

# Provincial Gazette

Free State Province

Published by Authority

# Provinsiale Koerant

Provinsie Vrystaat

Uitgegee op Gesag

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**PROCLAMATION**

(P37/2/1)

[NO. 19 OF 2009]

Under the powers vested in me –

- A. by section 3 of the Roads Ordinance, 1968 (Ordinance 4 of 1968), as amended, I hereby declare that the section of the public road, described below, be changed in name and number from the date of publication of this proclamation; and
- B. by the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), as amended, I hereby declare that the public road, described below, shall be a building restriction road from the date of publication of this proclamation:

**DECLARATION OF A SECTION OF THE KNOPFONTEIN “A” – UNIONDALE SECONDARY ROAD S641 AS THE KNOPFONTEIN “A” – PELGRIMS RUST SECONDARY ROAD S1616, A-B, SITUATED IN THE MAGISTERIAL DISTRICT VILJOENSKROON (LENGTH ± 25,232 km):**

From point A (coordinates Y +6 224,0 and X 2 975 346,1) on Knopfontein “A” 215, where it leaves secondary road S714; thence over Knopfontein “A” 215, Subdivisions 5, 4, 3, 2 and 1 of Knopfontein “A” 215, Populierfontein 204, Zorgvliet 387, Corneliasville 403, Subdivision 1 and 2 of Beaumont 495, Subdivision 2 of Subdivision 1 of Makstruisvogel 482, Subdivision 3 of Subdivision 1 of Makstruisvogel 482, Makstruisvogel 482, Rudolph 48, Klipplaatfontein 517, Omega 516, Subdivision 1 of Vergenoeg 491, Fonteintje 488, Subdivision 1 of Cronjes Rust 206, Lemoendoorn 320, Johannasrust 307, Subdivision 1 of Rietfontein 299, Rietfontein 299, Rietfontein Oos 220, Subdivision 1 of Pelgrims Rust 506, Subdivision 3 of Subdivision 2 of Pelgrims Rust 506, Subdivision 2 of Pelgrims Rust 506 and Pelgrims 506, to point B (coordinates Y -5019,1 and X 2 994 356,6) on Pelgrims Rust 506, where it joins secondary road S696.

The road concerned is shown approximately on plan S64/1KK/2 in the office of the Head: Police, Roads and Transport, Bloemfontein.

Given under my hand at Bloemfontein on 26 June 2009.

**T.M. MANYONI**  
MEMBER OF THE EXECUTIVE COUNCIL:  
POLICE, ROADS AND TRANSPORT

**PROKLAMASIE**

(P37/2/1)

[NO. 19 VAN 2009]

Kragtens die bevoegdheid my verleen –

- A. by artikel 3 van die Ordonnansie op Paaie, 1968 (Ordonnansie 4 van 1968), soos gewysig, verklaar ek hiermee dat gedeelte van die openbare pad, hieronder beskryf, vanaf die datum van afkondiging van hierdie proklamasie van naam en nommer verander sal wees:
- B. by die Wet op Adverteer Langs en Toebou van Paaie, 1940 (Wet 21 van 1940), soos gewysig, verklaar ek hiermee dat die pad hieronder beskryf, vanaf die datum van afkondiging van hierdie proklamasie ‘n boubeperkingspad sal wees:

**VERKLARING VAN ‘N GEDEELTE VAN DIE KNOPFONTEIN “A” – UNIONDALE SEKONDÊRE PAD S641 TOT DIE KNOPFONTEIN “A” – PELGRIMS RUST SEKONDÊRE PAD S1616, A-B, GELEë IN DIE LANDDROSDISTRIK VILJOENSKROON (LENGTE ± 25,232 km):**

Vanaf punt A (koördinate Y +6 224,0 en X 2 975 346,1) op Knopfontein “A” 215, waar dit sekondêre pad S714 verlaat; vandaar oor Knopfontein “A” 215, Onderverdelings 5, 4, 3, 2 en 1 van Knopfontein “A” 215, Populierfontein 204, Zorgvliet 387, Corneliasville 403, Onderverdelings 1 en 2 an Beaumont 495, Onderverdeling 2 van Onderverdeling 1 van Makstruisvogel 482, Onderverdeling 3 van Onderverdeling 1 van Makstruisvogel 482, Makstruisvogel 482, Rudolph 48, Klipplaatfontein 517, Omega 516, Onderverdeling 1 van Vergenoeg 491, Fonteintje 488, Onderverdeling 1 van Cronies Rust 206, Lemoendoorn 320, Johannasrust 307, Onderverdeling 1 van Rietfontein 299, Rietfontein 299, Rietfontein Oos 220, Onderverdeling 1 van Pelgrims Rust 506, Onderverdeling 3 van Onderverdeling 2 van Pelgrims Rust 506, Onderverdeling 2 van Pelgrims Rust 506 en Pelgrims Rust 506, tot by punt B (koördinate Y -5019,1 en X 2 994 356,6) op Pelgrims Rust 506, waar dit by sekondêre pad S696 aansluit.

Die betrokke pad word by benadering aangetoon op plan S641/KK/2 in die kantoor van die Hoof: Polisie, Paaie en Vervoer, Bloemfontein.

Gegee onder my hand te Bloemfontein op 26 Junie 2009.

**T.M. MANYONI**  
LID VAN DIE UITVOERENDE RAAD:  
POLISIE, PAAIE EN VERVOER

(P37/2/12)

[NO. 20 OF 2009]

Under the powers vested in me by section 3 of the Roads Ordinance, 1968 (Ordinance 4 of 1968), as amended, I hereby declare that the public roads, described below, will be closed and changed in name and number from the date of publication of this proclamation:

1. **CLOSING OF A SECTION OF THE RANNOCH MOHR – SUBDIVISION 1 OF MOOIDAM SECONDARY ROAD S1217, B-C-D, SITUATED IN THE MAGISTERIAL DISTRICT CLOCOLAN (LENGTH ± 1,7 km):**

From point C on the boundary line between Rannoch Mohr 62 and Braemar 372 and Athlone 375, to point D on the boundary line between Athlone 375 and Mooibult 94.

2. **DECLARATION OF A SECTION OF THE RANNOCH MOHR – SUBDIVISION 1 OF MOOIDAM SECONDARY ROAD S1217 AS THE RANNOCH MOHR – BRAEMAR TERTIARY ROAD T5665, A-B, SITUATED IN THE MAGISTERIAL DISTRICT CLOCOLAN (LENGTH ± 0,8 km):**

From point A on Rannoch Mohr 62, where it leaves primary road P18/5; thence over Rannoch Mohr 62, Platelayers Cottage 74 and Rannoch Mohr 62, to point B on the boundary line between Rannoch Mohr 62 and Braemar 372.

3. **DECLARATION OF A SECTION OF THE RANNOCH MOHR – SUBDIVISION 1 OF MOOIDAM SECONDARY ROAD S1217 AS THE ATHLONE – SUBDIVISION 1 OF MOOIDAM TERTIARY ROAD T5666, A-B, SITUATED IN THE MAGISTERIAL DISTRICT CLOCOLAN (LENGTH ± 0,8 km):**

From point D on the boundary line between Athlone 375 and Mooibult 94; thence over Mooibult 94 and Subdivision 1 of Moodam 139, to point E on Subdivision 1 of Moodam 139, where it joins secondary road S503.

The roads concerned are shown approximately on plan S1217/KK/1 in the office of the Head: Community Safety and Transport, Bloemfontein/

Given under my hand at Bloemfontein on 26 June 2009.

**T.M. MANYONI**  
MEMBER OF THE EXECUTIVE COUNCIL:  
POLICE, ROADS AND TRANSPORT

(P37/2/12)

[NO. 20 VAN 2009]

Kragtens die bevoegdheid my verleen by artikel 3 van die Ordonnansie op Paaie, 1968 (Ordonnansie 4 van 1968), soos gewysig, verklaar ek hiermee dat die openbare paaie, hieronder beskryf, vanaf die datum van afkondiging van hierdie proklamasie gesluit en van naam en nommer verander sal wees:

1. **SLUITING VAN 'N GEDEELTE VAN DIE RANNOCH MOHR – ONDERVERDELING 1 VAN MOOIDAM SEKONDêRE PAD S1217, B-C-D, GELEë IN DIE LANDDROSDISTRIK CLOCOLAN (LENGTE ± 1,7 km):**

Vanaf punt C op die grenslyn tussen Rannoch Mohr 62 en Braemar 372; vandaar oor Braemar 372 en Athlone 375, tot by punt D op die grenslyn tussen Athlone 375 en Mooibult 94.

2. **VERKLARING VAN 'N GEDEELTE VAN DIE RANNOCH MOHR – ONDERVERDELING 1 VAN MOOIDAM SEKONDêRE PAD S1217 TOT DIE RANNOCH MOHR – BRAEMAR TERSIêRE PAD T5665, A-B, GELEë IN DIE LANDDROSDISTRIK CLOCOLAN (LENGTE ± 0,8 km):**

Vanaf punt A op Rannoch Mohr 62, waar dit primêre pad P18/5 verlaat; vandaar oor Rannoch Mohr 62, Platelayers Cottage 74 en Rannoch Mohr 62, tot by punt B op die grenslyn tussen Rannoch Mohr 62 en Braemar 372.

3. **VERKLARING VAN 'N GEDEELTE VAN DIE RANNOCH MOHR – ONDERVERDELING 1 VAN MOOIDAM SEKONDêRE PAD S1217 TOT DIE ATHLONE – ONDERVERDELING 1 VAN MOOIDAM TERSIêRE PAD T5666, A-B, GELEë IN DIE LANDDROSDISTRIK CLOCOLAN (LENGTE ± 0,8 km):**

Vanaf punt D op die grenslyn Athlone 375 en Mooibult 94; vandaar oor Mooibult 94, en Onderverdeling 1 van Moodam 139, tot by punt E op Onderverdeling 1 van Moodam 139, waar dit by sekondêre pad S503 aansluit.

Die betrokke paaie word by benadering aangetoon op plan S1217/KK/1 in die kantoor van die Hoof: Gemeenskapsveiligheid en Vervoer, Bloemfontein.

Gegee onder my hand te Bloemfontein op 26 Junie 2009.

**T.M. MANYONI**  
LID VAN DIE UITVOERENDE RAAD:  
POLISIE, PAAIE EN VERVOER

**TOWNSHIPS BOARD NOTICE**

It is hereby notified for general information in terms of section 30 read with section 27 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1210, 12<sup>th</sup> Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than **16:00 on Friday, 24 July 2009.**

**a) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME**

The amendment comprises the insertion of the new zonings "Special Uses 67 and 68", to Section 9(b), Table C of the Town-Planning Scheme to read as follows:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land in a use zone may be used with the consent of the Municipal Council
"Special Use 67" Portion 1 of Plot 3, Stirling Small Holdings, Bloemfontein (Bainsvlei)	Orange marked "S"	<p><b>Permitted uses:</b></p> <p>Retirement Resort as well as a sickbay, chapel, related dining hall/kitchen facilities and administrative offices needed for the management of the Resort.</p> <p>A maximum of 51 units will be developed on the property.</p> <p><b>Coverage:</b> 40% (all buildings included)</p> <p><b>Height:</b> Ground floor plus one storey</p> <p><b>Parking:</b></p> <p>General parking standards in terms of the Bainsvlei Town Planning Scheme No. 1 of 1984.</p> <p><b>Vehicle entrances and exits:</b></p> <p>Vehicle entrances and exits to and from the site must be to the satisfaction of the General Manager: Planning.</p> <p><b>Building lines:</b></p> <p>Subject to the Bainsvlei Town Planning Scheme No. 1 of 1984.</p>	None

**DORPERAADSKENNISGEWING**

Ingevolge artikel 30 saamgelees met artikel 27 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumente en inligting ter insae lê in die Lebohang Gebou, Kamer 1210, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Persone wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of vertoë in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnommers) sodat besware/vertoë met volledige redes, bogenoemde kantoor bereik nie later nie as **16:00 op Vrydag, 24 Julie 2009.**

**a) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:**

Die wysiging behels die invoeging van die nuwe sonerings "Spesiale Gebruike 67 en 68" tot Artikel 9(b), Tabel C, van die Dorpsaanlegskema om as volg te lees:

Gebruiksone	Hoe op kaart aangewys	Doelindes waarvoor grond gebruik mag word	Doelindes waarvoor grond in 'n gebruiksonne met met goedkeuring van die Munisipale Raad gebruik mag word
"Spesiale Gebruik 67"  Gedeelte 1 van Hoewe 3, Stirling Kleinhoewes, Bloemfontein (Bainsvlei)	Oranje gemerk "S"	<p><b>Toelaatbare gebruik:</b></p> <p>Aftreeroord asook 'n siekeboeg, kapel, aanverwante eetsaal/kombuis fasiliteite en administratiewe kantore nodig vir die bedryf van die aftreeroord.</p> <p>'n Maksimum van 51 eenhede sal ontwikkel word op die eiendom.</p> <p><b>Dekking:</b> 40% (alle geboue ingesluit)</p> <p><b>Hoogte:</b> Grondvlak plus een verdiepings</p> <p><b>Parkering:</b></p> <p>Algemene parkeer standaarde in terme van die Bainsvlei Dorpsaanlegskema nr. 1 van 1984.</p> <p><b>Voertuig ingang en uitgang:</b></p> <p>Voertuig in- en uitgange na en van die perseel moet wees tot bevrediging van die Algemene Bestuurder: Beplanning.</p> <p><b>Boulyyn:</b></p> <p>Onderworpe aan die Bainsvlei Dorpsaanlegskema nr. 1 van 1984.</p>	

<p>"Special Use 68"</p> <p>Remaining extent of Plot 3, Stirling Small Holdings, Bloemfontein (Bainsvlei).</p>	<p>Orange marked "S"</p>	<p><b>Additional requirements:</b></p> <p>Parking must be shaded by the optimal use of existing trees and trees must be planted and maintained at a minimum ratio of one tree providing shade for every two parking bays in the case of single rows of parking, or one tree providing shade for every four parking bays in the case of double rows of parking, in such a manner that shade is provided for all passenger vehicles parking bays to the satisfaction of the General Manager: Parks &amp; Cemeteries. The remaining portion of the premises that is not used for the purposes of the Retirement Resort purposes or parking may only be used as landscaping.</p> <p><b>Permitted uses:</b></p> <p>Health Care Centre for the aged, which will have a maximum of 60 beds, making provision for self care, frailty care and a maximum of 10 beds for sub acute residents (included in the 60 beds) as well as related dining hall/kitchen facilities and administrative offices needed for the management of the Centre.</p> <p><b>Coverage:</b></p> <p>40% (all buildings included)</p> <p><b>Height:</b></p> <p>Ground floor plus two storeys</p> <p><b>Parking:</b></p> <p>General parking standards in terms of the Bainsvlei Town Planning Scheme No. 1 of 1984.</p> <p><b>Vehicle entrances and exits:</b></p> <p>Vehicle entrances and exits to and from the site must be to the satisfaction of the General Manager: Planning.</p> <p><b>Building lines:</b></p> <p>Subject to the Bainsvlei Town Planning Scheme No. 1 of 1984.</p> <p><b>Additional requirements:</b></p> <p>Parking must be shaded by the optimal use of existing trees and trees must be planted and maintained at a minimum ratio of one tree providing shade for every two parking bays in the case of single rows of parking, or one tree providing shade for every four parking bays in the case of double rows of parking, in such a manner that shade is provided for all passenger vehicles parking bays to the</p>	<p>None</p>		<p><b>Adisionele vereistes:</b></p> <p>Parkering moet oorskadu word deur die optimale gebruik van bestaande bome en bome moet aangeplant en onderhou word teen 'n minimum verhouding van een boom vir die voorsiening van skadu vir elke twee parkeerplekke in die geval van enkelry-parkering, of een boom vir die voorsiening van skadu vir elke vier parkeerplekke in die geval van dubbelry-parkering op so 'n wyse dat alle passasiersvoertuig parkeerplekke oorskadu word tot bevrediging van die Algemene Bestuur: Parke en Begraafplase. Die gedeelte van die erf wat nie vir die doeleindes van die Aftree Oord doeleindes of parkering gebruik word nie, mag slegs vir landskappering gebruik word.</p> <p><b>Toelaatbare gebruike:</b></p> <p>Gesondheid Sentrum vir bejaardes, met 'n maksimum van 60 beddens waar voorsiening gemaak word vir self versorging, verswakte versorging en 'n maksimum van 10 beddens vir sub-akute inwoners (ingesluit in die 60 beddens) sowel as aanverwante eetsaal-/kombuis fasiliteite en administratiewe kantore nodig vir die bedryf van die Sentrum.</p> <p><b>Dekking:</b></p> <p>40% (alle geboue ingesluit)</p> <p><b>Hoogte:</b></p> <p>Grondvlak plus twee verdiepings.</p> <p><b>Parkering:</b></p> <p>Algemene parkeer standaarde in terme van die Bainsvlei Dorpsaanlegkema nr. 1 van 1984.</p> <p><b>Voertuig ingange en uitgange:</b></p> <p>Voertuig in- en uitgange na en van die perseel moet wees tot bevrediging van die Algemene Bestuurder: Beplanning.</p> <p><b>Boulyne:</b></p> <p>Onderworpe aan die Bainsvlei Dorpsaanlegkema nr. 1 van 1984.</p> <p><b>Adisionele vereistes:</b></p> <p>Parkering moet oorskadu word deur die optimale gebruik van bestaande bome en bome moet aangeplant en onderhou word teen 'n minimum verhouding van een boom vir die voorsiening van skadu vir elke twee parkeerplekke in die geval van enkelry-parkering, of een boom vir die voorsiening van skadu vir elke vier parkeerplekke in die geval van dubbelry-parkering op so 'n wyse dat alle passasiers-</p>	
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		satisfaction of the General Manager: Parks & Cemeteries. The remaining portion of the premises that does not form part of the Healthcare Centre or parking may only be used as landscaping.	
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The above-mentioned amendment is necessary, in order to enable the applicant to establish a Retirement Resort and a Health Care Centre for elderly with the above mentioned ancillaries, on the mentioned properties.

**b) BLOEMFONTEIN: PROPOSED AMENDMENT OF THE TOWN-PLANNING SCHEME**

The amendment comprises the following:

- a) the insertion of the new zoning "Special Use (Cxxiv)" to Section 23, Table IV and Section 29.10, to read as follows:

**Section 23, Table IV:**

Use zone	Purposes for which buildings may be erected and land may be used	Purposes for which buildings may be erected and land maybe used only with Council's permission	Purposes for which buildings may not be erected or land may not be used
Special Use (Cxxiv)	Entertainment facilities Overnight facilities Restaurant	None	All other purposes not stipulated in column 2 and 3

**Section 29.10:**

Special Use (Cxxiv)

- Permitted uses:** See column 2, Table IV
- Coverage: 50%
- Height: 2 Storeys
- Bulk: 1
- Parking: Entertainment facilities: 6 parking spaces/100 m<sup>2</sup> GLA with a minimum of 6  
Overnight facilities: 1 parking space/bedroom + 10/100 m<sup>2</sup> public area  
Restaurant: 6 parking spaces/100 m<sup>2</sup> GLA with a minimum of 6

- b) the extension of the scheme boundaries of Bloemfontein by the inclusion of the property Portion 1 (Somerton) of the farm Penrose 2378, Bloemfontein with the zonings as indicated on the layout plan which accompany the application, to the scheme area of Bloemfontein.

The above-mentioned amendments are necessary in order to enable the applicant to insert a new zoning and to include the proposed town establishment situated on the said property into the town planning scheme area of Bloemfontein.

		Voertuig parkeerplekke oorskadu word tot bevrediging van die Algemene Bestuur: Parke en Begraafplase. Die gedeelte van die erf wat nie deel vorm van die Gesondheid Sentrum of vir parkering gebruik word nie, mag slegs vir landskappering gebruik word.	
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Bogemelde wysigings is nodig ten einde die applikant in staat te stel om 'n Aftree Oord en 'n Gesondheid Sentrum vir bejaardes met die bogenoemde gebruike, op die gemelde eiendom te vestig.

**b) BLOEMFONTEIN: VOORGESTELDE WYSIGING VAN DIE DORPSAANLEGSKEMA**

Die wysiging behels die volgende:

- a) die invoeging van die nuwe sonering "Spesiale Gebruik (Cxxiv)" tot Artikel 23, Tabel IV en Artikel 29.10, om soos volg te lees:

**Artikel 23, Tabel IV:**

Gebruikstreek	Doeleindes waarvoor die geboue opgerig en die grond gebruik mag word	Doeleindes waarvoor die geboue en en die grond gebruik mag word slegs met die Raad se toestemming	Doeleindes waarvoor die geboue nie opgerig en die grond nie gebruik mag word nie
Spesiale Gebruik (Cxxiv)	Onthaal fasiliteite Oornag fasiliteite Restaurant	Geen	Alle doeleindes nie beskryf in kolom 2 en 3 nie

**Artikel 29.10:**

Spesiale Gebruik (Cxxiv)

- Toelaatbare Gebruike:** Sien Kolom 2, Tabel IV
- Dekking: 50%
- Hoogte: 2 Verdiepings
- Digtheid: 1
- Parkering: Onthaal fasiliteite: 6 parkeerplekke/100m<sup>2</sup> BVO met 'n Minimum van 6  
Oornag fasiliteite: 1 parkeerplek/kamer + 10/100m<sup>2</sup> publieke area  
Restaurant: 6 parkeerplekke/100m<sup>2</sup> BVO met 'n minimum van 6

- b) die uitbreiding van die skemagrense van Bloemfontein deur die insluiting van die eiendom Gedeelte 1 (Somerton) van die plaas Penrose 2378, Bloemfontein met die sonerings soos aangedui op die uitlegplan wat die aansoek vergesel, tot die skemagebied van Bloemfontein.

Bogemelde wysigings is nodig ten einde die appikant in staat te stel om 'n nuwe sonering te skep en die voorgestelde dorpstgting geleë op die gemelde eiendom by die dorpsaanlegskema gebied van Bloemfontein in te sluit.

**c) CLARENS: PROPOSED AMENDMENT OF THE TOWN-PLANNING SCHEME (REFERENCE A12/1/7/2/8/25)**

Die amendment comprises the insertion of two new zonings “Special Use 4” and Special Use 5” to section 15, Table C and Section 15(xi) to read as follows:

1. Section 15, Table C:

Use zone  (1)	Reference to Map  (2)	Purpose for which land may be developed  (3)	Purpose for which land may be developed only with the special consent of the Council  (4)
Special Use 4	Orange	Erven 41, 42 Dwelling houses, Residential buildings, Intermediate residential buildings	None
Special Use 5		Erven 43, 49 Shops, Business premises, Residential Buildings, Intermediate residential buildings, Restaurants, Cafes	

2. Section 15(xi), Special Use 4:

Description of land: Erven 41 and 42  
 Permitted uses: Refer to section 15, Table C, Column 3  
 Consent uses: Refer to Section 15, Table C, Column 4  
 Maximum Floor Area: 1200m<sup>2</sup>  
 Coverage: Total coverage of the erf may not exceed 30%  
 Height: Two storeys, with the additional allowance of loft rooms.  
 Parking: One parking space per dwelling on the erf.  
 Building line restrictions: Street building line: not further than 4m from Hill Street and the Service lane boundaries.  
 Side spaces: Zero: buildings must be built on the property’s side boundary.  
 Midblock building line: Dwellings: not further than 13m from the imaginary mid-line of the property. Outbuildings: 2m from the imaginary mid-line of the property.

3. Amend the classification on Map to read as follows:

Description of land	Present Zoning	Proposed Zoning
Erf 41 and 42	Special Residential	Special Use 4

**c) CLARENS: VOORGESTELDE WYSIGING VAN DIE DORPSAANLEGSKEMA (VERWYSING A12/1/7/2/8/25)**

Die wysiging behels die invoeging van twee nuwe sonerings “Spesiale Gebruik 4” en “Spesiale Gebruik 5”, tot Artikel 15, Tabel C en Artikel 15(xi) wat soos volg lees:

1. Artikel 15, Tabel C:

Gebruiksone  (1)	Hoe op kaart aangewys  (2)	Doeleindes waarvoor grond ontwikkel mag word  (3)	Doeleindes waarvoor grond alleen met die spesiale toestemming van die Municipale Raad ontwikkel mag word  (4)
Spesiale Gebruik 4	Oranje	Erwe 41 en 42 Woonhuise, Residensiële geboue, Tussenwonings	Geen
Spesiale Gebruik 5		Erwe 43, 49: Winkels, Kafees, Residensiële geboue, Tussenwonings, Besigheidsgeboue, Restaurante	

2. Artikel 15(xi), Spesiale Gebruik 4:

Beskrywing van grond: erwe 41, 42  
 Toegelate gebruike: Verwys na Klousule 15, Tabel C, Kolom 3.  
 Vergunningsgebruike: Verwys na Klousule 15, Tabel C, Kolom 4.  
 Maksimum Vloeroppervlakte: 1200m<sup>2</sup>  
 Dekking: Totale dekking van die erf mag nie 30% oorskry nie  
 Hoogte: Twee verdiepings plus soldervertrekke.  
 Parkering: Een parkeerplek per woning op die erf.  
 Boulynbeperrings: Straatboulyn: Besigheids-/Residensiële Geboue: geen boulyn: Geboue moet op erfgrense gebou word.  
 Tussenwonings: nie  
 Verder as 4m vanaf Hillstraat- en Colettestraat en Dienslaangrense nie.  
 Sygrensboulyn: geen geboue moet teenaan die sygrense gebou word.  
 Midblokhoulyn: vir tussenwonings: nie verder as 13m vanaf die denkbeeldige middellyn van die erf nie. Vir buitegeboue: 2m vanaf die denkbeeldige middellyn van die erf.

3. Wysig die indeling op kaart om soos volg te lees:

Beskrywing van grond	Huidige sonering	Voorgestelde Gebruik
Erf 41 en 42	Spesiale Woon	Spesiale Gebruik 4

<p>4. Section 15(xi), Special Use 5:</p> <p>Description of land: Erven 43 and 49                  Permitted uses: Refer to section 15, table C, Column 3                  Consent uses: Refer to Section 15, Table C, Column 4                  Maximum Floor Area: Residential buildings: 600m<sup>2</sup>.                  Intermediate residential building: 720m<sup>2</sup>                  Business buildings: 820m<sup>2</sup>                  Coverage: Total coverage of the erf may not exceed 80%                  Height: Two storeys, with the additional allowance of loft rooms.                  Parking: Residential buildings: one parking space per dwelling on the erf.                  Intermediate residential: one parking space per dwelling on the erf.                  Business: No parking (to be provided on street).                  Building line restrictions: Street building line: Business/Residential buildings:                  Zero. Buildings to be built on property boundary.                  Intermediate residential buildings: not further than 4m from Hill Street, Colette Street and the Service Lane boundary.                  Side spaces: Zero: buildings must be built on the property's side boundary.                  Midblock building line: Intermediate residential:                  Not further than 13m from the imaginary mid-line of the property. Outbuildings: 2m from the imaginary mid-line of the property.</p> <p>5. Amend the classification on Map to read as follows:</p> <table border="1"> <thead> <tr> <th>Description of land</th> <th>Present Zoning</th> <th>Proposed Zoning</th> </tr> </thead> <tbody> <tr> <td>Erf 43 and 49</td> <td>Special Residential</td> <td>Special Use 5</td> </tr> </tbody> </table> <p>The above-mentioned amendments are necessary in order to enable the applicant to utilize the said erven for residential and business purposes.</p>	Description of land	Present Zoning	Proposed Zoning	Erf 43 and 49	Special Residential	Special Use 5	<p>4. Artikel 15(xi), Spesiale Gebruik 5:</p> <p>Beskrywing van grond: Erwe 43,49                  Toegelate gebruike: Verwys na Klousule 15, Tabel C, Kolom 3                  Vergunningsgebruike: Verwys na Klousule 15, Tabel C, Kolom 4                  Maksimum vloeroppervlakte: Residensiële geboue: 600m<sup>2</sup>                  Tussenwonings: 720m<sup>2</sup>                  Besigheidsgeboue: 820m<sup>2</sup>                  Dekking: Totale dekking van die erf mag nie 80% oorskry nie.                  Hoogte: Twee verdiepings met dien verstande dat soldervertrekke toelaatbaar is.                  Parkering: Residensiële geboue: een parkeerplek per woning op die erf.                  Tussenwonings: een parkeerplek per woning op die erf.                  Besigheidsgeboue: geen parkering (parkering word op straat voorsien)                  Boulynbeperkings: Straatboulyn: Besigheids-/Residensiële Geboue: geen boulyn. Geboue moet op erfgrense gebou word. Tussenwonings: nie                  Verder as 4m vanaf Hillstraat-, Colettesstraat en Dienslaangrense nie.                  Sygrensboulyn: geen: geboue moet teenaan die sygrense gebou word.                  Midblokboulyn: vir tussenwonings: nie verder as 13m vanaf die denkbeeldige middellyn van die erf. Vir buitegeboue: 2m vanaf die denkbeeldige middellyn van die erf.</p> <p>5. Wysig die indeling op kaart om soos volg te lees:</p> <table border="1"> <thead> <tr> <th>Beskrywing van Grond</th> <th>Huidige sonering</th> <th>Voorgestelde sonering</th> </tr> </thead> <tbody> <tr> <td>Erf 43 en 49</td> <td>Spesiale Woon</td> <td>Spesiale Gebruik 5</td> </tr> </tbody> </table> <p>Bovermelde wysigings is nodig ten einde die applikant in staat te stel om residensiële en besigheids fasiliteite op gemelde erwe te ontwikkel.</p>	Beskrywing van Grond	Huidige sonering	Voorgestelde sonering	Erf 43 en 49	Spesiale Woon	Spesiale Gebruik 5
Description of land	Present Zoning	Proposed Zoning											
Erf 43 and 49	Special Residential	Special Use 5											
Beskrywing van Grond	Huidige sonering	Voorgestelde sonering											
Erf 43 en 49	Spesiale Woon	Spesiale Gebruik 5											

**TOWNSHIPS BOARD NOTICE**

It is hereby notified for general information in terms of the provisions of section 9(1) of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that application has been made for permission to establish a town on the under mentioned land:

**a) BLOEMFONTEIN: PROPOSED LAND DEVELOPMENT: 91 ERVEN**

To establish a town situated on Portion 1 (Somerton) of the farm Penrose 2378, Administrative District of Bloemfontein.

**b) RATANANG: PROPOSED LAND DEVELOPMENT: 202 ERVEN**

To establish a town on the proposed consolidation of a Portion of the Remainder of Portion 38 of the Farm Kalkfontein No. 11 and Erf 111 Saundershoogte Extension 1, Administrative District, Jacobsdal.

The application/s, relevant plans, documents and information will be available for inspection during office hours at the office of the Secretary of the Townships Board, Room 1210, Lebohang Building, 84 St. Andrew Street, Bloemfontein for a period of 30 days from the date of publication hereof, i.e. **10 July 2009**.

Any person has an interest in the matter and who wishes to object to the granting of the application or who desires to be heard, or wants to make representations concerning the matter, must communicate in writing with the Secretary of the Townships Board at the above-mentioned address, or P.O. Box 211, Bloemfontein, within a period of 30 days from the date of publication hereof, i.e. **11 August 2009**.

**SECRETARY: TOWNSHIPS BOARD**

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967)**

It is hereby notified in terms of section 3(6) of the above-mentioned Act that the following applications have been received by the Head of the Department: Cooperative Governance, Traditional Affairs and Human Settlement and will lie for inspection at Office 1210, twelfth floor, Lebohang Building, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authorities.

Any person who wishes to object to the granting of an application, may communicate in writing with the Head of the Department: Cooperative Governance, Traditional Affairs and Human Settlements, Spatial Planning Directorate, Land Use Management Component, at the above address or P.O. Box 211, Bloemfontein, 9300. Objection(s) stating comprehensive reasons, in duplicate, must reach this office not later than **16:00 on Friday, 7 August 2009**. The postal address, street address and telephone numbers(s) of objectors must accompany written objections.

**DORPERAADSKENNISGEWING**

Ingevolge die bepalings van artikel 9(1) van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat aansoek gedoen is om toestemming vir die stigting van 'n dorp op die ondergemelde gedeelte:

**a) BLOEMFONTEIN: BEOOGDE DORPSTIGTING: 91 ERWE**

Die stigting van 'n dorp geleë op Gedeelte 1 (Somerton) van die plaas Penrose 2378, Administratiewe Distrik Bloemfontein.

**b) RATANANG: BEOOGDE DORPSTIGTING: 202 ERWE**

Die stigting van 'n dorp op die voorgestelde konsolidasie van 'n Gedeelte van die Restant van Gedeelte 38 van die Plaas Kalkfontein No. 11 en Erf 111 Sandershoogte Uitbreiding 1, Administratiewe distrik, Jacobsdal.

Die aansoek/e tesame met die betrokke planne, dokumente en inligting lê gedurende kantoorure ter insae in die kantoor van die Sekretaris, Dorperaad, Kamer 1210, Lebohang Gebou, St. Andrewstraat 84, Bloemfontein, vir 'n tydperk van 30 dae van publikasie hiervan, naamlik **10 July 2009**.

Enige persoon wat 'n belang by die saak het en wat teen die toestaan van die aansoek beswaar wil maak of wat verlang om in die saak gehoor te word of verhoër in verband daarmee wil indien, moet binne 30 dae na die datum van plasing hiervan; naamlik **11 Augustus 2009** skriftelik met die Sekretaris van die Dorperaad by bovermelde adres of Posbus 211, Bloemfontein, in verbinding tree.

**SEKRETARIS: DORPERAAD**

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967)**

Hierby word ingevolge artikel 3(6) van die bogenoemde Wet bekend gemaak dat die volgende aansoeke deur die Departementshoof: Kooperatiewe Regering, Tradisionele Sake en Huisvesting ontvang is en ter insae lê in kamer 1210, twaalfde vloer, Lebohang Gebou, St Andrewstraat 84, Bloemfontein en by die kantore van die betrokke Plaaslike Besture.

Enige persoon wat teen die toestaan van die aansoeke beswaar wil maak, kan met die Departementshoof: Kooperatiewe Regering, Tradisionele Sake en Huisvesting, Direkoraat Ruimtelike Beplanning, Grondgebruik Bestuur Komponent, Posbus 211, Bloemfontein, 9300 skriftelik in verbinding tree. Besware met volledige redes in tweevoud, moet hierdie kantoor nie later nie as **16:00 op Vrydag, 7 August 2009** bereik. Beswaarmakers se pos-en straatadres en telefoonnommer(s) moet skriftelike besware vergesel.

**a) BAINSVLEI: (REFERENCE A12/1/9/1/2/7)**

Portion 23 of the farm Kenilworth 2734, Bloemfontein (Bainsvlei), [as indicated on the diagram that accompanied the application and which is available at the above-mentioned addresses], for the removal of restrictive conditions A.(1), A.(2) and B.(3) on page 2 in Deed of Transfer T27863/2006, pertaining to the said farm, in order to enable the applicant to erect a second dwelling on the property.

**b) BAINSVLEI: (REFERENCE A12/1/9/1/2/84 (26/08))**

Remaining extent of Plot 3, Stirling Small Holdings, Dr. Van Schalkwyk Road, Bloemfontein (Bainsvlei) for the removal of restrictive condition A(a) on page 2 in Deed of Transfer T31601/2003 pertaining to the said plot and condition A(a) on page 2 in Deed of Transfer T31600/2003 pertaining to portion 1 of Plot 3, Stirling Small Holdings, Bloemfontein (Bainsvlei), as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of portion 1 of Plot 3, Stirling Small Holdings, Bloemfontein (Bainsvlei) from "Holdings" to "Special Use 67" and the rezoning of the remaining extent of Plot 3, Stirling Small Holdings, Bloemfontein (Bainsvlei) from "Holdings" to "Special Use 68", in order to enable the applicant to establish a Retirement Resort and a Health Care Centre for the aged, on the said properties.

**c) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13(23/09))**

Portion 1 of erf 80, 158A Zastron Street, Westdene, Bloemfontein for the amendment of the Town-Planning Scheme of Bloemfontein by the rezoning of Portion 1 of erf 80, Westdene, Bloemfontein from "General Residential 2" to "Restricted Business 1" to enable the applicant to develop offices on the said erf.

**d) BLOEMFONTEIN: (REFERENCE: A12/1/9/1/2/13)**

Erf 8898, 241 Paul Kruger Avenue, Bloemfontein, Extension 55, (Universitas) for the removal of restrictive conditions 2.(a) and 2.(b) on page 3 in Deed of Transfer T549/2006 pertaining to Erf 8898, Bloemfontein, Extension 55, (Universitas), in order to enable the applicant to erect a second dwelling on the said erf.

**e) CLARENS: REFERENCE: (A12/1/9/1/2/25)**

Erven 41 and 42 situated at Hill Street, Clarens and erf 43 situated at Larola Street, Clarens for the removal of restrictive title condition (a) on page 2 in Deed of Transfer No. T19053/98 pertaining to erf 41, removal of restrictive condition (a) on page 2 in Deed of Transfer T13771/98, pertaining to erf 42, the removal of restrictive condition (a) on page 2 in Deed of Transfer T1090/98 pertaining to erf 43 and the amendment of the Town-Planning Scheme of Clarens by the rezoning of erven 41 and 42, Clarens from "Special Residential" to "Special Use 4" and the rezoning of erven 43 and 49 from "Special Residential" to "Special Use 5". The applicant aims to utilize the said erven for residential and business purposes.

**a) BAINSVLEI: (VERWYSING A12/1/9/1/2/7)**

Gedeelte 23 van die plaas Kenilworth 2734, Bloemfontein (Bainsvlei), [soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is], vir die opheffing van beperkende voorwaardes A.(1), A.(2) and B.(3) op bladsy 2 in Transportakte T27863/2006, ten opsigte van die gemelde plaas, ten einde die applikant in staat te stel om 'n tweede woning op die eiendom op te rig.

**b) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 (26/08))**

Resterende gedeelte van Hoewe 3, Stirling Kleinhoewes, Dr. Van Schalkwykweg, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaarde A(a) op bladsy 2 in Transportakte T31601/2003, ten opsigte van die gemelde hoewe en voorwaarde A(a) op bladsy 2 in Transportakte T31600/2003 ten opsigte van gedeelte 1 van Hoewe 3, Stirling Kleinhoewes, Bloemfontein (Bainsvlei), asook vir die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonering van gedeelte 1 van Hoewe 3, Stirling Kleinhoewes, Bloemfontein (Bainsvlei) vanaf "Hoewes" na "Spesiale Gebruik 67" en die hersonering van die resterende gedeelte van Hoewe 3, Stirling Kleinhoewes, Bloemfontein (Bainsvlei) vanaf "Hoewes" na "Spesiale Gebruik 68", ten einde die applikant in staat te stel om 'n Aftreeoord en 'n Gesondheid Sentrum vir bejaardes op die gemelde eiendomme, te vestig.

**c) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13(23/09))**

Gedeelte 1 van erf 80, Zastronstraat 158A, Westdene, Bloemfontein vir die wysiging van die Dorpsaanlegskema van Bloemfontein deur die hersonering van Gedeelte 1 van erf 80, Westdene, Bloemfontein vanaf "Algemene Woon 2" na "Beperkte Besigheid 1" ten einde die applikant in staat te stel om kantore op die erf te ontwikkel.

**d) BLOEMFONTEIN: (VERWYSING: A12/1/9/1/2/13)**

Erf 8898, Paul Krugerlaan 241, Bloemfontein, Uitbreiding 55, (Universitas) vir die opheffing van beperkende voorwaardes 2.(a) en 2.(b) op bladsy 3 in Transportakte T549/2006 ten opsigte van Erf 8898, Bloemfontein, Uitbreiding 55, (Universitas), ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

**e) CLARENS VERWYSING: (A12/1/9/1/2/25)**

Erwe 41 en 42 geleë te Hillstraat, Clarens, en erf 43 geleë te Larolastraat, Clarens vir die opheffing van beperkende titel voorwaarde (a) op bladsy 2 in Transportakte No. T19053/98 ten opsigte van erf 41, opheffing van beperkende voorwaarde (a) op bladsy 2 in Transportakte No. T13771/98, ten opsigte van erf 42 en opheffing van beperkende voorwaarde (a) op bladsy 2 in Transportakte No. T1090/98, ten opsigte van erf 43 en die wysiging van die Dorpsaanslegskema van Clarens deur die hersonering van erwe 41 en 42, Clarens vanaf "Spesiale Woon" na "Spesiale Gebruik 4" en die hersonering van erwe 43 en 49, Clarens vanaf "Spesiale Woon" na "Spesiale Gebruik 5". Die applikant beoog om residensiële en besigheids fasiliteite op gemelde erwe te ontwikkel.

**TOWNSHIPS BOARD NOTICE**

It is hereby notified for general information in terms of section 18 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1210, 12<sup>th</sup> Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than **16:00 on Friday, 7 August 2009**.

**a) SERETSE: EXTENSION 5: (REFERENCE A12/1/2/264)**

Amend General Plan SG No 320/2006 (sheet 2) Seretse, Extension 5, by the re-layout of erf 2225, Seretse, into 2 erven (a business erf and crèche), as indicated on the diagram which accompanied the application and is available at the above-mentioned addresses.

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967)**

It is hereby notified in terms of section 3(6) of the above-mentioned Act that the following applications have been received by the Head of the Department: Cooperative Governance, Traditional Affairs and Human Settlement and will lie for inspection at Office 1210, twelfth floor, Lebohang Building, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authorities.

Any person who wishes to object to the granting of an application, may communicate in writing with the Head of the Department: Cooperative Governance, Traditional Affairs and Human Settlement, Spatial Planning Directorate, Land Use Management Component, at the above address or P.O. Box 211, Bloemfontein, 9300. Objection(s) stating comprehensive reasons, in duplicate, must reach this office not later than **16:00 on Friday, 7 August 2009**. The postal address, street address and telephone numbers(s) of objectors must accompany written objections.

**a) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13(22/2009))**

Erf 1986, 62 Exton Road, Hilton, Bloemfontein, for the removal of restrictive conditions a) and b) on page 2 in Deed of Transfer T23171/2000 pertaining to erf 1986, Hilton, Bloemfontein as well as the amendment of the Town-Planning Scheme of Bloemfontein by the rezoning of the said erf from "Single Residential 2" to "Service Industry 1", in order to enable the applicant to develop a warehouse and other service industries on the property.

**DORPERAADSKENNISGEWING**

Ingevolge artikel 18 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumente en inligting ter insae lê in die Lebohang Gebou, Kamer 1210, 12de Vloer, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Persone wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of vertoë in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnummers) sodat besware/vertoë met volledige redes, bogenoemde kantoor bereik nie later nie as 16:00 op **Vrydag, 7 Augustus 2009**.

**a) SERETSE: UITBREIDING 5: (VERWYSING A12/1/2/264)**

Wysig Algemene Planne LG No 320/2006 (vel 2) Seretse, Uitbreiding 5, deur die heruitleg van erf 2225 in 2 erwe ('n besigheidserf en crèche), soos aangedui op die diagram wat die aansoek vergesel het en wat by bogenoemde adresse beskikbaar is.

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967)**

Hierby word ingevolge artikel 3(6) van die bogenoemde Wet bekend gemaak dat die volgende aansoeke deur die Departementshoof: Kooperatiewe Regering, Tradisionele Sake en Huisvesting ontvang is en ter insae lê in kamer 1210, twaalfde vloer, Lebohang Gebou, St Andrewstraat 84, Bloemfontein en by die kantore van die betrokke Plaaslike Besture.

Enige persoon wat teen die toestaan van die aansoeke beswaar wil maak, kan met die Departementshoof: Kooperatiewe Regering, Tradisionele Sake en Huisvesting, Direkoraat Ruimtelike Beplanning, Grondgebruik Bestuur Komponent, Posbus 211, Bloemfontein, 9300 skriftelik in verbinding tree. Besware met volledige redes in tweevoud, moet hierdie kantoor nie later nie as **16:00 op Vrydag, 7 Augustus 2009** bereik. Beswaarmakers se pos-en straatadres en telefoonnommer(s) moet skriftelike besware vergesel.

**a) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13(22/2009))**

Erf 1986, Extonweg 62, Hilton, Bloemfontein, vir die opheffing van beperkende voorwaardes a) en b) op bladsy 2 in Transportakte T23171/2000 ten opsigte van erf 1986, Hilton, Bloemfontein asook vir die wysiging van die Dorpsaanlegskema van Bloemfontein deur die hersonering van genoemde erf vanaf "Enkelwoning 2" na "Diensbedryf 1", ten einde die applikant in staat te stel om 'n pakhuis en ander diensbedrywe op die erf te vestig.

**b) BLOEMSPRUIT: (REFERENCE A12/1/9/1/2/14)**

Plot No. 60, Olive Hill Settlement, Kochlani Avenue, Bloemspruit (Bloemfontein), for the removal of restrictive conditions (a), (b), (c) and (d) on page 3 in Deed of Transfer T4551/1973 and conditions C.(a), C.(b) and C.(c) on pages 2 and 3 in Deed of Transfer T15992/2007 pertaining to Plot No. 61, Olive Hill Settlement, Kochlani Avenue, Bloemspruit (Bloemfontein), in order to subdivide the said properties.

**b) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14)**

Hoewe No. 60, Olive Hill Nedersetting, Kochlanilaan, Bloemspruit (Bloemfontein), vir die opheffing van beperkende voorwaardes (a), (b), (c) en (d) op bladsy 3 in Transportakte T4551/1973 en voorwaardes C.(a), C.(b) en C.(c) op bladsye 2 en 3 in Transportakte T15992/2007, ten opsigte van Hoewe No. 61, Olive Hill Nedersetting, Kochlanilaan, Bloemspruit (Bloemfontein), ten einde die gemelde eiendomme onder te verdeel.

**COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENT NOTICES****NALA****LOCAL MUNICIPALITY****DRAFT CREDIT CONTROL AND DEBT****COLLECTION BY -LAW****FOR COMMUNITY PARTICIPATION****2<sup>nd</sup> Draft Document****PROPOSED BY-LAWS FOR THE NALA LOCAL MUNICIPALITY****PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:****DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAWS**

1. The following draft Credit Control and Debt Collection By-Laws for the Nala Local Municipality contained in the Schedule hereto, are hereby in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Council to consider the adoption thereof after comments have been received and considered.
2. Written comments must be handed in at the office of the Municipal Manager, Municipal Offices, Bothaville and Wesselsbron or posted to the Municipal Manager, Private Bag x15, Bothaville, 9660 or faxed to the Municipal Manager at number 086 524 2233 or sent by e-mail to the Municipal Manager to: [btotolo@nala.org.za](mailto:btotolo@nala.org.za)
3. Comments must reach the office of the Municipal Manager not later than 21 (twenty one) calendar days after the date of this publication as from 02 April 2009 to 22 April 2009. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the library and Municipal Offices in Bothaville, Kgotsong, Wesselsbron and Monyakeng during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee.
4. Copies of the draft By-Laws will also be available for perusal at the library and Municipal Offices in Bothaville, Kgotsong, Wesselsbron and Monyakeng during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee.

**MP Thithi  
MUNICIPAL MANAGER**

## SCHEDULE

## DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

## PREAMBLE

To regulate customer care management, credit control and debt collection policies in the Nala municipal area.

BE IT ENACTED by the Nala Local Municipality as follows:-

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## Definitions

1. In this by - law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, has that meaning, unless the context, indicates otherwise-

**"Arrangement"** means a written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

**"Account"** means an account rendered specifying charges for services provided by the municipality, or any authorized and contracted service provider, and/or may not include assessment rates levies;

**"Billing date"** means the date upon which the monthly statement is generated and debited to the customer's account,

**"Business premises"** means premises utilized for purposes other than residential and excludes the following; -

- (a) hospitals, clinics and institutions for mentally ill persons which are not operated for gain;
- (b) museums, art galleries, libraries and botanical gardens which are registered in the names of private persons and are open to the public, whether admission fees are charged or not;
- (c) sports grounds used for the purpose of amateur sports and any social activities which are connected with such sports;
- (d) any property registered in the name of an institution or organisation which, in the opinion of the Council, performs charitable work;
- (e) any property utilised for bona fide church or religious purposes.

**"Chief Financial Officer"** means the official accountable and responsible to the municipal manager for the implementation, enforcement and administration of the customer care management and debt collection policies contained in these by - laws,

**"Credit Control"** means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

**"Council"** means the Municipal Council of Nala Municipality or any duly authorized Committee political office bearer or official of the said Council.

**"Customer"** means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

**"day/days"** means calendar days, inclusive of Saturdays, Sundays and public holidays.

**"Defaulter"** means any person owing the Council arrear monies in respect of taxes and/or service charges.

**"Due date"** in relation to -

- (a) rates due in respect of any immovable property, means the thirtieth(30) day of September of the financial year for which such rate is made, or any other date determined by council by notice in the Provincial Gazette, and
- (b) in respect of service charges due in respect of any immovable property, means the date for payment indicated on the account.
- (c) should such day fall on a Saturday, Sunday or public holiday the due date shall be the next working day.

**"Immovable property"** includes -

- (a) an undivided share in immovable property, and
- (b) any right in immovable property.

**"Indigent debtor"** means:

- (a) the head of an indigent household:
  - (i) who applied for and has been declared indigent in terms of this By - law for the provision of services from the municipality; and
  - (ii) who makes application for indigent support in of this By - law terms on behalf of all members of his or her household;
- (b) orphaned minor children duly represented by their legal and/or defacto guardians,

**"Indigent Support Programme"** means a structured programme for the provision of indigent support subsidies to qualifying indigent debtors in terms of the Council's Indigent Support Policy.

**"Indigent Support Policy"** means the Indigent Support Policy adopted by the Council of the Municipality.

**"Interest"** Means a charge levied on all arrear monies with the same legal priority as service fees and calculated at a rate determined by Council from time to time;

**"Month"** means a calendar month.

**"Monthly average consumption"** means the monthly average consumption in respect of that property calculated on the basis of consumption over the preceding or succeeding twelve months.

**"Municipal pay point"** means any municipal office in the area of jurisdiction of the municipality designated by Council for such purposes, or any such other places as the Chief Financial Officer may from time to time designate.

**"Municipal services"** means services provided either by the municipality, or by an external agent on behalf of the Municipality in terms of a service delivery agreement.

**"Municipality"** means the Nala Municipality.

**"Municipal Manager"** means the Municipal Manager of the Nala Municipality or his or her nominee acting in terms of power delegated to him or her by the said Municipal Manager with the concurrence of the Council,

**"Occupier"** means the person who controls and resides on or controls and otherwise uses immovable property, provided that -

- (a) the husband or wife of the owner of immovable property which is at any time used by such owner and husband or wife as a dwelling, shall be deemed to be the occupier thereof;
- (b) where a husband and wife both reside on immovable property and one of them is an occupier thereof; the other shall also be deemed to be an occupier thereof.

**"Owner"** in relation to immovable property means -

- (a) the person in whom is vested the legal title thereto provided that -
  - (i) the lessee of immovable property which is leased for a period of not less than thirty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
  - (ii) the occupier of immovable property occupied under a service servitude or right analogous thereto, shall be deemed to be the owner thereof;
- (b) if the owner is dead or insolvent or has assigned his or her estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, shall be deemed to be the owner thereof;
- (c) if the owner is absent from the Republic or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, or
  - (i) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property.

**"Premises"** includes any piece of land, the external surface boundaries of which are delineated on:

- (a) A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or
- (b) A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

**"Prescribed"** means prescribed by this policy and where applicable by Council or the Municipal Manager.

**"Person"** means a natural and juristic person, including any department of state, statutory bodies or foreign embassies.

**"Rates"** means any tax, duty or levy imposed on property by the municipality.

**"Registered owner"** means that person, natural or juristic, in whose name the property is registered in terms of the Deeds Registry Act, no. 47 of 1937.

**"Responsible person"** means any person other than the registered owner of an immovable property who is legally responsible for the payment of municipal service charges,

**"Service charges"** means the fees levied by the Municipality in terms of its tariff policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest or surcharges levied or imposed in terms of these by - laws.

**"Service delivery agreement"** means an agreement between the Municipality and an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000.

**"Sundry debtor accounts"** means accounts raised for miscellaneous charges for services provided by the Municipality or charges that was raised against a person as a result of an action by a person and which was raised in terms of Councils policies, bylaws and decisions

**"Tariff"** means any rate, tax, duty and levy or fee which may be imposed by the municipality for services provided either by itself or in terms of a service delivery agreement.

**"Tariff Policy"** means a Tariff Policy adopted by the Council in terms of Section 74 of the Local Government: Municipal Systems Act 32 of 2000.

**"User"** means the owner or occupier of a property in respect of which municipal services are being rendered.

### SUPERVISORY AUTHORITY

2. (1) The Council oversees and monitors -

(a) The implementation and enforcement of this by-law of the municipality's credit control and debt collection policy.

(b) The performance of the Municipal Manager in implementing this by - law and the credit control and debt collection policy.

(2) The Council shall at least once a year, cause an review of this by - law and the credit control and debt collection policy to be performed in order to improve the efficiency of the Municipality's credit control and debt collection mechanisms, processes and procedures and to the implementation of this by - law.

(3) The Municipal Manager shall submit a report to council regarding the implementation of these by - laws and credit control and debt collection policy at such intervals as Council may determine.

(4) The Municipal Manager; -

(a) Implements and enforces this by-law and the municipality's credit control and debt collection policy.

(b) Is accountable to the Council for the enforcement of this by - law and shall submit a report to the Council regarding the implementation and enforcement of this by-law and he credit control and debt collection policy at such intervals as may be determined by Council.

(c) Must establish effective administration mechanisms, processes and procedures to collect money that is due and payable to the Municipality.

(d) Where necessary, propose to the Council with the aim of improving the efficiency of the credit control and debt collection mechanisms, processes and procedures,

(e) Establish effective communication between Council and account holders with the aim of keeping account holders abreast of all decisions by Council that may affect account holders.

(f) Establish customer service centres, which are located in such communities as determined by Council.

(g) Convey to account holders information relating to the costs involved in service provision, the reasons for payment of services are utilized, and may where necessary; employ the services of local media to convey such information.

(5) The Municipal Manager may, in writing, delegate any of the powers entrusted or delegated to him or her in terms of Council's credit control and debt collection by-law to the Chief Financial Officer.

(6) A delegation in terms of subsection (5):-

(a) Is subject to any limitations or conditions that the Municipal manager may impose;

(b) May authorize the Chief Financial Officer to, in writing, sub-delegate power to another official of the municipality;

(c) Does not divest the Municipal Manager of the responsibility concerning the exercise of the delegated power.

(7) The Chief Financial Officer shall be responsible to the Municipal Manager for the implementation, enforcement and administration of this policy, and the general exercise of his powers in terms of this by - law,

### APPLICATION FOR THE PROVISIONS OF MUNICIPAL SERVICES

3. (1) The applications for the provision of municipal services must be made by the registered owner of an immovable property shall be made by the registered owner of the said immovable property in writing and in accordance with prescribed form.

(2) Individuals and businesses with lease agreements to lease properties from the municipality and government departments will be allowed to open an account in the name of the lessee of the property.

- (3) The registered owner of an immovable property in respect of which application for the provision of municipal services has been made shall at least ten days prior to the date on which the services are required to be connected, enter into a written agreement with the municipality in accordance with the prescribed form.
- (4) The written agreement referred to in subsection (2) shall, amongst others, makes provision for the following: -
  - (a) An undertaking by the owner that he or she will be liable for collection costs including administration fees, interests, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date;
  - (b) An acknowledgement by the owner that accounts will become due and payable by the due date notwithstanding the fact that the owner did not receive the account; and
  - (c) That the onus will be on the owner to ensure that he or she is in possession of an account before the due date.
  - (d) An undertaking by the Municipality that it shall do everything in its power to deliver accounts timorously.
- (5) The Municipality may, upon the written request of the registered owner of an immovable property, enter into a written agreement with both the registered owner and occupier of the immovable property in respect of which application for the provision of municipal services has been made. The agreement shall be in accordance with the prescribed form.
- (6) The registered owner of a property in respect of which application has been made for the provision of Municipal services shall, at least ten days prior to taking occupation of the aforesaid property, notify the Chief Financial Officer thereof in writing in accordance with the prescribed form.
- (7) The Chief Financial Officer shall causes a reading of the meters installed at the premises in respect of which application for the provision of municipal services has been taken on the working day preceding the date of occupation.
- (8) The Chief Financial Officer may, from time to time, require all owners or occupiers of immovable properties in respect of which Municipal services are being rendered, to enter into written agreements with the Municipality in accordance wit the form referred to in subsection (2)
- (9) An applicant for the provision of municipal services in respect of immovable property shall be required to pay a prescribed deposit prior to the provision of any municipal services.
- (10) The municipal manager may, in his sole discretion, and upon written notice to the owner of a property and after the conclusion of the agreement referred to in sub-section (2), either increases or decrease the deposit payable.
- (11) The municipal manager may, in his sole discretion, and upon written notice of any intention to increase the minimum deposit payable by the owner or responsible person, and shall, in the aforesaid notice, state full reasons for the increase and allow the owner or responsible person an opportunity to make written representations in this regard.
- (12) An aggrieved owner or responsible person may, within a period of ten days after having been notified of the aforesaid increase, and in the prescribed manner, lodge an appeal against the decision of the Municipal Manager to council.
- (13) The Municipality council shall, within a period of ten (10) days after receipt of the appeal notice, pronounce upon the matter. No further appeal against the decision of the municipality council shall be allowed,
- (14) The Chief Financial Officer may, in his sole discretion, and in respect of premises utilized for business purposes, accept a guarantee in lieu of a deposit.
- (15) On termination of the supply of services, the amount of such deposit, less any payments due to council must be refunded to an account holder.

#### ACCOUNTS AND BILLING

4. (1) The Municipality shall provide every person who is liable terms of a signed agreement for services charges in respect of Municipal services<sup>^</sup> with an account in respect of every property for which that person is liable and all services rendered in respect of those properties.
- (2) Accounts will be rendered on a monthly basis in cycles of approximately thirty days,
- (3) All accounts rendered by the Municipality shall be payable on the due date as indicated on the account.
- (4) Any amount which remains due and payable after the due date shall attract interest.
- (5) Payments shall be deemed to be late unless received on before the due date at a Municipal pay point by the close of business.
- (6) Electronic payments or payments made through agents must be received in the Municipal bank account by the close of business on the due date.
- (7) All accounts shall be payable by the due date regardless of the fact that the person responsible for the payment of the account has not received it and the onus shall be on such person to obtain a copy of the account before the due date.

**POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICES**

5. The council may disconnect the supply of electricity; block the purchase of electricity on the prepayment system and/or restrict or disconnect the supply of water whenever a user of any such service:
- (a) Fails to make full payment on the due date or fails to make an acceptable arrangement for the repayment of any amount due in respect of municipal charges.
  - (b) fails to comply with a condition of supply imposed by the council;
  - (c) tampers with any municipal supply meter or bypasses any metering equipment in order to obtain an un-metered services.
  - (d) commits any act which would in terms of the applicable Electricity and Water By-Laws, entitle the Municipality to discontinue municipal services;
  - (e) causes a situation which in the opinion of the council is dangerous or a contravention of relevant legislation;
  - (f) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 24 of 1936 or any other applicable law;
  - (g) becomes subject to an order granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944),
  - (h) Council shall, before limiting or discontinuing water services to any premises or consumer, ensure that a fair and equitable procedure is followed. Council shall provide reasonable notice of intention to limit or discontinue water services and grant the affected person an opportunity to make written representations in terms of Section 4 of the Water Services Act, 103 of 1997.
  - (i) The right to restrict, discontinue or terminate a service shall be in respect of any service rendered by council, and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and notwithstanding the fact that the person who entered into an agreement for the supply of services with the Council and the owner are different entities or persons, as the case may be.

**METERING OF MUNICIPAL SERVICES**

6. (1) Council may introduce various metering equipment and may encourage an account holder to convert to a system which is preferred by Council when Council considers this to be beneficial to its functioning and operations.
- (2) Council's preferred metering system to measure electricity is the prepayment electricity metering system for domestic consumers and for certain business consumers.
- (3) The Chief Financial Officer may, at the written request of an account holder and on the dates requested by the account holder -
- (a) disconnect the supply of metered services to the account holder's premises; and
  - (b) restore the supply, and the account holder must before the metered services is restored pay the prescribed charge for the disconnection and restoration of his or her supply of metered services,
- (4) The following apply to the reading of credit meters:
- (a) Unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariff are assessed accordingly and Council is not obliged to effect any adjustments to such charges;
  - (b) if for any reason the credit meter cannot be read, Council may render an estimated account, and estimated consumption shall be adjusted in a subsequent account in accordance with the consumption actually consumed;
  - (c) when an account holder vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly;
  - (d) if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and
  - (e) if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer -
    - (i) the error shall be corrected in subsequent accounts;
    - (ii) any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered,
    - (iii) the correction shall be based on the actual tariffs applicable during the period; and
    - (iv) the application of this section shall not prevent a consumer from claiming overpayment for any longer period where the consumer is able to prove the claim in a court of law.
- (5) The following applies to prepayment metering:
- (a) No refund of the amount tendered for the purchase of electricity or water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
  - (b) copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer;
  - (c) when an account holder vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the owner by Council;

- (d) Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens;
- (e) where an account holder is indebted to Council for any assessment rates, metered services, other municipal charges, levies, fees, fines,
- (f) interest, taxes or any other amount or amounts payable arising from any other liability or obligation, Council may apply all the debt collection actions available on the prepayment electricity system to collect arrear debt; and
- (g) Council may appoint vendors for the sale of credit for prepayment meters and does not guarantee the continued operation of any vendor.

#### **PAYMENT FACILITIES AND METHODS**

- 7. (1) Payments on accounts rendered may be effected at any Municipal office designated for this purpose by Council or such other places as the Chief Financial Officer may from time to time designate.
- (2) The Chief Financial Officer may at his discretion and from time to time, designate certain payment methods which will be acceptable to the Municipality.
- (3) Any payments made in respect of municipal charges may be allocated by the Municipality entirely within its discretion, provided that any part payment on an account shall be allocated firstly to reduce any penalty charges which may have accrued on the account.

#### **ENQUIRIES AND APPEALS**

- 8. (1) An aggrieved person may address a grievance or query regarding charges for Municipal services to the Chief Financial Officer in writing and in accordance with the prescribed form.
- (2) The aggrieved person shall clearly state the basis of his/her dissatisfaction and the desired resolution.
- (3) The lodging of an inquiry shall not relieve the aggrieved person of the responsibility to settle the account, provided that the Chief Financial Officer may, on application in writing and in his sole discretion, direct that interim payments be made pending the finalisation of the inquiry.
- (4) The Chief Financial Officer shall respond to such an inquiry in writing within sixty days from the date of the lodgement of the inquiry,

#### **CREDIT CONTROL AND DEBT COLLECTION POLICY**

- 9. (1) The Council shall have a written policy on credit control and debt collection which shall be termed the Credit Control and Debt Collection Policy and which must provide for:
  - (a) Credit control procedures and mechanisms;
  - (b) Debt collection procedures and mechanisms;
  - (c) Provision for indigent debtors;
  - (d) Interest on arrears;
  - (e) Extensions of time for payment of accounts, including arrangements for payment;
  - (f) Termination of services or the restriction of the provision of services when payments are in arrears;
  - (g) The provision of new services;
  - (h) An agreement between a debtor's employer and the Council to deduct amounts from the debtor's salary or wage;
  - (i) Any other matter which is incidental to credit control and debt collection;
  - (j) The sale in execution of any property. In determining its policy, the Council may differentiate between categories of persons, clients, debtors and owners as it may deem appropriate provided such differentiation does not amount to unfair discrimination.
- (2) Anyone shall, upon payment of the prescribed fee be entitled to a copy of the Credit Control Policy.

#### **CREDIT CONTROL AND DEBT COLLECTION PROCEDURES: RATES AND SERVICE CHARGES.**

- 10. (1) Annual rates and service charges are levied on all properties during July of every year, and the due date for the payment of these charges are on the thirtieth (30<sup>th</sup>) day of September of every year. Council may by notice in the Provincial Gazette amend these dates.
- (2) Rates, refuse and sewerage charges which are by arrangement paid on a monthly basis shall be payable by the due date as indicated on the account.
- (3) Accounts rendered by the Municipality in respect of electricity and water shall be payable by the due date as indicated on the account,
- (4) Interest on arrears shall accrue on all amounts that remain unpaid after the due date as indicated on the account rendered by the municipality.
- (5) In the event of an owner of property falling to pay the outstanding rates and service charges by the due date, the Chief Financial Officer or any person duly authorised thereto, shall ensure that the necessary steps are taken to collect the arrear debt in accordance with the debt collection procedures prescribed in terms of the Credit Control and Debt Collection Policy.

- (6) The Municipality shall disconnect the electricity supply or block the purchase of electricity on the prepayment electricity system and/or restrict or disconnect the water supply of any property in respect of which an account has not been paid by the due date in the manner provided for in the Electricity and Water By-laws.
- (7) Any legal costs, collection costs and disbursements relating to the aforesaid procedures shall be debited to account of the defaulting debtor.
- (8) Persons who have made arrangements to settle their rates accounts on a monthly basis shall maintain regular payments. Failure to adhere to the arrangement and to pay the monthly instalments for three consecutive months shall result in the cancellation of the said facility, and the outstanding balance shall become due and payable.
- (9) The Chief Financial Officer may refuse to allow any registered owner who has defaulted on the monthly payment facility to enter into such an arrangement for a further period determined by the Chief Financial Officer or any person duly authorised thereto and which period shall not exceed three years.
- (10) Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1988 is responsible for the payment of any amount to the Council, the liability of such entity shall be extended to the directors or members thereof jointly and severally as the case may be.
- (11) The Chief Financial Officer may, upon good cause shown, allow any defaulting owner or occupier of a property, to enter into an arrangement for the payment of the outstanding account by way of instalments, on such terms and conditions determined by the Credit Control and Debt Collection Policy. When such an agreement has been entered into, all actions against the owner or occupier of a property in terms of the Credit Control and Debt Collection policy shall be suspended.
- (12) The Chief Financial Officer may, in respect of an Owner of a property where the water and/or electricity connections had been disconnected at least twice during the preceding period of twelve months, give notice in terms of the provisions of these by-laws of his intention to review the amount of the deposit required from that owner.

#### **CERTIFICATES REQUIRED FOR THE TRANSFER OF IMMOVABLE PROPERTY**

11. (1) Applications for the issuing of certificates required for the transfer of immovable property in terms of Section 118 of the Local Government: Municipal Systems Act No 32 of 2000 must be lodged with the Chief Financial Officer in the prescribed manner.
- (2) A certificate mentioned in subsection (1) may only be issued if all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

#### **INTEREST ON OUTSTANDING BALANCES**

12. (1) Rates  
All outstanding payments in respect of rates levied and not paid by the due date shall attract interest.
- (2) Service Charges  
All outstanding accounts in respect of service charges that are not paid by the due date shall attract interest.
- (3) Sundry Debtor Accounts  
All outstanding amounts in respect of sundry debtor accounts and that have not been settled within thirty days from the billing date shall attract interest.
- (4) No interest shall be charged on any outstanding amounts in respect of which an agreement had been concluded for the payment by way of instalments thereof, provided that the debtor complies with the terms of the agreement.
- (5) For the purposes of this section the interest shall be calculated for each month for which such payment remains unpaid and a part of a month shall be deemed to be a month.

#### **WRITE OFF OF IRRECOVERABLE DEBTS**

13. (1) The Municipal Council may, on recommendation from the Municipal Manager, or any duly delegated official, write off any debt or portion thereof, provided that the Municipal Council is satisfied that the debt or portion thereof is irrecoverable or that it will be in the best interest of the Municipality to accept part payment of the debt in full and final settlement.
- (2) The executive Mayor may recommend to the Municipal Council that any outstanding debt or portion thereof be written off, if in his opinion it would be in the best interest of the Municipality, and that the writing off of the debt will not be contrary to the provisions of the local Government: Municipal Finance Management Act No, 56 of 2003.
- (3) The Municipal Manager shall in his written recommendations to Council provide details of:
  - (a) The debt collection procedures implemented to recover the debt and the costs incurred as a result thereof;
  - (b) The reasons why the debt collection procedures were not successful and had to be abandoned;
  - (c) The debtors financial position, if known;
  - (d) Reasons why the debt or a portion thereof is regarded as being irrecoverable;

**TARIFF POLICY**

14. (1) The Council of the Municipality shall adopt a tariff policy which shall reflect at least the following principles:
- (a) That users of municipal services should be treated equitably In the application of tariffs
  - (b) That the amount individual users pay for services should generally be in proportion to their use of that service;
  - (c) That poor households must have access to at least basic services through:-
    - (i) tariffs that cover only operating and maintenance costs,
    - (ii) special tariffs or life time tariffs for low levels of use or consumption of services or for basic levels of service; or
    - (iii) any other direct or indirect method of subsidisation of tariffs for poor households.
  - (d) That tariffs must reflect the costs reasonably associated with rendering a service, including capital, operating, maintenance, administration and replacement costs and Interest charges;
  - (e) That tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
  - (f) That provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
  - (g) That provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
  - (h) That the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives are encouraged;
  - (i) That the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.
- (2) Tariffs adopted by the Council In terms of the Tariff Policy shall encourage and promote the objects and programmes contained in the Integrated Development Plan of the Municipality.
- (3) The Tariff Policy adopted by the Council shall be reviewed by the Council of the Municipality at least once every year.

**FIXING OF CHARGES AND FEES BY RESOLUTION**

15. (1) The Municipal Council shall by special resolution fix charges and fees or tariffs of charges and fees In respect of municipal services:-
- (a) in connection with any amenity, facility, entertainment, exhibition, performance or service established or provided by It where no such charges, fees or tariffs have been fixed by law;
  - (b) for the exercise and performance of any power, duty or function conferred or imposed on it by or under any law where no such charges, fees or tariff has been fixed by or under such law;
  - (c) and may:-
    - (i) in fixing such charges, fees or tariff, differentiate between different classes of persons or property on such grounds as it may deem reasonable;
    - (ii) from time to time amend such charges or fees, and
    - (iii) recover any charges or fees so fixed.
- (2) The Municipal Council shall, after fixing or amending any charges, fees or tariff of charges and fees In terms of subsection (1) in connection with any municipal service;
- (a) advertise the fixing or amendment of such charges, fees or tariff;
  - (b) in the advertisement contemplated by paragraph (a), specify the date on or circumstances in which such fixing or amendment shall take effect.
- (3) When the Municipal Council has fixed or amended any charges, fees or tariff of charges and fees in terms of subsection (1) in any case not contemplated by section (2) shall, by publication in the press, give notice of the fixing or amendment of such charges, fees or tariff and of the date on or circumstances In which such fixing or amendment shall take effect and such fixing or amendment shall take effect on the date so fixed or in the circumstances so specified.

**FULL AND FINAL SETTLEMENT OF AN AMOUNT**

16. (1) The Chief Financial Officer shall be at liberty to appropriate monies received In respect of any municipal services provided by the Municipality in a manner he or she deems fit in accordance with the Credit Control and Debt Collection Policy of the Council.
- (2) Where the exact amount due and payable to the Council has not been paid In full, any lesser amount tendered to and accepted by any Council employee, shall not be deemed to be in final settlement of such an amount unless permitted by the Credit Control Policy and Debt Collection Policy of the Council.
- (3) The provisions in sub-section (1) above shall prevail notwithstanding the fact that such a lesser payment was tendered and/or accepted in full settlement.

**AGREEMENTS WITH EMPLOYER BODIES**

17. (1) The Chief Financial Officer may enter into a written agreement with any employer within the Council's area of jurisdiction to deduct outstanding rates and service charges or to settle regular monthly accounts through deductions from salaries or wages of its employees,
- (2) The Municipality may, from time to time, provide special rebates, Incentives or benefits to the employer or employees in the event of such an agreement, subject to the provisions of the Local Government: Municipal Property Rates Act, 6 of 2004, and any other applicable legislation.

**CUSTOMER ASSISTANCE PROGRAMS**

18. (1) Water Leak Rebates
- (a) The owner of property or occupier thereof will only be entitled to a water leak rebate if:-
- (i) Such person submits a certificate from a registered plumber or sworn affidavit from any other person who has repaired the leak\* within ten days of the leak having been repaired. The said certificate must clearly state the date on which the leak was repaired, confirm that the leak was not discernable from the surface, and certify that the leak occurred on a pipe listed on the schedule of approved pipes and fittings prescribed by the Director of Engineering Services.
- (ii) A leak must be repaired within forty-eight hours (48) after detection and the repair costs shall be for the account of the consumer.
- (2) Rates Rebate  
Only properties that are exclusively used for residential purposes qualify for a rates rebate in terms of Councils Property Rates Policy. The rebate to be granted will be determined by Council annually.
- (3) Indigent Assistance Program
- (a) An account holder may apply to the Municipality, In the prescribed manner, to be declared indigent provided that the following conditions are applied:-
- (i) That the gross household income must not exceed the poverty threshold value as determined by Council from time to time.
- (ii) That the Municipality may inspect the property occupied by the applicant and in respect of which municipal services are rendered to assess the merits of the application;
- (iii) Any aggrieved person who was not successful in the application to be regarded as Indigent may lodge an appeal to the chief financial officer within a period of ten (10) days from the date on which the aforesaid decision has been communicated to him/her.
- (iv) Any person who has been declared Indigent shall be entitled to indigent subsidies or basic services on a basis determined by Council from time to time and in accordance with the National policy on indigents.

**SERVICE AGREEMENTS**

19. Where a service is provided on behalf of the Municipality by a service provider, the Council shall ensure that any agreement for the provision of such a service shall contain a reference to the right of the Council to control the setting and adjustment of tariffs to be charged by such service provider for the rendering of the service in question In terms of the Tariff Policy of the Council.

**INDIGENT SUPPORT POLICY**

20. (1) The Council shall adopt an Indigent Support Policy which shall embody an indigent support programme providing procedures and guidelines for the subsidisation of basic services and tariff charges to Indigent households in its municipal area.
- (2)The object of the Indigent Support Policy will be to ensure:-
- (a) The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council; and
- (b) The provision of procedures and guidelines for the subsidisation of basic service charges to indigent households.

**POWER OF ENTRY AND INSPECTION**

21. (1) A duly authorized representative of the Council may for any purpose related to the Implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such Inspection and examination as he or she may deem necessary, and for purposes of Installing or repairing any meter or service connection reticulation, or to disconnect, stop or restrict the provision of any service.
- (2) If the Council considers It necessary that work be performed to enable an employee to perform a function referred to in subsection (1) properly and effectively, it may -
- (a) By written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period; or
- (b) if in its opinion the situation Is a matter of urgency, without prior notice do such work or cause It to be done at the expense of the owner,
- (c) If the work referred to In subsection (1) above Is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with the expense of restoring the premises to Its former condition.

**OFFENCES**

22. Any person who-
- (a) Fails to give the access required by an employee in terms of this by-law;
  - (b) Obstructs or hinders an employee in the exercise of his or her powers or performance of functions or duties under this by-law;
  - (c) Uses or Interferes with Council equipment or consumption of services supplied;
  - (d) Tampers or breaks any seal on a meter or on any equipment belonging to the Council, or for any reason as determined by the Chief Financial Officer causes a meter not to properly register the service used;
  - (e) Fails or refuses to give an employee such information as he or she may reasonably require for the purpose of exercising his or her power or functions under these by-laws or gives such an officer false or misleading information knowing it to be false or misleading;
  - (f) Contravenes or fails to Comply with a provision of this by-law,
- shall be guilty of an offence and be liable upon conviction to a fine not exceeding R2000 or to Imprisonment for a period not exceeding six month's or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Chief Financial Officer based on average usage during the previous 6 months or as may be determined by resolution of the Council from time to time;

**CONFLICT OF BY LAWS**

23. If there is any conflict between this by-law and any other by-law of the Council, this by-law will prevail.

**NOTICES AND DOCUMENTS**

24. (1) A notice or document issued by the Council in terms of these by-law shall be deemed to be duly issued if signed by an employee duly authorized by the Council.
- (2) If a notice is to be served on a person in terms of this by-law, such service shall be effected by;
- (a) Delivering the notice to him personally or to his duly authorized agent or;
  - (b) By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
  - (c) If he has nominated an address for legal purposes, by delivering the notice to such an address; or
  - (d) By registered or certified post addressed to his last known address.
  - (e) In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
  - (f) if service cannot be effected in terms of the aforesaid sub-sections, by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

**AUTHENTICATION OF DOCUMENTS**

25. (1) Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;
- (2) Delivery of a copy of the document shall be deemed to be delivery of the original,

**PRIMA FACIE EVIDENCE**

26. A certificate under the hand of the Chief Financial Officer reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

**GENERAL**

27. These by-laws shall be binding on all persons who own and/or occupy property within the area jurisdiction of the municipality

**REPEAL AND AMENDMENTS**

28. Any by-laws relating to credit control and debt collection adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws

**SHORT TITLE**

29. These By-laws are called the Credit Control and Debt Collection By-laws, 2009

**NALA MUNICIPALITY**

**PROPERTY RATES BY-LAW**

**(28 MAY 2009)**

**FOR IMPLEMENTATION ON 1 JULY 2009**

**NALALOCAL MUNICIPALITY**

**PROPERTY RATES BY-LAW**

The Municipal Manager of NALA Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the NALA Local Municipality, as approved by its Council as set out hereunder.

**PURPOSE OF BY-LAW**

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

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**1. Definitions**

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

- 
- 1.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 “**Agent**”, in relation to the owner of a property, means a person appointed by the owner of the property-
- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;
- 1.3 “**Agricultural purpose**” in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;
- 1.4 “**Annually**” means once every financial year;
- 1.5 “**Category**”
- (a) in relation to property, means a category of properties determined in terms of Section 5 of this By-law; and
- (b) in relation to owners of properties, means a category of owners determined in terms of Section 6 of this By-law.
- 1.6 “**Child-headed household**” means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 1.7 “**Definitions, words and expressions**” as used in the Act are applicable to this By-law, where ever it is used;
- 1.8 “**Land reform beneficiary**”, in relation to a property, means a person who -
- (a) acquired the property through -
- (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
- (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
- (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
- (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 1.9 “**Land tenure right**” means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 1.10 “**Municipality**” means the Local Municipality of Nala;
- 1.11 “**Newly Rateable property**” means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 1.12 “**Owner**”-
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:-
- (i) a trustee, in the case of a property in a trust excluding state trust land;
- (ii) an executor or administrator, in the case of a property in a deceased estate;
- (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
- (iv) a judicial manager, in the case of a property in the estate of a person under
- (v) a curator, in the case of a property in the estate of a person under curatorship;
- (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

- (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

1.13 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

1.14 **“Property”** means -

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

1.15 **“Public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

1.16 **“Residential property”** means improved property that:-

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

1.17 **“Rural communal settlements”** means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

1.18 **“state trust land”** means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

1.19 In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

## 2. Principles

- 2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.
- 2.3 Some categories of property and categories of owners will be granted relief from rates.
- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- 2.6 The municipality's rates policy will be based on the following principles:
- (a) Equity  
The municipality will treat all ratepayers with similar properties the same.
- (b) Affordability  
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share.
- (c) Sustainability  
Rating of property will be implemented in a way that:
- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
  - ii. Supports local, social and economic development; and
  - iii. Secures the economic sustainability of every category of ratepayer.
- (d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

## 3. Application of By-law

- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

## 4. Principles applicable to financing services

- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
- (a) Trading services
- i. Water
  - ii. Electricity
- (b) Economic services
- i. Refuse removal.
  - ii. Sewerage disposal.
- (c) Community and subsidised services  
These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in 4.1 (a) and (b).

4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

#### **5. Categories of property**

5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.

5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.

5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the dominant use of the property regardless the formal zoning of the property;

5.4 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7 of this by-law.

#### **6. Categories of owners**

6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
  - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

#### **7. Properties used for multiple purposes**

7.1 Rates on properties used for multiple purposes will be levied by the dominant use of the property.

#### **8. Differential rating**

8.1 Criteria for differential rating on different categories of properties will be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of social and economic development of the municipality.

8.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category; and

8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

#### **9. Exemptions and Impermissible Rates**

9.1 Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.

9.2 Conditions determined by the rates policy will be applied accordingly.

9.3 Exemptions will automatically apply where no applications are required.

9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.

- 9.5 Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- 9.6 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 9.7 The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

## 10. Reductions

- 10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
- 10.1.1 Partial or total destruction of a property.
- 10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).
- 10.2 The following conditions shall be applicable in respect of 10.1:-
- 10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
- 10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 10.2.3 A maximum reduction determined annually by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.
- 10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- 10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

## 11. Rebates

- 11.1 Categories of property
- 11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
- 11.2 Categories of owners
- 11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.
- 11.3 Conditions determined by the rates policy will be applied accordingly.
- 11.4 Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.
- 11.5 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- 11.6 Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- 11.7 The extent of the rebate in terms of 11.1, 11.2 and 11.6 will annually be determined by the municipality and it must be included in the annual budget.

## 12. Payment of rates

- 12.1 Council may levy assessment rates: -
- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.
- 12.2 The municipality shall determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.
- 12.3 Rates payable on an annual basis will be subject to a discount of 5% if paid in full on or before 30 September of each year.

- 12.4 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- 12.5 If a property owner, who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- 12.6 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control en debt collection by-law.
- 12.7 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 12.8 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

**13. Accounts to be furnished**

- 13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (i) the amount due for rates payable,
  - (ii) the date on or before which the amount is payable,
  - (iii) how the amount was calculated,
  - (iv) the market value of the property, and
  - (v) rebates, exemptions, reductions or phasing-in, if applicable.
- 13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.
- 13.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**14. Phasing in of rates**

- 14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- 14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:
- First year : 75% of the relevant rate;
  - Second year : 50% of the relevant rate; and
  - Third year : 25% of the relevant rate.
- 14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below:-
- First year : 100% of the relevant rate;
  - Second year : 75% of the relevant rate;
  - Third year : 50% of the relevant rate; and
  - Fourth year : 25% of the relevant rate.

**15. Special rating areas**

- 15.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- 15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:

- 
- 15.2.1 Proposed boundaries of the special rating area;
- 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
- 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
- 15.2.4 Proposed financing of the improvements or projects;
- 15.2.5 Priority of projects if more than one;
- 15.2.6 Social economic factors of the relevant community;
- 15.2.7 Different categories of property;
- 15.2.8 The amount of the proposed special rating;
- 15.2.9 Details regarding the implementation of the special rating;
- 15.2.10 The additional income that will be generated by means of this special rating.
- 15.3 A committee consisting of 6 members of the community residing within the area affected will be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.
- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.
- 16. Frequency of valuation**
- 16.1 The municipality shall prepare a new valuation roll every 4 (four) years.
- 16.2 The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 16.3 Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.
- 17. Community participation**
- 17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
- 17.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- 17.1.2 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).
- 17.1.3 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
- 17.1.4 Property owners and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.
- 17.1.5 Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 17.1.6 The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.
- 17.1.7 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

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**18. Register of properties**

- 18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
  - ii. Rebate or reduction in terms of section 15 of the Act ,
  - iii. Phasing-in of rates in terms of section 21 of the Act, and
  - iv. Exclusions as referred to in section 17 of the Act.
- 18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 18.5 The municipality will update Part A of the register during the supplementary valuation process.
- 18.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

**19. Regular review processes**

- 19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.

**20. Short title**

This by-law is the rates by-law of the NALA Local Municipality.

**21. Commencement**

This by-law comes into force and effect on 1 July 2009.

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**MANGAUNG****LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Mangaung Local Municipality adopted the new set of Property Rates by-laws.

The by-laws are published for the purpose of general public notification. Copies of the by-laws are available at Room 313, Bram Fischer Building, Bloemfontein.

**Notice No 101 / 2009**

**H A GOLIATH  
ACTING CITY MANAGER**

## BY-LAWS REGARDING PROPERTY RATES

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

### Preamble

**WHEREAS** the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

**WHEREAS** there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

**WHEREAS** there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

**WHEREAS** the Municipal Property Rates Act, No. 6 of 2004, authorizes and empowers municipalities to give effect to its Rates policy by adopting by-laws ;

**BE IT THEREFORE ENACTED** by the Municipal Council of the **MANGAUNG** Local Municipality as follows:-

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#### 1. Definitions

- (1) For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

“**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

“**Agricultural purpose**” in relation to the use of a property, includes the use (of a property for the purpose of eco-tourism or for the trading in or hunting of game);

“**Annually**” means once every financial year;

“**Category**”, in relation to property, means a category of properties determined in terms of Section 5 and in relation to owners of properties, means a category of owners determined in terms of Section 6.

“**Child-headed household**” means a household where the main caregiver of the said household is younger than 21 years of age. Child-headed household means a household headed by a child as defined in the section 28(3) of the Constitution.

“**Exemption**” - in relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15 of the Act.

“**improved** “, means, with regards to land or property, any building or structure of a permanent nature which has been erected in, on or over or under such land or property;

“**Municipality**” means the Mangaung Local Municipality, and when referred to as –

- (a) an entity, means Mangaung Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) a geographic area, means the municipal area of the Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- (c) a person, means any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**Privately owned towns serviced by the owner**” means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate

“**Public service infrastructure**” means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i).

“**Market value**” in relation to a property, means the value of the property determined in accordance with section 46 of the Act.

“**Multiple purposes**”, in relation to a property, means the use of a property for more than one purpose.

“**Owner**” -

- (a) in relation to a property referred to in paragraph (a) of the definition of ‘**property**’, means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of ‘**property**’, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of ‘**property**’, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of ‘**property**’ means the organ state which owns or controls that public service infrastructure as envisaged in the definition of ‘**publicly controlled**’ determined by the Act,

Provided that a person mentioned below may for the purposes of this by-law be regarded by a municipality as the owner of a property in the following cases:

- (i) A trustee, in the case of a property in a trust excluding state trust land;
- (ii) An executor or administrator, in the case of a property in a deceased estate;
- (iii) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) A curator, in the case of a property in the estate of a person under curatorship;
- (vi) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) A buyer in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer.

“**Person**” includes an organ of state

“**Property**” – means

- (a) Immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted in terms of legislation; or
- (d) public service infrastructure;

“**Rebate**” in relation to a rate payable on property, means a discount granted in terms of section 15 on the amount of the rate payable on the property;

“**Reduction**”, in relation to a rate payable on a property, means the lowering in terms of section 15 of the amount for which the property was valued and the rating at that lower amount.

“**Residential property**” means improved property that:-

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

“**Vacant land**” means any land on which no immovable improvements have been erected.

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

## 2. Principles

- (1) Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- (2) The municipality will differentiate between various categories of property and categories of owners of property as contemplated in sections 5 and 6 of this by-law.
- (3) Some categories of property and categories of owners will be granted relief from rates.
- (4) The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- (5) There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with section 13 of this by-law.

(6) The municipality's rates policy will be based on the following principles:

(a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor ratepayers the municipality will provide relief measures through exemptions, reductions, rebates and cross subsidy from the equitable share allocation.

(c) Sustainability

Rating of property will be implemented in a way that:

- (i) it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
- (ii) Supports local social economic development; and
- (iii) Secures the economic sustainability of every category of ratepayer.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

### 3. Application of By-law

- (1) Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- (2) If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- (3) In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

### 4. Principles applicable to financing services

- (1) The municipal manager or his nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-
  - (a) Trading services
    - (i) Water
    - (ii) Electricity
  - (b) Economic services
    - (i) Refuse removal.
    - (ii) Sewerage disposal.
  - (c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in subsections (1)(a) and (b).

- (2) Trading and economic services as referred to in subsections (1)(a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in subsection(1)(c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

### 5. Categories of property

- (1) Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- (2) Such rates will be determined on an annual basis during the compilation of the municipality's budget.

- (3) In determining the category of a property referred to in subsection (1) the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.
- (4) All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.
- (5) Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in section 7 of this by-law.

#### **6. Categories of owners**

- (1) For the purpose of granting exemptions, reductions and rebates in terms of sections 9, 10 and 11 respectively the following categories of owners of properties are determined:
  - (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
  - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
  - (c) Owners of property situated within an area affected by-
    - (i) a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
    - (ii) serious adverse social or economic conditions.
  - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
  - (e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;
  - (f) Owners of agricultural properties as determined by the municipality's rates policy; and
  - (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

#### **7. Properties used for multiple purposes**

- (1) Rates on properties used for multiple purposes will be levied in accordance with the "dominant use of the property".

#### **8. Differential rating**

- (1) Criteria for differential rating on different categories of properties will be according to-
  - (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
  - (b) The promotion of social and economic development of the municipality.
- (2) Differential rating among the various property categories will be done:
  - (a) by way of setting different cent amount in the rand for each property category; and
  - (b) by way of reductions and rebates as provided for in the municipality's rates policy document.

#### **9. Exemptions and Impermissible Rates**

- (1) Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- (2) Conditions determined by the rates policy will be applied accordingly.
- (3) Exemptions will automatically apply where no applications are required.
- (4) Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Act.
- (5) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.

(6) The municipality retains the right to refuse the exemption or cancel any exemption if the details supplied in the application form were incomplete, incorrect or false.

(7) The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

#### **10. Reductions**

(1) Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

- (a) Partial or total destruction of a property.
- (b) Disasters as defined in the Disaster Management Act, 2002 (Act No.57 of 2002).

(2) The following conditions shall be applicable in respect of subsection (1):-

- (a) The owner referred to in subsection (1)(a) shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He or she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
- (b) Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- (c) A maximum reduction determined by the municipality will be allowed in respect of both subsections (1) a) and (b)
- (d) An *ad-hoc* reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- (e) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

#### **11. Rebates**

(1) Categories of property

- (a) The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

(2) Categories of owners

- (a) The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

(3) Applications by property owners for rebates must reach the municipality before the date determined by the property rates policy, preceding the start of the new municipal financial year for which relief is sought.

(4) Conditions determined by the rates policy will be applied accordingly.

(5) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

(6) Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

(7) The extent of the rebate in terms of subsections (1), (2) and (6) shall annually be determined by the municipality and it shall be included in the annual budget.

#### **12. Payment of rates**

(1) Payments will be dealt with in accordance with the provisions of the municipality's Credit Control, Debt Collection and Indigent policies.

(2) Interest shall be paid to Council on rates which have not been paid within 30 days from the date on which such rates become due at a rate determined by the rates policy. Compounded interest will be levied.

- (3) The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
- (vi) the amount due for rates payable,
  - (vii) the date on or before which the amount is payable,
  - (viii) how the amount was calculated,
  - (ix) the market value of the property, and
  - (x) rebates, exemptions, reductions or phasing-in, if applicable.
- (4) A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he or she must make the necessary enquiries with the municipality.
- (5) In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**13. Phasing in of rates**

- (1) The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- (2) The phasing-in discount on the properties referred to in section 21 shall be as follows:
- First year : 75% of the relevant rate;
  - Second year : 50% of the relevant rate; and
  - Third year : 25% of the relevant rate.

**14. Frequency of valuation**

- (1) The municipality shall prepare a new valuation roll every 4 (four) years.
- (2) The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- (3) Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

**15. Community participation**

- (1) Before the municipality adopts the rates policy and by-law, the Municipal Manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act, 2000 (Act No. 32 of 2000).

**16. Register of properties**

- (1) The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- (2) Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- (3) Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- (a) Exemption from rates in terms of section 15 of the Act,
  - (b) Rebate or reduction in terms of section 15 of the Act,
  - (c) Phasing-in of rates in terms of section 21 of the Act.
- (4) The register will be open for inspection by the public at the municipal pay points as determined in the municipality's rates policy, during office hours and/or on the website of the municipality.
- (5) The municipality will update Part A of the register on a continuous basis by way of a supplementary valuation process.
- (6) The municipality will update Part B on an annual basis as part of the implementation of the municipality's annual budget.

**17. Regular review processes**

The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

**18. Short title**

This by-law is called the rates by-law of the Mangaung Local Municipality.

**19. Commencement**

This by-law comes into force and effect on 1 July 2009.

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**MANGAUNG LOCAL MUNICIPALITY**

**REVENUE AND EXPENDITURE ESTIMATES AND DETERMINATION OF GENERAL ASSESSMENT RATE AND SANITARY FEES**

1. Notice is given in accordance with the provisions of section 81 (1) (c) of the Local Government Ordinance. No 8 of 1962 read with the stipulations of the Local Government: Municipal Systems Act, No 32 of 2000, the Municipal Finance Management Act, no 56 of 2003, as well as the Local Government: Municipal Property Rates Act (no 6 of 2004) that a copy of the Municipal Estimates of Revenue and Expenditure for the financial year ending 30 June 2010 is open for inspection at the office of the Chief Financial Officer during the office hours of the Mangaung Local Municipality.
2. Notice is further given that the under-mentioned general assessment rate and sanitary fees for the financial year ending 30 June 2010 are as follows, namely:

That the following general assessment rates and levies in respect of the Mangaung Local Municipality be determined namely:

**A) Assessment Rates**

It is recommended:

- (a) That, the following general assessment rates in respect of the Mangaung Local Municipality be determined as follows:
  - (i) Comma zero three four cent (0,034 cent) per rand on the rateable value of farm property (exempt from VAT);
  - (ii) Comma five six five one cent (0,5651 cent) per rand on the rateable value of residential property (exempt from VAT);
  - (iii) One comma four one two eight cent (1,4128 cent) per rand on the rateable value of government property (exempt from VAT);
  - (iv) Two comma eight two five five cent (2,8255 cent) per rand on the rateable value of business property (exempt from VAT).
  - (v) Interest shall be paid to Council on rates, which have not been paid within thirty days from the date on which such rates became due, at a rate of 1% higher than the prime rate for the period during which such rates remain unpaid after expiry of the said period of thirty days.

Assessment Rates – The first R 40 000 of the rateable value of residential properties are exempted

- (b) Sanitary Fees:  
That the following levies in respect of the Mangaung Local Municipality (excluding residential in Bloemindustria, Ribblesdale, Bloemspruit, Bainsvlei, Farms and Peri Urban areas in Thaba Nchu, but including parsonages and the Langenhovenpark area) be determined:

- (i) Comma three three eight eight cent (0,3388 cent) per rand on the rateable value of the property (VAT excluded) with a minimum of seventy rand only (R 70,00) (VAT excluded) per erf per month

Sanitation – residential properties with a value of R 40 000,00 or less are exempted

- (ii) Levy on churches, church halls and other places of similar nature, qualifying charitable institutions and welfare organizations:

R 62,84 per sanitary point per month (VAT excluded);  
R20.89 per refuse container per month (VAT excluded);

- (iii) Martie du Plessis School, Dr Bohmer School, Lettie Fouche School, and schools of similar nature:

R31.42 per sanitary point per month (VAT excluded);  
R 10.45 per refuse container per month (VAT excluded);

- (iv) that the rates and levies in accordance with (a) and (b), as stated above, become due monthly on the following dates, 17 July 2009, 17 August 2009, 16 September 2009, 17 October 2009, 16 November 2009, 17 December 2009, 17 January 2010, 14 February 2010, 17 March 2010, 16 April 2010, 17 May 2010 and 16 June 2010;

**H A GOLIATH  
ACTING CITY MANAGER**

**Notice No 102/2009**

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**MANGAUNG PLAASLIKE MUNISIPALITEIT**

**INKOMSTE EN UITGAWE BEGROTING EN VASSTELLING VAN ALGEMENE EIENDOMSBELASTING EN SANITEITSGELDE**

1. Kennis word hiermee gegee ingevolge die bepalings van artikel 81(1) (c) van die Ordonnansie op Plaaslike Bestuur, no 8 van 1962, saamgelees met die bepalings van die Wet op Plaaslike Regering: Munisipale Stelsels, No 32 van 2000, die Munisipale Finansies Bestuurs Wet no 56 van 2003 sowel as die Wet op Plaaslike Bestuur: Munisipale Eiendoms Belasting, no 6 van 2004, dat 'n afskrif van die Munisipale Begroting van Inkomste en Uitgawe vir die boekjaar eindigende 30 Junie 2010, gedurende kantoorure van die Mangaung Plaaslike Munisipaliteit ter insae lê by die Kantoor van die Hoof Finansiële Beampte.
2. Kennis word verder gegee dat die ondervermelde algemene eiendomsbelasting en saniteitsgelde vir die boekjaar eindigende 30 Junie 2010 soos volg vasgestel is, naamlik;
- 2.1 dat die volgende algemene eiendomsbelasting en heffings sal geld ten opsigte van die Mangaung Plaaslike Munisipaliteit:

**(a) ALGEMENE EIENDOMSBELASTING**

- (i) komma zero drie vier sent (0,034 c) per rand op die waarde van belasbare plaas eiendom (vrygestel van BTW);
- (ii) komma vyf ses vyf een sent (0,5651 c) per rand op die belasbare waarde van residensiële eiendom (vrygestel van BTW);
- (iii) een komma vier een twee agt sent (1,4128 cent) per rand op die waarde van belasbare staatseiendom (vrygestel van BTW);
- (iv) Twee komma agt twee vyf vyf sent (2,8255 c) per rand op die belasbare waarde van besigheidseiendom (vrygestel van BTW).
- (v) Rente sal aan die Raad verskuldiging wees op alle belasting wat nie binne dertig dae nadat dit betaalbaar geword het vereffen is nie, teen 'n koers van 1% hoer as die prima koers vir die periode wat sulke belasting agterstallig is na die vervaldatum van 30 dae.

Eiendomsbelasting – Die eerste R40 000 van belasbare waarde van residensiële eiendom is vrygestel.

(b) **SANITEITSGELDE:**

dat die volgende heffings sal geld ten opsigte van die Mangaung Plaaslike Munisipaliteit (uitgesluit residensieël in Bloemustria, Ribblesdale, Bloemspruit, Bainsvlei, Plase en buitestedelike gebiede in Thaba Nchu, maar ingesluit pastorieë en Langenhovenpark):

Komma drie drie agt agt sent (0,3388 cent) per rand op die belasbare waarde van eiendom (BTW uitgesluit) met 'n minimum van sewentig rand alleen (R 70,00) (BTW uitgesluit) per erf per maaand

Saniteit – residensiële eiendom met 'n waarde van R40 000 of minder is uitgesluit

(c) ten opsigte van kerke, kerksale en ander plekke van 'n soortgelyke aard, kwalifiserende liefdadigheidsinrigtings en welsynorganisasies:

(d) R 62,84 per sanitêre punt per maand (BTW uitgesluit);  
R20.89 per vullishouer per maand (BTW uitgesluit);

(e) ten opsigte van Martie du Plessis Skool, Dr Böhmer Skool, Lettie Fouche Skool, en ander soortgelyke skole:

(f) R31.42 per sanitêre punt per maand (BTW uitgesluit);  
R 10.45 per vullishouer per maand (BTW uitgesluit);

(g) dat die belastings en heffings ooreenkomstig (a) en (b) hierbo maandeliks betaalbaar sal wees op die volgende datums: 17 Julie 2009, 17 Augustus 2009, 16 September 2009, 17 Oktober 2009, 16 November 2009, 17 Desember 2009, 17 Januarie 2010, 14 Februarie 2010, 17 Maart 2010, 16 April 2010, 17 Mei 2010 en 16 Junie 2010;

**Kennisgewing Nr 102/2009**

**H A GOLIATH  
WAARNEMENDE STADSBESTUURDER**

**DITEKANYETSO TSA LEKENO LE DITSHENYHELO TSE AKARETSANG LEKGETHO LE DIKGWERE-KGWERE**

1. Tsebiso ho latela molawana wa (Local Government Ordinance, No. 8 of 1962) karolong ya 81(1)(c), e balwa le (Local Government: Municipal System Act, No. 32 of 2000), Municipal Finance Management Act, No 56 of 2003, mmoho le Local Government: Municipal Property Rates Act No 6 of 2004 mabapi le ditekanyetso tsa lekeno le ditshenyehelo bakeng sa selemo se felang ka la 30 Phupjane 2010, e buletswe hlahlobo Kantorong ya Mohlanka ya Phahameng wa Ditjhelete nakong tsa tshebetso tsa Lekgotla la Motse la Mangaung.
2. Ho tsebiswa hape tlase mona hore ditefello tse akaretsang lekgetho le dikgwere-kgwere tsa selemo sa ditjhelete se felang ka la 30 Phupjane 2010, di eme ka tsela e latelang:

**(a) LEKGETHO LE AKARETSANG**

**Ho kgothaleditswe hore:**

(a) Ditefello tse akaretsang lekgetho mona Mangaung Local Municipality di tla lefella ka tsela e latelang:

- (i) Feelwane lefela tharo nne ya disente (0,034c) ranteng ka nngwe ho latela boleng ba thepa ya polasi (exempt from VAT);
- (ii) Feelwane hlano tshelela hlano nngwe ya disente (0,5651c) ranteng ka nngwe ho latela boleng ba thepa ya bodulo (exempt from VAT);

- (iii) Nngwe feelwane nne nngwe pedi robedi ya disente (1,4128 cent) ranteng ka nngwe ho latela boleng ba thepa ya mmuso (exempt VAT);
- (iv) Pedi feelwane robedi pedi hlano hlano ya disente (2,8255 cent) ranteng ka nngwe ho latela boleng ba thepa ya kgwebo (exempt VAT);
- (v) Tswala e tla lefuwa ho Lekgotla la Motse ho ditefo tseo ebang ha di eso lefuwe matsatsing a mashome a mararo ho tloha letsatsing leo ditefo tseo di tlamehileng ho lefuwa, ka tswala ya 1% ka hodimo ho tswala ya kadimo nakong eo ditefo tseo di eso lefuwe ka mora nako ya matsatsi a mashome a mararo.

Lekgetho le akaretsang – R40 000 ya pele ya boleng ba thepa ya bodulo ha e ya kenyelletswa.

**(b) DIKGWERE-KGWERE LE MATLAKALA**

Ditefello tse latelang tsa Mangaung Local Municipality ho sa kenyelletswa dibaka tsa bodulo tsa Bloemdundia, Ribblesdale, Bloemspruit, Bainsvlei, Mapolasi le metsana ya Thaba'Nchu empa ho kenyelletswa dibaka tsa maqheku le sa Langenhovenpark di eme ka tsela e latelang:

- (i) Feelwane tharo tharo robedi robedi ya disente (0,3388c) ranteng ka nngwe ho latela boleng ba thepa (VAT excluded) mme e be bonyane ba R 70.00 (VAT excluded) bakeng sa setsha ka nngwe kgwedi le kgwedi,

Dikgwere-kgwere - thepa ya bodulo ya boleng ba R 40 000.00 kapa ka tlase ha a ya kenyelletswa

- (ii) Ditefello tsa dikereke, diholo tsa dikereke le dibaka tse tshwanang le yona tse jwaloka mekgatlo ya dinyehelo le mekgatlo ya thekolohelo :

R 62.84 ka kgwedi bakeng sa sebaka sa dikgwere-kgwere (VAT excluded)  
R 20.89 ka kgwedi bakeng sa tonka ya matlakala (VAT excluded)

- (iii) Dikolo tsa Martie du Plessis, Dr Bohmer, Lettie Fouche le dikolo tse tshwanang le tsona :

R 31.42 ka kgwedi bakeng sa sebaka sa dikgwere-kgwere (VAT excluded)  
R 10.45 ka kgwedi bakeng sa tonka ya matlakala (VAT excluded)

- (iv) Ditefello tse hlosoitsweng kgaolong ya (a) le (b) ka hodimo di tlameha ho lefuwa kgwedi le kgwedi pele ho kapa ka, 17 Phupu 2009, 17 Phato 2009, 16 Lwetse 2009, 17 Mphalane 2009, 16 Pudungwana 2009, 17 Tshitwe 2009, 17 Pherekong 2010, 14 Hlakola 2010, 17 Hlakubele 2010, 16 Mmesa 2010, 17 Motsheanong 2010, 16 Phupjane 2010.

**No. 102 / 2009**

**H A GOLIATH  
ACTING CITY MANAGER**

**MANGAUNG**

**LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Mangaung Local Municipality adopted the new set of Municipal Fresh Produce Market by-laws.

The by-laws are published for the purpose of general public notification. Copies of the by-laws are available at Room 313, Bram Fischer Building, Bloemfontein.

**Notice No 105 / 2009**

**H A GOLIATH  
ACTING CITY MANAGER**

**BY-LAWS REGARDING THE MUNICIPAL FRESH PRODUCE MARKET**

**To provide for the regulation and management of activities on and in respect of the municipal fresh produce market, and to provide for matters in connection therewith**

**Preamble**

**WHEREAS** the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

**WHEREAS** there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

**WHEREAS** there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

**WHEREAS** the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include municipal markets and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

**BE IT THEREFORE ENACTED** by the Municipal Council of the **MANGAUNG** Local Municipality as follows:-

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CHAPTER 1  
INTERPRETATION

1. Definitions

- (1) In these by-laws unless the context otherwise indicates –

“**Act**” means the Agricultural Produce Agents Act, No. 12 of 1992 ;

“**APAC**” means the Agricultural Produce Agents Act, No. 12 of 1992;

“**article**”, “**produce**” or “**goods**” means any kind of fruit, vegetables, food, lucerne, lucerne meal, forage, bran, plants, trees, shrubs, flowers, decorative plants, ferns, artificial flowers or any other product, animal, bird or thin, that is commonly offered on the market;

“**consignment**” means any quantity of produce consisting of separate units of the same kind or different kinds or produce that are simultaneously entrusted to the General Manager or a fresh produce agent for sale on behalf of any person;

“**container**” means any box, tray, bag, package or other means of packing;

“**Council**” means the municipal council of the Mangaung Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

“**General Manager**” means the person appointed by the Municipality to be in charge of the market, described as the market authority in the Act, or his duly appointed assignee;

“**market**” means the municipal fresh produce market of the Mangaung Municipality, situated on erf 21402, Maselspoort Road, which is the property of the municipality

“**fresh produce agent**” means an agent, authorised by the municipality and in terms of the stipulations of APAC<sub>2</sub>, acting as such with regard to any product sold at the market on the basis that the risk of profit or loss at all times remains with the principal, and-

(a) includes any director of a company, trustee of a trust or a member of a close corporation who acts as a fresh produce agent as aforesaid;

(b) any director of a company, or a member of a close corporation or a trustee of a trust who acts as a fresh produce agent as aforesaid;

and it includes the General Manager when he is acting as a fresh produce agent;

“**market note**” means any document that is officially issued by the General Manager;

“**market sale**” means any sale which takes place on the market or which is otherwise authorised by the General Manager;

“**medical officer of health**” means the medical practitioner who is for the time being holding office under the Municipality as medical officer of health, and it includes any medical practitioner or inspector who is lawfully acting in that capacity or duly authorised to do so;

“**municipality**” means the Mangaung Local Municipality, and when referred to as -

(a) an entity, means Mangaung Local Municipality as described in section 2 of the Systems Act; and

(b) a geographic area, means the municipal area of Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998)

“**no offer market note**” means an official document which indicates that the produce to which it refers was not sold, because no bid or offer could be obtained therefore;

**"no sale market note"** means an official document which indicates that the produce to which it refers, was not sold at the highest bid or offer that was obtained therefore, or that the produce was not offered for sale;

**"prepayment system"** means a system whereby payment for goods occurs by swiping an electronic card through a particular deduction device, which withdraws from that card, the amount of the value of the purchases ;

**"private treaty sale"** means a sale negotiated and concluded between a fresh produce agent and the purchaser which sale is recorded in the books of the Council;

**"salesman"** means an authorised person in the employ of a fresh produce agent, registered in terms of the stipulations of APAC, who acts on behalf of such agent in any transaction on the market;

**"selling price"** means the amount for which any article or produce has been sold to a buyer;

**"unit"** means the quantity of any produce which forms the basis upon which the prices of such produce are calculated, except where produce is packed in a container, in which case such container shall constitute a unit;

**"vendor"** means a person who consigns or brings produce to a market for sale : Provided that when the General Manager conducts sales on behalf of agents, he shall not be regarded as a vendor.

- (2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

## CHAPTER 2 MANAGEMENT OF ACTIVITIES ON THE MARKET

### 2. **Locality and extent of the market**

The market shall be conducted on erf 21402 Mazelspoort Road, as more fully described on plan L.G. 452/77.

### 3. **Control and supervision**

The control and conduct of the market shall be under the supervision of the General Manager in accordance with the provisions of APAC, all relevant laws and by-laws of the Municipality.

### 4. **Market hours**

The market shall be open on such days and during such hours as the Council may determine from time to time.

### 5. **Behaviour of persons on the market**

No person shall on the market :

- (1) smoke in any part where a notice prohibiting smoking, is displayed;
- (2) light a fire, without the permission of the General Manager;
- (3) stand, sit or lie upon or against any article or container;
- (4) throw anything at any person or object;
- (5) without lawful reason tamper with or remove or cause to be removed, any article that is placed or exposed for sale, or any container, or any label on such article or container;
- (6) without the written permission of the General Manager and in compliance with the Municipality's applicable by-laws, erect any additional fence or buildings on premises hired from the Municipality, or convert existing buildings or erect partitions or install or extend existing water or electricity mains or fittings, or make any other changes to such premises;
- (7) cause or allow any matter likely to cause blockage or damage, to enter any drain or gully, or cause or allow any sewerage, oil, waste water or other objectionable substance to flow into any storm water drain;
- (8) without the permission of the General Manager wash, sort, grade or clean fruit, vegetables or any other article
- (9) disrupt any legal activity in any way whatsoever or interfere with or molest any other person or force articles on a client, or interfere with the proper carrying on of any business;
- (10) enter or remain, or cause any vehicle, animal or other thing to enter or remain on any part on days or at times when the market is closed, save with the permission of the General Manager;
- (11) neglect or refuse to depart or to remove any article, vehicle, animal or other thing therefrom if lawfully instructed by the General Manager to do so;
- (12) neglect or refuse to place any vehicle under his control in the position assigned to such vehicle by the General Manager;
- (13) drive or ride any vehicle or animal in such a way as to endanger persons or property;
- (14) spit, cause a nuisance or loiter, or use any threatening, obscene, abusive, violent, offensive or disgusting language, or make any loud or disturbing noise;
- (15) organise or conduct a public meeting without the previous written consent of the General Manager;

- (16) have in his possession, bring, cause to be brought onto the market premises any intoxicating liquor without the permission of the General Manager;
- (17) consume, or be under the influence of intoxicating liquor;
- (17) touch, taste, smell, handle or move any article exposed for sale, in such a way as to make it liable to contamination;
- (18) wilfully damage or deface any property;
- (19) throw away or deposit in any place other than receptacles provided for the purpose, any fruit peel, vegetable leaves or refuse of any kind whatsoever.

**6. Entry to the market**

The General Manager may refuse to allow any undesirable person to enter the market or to bring there any animal, vehicle, article or other thing whatsoever, and may instruct any person to leave the market or to remove therefrom any animal, vehicle, article or other thing whatsoever, if in his opinion circumstances exist that justify such refusal or instruction.

**7. Responsibility for articles brought on to the market**

Any person who brings any article, vehicle, animal or other thing whatsoever on to the market, shall be responsible therefore and liable for any damage, injury, danger, obstruction or inconvenience that it may cause.

**8. Rejection of articles**

The General Manager may reject from the market or may reject for sale on the market, any article which is diseased, unsound, unwholesome or unfit for consumption or that is stored in a container that is likely to contaminate it or any other article with which it may come into contact. The General Manager may immediately take any such article or container into his possession for the purpose of its destruction: Provided that if a dispute about the condition of any such article or container arises, it shall not be destroyed unless the medical officer of health has issued a certificate authorising such destruction.

**9. Removal of obstructions**

Any person who places any article or other object in any part of the market so as to cause inconvenience or obstruction or so as to prevent the proper sweeping, washing or cleaning of the market premises, shall immediately remove such article or object when instructed to do so by the General Manager. Should any such person refuse or neglect to comply with such instruction, or should his address be unknown to the General Manager, the General Manager may without notice remove the obstruction, and no liability shall rest on him or on the Municipality for any damage, injury or loss which may be the result of such removal.

**10. Liability for error**

The Council shall not be liable for any error of description, shortage or excess in quantity or lack of quality in respect of any article sold on the market, except when negligence on the part of the Council can be proved.

**11. Delivery notes**

- (1) Every person who brings or causes to be brought to the market, any article to be offered thereon, shall, immediately on its arrival, register such article with the General Manager and the fresh produce agent concerned, who shall issue or cause to be issued a delivery note signed by him and by such person showing the following :
  - (a) the date of arrival;
  - (b) the full name and address of the vendor;
  - (c) the description of the article;
  - (d) the description of the container;
  - (e) the mass or quantity;
  - (f) the variety and quality of products as may be determined by the General Manager from time to time;
  - (g) the name or code mark of the fresh produce agent or consignee to whom such article is consigned;
  - (h) the registration number of the vehicle, if any;
  - (i) any other particulars that may from time to time be required by the General Manager.
- (2) The General Manager or fresh produce agent shall furnish every such person or consignee to whom such article is consigned, with a copy each of the said delivery note, and must himself keep a copy.

**12. Railway delivery notes**

The General Manager may obtain from the South African Railway and Harbours Administration a copy of every delivery note or way-bill issued by the said administration, and any other particulars required by him, in respect of every article delivered at the market by the said administration, irrespective of whether such article has been transported by rail or by road. Every fresh produce agent shall, when so instructed by the General Manager, authorise the said administration to furnish the General Manager with a copy of every such note or bill relating to articles consigned to him.

**13. Fresh produce agent to account to vendor**

Every fresh produce agent shall sign for the receipt of every article or consignment delivered to him at the time when it is delivered, and shall be responsible to the vendor for the quantity shown on the delivery note and shall account to the vendor for such quantity in such manner as may be determined by the General Manager.

**14. Offloading on arrival**

Every article offered on the market shall on arrival be handed either to the General Manager or a fresh produce agent, who shall immediately make all arrangements deemed necessary by the General Manager to offload it and to place such article in the space or enclosure that is provided therefore.

**15. Stacking, arranging and displaying**

Every fresh produce agent shall make all arrangements deemed necessary by the General Manager to place, stack, arrange and display all articles received by him, at such time as the General Manager may determine and in such a way that they will have an orderly appearance, be conspicuous to intending buyers and adequately separated from other articles, whether or not the articles be of the same commodity or come from the same vendor or not. The General Manager may at any time direct a vendor or fresh produce agent to remove some or all of such articles to another space or area, or to re-stack, or re-arrange them anew or to re-display them.

**16. Marking of containers**

Every container shall be marked with the name and address of the owner, in clear and legible capital letters, on such container itself or on a label securely attached to it. All other names, addresses or marks, except the name, address or mark of the consignee and such other marks or labels as are required by law to appear thereon, shall be obliterated. No article may be displayed for sale, offered for sale or sold unless the container is marked as such.

**17. Separation of produce**

Every fresh produce agent shall remove or effectively separate all produce from any article received by him, which at any time is, or shows signs of being, deteriorated or damaged, and shall re-sort or repack such produce if, in the opinion of the General Manager, it is necessary to do so.

**18. Variation in quality**

No person shall bring or offer on the market any produce which is so packed that the produce at the top or sides of the container is of a better quality or larger than the produce in the other parts of the container.

**19. Selling by sample**

No fresh produce agent shall display for sale or offer for sale or sell from sample any article unless at least 60 % of the entire consignment is on the recognised sales area or in the designated cold storage area of the market at the time of such display for sale, offer for sale or sale.

**20. Variation between article and sample**

No fresh produce agent shall display a sample of any article for sale or sell any article from sample, unless such sample is truly representative of the entire consignment. The General Manager may satisfy himself in such manner as he may determine that the entire consignment is truly represented by the sample so displayed or offered for sale or sold.

**21. Responsibility for difference between article and sample**

Every fresh produce agent shall be responsible for any damage, inconvenience or loss suffered by any person who buys from sample an article that differs basically from the sample displayed or offered for sale. The decision of the General Manager as to whether the sample displayed or offered is truly representative of the article sold, shall be final and binding.

**22. Re-stacking of unsold produce**

Every fresh produce agent shall at the conclusion of each day's sales, re-stack all unsold produce in such a way as to give it an orderly appearance and in a position from which it will be clearly visible to intending buyers during the following day's sales and shall take every reasonable precaution to prevent deterioration of or damage to any article remaining unsold.

**23. Cleanliness of premises**

Every person to whom there has been allocated any office, area, stand, stall or other place in, on or from which to carry on business, shall at all times keep such office, area, stand, stall or other place and any roadways, gangways or passages adjoining it, neat and clean and shall immediately remove therefrom anything which the General Manager instructs him to remove. The General Manager may at any time inspect any such office, area, stand, stall or other place and any such roadways, gangways or passages and any vehicles or containers therein or thereon.

**24. Right to occupy or to trade**

No person shall occupy or trade from any office, area, stand, stall or other place, unless he has obtained the prior permission of the Council, and has paid any rent or fee lawfully due in respect thereof in advance. No tenant shall sub-let such office, area, stand, stall or other place, without the written consent of the Council, or its assignee and appropriate agreements to be entered into where necessary.

**25. Unauthorised activities**

No person shall sell, or offer, introduce, hawk with or carry about for sale, any article on the market without the prior permission of the General Manager.

**26. Commencement and closing of sales**

- (1) Sales shall commence and close on the times as may be determined by the General Manager.

**27. Procedure before sales**

No article shall be displayed or offered for sale or sold until the provisions of sections 11 and 12, or whichever may be applicable, have been complied with, or unless the deliverer of any article, and the fresh produce agent or other person to whom it has been delivered, have in their possession either the original or a true copy of the documents referred to in the said sections, whichever may be applicable. Any copy of the original shall be deemed to be a true copy, if it is certified as such by the General Manager.

**28. Separate sales notes**

Every fresh produce agent or consignee that offers articles, shall sell separately and obtain separate market sales notes for every consignment of produce received from, or offered for sale by him on behalf of vendors, notwithstanding the fact that such consignments may be of the same commodity and from the same consigner.

**29. Vendors at sales**

Except with the prior permission of the General Manager, no vendor shall assist or attempt to assist the General Manager or fresh produce agent with the display or sale of his goods or interfere with or obstruct them in any way. Any instruction that such vendor wants to give regarding such goods shall be given either verbally, or, if so directed by the General Manager, in writing before the sale begins.

**30. Auctions by General Manager**

Every article offered for sale by public auction shall be auctioned by the General Manager or by a person authorised by him to do so, and no other person shall organise or conduct or attempt to organise or conduct any auction.

**31. Delivery note before auction**

Before a sale by public auction begins, the fresh produce agent concerned shall hand to the General Manager a true copy of a properly completed delivery note in respect of the articles concerned. The General Manager shall retain all such delivery notes until the expiration of the time allocated to the fresh produce agent for selling the articles entrusted to him.

**32. Declaration before auction**

Before a sale by public auction begins, the fresh produce agent concerned shall declare to the General Manager the grade, quality, condition, variety and exact quantity of the articles offered for sale. The General Manager shall announce the declaration so made, together with the minimum quantity to be purchased by each buyer, to all persons attending the sale, and such announcement shall constitute the conditions of sale, together with any other conditions as the General Manager may impose from time to time.

**33. Market sales note at the auction**

- (1) The General Manager shall at the time of a sale by public auction, prepare a market sales note, signed by him and having the following inscribed thereon :
- (a) the number of the delivery note;
  - (b) the full name of the vendor;
  - (c) the name or number of the fresh produce agent;
  - (d) the date on which the sale is held;
  - (e) a description of the article and container;
  - (f) the variety;
  - (g) the grade;
  - (h) the place of origin;
  - (i) the mass (where applicable) and/or quantity received;
  - (j) the quantity available for sale;
  - (k) the quality;
  - (l) the price per unit;
  - (m) the name or number of the buyer;
  - (n) the quantity purchased by each buyer;
  - (o) such other information as he may deem fit to add.
- (2) The General Manager shall provide the fresh produce agent concerned with a copy of every such market sales note as soon as the consignment or part thereof is sold or, if it is not sold, before the General Manager passes on to the next consignment.

**34. Procedure at auction**

- (1) Every article offered for sale by public auction, shall be deemed to be sold to the highest bidder after the auctioneer knocked down the bid in respect of such article; if the fresh produce agent is willing to accept the price so realised. If not, the fresh produce agent shall declare the reserve price to the auctioneer, and the auctioneer shall announce such price to all persons attending the sale, and the highest bidder may thereafter accept or reject such price. Thereafter, provided the highest bidder accepts the article at the reserve price and does not purchase the whole number, other persons attending the sale, may obtain their requirements at such declared reserve price. Once a price has been declared, as described, it may not be changed for a period of 24 hours, and the original conditions of sale may not be changed in any way, except with the prior permission of the General Manager.
- (2) If the fresh produce agent refuses to accept the highest bid obtained at the sale as a selling price for any article, he shall declare a reserve price. The highest bid, together with the reserve price, shall be inscribed on the market sales note by the auctioneer, and if no sale is made at the reserve price, the words "not sold" shall be inscribed by the auctioneer on the market sales note, which shall then be deemed to be a no sale market note.
- (3) If no offer is made for any article offered for sale, the auctioneer may issue a no offer market note in respect thereof, by inscribing on the market sales note the words "no offer".

**35. Controlled price**

When the price of an article offered for sale by auction, is controlled or fixed by law, and the price so prescribed, is offered by persons attending the sale, the article shall be sold to the person who first made the bid at the controlled price. Should more than one person make a bid at the controlled price simultaneously, the General Manager shall either cancel the sale by public auction and direct that the article be sold by private treaty by the fresh produce agent concerned at the controlled price to the persons who attend the auction sale, in such a manner that each person receives a fair share of the available supply, or the General Manager may distribute the article in question at the controlled price among the bidders in a manner to be determined by him. No person may withhold such article from sale, unless directed to do so by the General Manager and no person shall offer or sell such article at a price in excess of the maximum controlled price, or offer or sell such article jointly with other articles that are not subject to controlled prices.

**36. Alterations in market sales notes**

The auctioneer shall initial every alteration on a market sales note, and the General Manager shall, after satisfying himself as to the reason for the alteration, countersign the altered note.

**37. Roster of auction sales**

Auctions shall be conducted according to a roster prepared by the General Manager in such a manner that every fresh produce agent in turn is given an opportunity to sell first. Every fresh produce agent shall be given a period of time, determined by the General Manager, within which the articles entrusted to him, may be sold. Every consignment shall be offered for sale only once during every round.

**38. Re-auctioning**

If the auctioneer has knocked an article down to the highest bid, and the sale is confirmed by the fresh produce agent, and the highest bidder has obtained his requirements, and a number of other buyers attending the sale ask to be served at the same price, the auctioneer may put the rest of the consignment up for auction again if, in his opinion, it will be to the advantage of all concerned. No responsibility shall, however, devolve upon the Municipality should a lower price be realised when the article is again put up for sale, but the General Manager or the fresh produce agent shall have the right to place a reserve price equivalent to the original highest bid on the article if a bid lower than the original highest bid is received when the article is re-auctioned.

**39. Issue of documents**

No person other than the General Manager shall issue or cause to be issued market sales notes or any other documents relating to collections, sales or deliveries. The cost, or portion thereof, attached to all or some of such documents, may be recovered from the fresh produce agents.

**40. Time allowed to fresh produce agents**

A fresh produce agent shall after he has arranged a specific time for his sales with the General Manager, commence immediately after announcement of his turn, failing which the General Manager may instruct the auctioneer to proceed to the next fresh produce agent. A fresh produce agent who failed to commence immediately shall forfeit the services of an auctioneer for the rest of the day.

**41. Persons that are allowed within enclosure**

Except with the permission of the General Manager no person other than the market officials, fresh produce agents or members of their staff shall be allowed within the enclosure or area in which sales are held. Every person shall forthwith leave such enclosure or area when directed to do so by the General Manager.

**42. Refusal to sell**

The General Manager may in his discretion refuse to accept any bid offered by any person at any sale by public auction, or refuse to sell any article to any person, if he has reason to believe that such person will be unable to pay the selling price or will not take delivery of his purchases, or if such person has contravened or failed to comply with any provision of these regulations.

**43. Doubts and disputes**

If the General Manager is doubtful as to the highest bid or the highest bidder, or if the person to whom an article is knocked down, immediately disputes the sale, the article shall again be put up for sale, and the Municipality shall not be responsible for any loss resulting from such re-sale.

**44. General Manager's decision final**

The decision of the General Manager as regards disputes on a bid and all other matters connected with sales, shall be final and binding.

**45. Doubts as to ownership**

The General Manager may refuse to put any article up for sale if he has reason to believe that such article is not the property of the vendor, or he may put such article up for sale on condition that the proceeds of the sale remain in his possession until such time as he has been satisfied as to the ownership of such article. The Municipality shall not be liable for any loss or damage caused to any person by such refusal to sell, or sale made on the condition set out above.

**46. Sales at prices below the highest bid**

Every fresh produce agent who has placed a reserve price on any article, and who later accepts an offer which is lower than the highest bid made for such article at the original sale, shall be responsible to and shall pay the vendor, in a manner to be determined by the General Manager, the difference between the highest bid received at the original sale, and the price at which the article was sold, unless the written permission of the General Manager had been obtained beforehand.

**47. Reasonable price**

The General Manager may declare that any article is unsold when the highest price offered is in his opinion not a reasonable price, and he may declare an article sold or direct that it be sold if he is convinced that the vendor by not concluding the sale may suffer inconvenience, loss or damage, unless the producer has given a contradictory order.

**48. Inspection, grading, packing and marking**

No article required by law to be graded, may be offered for sale or sold unless it has been submitted by the fresh produce agent concerned for inspection, and has been inspected as prescribed by law, and the grade assigned to it as a result of such inspection has been clearly marked on it by such fresh produce agent. No article required by law to be offered for sale or sold by mass, or to be packed, marked or graded in a prescribed manner, shall be offered for sale or sold or removed from the market unless it complies in every respect with the requirements of such law : Provided that the General Manager may in his discretion sell any article or direct that it be sold, if he deems it expedient to do so.

**49. Collection and delivery**

Every buyer shall collect his purchases as soon as they are ready for delivery to him, and every fresh produce agent shall make available his purchases to the buyer as soon as he has paid the price, or as soon as such fresh produce agent is directed to do so by the General Manager. The fresh produce agent shall be responsible for providing to the buyer the quantity, mass, quality, grade, variety and container, as the case may be, purchased by him. The buyer shall not be entitled to claim from and be compensated by the Municipality for any loss or inconvenience suffered as a result of non-compliance by the fresh produce agent with these provisions.

**50. Purchase and sale by employees of the municipality**

Except in an official capacity, nobody who is in the employ of the Municipality at the market, may bid on an article on the market or buy or sell it or may directly or indirectly be interested in the sale or purchase of any article sold or offered for sale on the market, save such as he may bona fide require for his private consumption or use.

**51. Private treaty sales**

No person except those authorised thereto by the Council shall conduct private treaty sales, and private treaty sales of such articles may only take place during such times and places and under such conditions as the General Manager may determine from time to time.

**52. Sales dockets**

- (1) No article shall be sold by private treaty unless, at the time of sale, a sales docket complying with the provisions of section 52(2), is issued to the buyer by the fresh produce agent.
- (2) Every sales docket referred to in section 52(1), shall be clearly and legibly written out and shall have the following inscribed thereon :
  - (a) the date of sale;
  - (b) the agent's code-mark;
  - (c) the vendor's full name;
  - (d) the buyer's full name or number;
  - (e) the variety and count where applicable;
  - (f) the type of container and/or the mass where applicable

- (g) the quality, quantity and mass of the article sold, where applicable;
- (h) the price per unit;
- (i) the number of units that are sold;
- (j) the gross value of the sale;
- (k) such other information as may be required by the General Manager.

**53. Preference**

No fresh produce agent shall, when conducting private treaty sales, in any way give preference to any person.

**54. How articles are to be sold**

No article shall be sold except according to quality, mass, number, quantity or as otherwise prescribed by a law or as determined by the General Manager. If an article is sold by mass, the mass shall mean the netto mass.

**55. Prepayment system**

- (1) The Municipality may introduce a prepayment system to the fresh produce market;
- (2) All persons wishing to be registered onto and partake in the prepayment system should apply for an electronic card by way of paying a deposit as determined by the Council from time to time by way of resolution;
- (3) After receipt of such a deposit an electronic card will be issued to the cardholder, who applied for such a card, by the General Manager. Prior to utilising the card, the cardholder should deposit an amount of money with the General Manager, which amount will be reflected on the card as a credit.
- (4) The cardholder may purchase goods by tendering the card at the relevant fresh produce agents, who will swipe the card through the relevant devices after each sale, effecting a deduction of the purchase amount from the credit on the card;
- (5) Persons may be prohibited from purchasing anything on the market if they do not have a card, or the card do not reflect enough credit to pay for the proposed purchases.
- (6) The cardholder should exercise the necessary care with his card and the Council will not be held liable for any unauthorised deductions from the card, unless such deductions can be shown to be due to an error by the Council.

**56. Articles of inferior quality as sample**

No buyer shall be obliged to accept any article which, in the opinion of the General Manager, is inferior to, or does not conform to the sample exposed at the sale, or which does not conform to the declaration made at the time of sale by the General Manager or the fresh produce agent: Provided that the buyer notifies the General Manager accordingly immediately after delivery of the article has been made to him, and that the article in dispute has not be fiddled or tampered with, unpacked, resorted or removed from the market. Any dispute regarding any article or the sale thereof shall be decided by the General Manager and his decision is in all such cases of dispute or complaint, final and binding.

**57. Cash purchases and credit guarantee**

- (1) Unless the Council determines otherwise, all persons purchasing articles on the market, shall pay the General Manager in cash the price thereof immediately after the sale has been concluded. Except with the permission of the Council and the relevant producer, no person shall purchase any article on credit. If permission is granted, the General Manager may demand a guarantee from any person buying article on credit.
- (2) No person, except the General Manager, shall accept money in respect of any articles that has been sold.
- (3) Agents may collect money from sales after official hours, only if prior arrangement for this is made with the General Manager and he agrees to this arrangement.

**58. Penalties for late payment of accounts**

The provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, shall apply to any person who fails to pay his account for an article purchased on credit within fifteen (15) days from date of purchase. Credit for defaulting buyers will be suspended without detracting from the right of the Municipality to take steps for the recovery of the amount due.

**59. Defaulting buyers**

- (1) If any buyer fails to pay for articles purchased by him or to comply with any other provision of these by-laws relating to sales, or has left articles at the General Manager or a fresh produce agent, the General Manager may direct that such articles be sold again in such manner as he may deem expedient, and the defaulting buyer shall be responsible for any loss on such re-sales, plus such monies and charges as may be due in terms of these by-laws.
- (2) The General Manager may further, in the event of any such loss, and on receiving particulars thereof from the fresh produce agent concerned, refuse to take any more bids from such defaulting buyer. Only sales by way of private treaty shall be allowed between such defaulting buyer and a fresh produce agent. The General Manager will only take bids from such defaulting buyer once the loss has been made up or the said defaulting buyer has made other arrangements to the satisfaction of the General Manager.
- (3) No defaulting buyer shall fail or refuse to pay on demand by the General Manager any deficiency due by him, or appoint any other person to buy on his behalf or use the name of any other person in order to obtain articles.
- (4) The Municipality shall not be liable for any error in connection with any article left at a fresh produce agent or on the market by a defaulting buyer, or for any wrong description, shortage or excess in quantity or lack of quality, or for any loss, damage or inconvenience suffered by such defaulting buyer.

**60. Measuring of mass**

When an article is offered for sale or sold by mass, the General Manager may direct that the mass of such article be measured in the presence of a buyer or prospective buyer at such place and on such scale as the General Manager may determine.

**61. Responsibility for mass**

It shall be the responsibility of the fresh produce agent concerned to ensure that articles which by law or by direction of the General Manager shall be sold by mass, shall be the correct prescribed mass before they are displayed for sale, offered for sale or sold, and such mass shall be clearly and legibly marked on such articles or their containers.

**62. Default by fresh produce agent**

When, in the opinion of the General Manager, a fresh produce agent has neglected to take all reasonable steps to sell any article with a minimum of delay at the ruling market price, or has failed to take all reasonable precautions to prevent deterioration or contamination of such article, the General Manager may notify the vendor and issue a market sales note in his favour in respect of such article at the price realised for similar articles on the day on which the article should have been sold. The said fresh produce agent shall pay to the vendor, in a manner to be determined by the General Manager, the value specified on such market sales notes, less any charges he is entitled to receive and less the price for which the deteriorated or contaminated article, or the article not sold when it should have been sold, has been sold. No responsibility shall devolve on the Municipality or the General Manager for having so notified the vendor, or for any loss or damage suffered by the fresh produce agent concerned as a result thereof.

**63. Demand for payment by General Manager**

- (1) The General Manager may demand, and recover any monies due by any person for or to whom any article has been sold, and if such person fails to pay such monies, the General Manager may set off such monies against any monies in his possession belonging to such person.
- (2) If the General Manager is in control of monies and has reason to believe that if such monies are paid out to any person other than the person to whom they are lawfully due, they will not reach the person to whom they are lawfully due, he may either withhold payment of such monies to any person until he is satisfied that they will reach the person to whom they are lawfully due, or direct that they be paid direct to the person to whom they are lawfully due in a manner to be determined by him. No responsibility shall devolve on the Municipality for any action bona fide taken in terms of these regulations.

**64. Unclaimed articles**

A storage fee, as determined by the Council from time to time by way of resolution, may be levied on any article left on the market and not claimed within forty-eight hours and not removed by the person entitled thereto, before it may be removed. Such articles, when not claimed or when the set storage fee is not paid, must be sold by the General Manager in the manner to be determined by himself, and the said General Manager shall hold the proceeds of such sale, less all monies and charges lawfully due thereon, on behalf of any person duly establishing his claim thereto.

**65. Dumping and re-selling**

Except with the permission of the General Manager, no person shall dump or resell any article on the market which he has purchased on the market. No person may bring any article to the market for dumping or storing thereon until delivery can be taken by the owner or purchaser. The General Manager shall warn any person trying to do so, against such dumping, reselling or storing or take the necessary legal steps.

**66. Off-loading**

- (1) Every fresh produce agent shall proceed with reasonable despatch to load or cause to be loaded any barrow or other vehicle, when requested to do so by the General Manager.
- (2) The Municipality shall not be responsible for the loss of or damage to or delay in delivery or off-loading of any article of the fresh produce agent or buyer.

**67. Liability for loss or damage**

No liability shall devolve on the Municipality in respect of loss of or damage to any article from any cause whatsoever while such article is on the market.

**68. Permits for fresh produce agents**

- (1) No person shall carry on the trade or business of a fresh produce agent unless he shall first have obtained a permit from the Municipality to do so. The permit is not transferable without the written permission of the Council.
- (2) Every person carrying on such trade or does business, shall submit an application therefor on the official form obtainable from the General Manager as well as a fidelity fund certificate from the Registrar of Agricultural Produce Agents in accordance with the stipulations of APAC, and shall lodge the completed form with the General Manager.
- (3) Every applicant shall satisfy the Municipality that he is compliant with the stipulations of APAC and is a fit and proper person to carry on the trade or business of a fresh produce agent and that he has complied with the provisions of the law relating to fresh produce agents.
- (4) In the evaluation of applications in terms of this section, the Municipality may take the following into consideration:
  - (a) the stipulations of the Municipality's Supply Chain Management Policy;
  - (b) the BEE status of the applicant;
  - (c) the floor space available in the market;
  - (d) the adding of value to the market
  - (e) the number of employment opportunities created by the applicant
- (5) Every permit holder shall pay in advance to the Municipality a fee, as from time to time determined.
- (6) Every permit shall be valid from its date of issue until the following 31 December, unless it is otherwise cancelled or withdrawn. Every permit holder desiring to renew such permit shall make application therefore when directed to do so by the General Manager, in terms of the provisions of subsection (2).
- (7) The Council may in its discretion withdraw or refuse to renew a permit.
- (8) The General Manager may in his discretion allocate stands to a fresh produce agent to carry on his business. No fresh produce agent shall sublet any such stand or place without the approval of the General Manager and the allocation may be withdrawn at any time by the General Manager if circumstances warrant it.

**Other licenses**

In addition to the permit issued by the Council, a fresh produce agent shall, before beginning to trade on the market, take out all such other licenses and furnish all such other surety bonds as he may be required to do by any other law. The issue of permits will be at the entire discretion of the Council notwithstanding the fact that intended applicants may comply with all the requirements and conditions for a permit or not.

**70. Transfer of produce**

The General Manager may, when instructed to do so by the vendor, transfer the produce belonging to such vendor from the fresh produce agent to whom the goods was originally consigned, to any other fresh produce agent named by the vendor.

**71. Allocation of space to fresh produce agents**

As soon as possible after the commence of the Municipality's new financial year, the General Manager may, in consultation with the market agents and subject to section 24, allocate space in the market area for the use by fresh produce agents as he may deem fit. No fresh produce agent shall place articles on floor space which has been allocated to another fresh produce agent without the prior approval of the General Manager.

**72. Dust- and rubbish receptacles**

Every person hiring premises on the market, shall provide an adequate number of dust- or rubbish receptacles of a type and size approved by the General Manager for use on such premises. No person shall place or cause to be placed any offensive matter in any such receptacles, and it shall be the responsibility of every person hiring such premises to ensure that the contents of such receptacles are regularly removed and dumped in a place determined by the General Manager.

**73. Information required of fresh produce agents**

Every fresh produce agent shall, when requested to do so by the General Manager, furnish him with any documents or information relating to arrivals and sales of and payments for all articles handled by such agent in the course of business.

**74. The fresh produce agent is responsible for employees**

Every fresh produce agent shall be responsible for the conduct of all persons in his employ and for the conduct of all persons in his employ and for any damage done to Municipality's property by such agent himself or by his employees, acting within the scope of their duties and instructions. Such agent shall forthwith institute adequate disciplinary measures as provide for in any relevant labour legislations against any employee contravening any law or regulation relating to the market, or any market rules or instructions issued by the General Manager, or convicted of any offence arising out of the execution of his duties or activities on the market, unless such conviction is set aside on appeal. No fresh produce agent shall engage or re-engage any person whose services have been so terminated after the finalization of such disciplinary measures.

**75. Registration of employees**

- (1) Every fresh produce agent shall register his employees with the General Manager and in compliance with APAC, in a manner to be determined by the General Manager, and shall notify all changes of personnel within three days to the General Manager who shall for this purpose keep a register, which shall set forth all relevant particulars relating to such employees.
- (2) The fresh produce agent shall ensure that if his employees are suffering from a contagious disease, they not be present at the market until such disease has been cured.

**76. Permit for employees**

- (1) Every fresh produce agent shall apply to the General Manager for a permit before employing any person, and shall not employ such person or allow him to begin work until the General Manager has issued a permit in respect of such person.
- (2) The General Manager may refuse to issue a permit, and may at any time cancel a permit if the person to whom it was issued is not a fit and proper person to hold it, or if such person has contravened any law or regulation relating to the market or any market rules or instructions issued by the General Manager. Any such permit shall be the property of the person to whom it was issued, and is not transferable. The holder shall produce it on demand by the General Manager or any duly authorised official at all reasonable times.

**77. Protective clothing**

Every fresh produce agent shall supply his employees with such protective clothing as may be required by the General Manager, and shall ensure that such clothing is distinctly marked with the code mark or the name of his firm, and numbered in a way determined by the General Manager, and that such clothing is at all times kept clean and in good repair. No fresh produce agent shall allow any employee to work on the market unless he is wearing such protective clothing.

**78. General Manager may furnish information to vendor**

The General Manager may furnish direct to any vendor copies of any market sales note covering the sale of any article sold on behalf of such vendor by any fresh produce agent, or such other information as may be deemed expedient. Every fresh produce agent shall, on request by the General Manager, furnish him with the name and address of any vendor on whose behalf such fresh produce agent has sold any article, as well as such other information as the General Manager may require.

**79. Misconduct by fresh produce agents**

If any fresh produce agent commits any breach of, or fails to comply with, the provisions of any law relating to the market, or any instructions issued by the General Manager, the Council may serve a notice on such agent calling on him forthwith to remedy such breach or failure, and if he fails to do so the Council may cancel and refuse to renew his permit, as well as his right of occupation of office or other accommodation, without prejudice to any other action the Municipality may be entitled to take against such agent.

**80. Lease of push-carts and trolleys**

- (1) No other equipment or vehicles, except such equipment and vehicles supplied by the Council or approved by the General Manager, may be used to convey or remove products, articles or empty containers from any section or area of the market to any other section or area of the market.
- (2) The equipment or vehicles supplied by the Council in terms of section 83(1) may be hired by any person: Provided that:
  - (a) the prescribed rental is paid in advance to the General Manager;
  - (b) the lessee shall not lend or transfer it to any other person without the prior permission of the General Manager;
  - (c) when circumstances in the opinion of the General Manager justify such action, the said General Manager may at any time instruct any person to place it in any part of the market for as long as he deems necessary;
- (d) the lessee shall return it to the General Manager in the condition received, fair wear and tear excepted. The lessee will nevertheless be responsible for any loss as a result of damage to it, or destruction or non-return thereof;
- (e) no liability shall devolve on the Municipality for injury or damage to persons or property as a result of the use thereof, save where such injury or damage is caused by the wrongful or negligent act of employees of the Municipality;
- (f) on the day of leasing, the lessee may use the equipment and vehicles as supplied by the Council up to 14:00: Provided that the General Manager may shorten or lengthen the duration of the leasing period, if circumstances, in his opinion, justify such action and that as a result of this, no person shall have the right to claim against the Municipality;
- (g) the type and maximum number of vehicles leased to any person per day, shall be determined by the General Manager according to circumstances;
- (h) the lessee, on request of any duly authorised person, at any time has to give proof of his right to use such vehicle or equipment.

**81. Cold storage and ripening**

- (1) The Council may undertake the cold storage and ripening of articles, at tariffs laid down from time to time, to be paid by the person requiring such storage or ripening facilities, in such manner and at such time as may be determined by the General Manager. The said General Manager may refuse to release any articles so stored or ripened until the charges due to the Council in respect thereof have been paid.
- (2) All articles placed in cold storage or in the ripening chamber shall be at the entire risk of the person requiring such storage or ripening facilities and no liability shall devolve on the Municipality in respect of any loss, damage, shortage or delay arising from the maintenance of too high or too low temperature, failure of machinery or plant, flood, wind, sprinkler leakage, dampness, sweating, decay, putrefaction or destruction by vermin, Act of God, civil commotion, military authority, insurrection, strikes, lock-outs, labour-disputes, quarantine, war, explosion, the nature of the goods, inherent vice, contact with or proximity to other goods, concealed damage, variation or shrinkage in weight, defective or insufficient packages or containers, theft or any other cause whatsoever, except upon proof by the owner that such loss, damage, shortage or delay was occasioned by or through the wilful misconduct or negligence of an employee of the Municipality acting in the course of his employment.

- (3) Notwithstanding anything contained in section 84(2), the Municipality shall not be liable for damage, howsoever caused unless inspection of the articles concerned, or such sample of them as the General Manager may require, has been tendered to the General Manager before such articles are removed from the market, nor shall the amount of the Municipality's liability for any loss, damages, shortage or delay exceed the value of the articles concerned. "Value" for this purpose shall mean the average price realised on the market for similar article son the day on which the articles concerned are removed from the cold store or the ripening chamber.
- (4) All articles are accepted on the understanding that the contents, weights, quantities and values are unknown, unless a special endorsement to the contrary is made on the receipt issued for such articles when they are accepted for cold storage or ripening.
- (5) All articles shall be labelled, as determined in sections 16 and 48.
- (6) Articles will only be released from the cold store or ripening chamber on presentation of a written order from the store, or his duly authorised agent and provided a signed receipt for such articles is given to the General Manager.
- (7) The General Manager may at any time refuse to accept any article for cold storage or ripening if, in his opinion, circumstances then existing justify such refusal and he may order the immediate removal from the cold store or the ripening chamber of any article deemed by him to be unsound or liable to cause damage or constitute a nuisance, and if the owner of the article concerned, or his duly authorised agent, fails to comply with such order, the General Manager may remove such an article from the cold store or ripening chamber at the expense of such owner or agent, and no liability for any resulting damage or inconvenience shall devolve upon the General Manager or the Municipality.

#### **82. Articles left behind in market area**

Any products remain in the market at the owner's responsibility.

#### **83. Prohibition on dogs**

Nobody shall bring any dog on any part of the market during market hours. Any person whose dog is found in the area, must remove the dog immediately. The General Manager shall have the right to impound any dog that is found in the market.

#### **84. Hawking prohibited**

Nobody shall hawk or carry about for sale any article, animal material or thing in any part of the market area. Every article, animal, material or thing thus hawked or carried around on the premises for the purposes of trade may be seized and taken into possession by the General Manager until the closing time of the market.

#### **85. Rejected articles**

The medical officer of health may inspect, reject and dispose of any article brought for sale on the market, and no compensation shall be paid by the Municipality in respect thereof.

#### **86. Parking of vehicles**

- (1) Nobody in control of any vehicle, may park such vehicle on any place except on the spaces that are set aside for such purpose from time to time by the General Manager : Such separate spaces next to the loading platforms may at the prepayment of the rental, as from time to time approved be reserved for any person. Provided that in the case of an emergency the General Manager may prohibit any person to park a vehicle in the place thus set aside.
- (2) No vehicles used for the delivery to or removal from the market of any article, shall remain on the premises longer than such period as is necessary for the loading or offloading, as the case may be. The General Manager determines the time that is necessary for such offloading and loading.

### **CHAPTER 3**

#### **MISCELLANEOUS**

#### **87. Obstruction**

No person shall place any article in the market area in such a manner that an obstruction or inconvenience is caused thereby. Nobody may erect any structure in the mentioned area without the prior written permission of the General Manager.

**88. Damage to property of the municipality**

All persons moving into a premises, office, store table space, or stall, shall be responsible for all damage done during the use of tables, blocks, counters, equipment belonging thereto and plates or other property of the Municipality in general, except for normal wear and tear.

**89. Liability of the municipality**

The Municipality shall not be held responsible or liable to any person for any loss, damage, injury or death resulting from or arising out of their presence at the market, which loss, damage or injury is not attributable to the neglect of normal duties by the employees of the Municipality.

**90. Obstruction of officials of the municipality**

Any person who hinders officials of the Municipality in the execution of their duties or who uses offensive language or who acts in a threatening manner or who refuses to obey any lawful order, shall be guilty of an offence.

**91. Unauthorised use of spaces**

Any person who uses, keeps or occupies any space in the market in an unlawful manner, shall be guilty of an offence and shall in addition be held responsible for the rental for the space and any damage caused by such unlawful occupation.

**92. Market moneys, market commission and other fees**

- (1) Market dues shall be levied on all articles sold, in accordance with the stipulations of the Act or any other applicable legislation. It also applies to articles stored in the market or in cold storage, ripening chambers and the Municipality's store rooms and also on the letting of trolleys, offices, accommodation, etc.
- (2) A fresh produce agent commission as negotiated between vendors, producers and agents shall also be levied in respect of products.

**93. Prohibition on wholesalers or their representatives trading**

- (1) Wholesalers, their employees or representatives are not allowed to trade on the municipal fresh produce market except with the permission of the General Manager, granted in terms of subsection (2).
- (2) On receipt of an application to trade on the market from wholesalers, their employees or representatives, the General Manager shall take the following into consideration when deciding to allow wholesalers, their employees or representatives on the municipal fresh produce market:
  - (a) whether the products that they intend to trade is the same or materially the same as other products being traded on the municipal fresh produce market;
  - (b) the availability of floor space or other accommodation on the municipal fresh market;
  - (c) representations or objections made by fresh produce agents;
  - (d) any other factors that the General Manager may deem necessary to take into account.

**94. Submitting of railway claims**

Any claim rejected by the Railway Administration on the ground that the full consignment was delivered to the fresh produce agent or consignee in a sound and undamaged condition, shall be paid by the fresh produce agent or consignee concerned, and the value of such claim, less all lawful charges, shall be remitted to the vendor by such fresh produce agent or consignee in such manner and at such time as the General Manager may determine.

**95. Dispute resolution**

- (1) Any dispute arising between fresh produce agents, traders, or persons other than the General Manager or any other employee of the municipality may be referred to the General Manager. Such a referral shall be in writing and accompanied by the written submission of all persons involved in the dispute.
- (2) The General Manager shall set up a meeting for the resolution of the dispute referred in terms of subsection(1) and opportunity will be given to all parties involved to make representations.

- (3) The General Manager shall provide his ruling on the representations to the parties concerned as soon as reasonably possible and such a ruling shall only be advisory of nature and shall not be deemed to be binding on the parties.
- (4) Where a dispute arises which involves the General Manager or any other employee of the municipality, the matter shall be referred to the City Manager, whereupon the City Manager shall reasonably attempt to resolve the dispute. A ruling from the City Manager shall be of an advisory nature and shall not be deemed binding on the parties.

**96. Offences and penalties**

- (1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

**97. Repeal**

The regulations regarding the Municipal Market promulgated under Administrator's Notice No 53 of June 12, 1979, as amended, are hereby repealed.

**98. Short title and commencement**

These by-laws are called the By-laws relating to the Municipal Fresh Produce Market and shall come into operation on the date of publication in the *Provincial Gazette*.

**NOTICES**

**NOTICE OF REMOVAL OF A RESTRICTIVE CONDITION IN TERMS OF A COURT ORDER:**

Notice is hereby given that Shell South Africa Proprietary Limited has made application to the High Court of South Africa (Free State High Court, Bloemfontein) case Number 2073/2009 for an order in terms of which Conditions B 3(a) contained in Deed of Transfer No. T8932/1985 in respect of Erf No. 23515 in the Township of SASOLBURG (Extension No. 35), District PARYS, in extent 8884 (eight thousand eight hundred and eighty four) Square metres be cancelled.

- 1. The aforesaid Honourable Court has issued a *rule nisi* calling upon any interested person to show cause before this Court on 30 July 2009 at 10:00 or so soon thereafter as counsel may be heard, why an order should not be made as follows:
  - (a) that Condition B 3(a) contained on pages 4 and 5 of Deed of Transfer T8932/1985, pertaining to Erf No. 23515 in the Township of SASOLBURG (Extension No. 35), District PARYS, in extent 8884 (eight thousand eight hundred and eighty four) Square metres, as indicated on General Plan SG 827/1971 ("the Property"), by cancelled and removed;

**KENNISGEWINGS**

**KENNISGEWING VAN VERWYDERING VAN DIE BEPERKINGS KLOUSULE IN TERME VAN 'N HOFBEVEL:**

Kennis word hiermee gegee dat Shell Suid-Afrika (Edms) Bpk 'n aansoek gerig het te die Vrystaat Hoë Hof, Bloemfontein, Republiek van Suid-Afrika onder saaknommer 2073/2009 vir 'n bevel in terme waarvan Klousule B 3(a) soos vervat in die Transportakte No. T8932/1985 ten aansien van Erf 23515, distrik SASOLBURG (Uitbreiding No. 35), distrik PARYS met grootte 8884 (agt duisend agt honderd vier en tagtig) vierkante meter, gekanselleer word.

- 1. Die bogemelde Agbare Hof het 'n bevel *nisi* uitgereik waarvolgens enige geïnteresseerde persoon opgeroep word om redes aan te voer voor die bogemelde Agbare Hof op 30 Julie 2009 om 10:00 of so spoedig doenlik daarna as wat die regsverteenvoer-diger aangehoor kan word, waarom 'n bevel met die volgende bepalings nie toegestaan moet word nie:
  - (a) Dat klousule B 3(a) uiteengesit op bladsye 4 en 5 van die Transportakte No. T8932/1985 ten aansien van Erf 23515, distrik SASOLBURG (Uitbreiding No. 35), distrik PARYS met grootte 8884 (agst duisend agt honderd vier en tagtig) vierkante meter, soos uiteengesit op die Algemene Plan SG 827/1971 ("die Eiendom"), gekanselleer en geskrap word;

<p>(b) that the Registrar of Deeds, Bloemfontein be directed to take all such steps as may be necessary to record the cancellation and removal of the condition referred to in paragraph (a) hereof and to remove it from Deed of Transfer No. T8932/1985; and</p> <p>(c) that any party opposing confirmation of this order shall pay the costs of the application.</p> <p>2. That any person wishing to oppose the confirmation of the foregoing <i>rule nisi</i> is directed, on or before 18 June 2009 to deliver a notice of intention to oppose to the Applicant's attorneys and to deliver a copy thereof to the Registrar of the above Honourable Court, and thereafter within 15 days, to deliver in the same manner an affidavit to affidavits setting out the basis for their objection.</p> <p>3. The application papers are available for inspection at the Bloemfontein offices of the correspondents to the Applicant's attorneys, Honey Attorneys, Honey Building, Norhridge Mall, Eeufees Road, Bloemfontein and that persons wishing to object to the confirmation of the order may do so within a period of four weeks of date of publication of this notice.</p> <p><b>FLUXMANS INC</b>          APPLICANT'S ATTORNEYS          C/O HONEY &amp; PARTNERS          HONEY CHAMBERS          NORTHRIDGE MALL          EEUFEEES ROAD          BLOEMFONTEIN          Tel.: (051) 403 6642          REF: Mr Funus Le Roux</p>	<p>(b) Dat die Registrateur van Aktes, Bloemfontein beveel word om alle sodanige stappe te neem as wat nodig mag wees om die klousule soos na verwys in paragraaf (a) hierbo, te kanselleer en te skrap sowel as dit te verwyder uit die Transportakte No. T8932/1985; en</p> <p>(c) dat enige persoon wie die bekragtiging van hierdie bevel wens te opponeer, gelas word om die kostes van die aansoek te betaal;</p> <p>2. Dat enige persoon wie wens om die voorgemelde bevel <i>nisi</i> te opponeer, sy/haar kennisgewing van opponering moet beteken voor of op 18 Junie 2009 op die Applikant se prokureurs van rekord sowel as 'n afskrif daarvan aan die Griffier van die bogemelde Hof te oorhandig en daarna binne 15 (VYFTIEN) dae toe te sien dat die opponerende verklaring of verklarings geliasseer word waarin die basis van hul opponering uiteengesit word.</p> <p>3. Die stukke is beskikbaar ter insae vir 'n periode van 4 weke vanaf datum van publikasie van hierdie kennisgewing te die kantore van Honey Prokureurs, Honey Gebou, Northridge Mall, Eeufeesweg, Bloemfontein, synde die Applikant se Prokureurs van rekord te Bloemfontein en mag enige persoon wie van voorneme is om die bekragtiging van die bevel soos hierbo uiteengesit te opponeer, die dokumente kan besigtig.</p> <p>RJ BRITZ          PROKUREUR VIR APPLIKANT          HONEY PROKUREURS          HONEY GEBOUE          NORTHRIDGE MALL          EEUFEEESWEG          BLOEMFONTEIN          Tel.: (051) 4036600          Faks: 051 433 4653  <b>P/A FLUXMANS INC.</b></p>
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**ANNEXURE B**

**NOTICE OF INQUIRY**

**REGULATION 3 (1)**

**The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

It is hereby made known that:

- (a) I, Muzamani Charles Nwaila Director General of the Free State Provincial Government, intend to conduct an inquiry concerning the determination and declaration of rights of leasehold or ownership as referred to in section 2(1) of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988, Act, 1988, in respect of the affected sites contained in the accompanying list and situated in the areas of jurisdiction of the Municipality of Mangaung.
- (b) Any person who intends lodging an objection to or claim regarding such declaration, shall direct such objection or claim in writing to the Director General, Free State Provincial Government, P. O. Box 211, Bloemfontein, 9300, to reach this address on or before 16:00 on **11/08/2009**.

**DIRECTOR – GENERAL**

**AANHANGSEL B**  
**KENNISGEWING VAN ONDERSOEK**

**Regulasie 3 (1)**

**Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet 81 van 1988)**

Hiermee word bekend gemaak dat:

- (a) Ek, Muzamani Charles Nwaila Direkteur – Generaal van die Provinsie Vrystaat, van voorneme is om 'n ondersoek aangaande die bepalings en verklaring van regte van huurpag of eiendomsreg soos bedoel in artikel 2 (1) van die Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 ten opsigte van die geaffekteerde persele in die meegaande lys vervat, en geleë binne die regsgebied van die Munisipaliteit van Mangaung in te stel;
- (c) enige persoon wat 'n beswaar teen of 'n aanspraak aangaande sodanige verklaring wil maak, sodanige beswaar of aanspraak skriftelik moet rig aan die Direkteur – Generaal, Vrystaat Provinsiale Regering, Posbus 211, Bloemfontein, 9300, om die adres voor of op 16:00 op 11/08/2009 te bereik.

**DIREKTEUR – GENERAAL**

<b>Geaffekteerde persele</b>	<b>Volle voorname en van</b>	<b>Identiteitsnommer</b>
<b>Affected sites</b>	<b>Full christian names, surnames</b>	<b>Identity number</b>
<b>BLOEMFONTEIN MANGAUNG</b>		
<b>BLOEMFONTEIN.MANGAUNG</b>		
59 EXT. 1	ELIZABETH MATLAKALA MANKHOE	610905 0281 08 1
60 EXT. 1	ITUMELENG JACOB MOATLHODI	440106 5495 08 3
114 EXT. 1	NNUKU ANGELINA PAKI	390101 0647 08 5
309 EXT. 1	DAVID KGWADI MALELU	430423 5156 08 2
346 EXT. 1	MOROA ANNA DITHOGWE	290606 0264 08 8
352 EXT. 1	MATLAKALA MARIA MOROKA	400430 0358 08 0
	DISEBO ROSETTA MOIPOLAI	421128 0323 08 9
	SHALALA MAGDELINE POONYANE	481128 0683 08 3
378 EXT. 1	KAFUTINA WILLIAM QWESHA	420912 5540 08 1
381 EXT. 1	SIMON RAMOKONE	350101 5626 08 2
596 EXT. 1	NAOMI GADIBOLALE MELESI	300204 0270 08 7
637 EXT. 1	PEARL DORA SEBITLOANE	271111 0435 08 8
688 EXT. 1	DIGAPILWE MARTHA DITHEKO	280525 0157 08 8
689 EXT. 1	SIBONGILE BENJAMIN MALAKU	800420 5497 08 8
715 EXT. 1	KHUKHWANYANA SOPHIA TLHATLOGI	530126 0427 08 0
771 EXT. 1	SABATA ELIZABETH KOENA	370712 0304 08 1
804 EXT. 1	MASHWECO DAVID MOKGOBO	620408 5751 08 1
877 EXT. 1	SELOGILE JOSHUA QOBASE	600607 5736 08 3
914 EXT. 1	TSEBOENG MARTHA ALICE SEFAKO	480407 0378 08 9
952 EXT. 1	MOLATEDI ANDRIES BAHUMI	531106 5371 08 6
637 EXT. 1	PEARL DORA SEBITLOANE	271111 0435 08 8
996 EXT. 1	KEDIBONE MIEMIE MOKGATLA	420130 0339 08 2
1036 EXT. 1	ITUMELENG EPHRAIM MOLAOA	570324 5358 08 4
1042 EXT. 1	LISEBO VIOLET KOITHENG	341023 0217 08 3
54951 EXT. 1	LULU LYDIA BOOM	290913 0150 08 9
54953 EXT. 1	MOTSAMAI SIMON MONYETSANE	410901 5475 08 5

**ANNEXURE B**  
**NOTICE OF INQUIRY**  
**REGULATION 3 (1)**

**The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

It is hereby made known that:

- (a) I, Muzamani Charles Nwaila Director General of the Free State Provincial Government, intend to conduct an inquiry concerning the determination and declaration of rights of leasehold or ownership as referred to in section 2(1) of the Conversion of Certain Rights into Leasehold or Ownership Act, 1988, Act, 1988, in respect of the affected sites contained in the accompanying list and situated in the areas of jurisdiction of the Municipality of Mangaung.
- (b) Any person who intends lodging an objection to or claim regarding such declaration, shall direct such objection or claim in writing to the Director General, Free State Provincial Government, P. O. Box 211, Bloemfontein, 9300, to reach this address on or before **16:00 on 11/08/2009**.

**DIRECTOR – GENERAL**

**AANHANGSEL B**  
**KENNISGEWING VAN ONDERSOEK**  
**Regulasie 3 (1)**

**Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet 81 van 1988)**

Hiermee word bekend gemaak dat:

- (a) Ek, Muzamani Charles Nwaila Direkteur – Generaal van die Provinsie Vrystaat, van voorneme is om 'n ondersoek aangaande die bepalinge en verklaring van regte van huurpag of eiendomsreg soos bedoel in artikel 2 (1) van die Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 ten opsigte van die geaffekteerde persele in die meegaande lys vervat, en geleë binne die regsgebied van die Munisipaliteit van mangaung in te stel.;
- (c) enige persoon wat 'n beswaar teen of 'n aanspraak aangaande sodanige verklaring wil maak, sodanige beswaar of aanspraak skriftelik moet rig aan die Direkteur – Generaal, Vrystaat Provinsiale Regering, Posbus 211, Bloemfontein, 9300, om die adres voor of op 16:00 op **11/08/2009** te bereik.

**DIREKTEUR – GENERAAL**

Geaffekteerde persele	Volle voorname en van	Identiteitsnommer
Affected sites	Full christian names, surnames	Identity number
Bloemfontein Mangaung ext 6		
Bloemfontein Mangaung ext 6		
28297 ext 6	Semakaleng Paulina Molumo	421211 0313 08 4

**Annexure C****NOTICE OF DETERMINATION****[REGULATION 4]****The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

It is hereby made known:

- (a)(i) that the Director general determined that he intends to declare ownership in respect of the affected sites (situated within the area of jurisdiction the Municipality of DIHLABENG) indicated in column 1 of the Schedule, have been granted to the persons indicated in column 2 of the Schedule; and
- (a)(ii) that it is indicated in column 3 of the Schedule whether the person reflected in the said column 2 is also the occupier as contemplated in section 2(2) of the Act.

**DIRECTOR-GENERAL**

**Aanhangsel C****KENNISGEWING VAN BEPALING****[REGULASIE 4]****Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet No. 81 van 1988)**

Hiermee word bekend gemaak dat:

- (a)(i) dat die Direkteur-generaal bepaal het dat hy voornemens is om te verklaar dat eiendomsreg ten opsigte van die geaffekteerde persele (geleë binne die regsgebied van die Munisipaliteit van DIHLABENG) aangedui in kolom 1 van die bylae, verleen te gewees het aan die persone aangedui in kolom 2 van die Bylae; en
- (a)(ii) dat in kolom 3 van die Bylae aangedui word of die persoon in genoemde kolom 2 aangedui ook die okkupeerder is soos in artikel 2(2) van die Wet beoog.

**DIREKTEUR-GENERAAL**

**SCHEDULE / BYLAE**

<b>Column 1 Kolom 1</b>	<b>Column 2 Kolom 2</b>	<b>Column 3 Kolom 3</b>
<b>Affected sites Geaffekteerde persele</b>	<b>Name of person to whom the Director General intends to declare a right of ownership</b>  <b>Naam van persoon wat die Direkteur-generaal voornemens is te verklaar eiendomsreg verleen te gewees het.</b>	<b>Is the person indicated in column 2 also the occupier as contemplated in section 2 (2) OF THE ACT? (YES/No)</b>  <b>Is die persoon in kolom 2 aangedui ook die okkupeerder soos beoog in artikel 2(2) van die wet?(Ja/Nee)</b>
<b>BETHLEHEM BOHLOKONG</b>		
<b>BETHLEHEM BOHLOKONG</b>		
3808	MAHLOMOLA MOSES MOFOKENG	YES/JA
188	MAKHALA JERMINA MOKOENA	YES/JA
794	TANKISO ELEANOR MOKOENA	YES/JA
909	NTSIUOA BERNICE MOTAUNG MOTLALEKGOTSO PRINLE ANDREW MOTAUNG	YES/JA
889	THAKANE ERNESTINA MOFOKENG	YES/JA
1254	SEIPATI MELITA MAPHALLA	YES/JA
2959	NTSOAKE MARY NKOMO	YES/JA
2901	MANTHOSOLO LIZABETH NKOSI PONTSHO EMILY MOLOI	YES/JA
2231	SELEKE JONAS MOLELEKWA	Yes/ja
3515	DISALETSE ELIZABETH MORITE	Yes/ja
1738	NONGQENIMUZE ROSE DHLAMINI	Yes/ja
1875	BOBI PHILEMON NKALA	Yes/ja

- (b) that this determination is subject to an appeal to the Member of the Executive Council: Local Government and Housing in the manner prescribed in regulation 5; and
- (c) that, subject to a decision by the Member of the Executive Council: Local Government and Housing on appeal, every person indicated in column 2 of the Schedule in paragraph (a) above, shall be declared to have been granted ownership in respect of the site indicated opposite his name in column 1 of the Schedule.
- (b) dat hierdie bepaling op die wyse voorgeskryf in regulasie 5 aan appél na die Lid van die Uitvoerende Raad: Plaaslike Regering en Behuising onderworpe is;
- (b) dat, behoudens 'n beslissing van die Lid van die Uitvoerende Raad belas met Plaaslike Regering en Behuising by appél, elke persoon aangedui in kolom 2 van die bylae in paragraaf (a) hierbo genoem, verklaar sal word dat eiendomsreg verleen te gewees het, ten opsigte van die perseel in kolom 1 van genoemde Bylae teenoor sy naam aangedui.

**Annexure D**

**NOTICE OF GRANTING OF OWNERSHIP**

**[REGULATION 6]**

**The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

I, Muzamani Charles Nwaila Director General of the Free State Province, hereby declare that rights of ownership in respect of the affected sites (situated in the area of jurisdiction of the Municipality of Ngwathe) indicated in column 1 of the Schedule, have been granted to the persons indicated in column 2 of the Schedule.

**DIRECTOR-GENERAL**

**Aanhangsel D**

**KENNISGEWING VAN VERLENING VAN EIENDOMSREG**

**[REGULASIE 6]**

**Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet No. 81 van 1988)**

Hiermee verklaar ek Muzamani Charles Nwaila Direkteur-generaal van die Provinsie Vrystaat, dat eiendomsreg ten opsigte van die geaffekteerde persele (geleë binne die regsgebied van die Munisipaliteit van Ngwathe) aangedui in kolom 1 van die Bylae, verleen is aan die persone aangedui in kolom 2 van die Bylae.

**DIREKTEUR-GENERAAL**

**SCHEDULE / BYLAE**

<b>Column 1 Kolom 1</b>	<b>Column 2 Kolom 2</b>
<b>Affected sites Geaffekteerde persele</b>	<b>Name of person to whom the Director General intends to declare a right of ownership  Naam van persoon wat die Direkteur-generaal voornemens is te verklaar eiendomsreg verleen te gewees het.</b>
<b>HEILBRON – PHIRITONA</b>	
13	TEBOHO DANIEL HLASA
27	JOHN RADEBE
41	PIET MAKHOBA
44	DIKELEDI DOROTHY PHATI
57	MARIA MANUS
146	PEGGY RAPULENG
167	KANONO PETRUS MASANGANA
171	JOSEPH MOLEFE
179	MARTHA KHAMPEPE
186	MAMOSEOLANE TALITHA NGAKE
251	MIRIAM BODIBE
257	MATHABO ALBERT BUCIBO
258	GIDEON MOHAPI
334	JOHN FRANS
339	ANNA KHUMALO
407	PAUL SEHLOHO PHAHLANE
475	ALETTA MOHAPI

480	SYDNEY SELLO KUMALO
1273	MONICA MOTSI
1564	MATLAKALA LETTIA MODUPE
1575/76	MONNAMOHOLO ANDRIES MORAKE
1601	MALEFASO SELINA MAUTSOA
1649	JAMES LAKAJOE
1694	FUNEKA CHRISTINA MOREBUDI
1713	HESTER MAPASEKA LESIBO

**Annexure C**

**NOTICE OF DETERMINATION  
[REGULATION 4]**

**The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

It is hereby made known:

- (a)(i) that the Director general determined that he intends to declare ownership in respect of the affected sites (situated within the area of jurisdiction the Municipality of SETSOTO) indicated in column 1 of the Schedule, have been granted to the persons indicated in column 2 of the Schedule; and
- (a)(ii) that it is indicated in column 3 of the Schedule whether the person reflected in the said column 2 is also the occupier as contemplated in section 2(2) of the Act.

**DIRECTOR-GENERAL**

**Aanhangsel C**

**KENNISGEWING VAN BEPALING**

**[REGULASIE 4]**

**Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet No. 81 van 1988)**

Hiermee word bekend gemaak dat:

- (a)(i) dat die Direkteur-generaal bepaal het dat hy voornemens is om te verklaar dat eiendomsreg ten opsigte van die geaffekteerde persele (geleë binne die regsgebied van die Munisipaliteit van SETSOTO) aangedui in kolom 1 van die bylae, verleen te gewees het aan die persone aangedui in kolom 2 van die Bylae; en
- (a)(ii) dat in kolom 3 van die Bylae aangedui word of die persoon in genoemde kolom 2 aangedui ook die okkupeerder is soos in artikel 2(2) van die Wet beoog:

**DIREKTEUR-GENERAAL**

Column 1 Kolom 1	Column 2 Kolom 2	Column 3 Kolom 3
<b>Affected sites Geaffekteerde persele</b>	<b>Name of person to whom the Director General intends to declare a right of ownership  Naam van persoon wat die Direkteur- generaal voornemens is te verklaar eiendomsreg verleen te gewees het.</b>	<b>Is the person indicated in column 2 also the occupier as contemplated in section 2 (2) OF THE ACT? (YES/No)  Is die persoon in kolom 2 aangedui ook die okkupeerder soos beoog in artikel 2(2) van die wet?(Ja/Nee)</b>
<b>FICKSBURG MEQHELENG</b>		
<b>FICKSBURG MEQHELENG</b>		
1756	SEETSA ZACHARIA PITSO	YES/JA
1765	MASENA ABIEL MASENA	YES/JA
530	TANKISO REBECCA MATLALA	YES/JA
316	METHODIST CHURCH IN AFRICA	YES/JA
321	AFRICAN METHODIST EPISCOPAL CHURCH	YES/JA
371	MSUNGUTU AUGUSTINE VELAPI	YES/JA
591	TLALI JOHANNES MOKAOLI	YES/JA
184	RABASHANE JOSEPH MOKHELE	YES/JA
228	MALEFANE LUCAS MATLALA	YES/JA
25	GAUDA NYAKANE	YES/JA
597	SANKOELA PETRUS MOFUTA	YES/JA
889/2	RABASHANE JOSEPH MOKHELE	YES/JA
933	MALIKOBO NORAH TLADI	YES/JA
821	LIEKETSENG MARY MAROTHOLI	YES/JA
766	LISEMELO JEANETT RAKHORO	YES/JA
640	MOEKETSI JOSEPH SEBILO	YES/JA
1675	MANTSHIENG SHILDA LEKOPA	YES/JA
1688	SEBOLELO EVA PHUMUDI	YES/JA
2695	SUPING NEPHTALI MOKHOBHO	YES/JA

- (c) that this determination is subject to an appeal to the Member of the Executive Council: Local Government and Housing in the manner prescribed in regulation 5; and
- (d) that, subject to a decision by the Member of the Executive Council: Local Government and Housing on appeal, every person indicated in column 2 of the Schedule in paragraph (a) above, shall be declared to have been granted ownership in respect of the site indicated opposite his name in column 1 of the Schedule.
- (c) dat hierdie bepaling op die wyse voorgeskryf in regulasie 5 aan appél na die Lid van die Uitvoerende Raad: Plaaslike Regering en Behuising onderworpe is;
- (c) dat, behoudens 'n beslissing van die Lid van die Uitvoerende Raad belas met Plaaslike Regering en Behuising by appél, elke persoon aangedui in kolom 2 van die bylae in paragraaf (a) hierbo genoem, verklaar sal word dat eiendomsreg verleen te gewees het, ten opsigte van die perseel in kolom 1 van genoemde Bylae teenoor sy naam aangedui.

**Annexure D**

**NOTICE OF GRANTING OF OWNERSHIP  
[REGULATION 6]**

**The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)**

I, Muzamani Charles Nwaila Director General of the Free State Province, hereby declare that rights of ownership in respect of the affected sites (situated in the area of jurisdiction of the Municipality of Mangaung) indicated in column 1 of the Schedule, have been granted to the persons indicated in column 2 of the Schedule.

**DIRECTOR-GENERAL**

**Aanhangsel D**

**KENNISGEWING VAN VERLENING VAN EIENDOMSREG  
[REGULASIE 6]**

**Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet No. 81 van 1988)**

Hiermee verklaar ek Muzamani Charles Nwaila Direkteur-generaal van die Provinsie Vrystaat, dat eiendomsreg ten opsigte van die geaffekteerde persele (geleë binne die regsgebied van die Munisipaliteit van Mangaung) aangedui in kolom 1 van die Bylae, verleen is aan die persone aangedui in kolom 2 van die Bylae.

**DIREKTEUR-GENERAAL**

**SCHEDULE / BYLAE**

<b>Column 1 Kolom 1</b>	<b>Column 2 Kolom 2</b>
<b>Affected sites Geaffekteerde persele</b>	<b>Name of person to whom the Director General intends to declare a right of ownership Naam van persoon wat die Direkteur-generaal voornemens is te verklaar eiendomsreg verleen te gewees het.</b>
<b>BLOEMFONTEIN MANGAUNG</b>	
<b>BLOEMFONTEIN MANGAUNG</b>	
43260 EXT	MAPITSO ADELAIDE SEOKOLO
44414 EXT	TSIETSI PAULOS MAHLABA
44893 EXT	KABELO TLHAPULETSA
42955 EXT	TATOLO ELIZABETH MOKHELE
50241 EXT	MOJALEFA ISMAEL SALMAN
7256 EXT.	MOJALEFA NICODEMAS NKOLONYANE
2211 EXT	PUSELETSO VIOLET MASUNTLE
26407 EXT	NOMKOHNA MTU PAULINA NGALO
5380 EXT	NZWANAKAZI PRETTY MOGOLANE

**Annexure D**

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**DIRECTOR-GENERAL**

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**DIREKTEUR-GENERAAL**

**SCHEDULE / BYLAE**

<b>Column 1 Kolom 1</b>	<b>Column 2 Kolom 2</b>
<b>Affected sites Geaffekteerde persele</b>	<b>Name of person to whom the Director General intends to declare a right of ownership  Naam van persoon wat die Direkteur-generaal voornemens is te verklaar eiendomsreg verleen te gewees het.</b>
<b>BLOEMFONTEIN MANGAUNG</b>	
22386 EXT 2	MAMASHULE EVELYN MOLALENYANE
25767 EXT 8	BARATANG GLORIA MOEA
25680 EXT	JEANETTE DINEO MASITHELA
28183 EXT 6	NONTUTUMBO MIRIAM MXASA
28228 EXT. 6	TSAMAISI PAEE LETSHEGO PAEE
25773 EXT 8	MITA MOTLAGOMANG LEKWENEHA
25475 EXT 8	MANE SOPHIA KGAILE
25560 EXT 8	MODISAOTSILE STEPHEN LEEUW
25125 EXT 8	MANTAKA ROSINA TSATSINYANE
25618 EXT 8	EMILY KETSHEGLOANG RAMANAMANE
25239 EXT 8	RAKOTI STEPHEN LEMAO
25300 EXT. 8	MASINKI ADELIN PHAKOE
25184 EXT. 8	RABOTOLOSI ELIAS MOLALE

25782 EXT 8	PULANE AUDREY KELAPERERE PITSANE ZACHAI TSHEDISO TSHEHLANYANE PITSANE
25330 EXT. 8	PULENG MAGDALINA DUIKER
25313 EXT. 8	NTJANTJA EVELYN TLADI
253671 EXT 8	LETSHEGO PAUL PHAHLA
42012 EXT.	LANGALIBALELE PETER LETSHEKO
25470 EXT. 8	SAMUEL THAMSANQA MERE
25965 EXT 8	BUYELWA MARIA BOOI NOKOFA NELLIE LEKHEHLE
41941 EXT	SELLOANE REBECCA THINANI
25380 EXT 8	GAITIDI ISRAEL MOROE
41074 EXT	MVULENE ISAIAH NYILA
41048 EXT	NOKO ADELINE PHANHLE
40733 EXT	NOMAKULA AGNES VAPHI LINDIWE DAPHNEY VAPI
40519 EXT	NOMALIZA FAVOURITE THEMBA NOMHLE ELIZA THEMBA
40402 EXT	MNYAMANE NAPHTALI MNGESE
25989 EXT	ROBINSON PULE MKOTYWA
25988 EXT	MZINI JOSEPH SAMUEL MAGWA
25987 EXT	NOBELUNGU SARA SHUPING MAMOSETSENYANA ANNA MARATELE
25986 EXT 8	SAMAIA HARRIET TLALETSI
25969 EXT 8	NOMAKHEPHU MARTHA MPHOSOLA