemed to have been made under these regulations has been in force;
- (j) any other factors that the Minister deems relevant.

(2) Any amount determined by the Minister to be the portion of the purchase price referred to in subregulation (1) shall exclude—

- (a) the costs of township establishment, including the costs of survey;
- (b) development costs, which, without derogating from the generality of the term, includes finance charges, project planning costs, the costs of management and administration, legal costs, service charges, site rentals, local authority rates, levies and like costs;
- (c) the costs of improvements, including infrastructure and structures erected upon the land concerned;
- (d) occupational interest;
- (e) estate agent's commission.

(3) The Minister shall determine the portion of the purchase price contemplated in subregulation (1) after consultation with—

- (a) the owner of the land, in the case of land owned by or that vests in an administrator or a local authority;
- (b) in the circumstances contemplated in section 34 (9) of the Act, the person to whom the land has been made available;
- (c) any other person in the discretion of the Minister.

Eenheid en grootte van vasstelling

4. (1) 'n Vasstelling van die gedeelte van die koopprys kragtens regulasie 3 word uitgedruk as 'n bedrag in rand en sent per vierkante meter.

(2) 'n Vasstelling van die gedeelte van die koopprys in subregulasie (1) bedoel, is van toepassing op die geheel of enige gedeelte van 'n dorp of ander stuk grond wat die Minister na goëddunke goëdvind, en die Minister kan enige gebied in verband waarmee 'n grondprysvasstelling gemaak is op 'n wyse wat hy toepaslik ag, omskryf.

(3) Enige vasstelling bedoel in subregulasie (1) wat 'n vasstelling vervang wat vroeër kragtens hierdie regulasies gemaak is of geag word gemaak te gewees het, kan verklaar word van toepassing te wees ten opsigte van slegs 'n gedeelte van die gebied waarop sodanige vroeë vasstelling van toepassing was, in welke geval sodanige vroeë vasstelling ophou om van toepassing te wees op daardie gedeelte.

(4) Wanneer grond ten opsigte waarvan die Minister die gedeelte van die koopprys kragtens regulasie 3 vasgestel het, vervreem word aan enige persoon of liggaam uitgesonderd die Staat, 'n administrateur of plaaslike owerheid, hou sodanige vasstelling op om van toepassing te wees ten opsigte van sodanige grond: Met dien verstande dat waar die Staat, 'n administrateur of 'n plaaslike owerheid die betrokke grond ingevolge artikel 34 (9) van die Wet aan 'n persoon of liggaam beskikbaar gestel het, sodanige vasstelling, met uitsluiting van grond wat bestem is vir besigheids- of industriële doeleindes soos in regulasie 8 beoog, op daardie grond van toepassing bly.

Kennisgewing van vasstelling

5. (1) Die Direkteur-generaal moet die eienaar van die betrokke grond, in die omstandighede beoog in artikel 34 (9) van die Wet, in kennis stel van 'n vasstelling deur die Minister van die gedeelte van die koopprys kragtens regulasie 3.

(2) Enige vasstelling bedoel in subregulasie (1) word aangebring op die kennisgewingbord van die plaaslike owerheid binne wie se plaaslike owerheidsgebied die betrokke grond geleë is, of, indien daar geen sodanige plaaslike owerheid is nie, moet die eienaar van die grond die betrokke vasstelling op versoek en sonder vergoeding ter insae beskikbaar stel by sy kantoor of op enige plek deur die Direkteur-generaal aangewys binne die betrokke ontwikkelingsgebied.

(3) Die Direkteur-generaal moet op versoek van enige belanghebbende persoon 'n afskrif van 'n in subregulasie (1) bedoelde vasstelling aan sodanige persoon beskikbaar stel.

HOOFSTUK III**ANDER KOMPONENTE VAN KOOPPRYS****Insluiting van wins**

6. Die komponente van die koopprys van 'n reg van huurpag of grond bedoel in regulasie 2 (1), uitgesonderd die gedeelte van die koopprys bedoel in regulasie 3 (1), kan wins insluit.

Uiteensetting van pryskomponente

7. 'n Ooreenkoms deur die Staat, 'n administrateur of 'n plaaslike owerheid gesluit vir 'n eerste vervreemding van grond of toekenning van 'n reg van huurpag bedoel in regulasie 2 (1), bevat 'n uiteensetting, wesenlik in die vorm van Aanhangsel A, wat die komponente van die koopprys aandui.

Unit and extent of determination

4. (1) A determination of the portion of the purchase price made in terms of regulation 3 shall be expressed as an amount in rand and cents per square metre.

(2) A determination of the portion of the purchase price referred to in subregulation (1) shall apply to the whole or any part of a township or any other piece of land as the Minister in his discretion may deem fit, and the Minister may define any area in relation to which a land price determination has been made in any manner that he may deem appropriate.

(3) Any determination referred to in subregulation (1) replacing a determination previously made or deemed to have been made under these regulations may be stated to apply in respect of a part only of the area to which such previous determination applied, in which case such previous determination shall cease to apply in respect of that part.

(4) Upon land in respect of which the Minister has determined the portion of the purchase price in terms of regulation 3 being alienated to any person or body other than the State, an administrator or local authority, such determination shall cease to apply in respect of such land: Provided that where the State, an administrator or a local authority has made the relevant land available to any person or body in terms of section 34 (9) of the Act, such determination shall, with the exception of land intended for business or industrial purposes as contemplated in regulation 8, continue to apply in respect of such land.

Notice of determination

5. (1) The Director-General shall inform the owner of the relevant land, in the circumstances contemplated in section 34 (9) of the Act, of a determination by the Minister of the portion of the purchase price in terms of regulation 3.

(2) Any determination referred to in subregulation (1) shall be displayed on the notice board of the local authority within whose local authority area the relevant land is situated or, if there is no such local authority, the relevant determination shall be made available for inspection on request and without charge by the owner of the land at his office or at any place designated by the Director-General within the relevant development area.

(3) The Director-General shall on request by any interested person furnish a copy of any determination referred to in subregulation (1) to such person.

CHAPTER III**OTHER COMPONENTS OF PURCHASE PRICE****Inclusion of profit**

6. The components of the purchase price of a right of leasehold or land referred to in regulation 2 (1), other than the portion of the purchase price referred to in regulation 3 (1), may include profit.

Statement of price components

7. An agreement concluded by the State, an administrator or a local authority for any first alienation of land or grant of a right of leasehold referred to in regulation 2 (1) shall contain, substantially in the form of Annexure A, a statement indicating the components of the purchase price.

HOOFSTUK IV**BESIGHEIDS- EN INDUSTRIËLE PERSELE****Openbare tender**

8. (1) Ondanks enige andersluidende bepalings in hierdie regulasies vervat, vind die eerste vervreemding van grond of 'n reg van huurpag soos beoog in regulasie 2 (1), wat bestem is vir besigheids- of industriële doeleindes, plaas, in die geval van grond—

- (a) wat die eiendom is van of berus by 'n plaaslike owerheid, deur middel van openbare tender ooreenkomstig die finansiële regulasies van toepassing op daardie plaaslike owerheid;
- (b) wat die eiendom is van of berus by die Staat, deur middel van openbare tender deur die plaaslike owerheid binne wie se plaaslike owerheidsgebied die betrokke grond geleë is, handelende kragtens die regulasies vermeld in paragraaf (a) in sy hoedanigheid van agent van die Minister, of, indien daar nie sodanige plaaslike owerheid is nie, deur 'n administrateur in dieselfde hoedanigheid, handelende kragtens enige toepaslike wet met betrekking tot die vervreemding van die betrokke grond by wyse van openbare tender;
- (c) wat in die administrateur vestig, deur middel van openbare tender deur die administrateur, handelende kragtens enige toepaslike wet met betrekking tot die vervreemding van sodanige grond by wyse van openbare tender:

Met dien verstande dat—

- (i) die bepalings van hierdie subregulasie nie van toepassing is nie ten opsigte van grond wat die eiendom is van of berus by of vestig in enige van die instansies genoem in paragrafe (a), (b) en (c) en wat beskikbaar gestel is aan 'n ander persoon of liggaam ingevolge artikel 34 (9) van die Wet en dat daar op enige wyse oor sodanige grond beskik kan word; en
 - (ii) die koopprys verkry by wyse van openbare tender soos beoog in hierdie subregulasie, nie beperk is tot daardie gedeelte van die koopprys beoog in regulasie 3 (1) nie.
- (2) 'n Administrateur of 'n plaaslike owerheid aanvaar nie sonder die Minister se voorafverkreë goedkeuring 'n tender bedoel in subregulasie (1) wat nie die hoogste tender is nie.
- (3) Waar die perseel wat by wyse van openbare tender soos beoog in subregulasie (1), van die hand gesit staan te word, geokkupeer word deur 'n huurder, of 'n inwoner uit hoofde van 'n permit of sertifikaat beoog in enige ander wet, kan die Staat, of die betrokke administrateur of plaaslike owerheid nie 'n tender met betrekking tot die betrokke perseel aanvaar nie, tensy—
- (a) die perseel eers aan sodanige huurder of inwoner aangebied is teen die hoogste tenderprys of sodanige laer prys as wat die Minister mag goedkeur; en
 - (b) sodanige huurder of inwoner sodanige aanbod van die hand gewys het.

HOOFSTUK V**OORGANGSBEPALINGS****Gelding van vorige vasstellings**

9. 'n Bedrag betaalbaar ten opsigte van 'n reg van huurpag ooreenkomstig die Huurpagregulasies, 1985, of kragtens die herroepe Wet daarin vermeld, bly voortbestaan totdat die gedeelte van die koopprys bedoel in regulasie 3 (1) vasgestel is, en word geag kragtens hierdie regulasies vasgestel te wees: Met dien verstande dat geen sodanige vorige vasstelling geld met betrekking tot grond wat by die

CHAPTER IV**BUSINESS AND INDUSTRIAL SITES****Public tender**

8. (1) Notwithstanding any provision to the contrary contained in these regulations, the first alienation of land or a right of leasehold as contemplated in regulation 2 (1) intended for business or industrial purposes shall take place, in the case of land—

- (a) owned by or that vests in a local authority, by way of public tender in accordance with the financial regulations applying to that local authority;
- (b) owned by or that vests in the State, by way of public tender by the local authority within whose local authority area the relevant land is situated, acting under the regulations referred to in paragraph (a) in its capacity as the agent of the Minister, or, if there is no such local authority, by an administrator in the same capacity, acting under any applicable law relating to the disposal by public tender of the relevant land;
- (c) vesting in an administrator, by way of public tender by the administrator, acting under any applicable law relating to the disposal by public tender of the relevant land:

Provided that—

- (i) the provisions of this subregulation shall not apply in respect of land so owned or vesting that has been made available to any other person or body as contemplated in section 34 (9) of the Act, and such land may be disposed of in any manner; and
 - (ii) the purchase price obtained by way of public tender as contemplated in this subregulation shall not be limited to that portion of the purchase price contemplated in regulation 3 (1).
- (2) An administrator or a local authority shall not accept a tender referred to in subregulation (1) that is not the highest tender without first having obtained the approval of the Minister.
- (3) Where the site to be disposed of by public tender as contemplated in subregulation (1) is occupied by any lessee or by any tenant by virtue of a permit or certificate contemplated in any other law, the State or the relevant administrator or local authority may not accept any tender in respect of the site concerned unless—
- (a) the site has first been offered to such lessee or tenant at the highest tender price or such lower price as the Minister may approve; and
 - (b) such lessee or tenant has declined to accept such offer.

CHAPTER V**TRANSITIONAL PROVISIONS****Saving of previous determinations**

9. Any amount payable in respect of a right of leasehold determined in accordance with the Leasehold Regulations, 1985, or under the repealed Act referred to therein shall continue to apply until the portion of the purchase price referred to in regulation 3 (1) has been determined, and shall be deemed to have been made under these regulations: Provided that no such previous determination shall apply to land that was, at the commencement of these regulations,

inwerkingtreding van hierdie regulasies die eiendom was van 'n ander persoon of liggaam as die Staat, 'n administrateur of 'n plaaslike owerheid nie.

Kennisgewing van bestaande vasstellings

10. (1) Kennis soos bedoel in regulasie 5 moet gegee word van alle vasstellings wat voor die inwerkingtreding van hierdie regulasies gemaak is.

(2) Indien enige vasstelling bedoel in subregulasie (1) 'n komponent van dié in regulasie 3 (1) bedoelde koopprys insluit, moet die kennisgewing in regulasie 5 (2) bedoel, daardie gedeelte van die vasstelling afsonderlik in rand en sent per vierkante meter vermeld.

Titel

11. Hierdie Regulasies heet die Openbare Grond: Prysregulasies, 1986.

AANHANGSEL A PRYSKOMPONENTE

(Regulasie 7 van die Openbare Grond: Prysregulasies, 1986)

1. *Grond vierkante meter teen R..... per vierkante meter = R.....	
2. Dorpstiging (insluitende opmetingskoste, finansieringskoste, koste verbonde aan projekbeplanning, koste verbonde aan bestuur en administrasie, regskoste, dienstegelde, plaaslike owerheidsbelastinge, heffings, en soortgelyke koste).....	R.....
3. Verbeterings	R.....
3.1 Infrastruktuur	R.....
3.2 Geboue	R.....
4. Ander koste:	
4.1 Tussentydse rente	R.....
4.2 Eiendomsagentekommissie	R.....
4.3 Administrasiekoste (indien van toepassing)	R.....
4.4 Oordragkoste (indien van toepassing)	R.....
3.5 Verband-waardasiegelde (indien van toepassing)	R.....
4.6 Ander (vermeld besonderhede):	
.....	
.....	R.....
Totaal	R.....

* Voeg in daardie gedeelte van die koopprys vasgestel of geag vasgestel te wees kragtens regulasie 3.

SUID-AFRIKAANSE VERVOERDIENSTE

No. R. 1854

12 September 1986

SPAARFONDSREGULASIES WYSIGINGSGLYS

Ingevolge die bevoegdheid aan my verleen by artikel 32 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet 16 van 1983), verleen ek, Hendrik Stephanus Johan Schoeman, Minister van Vervoerwese van die Republiek van Suid-Afrika, goedkeuring daaraan dat die Spaarfondsregulasies van die Suid-Afrikaanse Vervoerdienste, gepubliseer in Goewermentskennisgewing R. 412 van 21 Maart 1969, soos gewysig, verder soos volg gewysig word met ingang van 21 April 1986:

REGULASIE 9

Vervang paragraaf (3) deur die volgende:

- (3) Indien 'n lid te sterwe kom terwyl hy nog in die Diens is of te sterwe kom nadat hy die Diens verlaat het, maar voordat die bedrag wat kragtens paragraaf (2)

owned by any person or body other than the State, a local authority or an administrator.

Notice of existing determinations

10. (1) Notice as contemplated in regulation 5 shall be given of all determinations made prior to the commencement of these regulations.

(2) If any determination referred to in subregulation (1) includes a component of the purchase price contemplated in regulation 3 (1), the notice referred to in regulation 5 (2) shall state separately, in rand and cents per square metre, that portion of the determination.

Title

11. These regulations may be cited for all purposes as the Public Land Price Regulations, 1986.

ANNEXURE A

PRICE COMPONENTS

(Regulation 7 of the Public Land Price Regulations, 1986)

1. *Land: ... square metres at R.../square metre ⇒ R...	
2. Township establishment (including survey costs, finance charges, project planning costs, costs of management and administration, legal costs, service charges, local authority rates, levies, and like costs)	R.....
3. Improvements	R.....
3.1 Infrastructure	R.....
3.2 Buildings	R.....
4. Other costs	R.....
4.1 Occupational interest	R.....
4.2 Estate agent's commission	R.....
4.3 Administration costs (if applicable)	R.....
4.4 Transfer costs (if applicable)	R.....
4.5 Bond evaluation fees (if applicable)	R.....
4.6 Other (state particulars)	R.....
.....	
.....	
Total	R.....

* Insert that portion of the disposal price determined or deemed to have been determined by the Minister in terms of regulation 3.

SOUTH AFRICAN TRANSPORT SERVICES

No. R. 1854

12 September 1986

SAVINGS FUND REGULATIONS

SCHEDULE OF AMENDMENT

Under the powers vested in me by section 32 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act 16 of 1983), I, Hendrik Stephanus Johan Schoeman, Minister of Transport Affairs of the Republic of South Africa, do hereby approve of the South African Transport Services Savings Fund Regulations, published in Government Notice R. 412 of 21 March 1969, as amended, being further amended as follows with effect from 21 April 1986:

REGULATION 9

Substitute the following for paragraph (3):

- (3) If a member dies while he is still in the Service or dies after he has left the Service but before the amount due to him in terms of paragraph (2) could be paid to him,

aan hom verskuldig is, aan hom betaal kon word, word sodanige verskuldigde bedrag, onderworpe aan die bepalings van regulasies 7 en 8, aan sy afhanklikes betaal en, indien daar geen afhanklikes is nie, in die oorledene se boedel gestort.

No. R. 1855

12 September 1986

TRANSMED-REGULASIES

WYSIGINGSLYS

Ingevolge die bevoegdheid aan my verleen by artikel 32 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet 16 van 1983), verleen ek, Hendrik Stephanus Johan Schoeman, Minister van Vervoerwese van die Republiek van Suid-Afrika, goedkeuring daaraan dat die Transmed-regulasies gepubliseer in Goewermentskennisgewing R. 34 van 7 Januarie 1983, soos gewysig, verder soos volg gewysig word vanaf 1 Mei 1986:

REGULASIE 15

Hernommer subparagraaf (4) (b) om te lees (4) (c) en voeg die volgende nuwe subparagraaf (4) (b) in:

- (b) 'n Kind gebore uit 'n oorlede lid se huwelik wat deur egskedding ontbind is, word as 'n weeskind beskou en word 'n lid, mits die oorlede lid minstens 10 jaar ononderbroke diens voltooi het.

such amount due to him shall, subject to the provisions of regulations 7 and 8, be paid to his dependants or, if there are no dependants, into his estate.

No. R. 1855

12 September 1986

TRANSMED REGULATIONS

SCHEDULE OF AMENDMENT

Under the powers vested in me by section 32 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act 16 of 1983), I, Hendrik Stephanus Johan Schoeman, Minister of Transport Affairs of the Republic of South Africa, do hereby approve of the Transmed Regulations published in Government Notice R. 34 of 7 January 1983, as amended, being further amended as follows from 1 May 1986:

REGULATION 15

Renumber subparagraph (4) (b) to read (4) (c) and insert the following new subparagraph (4) (b):

- (b) A child born out of a deceased member's marriage, dissolved by divorce, shall be regarded as an orphan and shall become a member, provided the deceased member had completed at least 10 years' continuous service.

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