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ISAZISO SIKA HULUMENI WAKWAZULU NO. 27 SIKA 1994
IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA
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Mina, Emmanuel Stephen Campbell Sithebe, uNgqongqoshe wezangaPhakathi, ngegunya lamandla enginikezwe wona yisigaba 37(1) soMthetho waKwaZulu weziNdaba zoMhlaba 1992, (uMthetho 11 ka 1992), emva kokubonisana neBhodi yamaThenda yaKwaZulu eyakhiwe yisigaba 2 soMthetho weBhodi yamaThenda yaKwaZulu, 1979 (uMthetho 16 ka 1979), ngalokhu ngenza imithethonqubo ekuSheduli.

E.S.C SITHEBE

UNGQONGQOSHE WEZANGAPHAKATHI

Ifayela 1/4/16

ISHEDULI

UKUSETSHENZISWA KOMHLABA

ISAPHLUKO I

UKUHLELA KANYE NEZINCAZELO

UKUHLELWA KWEMITHETHONQUBO

1. Lemithethonqubo yahlukaniswa izahluko eziphathelele nalokhu okulandelayo:

Isahluko I: Ukuhlela kanye nezincazelo

1. Ukuhlela kwemithethonqubo;
2. Izincazelo;

Isahluko II: Ukufaneleka komhlaba kaHulumeni ukuba usetshenziselwe izinhloso ezithile;

3. Ukuhlela komhlaba kaHulumeni ukuthi ukulungele ukuba kwakhiwe kuwo ilokishi noma ukuba usetshenziselwe okunye;
4. Isikhathi uNobhala ayobika ngaso ngokufaneleka komhlaba ukuba kwakhiwe ilokishi kuwo noma ukuba usetshenziselwe okunye;

Isahluko III: Ukuthengiswa komhlaba kaHulumeni yiBhodi

5. Umhlaba ongathengiswa yiBhodi;
6. Imibandela yokuthengiswa;

Isahluko IV: Inqubo yeBhodi YamaThenda

7. Isicelo sokuba kwenziwe amaThenda;
8. Izinqumo zeBhodi;

Isahluko V: Izivumelwano zokuthengiselana

9. Ifomu lesivumelwano sokuthengiselana
10. Ukubhalisa ukudluliselwa komunye komhlaba kaHulumeni;
11. Isivumelwano sokutholakala komhlaba esingasebenzi kwezinye izimo;

Isahluko VI: Umhlaba ongamapulazi

12. Ukuqashiswa komhlaba ongamapulazi
13. Ukudluliswa komunye komhlaba ongamapulazi;

Isahluko VII: Ukuqashiswa kweziqinti zendawo yelokishi

14. UHulumeni noma uMaziphathe angaqashisa ngeziqinti zendawo yelokishi;
15. Abaqashile abanelungelo lesivumelwano sokuqasha esibhaliwe;

Isahluko VIII: Izimfanelo eziqondene nomphakathi.

16. Isicelo sokuqasha;
17. Imibandela yokuqasha;

Isahluko IX: Amandla aqondene neBhodi YamaThenda

18. Ukuvinjelwa kwabantu ukuba bathengiselane;
19. Ukubuyiselwa ngezindleko kanye nomonakalo;

Isahluko X: Ingxubevange

20. Inani lentengiso nerenti;
21. Isihloko esifingqiwe;

Izincazelo

2. Kulemithethonqubo, igama noma amazwi okunikezwe umqondo eMthethweni kuyoba nalowo mqondo, futhi, ngaphandle kokuba ingqikithi isho okunye -

"UMthetho" kusho uMthetho WakwaZulu WeziNdaba zoMhlaba, 1992;

"IBhodi" kuzho iBhodi YamaThenda njengoba kuchaziwe eMthethweni;

"Ukuthengisa" kubandakanya ukwenza kutholakale okuthile njengokusho kwesigaba 5 soMthetho, nokuthi "thengisa" kunomqondo ofanayo;

"UNobhala" kusho -

- (a) UNobhala WezangaPhakathi; noma
- (b) Omunye umuntu oyisisebenzi sikaHulumeni esigunyazelwe lokho nguNobhala ngokuvamile noma maqondana nendawo kaHulumeni ebaluliwe kumbe kunoma yiluphi udaba olushiwo.

ISAHLUKO II

UMHLABA KAHULUMENI WOKWAKHA ILOKISHI

Ukuhlola ukulungela komhlaba kaHulumeni ukuba kwakhiwe ilokishi noma okunye kuwo.

3. (1) UNGqongqoshe emva kokucubungula umbiko kaNobhala -
 - (a) ohlanganisiwe ngemuva kokubonisana kukaNobhala
 - (i) kanye noNobhala jikelele woMnyango kaNdunankulu, uma umhlaba wenganyelwe ngumaziphathe wesizwe;
 - (ii) neSekela likaNobhala woPhiko Lwengcebo yeMvelo eliphethe ezokongiwa kwemvelo, okubhekiswe kulo esigabeni 1 soMthetho waKwaZulu Wokongiwa Kwemvelo, 1975 (UMthetho 8 ka 1975); kanye
 - (iii) noNobhala wezoLimo namaHlathi; futhi
 - (b) ophathelene nokulungela ilokishi komhlaba kaHulumeni ngaphandle kwelokishi elisemthethweni noma- ke okunye okungaphathelelene nezolimo, maqondana -
 - (i) nemisebenzi yobunjiniyela emikhulu ekhona naleyo edingekayo;
 - (ii) nokuvumelana komsebenzi okuhloswe ukuba wenziwe endaweni kanye nalokho okuhlosiwe epulanini yanoma yisiphi isakhiwo njengokusho kweMithethonqubo YakwaZulu yeziNdaba zoMhlaba, 1994 (Ukuhlelwa kwedolobha);
 - (iii) nanoma yiluphi udaba oluqondene nokulungelana komhlaba naleyo nhloso. Uyokwazisa iBhodi ukuthi umhlaba lowo okukhulunywa ngawo ukulungele lokho okuhlosiwe.
- (2) Izimiso zoMthethonqubo (1) ziyosebenza ngokugquguquka okudingekayo mayelana nokulungelana komhlaba kaHulumeni nokuthengiswa njengokusho kweSahluko VI.

Isikhathi uNobhala ayobika ngaso Ngomhlaba olungele ukwakhiwa kuwo kwelokishi noma okunye.

4. UNobhala uyohlala umbiko okubhekiswe kuwo kuMthethonqubo 3
 - (a) kusuka kuye; noma
 - (b) ngokucelwa yinoma ngubani othintekile.

ISAHLUKO III

UKUTHENGISWA KOMHLABA KAHULUMENI YIBHODI

Umhlaba onokuthengiswa yiBhodi

5. (1) Akukho mhlaba oyothengiswa yiBhodi ngaphandle -
 - (a) Komhlaba uNGqongqoshe ayazisile iBhodi ukuthi uyilungele inhloso ethile ngokwezimiso zomthethonqubo 3;
 - (b) Ngaphandle kokuba kuyiziqinti zomhlaba ongoka- Hulumeni ezisemalokishini asemthethweni, ngaphansi kwezimiso zomthethonqubo (2)
- (2) Isiqinti okwakhiwe kuso okungesikaHulumeni esiselokishini elisemthethweni asiyudluliselwa komunye okungesiye lowo ovele akhile kuso uma kungakhonjiswa ukuthi amalungelo alowo owakhile engeyukhinyabezeka yilokho kudluliselwa
- (3) Umhlaba othengiswa yiBhodi uyoba phansi kwemibandela okubhekiswe kuyo kumthethonqubo 6.

Imibandela yokuthengisa

6. (1) UNGqongqoshe anganquma indlela nemibandela yokuthengiswa komhlaba ka Hulumeni maqondana -
 - (a) nokuthi umhlaba onjalo kufanele yini -

- (i) ukuba ubunikazi bawo bedluliswe ngokupheleleyo noma ngetayitela, noma
- (ii) wenziwe ubekhona njengoba kuhlizekile esigabeni 5 soMthetho;
- (b) izimiso umhlaba onjalo uyothengiselwa owuzuzayo phezu kwazo.
- (2) Ukunquma ngaphansi komtheshwananqubo (1) kungenziwa ngokuvamile noma maqondana nanoma imuphi umhlaba othile noma uhlobo lomhlaba.
- (3) Imali oyothengiswa ngayo umhlaba kaHulumeni iyonqunywa yiBhodi ngaphansi kwezimiso zomthethonqubo 20 ngokuvuma kukaNgqongqoshe.

ISAPHLUKO IV

INQUBO YEBHODI YAMATHENDA

Ngokwejoyalekile ukuthengiswa komhlaba kuyokwenziwa ngeThenda.

- 7. Umhlaba kaHulumeni, ngaphansi kwezimiso zomtheshwananqubo (2), uyothengiswa ngeThenda emphakathini.
 - (1) IBhodi, uma ngokubona kwayo kukhona izimeko ezehlukile inganquma ukuthi umhlaba othile kaHulumeni uyothengiswa -
 - (a) ngendali;
 - (b) ngesivumelwano nomnikazi womhlaba; noma
 - (c) ngayiphi enye indlela engayibona ifanelekile.
 - (2) Lapho umhlaba uthengiswa ngeThenda emphakathini, iBhodi-
 - (a) ayisoze yaphoqeka ukwamukela intengo ephakeme kunazo zonke noma isiphi esinye isethembiso;
 - (b) ingasemukela isethembiso simaqondana nesiqinti esisodwa somhlaba ngemvume yomthengisi.

UMthetho weBhodi yamaThenda uyosebensa ngokuguguguka okudingekayo.

Izimiso zoMthetho weBhodi yamaThenda yaKwaZulu 1979 (uMthetho 16 ka 1979) kuyothi lapho izimiso zingasebenza khona ekuthengiseni okunjalo, kodwa ngaphansi kwezimiso zalemithethonqubo ziyosebensa ngokuguguguka okudingekayo ekuthengisweni komhlaba yiBhodi ngokusho kwalemithethonqubo.

ISAPHLUKO V

IZIVUMELWANO ZOKUTHENGISELANA

Indlela yesivumelwano sokuthengiselana

- 9. Isivumelwano sokuthengiselana ngomhlaba kaHulumeni kuyothi, ngaphansi kwezimiso zomthethonqubo 6 -
 - (a) lapho kushintshwana ngobunikazi bomhlaba onjalo noma ngamalungelo okusebenzisa umhlaba kuyocaciswa ngokuphelele eFomini leSijobelelo A;
 - (b) lapho kuvunyelwe ukusetshenziswa komhlaba ngaphansi kwesigaba 5 soMthetho kufanele kucaciswe ngokwaneleyo ngokulandela izindlela ezibhaliwe eSijobelelweni B.

Ukubhaliswa kokudluliswa komhlaba kaHulumeni.

- 10. (1) Uma iBhodi seyisenzile isivumelwano sokuthengisa nganoma imuphi umhlaba kaHulumeni, kuyothi, ngokulandela kwalabo abathengiselanayo okushiwo noma yini esivumelwaneni sokuthengiselana okudinga lokho kulandelwa -
 - (a) lapho kuthengiswa ubunikazi bomhlaba noma yiliphi elinye ilungelo elingabhaliswa ehhovisini lamatayitela, kubhaliswe itayitela ngendlela yokulandela izimiso zoMthetho wokubhaliswa kwamatayitela, uMthetho 47 ka 1937 futhi yenze ukuba libhaliswe ehhovisi lamatayitela;
 - (b) lapho kuthengiswa khona amalungelo okusetshenziswa komhlaba noma yiliphi elinye ilungelo elingabhaliswa ehhovisini lokubhalisa, kubhaliswe itayitela ngendlela yokulandela noma iziphi izimiso ezinqunyelwe amalungelo okusebenzisa umhlaba futhi yenze ukuba libhaliswe ehhovisi lokubhalisa amatayitela eliqondene.
- (2) Imibhalo edingekayo ekuphumeleliseni ukubhaliswa kwanoma yiliphi itayitela okubhikiswe kulo emthethweninqubo (1) kuyothi, ngaphansi kwezimiso zoMthetho kanye noMthetho wokubhaliswa kwamatayitela, 1937, ophathelene nokubhaliswa kwamatayitela, iyohlelwa nguNobhala.
- (3) UNobhala uyokwazisa iBhodi ngokubhaliswa kwalelo nalelo tayitela okubhekiswe kulo kumtheshwananqubo (1).

Isivumelwano ngokutholakala komhlaba esingasebenzi ezimweni ezithile.

- 11. Isivumelwano sokuthuthukiswa komhlaba akudingekile ukuba sihambisane nezimiso zomthethonqubo 9(b) ngaphandle uma -
 - (a) isivumelwano esinjalo sinenjongo -
 - (i) yokwakhiwa kwelokishi ngumthuthukisi othengiselwe umhlaba noma;
 - (ii) yokuthengiswa kweziqinti zomhlaba womthuthukisi ayewuthengiselwe; noma
 - (b) uNgqongqoshe enquma ngenye indlela-
 - (i) ngesaziso eGazethini maqondana nanoma yiluphi uhlobo lwezivumelwano ezibalulwe esazisweni esinjalo; noma
 - (ii) ngencwadi ebhekiswe kumthuthukisi welokishi noma isiphathimandla esengamele maqondana nanoma isiphi isivumelwano esithile.

ISAPHLUKO VI

UMHLABA ONGAMAPULAZI

Ukuqashiswa komhlaba ongamapulazi

- 12. (1) IBhodi kungathi ngaphansi kwezimiso zalomthethonqubo iqashise ngomhlaba kaHulumeni ongamapulazi njengoba kucatshangwe esigabeni 22 soMthetho nokumaqondana nokuqashisa ngendlela evunyelwe nguNobhala weZolimo namaHlathi ngokuvamile noma kuyiphi enye into ethile.
- (2) Izimiso zomtheshwananqubo (1) aziyikusebenza maqondana nomhlaba osohlelweni lwenkasa njengoba ichaziwe kuMithethonqubo Yokuphathwa Kohlelo Lwenkasa eyenziwe ngeSimemezelo R5 sika 1963.
- (3) IBhodi ayiyikuqashisa nganoma yimuphi umhlaba wamapulazi ngaphandle kokuthi emva kokubonisana noNobhala wezoLimo namaHlathi, inomqondo wokuthi umuntu okwedluliselwa kuye umhlaba ocatshangwe engumuntu ofanele ukusebenzisa umhlaba ngemigomo yokusebenzisa ipulazi.

Ukuthengiswa komhlaba ongamapulazi

- 13. IBhodi ingawuthengisa umhlaba kaHulumeni ongamapulazi, njengoba kucatshangwe esigabeni 22 soMthetho, iwuthengisele -

- (a) umqashi womhlaba; noma
- (b) yimuphi omunye umuntu, uma lokho kuthengiswa kungeke kulimaze amalungelo omqashi othintekile noma yimuphi omunye umuntu ohlezi kulowomhlaba ngokusemthethweni.

ISIAHLUKO VII

UKUQASHISWA KWEZIQINTI ELOKISHINI

UHulumeni noma uMaziphathe angaqashisa ngeziqinti elokishini.

14. (1) Ukuqashisa ngesivumelwano kukaHulumeni noma umaziphathe nganoma isiphi isiqinti elokishini elisemthethweni njengoba kucatshangwe esigabeni 22 soMthetho kuyolandela ngokuphelele izindlela ezibhalwe eSijobelelweni C.
- (2) Ukuqashisa okubhekiswe kukho kumtheshwananqubo (1) kungeke kwanqanyulwa ngumqashi ngaphandle uma -
 - (a) Umqashi ehluleka ukukhokha irenti ngesikhathi noma iyiphi enye imali ekhokhwa wuye maqondana naleso siqinti okukhulunywa ngaso kungakeqi ezinsukwini ezi 30 (ezingamashumi amathathu) emveni kokuba umqashisi esemnxusile ngesaziso ukuba akhokhe anikezwe sona yena siqu sakhe noma esinikezwe umuntu omdala ohlala endaweni leyo, noma uma lesosaziso singenakudluliswa kanjalo sichonywe emnyango wangaphambili wendlu yalowomuzi, noma esikhathini eseluliwe, njengoba inkantolo ingavuma uma icelwe umqashi ngesizathu esizwakalayo;
 - (b) umqashi nomndeni wakhe engasahlali endaweni kanye nalabo abondlayo, kumbe abomndeni bengasahlali khona, ngaphandle uma kwenziwe amalungiselelo agculisa umqashisi ngendawo yokuhlala yalabo bantu: Kuqikelelwe ukuthi isiqinti siyoba sesiqashiselwa inkosikazi noma umntwana womqashi okukhulunywa ngaye.
- (3) Ngokushona komqashi wesiqinti esishiwo kumtheshwananqubo (1) umfelwa noma umfelokazi noma yimuphi omunye owondliwayo emndenini noma indlalifa yalowo mqashi kuyobonelelwa yena kuqala uma umqashisi wesiqinti esehlela kabusha.

Abaqashi abakhona banelungelo lezincwadi zokuqasha.

15. (1) Umuntu onesitifiketi sokuhlala okubhekiswe kuso esigabeni 23 soMthetho noma ngasiphi isikhathi uyoba nelungelo ngesicelo kumnikazindawo lokuba anikezwe incwadi yobufakazi ebandakanya ukuqashwa okubhekiswe kuko kuleso sigaba.
- (2) uNobhala, uma kungumhlaba kaHulumeni noma kamaziphathe othintekile, maqondana nomhlaba ongokamaziphathe kuyothi ngesicelo esenziwe umuntu okubhekiswe kuye kumtheshwananqubo (1) futhi kuthi uma isitifiketi sesibuyisiwe kunikezwe lowo muntu incwadi yobufakazi equkethe isivumelwano sokuqasha futhi kucaciswe irenti ekhokhwayo ngalesosikhathi kanye nosuku lokuqala okuyokhokhwa ngalo irenti yokuqala kuchazwe ngokucacileyo efomini leSijobelelo D.

ISIAHLUKO VIII

IZIMFANELO EZIQONDENE NOMPHEKATHI

Isicelo sokuqasha

16. (1) Umuntu ofisa ukuqasha ihholo lomphakathi noma ezinye izinto ezingezikaHulumeni noma ezingezikamaziphathe uyofaka isicelo Hulumeni noma umaziphathe oqondene, kuye ngesimo, futhi anikeze leyomininingwane engase idingeke.
- (2) ukuqashiswa kwento okubhekiswe kuyo kumtheshwananqubo (1) kuyokwenziwa ngokubona komnikazi kukaHulumeni noma umaziphathe kuye ngesimo.

Imibandela yokuqasha

17. (1) Ngaphansi komtheshwananqubo (2) imibandela yokuqasha izinto zomphakathi iyokuba njengokunquma kukaHulumeni noma umaziphathe kuye ngesimo, izikhathi ngezikhathi.
- (2) Ngaphandle kwesenzo sangabomu noma ngobudedengu besisebenzi sakhe, uHulumeni noma umaziphathe akayikubekwa cala -
 - (a) nganoma yikuphi ukulahlekelwa komqashi ngesizathu sokulimala noma ukungasebenzi kahle kwezibani zikagesi nanoma iyiphi enye into noma impahla esetshenziswayo; noma
 - (b) yimuphi umonakalo noma ukulahlekelwa nganoma iyiphi impahla noma nganoma ikuphi ukulimala, okuvelele into esetshenziswayo eqondene nokuqashwa kwayo.

ISIAHLUKO IX

AMANDLA AQONDENE NEBHODI

Ukuvinjelwa kwabantu ekuqhubekeni nokuthengisa

18. (1) Uma umuntu -
 - (a) esechibiyele noma ehoxise ukuthengisa emveni kokuphela kwesikhathi sokwamukela kwezifiso zokuthengisa kodwa ngaphambi kokuba azisiwe ngokwamukelwa kwaso;
 - (b) engasayinanga isivumelwano noma engazange asihlinzekele isibambiso enkathini enqunywe yiBhodi, noma enkathini eyengezelwe njengoba iBhodi ingase ivume, uma elindelekile ukukwenza lokho;
 - (c) ehlulekile ukufeza noma imiphi imibandela yesivumelwano, noma enzile noma enze okungenelisi ngaphansi kwesivumelwano, noma
 - (d) ongene esivumelwaneni, othembise, ogwazele, noma owenze okuphathelene nalokho ngenkohliso noma ngokungethembeke noma nganoma iyiphi enye indlela engafanele,

iBhodi, kungathi, ekwengezeleleni ezinye izizeziso engase ibenazo, inqume ukuthi akukho lutho okuyothengiselwana ngakho nalowo muntu enkathini eyonqunywa yiBhodi.

- (2) IBhodi noma nini ingaguqula noma ichithe noma yimuphi umgoqo onjalo okubhekiswe kuwo kumtheshwananqubo (1).
- (3) Noma yimuphi umgoqo onjalo okubhekiswe kuwo kumthethonqubo (1) kungathi ngokubona kwayo iBhodi iphinde inqume ukuthi umgoqo usebenze kolunye uhlobo lwebhizinisi noma kubantu ababambisene emsebenzini, kumenenja, kumqondisi noma kunoma yimuphi omunye umuntu ophethe ngokupheleleyo noma ophethe noma owayephethe ingxenye yebhizinisi lomuntu oseshiwo, ekuqaleni, futhi mayelana nebhizinisi noma umuntu okuthi, ngokubona kweBhodi wayephathelene nalowomsebenzi.
- (4) Ngokwezinhloso zaloMthetho igama elithi "umuntu" maqondana nanoma yimuphi umgoqo onjalo liyobandakanya noma isiphi isisebenzi noma lowo omele umuntu onjalo.

Ukubuyiselwa ngezindleko kanye nomonakalo

19. Uma iBhodi isiyenze isivumelwano nanoma yimuphi umuntu ngenxa yemininingwane enikezwe wuye bese kuhlaluka ukuthi leyomininingwane yayingelona iqiniso, iBhodi kungathi ngokwengezelela kunoma yimaphi amalungelo ayo asemthethweni -
 - (a) ibize kulowo muntu izindleko nenhlawulo yomonakalo ovelile noma uHulumeni angene kuwo ngenxa yokwenza isivumelwano, noma
 - (b) isiqede isivumelwano futhi ibize kulowo muntu noma iyiphi inhlawulo yomonakalo uHulumeni angangena kuwo ngenxa yokwenza amanye amalungiselelo emva kwalokho.

ISIAHLUKO X
INGXUBEVANGE

Inani lentengiso, izimali zokuqashisa kanye nezinye izimali ezibizwayo.

20. (1) Imali ekhokhwayo eyisilinganiso ebhalwe iSaziso sika Hulumeni wakwaZulu 27(a) womhlaba we 18 Oktoba 1991 kuyothi ngaphansi kwezimiso zomtheshwananqubo (2) isebenze mayelana -
- (a) nanoma ikuphi ukuthengisa njengokusho kwalemithethonqubo maqondana -
 - (i) nesiqinti okwakhiwe kuso elokishini elisemthethweni;
 - (ii) isiqinti kunoma yiliphi ilokishi likaHulumeni, okuthi ngokubona kukaNgqongqoshe sihlizenzekelwe ukwakhiwa kwezindlu zenani eliphansi;
 - (iii) nanoma iyiphi enye indawo eqokwe uNgqongqoshe;
 - (b) noma yikuphi ukuthengiselana okushiwo kuleso Saziso.
- (2) Imali ekhokhwayo eyisilinganiso okubhekiswe kuyo kumtheshwananqubo (1) ayiyukhokhwa-
- (a) kunoma yikuphi ukuthengiswa kwesiqinti okubhekiswe kukho kumtheshwananqubo (1)(a) noma (b) ngethenda noma endalini, njen-goba kucatshangwe kuMthethonqubo II; noma
 - (b) uma, ngokubona kweBhodi ivumelene noNgqongqoshe, kunezimo ezithile ezenza kufanele ukuba ingakhokhwa leyo mali eyisilin-ganiso.

Isihloko esifinqiwe

21. Lemithethonqubo iyokwaziwa ngokuthi iMithethonqubo yaKwaZulu yeziNdaba zoMhlaba (ukuThengiswa koMhlaba), 1994.

ISIJOBELELO A

INDLELA OKUQHUTSHWA NGAYO ISIVUMELWANO SOKUTHENGISELANA

[Umthethonqubo 9(a)]

1. Isitatimende sokuthi uHulumeni uthengisa ngomhlaba, kanye nenkomba yokuthi ngabe ukwenza lokho njengomthengisi noma njengesipho noma ngokushintshana nomunye umhlaba.
2. Amagama agcwele omuntu othenga umhlaba futhi noma ngabe ukwenza lokho njengomthengi noma njengomuntu onikezwa isipho noma ngokushintshana ngomunye umhlaba.
3. Isitatimende sokuthi iBhodi egameni likaHulumeni ithengisa, iyapha noma ishintshana ngomunye umhlaba, kuye ngesimo, kulowo owamuke-layo.
4. Amalungelo edluliswayo (noma ngabe wobunikazi noma awokusebenzisa umhlaba) kanye nencasiselo yomhlaba (kubandakanya inombolo yesiza, ilokishi noma enye indawo kanye nesifunda esiphethe okubhaliswa kuso amatayitela, uma saziwa)
5. Inani lentengo, uma likhona.
6. Indlela okuyokhokhwa ngayo inani lentengo, uma likhona.
7. Umhlaba okushitshwana ngawo, uma ukhona.
8. Lapho kwenziwa khona isivumelwano esicatshangwe eMthethweni wokudluliswa komhlaba, 1981 (UMthetho 68 ka 1981) okuthengiswa ngaphansi kwawo ngenani eliyokhokhwa kwamancozuncozu angaphezu kwababili enkathini engaphezu konyaka, lololwazi okubhekiswe kulo esigabeni 6 salowomthetho njengoba iBhodi ingakubona kudingekile.
9. Lapho ukuthengwa komhlaba kuyokwenziwa ngemali etshelelwe kuHulumeni, isibambiso noma ibhondi mayelana nomhlaba oqondene noHulumeni kuyobhaliswa.
10. Usuku okuyongenwa ngalo olungaba ngaphambi kokubhaliswa, kanye nokuhlizenzekela ukuthi ingozi kanye nenzuzo kukoqondana nalowo oth-ola indawo kusukela ngosuku okuyobhaliswa ngalo.
11. Ukuthi umhlaba uthengiswa unjengoba unjalo.
12. Uma ukuqashiswa kunokubhaliswa ukuthi ubani uyokhokha izindleko ezivelayo.
13. Noma isiphi esinye isimiso okufanele sivele esivumelwaneni sokuthengisa umhlaba (impahla engenakugudluzwa).

ISIJOBELELO C

IMITHETHO YOKUQASHISA

(Umthethonqubo 14)

1. Imininingwane yomqashisi.
2. Imininingwane yomqashi uqobo lwakhe.
3. Imininingwane yezakhiwo eziqashisayo.
4. Intelu yanyanga zonke, noma isisekelo abalelwa phezu kwaso intela yanyanga zonke.
5. Isitatimende senkathi izakhiwo eziqashiswe kuyo noma, uma kungabekwe nkathi, isisekelo ukuqashiswa okungayekiswa kuso umqashi, kusenkathini engengaphansi kwenyanga futhi engeqile izinyangeni ezithathu ngaphambi kwesaziso ngokubhalwe phansi.
6. Izindlela okuthi ngazo nesikhathi okuthi ngaso noma imuphi kubo ofisa ukuba omunye enze okuthile ngenxa yephutha ngokusho kwale-sivumelwano sokuqashisa nezakhiwo okungathi kunoma ubani kubo esule ukuqasha ngokusemthethweni.
7. Ezingasethenzisela khona izakhiwo.
8. Ilungelo lomqashi lokuziqashisa eziqashile naye izakhiwo.
9. Isisekelo okuthi kuso kanye nezimo umqashi angathi kuzo, anikele, abele, ashiyele, edlulisele, enze isifungo noma ngabe usindwa yinoma iliphi ilungelo lokuqashisa okunjalo.
10. Indawo okuthi kuyo kanye nendlela omunye wabo anganikeza noma emukele noma isiphi isaziso njengokusho kwesivumelwano sokuqasha.
11. Indlela nesisekelo sokubalwa kwanoma ikuphi ukunxeshelwa okukhokhwa ekuqedweni kwesivumelwano sokuqasha nganoma isiphi nje isizathu.
12. Isibopho sokugcina nokulungiswa ngaphakathi nengaphandle lezindlu.
13. Isibopho mayelana nezibizo zemisebenzi nezanoma iziphi izilinganiso noma ezinye izintela eziqondene nezimpahla ezingena ezweni.
14. Isibopho mayelana nokukhokha umshuwalense wempahla nanoma kuziphi izakhiwo okuhlalwa kuzo.

ISIJOBELELO D
ISIVUMELWANO SOKUQASHISA
[Umthethonqubo 15(2)]

Phakathi kukaHulumeni waKwaZulu uMaziphathe ("umqashisi") kanye (yisho umqashi ngamagama akhe aphelele) ("umqashisi")

1. UMqashisi uqashisela uMqashi, okunguyena oqasha (Bhala ikheli lendawo eqashisayo) kusukela osukwini lokuqala (lapho bhala inyanga elandelayo nonyaka).
2. UMqashi uyokhokha irenti nyanga zonke imali ihambe phambili kusukela [Bheka umthethonqubo 15(2)] ngosuku lokuqala (Bhala inyanga elandelayo nonyaka) (bhala irenti yenyanga ekhokhwayo njengokusho kwesigaba 25 (2)(a) soMthetho).
3. Irenti iyokhushulwa ngo 15 % mhlaka 1 April minyaka yonke eminyakeni emihlanu yokuqala, bese kuthi emveni kwalokho ikhushulwe ngendlela eyonqunywa uNgqongqoshe weZangaPhakathi izikhathi ngezikhathi.
4. Umhlaba uyosetshenziselwa (Bhala ukuthi umhlaba uyosetshenziselwani)
5. UMqashi akasoze aqashisa ngendawo noma ngayiphi enye indlela asebenzise amalungelo akhe ngaphandle kwemvume yomqashi ebhaliwe.
6. UMqashi uyena okuyomele akhokhele futhi kuyothi ngosuku olumisiweyo akhokhele ugesi, amanzi kanye neminye imisebenzi kamaziphathe wendawo.
7. UMqashi uyogcina isakhiwo namabala kusesimweni esihlanzekile ngokuyo kwanelisa umaziphathe wendawo futhi ashiye indawo nezakhiwo kusesimweni esihle ekupheleni kwenkathi yokuqasha nakuba kukhona ukuguga okulindelekile.
8. UMqashi akasoze, ngaphambi kokuba athole imvume ebhaliwe kumqashisi enze ngcono noma yini ngaphakathi noma ngaphandle, aguqule noma engezelele esakhiweni noma ngenye indlela, bese noma yiluphi uguquko oluvunywe uMqashisi luyokwenziwa ngezindleko zomqashi kwenziwe ngempahla yokwakha elungile, ngeke lwadliwa ekupheleni kwenkathi yokuqasha futhi kuyoba yimpahla yoMqashisi, oyobuyise uMqashi izindleko zakhe, ngomkhawulo wezindleko ayengene kuzo uMqashi ngesikhathi enza lomsebenzi.
9. Akukho lutho oluyingozi, noma olusha kalula oluwuketshezi noma enye into engase ibe yingozi esakhiweni eyosetshenziswa noma ibekwe phakathi noma eduze kwesakhiwo.
10. Lesivumelwano sokuqasha singapheliswa nguMqashi ngesaziso esibhaliswe kusasele izinyanga ezintathu siqondiswe kuMqashisi.
11. Uma uMqashi ehluleka ukukhokha irenti ngosuku olumisiweyo noma ehluleka ukugcina noma yiziphi ezinye izimiso zesivumelwano sokuqashisa, uMqashi angasesula isivumelwano sokuqashisa emva kokunika isaziso senyanga ukuze kulungiswe, iphutha uma ukuqashwa kuphela umqashi engawenzi lokho uMqashisi uyoba nelungelo khona manjalo ukuba ayithathe indawo kodwa angalahlekelwa ilungelo lokuthola irenti kanye nezinxephezelo.
12. UMqashi noMqashisi bayokhetha ikheli abayothumela ngalo isaziso noma ukukhokha kwanoma iziphi izimali zesivumelwano sokuqasha (shono ikheli lomqashi).

USUKU

UMQASHISI

UMQASHI

KWAZULU GOVERNMENT NOTICE NO. 27 OF 1994
KWAZULU LAND AFFAIRS ACT 1992
(ACT 11 OF 1992)

I, Emmanuel Stephen Campbell Sithebe, Minister of the Interior, by virtue of the powers vested in me by section 37(1) of the KwaZulu Land Affairs Act, 1992 (Act 11 of 1992), after consultation with the KwaZulu Tender Board established by section 2 of the KwaZulu Tender Board Act, 1979 (Act 16 of 1979), do hereby make the regulations set out in the Schedule.

E.S.C SITHEBE
MINISTER OF THE INTERIOR
File No. 1/4/16

SCHEDULE
LAND DISPOSAL REGULATIONS
CHAPTER I
ARRANGEMENT AND DEFINITIONS

Arrangement of regulations

1. These regulations are divided into chapters relating to the following matters:

Chapter I: Arrangement and definitions

1. Arrangement of regulations;
2. Definitions;

Chapter II: Suitability of government land for particular purposes

3. Investigation of suitability of Government land for township or other purposes;
4. When Secretary may report on land suitable for township or other purposes;

Chapter III: Disposal of Government Land by the Board

5. Land that may be disposed of by Board;
6. Conditions of disposal;

Chapter IV: Procedure of the Tender Board

7. Invitation to tender;
8. Decisions of the Board;

Chapter V: Disposal agreements

9. Form of agreement of disposal;
10. Registration of transfer of Government land;
11. Land availability agreement not applicable in certain circumstances;

Chapter VI: Farmland

12. Leases of farmland;
13. Alienation of farmland;

Chapter VII: Leases of township lots

14. Government or authority may lease township lots;
15. Existing lessees entitled to written lease;

Chapter VIII: Communal facilities

16. Application for hire;
17. Conditions of hire;

Chapter IX: Special powers of Tender Board

18. Exclusion of persons from making further offers;
19. Recovery of costs and damages;

Chapter X: Miscellaneous

20. Selling prices and rentals;
21. Short title.

Definitions

2. In these regulations, a word or expression to which a meaning has been assigned in the Act bears that meaning, and, unless the context otherwise indicates -

"Act" means the KwaZulu Land Affairs Act, 1992;

"Board" means the Tender Board as defined in the Act;

"disposal" includes making available in terms of section 5 of the Act, and "dispose" has a corresponding meaning;

"Secretary" means -

- (a) the Secretary for the Interior; or
- (b) any other person in the service of the Government authorised thereto by the Secretary either generally or in regard to specified Government land or in any specified case.

CHAPTER II

GOVERNMENT LAND FOR TOWNSHIP PURPOSES

Investigation of suitability of Government land for township or other purposes

3. (1) The Minister may, after consideration of a report of the Secretary -
 - (a) which has been compiled after prior consultation by the Secretary with -
 - (i) the Secretary-General of the Department of the Chief Minister, in the case of land situated in the area of jurisdiction of a tribal authority;
 - (ii) the assistant secretary of the Bureau of Natural Resources in charge of nature conservation, referred to in section 1 of the KwaZulu Nature Conservation Act, 1975 (Act 8 of 1975); and
 - (iii) the Secretary of Agriculture and Forestry; and
 - (b) which relates to the suitability for township or any other non-agricultural purposes of any Government land outside an approved township, with regard to -
 - (i) existing and required bulk engineering services;
 - (ii) the conformity of the proposed use of the land for the purpose concerned with any structure plan applicable in terms of the KwaZulu Land Affairs (Town Planning) Regulations, 1994;
 - (iii) any other matter relevant to the suitability of the land for such purpose, inform the Board that the land concerned is suitable for that purpose.
- (2) The provisions of subregulation (1) shall mutatis mutandis apply in relation to the suitability of Government farmland for disposal in terms of Chapter VI.

When Secretary may report on land suitable for township or other purposes

4. The Secretary may compile a report referred to in regulation 3 -
 - (a) his own instance; or
 - (b) the request of any interested person.

CHAPTER III

DISPOSAL OF GOVERNMENT LAND BY THE BOARD

Land that may be disposed of by Board

5. (1) No land may be disposed of by the Board other than -
 - (a) land which the Minister has informed the Board is suitable for any particular purpose in terms of regulation 3;
 - (b) subject to the provisions of subregulation (2), Government-owned lots in approved townships.
- (2) An occupied lot of which the Government is the owner in an approved township shall not be alienated to a person other than the occupant, unless it can be shown that the rights of the occupant shall not be prejudiced by such alienation.
- (3) Land disposed of by the Board shall be subject to the conditions referred to in regulation 6.

Conditions of disposal

6. (1) The Minister may determine the method and conditions of disposal of Government land, with reference to -
 - (a) whether such land is to be -
 - (i) alienated in full ownership or by deed of grant; or
 - (ii) made available as provided in section 5 of the Act;
 - (b) the terms on which such land shall be disposed of to the acquirer.
- (2) A determination under subregulation (1) may be made in general or in relation to any particular land or category of land.
- (3) The selling price of Government land shall, subject to the provisions of regulation 20, be determined by the Board with the concurrence of the Minister.

CHAPTER IV

PROCEDURE OF THE TENDER BOARD

Disposal to be by tender as a rule

7. Government land shall, subject to the provisions of subregulation (2), be disposed of by public tender.
 - (1) The Board may, if in its opinion exceptional circumstances exist, determine that any particular government land shall be disposed of by -
 - (a) auction;
 - (b) private treaty; or
 - (c) any other method as it may deem suitable.
 - (2) Where land is disposed of by public tender, the Board -
 - (a) shall not be obliged to accept the highest or any other offer;
 - (b) may, where an offer relates to more than one piece of land, with the approval of the tenderer accept such offer in respect of any specific piece or pieces.

Tender Board Act to apply mutatis mutandis

8. The provisions of the KwaZulu Tender Board Act, 1979 (Act 16 of 1979), shall, in so far as those provisions can be applied to the disposal of land but subject to the provisions of these regulations, apply mutatis mutandis to a disposal of land by the Board in terms of these regulations.

CHAPTER V

DISPOSAL AGREEMENTS

Form of agreement of disposal

9. An agreement for the disposal of Government land shall, subject to the provisions of regulation 6 -
 - (a) in the case of a disposal of the ownership of such land or of deed of grant rights thereto, be substantially in the form of Annexure A;
 - (b) in the case of the making available of such land under section 5 of the Act, be substantially in accordance with the guidelines set out in Annexure B.

Registration of transfer of Government land

10. (1) If the Board has concluded an agreement for the alienation of any Government land, it shall, on compliance by the parties with any terms of the agreement of alienation that require such compliance before registration of the disposal concerned -
 - (a) the case of a disposal of the ownership of land or of any other real right capable of registration in the deeds registry, execute an appropriate deed in accordance with the provisions of the Deeds Registries Act, 1937 (Act 47 of 1937), and cause it to be registered in the deeds registry;
 - (b) the case of a disposal of deed of grant rights or of any other real right capable of registration in a registration office, execute an appropriate deed in accordance with any provisions prescribed for the registration of deed of grant rights, and cause it to be registered in the registration office concerned.
- (2) The documents required to effect registration of any deed mentioned in subregulation (1) shall, subject to the provisions of the Act and the Deeds Registries Act, 1937, relating to the preparation of title deeds, be prepared by the Secretary.
- (3) The Secretary shall inform the Board of each registration contemplated in subregulation (1).

Land availability agreement not applicable in certain circumstances

11. An agreement for the development of land need not comply with the provisions of regulation 9(b) unless -
 - (a) such agreement contemplates -
 - (i) the establishment of a township on the land by the developer to whom the land was made available; or
 - (ii) the disposal of subdivisions of the land for the account of the developer to whom the land was made available; or
 - (b) the Minister determines otherwise -
 - (i) by notice in the Gazette respect of any class of agreements specified in such notice; or
 - (ii) in writing to the township developer or authority concerned in relation to any specific agreement.

CHAPTER VI

FARMLAND

Leases of farmland

12. (1) The Board may, subject to the provisions of this regulation, lease Government farmland as contemplated in section 22 of the Act in terms of a lease in a form approved by the Secretary for Agriculture and Forestry in general or in any particular case.
- (2) The provisions of subregulation (1) shall not apply in respect of land situated within an irrigation scheme as defined in the Irrigation Schemes Control Regulations made by Proclamation R.5 of 1963.
- (3) The Board shall not lease any Government farmland unless, after consultation with the Secretary for Agriculture and Forestry, it is of the opinion that the contemplated transferee is a suitable person to use the land for farming purposes.

Alienation of farmland

13. The Board may alienate Government farmland as contemplated in section 22 of the Act, to-
 - (a) the lessee of the land; or
 - (b) any other person, if such disposal will not prejudice the rights of the lessee concerned or any other person in lawful occupation of the land.

CHAPTER VII

LEASE OF TOWNSHIP LOTS

Government or authority may lease township lots

14. (1) A lease agreement by the Government or an authority of any lot in an approved township of which it is the owner, as contemplated in section 22 of the Act, shall conform substantially to the guidelines set out in Annexure C.
- (2) A lease mentioned in subregulation (1) may not be terminated by the lessor unless -
 - (a) the lessee fails to pay on the due date the rental or any other amount payable by him in respect of the lot concerned within 30 days of the lessor calling on him to make such payment by notice delivered either to such lessee personally or to some adult person living on the property or, if such notice cannot be so delivered, by affixing it to the principal door of the building concerned, or within such extended period as a court may, on application by the lessee, on good cause, allow;
 - (b) the lessee no longer occupies the lot concerned together with his dependants or family members, unless arrangements to the satisfaction of the lessor have been made for the accommodation of such persons: Provided that the lot shall then be leased to the wife or other dependant of the lessee concerned.
- (3) On the death of a lessee of a lot mentioned in subregulation (1), the widower or widow or any dependant or heir of such lessee shall have preference in the reallocation by the lessor of the lot.

Existing lessees entitled to written lease

15. (1) The holder of a certificate of occupation referred to in section 23 of the Act shall at any time on request to the landowner be entitled to the issue of a document embodying the lease referred to in that section.
- (2) The Secretary, in the case of Government land, or the authority concerned, in the case of land owned by the authority, shall on request by a person referred to in subregulation (1) and on surrender of the certificate concerned, issue to such person a document embodying the lease and stating the current rent and the date on which it first became payable, substantially in the form of Annexure D.

CHAPTER VIII

COMMUNAL FACILITIES

Application for hire

16. (1) A person desiring to hire a communal hall or other facility owned by the Government or an authority shall make an application to the Government or authority concerned, as the case may be, and shall furnish such particulars as it may require.
- (2) The letting of a facility referred to in subregulation (1) shall be in the discretion of the Government or the authority concerned, as the case may be.

Conditions of hire

17. (1) Subject to subregulation (2), the conditions of hire of a communal facility shall be as determined from time to time by the Government or the authority concerned, as the case may be.
- (2) Unless caused by the wilful act or the negligence of its servant, the Government or authority shall not be liable for -
 - (a) any loss to the hirer in consequence of failure or defect of lighting or any other appliance or equipment; or
 - (b) any damage to or loss of any property, or for any injury, occurring in the facility in connection with its hire.

CHAPTER IX

SPECIAL POWERS OF BOARD

Exclusion of persons from making further offers

18. (1) If a person -
 - (a) has amended or withdrawn an offer after the closing time for receipt of offers but before he has been notified of its acceptance;
 - (b) has failed to sign a contract or to provide security within the period stipulated by the Board, or such extended period as the Board may allow, when required to do so;
 - (c) has failed to comply with any of the conditions of an agreement, or performs or has performed unsatisfactorily under an agreement; or
 - (d) who has concluded an agreement, has promised, offered or given a bribe, or has acted in respect thereof in a fraudulent manner or in bad faith or in any other improper manner,
 the Board may, in addition to any other legal remedies it may have, resolve that no offer from the person concerned should be considered during such period as the Board may stipulate.
- (2) The Board may at any time vary or rescind any such restriction referred to in subregulation (1).
- (3) Any such restriction referred to in subregulation (1) may at the discretion of the Board also be made applicable to any other enterprise, or to any partner, manager, director or other person, who wholly or partly exercises or exercised or may exercise control over the enterprise of the first-mentioned person, and with which enterprise or person the first-mentioned person is or was in the opinion of the Board actively associated.
- (4) For the purposes of this regulation the expression "person", in respect of any such restriction, shall also include an employee or agent of such person.

Recovery of costs and damages

19. If an agreement has been concluded by the Board with any person on the strength of information furnished by him and it is proved that such information was incorrect the Board may, in addition to any other legal remedy it may have -

- (a) cover from that person any costs and damages incurred or sustained by the Government as a result of the conclusion of the agreement; or
- (b) terminate the agreement and recover from that person any damages which the Government may suffer by having to make less favourable arrangements thereafter.

CHAPTER X MISCELLANEOUS

Selling prices, rentals and other charges

20. (1) The tariff set out in KwaZulu Government Notice 279 of 18 October 1991 shall, subject to the provisions of subregulation (2), apply to -
- (a) any disposal in terms of these regulations of -
 - (i) an occupied lot in an approved township;
 - (ii) a lot in any Government township which in the opinion of the Minister is established to provide a subeconomic place of residence;
 - (iii) any other land specified by the Minister;
 - (b) any other transaction mentioned in that Notice.
- (2) The tariff referred to in subregulation (1) shall not apply -
- (a) to any disposal of a lot referred to in subregulation (1)(a) or (b) by tender or auction, as contemplated in regulation 11; or
 - (b) if, in the opinion of the Board and with the concurrence of the Minister, special circumstances exist which justify a departure from that tariff.

Short title

21. These regulations shall be known as the KwaZulu Land Affairs (Land Disposal) Regulations, 1994.

ANNEXURE A GUIDELINES FOR AGREEMENT OF ALIENATION [regulation 9(a)]

1. A statement that the Government is disposing of the property, and an indication whether it is doing so as seller or donor or in exchange for other property.
2. The full names of the person acquiring the property and whether he is doing so as purchaser or donee or in exchange for other property.
3. A statement that the Board on behalf of the Government sells, donates or exchanges the property, as the case may be, to the acquirer.
4. The rights disposed of (whether they be ownership or deed of grant rights) and the property description (including the erf number, township or other area and administrative district for deeds registration purposes, if known).
5. The purchase price, if applicable.
6. The method of payment of the purchase price, if applicable.
7. The property given in exchange, if applicable.
8. In the case of a contract contemplated in the Alienation of Land Act, 1981 (Act 68 of 1981), under which the property is sold for an amount to be paid in more than two instalments over a period exceeding one year, such information referred to in section 6 of that Act as the Board may deem necessary.
9. Where the acquisition is to be financed by a loan from the Government, that a charge or a mortgage bond over the property in favour of the Government shall be registered.
10. The date of occupation, which may be before registration, and a provision that the risk and profit shall pass to the acquirer on the date of registration.
11. That the property is disposed of voetstoots.
12. If the lease is registrable, the party responsible for any costs involved.
13. Any other provision appropriate to an agreement for the disposal of immovable property.

ANNEXURE B GUIDELINES FOR LAND AVAILABILITY AGREEMENT [regulation 9(b)]

1. Parties
The names of the parties to the agreement and their business addresses must be stated.
2. The Land
The land should be described with a reasonable degree of certainty, by reference to, for example, its registered description, address, name, a diagram prepared by a land surveyor, or a sketch marking the corner points by reference to their co-ordinates.
3. Township Establishment
If a township is to be established on the land the agreement should state within what period of time this should be done.
4. Services
If the land is to be provided with services, the agreement may indicate the level of such services and the time period within which services are to be completed.
5. Erection of Improvements
 - 5.1 The relative responsibilities of the parties to erect improvements on the land may be indicated.
 - 5.2 The standard of any improvements to be constructed may be indicated.
 - 5.3 It may be stated when the construction of improvements will commence and when such improvements shall have been completed.
6. Phased development
The agreement should as far as possible provide a flexible time framework, allowing the person or body to whom the land is made available the discretion to determine the phases, if any, in which the development will take place.

7. Cession

7.1 The parties may describe the manner in which township developers (including employers who wish to house their staff) other than the person to whom the land is made available may become involved in the development, for example the relevant person may be allowed to cede or delegate his rights and obligations in terms of the land availability agreement to such cessionaries or categories of cessionaries as are described in the agreement.

7.2 If such a cession or delegation or a similar transaction is to take place, the agreement may provide that the person to whom the land is made available should himself take at least the next succeeding step in the establishment of a township, if applicable, depending on the stage of development at which the land is made available to him or it, e.g.:-

- 7.2.1 town planning and land surveying;
- 7.2.2 the application for township development;
- 7.2.3 obtaining approval of the township;
- 7.2.4 the installation;
- 7.2.5 improvements.

7.3 The agreement may provide that the person to whom the land is made available may cede his rights in terms of the land availability agreement to such cessionaries or categories of cessionaries as are described in the agreement, to secure a debt, and provide for the rights of such cessionaries or categories of cessionaries in the case of any default by such person in his obligations in relation to such debt, including the right of such cessionaries or categories of cessionaries to sell, in execution or otherwise, the rights to any other township developer.

8. Disposal of Business and Industrial Lots

Provision may be made for the manner and terms of disposal by any of the parties of any lots intended for business or industrial purposes. The following should be borne in mind: -

- 8.1 Provision may be made for a disposal price in any deed of disposal.
- 8.2 It could be specified what portion of the disposal price the person to whom the land is made available shall be entitled to retain for his own account, or how such portion is to be determined.
- 8.3 It could be specified what portion of the disposal price referred to in 9.2 shall be payable by the person to whom the land is made available to the person making the land available to it, or how such portion is to be determined, and it shall also be stated in what manner and when such balance shall be payable.

9. Breach of Contract

The agreement may contain terms and conditions relating to breach of contract and termination.

ANNEXURE C LEASE GUIDELINES [regulation 14]

- 1. Description of the landlord.
- 2. Personal particulars of the lessee.
- 3. Description of the property let.
- 4. The monthly rental, or the basis for calculating the monthly rental.
- 5. A statement of the period for which the property is let or, if no period be stated, the basis upon which the lease may be terminated by the lessee, being on not less than one month's and not more than three months' prior written notice.
- 6. The means by which and the time within which either party may demand performance owing to a default in terms of this lease, and the grounds upon which either party may lawfully cancel this lease.
- 7. Uses to which the property may be put.
- 8. The rights of the lessee to sublet the property.
- 9. The basis upon which and the conditions to which the lessee may sell, cede, assign, make over, alienate, pledge or otherwise encumber any rights in such lease.
- 10. The place at which and the form in which each party may give and receive any notice in terms of the lease.
- 11. The method and basis of computation of any compensation payable upon termination of the lease for any reason whatsoever.
- 12. Liability for maintenance and repair of the interior and exterior of the buildings.
- 13. Liability for service charges and any rates or other imposts.
- 14. Liability to insure the property and any residential building thereon.

ANNEXURE D LEASE AGREEMENT [regulation 15(2)]

Between the Government of KwaZulu/ Authority ("the Lessor") and (state lessee's full names) ("the Lessee")

- 1. The Lessor hereby lets to the Lessee, who hereby hires (state address of property let) as from the first day of (state the immediately following month and year).
- 2. The Lessee shall pay rent monthly in advance as from [see regulation 15(2)] the first day of (state immediately following month and year) of (state existing monthly rent amount in terms of section 25(2)(a) of the Act).
- 3. The rent shall be increased by 15% on 1 April each year for the first five years, and thereafter by such amount as may be determined from time to time by the Minister of the Interior.
- 4. The use of the property shall be for (state purpose).
- 5. The Lessee shall not sublet the property or in any other manner dispose of his rights under this lease without the Lessor's prior written consent.
- 6. The Lessee shall be liable for and shall on due date thereof be obliged to pay the charges for electricity, water and other local authority services.
- 7. The Lessee shall maintain the buildings and maintain the property in a clean and tidy condition to the satisfaction of any local authority and return the property on termination of the lease in good order and condition, fair wear and tear excepted.
- 8. The Lessee shall not without the prior written consent of the Lessor make any external or internal improvements, alterations or additions, struc-

tural or otherwise, and any such change to which the Lessor has consented shall be made at the Lessee's expense properly out of sound material, shall not be removed on termination of the lease and shall become the property of the Lessor, who shall pay the Lessee compensation limited to the Lessee's costs at the time of making them.

9. No dangerous or inflammable liquid or other article which may endanger the dwelling may be used or stored in or near the building.
10. This lease shall be terminable by the Lessee on three months' written notice to the Lessor.
11. If the Lessee fails to pay rent on due date or fails to comply with any other provision of the lease, the Lessor may cancel the lease after one month's notice to remedy the default has expired without the Lessee having done so, and the Lessor shall thereupon be entitled immediately to recover possession of the property without prejudice to any rights to claim rent and damages.
12. As address for the service of any notice or payment of any amount in terms of this lease the Lessor chooses (state lessor's address) and the Lessee chooses (state lessee's address).

Date:

.....
Lessor

.....
Lessee

KWAZULU GOEWERMENSKENNISGEWING NR. 27 VAN 1994
KWAZULU WET OP GRONDSAKE
(WET 11 VAN 1992)

Ek, Emmanuel Stephen Campbell Sithebe, Minister van Binnelandse Sake vaardig hiermee kragtens die bevoegdheid my verleen by artikel 37(1) van die KwaZulu-Wet op Grondsake, 1992 (Wet 11 van 1992), na konsultasie met die KwaZulu Tenderraad ingestel duer artikel 2 van die KwaZulu Tenderraad-Wet, 1979 (Wet 16 van 1979), die regulasies uit soos uiteengesit in die Bylae.

E.S.C SITHEBE
MINISTER VAN BINNELANDSE SAKE
Lêer 1/4/16

BYLAE
REGULASIES OOR GRONDBESKIKING
HOOFSTUK I
INDELING EN WOORDOMSKRYWING

Indeling van regulasies

1. Hierdie regulasies word ingedeel in hoofstukke wat op die volgende onderwerpe betrekking het:

Hoofstuk I: Indeling en woordoms krywing

1. Indeling van regulasies;
2. Woordoms krywing;

Hoofstuk II: Geskiktheid van regeringsgrond vir bepaalde doeleindes

3. Ondersoek na geskiktheid van Regeringsgrond vir dorps- of ander doeleindes;
4. Wanneer Sekretaris mag verslag doen oor geskiktheid van grond vir dorps- of ander doeleindes;

Hoofstuk III: Beskikking oor Regeringsgrond deur die Raad

5. Grond waaroor deur Raad beskik mag word;
6. Voorwaardes van beskikking;

Hoofstuk IV: Prosedure van die Tenderraad

7. Uitnodiging om te tender;
8. Besluite van die Raad;

Hoofstuk V: Beskikkingsooreenkomste

9. Vorm van ooreenkoms van beskikking;
10. Registrasie van oordrag van Regeringsgrond;
11. Grondbeskikbaarheidsooreenkoms nie van toepassing onder sekere omstandighede;

Hoofstuk VI: Landbougrond

12. Verhuring van landbougrond;
13. Vervreemding van landbougrond;

Hoofstuk VII: Verhuring van dorpserwe

14. Die Regering of owerheid mag dorpserwe verhuur;
15. Bestaande huurders wat geregtig is op 'n geskrewe huurooreenkoms;

Hoofstuk VIII: Gemeenskapsfasiliteite

16. Aansoek om huur;
17. Huurvoorwaardes;

Hoofstuk IX: Spesiale magte van Tenderraad

18. Uitsluiting van persone om verdere aanbiedinge te maak;

19. Verhaling van koste en skade;

Hoofstuk X: Diverse

20. Verkooppryse en huurgelde;

21. Kort titel.

Woordomskrywing

2. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en tensy die samehang anders blyk, beteken-

"beskikking" die beskikbaarmaking ingevolge artikel 5 van die Wet, terwyl "beskik oor" 'n ooreenstemmende betekenis het;

"Raad" die Tenderraad soos gedefinieer in die KwaZulu-Wet op Grondsake, 1992 (Wet 11 van 1992);

"Sekretaris"-

(a) die Sekretaris vir Binnelandse Sake; of

(b) enige ander persoon in diens van die Regering wat deur die Sekretaris daartoe gemagtig is of in die algemeen of met betrekking tot gespesifiseerde Regeringsgrond of in enige gespesifiseerde geval.

"Wet" die KwaZulu-Wet op Grondsake, 1992 (Wet 11 van 1992);

HOOFSTUK II

REGERINGSGROND VIR DORPSDOELEINDES

Ondersoek na geskiktheid van Regeringsgrond vir dorps- of ander doeleindes

3. (1) Die Minister mag, na oorweging van 'n verslag van die Sekretaris -

(a) wat opgestel is na vooraf oorlegpleging deur die Sekretaris met -

(i) die Sekretaris-generaal van die Departement van die Hoofminister, in die geval van grond wat geleë is binne die jurisdiksiegebied van 'n stamowerheid;

(ii) die Assistent-Sekretaris in beheer van die Buro van Natuurlike Hulpbronne in beheer van natuurbewaring, waarna verwys word in artikel 1 van die KwaZulu-Wet op Natuurbewaring, 1975 (Wet 8 van 1975); en

(iii) die Sekretaris van Landbou en Bosbou; en

(b) wat betrekking het op die geskiktheid vir dorps- of enige ander nie-landboudoeleindes van enige Regeringsgrond buite 'n goedgekeurde dorp, met betrekking tot -

(i) bestaande en vereiste grootmaat-ingenieursdienste;

(ii) die konformiteit van die voorgestelde grondgebruik vir die betrokke doel met enige struktuurplan toepaslik ingevolge die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994;

(iii) enige ander kwessie relevant tot die geskiktheid van die grond vir sodanige doel, die Raad inlig dat die betrokke grond geskik is vir daardie doel.

(2) Die bepalinge van subregulasie (1) sal mutatis mutandis geld met betrekking tot die geskiktheid van Regeringslandbougrond vir beskikking ingevolge Hoofstuk VI.

Wanneer die Sekretaris mag verslag doen oor die geskiktheid van grond vir dorps- of ander doeleindes

4. Die Sekretaris mag 'n verslag opstel waarna in regulasie 3 verwys is-

(a) op eie inisiatief; of

(b) op versoek van enige belanghebbende persoon.

HOOFSTUK III

BESKIKKING OOR REGERINGSGROND DEUR DIE RAAD

Grond waaroor deur die Raad beskik mag word

5. (1) Geen grond mag deur die Raad oor beskik word behalwe -

(a) grond ten opsigte waarvan die Minister die Raad ingelig het geskik is vir enige bepaalde doel ingevolge regulasie 3;

(b) onderhewig aan die bepalinge van subregulasie (2), erwe in goedgekeurde dorpe in Regeringsbesit.

(2) 'n Geokkupeerde erf ten opsigte waarvan die Regering die eienaar is in 'n goedgekeurde dorp sal nie vervreem word aan 'n persoon behalwe die okkupeerder nie, behalwe as daar aangetoon kan word dat die regte van die okkupeerder nie deur sodanige vervreemding benadeel sal word nie.

(3) Grond waaroor die Raad beskik het, sal onderhewig wees aan die voorwaardes waarna in regulasie 6 verwys is.

Voorwaardes van beskikking

6. (1) Die Minister kan die metode en voorwaardes van beskikking oor Regeringsgrond bepaal, met inagneming daarvan -

(a) of sodanige grond -

(i) in volle eienskapskap vervreem moet word of deur grondbrief; of

(ii) beskikbaar gemaak moet word soos bepaal in artikel 5 van die Wet;

(b) die bepalinge waarvolgens oor sodanige grond beskik sal word aan die persoon of liggaam aan wie dit beskikbaar gestel word.

(2) 'n Bepaling ingevolge subregulasie (1) kan in die algemeen gemaak word of met betrekking tot enige bepaalde grond of kategorie van grond.

(3) Die verkoopprys van Regeringsgrond sal, onderhewig aan die bepalinge van regulasie 20, vasgestel word deur die Raad in oorleg met die Minister.

HOOFSTUK IV

PROSEDURE VAN DIE TENDERRAAD

Beskikking moet in die reël deur middel van tender geskied

7. Regeringsgrond word, onderhewig aan die bepalinge van subregulasie (2), oor beskik by wyse van openbare tender.

(1) Die Raad kan, indien daar volgens sy mening buitengewone omstandighede geld, bepaal dat enige stuk Regeringsgrond, oor beskik sal

word deur middel van -

- (a) 'n veiling;
 - (b) private ooreenkoms; of
 - (c) enige ander metode wat deur die Raad as geskik geag mag word.
- (2) Waar grond deur middel van openbare tender oor beskik word-
- (a) sal die Raad nie verplig wees om die hoogste of enige ander bod te aanvaar nie;
 - (b) mag die Raad, waar 'n bod betrekking het op meer as een stuk grond, met die goedkeuring van die tenderaar, sodanige bod aanvaar ten opsigte van enige spesifieke stuk of stukke.

Wet op Tenderraad geld mutatis mutandis

8. Die bepalings van die KwaZulu-Wet op die Tenderraad, 1979 (Wet 16 van 1979), sal, in soverre daardie bepalings op die beskikking van grond toegepas kan word, maar onderhewig aan die bepalings van hierdie regulasies, mutatis mutandis geld ten opsigte van 'n beskikking oor grond deur die Raad ingevolge hierdie regulasies.

HOOFSTUK V

BESKIKKINGSOOREENKOMSTE

Vorm van ooreenkoms van beskikking

9. 'n Ooreenkoms vir die beskikking oor Regeringsgrond sal, onderhewig aan die bepalings van regulasie 6 -
- (a) in die geval van 'n beskikking oor die eiendomsreg oor van sodanige grond of van grondbriefregte ten opsigte daarvan, in wese in die vorm wees van Bylae A;
 - (b) in die geval van die beskikbaarstelling van sodanige grond ingevolge artikel 5 van die Wet, in wese volgens die riglyne wees soos uiteengesit in Bylae B.

Registrasie van oordrag van Regeringsgrond

10. (1) Indien die Raad 'n ooreenkoms gesluit het vir die vervreemding van enige Regeringsgrond, sal die Raad, by voldoening deur die partye, aan enige bepalings van die ooreenkoms van vervreemding wat nakoming vereis voor registrasie van die betrokke beskikking:
- (a) in die geval van 'n beskikking oor eiendomsreg oor grond of van enige ander saaklike reg wat in die aktereregister registreerbaar is, 'n toepaslike akte verly ooreenkomstig die bepalings van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), en meebring dat dit in die aktereregister geregistreer word;
 - (b) in die geval van die beskikking van grondbriefregte of enige ander saaklike reg wat in 'n registrasiekantoor registreerbaar is, 'n toepaslike akte verly ooreenkomstig die bepalings voorgeskryf vir die registrasie van grondbriefregte, en meebring dat dit in die betrokke registrasiekantoor geregistreer word.
- (2) Die dokumente wat vereis word vir die registrasie van enige akte gemeld in subregulasie (1) sal, onderhewig aan die bepalings van die Wet en die Registrasie van Aktes Wet, 1937, met betrekking tot die voorbereiding van die grondbriewe, deur die Sekretaris voorberei word.
- (3) Die Sekretaris sal die raad inlig oor enige registrasie ingevolge subregulasie (1) bedoel.

Grondbeskikbaarheidsooreenkoms nie van toepassing onder sekere omstandighede

11. 'n Ooreenkoms vir die ontwikkeling van grond hoef nie te voldoen aan die bepalings van regulasie 9(b) nie tensy -
- (a) sodanige ooreenkoms beoog-
 - (i) die stigting van 'n dorp op die grond deur 'n ontwikkelaar aan wie die grond beskikbaar gestel is; of
 - (ii) die beskikking oor onderverdelings van die grond vir die rekening van die ontwikkelaar aan wie die grond beskikbaar gestel is; of
 - (b) die Minister anders bepaal -
 - (i) deur kennisgewing in die Amptelike Koerant ten opsigte van enige klas van ooreenkomste gespesifiseer in sodanige kennisgewing; of
 - (ii) skriftelik aan die dorpsontwikkelaar of betrokke owerheid met betrekking tot enige spesifieke ooreenkoms.

HOOFSTUK VI

LANDBOUGGROND

Verhuring van landbougrond

12. (1) Die Raad mag, onderhewig aan die bepalings van hierdie regulasie, regeringslandbougrond soos in artikel 22 van die Wet bedoel verhuur in terme van 'n verhurings ooreenkoms in 'n formaat in die algemeen of in enige besondere geval goedgekeur deur die Sekretaris van Landbou en Bosbou.
- (2) Die bepalings van subregulasie (1) sal nie geld ten opsigte van grond geleë binne 'n besproeiingskema soos gedefinieer in die Beheerregulasies vir Besproeiingskemas wat gemaak word deur Proklamasie R.5 van 1963 nie.
- (3) Die Raad sal nie enige Regslandbougrond verhuur nie behalwe as hy na oorlegpleging met die Sekretaris van Landbou en Bosbou, van mening is dat die beoogde huurder 'n geskikte persoon is om die regeringlandbougrond vir boerderydoeleindes te gebruik.

Vervreemding van landbougrond

13. Die Raad mag Regeringslandbougrond vervreem, soos beoog in artikel 22 van die Wet, aan -
- (a) die huurder van die grond; of
 - (b) enige ander persoon, indien sodanige beskikking nie die regte van die betrokke huurder of enige ander persoon wat die grond wetlike bewoon, benadeel nie.

HOOFSTUK VII

VERHURING VAN DORPSERWE

Die Regering of owerheid mag dorpserwe verhuur

14. (1) 'n Huurooreenkoms deur die Regering of 'n owerheid van enige erf in 'n goedgekeurde dorp waarvan hy die eienaar is, soos beoog in artikel 22 van die Wet, sal in wese ooreenstem met die riglyne soos uiteengesit in Bylae C.
- (2) 'n Huurooreenkoms gemeld in subregulasie (1) kan nie deur die verhuurder beëindig word nie tensy -
- (a) die huurder in gebreke bly om op die vervaldatum die huur of enige ander bedrag te betaal wat deur hom betaalbaar is ten opsigte van die betrokke erf binne 30 dae nadat die verhuurder hom versoek het om sodanige betaling te maak deur middel van kennisgewing wat besorg is aan sodanige huurder hetsy persoonlik of aan 'n volwassene wat die eiendom bewoon, en indien sodanige kennis-

gewing nie besorg kan word nie, deur dit vas te heg aan die voordeur van die betrokke gebou, binne sodanige verlengde periode as wat die hof, op aansoek van die huurder, op aanvoering van goeie gronde, mag toelaat;

- (b) die huurder nie meer die betrokke erf bewoon saam met sy afhanklikes of familieledede nie, tensy reëlins tot bevrediging van die verhuurder getref vir die akkommodasie van sodanige persone: Met dien verstande dat die erf dan verhuur sal word aan die eggenote of ander afhanklike van die betrokke huurder.
- (3) Na die dood van 'n huurder van 'n erf gemeld in subregulasie (1), sal die wewenaar of weduwee of enige afhanklike of erfgenaam van sodanige huurder voorkeur geniet by die hertoewysing van die erf deur die verhuurder.

Bestaande huurders geregtig op skriftelike huurooreenkoms

- 15. (1) Die houer van 'n sertifikaat van okkupasie soos in artikel 23 van die Wet bedoel, sal op enige tydstip op versoek van die grondeienaar geregtig wees op die uitreiking van 'n dokument wat die huurooreenkoms uitmaak waarna in daardie artikel na verwys word.
- (2) Die Sekretaris, in die geval van Regeringsgrond, of die betrokke owerheid, in die geval van grond wat besit word deur die owerheid, sal op versoek deur 'n persoon waarna in subregulasie (1) verwys word en by oorhandiging van die betrokke sertifikaat, aan sodanige/daardie persoon 'n dokument uitreik wat die huurooreenkoms uitmaak en wat die huidige huur en die aanvangsdatum van betaling vermeld, wat in wese die vorm aanneem van Bylae D.

HOOFSTUK VIII

GEMEENSKAPSFASILITEITE

Aansoek om huur

- 16. (1) 'n Persoon wat graag 'n gemeenskapsaal of ander fasiliteit wil huur wat deur die Regering of 'n owerheid besit word, sal aansoek doen by die betrokke regering of owerheid soos wat die geval mag wees, en sodanige besonderhede verstrek as wat nodig mag wees.
- (2) Die verhuring van 'n fasiliteit in subregulasie (1) bedoel, sal berus by die diskresie van die betrokke regering of owerheid soos die geval mag wees.

Voorwaardes van huur

- 17. (1) Behoudens subregulasie (2), sal die voorwaardes van huur van 'n gemeenskapsfasiliteit, wees soos van tyd tot tyd bepaal deur die betrokke regering of 'n owerheid soos die geval mag wees.
- (2) Tensy veroorsaak deur 'n opsetlike handeling of deur die nalatigheid van sy werknemer, sal die regering of 'n owerheid nie aanspreeklik wees vir -
 - (a) enige verlies aan die huurder as gevolg van onklaarraking of defekte van beligting of enige ander toestelle of toerusting nie; of
 - (b) enige skade aan of verlies van enige eiendom, of vir enige besering, wat plaasgevind het by die fasiliteit in verband met die huur daarvan nie.

HOOFSTUK IX

SPESIALE MAGTE VAN DIE RAAD

Uitsluiting van persone van die maak van verdere aanbiedinge

- 18. (1) Indien 'n persoon -
 - (a) 'n bod gewysig of onttrek het na die sluitings vir die ontvangs van aanbiedinge maar voordat hy van die aanvaarding daarvan in kennis gestel is;
 - (b) nagelaat het om 'n kontrak te teken of waarborge te verskaf binne die tydperk deur die Raad gestipuleer, of sodanige verlengde tydperk as wat die Raad mag toelaat, wanneer hy daartoe vereis word;
 - (c) nagelaat het om te voldoen aan enige van die voorwaardes van 'n ooreenkoms, of ingevolge 'n ooreenkoms onbevredigend optree of opgetree het; of
 - (d) wat 'n ooreenkoms aangegaan het, omkoopgeld belowe, aangebied of gegee het, of in terme van die ooreenkoms op 'n bedrieglike wyse opgetree het of te kwader trou of op enige ander onbehoorlike wyse, mag die Raad, benewens enige ander wetlike stappe wat hy mag doen, besluit dat geen bod van die betrokke persoon oorweeg mag word vir 'n tydperk deur die Raad gestipuleer nie.
- (2) Die raad mag enige sodanige beperking na venwys in subregulasie (1) op enige stadium wysig of herroep.
- (3) Enige sodanige beperking in subregulasie (1) na verwys, mag volgens die diskresie van die Raad ook van toepassing gemaak word op enige ander onderneming, of op enige vennoot, bestuurder, direkteur of ander persoon, wat volle of gedeeltelike beheer oor die onderneming van die eersgenoemde persoon uitoefen, uitgeoefen het of mag uitoefen, en met welke onderneming of persoon die eersgenoemde persoon volgens die mening van die Raad aktief geassosieer is of was.
- (4) Vir die doel van hierdie regulasie sal die uitdrukking "persoon", ten opsigte van enige sodanige beperking, ook 'n werknemer of agent van sodanige persoon insluit.

Verhaling van koste en skade

- 19. Indien 'n ooreenkoms deur die Raad met enige persoon gesluit, op grond van inligting wat deur hom verskaf, en daar word bewys dat sodanige inligting foutief was, mag die Raad, benewens enige ander wetlike stappe wat hy mag oorweeg -
 - (a) enige koste en skade van daardie persoon verhaal wat deur die Regering aangegaan of gely is as gevolg van die sluiting van die ooreenkoms; of
 - (b) die ooreenkoms beëindig en van daardie persoon enige onkoste verhaal wat die Regering mag ly deurdat hy later minder gunstige reëlins moet tref.

HOOFSTUK X

DIVERSE

Verkooppryse, huurgelde en ander heffings

- 20. (1) Die tarief uiteengesit in KwaZulu Goewermentskennisgewing 279 van 18 Oktober 1991 sal, onderhewig aan die bepalinge van subregulasie (2) geld vir -
 - (a) enige beskikking ingevolge hierdie regulasies van -
 - (i) 'n bewoonde erf in 'n goedgekeurde dorp;
 - (ii) 'n erf in enige Regeringsdorsgebied wat volgens die mening van die Minister gestig is om 'n subekonomiese woonplek te verskaf;
 - (iii) enige ander grond deur die Minister gespesifiseer;
 - (b) enige ander transaksie in daardie Kennisgewing gemeld.
- (2) Die tarief waarna verwys word in subregulasie (1) sal nie geld nie -

- (a) vir enige beskikking oor 'n erf waarna verwys word in subregulasie (1)(a) of (b) by wyse van tender of veiling, soos bedoel in regulasie 11; of
- (b) indien, volgens die mening van die Raad en met die instemming van die Minister, spesiale omstandighede bestaan en wat 'n afwyking van daardie tarief regverdig.

Kort titel

21. Hierdie regulasies sal bekend staan as die KwaZulu-Regulasies oor Grondsake (Grondbeskikking), 1994.

BYLAE A

RIGLYNE VIR OOREENKOMS VAN VERVREEMDING

[regulasie 9(a)]

1. 'n Verklaring dat die Regering oor die grond beskik, en 'n aanduiding of hy dit doen as verkoper of skenker of in ruil vir ander eiendom.
2. Die volle name van die persoon wat die eiendom bekom en of hy dit doen as koper of begiftigde of in ruil vir ander eiendom.
3. 'n Verklaring dat die Raad namens die Regering die eiendom aan die persoon of instansie wat die eiendom bekom, verkoop, skenk of ruil, wat die geval ookal mag wees.
4. Die regte waarvan afstand gedoen word (hetsy die van eiendomsreg of grondbriefregte) en die eiendomsbeskrywing (insluitende die erfnummer, dorp of ander area en administratiewe distrik vir akteregistrasiedoeleindes, indien bekend).
5. Die koopprys, indien van toepassing.
6. Die wyse van betaling van die verkoopprys, indien van toepassing.
7. Die eiendom wat in ruil aangebied word, indien van toepassing.
8. In die geval van 'n kontrak bedoel in die Wet op die Vervreemding van Grond, 1981 (Wet 68 van 1981), ingevolge waarvan die eiendom verkoop word vir 'n bedrag wat in meer as twee paaiemente betaal moet word oor 'n tydperk van nie langer nie as een jaar, mag sodanige inligting waarna in artikel 6 van die Wet verwys word, deur die Raad as noodsaaklik geag word.
9. Waar die aanwinst gefinansier moet word uit 'n lening van die Regering, dat 'n vordering of 'n verband op die eiendom ten gunste van die Regering gefinansier moet word.
10. Die datum van okkupasie, wat voor registrasie mag wees, en 'n bepaling dat die risiko en wins na die belanghebbende sal oorgaan na die datum van registrasie.
11. Die eiendom word op voetstootse basis oor beskik.
12. Indien die huurooreenkoms registreerbaar is, die party verantwoordelik vir enige koste aangegaan.
13. Enige ander bepaling relevant tot 'n ooreenkoms vir die beskikking oor onroerende eiendom.

BYLAE B

RIGLYNE VIR GRONDBESKIKBAARHEIDSOOREENKOMS

[regulasie 9(b)]

1. Partye
Die name van die partye wat die ooreenkoms aangaan en hulle besigheidsadresse moet verstrek word.
2. Die Grond
Die grond moet beskryf word met 'n redelike mate van sekerheid, deur verwysing na byvoorbeeld sy geregistreerde beskrywing, adres, naam, 'n diagram voorberei deur 'n landmeter, of 'n skets waar die hoekpunte aangedui is deur verwysing na hul koördinate.
3. Stigting van dorp
Indien 'n dorp op die betrokke grond gestig moet word, moet die ooreenkoms meld binne watter tydperk dit gedoen sal word.
4. Dienste
Indien die grond van dienste voorsien moet word, moet die ooreenkoms die peil van sodanige dienste aandui en die tydperk waarbinne die dienste voltooi moet word.
5. Oprigting van verbeterings
 - 5.1 Die onderskeie verantwoordelikhede van die partye om verbeterings op die grond op te rig moet aangedui word.
 - 5.2 Die standaard van enige verbeterings wat aangebring moet word, moet aangedui word.
 - 5.3 Daar moet gemeld word wanneer daar met die aanbou van verbeterings begin sal word en wanneer sodanige verbeterings voltooi is.
6. Gefaseerde ontwikkeling
Die ooreenkoms moet so ver as moontlik 'n buigsame tydsraamwerk verskaf, om aan die persoon of instansie aan wie die grond beskikbaar gestel is die diskresie te laat om die fases, indien enige, te bepaal waarin die ontwikkeling sal plaasvind.
7. Sessie
 - 7.1 Die partye kan die wyse beskryf waarop dorpsontwikkelaars (insluitende werkgewers wat huisvesting aan hul personeel wil verskaf), afgesien van die persoon aan wie die grond beskikbaar gemaak word, betrokke kan raak by die ontwikkeling, deurdat die betrokke persoon onder meer toegelaat kan word om sy regte en verpligtinge ingevolge die grondbeskikbaarheidsooreenkoms te sedeer aan sodanige sessionarisse of kategorieë van sessionarisse as wat in die ooreenkoms beskryf word.
 - 7.2 Indien so 'n sessie of delegasie of 'n soortgelyke transaksie sou plaasvind, mag die ooreenkoms bepaal dat die persoon aan wie die grond beskikbaar gemaak word, self die volgende stap moet doen ter stigting van 'n dorp, indien van toepassing, afhangende van die stadium van ontwikkeling waarop die grond aan hom of die instansie beskikbaar gestel is, byvoorbeeld-
 - 7.2.1 dorpsbeplanning en opmeting;
 - 7.2.2 aansoek om dorpsontwikkeling;
 - 7.2.3 om goedkeuring vir dorpsontwikkeling te verkry;
 - 7.2.4 die installasie;
 - 7.2.5 verbeterings.
 - 7.3 Die ooreenkoms mag daarvoor voorsiening maak dat die persoon aan wie die grond beskikbaar gestel is ingevolge die grondbeskikbaarheidsooreenkoms, sy regte sedeer aan sodanige sessionarisse of kategorieë van sessionarisse as wat in die ooreenkoms beskryf is, om sekuriteit vir 'n lening te verskaf, en om voorsiening te maak vir die regte van sodanige sessionarisse of kategorieë van sessionarisse in die geval van enige versuim by sodanige persoon betreffende sy verpligtinge teenoor sy skuld, insluitende die reg van sodanige sessionarisse of kategorieë

van sessionarisse om, in die geval van verly of andersins, die regte aan enige ander dorpsontwikkelaar te verkoop.

9. Beskikking oor Besigheids- of Nywerheidspersone

Voorsiening kan gemaak word vir die wyse en voorwaardes van beskikking deur enige van die partye van enige persone wat vir besigheids- of nywerheidsdoeleindes beoog word. Die volgende moet in gedagte gehou word:

9.1 Voorsiening kan gemaak word vir 'n beskikkingsprys in enige beskikkingsakte.

9.2 Daar kan gespesifiseer word watter gedeelte van die beskikkingsprys die persoon aan wie die grond beskikbaar gestel is geregtig sal wees om vir sy eie rekening te behou, en hoe so 'n gedeelte bepaal moet word.

9.3 Daar kan gespesifiseer word watter gedeelte van die beskikkingsprys waarna in 9.2 verwys is, betaalbaar sal wees deur die persoon aan wie die grond beskikbaar gestel is aan die persoon wat die grond beskikbaar gestel het, of hoe so 'n gedeelte bepaal moet word, en dit moet ook gemeld word op watter wyse en wanneer sodanige balans betaalbaar sal wees.

10. Kontrakbreuk

Die ooreenkomstige mag bepalinge en voorwaardes bevat betreffende kontrakbreuk en die beëindiging van die kontrak.

BYLAE C

RIGLYNE VIR HUUROOREENKOMS

[regulasie 14]

1. Beskrywing van die verhuurder.

2. Persoonlike besonderhede van die huurder.

3. Beskrywing van die eiendom wat verhuur word.

4. Die maandelikse huur, of die basis vir die berekening van die maandelikse huur.

'n Verklaring oor die tydperk waarvoor die eiendom verhuur word of, indien geen tydperk gemeld word nie, die wyse waarop die huurooreenkoms deur die huurder beëindig kan word, wat nie minder as een maand en nie meer as drie maande se vooraf skriftelike kennisgewing mag wees nie.

6. Die wyse waarvolgens en die tyd waarbinne enige van die partye stappe mag vereis as gevolg van geen of gebrekkige prestasie ingevolge hierdie ooreenkomstige en die gronde waarop enige party hierdie ooreenkomstige wettiglik kan kanselleer.

7. Gebruik waarvoor die eiendom aangewend mag word.

8. Die regte van die huurder om die eiendom te onderverhuur.

9. Die basis waarop en die voorwaardes waaronder die huurder mag verkoop, sedeer, toewys, oordra, vervreem, belowe of op enige ander wyse enige regte in sodanige huurooreenkoms mag beswaar.

10. Die plek waar en die vorm waarin enige party enige kennisgewing ingevolge die huurooreenkoms mag gee en ontvang.

11. Die metode en basis van die berekening van enige vergoeding betaalbaar by die beëindiging van die huurooreenkoms vir welke rede ookal.

12. Aanspreeklikheid vir die instandhouding en herstel van die binnekant en die buitekant van die geboue.

13. Aanspreeklikheid vir diensheffings en enige tariewe of ander heffings.

14. Aanspreeklikheid om die eiendom en enige residensiële gebou wat daarop voorkom te verseker.

BYLAE D

HUUROOREENKOMS

[regulasie 15(2)]

Tussen die Regering van KwaZulu/Owerheid ("die Verhuurder") en ("die Huurder") (meld huurder se volle naam)

1. Die Verhuurder verhuur hiermee aan die Huurder, wat hierdeur huur (meld adres van eiendom wat verhuur word) vanaf die eerste dag van (meld die onmiddellik volgende maand en jaar).

2. Die Huurder sal huur maandeliks vooruit betaal vanaf [sien regulasie 15(2)] die eerste dag van (meld die onmiddellik volgende maand en jaar) van (meld bestaande maandelikse huurgelde ingevolge artikel 25(2)(a) van die Wet).

3. Die huur sal met 15% verhoog word op 1 April van elke jaar vir die eerste vyf jaar, en daarna met sodanige bedrag as wat van tyd tot tyd deur die Minister van Binnelandse Sake bepaal mag word.

4. Die gebruik van die eiendom sal wees vir (meld doel).

5. Die Huurder sal nie die eiendom onderverhuur of op enige ander wyse oor sy regte beskik sonder die Verhuurder se vooraf skriftelike toestemming nie.

6. Die Huurder sal aanspreeklik wees vir en sal op die vervaldatum daarvan verplig wees om die heffings vir elektrisiteit, water en ander plaaslike owerheidsdienste te betaal.

7. Die Huurder sal die geboue en die eiendom in stand hou, met die uitsondering van normale slytasie, in 'n skoon en netjiese toestand hou tot bevrediging van enige plaaslike owerheid en die eiendom by die beëindiging van die huurooreenkoms weer in 'n goeie toestand terugbesorg.

8. Die Huurder sal nie, sonder die vooraf skriftelike toestemming van die Verhuurder, enige eksterne of interne verbeterings, wysigings of aanbouings, struktureel of andersins, aanbring nie, en enige sodanige verandering waartoe die Verhuurder ingestem het, sal op die Huurder se onkoste en met gebruikmaking van goeie materiaal gedoen word, en sal nie by beëindiging van die huurooreenkoms verwyder word nie en sal die eiendom van die Verhuurder word, wat die Huurder daarvoor sal vergoed ooreenkomstig die Huurder se koste ten tye van die aanbring daarvan.

9. Geen gevaarlike of ontvlambare vloeistof wat die woonplek in gevaar kan stel, mag in of naby die woonplek gebruik of gestoor word nie.

10. Hierdie huurooreenkoms sal deur die Huurder beëindig kan word met drie maande se skriftelike kennisgewing aan die Verhuurder.

11. Indien die Huurder nalaat om huur te betaal of nalaat om te voldoen aan enige ander bepaling van die huurooreenkoms, kan die Verhuurder die huurooreenkoms met een maand se kennisgewing om die nalate uit die weg te ruim, en sonder dat die Huurder dit gedoen het, die huurooreenkoms kanselleer en die Verhuurder sal daarna daarop geregtig wees om besit te neem van die eiendom sonder benadeling van enige regte om huurgeld of skadevergoeding te eis.

12. As adres vir die dien van enige kennisgewing, geregtelik of andersins, of die betaling van enige bedrag ingevolge hierdie huurooreenkoms kies die Verhuurder (meld verhuurder se adres) en verkies die Huurder (meld huurder se adres).

Datum:

Verhuurder

Huurder

IZIMEMEZELO

ISAZISO KWABAMEMEZELO NABAKHOKHAYO IMALI

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

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

(b) Ezinye izimemezele: ngolwimi:-

Uhlu olulodwa - R0,60/isentimitha - ukuphinda - R0,30/isentimitha.

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

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

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

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

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeka kwamagama athile noma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI

EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

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

IZICELO ZAMALAYISENSE OPHUZO

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

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

ADVERTISEMENTS

NOTICE TO ADVERTISERS AND SUBSCRIBERS

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

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

(b) Other advertisements per language:-

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

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

Triple Column - - - - R1,80/cm Repeat - - - R0,90/cm

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

ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

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

LIQUOR LICENCE APPLICATIONS

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

Communications to be addressed to:-

The Secretary for Interior, Private Bag X02, Ulundi 3838

ADVERTENSIES

KENNISGEWING AAN ADVERTEERDERS EN INTEKENAARS

ADVERTENSIES: Per cm. of deel (insl. 13 mm bo en onder vir opskrif en handtekening):-

(a) Aansoeke om Handellisensie per taal - 'n Vaste tarief van R5,00

(b) Ander advertensies per taal:

Enkel kolom R0,60/cm Herhaling ... R0,30/cm

Dubbele kolom R1,20/cm Herhaling ... R0,60/cm

Driedubbele kolom... .. R1,80/cm Herhaling ... R0,90/cm

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

ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

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

AANSOEK OM DRANKLISENSIES

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

Mededelings moet gerig word aan:-
**Die Sekretaris van Binnelandse Sake,
Privaatsaak X02 Ulundi 3838**