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UMNYANGO WEZANGAPHAKATHI
ISAZISO SIKA HULUMENI WAKWAZULU NO. 29 SIKA 1994
IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA
(UMTHETHO 11 KA 1992)

Mina, Emmanuel Stephen Campbell Sithebe, uNgqongqoshe wezangaPhakathi

- Ngamandla engiwanikezwe yisigaba 37(1) soMthetho waKwaZulu weziNdaba zoMhlaba, 1992 (uMthetho 11 ka 1992), ngalokhu ngenza imithethonqubo ekuSheduli;
- nginquma ukuthi umthethonqubo 28(1) ngokuphathelana kwawo nendlela yokuhlelwa kwedolobha, umthethonqubo 42(1)(d) neSahluko XI kuyoqala ukusebenza ngosuku okuyoqala ngalo ukusebenza kweMithethonqubo Yokuhlelwa Kwedolobha ecatshangwe kuSahluko XI esishiwo.

E.S.C SITHEBE

UNGQONGQOSHE WEZANGAPHAKATHI

Ifayela 1/4/16

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- C. Isilinganiso sezimali ezikhokhwayo nezimali ezibizwayo
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Izincazelo

2. Kulemithethonqubo, izwi noma amazwi anikezwe umqondo othile nguMthetho kunalowo mqondo, futhi ngaphandle kokuba ingqikithi yendaba

ikhomba okunye -

"UMthetho" kusho uMthetho waKwaZulu weziNdaba zoMhlaba, 1992;

"umfakisicelo" maqondana nelokishi elihlongozwayo, kusho umnikazi welokishi noma ogunyazwe nguye;

"Umaziphathe" maqondana nelokishi, noma ilokishi elihlongozwayo, kusho umaziphathe wendawo noma wesizwe osendaweni lapho lelilokishi noma ilokishi elihlongozwayo likuleyo ndawo ephethwe yiwo;

"Indawo kamaziphathe" kusho indawo engaphansi kukamaziphathe;

"ikomiti" kusho Ikomiti yokuHlela iziNdaba zoMhlaba KwaZulu emiswe nguMthethonqubo 4 weMithethonqubo yakwaZulu yezindaba zoMhlaba (Ukukhulwa kwamadolobha) 1994;

"isiqinti" kusho noma yisiphi isiqinti noma yisiphi isiqephu somhlaba elokishini kodwa kungabi yindawo yomphakathi, futhi kuhlangukise amalungelo etayitela maqondana nesiqinti;

"umnikazi" noma "umnikazi welokishi" kusho -

- (a) umthuthukisi welokishi noma umaziphathe othengiselwa umhlaba ngaphansi kwesigaba 5 soMthetho;
- (b) emhlabeni ongokaHulumeni ngokusho kwesimemezero ngaphansi kwesigaba 36 soMthethosisekelo wemiBuso yabaNsundu, 1971 (Umthetho 21 ka 1971) uHulumeni;
- (c) umnikazi obhalisiwe womhlaba kulelo lokishi ngosuku
 - (i) lokufaka isicelo sokuvunywa ukuba lakhiwe, uma kuyilokishi elihlongozwayo;
 - (ii) ngesikhathi lakhiwa njengelokishi, uma kuyilokishi elikhona;

"umhlaba womnikazi" kusho umhlaba ongowomuntu ngaphandle kukaHulumeni noma uMaziphathe futhi kungahlanganisile umhlaba owenziwa ukuba utholakale ngaphansi kwesigaba 5 soMthetho;

"indawo yomphakathi" kusho -

- (a) noma yisiphi isitaladi, umgwaqo, umgudu, umhume noma enye indlela yokuhamba, kubandakanya noma yiliphi ibhuloho, indlela ephuma ngaphansi komgwaqo noma okufana nalokho esitaladini.
- (b) noma yiliphi ishashalazi, ipaki, indawo yokungebeleka, isivande, ikhaphelo noma indawo ebiyelwe noma evulekile
 - (i) elokishini elivunyiwe ukuba lisetshenziswe ukuze kusizakale umphakathi futhi kukhonjisiwe ohlelweni olukhulu lwelokishi;
 - (ii) uHulumeni, iTrasti yeNtuthuko yase South Africa emiswe ngaphansi kwesigaba 4 soMthetho wokuThuthukiswa kweTrasti noMhlaba, 1936 (uMthetho 18 ka 1936) noma igunya lihambisana nobunikazi, ukubheka noma ukuphatha ngomthetho noma itayitela ukuba lisetshenziswe futhi kusizakale umphakathi noma umphakathi onelungelo lokusebenzisa; noma
 - (iii) lapho umphakathi noma abahleziyo noma abanikazi beziqinti elokishini benelungelo abalihlanganyele;

"isiphathimandla sokubhalisa" maqondana nomhlaba, kusho isiphathimandla sokubhalisa esiphethe ihhovisi lokubhalisela lasendaweni lapho umhlaba ukhona;

"uNobhala" kusho uNobhala WezangaPhakathi futhi kuhlangukise noma yisiphi isiphathimandla eMnyangweni WezangaPhakathi uNobhala anikezele kuso amandla nemisebenzi ngaphansi kwalemithethonqubo;

"umkhandlu omiswe ngokomthetho" kusho noma iyiphi ibhodi noma inhlango emiswe yinoma yimuphi umthetho noma ngaphansi kwanoma yimuphi umthetho noma futhi eqhutshwa yimuphi umthetho futhi oqhutshwa ngokuphelele noma ingxenye yawo ngezimali ezabelwe lowo mgomo yiphalamende noma uMkhandlu wakwaZulu Oshaya Umthetho, futhi kuhlangukise inkampani yakwa Transnet Limited ehlanganiswe ngaphansi kwesigaba 2 soMthetho wokuThutha ngokomthetho emva kweMisebenzi yokuThutha eSouth Africa, 1989 (Umthetho 9 ka 1989) kanye neNhlango yobambisano yabahambi ngeSitimela eSouth Africa Limited eyamiswa ngokusho kwesigaba 22 salowoMthetho;

"ilokishi" kusho ilokishi ngomqondo womthethonqubo 34

"Ukwedlulisa" kuhlangukise ukubhaliswa kwamalungelo okusebenzisa umhlaba.

ISAHLUKO II

UKUSETSHENZISWA KWALEMITHETHONQUBO

Imithethonqubo iyasebenza njengomthetho.

- 3. Ilokishi kuyothi ngaphansi kwanoma yikuphi ukuyekelwa ngokusho noma ngaphansi komthethonqubo 4, 33 noma 40 lakhiwe ngokuhambisana nalemithethonqubo.

Ukuyekelwa

- (1) Izimiso zalemithethonqubo aziyusebenza -
 - (a) Ekukhulisweni ngokuya ngokuya ngokwesiko lendawo nokusetshenziswa noma ngaphansi kwesigaba 25(1)(a) soMthetho welokishi elikhona;
 - (b) ekwakhiweni noma ekwandisweni kwelokishi elinezakhiwo noma imipheme okuhlezi kuyo abantu abangenazo izindlu ezinye ezikhona ngesizathu sokuba ngeke bakwazi ukuzikhokhela, noma ngenxa yokungabikho komhlaba noma ngenxa yanoma yisiphi isimemezero ngaphansi komtheshwananqubo (3) ukuthi lelo lokishi alikho emthethweni.
- (2) UNgqongqoshe, kungathi ngaleyo mithetho nemibandela angayinquma, ayekele noma yimuphi umuntu kwezithile noma kuzo zonke izimiso zalemithethonqubo, uma ngokubona kukaNgqongqoshe, intuthuko esheshayo yelokishi eliqondene idingekile futhi ifiseka ngokuzosiza umphakathi.
- (3) Uma ilokishi elicatshangwe emtheshwananqubo (1)(b) lakhiwa noma landiswa -
 - (a) uNgqongqoshe angathi ngesaziso kuGazethi kaHulumeni echaza umhlaba oqondene amemezele lellokishi libe yidolobha elingekho emthethweni uma enomqondo wokuthi kudingekile ngokuzosiza umphakathi;
 - (b) UNobhala uyokwazisa noma yibaphi abahlezi kulellokishi futhi uma lowo mhlaba ungowomuntu ngaphandle uma ungokaHulumeni, azise umnikazi womhlaba ukuthi ilokishi selimenyezwe ngokunjalo.

- (4) Emva kokuba ilokishi selimenyezelwe njengelokishi elingekho emthethweni ngaphansi komtheshwananqubo (3), akukho muntu oyokwakha aguqule, ahlale noma asebenzise noma iyiphi indlu emhlabeni okubhekiswe kuwo esazisweni ngaphandle kwemvume ebhaliweyo kaNgqongqoshe kuqala, ongabeka noma yimuphi umbandela angawubona ufanele.
- (5) UNobhala angenza ukuba kugcinwe lezimiso zomtheshwananqubo (4) ngokuthola umyalo ofanele noma kuyiphi inkantolo yamacala ombangi endaweni enamandla okuqala lolodaba.

Isikhathi senguqoko

5. Izimiso zalemithethonqubo ziyothi, ngangalokho okuqondiswe uNgqongqoshe, zisebenze ngokuguquguquka okudingekileyo maqondana nokwakhiwa kwelokishi okuqaliwe kodwa kungakaqedwa ngaphambi kosuku lokuqala ukusebenza kwalemithethonqubo.

Ukuphatha okuhlanganyelwe noma kobuthunywa

6. (1) Uma ukusetshenziwa kwesigaba 12 soMthetho sekunikezelwe uMkhandlu ohlanganyele ukuphatha omiswe ngaphansi koMthetho woMkhandlu Ohlanganyele Ukuphatha eKwaZulu naseNatal, 1986 (uMthetho 80 ka 1986) noma uma lomaziphathe usugunyaziwe ukusebenzisa amandla, ukwenza imisebenzi emele yenziwe noma eminye imisebenzi ngaphansi kwalesisigaba, amalokishi angakhiwa ngokumaqondana nalowo msebenzi noma ukugunyazwa, kuye ngesimo.
- (2) Uma isivumelwano esicatshangwe esigabeni 38 soMthetho sesenziwe sokwenziwa komsebenzi ngumaziphathe noma umuntu okubhekiswe kuye kulesosigaba sanoma yimuphi umthetho ohlinzekelwe kwalemithethonqubo, amalokishi ayokwakhiwa ngokuvumelana nezimiso zalesosivumelwano.

ISAHLUKO III

IMVUME KANGQONGQOSHE IYADINGEKA

Akukho lokishi eliyokwakhiwa ngaphandle kwemvume kaNgqongqoshe

7. Ngombandela wanoma yikuphi ukuyekelwa okucatshangwe kwalemithethonqubo, akukho muntu oyokwakha ilokishi ngaphandle kwemvume kaNgqongqoshe.

Akukho ntuthuko eyokwenziwa ngaphandle kwemvume kaNgqongqoshe

8. (1) (a) Ngombandela wanoma yikuphi ukuyekelwa okucatshangwe kwalemithethonqubo, akukho muntu okuyothi ngaphandle kwegunya likaNgqongqoshe athuthukise, ngokusho kwalesi sigaba noma yimuphi umhlaba noma ungaphakathi noma ungaphandle kwendawo kamaziphathe: Kuqikelelwe ukuthi izimiso zalemitheshananqubo ngeke zisebenze uma-
 - (i) Uhlelo lokwakhiwa kwedolobha lusebenza emhlabeni onjalo, noma
 - (ii) Umhlaba onjalo uselokishini elisemthethweni okungekho luhlelo lokwakha idolobha nokuthi leyontuthuko ihambisana nemibandela yokwakha ephathelene, nokusetshenziselwa ilokishi elinjalo esebenzayo esikhathini lapho kuhlongozwa ukuba lakhiwe.
 Ngaphandle uma uNgqongqoshe -
 - (aa) ngokuphathelene nendawo kamaziphathe noma iyiphi enye indawo ebalulwe nguye ngokwejoyalekile noma
 - (bb) ngokuqondene nalokho eyalile ukuthi lesisicelo sokugunyazwa senziwe.
- (b) Ukugunyazwa okucatshangwe endimeni (a) kuyocelwa ngokusetshenziwa kwefomu yeSheduli B
- (2) Izimiso zalemithethonqubo ziyosebenza kunoma iyiphi intuthuko njengoba ichaziwe kulo mthethonqubo sengathi iyilokishi: Kuqikelelwe ukuthi uNgqongqoshe, uma ebona ukuthi ukuvunywa kwesicelo ngokusho komtheshwananqubo (1) akuyikulimaza muntu, kubandakanya ikakhulu abanikazi bomhlaba abangomakhelwane, angasibuyisela eceleni isidingo sokuba isicelo simenyezelwe: Kuqikelelwe futhi ukuthi uNgqongqoshe angabuyi asiyekelwe isicelo esinjalo embandeleni noma esimisweni esisodwa noma ngaphezulu zalemithethonqubo ngaphansi kwaleyomibandela angayibeka.
- (3) UNgqongqoshe, ekugunyazeni kwakhe noma iyiphi intuthuko ngokusho kwalemithethonqubo, angakwenza lokhu ngaphansi kwanoma imiphi imibandela engaphikisani nezimiso zalemithethonqubo, noma anganquma ukuba kufakwe isicelo semvume yokwakhiwa kwelokishi ngokusho kwalemithethonqubo ngaphambi kwentuthuko enjalo.
- (4) Umaziphathe uma ekhona ngeke alivume ipulani lokwakha eliqondene nentuthuko ehlongozwayo, ngaphambi kokuthi isaziso sinikezwe umaziphathe esinikwa uNobhala ukuthi imibandela, uma ikhona, ngaphansi kwayo uNgqongqoshe agunyaze ukuba kube khona leyontuthuko, ilandelwe ngokumanelisayo uNgqongqoshe.
- (5) Ngokwenhloso yalo mthethonqubo igama elithi "intuthuko" lisho intuthuko yomhlaba uthuthukiselwa ukuba kwakhiwe kuwo noma kube yindawo yokuthi efana nelokishi kodwa zingabikho izitende, noma ngokubona kukaNgqongqoshe okuyogcina kuyindawo enjalo noma eyakhelwe izinhloso ezinjalo kodwa engabandakanyi ukwakhiwa kwekhaya lokuqala kanye namakamelo angaphandle ngendlela eyejwayelekile kuleyondawo.

ISAHLUKO IV

ISINQUMO NGOKOMGOMO

Ukufaka isicelo sesinqumo ngokomgomo

9. Noma yimuphi umuntu ohlongoza ukwakha ilokishi emhlabeni womnikazi, kungathi ngokubona kwakhe afake isicelo kuNgqongqoshe ngencwadi eFomini eliyiSheduli A ukuze kukhishwe isinqumo ngokomgomo maqondana nelokishi elihlongozwayo, futhi isicelo esinjalo sihambisane -
 - (a) nalawo mapulani kanye nezincwadi zobufakazi (imibhalo) njengalokhu uNobhala engazidinga maqondana -
 - (i) nemisebenzi emikhulu yobunjiniyela ekhona naleyo edingekayo;
 - (ii) Ukuhambisana kwelokishi elihlongozwayo nepulani elilindelekile;

- (iii) noma yiluphi olunye udaba oluphathelele nokufaneleka komhlaba ekwakheni ilokishi;
- (b) nesicelo kanye nemali yokushicilela isaziso okubhekiswe kuso kuSheduli C.

Uphenyo ngaphambi kokwenziwa kwesinqumo ngokomgomo.

10. (a) uNobhala, kuyothi ezinsukwini eziyisikhombisa emva kokufakwa kwesicelo ngaphansi komthethonqubo 9-
 - (i) athumele ikhophi lesicelo siqondiswe emantshini yesifunda lapho umhlaba ukhona;
 - (ii) Kukhishwe isaziso kanye ngesonto amasonto amabili alandelayo eGazethini kaHulumeni nasephephandabeni elifundwayo esifundeni lapho kuzokwakhiwa khona ilokishi elihlongozwayo, ngefomu leSheduli D lapho kuchazwa khona izinjongo zesicelo nokusho ukuthi imininingwane yesicelo iyokwenekelwa ukuba ihlolwe emahhovisi emantshi kanye nasemahhovisi omthuthukisi, okuyothi amakheli awo abhalwe kuleso sazi, nokuthi noma yimuphi umuntu ofisa ukubeka izikhala ezihambisana noma eziphikisana nesicelo, angakwenza lokho ngencwadi ebhekiswe kuNobhala enkathini engamasonto amathathu kusukela osukwini lokuqala okwafakwa ngalo isaziso eGazethini kaHulumeni.
- (b) uma umhlaba isicelo esiphathelene nawo wonke noma ingxenye yawo usendaweni kamaziphathe wesizwe-
 - (i) uNobhala noma umfakisicelo ngemvume aseythole ngaphambili kaNobhala jikelele, uyokwazisa uNobhala woMnyango kaNdunankulu ngobukhona besicelo esinjalo amnikeze amakhophi amabili esaziso okubhekiswe kuso endimeni (a)(ii)
- (c) uNobhala-jikelele woMnyango kaNdunankulu noma inxusa lakhe uyokwazisa lowo maziphathe ngobukhona balesosicelo futhi amnikeze ikhophi yaleso sazi;
 - (iii) Umaziphathe uyochoma isaziso okubhekiswe kuso endimaneni (ii) ebhodini lezaziso isikhathi esingamasonto amabili kusukela osukwini okwaphuma ngalo isaziso eGazethini kaHulumeni futhi azise uNobhala jikelele woMnyango kaNdunankulu ngombono wawo maqondana nesicelo;
 - (iv) uNobhala jikelele woMnyango kaNdunankulu noma lowo omele uNobhala uyokwazisa uNobhala ngesaziso okubhekiswe kuso endimaneni (iii).
- (c) Uma kukhona noma imiphi imibono ebekiwe ngokusho kwendima (a) noma uma umfakisicelo enxusa, uphenyo lwesicelo sakhe luyokwenziwa uNobhala ingakapheli inyanga emveni kokuphela kwenkathi okumelwe kubekwe ngayo imibono: Kuqikelelwe ukuthi lolu daba lunokulalelwa, ngesikhathi uNobhala ehlola indawo.
- (d) uNobhala uyocubungula isicelo futhi uma ekwenza lokho kuyofanele kubhekwe imibiko, ukuhlolwa noma okunye noma ngabe kuvela ophenyweni lwakhe, ukucubungula, okunye noma ngabe kusuka ophenyweni, ekucubunguleni noma kweminye imithombo, okungase ngokubona kwakhe kusize ekucubungulweni kwesicelo.
- (e) Emva kokucutshungulwa kwesicelo, uNobhala kuyothi, esikhathini esiyinyanga eyodwa sethuliwe noma ezimweni ezicatshangwe endimeni (c) emveni kokucubungula, ethule umbiko kuNgqongqoshe, futhi uyoncoma ukuthi isicelo sivunywe noma senqatshwe, noma sivunywe mayelana nengxenye ethile yomhlaba okuyiwona ofakelwe isicelo.
- (f) uNobhala, uma encoma kuNgqongqoshe ukuthi isicelo sivunywe, kungathi khonamanjalo enze iziphakamiso maqondana nemibandela ephathelene nelokishi elihlongozwayo isicelo esiyovunyelwa ngaphansi kwazo kuqikelelwe ukuthi leyomibandela ingaguqulwa uNgqongqoshe ngokubona kwakhe noma ngesicelo esifakwa kuye yinoma ubani emva kokuba kubhekiswe kuNobhala ukuba kutholakale eyakhe imibono.

Isinqumo sikaNgqongqoshe

11. (a) Uma sekwamukelwe umbiko kanye nezincomo zikaNobhala, uNgqongqoshe angasivuma noma asenqabe isicelo, noma angasivuma isicelo maqondana nanoma iyiphi ingxenye yomhlaba okukhulunyelwa phezu kwawo, kukho kokubili kube ngaphansi kwaleymibandela ephathelene nelokishi elihlongozwayo njengoba engase akubone kudingekile noma kufanele, noma angahlehlisa isinqumo salokho: Kuqikelelwe ukuthi uNgqongqoshe akasoze asichitha isiphakamiso sikamaziphathe uma sikhona, ngaphandle kokuphinde asibhekise kumaziphathe nasekucwaningeni imibono kamaziphathe kabusha.
- (b) Uma uNgqongqoshe esivuma isicelo, umfakisicelo uyokwaziswa ngalokho ngencwadi, bese kuthi uma engaphumeleli ukufaka isicelo ngokusho komthethonqubo 12 enkathini eyizinyanga ezingu 12 kusukela osukwini okwabhalwa ngalo incwadi eyazisa ngesinqumo sikaNgqongqoshe, noma phakathi kwesikhathi esengezwa uNobhala, lesosinqumo kuyothathwa ngokuthi sibhuntshele.

ISAPHLUKO V

UKUFAKA ISICELO SOKWAKHIWA KWELOKISHI

Isicelo sokwakha ilokishi

12. (1) Noma yimuphi umuntu onesifiso sokwakha ilokishi uyokwenza lokho ngencwadi ayibhekise kuNobhala ngefomu eliyiSheduli B, futhi isicelo sihambisane -
 - (a) nalawo mapulani, izincwadi zobufakazi kanye nemininingwane njengoba kukhonjwe kuSheduli, kuhlangene nalawo mapulani emihlaba encikene nendawo, njengoba ingase ithintekile ngokwakhiwa kwelokishi elisha, ukuze kuphunyeleliswe ukucwaningwa kwezinto ezifana nokuqhubeka kwemigwaqo, ukudonswa kwamanzi kanye nezinto ezifana nalezo;
 - (b) imali yokufaka isicelo ebalulwe kuSheduli C;
 - (c) maqondana nanoma isiphi isicelo okubhekiswe kuso kumtheshwananqubo (3) isitifiketi esisayinwe egameni likamaziphathe othintekayo sokuthi ikhophi yesicelo isifinyelele kuye; futhi
 - (d) maqondana nanoma isiphi isicelo esiphathelene nomhlaba okukhona maqondana nawo ipulani elenziwayo lokwakha idolobha elilungiselelwayo noma osekusetsenzwa ngalo bese kuthi uma lowo mhlaba uma usendaweni kamaziphathe, kukhonjwe ukuthi ilokishi elihlongozwayo liyazigcina ngazo zonke izindlela izimiso zalolo hlelo noma ukuthi yiziphi izindlela ezenza ukuthi ilokishi elihlongozwayo lingahambisani nezimiso zalolo hlelo.
- (2) Umfakisicelo uyobuyi akhokhe kuNobhala imali ebalulwe kuSheduli C ukubhekana nezindleko ezingase zivele maqondana nesicelo ngokuphathelelele nokuhambela kweziphathimandla zomnyango zizohlola kanye nezimali zezindleko zokuhamba ezibaliwe kulelo Sheduli ezikhokhelwa ompetha abeluleka uHulumeni kanye nabantu abasebenza kuHulumeni maqondana nokuhlola, futhi uyonikeza isiqiniseko sokukhokha noma yiziphi izindleko ezingaphezulu kwemali ekhokhiwe. Zonke izindleko ezinjalo ziyokhokha umfakisicelo noma ngabe

isicelo sivunyiwe noma singavunywanga.

- (3) Uma isicelo siqondene nomhlaba osendaweni kamaziphathe, umfakisicelo ngeke adingeke (ngaphandle uma kuhlinzekwe ngenye indlela emthethweniqubo 33) ukuba afeze izimiso zanoma yimuphi umthetho osebenzayo kuleyondawo ezilawula ukufakwa kwesaziso namapulani malungana nokudatshulwa komhlaba, kodwa entweni efana naleyo umfakisicelo uyofaka ikhophi yesicelo sakhe kumaziphathe othintekayo.
- (4) Isicelo sokwakha ilokishi sinokufakwa, futhi sicutshungulwe futhi sivunye ngokusho kwalemithethonqubo, noma ngabe umfakisicelo usifakile isicelo noma akasifakanga ngaphansi komthethonqubo 9 ukuze kwenziwe isinqumo ngokomgomo.

Isaziso ngokufakwa kwesicelo sokuba kwakhiwe ilokishi

13. (1) UNobhala, ngaphandle uma umfakisicelo efake isicelo ngaphansi komthethonqubo 9 esifakela isinqumo ngokomgomo uyonikeza isaziso sesicelo sokwakha ilokishi, futhi izimiso zemithethonqubo 10 (a) kanye no (b) ziyosebenza ngokuguguguka okudingekayo maqondana nesaziso esinjalo.

Ukuhlolwa

14. UNobhala angahlola isiza sanoma iliphi ilokishi elihlongozwayo: Kuqikelelwe ukuthi okungenani kuyonikezwa izinsuku ezingu 7 zesaziso sosuku nesikhathi okuyohlolwa ngaso kunikezwe ngumfakisicelo enikeza umaziphathe othintekayo uma ekhona.

Ukudingidwa kwesicelo

15. (1) Uma kukhona ukukhononda okwenziwe mayelana nalesi sicelo noma uma umfakisicelo ekucelile lokho, uNobhala uyomisa usuku lokudingidwa kwesicelo futhi uyonikeza okungenani izinsuku eziyisikhombisa zesaziso sosuku, isikhathi kanye nendawo yalokho kudingidwa kwaleso sicelo, kwaziswe umfakisicelo, noma yimuphi umaziphathe othintekayo futhi nanoma imuphi umuntu ofake izikhalo.
- (2) Ngesikhathi kudingidwa isicelo, uNobhala angadinga ukuba umfakisicelo noma imuphi umuntu owafaka isikhalo ukuba anikeze eminye imininingwane, ulwazi, amapulani noma imidwebho njengoba engakubona kufanele.
- (3) Umfakisicelo kungathi ngemvume kaNobhala, noma nini ngaphambi kokuphethwa kokudingidwa, achibiyele isicelo sakhe maqondana nanoma yiluphi udaba noma isiphakamiso esikhona phakathi, ngaphandle uma lesi sichibiyelo esinjalo ngokombono kaNobhala, lesi sichibiyelo singenza ukuba kufakwe isicelo esisha sokwakha ilokishi.
- (4) Akusoze kwavumeleka ukuba uNobhala aphenye ukuthi ngabe ilokishi elihlongozwayo liyadingeka ekufezeni izidingo zabantu noma indawo ifanele yini ukuba kwakhiwe kuyo ilokishi ngaphandle uma -
 - (a) lapho kuyinoma yiliphi ilokishi elingena ngaphansi kwezimiso zomthethonqubo 33; noma
 - (b) lapho umfakisicelo engazange asifake isicelo ngaphansi komthethonqubo 9.
- (5) Umfakisicelo futhi nanoma yimuphi umuntu ofake izikhalo angazifikela mathupha lapho kudingidwa khona isicelo noma amelwe umuntu amgunyazile.

Imibandela yokwakhiwa kwelokishi

16. (1) Kuyoba umsebenzi kaNobhala uma, emveni kokudingidwa kwesicelo, ezimisele ukuncoma ukuthi isicelo sivunye, ancome imibandela ngokubona kwakhe okuyokwenzeka ukuthi ngaphansi kwayo uNgqongqoshe asivume isicelo sokwakhiwa kwelokishi, ngokuqaphela kakhulu izinto ezilandelayo njengoba zingase zisebenze, okungukuthi -
 - (a) Ukufaneleka kwesiza maqondana nobubanzi, isimo, amanzi, imisele yokuhambisa amanzi emvula, amaphayiphi okukhucula inkucunkucu, umhlambathi, ukugcuka, indlela yokuthi ingandiswa uma sikhona isidingo, isimo sezulu, indlela yokufinyelela esitimeleni nasemigwaqweni emikhulu kanye nokunye okufana namagquma, izigodi, imihosha noma izimo ezingathinteka esiphakamisweni sokwakha ilokishi kuleyondawo;
 - (b) ubukhona bamalungelo abalulayo noma izithikamezo ezingathikameza inqubekelaphambili yelokishi;
 - (c) ukwabiwa kwezindawo ngeziceme zokwakha amakhaya, amabizini, izimboni, izindawo zokungcebeleka noma ezinye izidingo noma inhlangukisi yalezo zidingo kanye nokulawula imigoqo noma ukwenqatshelwa kokuthengiswa noma ukwakhiwa kwezindlu kanye nokwakhiwa kwezindlu ezizeni ezithile kuleyo naleyo noma isigceme: Kuqikelelwe ukuthi lapho kukhona khona imigoqo noma ukwenqatshelwa, isimo singagunyaza uNgqongqoshe noma, uma ilokishi lakhiwe endaweni kamaziphathe, ukuba axegise leyo migoqo noma ukwenqatshelwa phezu kwemigomo nezimiso lezo njengoba uNgqongqoshe, noma kuye ngesimo, umaziphathe engaquma;
 - (d) ukufaneleka noma ukungafaneleki kwepulani ehlongozwayo ngokubhekela isimo kanye nobubanzi beziza ezigcemeni ngeziceme kanye nemigoqo yokusebenzisa maqondana neziqinti ezikhona kunoma yiliphi ilokishi eliseduze nalapho, inkucunkucu, ukudonswa kwamanzi ububanzi kanye nokuthambeka kwezitaladi, izidingo zangomuso zezinto ezihamba emigwaqweni kanye nokulawula ngaphakathi elokishini futhi namaqondana nendawo ezungezile, futhi kanye nezinto ezakhiwe ngezandla kanye nalezo zendalo, kanye nokubukeka kwendawo kanye nezinto ezisetshenziswa umphakathi;
 - (e) Iziphakamiso, izinqumo kanye nemibandela ebhaliwe phakathi esicelweni,
 - (f) Ukuhlinzekwa kanye nokubekelwa eceleni kweziza zikaHulumeni, abaphathi belokishi noma imuphi umkhandlu omisiwe ngokomthetho ukuba kube yindawo evulekile yokusetshenziswa umphakathi noma esinye isidingo sabantu abakhe elokishini;
 - (g) Ukuthi kungakanani okuyobhekela ukuba akwenze umfakisicelo maqondana nokwakhiwa komgwaqo, ukufakelwa kwamanzi, ugesi, ukukhuculwa kwenkucunkucu, ukuhlanzwa kwamanzi kanye neminye imisebenzi, kanye nokuhlinzekela ukuphepha ukuze kufezeke noma yiziphi izibopho ezibekwe emahlombe akhe, bese kuthi lapho kukhona khona isikweletu ngalezo zinsizakalo zomphakathi, zikhokhwe umfakisicelo ngokheshe ngokwanele ukuba kukhokhelwe izindleko ezilinganisiwe.
 - (h) Umthethonqubo, umgoqo noma ukwenqatshelwa kokuthi iziqinti ezikhona zingabuyi zidatshulwe ngesikhathi esizayo;
 - (i) ukuthi isiza esincane siyoba sincane kangakanani, imithethonqubo yokwakhiwa kwezindlu ngokubhekisa ekuthini ziyoba ngaki izindlu ezingakhiwa esizeni ngasinye kanye nokuthi isiza siyoba sikhulu kangakanani okuyokwakhiwa kusona noma ngabe kwakhiwa ikhaya, ibizini noma okunye, izindleko eziyisibalo okuqalelwa kuso zomsebenzi wengqalasizinda ezindaweni ezikhonjwe, izindawo ezivulekile ezizungeze izakhiwo, ukuthi izindlu ziyokwakhiwa zibhekephi kuleso naleso siza maqondana nesitaladi noma umngcele noma ezinye izakhiwo kanye nohlobo lwazo, umsebenzi wazo, ukuphakama kwazo kanye nokufanelana kwendlela ezakhiwe ngayo;
 - (j) isidingo sokufaka kokunye noma kukho konke ukudluliswa, ilungelo elibalulayo lokudonswa kwamanzi, ukukhuculwa kwenkucunkucu, ukufakelwa kwamanzi, ugesi, iziteshi zikagesi ukuthuthwa kwabantu abahambayo, imipheme noma yini enye ewusizo emphakathini;
 - (k) isipho, uma sikhona, esibekwe eceleni sibekelwe ukukhokhela imisebenzi yobunjiniyela, okuyohlizenzeka uHulumeni eyihlinzekela ilokishi nokuthi lesosipho siyoba luhlobo luni lwesipho;

- (l) Ukufakwa kwephuzu lesijeziso maqondana nokungakhokhi ama-Rates noma ezinye izimali ezibizwa umasipala noma iphuzu eliqondene nokunikezwa ilungelo okwesikhashana ngokwehluleka ukwakha indlu noma izakhiwo zenani elinqunyiweyo ngosuku olumisiweyo kunoma yimuphi umhlaba;
 - (m) Ukugodlwa kwamalungelo omcebo ombiwayo ukuba abhaliswe egameni lomninindawo;
 - (n) Kuyobhalwa imibandela etayiteleni lesiza elokishini;
 - (o) Ukufaneleka kwegama elibizwa ngalo ilokishi; kanye
 - (p) nanoma yiluphi olunye udaba oluphathelele nesisicelo okungathi uNobhala alubone lufanelekile ukuba uNgqongqoshe alwazi, kumbe uNgqongqoshe angaludlulisela kuNobhala.
- (2) (a) Ukukhokha kwanoma iziphi izimali okubhekiswe kuzo emthethweninqubo (1)(g) kuyokwenziwa kuNgqongqoshe: Kuqikelelwe ukuthi ngemvume yakhe imali noma ingxenywe yayo ingakhokha kunoma iyiphi inhlangano emiswe ngokomthetho, okuyiyona ehlinzeke ngezimfanelo okubhekiswe kuzo.
- (b) noma iyiphi imali ekhokha kuNgqongqoshe ngokusho kwendima (a) iyogcinwa wuye njengoba sekushiwo ngaphambili, futhi kuyothi masinyane emva kokuba inhlangano esemthethweni njengoba kubhekiswe kuyo endimeni (a) iqala ukwenza imisebenzi eqondene nelokishi, ikhokhe wuye kulowo ohlinzeka imisebenzi ngaphandle kwezalo kususwe isibalo semali esetshenziswe wuye ngaphansi kwendima (c).
- (c) ngesikhathi kusalandelwe ukuqala kokusebenza kwalowo ohlinzeka imisebenzi njengoba kushiwo ngaphambili, uNgqongqoshe izikhathi ngezikhathi anganikeza noma asebenzise ngaleyo ndlela ayibona ifanele yonke imali noma ingxenywe yayo esezandleni zakhe ekwakhiweni kwemigwaqo ekufakeleni amanzi, ugesi ekukhuculweni kwenkucunkucu kanye nasekuhlanzweni kwamanzi kuye ngesimo, ukuze kusizakale izakhamuzi zelokishi.
- (d) Noma iyiphi imali etholwa umfakeli wezinto zokusiza umphakathi ngokusho kwendima (a) no (b) iyosetshenziswa yilowo mfakeli ekwakhiweni kwemigwaqo, ekufakeleni amanzi ugesi, ekukhuculweni kwenkucunkucu kanye nasekuhlanzweni kwamanzi njengoba kungadingeka elokishini eliqondene okuyilona elalinikezwe imali.
- (3) Isipho okubhekiswe kuso emtheshwaneninqubo (1) (k) singama kanje -
- (a) ukukhokha kwesamba semali;
 - (b) ukwedluliselwa kwanoma iziphi iziza ezisendaweni okuhlongozwa ukuba kwakhiwe kuyo ilokishi.
 - (c) ukukhokha komfakisicelo ingxenywe yenani lentengo (njengoba kuhlinzekiwe kumthethonqubo 27 (1)) yaleso naleso siza elokishini esithengiswe nguye noma ngendali noma ngokushintshanisa, ngesipho noma ngayiphi enye indlela noma isiqashwe nguye ngaphansi kokuqasha kwesikhathi seminyaka eyishumi noma ngaphezulu, noma umqashiso ogunyaza umqashisi ukuba avuselele isikhathi noma izikhathi okuthi uma kuhlanganiswa nesikhathi somqashiso wokuqala kulingana noma kweqa esikhathini esiyiminyaka eyishumi noma isiphi esinye noma ezinye izimo ezinjalo: kuqikelelwe ukuthi abaphathi, uma bekhona, bayokwenqaba ukuvuma ipulani lokwakha (kungabaliwe ipulani lokwengezelela noma ukushintsha kwesakhiwo esikhona) malungana nanoma yisiphi isiza ngaphandle kokuba isipho esenziwe sesikhokhiwe, noma ngabe isiza sithengisiwe noma asithengisiwe.
- (4) Ukukhokha kwanoma iyiphi imali okubhekiswe kuyo emtheshwaneninqubo (1)(g) kungaba uhlobo oluchaziwe emtheshwaneninqubo (3) (c).
- (5) (a) Lapho isipho singesohlobo okubhekiswe kulo emtheshwaneninqubo (3) (c) isipho esinjalo asiyukhokha -

Umbiko kaNobhala obhekiswe kuNgqongqoshe

17. (i) Emveni kokucwaningwa kwesicelo uNobhala uyoncoma kuNgqongqoshe -
- (a) ukuthi isicelo, noma ingxenywe yaso eqondene kuphela nesiqephu sesiza, sivunywe phansi kwaleyo mibandela engase iqokwe wuye; noma
 - (b) ukuthi isicelo sichithwe.
 - (c) ukuthi isinqumo ngesicelo sihleliswe.
- Okungenani sonke noma ingxenywe: kuqikelelwe ukuthi, ngaphambi kokuthi abhalele uNgqongqoshe ngezincwadi zakhe, uNobhala kuyothi, zingakapheli izinyanga ezintathu emveni kokwethulwa kwaleso sicelo phansi komthethonqubo 12(1) azise umfakisicelo nomaziphathe (uma bekhona) owawunelungelo lokuthola ikhophi lesicelo njengoba kuhlinzekiwe emthethweninqubo 12 (3) futhi noma yimuphi umuntu owethula imibono (uma isebenza) ngezincwadi eziphakanyisiwe, futhi uma kuphakanyiswa ukuba kunconywa ukuthi isicelo sivunywe, uNobhala kuyothi khona manjalo ethule ikhophi yemibandela eqokwe wuye ayinikeze umfakisicelo kanye nabaphathi abathintekayo.
- (2) Uma, phakathi kwesikhathi senyanga eyodwa sekwedluliswe izincwadi okubhekiswe kuzo emtheshwaneninqubo (i) sekwamukelwe noma yimiphi eminye imibono eqhamuka kumfakisicelo noma umaziphathe (uma bekhona) uNobhala uyocwaninga leyo mibono bese kuthi emva kokuba esekwenzile lokho uyokwenza ezakhe izincwadi kuNgqongqoshe njengoba kuhlinzekiwe emtheshwaneninqubo (1).
- (3) Uma esithubeni esiphakathi kwenyanga eyodwa yokukhishwa kweseluleko okubhekiswe kuso kumtheshwaneninqubo 1 kungekho mibono eyamukelwe evela kumfakisicelo osekhokhiswe kuye noma umaziphathe wendawo (uma bekhona) uNobhala kuyothi khona manjalo edlulise izincwadi zakhe azibhekise kuNgqongqoshe futhi, uma encoma ukuthi isicelo sivunywe, nemibandela ukuthi ngokubona kwakhe yokwakha ilokishi okufanele ngokubona kwakhe kuvunyelwe phezu kwayo ekuvumeni isicelo: kuqikelelwe noma kunjalo, ukuthi uNobhala akasoze ayifeza imibandela yalomtheshwaneninqubo ngaphandle kokuba ethole incwadi evela kumfakisicelo yokwamukela imibandela eqokwe uNobhala noma imibono ebhalwe umfakisicelo.
- (4) Futhi uyobuyela uNobhala edlulisele kuNgqongqoshe umbiko kanye nezincwadi ngesicelo, ikhophi lenqubo yocwaningo, amakhophi ezimpikiswano ezingabe zenziwe kanye namakhophi anoma yimiphi imibono yokukhononda engabe yayethuliwe njengoba kuhlinzekiwe emtheshwaneninqubo (2).
- (5) Uma, ngaphambi kokuvunywa noma ukwenqatshwa kwesicelo sakhe nguNgqongqoshe ngokusho kwomthethonqubo 18 noma 33 (3) njengoba kungenzeka, umfakisicelo ehluleka ukuphendula ezinyangeni eziyisithupha noma iyiphi incwadi evela kuNobhala ephathelele nelokishi elihlongozwayo okudingeka iphendulwe, noma uma ehluleka ukugcina noma yisiphi isidingo sikaNobhala esikhathini esinqunyiwe, isicelo siyothathwa ngokuthi sequkelelwe yisikhathi ngaphandle kokuba uNgqongqoshe ekuxolele lokho kungaphumeleli.

Igunya likaNgqongqoshe

- 18 Uma uNgqongqoshe esewamukela umbiko kanye nezincwadi zikaNobhala angasivuma sonke isicelo noma ingxenywe yaso noma avume noma iyiphi ingxenywe ephathelele kuphela nesiqephu sesiza noma asichithe isicelo noma ahlehlise ukukhishwa kwesinqumo: Kuqikelelwe ukuthi uma uNgqongqoshe esivuma isicelo uyobeka imibandela esivunyelwa phezu kwayo isicelo.

Unobhala kumele azise ngokuvuywa kwesicelo

19. uNobhala, kuyothi -

- (a) uma ekhipha imvume yesicelo eyenziwe uNgqongqoshe, azise umfakisicelo, Umdabuli omkhulu umbhalisi wamatayitela, ihhovisi elibhalisayo, kanye nomaziphathe (uma bekhona) ababenelungelo lokuthola ikhophi yesicelo njengoba kuhlizekiwe ku 12 (3) futhi uyobhala izimiso okwavunyelwa phezu kwazo isicelo,
- (b) uma kwenqatshwa noma yisiphi isicelo noma kuhlehliswa ukukhishwa kwesinqumo nguNgqongqoshe azise umfakisicelo, labo baphathi kanye nanoma yimuphi umuntu owayebeke imibono (uma lokho kusebenza).

Ukuchibiyelwa kwemibandela kanye nokwahlukaniswa kwelokishi

20. Emveni kokuba isicelo sesivunyiwe kodwa ngaphambi kokuba kwenziwe isaziso okubhekiswe kuso emthethweninqubo 23 (1), uNgqongqoshe kungathi ngemvume noma ngesicelo somfakisicelo noma ngemvume noma ngesicelo sika maziphathe othintekayo (uma ekhona) futhi nangemvume kokuba esethintiwe uNobhala, achibiyelwe, ashintshe noma aguqule, imibandela okwavunyelwa phezu kwayo isicelo noma imvume yokwahlukanisa ilokishi libe amalokishi ahlukene amabili noma ngaphezulu: Kuqikelelwe ukuthi-

- (a) uma kuphathelele nomaziphathe akukho sicelo esifakwe umfakisicelo noma esifakwe umaziphathe esiyokwamukelwa ngaphandle kokuba uNgqongqoshe anelisiwe ukuthi bobabili bazisiwe ngesicelo nokuthi futhi banikwa ithuba lokufaka izikhalo eziphikisayo;
- (b) akukho sicelo esenziwe umfakisicelo esiyocwaningwa uNgqongqoshe ngaphandle kokuba sihambisana nemali enqunye ku Sheduli C futhi umfakisicelo futhi esethembise ukuthi uyokhokha noma yiziphi izindleko okubhekiswe kuzo emthethweninqubo 12 (2) futhi nakulezo ezinye izindleko ezinganqunywa uNgqongqoshe;
- (c) lapho izincwadi zobufakazi okubhekiswe kuzo emthethweninqubo 21 sezifakiwe kumdamuli omkhulu, ukuthi umdamuli omkhulu uthintiwe yini,
- (d) uma uNgqongqoshe esivuma isinqumo sokwakhiwa kwelokishi-
 - (i) angase afake umbandela awubona ufanele.
 - (ii) lokho kuvuma kuyothathwa njengokuvunyelwa kwesicelo njengokusho komthethonqubo 18.

ISAHLUKO VI

INQUBO YOKUVUNYWA KWELOKISHI

Umfakisicelo uyokwethula amapulani kanye nemidwebo kuMdamuli Omkhulu

- 21 (a) Umfakisicelo kuyothi phakathi kwesithuba sezinyanga eziyisithiyagalombili ukusukela osukwini okwaphuma ngalo isaziso okubhekiswe kuso emtheshwaneninqubo 19, noma phakathi kwaleso sithuba esengeziwe njengoba uNgqongqoshe engase abone, ethule kumdamuli omkhulu ukuba alivume ipulani noma ipulani lomdwebo wokwahlukanisa ilokishi. Uma lelo pulani noma umdwebo sekuvunyiwe uMdamuli omkhulu, uyokwazisa umfakisicelo ngalokho kuvunyelwa. Kodwa uma umfakisicelo ehluleka ukwethula ipulani noma umdwebo odingekayo kumdamuli omkhulu phakathi kwesithuba sezinyanga eziyishumi nesithiyagalombili noma phakathi kwesithuba lesa esengeziwe njengoba engase avume uNgqongqoshe, ukuvunyelwa kwesicelo kuyothathwa ngokuthi kuphelelwe isikhathi ngaphandle kokuba uNgqongqoshe ekuxolela lokho kwehluleka: Kuqikelelwe ukuthi uNobhala, kungathi, lapho kufanele khona avumele umfakisicelo ukuba ethule lawo mapulani noma imidwebo kumdamuli omkhulu esikhathini esingaphambili kokuba kuvunyelwa isicelo phansi komthethonqubo 18 ngokuzibonela komfakisicelo, uma ipulani lendawo eliphathelene nelokishi elihlongozwayo selivunyiwe uNgqongqoshe, ngokwehlukana nezinye izinto zesicelo: Kuqikelelwe futhi ukuthi uma umfakisicelo ehluleka ukuba ngesikhathi esifanele emveni kokwethula ipulani eliphethe konke noma umdwebo, ukuba agcine noma yiziphi izidingo zoMdamuli Omkhulu anokuzimisa ngokomthetho, uMdamuli Omkhulu angazisa uNobhala ngokufanele, futhi uma uNobhala anelisiwe, emva kokuba esemzwile umfakisicelo futhi wabonisa noMdamuli Omkhulu, ukuthi umfakisicelo wehlulekile ukugcina noma yiziphi izidingo ngaphandle kwesizathu esizwakalayo, uNobhala uyokwazisa umfakisicelo ukuthi wanelisiwe futhi emveni kwalokho isicelo siyobhantsha.
- (b) Noma nini uma uNobhala ngokusho kwendima (a) enikeza isikhathi esengezelelwe noma exolela ukwehluleka ukwethulwa kwepulani eliphethe konke, noma umdwebo njengokusho kwaleyo ndima, angakwenza lokho phansi kwaleyo mibandela angase ayibone idinge noma ifanele.

Ukwethulwa Kwamapulani Kanye Namatayitela Ukuba asayinwe noma abhaliswe.

22. (1) (a) Esithubeni sezinyanga eziyisithupha kusukela osukwini okwavunyelwa ngalo ipulani eliphethe konke noma phakathi kwesithuba elengezelelwe njengoba uNgqongqoshe engase avumele, umfakisicelo uyomnikeza umbhalisi wamatayitela ikhophi lepulani ephethe konke elifakazelwe uMdamuli omkhulu, kanye nekhophi lemibandela okuvunyelwa phezu kwayo isicelo sivunyelwa uNgqongqoshe kanye netayitela okubhalwe kulo indawo, futhi uma umhlaba kwenziwe isibambiso ngawo, imvume yomnikazi wendawo okuzokwakhiwa kuyo ilokishi phezu kwemibandela eqokwe uNgqongqoshe: Kuqikelelwe ukuthi uma umfakisicelo ehluleka ukufeza izidingo zalomtheshwananqubo phakathi kwesithuba sezinyanga eziyisithupha esezishiwo noma lesosithuba anokusivumela uNgqongqoshe, ukuvunyelwa kwesicelo kuyothiwa kubhantshile ngaphandle uma uNgqongqoshe ekuxolela lokho kwehluleka noma amalungelo etayitela yanoma iyiphi indawo elokishini elihlongozwayo ebhaliswe phansi komthethonqubo 41, kodwa uNobhala kungathi maqondana nalokhu kwamuva enze ukuba amapulani adingekayo imidwebo kanye netayitela kubhalwe futhi kunikezwe uMbalisi ngezindleko zomfakisicelo njengoba kucatshangwe emthethweninqubo 42 (1) (c).
- (b) Noma nini uma uNgqongqoshe noma uNobhala, kuye ngesimo, ngokusho kwendima (a) evuma isikhathi esengezelelwe noma ekuxolela ukwehluleka ukwethula ikhophi lepulani eliphethe konke njengokusho kwaleyo ndima, angakwenza lokho ngaphansi kwaleyo mibandela angase ayibone idingekile noma ifanelekile.
- (2) Uma umfakisicelo efeza yonke imibandela yomtheshwananqubo (1) uMbalisi uyovula irejista lellokishi okuyobhalwa kulo imininingwane yezindawo zokusetshenziswa umphakathi kanye nemibandela yokuvunyelwa iyobhalwa ekhasini lesingeniso.
- (3) Uma wonke umhlaba obhalwe etayiteleni ubandakanyeka elokishini elihlongozwayo uMbalisi uyobhala etayiteleni nasekhophini umbhalo okhombisa ukuthi umhlaba ulungiselelwa ilokishi.
- (4) Lapho kuyingxenywe kuphela yendawo ebhalwe etayiteleni ebandakanyeka elokishini elihlongozwayo, umfakisicelo uyokwenza ukuba kubhalwe ngendlela ejwayelekile isitifiketi setayitela elibhaliswe maqondana nesiqephu esithintekayo, lesositifiketi siyobhalwa ukuthi lowomhlaba ulungiselelwe ukwakhiwa kwelokishi.
- (5) Lapho umhlaba uyinto eyodwa noma uyiziqephu ezimbili noma ngaphezulu ezibhaliswe uNgqongqoshe angajuba ukuba isitifiketi

esihlanganisayo senziwe maqondana nomhlaba onjalo, isitifiketi leso siyobhalwa ukuthi lowomhlaba usubekelwe ukwakhiwa kwelokishi.

Ukwakhiwa kwelokishi

23. (1) Uma yonke imibandela yomthethonqubo 22 isifeziwe uMbhali uyobikela uNgqongqoshe, kuthi uma anelisiwe ukuthi ufanelekile ukuba enze njalo futhi ngaphansi kwemibandela yomthethonqubo 46 (1) (a) uNgqongqoshe kuyothi ngesaziso eGazethini akhombise ukuvuma kwakhe ukwakhiwa kwelokishi bese ememezela ukuthi lelo lokishi liyilokishi elivunyiwe: Kuqikelelwe ukuthi uNgqongqoshe akasoze akhiphe noma isiphi isaziso esinjalo emva kwesikhathi esiyiminyaka emihlanu seyedlule kusukela osukwini lwencwadi ephethe isiqu sikaNgqongqoshe siya kumfakiselo ngokusho komthethonqubo 11 (b) noma, uma singekho isinqumo esinjalo esenziwa, umtheshwananqubo 19, ngaphandle kokuba uNgqongqoshe ngezincomo zikaNobhala ngesicelo esenziwe kuye, enquma ukukhipha isaziso esinjalo nakuba isikhathi esinjalo seseqile. Uma sesikhishiwe isimemezelo esinjalo ilokishi liyothathwa ngokuthi selimisiwe.
- (2) Uma kungumbandela wokwakhiwa kwelokishi ukuthi lelo lokishi liyohlanganiswa nendawo kamaziphathe, uNdunankulu uma kusendaweni kamaziphathe wesizwe, noma uNgqongqoshe uma kuyindawo kamaziphathe wendawo, angakuhlizekela ukuhlanganiswa okunjalo ngesaziso eGazethini, okuyoba ngesikhathi kukhishwa isaziso okubhekiswe kuso emtheshwananqubo (1) noma ngasiphi esinye isikhathi.

Ikhophi lepulani eliphethe konke (enkulu) liyonikezwa umaziphathe

24. Uma sesikhishiwe isaziso okubhekiswe kuso komthethonqubo 23(1) umfakiselo kuyothi, uma ilokishi elivunyiweyo liphakathi kwendawo kamaziphathe, anikeze abaphathi ikhophi yesitifiketi esifungelweyo noma umfanekiso wepulani eliphethe konke ngelokishi kanye nemibandela okwavunyelwa phezu kwayo ukuvuma isicelo.

Ubunikazi bezindawo zomphakathi busezandleni zikaHulumeni

25. (1) Kusukela osukwini okwakhishwa ngalo isaziso okubhekiswe kuso komthethonqubo 23 (1) noma nakusiphi isimemezelo esenziwa uNgqongqoshe phansi komthethonqubo 33 (4) ubunikazi bazozonke izindawo zomphakathi elokishini elivunyiwe kuyothi, ngaphansi kwezimiso zomthethonqubo 38, bubesezandleni zikaHulumeni ukuba zisetshenziselwe umphakathi: Kuqikelelwe ukuthi noma yibuphi ubunikazi obunjalo abuyikuthathwa ngokuthi izindleko zokugcina lezo zindawo zomphakathi ziyoba semahlombe kaHulumeni ngaphandle kwalokho okumiswe umthetho.
- (2) uMbhali uyobubhala lobo bunikazi kurejista yelokishi.

Ukubhaliswa komhlaba egameni likaHulumeni, likamaziphathe noma likaNgqongqoshe njengomphathiswa.

26. (1) Emveni kokukhishwa kwesaziso okubhekiswe kuso komthethonqubo 23 (1) umfakiselo, kuyothi ngezindleko zakhe, kuhlangele nemali ebizwa uHulumeni, adlulise itayitela lalezo ziza ezibekelwe eceleni uHulumeni ngokusho komthethonqubo 16 (1) (f) umaziphathe noma inhlangano esemthethweni ukuba zisetshenziselwe ngokusho kwezimiso ezinqunywe phansi komthethonqubo 18 kanje:-
- (a) lezo ziza ezibekelwe ukusetshenziswa uHulumeni, kuHulumeni, ngaphandle kokuba engumnikazi welokishi uHulumeni;
- (b) lezo ziza (okungezona izindawo zomphakathi) njengoba zibekelwe ukusetshenziswa umaziphathe, kamaziphathe ngaphandle kokuba umaziphathe kunguyena umnikazi, noma uNgqongqoshe egameni labaphathi besikhathi esizayo; futhi,
- (c) leso siza noma iziza ezibekelwe ukusetshenziswa yinoma iyiphi inhlangano kuleyonhlangano.
- (2) Izimiso zomtheshwananqubo (1) ziyosebenza futhi kunoma yiziphi iziza okungadingeka ukuba umfakiselo anikezele ngazo njengesipho njengokusho kwanoma yimuphi umbandela ngaphansi komthethonqubo 16 (1) (k).
- (3) Uma esemisiwe umaziphathe noma selifakiwe ilokishi phansi kukamaziphathe, zonke iziza ezisezandleni zikaNgqongqoshe eziphathele umaziphathe ziyoba phansi kwalokho kuphathelwa, futhi uMbhali uyothi ngokubhala etayiteleni akhombise lokho kuphathwa ngokusho kwalemithethonqubo. Emveni kwalokho itayitela laleyo ndawo liyoba yitayitela lalowo maziphathe.
- (4) Uma noma yisiphi isiza esiselokishini elivunyiwe elaliyobhaliswa noma yinini libhaliselwe egameni likaHulumeni ngezidingo zikaHulumeni, singalungele noma singadingelwa umsebenzi esasimiswe wona noma uma kukhona izimali ebezikhokhiwe maqondana netayitela zingadingekeli leyo nhlalo uHulumeni angasisebenzisa leso naleso siza asisebenzisele ezinye izidingo noma athengise ngaso ngaphandle kwemigoqo yokusetshenziselwa izidingo zikaHulumeni kanye nokusebenzisa lezozimali ezitholakele ngalokuthengiswa noma lezozimali, kuye ngesimo, kusetshenziselwe izindleko zemisebenzi emikhulu yanoma luhlobo luni noma ngabe isidingo esinjalo noma singenalolo usizo sinosizo elokishini elivunyiwe elithintekayo.
- (5) Uma noma yisiphi isiza esiselokishini elivunyelweyo obekuyothi noma nini sibhaliswe egameni likamaziphathe singasakulungele noma singasadingeki maqondana nanoma yisiphi isidingo somphakathi okwakumele ukuba usifeze, umaziphathe kungathi ngemvume kaNgqongqoshe kuqala, usebenzise yona leyondawo isetshenziselwe ezinye izidingo zomphakathi noma uyithengise ngaphandle kwemigoqo yokusetshenziselwa izidingo zomphakathi ngazo zonke izindlela sengathi leso siza kwakuphiwane ngaso mahhala.
- (6) Ngesikhathi engakabunjwa umaziphathe noma ukufakwa kwelokishi endaweni kamaziphathe, uNgqongqoshe angajuba ukuthi yonke indawo noma ingxenye yalezo ziza ezinikezwe uNgqongqoshe njengobambele, noma iyiphi indawo ebandakanya indawo yomphakathi eqondene nezokungebeleka nezinto ezifana nalokho, inokuba isetshenziselwe ngaleyo ndlela futhi ngaphansi kwaleyo mibandela angase ayibone ifanele. uNgqongqoshe angashintshanisa nezinye iziza ezikhona elokishini eziphethe wuye: Kuqikelelwe ukuthi akukho lutho olukhona oluyogunyaza ukusetshenziswa kwanoma isiphi isiza noma indawo yomphakathi okuphambeneyo nanoma iyiphi injongo eyayihloselwe yona leyo ndawo noma eyayimiswe yona.

Izimali ezitholalayo ngokuthengiselana

27. (1) Ngokwezidingo zomthethonqubo 16 (3) (c) intengo yanoma yisiphi isiza okubhekiswe kuso lapha, ngaphandle kwentengo yanoma yisiphi isakhiwo noma intuthuko eyenziwe kuyo iyolinganiswa ngendlela elandelayo:
- (a) uma kukhona inani lentengiso, lelo nani lentengiso, ngaphansi kwezimiso zezindima (b),(c) no (d) kuyothathwa ngokuthi lelalani liyintengo yaleso siza;
- (b) uma uNgqongqoshe enombono wokuthi lelo nani lentengo aliyona ngempela intengo yaleso siza, isilinganiso sentengo siyokwenziwa ngosuku lokuthengiswa kwaleso siza njengoba kubhaliwe komthethonqubo 16 (3) (c) siyofunwa kumlinganisi oqokwe uNgqongqoshe, ngokuvumelana nomfakiselo noma, uma lesosivumelwano singaphumeleli, kwenziwe umgcinisihlalo negatsha laseNatal leSouth Africa Institute of Valuers;
- (c) uma inani elinike isiza yilowo mlinganisi lingaphezulu kwenani lentengo, lelo nani liyothathwa ngokuthi yinani lesiza futhi liyoba umnqamlaqu, futhi umfakiselo uyokhokha izindleko zaleso silinganiso.
- (d) uma inani elibekwe umlinganisi onjalo lilingana noma lingaphansi kwenani lentengo inani lentengo liyothathwa ngokuthi liyini lesiza bese kuthi umaziphathe noma, kuye ngesimo, uNgqongqoshe akhokhe izindleko zokuthola isilinganiso.

- (e) uma inani lentengo lingekho, inani liyothathwa ngokuthi yinani elinqunyelwe isiza ngesilinganiso esenziwe umlinganisi oqokwe njengoba kuhlizekiwe endimeni (b) futhi nomfakisiselo uyokhokha izindleko zokuthola umlinganisi.
 - (f) noma nini lapho iziza ezimbili noma ngaphezulu zithengiswa kanyekanye zithengiselwa umuntu oyedwa umaziphathe noma uNgqongqoshe, kuye ngesimo, kuyothi ngesidingo sokunquma inani laleso naleso siza babe nelungelo lokuthola isilinganiso esenziwe umlinganisi maqondana naleso siza ngasinye ngaphansi kwanoma yini ekhona osekuphawuliwe ngayo;
 - (g) uma yinoma yisiphi isiza siqashiswe phansi komqasho weminyaka eyishumi noma ngaphezulu noma phansi komqashiselwano onikeza umqashi ukuba asivuselele isikhathi noma izikhathi okuthi uma zihlanganiswa nesikhathi sokuqala somqasho silingane noma sibengaphezulu kweminyaka eyishumi, izimiso zendima (e) ziyosebenza.
- (2) Uma imali ekhokhekayo maqondana nanoma yisiphi isiza elokishini ingakhokhwanga phakathi kwezinyanga eziyisithupha kusukela osukwini okwathengiswa ngalo lesosiza njengoba kucatshangwe kumthethonqubo 16 (3) (c) uNgqongqoshe uyobiza futhi athole inzalo ngesilinganiso esinqunye uNgqongqoshe kodwa kungeqi esilinganisweni okubhekiswe kuso kumthethonqubo 36 (5) ukusukela esikhathini salokho kuthengiswa kuya osukwini okwakhokha ngalo leyomali.
- (3) uNgqongqoshe kuyothi ngezikhathi ezithile abe noma asebenzise imali ngaleyondlela angayibona ifanele okubhekiswe kuyo esigabeni esichaza ngezinto ezisetshenzisela ukusiza izakhamuzi zelokishi.

IZINCAZELO

2. Kulemthethonqubo, izwi noma amazwi anikezwe umqondo othile nguMthetho linalowomqondo, futhi ngaphandle kokuba ingqikithi yendaba ikhomba okunye:-
- "Umnikazi" noma "umnikazi welokishi" kusho -**
- (a) umthuthukisi welokishi noma umaziphathe lomhlaba owenziwe ukuba utholwe yiwo ngaphansi kwesigaba 6 soMthetho;
 - (b) emhlabeni ongokaHulumeni ngokusho kwesimemezelo ngaphansi kwesigaba 36 soMthethosisekelo wemiBuso yabaNsundu, 1971 (uMthetho 21 ka 1971);
 - (c) umnikazi womhlaba obhalisiwe ofakwe kulelokishi ngosuku
 - (i) lokufaka isicelo sokuvunywa sokwakhiwa kwalo, maqondana nelokishi elihlongozwayo.
 - (ii) ngesikhathi lakhiwa njengelokishi uma kuyilokishi elikhona;
- "umhlaba womnikazi" kusho umhlaba ongowomutu ngaphandle kukaHulumeni noma uMaziphathe futhi kungahlanganisile umhlaba owenziwe ukuba utholakale ngaphansi kwesigaba 6 soMthetho;**
- "indawo yomphakathi" kusho**
- (a) noma yisiphi isitaladi, umgwaqo, ungudu, umhume noma enye indlela yokuhamba, kuhlangele noma yiliphi ibhuloho, indlela ephuma ngaphansi komgwaqo noma okufana nalokho esitaladini.
 - (b) noma yiliphi ishashalazi, ipaki, indawo yokuncebeka, isivande, ikhaphelo noma indawo ebiyelwe noma evulekile.

ISAHLUKO VII

IMIGOQO EPHATHELENE NAMALOKISHI

Imigoqo ephathelene nokwedluliswa kwamatayitela emalokishini

28. (1) Akukho tayitela lanoma yisiphi isiza esiselokishini noma ngabe liyahlongozwa noma livunyiwe, eliyobhaliswa ehhovisi lamatayitela noma, ngaphansi kwemibandela ngaphansi kwemibandela yomthethonqubo 41, ihhovisi lokubhalisa, ngaphandle kokuba, futhi kuze kufike isikhathi lapho uNobhala eyokhipha isitifiketi sokuthi imibandela okwakhishelwa phezu kwayo imvume yokwakha ilokishi ifeziwe, kubandakanya nokusebenza kohlelo lwepulani nokusebenza kohlelo lepulani lokwakha ilokishi njengoba kuhlizekiwe kumthethonqubo 43, nakho sekufezekile maqondana nesiza okuphakanyiswa ukuba sinikezwe itayitela: Kuqikelelwe ukuthi izimiso ezendulela lesigatshana aziyikusebenza etayiteleni lesiza okubhekiswe kuso kumthethonqubo 16 (1) (f) no (k).
- (2) Umbhalisi kanye nesiphathimandla sokubhalisa bayokwenqaba ukubhalisa itayitela noma umqashiselwano wesiza esisendaweni ephakathi elokishini okunqunye ngayo ukuthi ingxenye yenani lentengo yaso liyokhokha kuHulumeni noma kuNgqongqoshe noma enhlanganweni esemthethweni noma uNgqongqoshe egameni likamaziphathe wangomuso, aze eneliseke ukuthi imali eyingxenye enqunye isikhokhiwe kuHulumeni, noma kuNgqongqoshe egameni likamaziphathe wangomuso njengoba sekushiwo, kuye ngesimo.
- (3) Akukho mbandela oyofakwa etayiteleni lesiza esiselokishini elivunyiwe ongahambisani futhi ophambene nanoma yimuphi umbandela obekwe uNgqongqoshe phansi kwezimiso zalemithethonqubo nanoma yini enye equkethwe yile mithethonqubo.
- (4) Umbhalisi noma isiphathimandla sokubhalisa siyokwenqaba ukuba umfakisiselo abhalise itayitela lanoma yisiphi isiza elokishini elivunyiwe uma azisiwe nguNgqongqoshe ukuthi eminye yemibandela yalemithethonqubo ayifezwanga maqondana nokuthinta kwayo isiza okukhulunywa ngaso.

Ukuyekelwa maqondana nokwakhiwa kwezitaladi

29. Umnikazimhlaba endaweni kamaziphathe lapho kwakhiwa khona ilokishi ngolulandela lemithethonqubo, kuyothi ngaphansi kwanoma yisiphi isimo esinqunye ekwakhiweni kwelokishi uyonikezwa isiyekelo ekulandeleni izimiso zanoma yimuphi umthetho wedolobha osebenzayo kuleyo ndawo ngokuphathelene nokwakhiwa kwezitaladi uma ukwehlukahlukaniswa komhlaba kufaka kuko ukudatshulwa kwezitaladi ezintsha.

Ukushayisana kwemithetho

30. Noma yimuphi umthetho wedolobha noma umthethonqubo owashaywa noma nini ushaywa noma ushayelwa noma yimuphi umaziphathe endaweni ephethwe wuye lapho kwakhiwe khona ilokishi, oshayisana nanoma yiziphi izimiso okwakunqunye ngazo ukuthi imvume yokwakha ilokishi iyokhishelwa phezu kwazo, kuyothi kulezi zindawo lapho kunokushayisana khona ungasebenzi: Kuqikelelwe ukuthi, noma kunjalo, uma umbandela ungagqilazi njengesimiso sanoma yimuphi umthetho wedolobha noma umthethonqubo, lesa simiso kuyosebenza sona.

Imibandela yetayitela

31. (1) Umnikazi wanoma yisiphi isiza elokishini ofisa ukuba kuguqulwe, kulengiswe noma kususwe umbandela ovimbelayo noma ilungelo lomphakathi elibhalisiwe etayiteleni lesiza, noma (uma kuyilokishi elisemthethweni) eliqondaniswe naleso siza ngenkathi kusungulwa

ilokishi, njengoba kucatshangwa ngakho kuMthetho Wokususwa kwemigqo, 1967 (Umthetho 84 ka 1967), uyokwenza isicelo kuNgqongqoshe phansi kwezimiso zalowo Mthetho osushiwo..

- (2) Umaziphathe uyolandela noma wenze kugcinwe yonke imibandela okusungulwe ngaphansi kwayo ilokishi, endaweni ephethwe yiwo futhi uyokwinqaba noma yiliphi ikpulani lesakhiwo elishayisanayo naleyo mibandela, futhi uNgqongqoshe, kungathi uma ekubona kufanele ukwenzenjalo, asebenzise noma yimuphi kuleyo mibandela naphezu kokuba inokusetshenziswa ngomuye umuntu kumbe inhlangano.

Lapho umaziphathe noma uHulumeni efisa ukwakha khona ilokishi

32. Naphezu kokuba kukhona okuqukethwe yinoma yimuphi umthetho ophathelene nokuthengiswa komhlaba ngumaziphathe, uHulumeni noma umaziphathe ofisa ukwakha ilokishi emhlabeni ongowawo, uyofaka isicelo phansi komthethonqubo 12 ukuba kuvunywe nguNgqongqoshe ukuwakhiwa kwelokishi lelo, phansi kwezimiso zaleyo mithethonqubo.

Ukuyekelwa ezimisweni zalemithethonqubo ezimweni ezithile

33. (1) Ngaphezu kokuba kukhona okuphikisayo okuqukethwe yile mithethonqubo, umnikazi wanoma yisiphi isiqinti noma iqoqo leziqinti zomhlaba, ofisa ukwakha ilokishi noma yikusiphi noma iziphi iziqephu zomhlaba zwelokishi-
- (a) oneziqinti ezingeqile ekhulwini, noma
- (b) ngaphakathi kwemingcele yanoma iyiphi indawo esiyenzelwe ipulani njengokusho kweMithethonqubo yaKwaZulu yeziNdaba zoMhlaba (Ukuhlelwa Kwelokishi) 1994, noma yimuphi omunye umthetho, kungathi lapho efaka isicelo phansi komthethonqubo 12, umfakisicelo abuye acele futhi kuNgqongqoshe ukuba ayekelwe ekufezeni noma yisiphi kulezi zimiso ngaphandle kokuhlinzeka kwalo mtheshwananqubo: Kuqikelelwe ukuthi -
- (i) uma umhlaba ungaphansi kukamaziphathe, umfakisicelo uyoletsa ubufakazi bokufezwa kwanoma yimuphi umthetho kamasipala osebenza kuleyo ndawo mayelana nokudatshulwa komhlaba;
- (ii) uma umhlaba ungaphansi kukamaziphathe, umfakisicelo uyoletsa isicelo kanye nepulani lelokishi elihlongozwayo elinombhalo kulo walowo maziphathe
- oqondene, kuhambisana nesitatimende, uma kudingekile, esibeka imibono yawo ngokusungulwa kwelokishi, kanye nanoma yimiphi imibandela ngombono wawo okumele ibekwe lapho kusungulwa lelo lokishi;
- (iii) uma umhlaba ukuleyo ndawo elungiselelwa noma osuqalisile kuyo umsebenzi wokuhlelwa kwedolobha, umfakisicelo uyoletsa kanye nesicelo sakhe okukhombisayo ukuthi lelo lokishi elihlongozwayo liyahambisana nezimiso zanoma yiluphi uhlelo olunjalo noma ukuthi yikuphi ilokishi elingahambisani ngakho nezimiso zalolo luhlelo.
- (2) Uma isicelo sesamukelwe uNgqongqoshe uyosedlulisela kuNobhala oyocubungula isicelo bese emuva kwalokho ancome ukuthi sivunywe ngokuphelele noma kuvunywe ingxenye yaso kumbe ancome ukuthi senqatshwe. Uma uNobhala encoma ukuthi isicelo sivunywe, uyobalula izimiso zale mithethonqubo ngokubona kwakhe okunokwenziwa uyekelo maqondana nazo futhi akhombe naleyo mibandela engavumelani nezimiso zale mithethonqubo njengoba eyobona kufanele ukuba uNgqongqoshe ayibeke.
- (3) Uma esekutholile okunconyiwe nguNobhala, uNgqongqoshe unokuba asivume noma asenqabe isicelo futhi uma esivuma uyokusho izimiso okuyokwenziwa uyekelo maqondana nazo futhi abone nokuthi yimiphi imibandela engavumelani nezimiso zalemithethonqubo okuvunywe ngaphansi kwayo isicelo sokuba kwakhiwe ilokishi.
- (4) Uma kwenziwe uyekelo kunoma yiziphi izimiso zale mithethonqubo njengokusho kwalomthethonqubo, uNgqongqoshe, uma anelisiwe ukuthi kufanele kwenziwe njalo, uyokhombisa ukuvuma kwakhe ukwakhiwa kwelokishi phansi kwezimiso zomthethonqubo 46 (1)(a) futhi amemezele ukuthi seliyilokishi elisemthethweni, futhi osekuqothi ngaleso simemezelo lelo lokishi libe selithathwa ngokuthi liyilokishi eselisungulwe ngokusemthethweni: Kuqikelelwe ukuthi uma uNgqongqoshe ekubona kufanelekile, uyokwenza lesa simemezelo ngokukhipha isaziso ngeGazethi.
- (5) Uma kungumbandela wokusungulwa kwelokishi ukuthi liyofakwa ngaphansi kwalowo maziphathe, uNdunankulu, uma kusendaweni kamaziphathe wesizwe, noma uNgqongqoshe uma kusendaweni kamasipala, uyokwenza kube semthethweni lokho kufakwa ngokwenza isaziso ngeGazethi, lokho okungaba ngesikhathi sokumemezela okubhekiswe kukho emtheshwaneninqubo (4) noma-ke ngesinye isikhathi.

Lokho ilokishi elibe yilokishi ngakho

34. Ilokishi liyokuba nalokhu -
- (a) ukudatshulwa noma ukuhlelwa kwalo, okungase kube kuqondene nanoma iyiphi injongo, kuyokuba nezingxenye ezintathu noma ngaphezulu, kubandakanywa nendawo eyinsalela nanoma yisiphi isiqinti kumbe iqoqo leziqinti, okutholakala
- (i) endaweni kamaziphathe -
- (ii) elokishini elivele selikhona;
- (iii) elokishini eselivunyiwe emthethweni;
- (b) ukudatshulwa noma ukuhlelwa kwanoma yisiphi isiqinti noma iqoqo leziqinti ezitholakala kwenye indawo kunaleyo echaziwe endimeni (a) okuyoba nendawo esele, yezakhiwo noma yokwakha idolobha noma uNgqongqoshe ayithatha ngokuthi isiphetho sayo kuyokuba wukufeza lezo zinjongo noma ukwakha imizi.
- (c) intuthuko okucatshangwe ngayo kumthethonqubo 8.

Ukugwema inhloso noma izinjongo zemithethonqubo

35. (1) Uma Umdabuli Omkhulu, uMbhali Wamatayitela isiphathimandla sokubhalisa benezizathu ezizwakalayo zokukholwa ukuthi noma iyiphi indawo esidatshuliwe nezakhiwo noma nemizi yedolobha noma ukuthi amalungiselelo enziwayo yinoma ngubani okudabula noma okuthengisa umhlaba aholela kumbe ayikhona kanye ukugwema inhloso noma izinjongo zalemithethonqubo, bayodilulisa udaba kuNobhala ukuba kuphenywe futhi uMdabuli Omkhulu akayikuvuma noma yimuphi umdwebo wokudatshulwa kwaleyo ndawo ngokunjalo noMbhali Wamatayitela noma isiphathimandla sokubhalisa abayikubhalisa ukuguqulwa egameni lomunye umuntu kobunikazi noma ukuqashisa nganoma iyiphi ingxenye yalowo mhlaba uma kungakenziwa uphenyo nesunqumo sikaNgqongqoshe ngokuncoma okuyokwenziwa nguNobhala.
- (2) Uma Umdabuli Omkhulu, Umbhali Wamatayitela noma isiphathimandla sokubhalisa bezisiwe ukuthi ngokubona kukaNgqongqoshe, lowo mhlaba uyophetha ngokuba kwakhiwe noma kube nedolobha kuwo, noma ukuthi ukudatshulwa okuhlongozwayo noma kuyikhona, kanye ukugwema inhloso noma izinjongo zalemithethonqubo, uMdabuli Omkhulu akayikuvuma noma yimuphi umdwebo onjalo, ngokunjalo noMbhali Wamatayitela noma isiphathimandla sokubhalisa abayikubhalisa ukuguqulwa komunye umuntu kobunikazi noma ukuqashisa nganoma iyiphi ingxenye yalowo mhlaba kuze kube lapho umnikazi esezigcinile izimiso zalemithethonqubo.

Ukwakha kanye nokuthengisa kwenqatshelwe uma ilokishi lingakavunywa ngokusemthethweni

36. (1) Akuyikuba semthethweni kunoma ubani ukuba akhe noma enze kwakhiwe noma avumele kwakhiwe noma yisiphi isakhiwo, ithende noma yikuphi nje-ke okunye kunoma iyiphi indawo eyingxenywe yelokishi elinjalo, kuze kuba lapho isicelo sokwakha ilokishi sesivunyiwe phansi komthethonqubo 18 kodwa ngemibandela ebekwa phansi kwaleymthethonqubo, futha namachopho eziqinti eziyiziza zelokishi elihlongozwayo sekukhunjisiwe ngezikhonkwane njengokusho koMthetho wokudatshulwa komhlaba, 1927 (Umthetho 9 ka 1927), kanye nemithethonqubo engaphansi kwawo, futhi umfakisicelo eseyifezile yonke imibandela emayelana nokulethwa kwemisebenzi yobunjiniyela elokishini ayethwesiwe njengokusho komthethonqubo 16(1)(g) noma eselethile isiqiniseko sasebhangwe noma senye inhlangano nezezimali eyamukelekile kuNobhala esinemali eyanele ukuba ibhekane nezindleko zokufezwa kwaleyo mibandela: Kuqikelelwe ukuthi lezi zimiso esezishiwo aziyikuvimbela ukuba kuqhutshekwe nokuhlala endlini noma esakhiweni esikhona ngokomthetho kuleyo ndawo futhi esisetshenziswayo ngenkathi kwenziwa isicelo sokwakha ilokishi njengoba sekushiwo: Kuqikelelwe futhi ukuthi ukwakha noma yisiphi isakhiwo njengokusho kwalezi zimiso esezishiwo ngaphambi kokuba ilokishi selisunguliwe futhi uNgqongqoshe wakhapha isitifiketi okucatshangwa ngaso kumthethonqubo 28(1) kuyoba sekuziboneleni komfakisicelo, kubandakanya nenkinga emayelana nokuthi leso sakhiwo siyavumelana nomsebenzi wokuhlelwa kwedolobha oshiwo kulowomthethonqubo: Kuqikelelwe futhi ukuthi lezizimiso esezishiwo aziyivimbela ukwakhiwa kwezindlu noma imipheme endaweni uNgqongqoshe aseyimemezele mayelana nezinjongo zalesisigaba ukuba kwakhelwe ukuhlalisa abantu abangenayo indawo efanele yokuhlala ngoba bengenayo imali yalokho, noma ngoba indawo ingekho kumbe ngenxa yesinye isizathu.
- (2) Kuze kube yisikhathi lapho ilokishi selisunguliwe njengelokishi futhi uNgqongqoshe esekhiphe isitifiketi okucatshangwa ngaso kumthethonqubo 28(1), akukho muntu oyothengisa, athenge, aqashise, amemezele ukuthengiswa, ukuqashiswa noma ukuchithwa ngandlela yimbe kwanoma yisiphi isiza kutlelo lokishi ngaphandle kwemvume kaNgqongqoshe emuva kokuba esedlulisile udaba ukuba lucutshungulwe futhi lunconywe nguNobhala, leyo mvume eyonikwa umfakisicelo uma efeze yonke imibandela ephathelene nokulethwa kwemisebenzi yobunjiniyela elokishini ayethwesiwe njengokusho komthethonqubo 16(1)(g) noma eletha isiqiniseko sasebhangwe noma senye inhlangano eyamukelekile kuNobhala esinemali eyanele ukuba ibhekane nezindleko zokufezwa leyo mibandela: Kuqikelelwe ukuthi lezi zimiso esezishiwo aziyivimbela ukuqashiswa noma ukumemezela ukuqashiswa noma, phansi kwezimiso zomthethonqubo 41, ukuthengiswa, ukuthenga, ukumemezela ukuthengiswa noma ukuchithwa ngandlela yimbe kwanoma yisiphi isiqinti uNgqongqoshe aseyimemezele ngokwezinhloso zalesi sigaba ukuthi silungiselwe ukuhlalisa abantu njengoba kucatshangwe embandeleni wesithathu wo mtheshwananqubo (1).
- (3) Uma kuthengisiwe noma yimuphi umhlaba oyingxenywe yalelo lokishi ngaphambi kokuba ilokishi lisungulwe futhi uNgqongqoshe wakhapha isitifiketi okucatshangwa ngaso kumthethonqubo 28 (1) -
- (a) isivumelwano sokuthengiselana siyoqakatha okushoyo ukuthi ilokishi lelo alimenyezeliwe njengelokishi elisemthethweni futhi uma lokhu kungekho leso sivumelwano sokuthengiselana ngaphambi kwaleso simemezelo siyophela uma esiqeda lowo othengayo; futhi
- (b) isivumelwano sokuthengiselana, akukhathalekile ukuthi siyakusho noma asikusho lokho, siyoqedwa ngumthengi uma lelo lokishi lingamenyezeliwe njengelokishi elisemthethweni futhi noma sekwedlule iminyaka emithathu kusukela osukwini lokwenziwa kwaleso sivumelwano, futhi kunoma yikuphi kulokho lezo zimali ezikhokhelwa umthengisi seziyoba ngezomthengi kusukela ngosuku umthengi aqeda ngalo isivumelwano sokuthengiselana njengokusho kwalo mtheshwananqubo: Kuqikelelwe ukuthi uma isicelo sokwakha ilokishi noma ukuvunywa kwaso kuphelelwa yisikhathi ngesizathu esithile njengokusho kwale mthethonqubo, lezo zimali ziyokuba ngezomthengi futhi zikhokhelwe yena kusukela ngalolo lusuku lokuphelelwa yisikhathi: Kuqikelelwe futhi ukuthi uNgqongqoshe ezimeni ezingavamile angayelula inkathi eyiminyaka emithathu ngokwengeza ngenye inkathi engeqile eminyakeni emibili.
- (4) Uma kuthengiswa noma iyiphi indawo eyingxenywe yalelo lokishi futhi engaphansi kwalowo mkhakha lapho ukuthengiselana ngaleyo ndawo kunqatshiwe phansi kombandela owethweswa njengokusho komthethonqubo 16 (1) (c), akukhathalekile noma ngaphambili noma ngasemuva kwalokho kwenqabela, isivumelwano sokuthengiselana maqondana naleyo ndawo siyoqedwa ngumthengi futhi izimali ziyokhokhelwa yena kusukela ngosuku umthengi ayoqeda ngalo leso sivumelwano.
- (5) Ukubuyiselwa kumthengisi kwanoma iyiphi imali yokusho kwale mthethonqubo kuyo bandakanya inzalo ngesilinganiso esisendimeni sesibambiso senhlangano eybolekisa ngemali yokwakha okuyikisona esisetshenziswayo ngenkathi esukela osukwini imali eyakhokhwa okokuqala kumthengisi kuze kube wusuku umthengi ayoqeda ngalo leso sivumelwano sokuthengiselana njengokusho kwalo mthethonqubo.
- (6) Kulo mthethonqubo igama elithi "ukuthengisa" liyobandakanya nokuthengisa ngaphansi kombandela wokusazofezwa noma ukuthengiswa noma ukunikezwa ithuba lokuqoka ukuthenga, noma yisiphi isivumelwano esithinta noma esimayelana nokukhokhwa kwemali.
- (7) Izimiso zalo mthethonqubo ziyothathwa ngokuthi zenqabela -
- (a) noma ngubani ukuba athenge umhlaba afisa ukwakha kuwo ilokishi phansi kombandela wokuthi uma umhlaba oselokishini nom ihiphi ingxenywe yawo ibhaliseka, isiqinti esisodwa noma eziningi kutlelo lokishi noma engxenyeni yalo ubunikazi bazo buyokwedluliselwa kumthengisi;
- (b) noma ngubani ukuba enze isivumelwano sokwenza indawo itholwe ngomunye;
- (c) noma yimuphi umfakisicelo ukuba anikeze noma edlulisele kumthuthukisi noma yimuphi umhlaba womfakisicelo, noma uma umhlaba noma yimuphi umhlaba uthuthukiswa yilowo mfakisicelo njengogunyaziwe ukukwenza lokho kumbe ngemvume yomnikazi womhlaba, kunoma yimuphi umuntu noma inhlangano enikeziwe noma okwedluliselwe kuyo umhlaba njengokusho kwalelo gunya noma imvume noma, uma kungumhlaba lowo mfakisicelo awuthole njengoba kucatshangiwe kumthethonqubo 7, kunoma yimuphi umuntu noma inhlangano enikezwayo noma okwedluliselwa kuyo umhlaba njengokusho kwesivumelwano sokutholakala komhlaba.

ISAHLUKO VIII

UKUCHIBIYELWA NOMA UKWESULWA KWAMAPULANI AMAKHULU

Isicelo sokuguqulwa, ukuchibiyelwa noma ukwesulwa kwepulani elikhulu

37. Isicelo semvume ka Ngqongqoshe njengokusho kwesigaba 30 (2) soMthetho Wokudatshulwa Komhlaba, 1927 (Umthetho 9 ka 1927), siyokwenziwa ngefomu lokufaka isicelo sokwakha ilokishi phansi kwezimiso zale mthethonqubo futhi uNgqongqoshe angabeka imibandela engaphikisani nale mthethonqubo okunikezwa ngayo imvume: Kuqikelelwe ukuthi uNgqongqoshe, uma ebona ukuthi ukuvuma isicelo akuyubeka esimeni esibi omunye umuntu, kubandakanya ikakhulukazi abanikazi beziqinti eziseduze nomhlaba ophathelene nesicelo, angawuyeka umbandela wokuthi isicelo simenyezeliwe, noma kungathi ngaphezu kwalokho kushicilelwa kwesimemezelo afune ukuba ikhophi lesimemezelo linikezwe wonke umuntu ongumnikazi womhlaba ngokubona kwakhe oyolahlekelwa uma kuvunywa isicelo: Kuqikelelwe futhi ukuthi uNgqongqoshe angasiyeka isidingo sokuba kwenziwe isaziso ngeGazethi ukuthi usenikeze imvume yakhe maqondana naleso sicelo.

Umpumela wokusulwa kwepulani elikhulu

38. (1) Uma ipulani elikhulu lanoma yiliphi ilokishi lesulwa nguMdabuli Omkhulu ngamandla anikezwe wona yisigaba 30 soMthetho Wokudatshulwa Komhlaba, 1927 (Umthetho 9 ka 1927), lelo lokishi kuyophela ukuba kwalo yilokishi bese kuthi ubunikazi bazo zonke izindawo zomphakathi obunikezwe umaziphathe noma uNgqongqoshe ephathele umaziphathe wangesikhathi esizayo, kuye ngesimo lesi, bubuyele kumnikazi welokishi, futhi uMbhali Wamatayitela uyokuloba ematayiteleni aqondene nalokho kubuyiselwa kobunikazi kuhambisane nomthetho ophathelene nokubhaliswa kwamatayitela.
- (2) Uma ipulani elikhulu lanoma yiliphi ilokishi elisemthethweni lesulwa lonke noma ingxenye yalo nguMdabuli Omkhulu ngamandla anikezwe wona yisigaba 30 soMthetho Wokudatshulwa Komhlaba, 1927, ingxenye eyesuliwe yalelo lokishi iyoyeka ukuba yingxenye yelokishi elivunyiwe ngokomthetho futhi ubunikazi bendawo zomphakathi ezisengxenyeni obusezandleni zikamaziphathe noma obuphathiswe uNgqongqoshe egameni likamaziphathe wangomuso, kuye ngesimo lesi, buyowela ezandleni zomnikazi welokishi, futhi Umbhali uyoloba lokho kubuyiselwa futhi akusicilele lokho njengoba kufanele ematayiteleni aqondene kuhambisane nomthetho ophathelene nokubhaliswa kwamatayitela.
- (3) Uma ipulani elikhulu lanoma yiliphi ilokishi elisemthethweni lesulwa lonke noma ingxenye yalo nguMdabuli Omkhulu ngamandla anikezwe wona yisigaba 30 soMthetho Wokudatshulwa Komhlaba, 1927, iziqinti ezikulelo lokishi elesuliwe noma kuleyo ngxenye yelokishi esuliwe, kuye ngesimo lesi, nesezedlulisiwe njengokusho koMthethonqubo 26, ziyobuyela kumnikazi welokishi, oseyoba nelungelo lokuba ngezindleko zakhe abize futhi athole kumaziphathe noma kuNgqongqoshe ophathisiwe, noma inhlango emisiwe ngokomthetho, kuye ngesimo lesi, ukubuyiselwa lezo ziqinti: Kuqikelelwe ukuthi uma umaziphathe noma uNgqongqoshe ophathisiwe noma inhlango emisiwe ngokomthetho njengoba sekushiwo, kunezindleko abangenile kuzo noma ababophezekile kuzo ngalezo ziqinti ubunikazi bazo obedluliswayo kanjalo, ukubuyiselwa lezo ziqinti kuyokwenzeka uma kukhokhwa noma kubuyiselwa noma kuba nokukhululwa lulezo zindleko.
- (4) Naphezu kwanoma yini equkethwe yimitheshwananqubo (1) kanye no (2), uma noma yiliphi ilokishi okukhulunywa ngalo lapho lisendaweni kamaziphathe, akukho okuqukethwe lapho okuyosebenza futhi izindawo zomphakathi elokishini elinjalo aziyulwa kuze kube yilapho sekufezwe izimiso zanoma yimuphi umthetho ophathelene nokuvalwa unomphelo kwemigwaqo ezindaweni zomaziphathe, ngokuguquguquka okudingekayo, futhi nokuvalwa kanjalo kwezindawo zomphakathi sekuvunyiwe njengoba kuhlinzekiwe: Kuqikelelwe ukuthi uNgqongqoshe kungathi uma ekubona kufanele ukwenzenjalo kunoma yiluphi udaba okubhekiswe kulo kulomthethonqubo, avume ukuba kuvalwe izindawo zomphakathi ngaphandle kokufezwa kuqala zonke izimiso esezishiwo, ngemibandela ayoyibeka, noma ngabe umhlaba lowo utholakala ngaphakathi kumbe ngaphandle kwendawo kamaziphathe.
- (5) Uma kuba khona ukushayisana kwemithetho mayelana nobunikazi balezo zindawo zomphakathi lapho kuvalwa indawo yomphakathi elokishini okubhekiswe kulo kumthethonqubo (1) no (2) elisendaweni kamaziphathe, izimiso zale mithethonqubo ziyosebenza mayelana nalobo bunikazi.

ISAPHLUKO IX

ISICELO EZINDAWENI ZOMAZIPHATHE

Lemithethonqubo iyosebenza ezindaweni zomaziphathe

39. Izimiso zalemithethonqubo ziyosebenza kuzo zonke izindawo zomaziphathe, phansi kwezimiso zomthethonqubo 40.

UNgqongqoshe unokuzishiya ngaphandle izindawo zomaziphathe kule mithethonqubo

40. (1) UNgqongqoshe kungathi ngesaziso kuGazethi futhi phansi kwemibandela njengoba eyobona kufanele noma kudingekile, ngaphandle kokusebenza kwale mithethonqubo indawo kamaziphathe ephansi kokuphathwa yinoma yimuphi umaziphathe uma enelisiwe ukuthi -
- (a) lowo maziphathe uneziphathimandla eziqeqeshiwe kwezobuchwepheshe ukuba ziweluleke ngezindaba eziphathelene nokudatshulwa komhlaba kanye nokuhlelwa kwamalokishi amasha, futhi
- (b) kuyosizakala umphakathi ngokwenzenjalo.
- (2) Noma yisiphi isaziso esikhishwa njengokusho kwalesi sigaba singachibiyelwa noma nini, siguqulwe noma sihoxiswe nguNgqongqoshe ngesinye isaziso.

ISAPHLUKO X

AMALUNGELO ETAYITELA NGESIKHATHI SOKUSUNGULWA KWELOKISHI

Okwenzekayo ngamalungelo etayitela ngesikhathi sokusungulwa kwelokishi

41. Isiphathimandla sokubhalisa singabhalisa amalungelo etayitela maqondana neziqinti eziveziwe epulanini elikhulu noma emdwebeni wesigaba obhaliwe nguNobhala maqondana nalokho, phansi komthethonqubo 42, naphezu kokuba -
- (a) irejista yelokishi ingavuliwe phansi komthethonqubo 22;
- (b) singakhishiwe isitifiketi sokufezwa kwemibandela yokwakhiwa kwelokishi phansi komthethonqubo 28 (1).

Unobhala uyokwenza umbhalo epulanini elikhulu noma emdwebeni

42. (1) Unobhala angenza umbhalo epulanini elikhulu noma emdwebeni njegoba kucatshangwe kumthethonqubo 41 uma -
- (a) lelo pulani elikhulu noma umdwebo sewuvunyiwe nguMdabuli Omkhulu;
- (b) umfakisiselo eseyifezile yonke imibandela ephathelene nokulethwa elokishini kwemisebenzi yobunjiniyela ayethwesiwe njengokusho kwesigaba 16 (1) (g) noma eselethile isiqiniseko sasebhangeni noma senhlango yezimali eyamukelekayo kuNobhala esanele ukubhekana nezindleko naleyo mibandela;
- (c) umfakisiselo eselethile kuNobhala -
- (i) incwadi esemthethweni egunyaza uNobhala ukuba avule irejista yelokishi uma imibhalo yobufakazi eqondene ingethuliwe kuMbhali Wamatayitela ngumfakisiselo ingakadluli inkathi eykizinyanga eziyisithupha okubhekiswe kuyo kumthethonqubo 22

- (1) noma leyo nkathi eyengeziwe njengoba kuvumelekile phansi kwalowo mthethonqubo;
- (ii) isiqiniseko sasebhange, senhlangano eboleka ngezimali zokwakha kumbe enye inhlango yezezimali, noma-ke esinye isiqiniseko esamukelekile kuNobhala, futhi esikhokhelwa yena uma umfakisicelo engavuli irejista ngesikhathi okucatshangwe ngaso endimani (i);
- (iii) imidwebo, amatayitela kanye neminye imibhalo yobufakazi edingekayo ukuze kuvulwe lelo rejista uma belingakavulwa ngaleyo nkathi
- (iv) ikhophi lepulani elikhulu noma umdwebo;
- (d) umsebenzi wokuhlelwa kwedolobha oqondene nalezo ziqinti ezivunye kwaziswa ngazo njengoba kuhinzeka umthethonqubo 43; kanye
- (e) nalapho izimiso zomthethonqubo 48 (1) (b) sezifeziwe.
- (2) UNobhala uyoletsa kusiphathimandla sokubhalisa, ikhophi lepulani elikhulu noma umdwebo abhalile kuwo njengokusho komtheshwananqubo (1).
- (3) Izimiso zalesi Sahluko aziyusebenza kulezo ziqinti ezisendaweni okungakaphothulwa ukudatshulwa kwayo.

ISAHLUKO XI

IMISEBENZI YOKUHLELWA KWELOKISHI

Umsebenzi kumele uqalwe ngaphambi kokuba iziza zedluliselwe komunye

- 43. (1) UNobhala -
 - (a) akayikukhipha sitifiketi sokufezwa kwemibandela yokwakha phansi koMthethonqubo 28(1); noma
 - (b) avumelane nepulani elikhulu kumbe nomdwebo wesigaba esingaphansi kwalo ngokoMthethonqubo 41, maqondana nanoma yisiphi isiqinti ngaphandle uma umsebenzi wokuhlela ilokishi usuqaliwe mayelana naleso siqinti.
- (2) Nakuba kukhona izimiso zeMithethonqubo yakwaZulu yeziNdaba zoMhlaba (Ukuhlelwa kweDolobha), 1994 umsebenzi wokuhlelwa kwedolobha wokuqala oqondene nelokishi elizokwakhiwa phansi kwaleMithethonqubo uyoqalwa ngaphandle ngokubonisana, nokumemezela empakathini kumbe sekwamukelwe kuqala ukuphikisa noma izikhalo maqondana nohlelo lomsebenzi

Amaphuzu Ohlelo Ayosebenza ngokuvamile.

- 44. Amaphuzu ohlelo ayingxenywe yohlelo lokuqala lomsebenzi wokuhlelwa kunoma yiliphi ilokishi elizosungulwa phansi kwaleMithethonqubo ayokuba-
 - (a) Ngamaphuzu ohlelo aqukethwe yiSheduli B yeMithethonqubo YakwaZulu Yezindaba ZoMhlaba, 1990 (Ukuhlelwa kwedolobha); noma
 - (b) yilawo maphuzu njengoba uNobhala eyonquma, uma ofake isicelo enelisa uNobhala ukuthi kunezizathu ezizwakalayo zokuba kusebenze noma yiliphi lalawo maphuzu.

ISAHLUKO XII

UKUHLINZEKA OKUNHLOBONHLOBO

Ukuqhutshwa kwesicelo Ngumfakisicelo Omusha

- 45. (1) Uma omunye umuntu, okungesiye owafaka isicelo kuqala eba ngumnikazi noma ngomele umnikazi womhlaba okunesicelo sokwakha ilokishi kuwo, futhi umnikazi omusha noma lowo omele azise uNobhala ngencwadi ukuthi ufisa ukuqhubeka nesicelo uma isicelo singakaphelelwa yisikhathi, uNobhala anganikeza imvume yokuqhubeka nesicelo kwalowo muntu phansi kwanoma yimuphi umbandela ayowubona ufanele.
- (2) Umfakisicelo oqhubekayo nesicelo ngokwezimiso zoMtheshwananqubo (1) uyoqhubeka ngokuthi ungumfakisicelo owenza isicelo kuqala ngokwezinhloso zaleMithethonqubo.

Izimali Eziyokhokhelwa iziqinti zomhlaba elokishini elisemthethweni

- 46. (1) Umfakisicelo uyokhokha kuNobhala imali enqunye kuSheduli C maqondana nanoma yisiphi isiqinti somhlaba esivezwa yipulani elikhulu noma umdwebo wengxenywe ethintekile ngaphambi -
 - (a) kokuba kukhishwe noma yisiphi isaziso phansi koMthethonqubo 23(1) noma kwesimemezelo 33(4); noma
 - (b) kokuba ipulani elikhulu noma umdwebo oyingxenywe sewamukelwe nguNgqongqoshe phansi koMthethonqubo 41.
- (2) Imali eyokhokhwa ngaphambi kokukhishwa kwesaziso noma isimemezelo esishiwo kuMtheshwananqubo 1(a) iyokhokhwa naphezu kokuba kunemali eyokhokhwa maqondana nokwamukelwa okushiwo emtheshwananqubo 1(b).

Isihloko esifingqiwe

- 47. LeMithethonqubo iyobizwa ngokuthi yiMithethonqubo YakwaZulu yeziNdaba zoMhlaba, 1994 (Ukusungulwa Kwelokishi).

ISIJOBELELO A

ISICELO SESINQUMO ESINGUMGOMO

IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA (UKWAKHIWA KWELOKISHI), 1990

[Umthethonqubo 9(1)]

INGXENYE 1: UBUFAKAZI BOKWEMUKELA

KU:

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(Owenza isicelo uyofaka igama nekheli lakhe)

Ngalokhu ngiyavuma ukuthi ngilemukele ifomu kanye nekhophi lalo, kanye nemibhalo eshiwo lapho ngezansi (owenza isicelo uyochaza imibhalo), futhi ngalokhu nginikeza inombolo yefayela kulesi sicelo

1.
2.
3.
4.
5.

uNobhala

Usuku okwamukelwe ngalo

INGXENYE II: ISICELO

uNobhala Wezangaphakathi
Isikhwana Seposi X02
ULUNDI
3838

Ikheli lomfakisicelo

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Inombolo yocingo

Inkomba

Mnumzane

ILOKISHI ELIHLONGOZWAYO:

ELIYOBA SE:

Mina, ,osayinile lapha ngalokhu ngifaka isicelo sokuba uNgqongqoshe enze isinqumo sokuthi ukwakhiwa kwelokishi endaweni echaziwe kudingekile ukuze kusizakale umphakathi nokuthi indawo ililungele ilokishi, futhi ngethula neminingwane eveziwe kokulandelayo.

USUKU

ISIGNESHA:

* Susa lokho okungaqondene

IMIBHALO YOBUFAKAZI EYETHULWA NESICELO

(yenza uphawu lwesiphambano lapho kufanele khona)

	YEBO	QHA	NGAQONDENE
1.1 Ikhophi lefomu lesicelo eligcwalisiwe, elihambisana nemibhalo yobufakazi njengoba kukhonjisiwe lapha ngezansi			
1.2 I-memorandum eyesekela isicelo			
1.3 Ikhophi letayitela			
1.4 Ipulani lendawo elikhombisa lapho ilokishi elihlongozwayo likhona esiqintini somhlaba, izindlela ezixhumanisa nomgwaqo omkhulu oseduzane kanye nenxanxathela yemigwaqo eseduze nelokishi, kanye nalapho kukhona imisebenzi yokukhuculula inkucunkucu okuyibanga elingeqile ku 10 km ukusuka elokishini.			
1.5 Umbiko kanjiniyela nganoma yimuphi umsebenzi omkhulu okhona noma ofunekayo wokukhucululwa kwenkucunkucu, ukulethwa kwamanzi, ugesi, imigwaqo kanye nama payipi			
1.6 Umbiko woMhleli Wedolobha ngokuhambisana kwelokishi elihlongozwayo nohlelo lokwakha olukhona noma olucatshangwayo			
1.7 Ikhophi lombiko wobuchwepheshe ngesimo senhlabathi			
1.8 Uma impendulo ithi "qha" noma "ngaqondene" mayelana nanoma yimuphi kule mibhalo yobufakazi esishiwo, nikeza izizathu (izincazelo ezinde ziyofakwa njengezibelelo:			
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.....			
1.9 Eminye imibhalo yobufakazi efakiwe			
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.....			

2. IMINININGWANE ETHILE EPATHELENE NELOKISHI ELIHLONGOZWAYO

- 2.1 Igama lelokishi elihlongozwayo
- 2.2 Igama lomfakisicelo
- 2.3 Umhlaba
Incazelo ngetayitela nazo zonke izingxenye zepulazi/zomhlaba omncane* okuzokwakhiwa kuwo ilokishi elihlongozwayo:
.....
.....
- (i) INombolo yeTayitela
- (ii) INombolo yeTayitela
- (iii) INombolo yeTayitela
- 2.4 Igama eliphelele lomnikazi womhlaba obhalisiwe:
- 2.5 Ilokishi elihlongozwayo -
2.5.1 Iisendaweni kamaziphathe wesizwe noma wendawo ebizwa ngokuthi
- 2.5.2 Iincikene nalezi zindawo zowoMaziphathe bezizwe/bezindawo abalandelayo
-
- 2.6 Ilokishi elihlongozwayo lisendaweni engaphansi kohlelo* lwedolobha lase
/alikho endaweni ehlelelwe noma yiliphi idolobha.
- 2.7 Imisebenzi ehlongozwa ukwenziwa endaweni kanye nesibalo seziza eziqondene nomsebenzi ngamunye:

Umsebenzi ohlosiwe

isibalo seziza

2.7.1 Amakhaya

2.7.2 Amabhizinisi

2.7.3 Izimbongi

2.7.4 Izidingo zomphakathi

2.7.5 Umasipalati

2.7.6 Ezolimo

2.7.7 Indawo evulekele umphakathi

2.7.8 Ukupaka

2.7.9 UHulumeni

2.7.10 Eyekhethelo

2.7.11 Okungakanqunywa ngayo

2.8 Umhlaba okuyokwakhiwa kuwo ilokishi -

* uyonikezwa/unikeziwe umfakisiselo ngu

njengoba kucatshangwe ngakho esigabeni 6 soMthetho kanti nemibandela indawo enikezwa phansi kwayo iqukethwe esivumelwaneni sokunikezelwa kwendawo* ikhophi lase lifakiwe kulesi sicelo noma iyokhonjwa ngumfakisiselo egameni lika

(faka igama eliphelele lomnikazi) ngencwadi yomthetho, ikhophi layo elifakiwe kulesi sicelo

* Susa lokho okungaqondene

ISHEDULI B

ISICELO SOKWAKHA ILOKISHI

IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA (UKWAKHIWA KWELOKISHI), 1990

[Umthethonqubo 12(1)]

INGXENYE: UBUNYAKAZI BOKWEMUKELA

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uNobhala

Usuku okwamukelwe ngalo

Ikheli lomfakisicelo

Ucingo

Inkomba

ILOKISHI ELIHLONGOZWAYO:

ELIYOKUBA SE

Mina,,osayinile lapha, ngi

- ngumnikazi obhalisiwe womhlaba ochaziwe lapha noma
 - ngumuntu onikeziwe umhlaba ochaziwe lapha njengoba kucatshangiwe esigabeni 5 soMthetho WakwaZulu weziNdaba zoMhlaba, 1992. noma
 - ngingogunyaziwe omele lowo muntu
- ngalokhu ngenza isicelo sokwakha ilokishi endaweni echaziwe lapha futhi ngethula imininingwane eveziwe kokulandelayo.

Usuku:

Isignesha:

* Susa lokho okungaqondene

1. IMIBHALO EHAMBISANA NESICELO

(Uma inqafakiwe esicelweni sesinqumo esingumgomo phansi koMthethonqubo (II)

(faka uphawu lwesiphambano ohleni olufanele)

YEBO

QHA

NGAQONDENE

- 1.1 Amakhophi amabili efomu lesicelo eligcwalisiwe, ifomu ngalinye lihambisane nemibhalo njengoba kukhonjisiwe ngezansi.
- 1.2 Umdwebo wesimo selokishi elihlongozwayo, kubandakanya nepulani lendawo elincane lesilinganiso esingu 1:50 000 elikhombisa lapho ilokishi likhona maqondana nemingcele yabadabuli emikhulu kanye nomgwaqo omkhulu oseduzane nalo
- 1.3 Ikhophi le memorandum eyesekela isicelo
- 1.4 Ikhophi letayitela
- 1.5 Ikhophi letayitela lamalungelo aphantsi nendawo
- 1.6 Ikhophi lesivumelwano sesibambiso sendawo
- 1.7 Ikhophi lesitifiketi samalungelo omcebo ombiwayo noma sokudlulisela komunye amalungelo omcebo ombiwayo
- 1.8 Ikhophi lemvume yomnikazi noma yalowo omele umnikazi ngokomthetho uma ekhona
- 1.9 Ikhophi lesinqumo senkampani yomfakisicelo, uma sikhona
- 1.10 Isitifiketi sezikhukhula esikhombayo ukuthi umhlaba usendleleni noma awukho endleleni yezikhukhula ezifika kanye eminyakeni engu 50
- 1.11 Ikhophi yemvume yalowo onikezwa isibambiso, uma ikhona
- 1.12 Ikhophi yemvume yomnikazi wamalungelo omcebo ombiwayo uma ikhona

- 1.13 Ubufakazi bokugcinwa komhlaba ugcinelwa ukwakha ilokishi njengokusho kwesigaba 184 soMthetho Wamalungelo Ezimayini, 1967, uma bukhona
- 1.14 Ikhophi lombiko wobuchwepheshe ngesimo senhlabathi
- 1.15 Isitifiketi esivela kumdabuli, umhleli wedolobha noma ummeli, esishoyo ukuthi imibandela yetayitela noma yamalungelo ebhaliwe etayitelini ayiliphazamisi ilokishi elihlongozwayo, noma eshoyo indlela amalungelo ayoqedwa noma achibiyelwe ngayo
- 1.16 Ikhophi lesivumelwano sokutholakala kwendawo, uma sesenziwe
- 1.17 Ikhophi lanoma yisiphi isivumelwano semisebenzi yonjiniyela, uma sesenziwe
- 1.18 Imishwana yomsebenzi onkankanywayo
- 1.19 Uma impendulo ithi "qha" noma "ngaqondene" mayelana nale mibhalo yobufakazi, nikeza izizathu (izincazelo ezinde ezingafakwa njengezizobebelelo)
- 1.20 Eminye imibhalo efakiwe

IMINININGWANE EMAYELANA NELOKISHI ELIHLONGOZWAYO

- 2.1 Igama lelokishi elihlongozwayo (futhi kukhonjiswe ukuthi igama selivunyiwe ngumaziphathe oqondene nokuthi, uma kunjalo, ongubani):
- 2.2 Igama lomfakisicelo:
- 2.3 Umhlaba ochazwa yitayitela kwazo zonke izingxenye zepulani/indawo encane* lapho kuzokwakhiwa khona ilokishi elihlongozwayo:
- (i) INombolo yeTayitela:
- (ii) INombolo yeTayitela:
- (iii) INombolo yeTayitela:
- 2.4 Igama eliphelele lomnikazi obhalisiwe womhlaba
- 2.5 Umhlaba kwenziwe/akwenziwe ngawo isibambiso* futhi imininingwane yezivumelwano zezibambiso yilena elandelayo:
- 2.5.1 Umhlaba:
- (i) Inombolo Yesibambiso egameni lika
- (ii) Inombolo Yesibambiso egameni lika
- (iii) Inombolo Yesibambiso egameni lika
- 2.5.2 Umhlaba:
- (i) Inombolo Yesibambiso egameni lika
- (ii) Inombolo Yesibambiso egameni lika
- (iii) Inombolo Yesibambiso egameni lika
- 2.6 Amalungelo omcebo ombiwayo ahlukaniwe/awahlukanisiwe nobunikazi bomhlaba futhi aphethwe ngu
- ngesitifiketi esingunombolo
- ngesitifiketi esingunombolo
- ngesitifiketi esingunombolo
- 2.7 Ukuqashisa ngamalungelo omcebo ombiwayo kuvunyiwe/akuvunyiwe*. Inkontileka yokuhlwaya yenziwe/ayenziwe, imininingwane yayo okuyilena elandelayo

2.8 Isimo somhlaba mayelana nezimiso zoMthetho Wamalungelo Ezimayini, 1967:

2.8.1 Umhlaba sewumenyezelwe/awukamenyezelwa* ngokwezimiso zoMthetho (nikeza imininingwane):

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2.8.2 Umhlaba ubekelwe/awubekelwe* ukwakha ilokishi njengokusho kwesigaba 184 soMthetho (nikeza imininingwane)

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2.8.3 Umhlaba umbiwe/awukambiwa ukuze kukhishwe amatshe ayigugu noma okunye okusansimbi (nikeza imininingwane)

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2.9 Umfakisicelo uphakamisa ukwenza lokhu okulandelayo mayelana nesimo esibekiwe ezindimeni 2.6, 2.7 no 2.8 ngenhla (veza imininingwane egcwele yalokho umfakisicelo aphakamise ukukwenza nokuthi kungase kuphuthulwe nini):

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2.10 Umfakisicelo ucela ukuba uNgqongqoshe asivume isicelo naphezu kokuba lokho okumele kwenziwe okubhekiswe kukho endimeni 2.9 ngenhla kungakenziwa futhi aqhubeke acele uNgqongqoshe abeke lemibandela elandelayo maqondana nalokho, njengoba kucatshangwe ngakho ... kuMthethonqubo 18:

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2.11 Ilokishi elihlongozwayo -

2.11.1 litholakala endaweni kamaziphathe wesizwe/wendawo yase

2.11.2 lincikene nalezi zindawo zawomaziphathe bezizwe/bezindawo

2.12 Ilokishi elihlongozwayo lisendaweni/alikho endaweni* engaphansi kohlelo lomsebenzi wedolobha

2.13 Okuhlongozwa ukwenziwa ngomhlaba kanye nesibalo seziza eziqondene nalokho okuzokwenziwa:

	OKUHLONGOZWA UKWENZIWA	ISIBALO SEZIZA
2.13.1	Amakhaya	.....
2.13.2	Amabhizinisi	.....
2.13.3	Izimboni	.....
2.13.4	Okwekhethelo	.....
2.13.5	Izimfanelo zomphakathi	.....
2.13.6	Indawo evulekile yomphakathi	.....
2.13.7	Umasipala	.....
2.13.8	Ukupaka	.....
2.13.9	UHulumeni	.....

2.14 Khombisa ngemininingwane yakhona ukuthi umbandela ngamunye kanye namalungelo abalulayo ngalinye okuqukethwe yitayitela lomhlaba, kuthintana kanjani nelokishi elihlongozwayo nokuthi le mibandela namalungelo kuyokwenziwa njani ngakho:

.....

(Lapho kukhonjiswe khona ukuthi noma yimuphi umbandela wetayitela noma ilungelo akuthintene nelokishi elihlongozwayo, kuyoletwa isitifiketi salokho esikhishwe ngumdabuli obhalisiwe noma umhleli wedolobha noma ummeli).

2.15 Umhlaba okuzokwakhiwa kuwo ilokishi* unikezwe umfakisicelo ngu

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njengoba kucatshangiwe esigabeni 6 soMthetho kanye nemibandela otholakele ngayo equkethwe esivumelwaneni sokutholakala komhlaba*, ikhophi laso lifakwe kulesi sicelo noma

*kuzokwakhiwa kuwo ngumfakisicelo egameni lika

(faka igama eliphelele lomnikazi) ngegunya lencwadi yomthetho, ikhophi layo elifakelwe kulesisicelo

* Susa lokho okungadingekile

INGXENYE III: IMIBANDELA YOKWAKHA

(Bheka uMthethonqubo 16. uNgqongqoshe uyosebenzisa ingxenye yesicelo njengesizathu sokubeka imibandela yokwakha njengokusho komthethonqubo 18)

3. IMINININGWANE YELOKISHI NGOKUFINGQIWE

(Indima 3 isebenza njengekhasi lokufingqa nokuqhathanisa. Ngaphandle kwendima 3.7 ngezansi, umfakisicelo kumele anikeze imininingwane).

- 3.1 Igama eliphakanyisiwe lelokishi
- 3.2 Okukhona (isibalo seziqinti nemisebenzi yazo)
- 3.3 Njengoba kukhonjisiwe epulanini elingunombolo
- 3.4 Eliitholakala e
- 3.5 Endaweni ephethwe (Umaziphathe)
- 3.6 Inombolo yetayitela
- 3.7 Izichibiyelo, uma zikhona (ziyogcwaliswa nguNobhala)

4. IMIBANDELA OKUMELE IFEZWE NGAPHAMBI KOKUBA ILOKISHI LIMENYEZELWE NJENGELOKISHI ELIVUNYIWE PHANSI KOMTHETHONQOBO 23

(Imibandela eshiwo endimeni 4 eyizibonelo nje kuphela, futhi umfakisicelo angenza iziphakamiso zokuchibiyela kanye/noma imibandela eyehlukile lapho kufanele khona)

4.1 UKUQEDWA KWEMIBANDELA YETAYITELA

Ngezindleko zakhe umfakisicelo uyokwenza kuqedwe lemininingwane elandelayo kanye namalungelo noma kwenziwe lokhu okulandelayo . ngakho:

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4.2 UKUHLANGANISWA KWEZINGXENYE

Umfakisicelo uyokwenza ukuba ngezindleko zakhe kuhlenganiswe izingxenye ezenza ilokishi lapho kudingekile khona.

4.3 AMALUNGELO OMCEBO OMBIWAYO

(Yenza iziphakamiso ngemibandela ephathelene namalungelo omcebo ombiwayo njengoba kucatshangwe ngawo kuMthethonqubo [16 (1) (m) no 18]

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4.4 OKUNYE

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IMIBANDELA OKUMELE IFEZWE NGAPHAMBI KOKUBA UMHLABA UBHALISWE NJENGOKUSHO KOMBANDELA 28 (1)

5. (Imibandela eshiwo endimeni 5 yizibonelo nje futhi umfakisicelo angaphakamisa imibandela eyizichibiyelo noma eyahlukile lapho kufanele khona)

5.1 IGAMA

Igama lelokishi kuyothiwa

5.2 UKUKLAMA

Ilokishi liyokuba nemigwaqo njengoba kuveziwe epulanini

5.3 OKWENZIWA EMIBANDELENI YETAYITELA EKHONA

Ngaphandle kwaleziziza ezilandelayo, zonke iziza ziyokwenziwa uma imibandela ekhona kanye namalungelo kungasusiwe kumbe kungenziwe lutho ngakho njengokusho kwendima 4.1 ngenhla, uma kukhona kubandakanya nokugodlwa kwamalungelo omcebo ombiwayo

5.4 UKUGUDLUZWA KWEZINDLWANA ZIKAGESI

Uma, ngenxa yokwakhiwa kwelokishi, kuba nesidingo sokugudluzela engxenywe noma iyiphi indlwana kagesi ekhona, izindleko zalokho ziyothwalwa ngumfakisicelo.

5.5 UKUHLINZEKWA NOKUFAKELWA KWEZINTO ZOMPHAKATHI

5.5.1 Umfakisicelo uyohlinzeka futhi afakele nezinto zomphakathi elokishini.

5.5.2 UHulumeni WakwaZulu uyohlinzeka futhi afakele zonke izinto zangaphandle zaselokishini.

5.6 EMINYE IMIBANDELA

(Faka eminye imibandela okumele ifezwe phambi kokuba umhlaba ukwazi ukubhaliswa, isibonelo nje okungaba yimibandela ephathelene ... nomhlaba oyisipho noma imibandela ephathelene namalungelo omcebo ombiwayo okumele ifezwe ngaphambi kokuba ilokishi livunywe).

6. IZIPHAKAMISO NGOKUSETSHENZISWA KOMHLABA OKUMELE ZIVUNYWE NGUNGQONGQOSHE

(Amaphuzu ohlelo lomsebenzi ethulwa kanye nesicelo kumele ahlinzekile ukusetshenziswa komhlaba okuhlongozwayo okwehlukahlukene. Faka izinombolo zeziza njengoba ziveziwe epulanini. Uma lezo ziza zinikeziwe izinombolo ezechukile epulanini elikhulu, ukushintshwa kwetayitela kulezo ziza kumele kwenziwe kulandele izinombolo njengoba zivela epulanini elikhulu nasemdwebeni, futhi imisebenzi esohlelweni yiyo eyokwenziwa)

6.1 Imizi: Izinombolo zeziza:

6.2 Amabhezini: Izinombolo zeziza

6.3 Izimboni: Izinombolo zeziza

6.4 Okuthile (kugagule): Izinombolo zeziza

6.5 Izimfanelo zomphakathi: Izinombolo zeziza

6.6 Izindawo ezivulekile zomphakathi: Izinombolo zeziza

6.7 Umasipala: Izinombolo zeziza

6.8 Izindawo zokupaka: Izinombolo zeziza

6.9 UHulumeni: Izinombolo zeziza

7. IMIBANDELA ENKANKANYWAYO YETAYITELA

7.1 Isiza kumele sibe nengxenywe umphakathi onelungelo kuyo, eyi 1 metre ububanzi, okuyoba ngekamaziphathe wendawo, yokufakela amapayipi enkucunkucu kugudle noma yimiphi imingcele emibili kungabalwa umngcele ongasemgwaqeni kanti uma kuyisiza esingumhubhe, enye ingxenywe eyengeziwe eyi 1 metre ububanzi yelungelo lomphakathi ukuze isetshenziswe ngumasipala kunqamule uhlangathi okufinyelelwa ngalo esizeni, uma noma lapho umaziphathe wendawo eyidinga: Kuqikelelwe ukuthi umaziphathe wendawo angakuyekela ukufezwa kwezidingo zaleli lungelo.

7.2 Akukho sakhiwo esiyokwakhiwa ngaphakathi kwendawo umphakathi onelungelo kuyo futhi akukho sihlala esinezimpande ezinkulu esiyotshalwa ngaphakathi kwaleyo ndawo kumbe ebangeni elingaphansi kuka 1 metre ukusuka kuyo.

7.3 Umaziphathe wendawo uyoba nelungelo lokubeka okwesikhashana endaweni encikene naleyo ngxenywe umphakathi onelungelo kuyo lokho okuvukuziwe ngesikhati kwakhiwa, kulungiswa noma kususwa izinto ezifana namapayipi enkucunkucu izintambo zikagesi njengoba uyobona kufanele futhi uyokuba nelungelo lokufinyelela kuleyo ndawo esishiwo phansi kombandela wokuthi umonakalo oyokwenzeka ngesikhati kwakhiwa, kulungiswa noma kususwa lawo mapayipi enkucunkucu, izintambo zikagesi neminye imisebenzi uyolungiswa ngumaziphathe.

ISHEDULI C

ISILINGANISO SEZIMALI NEZINDLEKO

A. Izimali ngaphandle kwalezo zokushicilela nezezindleko zokuhamba.

1. Isicelo sesinqumo ngokudingeka nokufaneleka (Umthethonqubo 9(1)(b)): R90,00 kuhlenganiswa no 80c nge hekthare noma nengxenywe yalokho ehambisana nendawo leyo ethintekile.
2. Isicelo sokwakha ilokishi (Umthethonqubo [12(1)(b)]): R10,00 ngesicelo ngasinye kuhlenganiswa no R5,00 ngesiza ngasinye.
3. Isicelo sokuchibiyela imibandela okwavunywa ngayo isicelo selokishi (Umthethonqubo 20): R40,00.
4. Imali ekhokhwayo ngaphambi kokuba livunywe ilokishi (Umthethonqubo 46(1)(a)): R6,00 ngesiza ngasinye.

5. Imali ekhokhwayo ngaphambi kokuba kubhalwe epulanini elikhulu noma emdwebeni (Umthethonqubo 46(1)(b): R6,00 ngesiza ngasinye.

B. Izimali zokushicilela kanye nezindleko zokuhamba

1. Imali yokushicilela (Umthethonqubo 9(1)(b)(i): R250,00.
2. Izindleko zokuhamba, kube ngeyebanga elihanjiwe ngempela ngokwesidingo, lokuya nokubuya kusukela ehhovisi lalowo muntu othintekile, ngekhilomitha noma ingxenye yalo [Umthethonqubo 12(2)]: R0,70

C. Isibambiso

1. Isibambiso esikhokhwa sihambisane nesicelo sokwakha ilokishi [Umthethonqubo 12(2)]: R200,00.

ISIJOBELELO D

ISAZISO NGELOKISHI ELIHLONGOZWAYO

IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA (UKWAKHIWA KWELOKISHI), 1994
[Umthethonqubo 10(a)(ii) noma 13(1)]

QAPHELA UKUTHI umthuthukisi oshiwo lapha ngezansi uhlongoza ukwakha ilokishi kulowo mhlaba ochaziwe ngezansi.

QAPHELA FUTHI UKUTHI noma amapulani aqondene nalokho, imibhalo yobufakazi kanye neminingwane kukhona ukuze kuhlolwe emahhovisi eMantshi nomthuthukisi (oshiwo lapha ngezansi) kube yinkathi engamaviki amathathu kusukela mhlaka (faka usuku lokushicilelwa okokuqala kwalesi sazo)

QAPHELA FUTHI UKUTHI noma ngubani ofisa ukubeka izikhala ngokuzosiza umphakathi ngodaba lokudingeka kwelokishi elihlongozwayo kanye nokufanela kwendawo ukuba kwakhiwe ilokishi kuyo uyothumela lezo zikhala kanye nezizathu zalokho kuNobhala WezangaPhakathi kuHulumeni waKwaZulu ekhelinini elibhalwe ngezansi ingakapheli leyonkathi eshiwo engamaviki amathathu (3).

Igama eliphakanyisiwe lelokishi

Igama lomthuthukisi

Ikheli likaMantshi lapho imibhalo yobufakazi iyohlolwa khona

Ikheli lomthuthukisi lapho imibhalo yobufakazi ingase ihlolwe khona

Ikheli likaNobhala WezangaPhakathi

Isibalo okulinganiselwa kuso seziza kanye nokuhlelwa kwazo ngezigaba

Indawo lapho umhlaba ukhona, kanye nesimo sawo

KWAZULU GOVERNMENT NOTICE NO. 29 OF 1994

KWAZULU LANDAFFAIRS ACT 1992

(ACT 11 OF 1992)

I, Emmanuel Stephen Campbell Sithebe, Minister of the Interior -

- (a) by virtue of the powers vested in me by section 37(1) of the KwaZulu Land Affairs Act, 1992 (Act 11 of 1992), do hereby make the regulations set out in the Schedule;
- (b) determine that regulation 28(1) in so far as it relates to a town planning scheme, regulation 42(1) (d) and Chapter XI shall come into operation on the date of commencement of the Town Planning Regulations contemplated in the said Chapter XI.

E.S.C. SITHEBE

MINISTER OF THE INTERIOR

File No. 1/4/16

SCHEDULE
TOWNSHIP ESTABLISHMENT REGULATIONS
CHAPTER I

ARRANGEMENT AND DEFINITIONS

Arrangement

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

Chapter I: Arrangements and Definitions

1. Arrangements;
2. Definitions;

Chapter II: Application of these Regulations

3. Regulations to apply as a rule;
4. Exemptions;
5. Transition;
6. Joint or agency administration;

Chapter III: Approval of Minister required

7. No township to be established without approval of Minister;
8. No development to be undertaken without approval of Minister;

Chapter IV: Decision in principle

9. Optional application for decision in principle;
10. Investigation prior to decision in principle;
11. Decision of Minister;

Chapter V: Application for Township Establishment

12. Application to establish township;
13. Notice of application to establish township;
14. Inspections;
15. Hearing of application;
16. Conditions for establishment of township;
17. Secretary's report to Minister;
18. Powers of Minister;
19. Minister to notify granting of application;
20. Amendment of conditions and division of township;

Chapter VI: Procedure for Declaring Approved Township

21. Applicant to submit plans and diagrams to Surveyor-General;
22. Lodging of plans and title deeds for endorsement or registration;
23. Establishment of township;
24. Copy of general plan to be supplied to authority;
25. Ownership of public places vests in government;
26. Transfer of land to Government, authority or Minister in trust;
27. Endowment moneys;

Chapter VII: Restrictions Relating to Townships

28. Restrictions relating to the transfer of lots in townships;
29. Exemption in respect of street construction;
30. Conflict of laws;
31. Conditions of title;
32. Where authority or Government desires to establish a township;
33. Exemption from provisions of regulations in special cases;
34. What constitutes a township;
35. Evasion of intent or purpose of regulations;
36. Building and sale restricted pending approval of township;

Chapter VIII: Amendment and Cancellation of General Plans

37. Application for alteration, amendment or cancellation of general plan;
38. Result of cancellation of general plan;

Chapter IX: Application to Authority Areas

39. These regulations to apply to authority areas;
40. Minister may exclude authority areas from these regulations;

Chapter X: Deed of Grant Rights during Township Establishment

41. Registration of deed of grant rights during township establishment;
42. Secretary to endorse general plan or diagram;

Chapter XI: Town Planning Schemes

43. Scheme to be in operation before lots may be transferred;
44. Standard scheme clauses to apply;

Chapter XII: Miscellaneous Provisions

45. Continuation of application by new applicant;
46. Fees to be paid in respect of lots in approved township;
47. Short title;

Schedules

- A. Application for decision in principle;
- B. Application for establishment of township;
- C. Tariff of fees and charges;
- D. Notice of proposed township.

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;
 - "**applicant**" in relation to a proposed township, means the township owner or his duly authorised agent;
 - "**authority**", in relation to a township or proposed township, means the local or tribal authority in the area of jurisdiction of which the land included in such township or proposed township is situated;
 - "**authority area**" means the area of jurisdiction of an authority;
 - "**committee**" means the KwaZulu Land Affairs Planning Committee established by regulation 4 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994;
 - "**lot**" means any lot or other piece of land in a township other than a public place, and includes deed of grant rights in respect of a lot;
 - "**owner**" or "**township owner**" means -
 - (a) a township developer or authority to whom such land has been made available under section 5 of the Act;
 - (b) on land that vests in the Government in terms of a proclamation under section 36 of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971), the Government;
 - (c) the registered owner of the land included in such township at the date -
 - (i) of the application for approval of its establishment, in the case of a proposed township;
 - (ii) when it was laid out as a township, in the case of an existing township;
 - "**private land**" means land owned by a person other than the Government or an authority and also excludes land made available under section 5 of the Act;
 - "**public place**" means -
 - (a) any street, road, lane, passage or other right-of-way, including any bridge, subway, drain, culvert or the like in a street;
 - (b) any square, park, recreation ground, garden, commonage or enclosed or open space -
 - (i) which is situated in an approved township for the use and benefit of the public and shown on the general plan of the township;
 - (ii) of which the Government or the authority is vested with the ownership, control or management by law or deed of title for the use and benefit of the public, or which the public has the right to use; or
 - (iii) to which, the public, or the inhabitants of, or the owners of lots in, the township have a common right;
 - "**registration officer**", in relation to land, means the registration officer in charge of the registration office for the area in which the land is situated;
 - "**Secretary**" means the Secretary of the Interior and includes any officer in the Department of the Interior to whom the Secretary has delegated his powers and functions under these regulations;
 - "**statutory body**" means any board or body established by or under any law and which is maintained in whole or in part out of moneys voted for that purpose by Parliament or the Legislative Assembly of KwaZulu, and includes the company Transnet Limited incorporated under section 2 of the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989), and the South African Rail Commuter Corporation Limited established in terms of section 22 of that Act;
 - "**township**" means a township within the meaning of regulation 34;
 - "**transfer**" includes the registration of deed of grant rights.

CHAPTER II

APPLICATION OF THESE REGULATIONS

Regulations to apply as a rule

3. A township may, subject to any exemption in terms of or under regulation 4, 33 or 40, be established only in accordance with these regulations.

Exemptions

4. (1) The provisions of these regulations shall not apply to -
 - (a) gradual extension according to local custom and usage or under section 25(1)(a) of the Act of an existing township;
 - (b) establishment or extension of a township comprising structures or shelters occupied by persons for whom more suitable housing is not available by reason of unaffordability, a shortage of land or any other cause, but subject to any declaration under subregulation (3) that such township is an illegal township.
- (2) The Minister may, on such terms and conditions as he may determine, exempt any person from any or all of the provisions of these regulations if, in the opinion of the Minister, speedy development of the township concerned is necessary and desirable in the public interest.
- (3) If a township contemplated in subregulation (1)(b) being established or extended -
 - (a) the Minister may, by notice in the *Official Gazette* defining the land concerned, declare such township to be an illegal township if he is of the opinion that the public interest so requires;
 - (b) the Secretary shall notify any occupants of such township and, in the case of such land being owned by a person other than the Government, the owner of the land, that the township has been so declared.
- (4) After a township has been declared to be an illegal township under subregulation (3), no person shall erect, alter, occupy or use any building on the land referred to in the notice without the prior written approval of the Minister, who may impose any conditions as he may deem expedient.
- (5) The Secretary may enforce compliance with the provisions of subregulation (4) by obtaining an appropriate order in any civil court of competent jurisdiction.

Transition

5. The provisions of these regulations shall, to the extent directed by the Minister, apply *mutatis mutandis* respect of the establishment of a township commenced but not yet completed prior to the date of commencement of these regulations.

Joint or agency administration

6. (1) If the administration of section 12 of the Act has been assigned to the Joint Executive Authority established under the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act 80 of 1986), or if such authority has been authorised to exercise the powers, duties or functions under that section, townships may be established in accordance with such assignment or authorisation, as the case may be.
- (2) If an agreement contemplated in section 38 of the Act has been concluded for the performance by an authority or person referred to in that section of any act provided for in these regulations, townships shall be established in accordance with the provisions of that agreement.

CHAPTER III

APPROVAL OF MINISTER REQUIRED

No township to be established without approval of Minister

7. Subject to any exemption contemplated in these regulations, no person may establish a township without the approval of the Minister.

No development to be undertaken without approval of Minister

- * 8. (1) (a) Subject to any exemption contemplated in these regulations, no person shall, without the prior authorisation of the Minister, develop within the meaning of this regulation any land whether inside or outside an authority area: Provided that the provisions of this subregulation shall not apply if -
 - (i) a town planning scheme applies to such land, or
 - (ii) such land is situate in an approved township in respect of which there is no town planning scheme and such development complies with the conditions of establishment relating to use of such township applicable at the time at which such development is proposed to be undertaken, unless the Minister has -
 - (aa) in relation to an authority area or any other area specified by him, generally, or
 - (bb) specially, directed that application for such authorisation shall be made.
- (b) the authorisation contemplated by paragraph (a) shall be applied for in the form of Schedule B.
- (2) The provision of these regulations shall apply to any development as defined in this regulation as if it were a township: Provided that the Minister may, if he is of the opinion that the granting of an application in terms of subregulation (1) will not prejudice anyone, including in particular the owners of property in the vicinity of the land concerned in the application, dispense with the requirement that the application be advertised: Provided further that the Minister may also exempt such an application from one or more other provisions of these regulations subject to such conditions as he may impose.
- (3) The Minister, in authorising any development in terms of this regulations, may do so subject to any conditions not inconsistent with the provisions of these regulations, or he may stipulate that application be made for permission to establish a township in terms of these regulations prior to such development.
- (4) The authority, if any, shall not approve a building plan relating to the proposed development until notification has been given to such authority by the Secretary that the conditions, if any, subject to which the Minister has authorised such development, have been complied with to the satisfaction of the Minister.
- (5) For the purpose of this regulation, the word "development" means the development of land for building purposes or urban settlement in the nature of a township but without subdivision, or deemed by the Minister to be destined for such purposes or settlement but does not include the erection of a first dwelling house and the usual outbuildings on the land.

CHAPTER IV

DECISION IN PRINCIPLE

Optional application for decision in principle

9. Any person who proposes to establish a township on private land may at his option make application to the Minister in writing substantially in the form of Schedule A for a decision in principle in regard to the proposed township, and such application shall be accompanied by -

- (a) such plans and other documents as may be required by the Secretary in relation to-
 - (i) existing and required bulk engineering services;
 - (ii) conformity of the proposed township to any applicable or envisaged structure plan;
 - (iii) any other matter relevant to the suitability of the land for township purposes;
- (b) the application and publication fees specified in Schedule C.

Investigation prior to decision in principle

- 10. (a) The Secretary shall, within 7 days of lodgment of an application under regulation 9 -
 - (i) forward a copy of the application to the magistrate for the district in which the land is situated;
 - (ii) publish once a week for two consecutive weeks in the *Official Gazette* and in a newspaper circulating in the district in which the proposed township is to be situated, a notice substantially in the form of Schedule D setting out the purport of the application and indicating that particulars of the application shall lie for inspection at the offices of such magistrate and of the developer, the addresses of which shall be stated in such notice, and that any person desiring to make representations for or against the application may do so in writing to the Secretary within a period of three weeks from the date of the first publication of the notice in the *Official Gazette*.
- (b) If the land to which the application relates is situated wholly or partly within the area of a tribal authority -
 - (i) the Secretary, or the applicant with the prior approval of the Secretary, shall notify the Secretary-General of the Department of the Chief Minister of the fact of such application and furnish him with two copies of the notice mentioned in paragraph (a)(ii);
 - (ii) the Secretary-General of the Department of the Chief Minister or his delegate shall notify such authority of the fact of such application and furnish it with a copy of such notice;
 - (iii) the authority shall display the notice referred to in subparagraph (ii) on its official notice board for two weeks from the date of first publication of the notice in the *Official Gazette* and advise the Secretary-General of the Department of the Chief Minister of its opinion in relation to the application;
 - (iv) the Secretary-General of the Department of the Chief Minister or his delegate shall notify the Secretary of the advice referred to in subparagraph (iii).
- (c) Any representations have been made in terms of paragraph (a) or if the applicant so requests, a hearing of the application shall be held by the Secretary within one month after expiry of the period within which such representations may be made: Provided that such hearing may be held at an inspection conducted by the secretary.
- (d) The Secretary shall consider the application and for this purpose shall take cognizance of any matter, report, inspection, or other material whether it originates from his investigations, the hearing, or any other source whatsoever, which would in his opinion assist in the consideration of the application.
- (e) After consideration of the application, the Secretary shall within one month after lodgment thereof or, in the circumstances contemplated in paragraph (c), after the hearing, transmit his report to the Minister, and shall recommend that the application be granted or refused, or that it be granted in respect of a portion of the land which is the subject of the application.
- (f) The Secretary, in recommending to the Minister that an application be granted, may at the same time make recommendations as to any conditions relating to the proposed township subject to which the application may be granted: Provided that such conditions may be varied by the Minister of his own accord or on application of any person to him, after reference to the Secretary for his views.

Decision of Minister

- 11. (a) Upon receipt of the report and recommendation of the Secretary, the Minister may grant or refuse the application, or he may grant the application in respect of any portion of the land which is the subject of the application, subject in either case to such conditions relating to the proposed township as he may deem necessary or expedient, or he may postpone a decision thereon: Provided that the Minister shall not reject a representation by the authority, if any, without further reference to the authority and consideration of the authority's further views.
- (b) If the Minister grants the application, the applicant shall be advised to that effect in writing, and if he fails to lodge an application in terms of regulation 12 within a period of 12 months from the date of the letter conveying the Minister's decision, or within such further period as the Secretary may allow, such decision shall be deemed to have lapsed.

CHAPTER V

APPLICATION FOR TOWNSHIP ESTABLISHMENT

Application to establish township

- 12. (1) Any person who wishes to establish a township shall apply to the Secretary in writing substantially in the form of Schedule B, and accompanied by -
 - (a) such plans, documents and information as are referred to therein, including such plans of adjoining lands as may be affected by such new township, to enable proper consideration to be given to the continuity of roads, drainage and the like;
 - (b) the application fee specified in Schedule C;
 - (c) in respect of any application referred to in subregulation (3), a certificate signed on behalf of the authority concerned that a copy of the application has been duly lodged with it; and

- (d) in respect of any application which relates to land in respect of which there is a town planning scheme in course of preparation or in operation, and where such land is situated within an authority area, an indication that the proposed township complies in all respects with the provisions of any such scheme, or in what respects the proposed township does not comply with the provisions of such scheme.
- (2) The applicant shall also deposit with the Secretary the sum specified in Schedule C to cover the likely expenses to be incurred in connection with the application in respect of official visits of inspection and the travelling allowances specified in that Schedule payable to consultants of the Government and persons in the service of the Government in connection with inspections, and shall also give an undertaking to defray any such expenses in excess of the amount deposited. All such expenses shall be borne by the applicant, whether the application be granted or not.
- (3) If the application relates to land situate in an authority area, the applicant shall not be required (except as otherwise provided in regulation 33) to comply with the provisions of any law in force in such area regulating the giving of notice and the deposit of plans in respect of the subdivision of land, but in any such case the applicant shall lodge a copy of his application with the authority concerned.
- (4) An application to establish a township may be lodged, and may be considered and approved in terms of these regulations, whether or not the applicant has made application under regulation 9 for a decision in principle.

Notice of application to establish township

- 13. The Secretary shall, unless the applicant has made application under regulation 9 for a decision in principle, give notice of the application to establish the township, and the provisions of regulations 10(a) and (b) shall *mutatis mutandis* apply in respect of such notice.

Inspections

- 14. The Secretary may inspect the site of any proposed township: Provided that at least seven days' notice of the date and time fixed for such inspection shall be given to the applicant and to the authority concerned, if any.

Hearing of application

- 15. (1) If any objections against the application have been made or if the applicant so requests, the Secretary shall fix a date for the hearing of the application and shall give at least seven days' notice of the date, time and place of such hearing to the applicant, any authority concerned and any person who made representations.
- (2) In the course of the hearing the Secretary may require the applicant or any person who made representations to furnish such further particulars, information, plans or diagrams as he may deem fit.
- (3) The applicant may with the consent of the Secretary at any time before the completion of the hearing, amend his application in respect of any matter or proposal therein contained, unless such amendment is, in the opinion of the Secretary, so material as to constitute in effect a new application to establish a township.
- (4) It shall not be competent for the Secretary to consider whether the proposed township is desirable in the public interest or the land is suitable for township purposes, except -
 - (a) in the case of any township falling within the provisions of regulation 33; or
 - (b) where the applicant did not make application under regulation 9.
- (5) The applicant and any person who made representations may appear in person at the hearing or be represented by his duly authorised agent.

Conditions for establishment of township

- 16. (1) It shall be the duty of the Secretary if, after the hearing of the application, he is prepared to recommend that the same be granted, to recommend the conditions subject to which in his opinion approval by the Minister of the establishment of such township ought to be granted, with special reference to the following matters in so far as they may be applicable, namely -
 - (a) the suitability of the site with regard to extent, position, water supply, storm water drainage, sewerage, soil, aspect, slope, possibility of extension, climatic conditions, accessibility from railways and main or public roads, and any other physical conditions or circumstances which may affect the proposal to establish a township thereon;
 - (b) the existence of servitudes or encumbrances which may affect the prosperity of the township;
 - (c) the allocation or definition of areas or zones within the township for residential, commercial, industrial, occupational or other purposes or a combination of any such purposes, and the regulation, restriction or prohibition of sales of or the construction of buildings on lots in each particular area or zone: Provided that in respect of any such restriction or prohibition a condition may authorise the Minister or, if the township is situate within an authority area, the authority, to relax such restriction or prohibition upon such terms and conditions as he, the Minister, or, as the case may be, the authority may determine;
 - (d) the suitability or otherwise of the proposed design or layout having regard to the shape and dimensions of lots in the various zones and their restriction of use in relation to existing lots in any township in close proximity thereto, sewerage, drainage, widths and gradients of streets, probable future traffic requirements and control both within the township and in relation to the surrounding area, and also to natural and artificial features, and aesthetic and social amenities;
 - (e) the proposals, stipulations and conditions contained in the application;
 - (f) the provision and reservation of lots to the Government, authority or any statutory body for public open space or any other purpose for the use and benefit of the inhabitants of the township;
 - (g) the extent to which the applicant shall be liable for road construction, supply of water, electricity, sewerage reticulation and sewage purification and other services, and the provision of security for the fulfilment of any obligations imposed upon him and, in lieu of the liability for any such services, the payment by the applicant of an amount of money in cash to cover the estimated cost thereof;
 - (h) the regulation, restriction or prohibition of the future subdivision of lots;
 - (i) the minimum size of lots, the regulation of buildings with particular reference to the maximum number which may be built upon each lot and the maximum area of each lot which may be built upon whether for residential, business or other purposes, the minimum outlay in cost of buildings within specified areas, open spaces round about buildings, the position of buildings on each lot in relation to any street or lateral boundary or to other buildings and their character, use, height and harmony in design;
 - (j) the necessity for including in any or all transfers a servitude clause for drainage, sewerage, water supply, light, power, electricity substations, passenger transport shelters or any other public purpose;

- (k) the endowment, if any, which shall be made for the actual or fairly pre-estimated cost of the bulk engineering services which shall be supplied by the Government for the township and the form which such endowment shall take;
 - (l) the provision of a penalty clause in respect of rates or other municipal levies or a reversionary clause, for the failure to erect a building or buildings of a specified value by a specified date on any property;
 - (m) the reservation of mineral rights to the registered owner of the land;
 - (n) conditions to be inserted in the title deeds of lots in the township;
 - (o) the suitability of the name of the township; and
 - (p) any other matter or matters material to the application which the Secretary may deem it desirable to bring to the notice of the Minister or which the Minister may refer to the Secretary.
- (2) (a) The payment of any money referred to in regulation (1)(g) shall be made to the Minister: Provided that with his consent, the payment or any portion thereof may be made to any statutory body which is a supplier of the services in question.
- (b) Any amount of money paid to the Minister in terms of paragraph (a) shall be held in trust by him as aforesaid and shall as soon as possible after a statutory body as is referred to in paragraph (a) commences supplying services to the township, be paid by him to such supplier without interest less any amount expended by him under paragraph (c).
- (c) Pending the commencement of supply by a supplier of services as aforesaid, the Minister may from time to time devote and expend in such manner as he may deem proper the whole or any portion of the amount of money held by him on road construction, supply of water, electricity, sewerage reticulation and sewage purification, as the case may be, for the use and benefit of the inhabitants of the township.
- (d) Any amount of money received by a supplier of services in terms of paragraph (a) or (b) shall be used by such supplier of services for the purpose of road construction, supply of water, electricity, sewerage reticulation and sewage purification, as the case may be, in the township concerned in respect of which the said amount was paid.
- (3) The endowment referred to in subregulation (1)(k) may take the form of -
- (a) the payment of a sum of money;
 - (b) the transfer of any specified lot or lots situate in the proposed township;
 - (c) the payment by the applicant of a percentage of the value (as provided in regulation 27(1)) of every lot in the township disposed of by him, whether by sale, exchange, gift or in any other manner, or leased by him under a lease for a period of ten years or more, or a lease which empowers the lessee to renew it for a period or periods which together with the period of the original lease equals or exceeds a period of ten years or any one or more such forms: Provided that the authority, if any, shall refuse to approve a building plan (excluding a plan for the addition or alteration to an existing building or outbuilding or for the erection of a building ancillary to an existing building) in respect of any lot unless the endowment imposed thereon has been paid, whether the lot has been disposed of or not.
- (4) The payment of any sum of money referred to in subregulation (1) (g) may take the form described in subregulation (3)(c).
- (5) (a) Wherever any endowment takes the form mentioned in subregulation(3)(c), such endowment shall not be payable -
- (i) in the case of a township approved in terms of regulation 23, upon the transfer by the township owner of the whole of the land comprising the township or the remainder thereof or a share therein; or
 - (ii) upon the taking out of any certificate of title or deed of partition transfer in respect of any lot or lots in the township; or
 - (iii) in the case of a township approved in terms of regulation 33, upon transfer of the whole of the land comprising the township, but shall be payable upon the subsequent disposal in the manner contemplated by the aforesaid subregulation (3)(c), of any lot by the successor in title of the applicant or by the holder of such certificate of title or deed of partition transfer, as the case may be.
- (b) In any case referred to in paragraph (a) the relevant deed of transfer, certificate of title or deed of partition transfer and the duplicate original thereof shall be endorsed by the Registrar to the effect that the provisions of regulation 28(2) apply in respect of every lot held under such deed of transfer, certificate of title or deed of partition transfer.

Secretary's report to Minister

17. (1) After his consideration of the application, the Secretary shall recommend to the Minister -
- (a) at the application, or any part thereof relating to a portion of the site only, be granted subject to such conditions as have been determined by him; or
 - (b) at the application be refused; or
 - (c) at a decision on the application be postponed, either wholly or in part: Provided that before communicating his recommendation to the Minister, the Secretary shall, not later than three months after lodgment of such application under regulation 12(1) advise the applicant and the authority (if any) which was entitled to a copy of the application as provided in regulation 12(3), and any person who made representations (if applicable), of the proposed recommendation, and if it is proposed to recommend that the application be granted the Secretary shall at the same time submit a copy of the conditions determined by him to the applicant and such authority.
- (2) If within a period of one month of the transmission of the advice referred to in subregulation (1) any representations have been received from the applicant or the authority (if any) the Secretary shall give consideration to such representations and only after doing so shall he make his recommendations to the Minister as provided in subregulation (1).
- (3) If within the period of one month of the transmission of the advice referred to in subregulation (1) no representations have been received from the applicant or the local authority (if any), the Secretary shall forthwith transmit his recommendation to the Minister and, if he recommends that the application be granted, the conditions subject to which in his opinion approval of the establishment of the township ought to be granted: Provided, however, that the Secretary shall not comply with the provisions of this subregulation unless he is in receipt of the written acceptance by the applicant personally of the conditions determined by the Secretary or the representations of the applicant thereon.
- (4) There shall also be transmitted by the Secretary to the Minister together with such recommendation a report upon the application, a copy of the Secretary's record of proceedings, copies of any objections which may have been lodged and copies of any representations which may have been made as provided in subregulation (2).
- (5) If, before the grant or refusal of his application by the Minister in terms of regulation 18 or 33(3), as the case may be, an applicant fails to reply within a period of six months to any written communication from the Secretary in regard to any matter connected with the proposed

township to which a reply is required, or if he fails to comply with any requirement of the Secretary within such period, the application shall be deemed to have lapsed unless the Minister condones such failure.

Powers of Minister

18. Upon the receipt of the report and recommendation of the Secretary the Minister may, either wholly or in part, grant the application or any part thereof relating to a portion of the site only, or refuse the application or postpone a decision thereon: Provided that if the Minister grants the application he shall determine the conditions subject to which it is granted.

Secretary to notify granting of application

19. The Secretary shall, upon the -
- (a) granting of any application by the Minister, notify the applicant, the Surveyor-General, the Registrar, the registration officer and the authority (if any) which was entitled to a copy of the application as provided in 12(3), and shall state the conditions subject to which such application was granted.
 - (b) refusal of any application or postponement of a decision thereon by the Minister, notify the applicant, such authority and any person who made representations (if applicable).

Amendment of conditions and division of township

20. After the granting of any application and before promulgating the notice referred to in regulation 23(1), the Minister may with the consent or upon the application of the applicant or with the consent or upon the application of the authority concerned (if any), and after reference to the Secretary, amend, alter or vary the conditions subject to which the application was granted or consent to the division of the township into two or more separate townships: Provided that -
- (a) if an authority is concerned no application by the applicant or by the authority shall be entertained unless the Minister is satisfied that the other of them has been advised of the application and has been afforded an opportunity of making counter-representations;
 - (b) no application by the applicant shall be considered by the Minister unless it is accompanied by the payment of the fee specified in Schedule C and the applicant has given an undertaking to defray any such charges as are referred to in regulation 12(2) and such other expenses as the Minister may determine;
 - (c) where the documents contemplated in regulation 21 have been lodged with the Surveyor-General, the Surveyor-General has been consulted;
 - (d) if the Minister consents to the division of the township -
 - (i) he may impose any condition that he deems expedient;
 - (ii) such consent shall, in respect of each separate township, be deemed to be the granting of an application in terms of regulation 18.

CHAPTER VI

PROCEDURE FOR DECLARING APPROVED TOWNSHIP

Applicant to submit plans and diagrams to Surveyor-General

21. (a) The applicant shall, within a period of eighteen months from the date of the notification referred to in regulation 19, or within such further period as the Minister may in any case allow, lodge for approval with the Surveyor-General a general plan or subdivisional diagram of the township. When such general plan or diagram has been approved the Surveyor-General shall notify such approval to the applicant. If, however, the applicant fails to lodge the necessary general plan or diagram with the Surveyor-General within the said period of eighteen months or within such further period as the Minister may allow, the granting of the application shall be deemed to have lapsed unless the Minister condones such failure: Provided that the Secretary may, where appropriate, allow the applicant to lodge such plans or diagram with the Surveyor-General at a stage prior to approval of the application under regulation 18 at the risk of the applicant if the layout plan relating to the proposed township has been approved by the Minister separately from other aspects of the application: Provided further that if the applicant fails within a reasonable time after he has lodged the general plan or diagram, to comply with any requirements the Surveyor-General may lawfully lay down, the Surveyor-General may notify the Secretary accordingly, and if the Secretary is satisfied, after hearing the applicant and after consultation with the Surveyor-General, that the applicant has failed to comply with any such requirement without sound reason, the Secretary shall notify the applicant that he is so satisfied, and thereupon the application shall lapse.
- (b) Whenever the Secretary in terms of paragraph (a) grants an extension of time or condones a failure to lodge a general plan or diagram in accordance with that paragraph, it may do so subject to such conditions as he may deem necessary or desirable.

Lodging of plans and title deeds for endorsement or registration

22. (1) (a) Within a period of six months from the date of the approval of the general plan or within such further period as the Minister may allow, the applicant shall lodge with the Registrar a print of the general plan certified by the Surveyor-General, together with a copy of the conditions subject to which the application was granted by the Minister and the title deed under which the land is held, and, if the land be subject to a mortgage, the consent of the mortgagee to the establishment of the township on the conditions determined by the Minister: Provided that if the applicant fails to comply with any of the requirements of this subregulation within the period of six months aforesaid or such further period as the Minister may allow, the granting of the application shall be deemed to have lapsed unless the Minister condones such failure or deed of grant rights to any erf in the proposed township have been registered under regulation 41, but the Secretary may in the latter case cause the necessary plans, diagrams and title deeds to be prepared and delivered to him and to be lodged with the Registrar at the expense of the applicant, as contemplated in regulation 42(1)(c).
- (b) Whenever the Minister or the Secretary, as the case may be, in terms of paragraph (a) grants an extension of time or condones a failure to lodge a print of a general plan in accordance with that paragraph, he may do so subject to such conditions as he may deem necessary or desirable.
- (2) Upon compliance by the applicant with all the relevant requirements of subregulation (1), the Registrar shall open a township register for the township in which particulars of the public places and the conditions of approval shall be entered on an introductory folio.
- (3) When the whole of the land held under such title deed is comprised in the proposed township the Registrar shall make upon such title deed and on the duplicate original thereof filed on record an endorsement indicating that the land has been laid out as a township.

- (4) Where only a portion of the land held under such title deed is comprised in the proposed township the applicant shall cause to be taken out in customary form a certificate of registered title to the portion so comprised, which certificate shall be endorsed to the effect that the land has been laid out as a township.
- (5) Where the land comprises the whole or portions of two or more registered pieces of land the Minister may direct that a certificate of consolidated title shall be taken out in respect of such land, which certificate shall be endorsed to the effect that the land has been laid out as a township.

Establishment of township

23. (1) When all the relevant provisions of regulation 22 have been carried into effect the Registrar shall report accordingly to the Minister, and upon being satisfied that it is proper to do so and subject to the provisions of regulation 46(1)(a) the Minister shall by notice in the *Official Gazette* signify his approval of the establishment of such township and declare the same to be an approved township: Provided that the Minister may not issue any such notice after a period of five years has elapsed from the date of the letter conveying the Minister's decision to the applicant in terms of regulation 11(b), if no such decision was made, regulation 19, unless the Minister on the recommendation of the Secretary on application made to him decides to issue such notice notwithstanding the fact that such period has elapsed. Upon the publication of such notice the township shall be deemed to have been duly established as a township.
- (2) If it is a condition of the establishment of a township that the same shall be incorporated in an authority area, the Chief Minister in the case of a tribal authority, or the Minister in the case of a local authority, may provide for such incorporation by notice in the *Official Gazette*, whether upon the issue of the notice referred to in subregulation (1) or at any other time.

Copy of general plan to be supplied to local authority

24. Upon the publication of the notice referred to in regulation 23(1) the applicant shall, if the approved township is situated within an authority area, furnish the authority with a certified copy or print or tracing of the approved general plan of the township and the conditions subject to which the application to establish the same was granted.

Ownership of public places vests in Government

25. (1) From the date of publication of the notice referred to in regulation 23(1) or of any declaration made by the Minister under regulation 33(4), the ownership of all public places in the approved township shall, subject to the provisions of regulation 38, vest in the Government for the use and benefit of the public: Provided that any such vesting shall not be deemed to impose any liability in regard to the maintenance of such public places other than is imposed by law.
- (2) The Registrar shall record such vesting in the township register.

Registration of land in favour of Government, authority or Minister in trust

26. (1) After the publication of the notice referred to in regulation 23(1), the applicant shall at his own cost, including Government dues, transfer such lots as have been reserved in terms of regulation 16(1)(f) for Government, authority or statutory body purposes in terms of the conditions determined under regulation 18, namely -
 - (a) such lots as have been reserved for Government purposes, to the Government, unless the Government is the township owner;
 - (b) such lots (not being public places) as have been reserved for authority purposes, to the authority, unless the authority is the township owner, or the Minister in trust for a future authority; and
 - (c) such lot or lots as have been reserved for the purposes of any statutory body, to that body.
- (2) The provisions of subregulation (1) shall apply also to any lots which the applicant may be required to transfer by way of endowment in terms of any condition determined under regulation 16(1)(k).
- (3) Upon the constitution of an authority or the incorporation of the township in an authority area, all lots held by the Minister in trust for the authority shall vest in it, and the Registrar shall by an endorsement of the relative title deeds record such vesting in terms of these regulations. Thereafter the title deeds to the said land shall serve and avail as the title deeds of the said authority.
- (4) If any lot situate in an approved township, which shall at any time have been registered in favour of the Government for Government purposes, is not suitable or not required for the purpose it was intended to serve or if any moneys paid in lieu of such transfer are not required for such purpose, the Government may use such lot for any other purpose or alienate it free of any condition restricting its use to any Government purpose and use any proceeds of such alienation or the aforesaid moneys, as the case may be for the purpose of capital expenditure of any nature, whether or not such purpose is for the benefit of the approved township concerned.
- (5) If any lot situate in an approved township, which shall at any time have been registered in favour of an authority for any specified purpose is no longer suitable or is not required for the public purpose which it was intended to serve, the authority may with the prior approval of the Minister, use the same for any other public purpose, or alienate it free of any condition restricting its use to any public purpose, to all intents and purposes as though such lot were freely alienable.
- (6) Pending the constitution of an authority or the incorporation of the township in an authority area, the Minister may direct that the whole or any portion of such lots as have been transferred to the Minister in trust, or any land comprising a public place established for purposes of recreation and the like, may be used in such manner and subject to such conditions as he may deem fit. The Minister may also exchange for other lots within the approved township lots held by him in trust: Provided that nothing hereinbefore contained shall authorise the use of any lot or public place contrary to any purpose for which it was transferred or intended.

Endowment moneys

27. (1) For the purposes of regulation 16(3)(c), the value of any lot referred to therein, exclusive of the value of any buildings or permanent improvements situate thereon, shall be determined in the manner following:
 - (a) If there be a purchase price, such purchase price shall, subject to the provisions of paragraphs (b), (c) and (d), be deemed to be the value of such lot;
 - (b) if the Minister is of opinion that the purchase price does not reflect the true value of the lot, a valuation of the lot as at the date of disposal thereof as contemplated by regulation 16(3)(c) shall be obtained from a valuer appointed by the Minister with the agreement of the applicant or, failing such agreement, by the chairman for the time being of the Natal branch of the South African Institute of Valuers;
 - (c) if the value placed on the lot by such valuer is higher than the purchase price, such value shall be deemed to be the value of the lot and shall be final, and the applicant shall pay the costs in obtaining the valuation;

- (d) if the value placed on the lot by such valuer is equal to or less than the purchase price, the purchase price shall be deemed to be the value of the lot and the authority or, as the case may be, the Minister shall pay the cost in obtaining the valuation;
 - (e) if there is no purchase price, the value shall be deemed to be the value placed on the lot by a valuation by a valuer appointed as provided in paragraph (b), and the applicant shall pay the costs in obtaining the valuation;
 - (f) whenever two or more lots are disposed of together to one person, the authority or the Minister, as the case may be, shall for the purpose of determining the value of each lot have the right to obtain a valuation by a valuer in respect of each lot separately, subject to anything hereinbefore contained;
 - (g) if any lot is leased under a lease for a period of ten years or more, or under a lease which empowers the lessee to renew it for a period or periods which together with the period of the original lease equal or exceed a period of ten years, the provisions of paragraph (e) shall apply.
- (2) If the endowment payable in respect of any lot in a township is not paid within six months of the date on which such lot is disposed of as contemplated by regulation 16(3)(c), the Minister shall charge and recover interest thereon at a rate determined by the Minister but not exceeding the rate referred to in regulation 36(5) for the period from such disposal to the date on which such endowment is paid.
 - (3) The Minister shall from time to time devote and expend in such manner as he may deem proper the moneys referred to in this section on services for the use and benefit of the inhabitants of the township.

CHAPTER VII

RESTRICTIONS RELATING TO TOWNSHIPS

Restrictions relating to the transfer of lots in townships

- 28. (1) No deed of transfer of any lot situate in a township whether proposed or approved, shall be registered in the Deeds Registry or, subject to the provisions of regulation 41, be registered in a registered office, unless and until the Secretary has issued a certificate that the conditions subject to which the application for the establishment of such township was granted, including the bringing into operation of a town planning scheme as provided in regulation 43, have been complied with in respect of the lot proposed to be transferred: Provided that the preceding provisions of this subsection shall not apply to the transfer of the lots contemplated by regulation 16(1)(f) and (k).
- (2) The Registrar and the registration officer shall refuse to register the transfer or the lease of any lot situate within an approved township in respect of which a percentage of the value of such lot is payable to the Government or to the Minister or to a statutory body or to the authority or to the Minister in trust for a future authority, until he is satisfied that the stipulated percentage has been duly paid to such Government or Minister or statutory body or authority or Minister in trust, as the case may be.
- (3) No condition shall be inserted in any deed of transfer of any lot in an approved township which is inconsistent with or repugnant to any condition imposed by the Minister under the provisions of these regulations or anything contained in these regulations.
- (4) The Registrar or the registration officer shall refuse to register the transfer of any lot in an approved township by the applicant if he has been advised by the Minister that any condition imposed under the provisions of these regulations has not been complied with in so far as such condition relates to or affects the lot in question.

Exemption in respect of street construction

- 29. An owner of land in an authority area on which a township is being established in accordance with these regulations shall, subject to any condition prescribed upon the establishment of the township, be exempt from complying with the provisions of any bylaw in operation in such area relating to the formation, construction or hardening or the like of streets upon the subdivision of land involving the layout of new streets.

Conflict of laws

- 30. Any bylaw or regulation made at any time by or for authority within whose area of jurisdiction an approved township is situated, which is in conflict with any condition subject to which the establishment of such township was approved, shall to the extent of such conflict, be of no effect: Provided that if the condition is less onerous than a provision of any such bylaw or regulation, such provision shall prevail.

Conditions of title

- 31. (1) The owner of any lot in a township who desires the alteration, suspension or removal of any restrictive condition or servitude registered against the title deed of the lot, or (in the case of an approved township) imposed in respect of the lot upon the establishment of the township, as contemplated by the Removal of Restrictions Act, 1967 (Act 84 of 1967), shall make an application to the Minister in accordance with and subject to the provisions of the said Act.
- (2) An authority shall observe or enforce every condition subject to which any approved township was established within its area of jurisdiction and shall refuse to approve any building plan in conflict with any such condition; and the Minister may, if he deems it proper to do so, enforce any such conditions notwithstanding that it is enforceable by any other person or body.

Where authority or Government desires to establish a township

- 32. Notwithstanding anything in any law contained relating to the alienation by an authority of immovable property vested in it, the Government or an authority which desires to establish a township on lands vested in it shall make application under regulation 12 for the approval of the Minister of the establishment of such township, subject to the provisions of these regulations.

Exemption from provisions of these regulations in special cases

- 33. (1) Notwithstanding anything to the contrary in these regulations contained, the owner of any piece of land or group of pieces of land who wishes to establish upon any such piece or pieces of land a township -
 - (a) comprising not more than one hundred lots; or
 - (b) situate within the boundaries of any area for which any structure plan has been prepared in terms of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, or any other law, may, in making application under regulation 12, apply also to the Minister to be exempted from compliance with any one or more of the provisions of these regulations, other than the proviso to this subregulation: Provided that -

- (i) if the land is situated in an authority area, the applicant shall furnish proof of compliance with any bylaw in force in such authority area relating to the subdivision of land;
 - (ii) if the land is situated in an authority area, the applicant shall furnish with his application a copy of the plan of the proposed township bearing thereon an endorsement by the authority concerned, accompanied by a separate statement, if necessary, setting forth its views upon the proposal to establish the township, and any conditions which in its opinion ought to be imposed upon the establishment of such township;
 - (iii) if the land is situated within an area in respect of which there is a town planning scheme in course of preparation or in operation, the applicant shall furnish with his application an indication that the proposed township complies with the provisions of any such scheme or in what respects such township does not comply with the provisions of such scheme.
- (2) Upon receipt of the application the Minister may refer the application to the Secretary who shall consider the application and thereafter recommend that it be granted in whole or in part or that it be refused. If the Secretary recommends that the application be granted he shall specify the provisions of these regulations in respect of which in his opinion exemption may be allowed and determine such conditions not inconsistent with the provisions of these regulations as he deems proper for the Minister to impose.
 - (3) Upon the receipt of the Secretary's recommendation the Minister may grant or refuse the application and if he grants the same he shall state the provisions in respect of which exemption is allowed and determine the conditions not inconsistent with the provisions of these regulations subject to which the application to establish the township is granted.
 - (4) Whenever exemption from any of the provisions of these regulations has been granted in terms of this regulation, the Minister, upon being satisfied that it is proper to so, shall, subject to the provisions of regulation 46(1)(a), signify his approval of the establishment of the township and declare it to be an approved township, and upon such declaration such township shall be deemed to have been duly established as a township: Provided that if he deems it expedient to do so the Minister may make such declaration by notice published in the *Official Gazette*.
 - (5) If it is a condition of establishment of a township that the same shall be incorporated in an authority area, the Chief Minister in the case of a tribal authority, or the Minister in the case of a local authority, may effect such incorporation by notice in the *Official Gazette*, whether upon the declaration referred to in subregulation (4) or at any other time.

What constitutes a township

34. A township shall consist of -
 - (a) the subdivision or layout, for any purpose whatsoever, into three or more portions, including a remainder, of any piece or group or pieces of land, situate in -
 - (i) the area of an authority;
 - (ii) an existing township;
 - (iii) an approved township;
 - (b) the subdivision or layout of any piece or group of pieces of land, situate elsewhere than set out in paragraph (a), into two or more portions, including a remainder, for building purposes or urban settlement or deemed by the Minister to be destined for such purposes or settlement.
 - (c) a development contemplated in regulation 8.

Evasion of intent or purpose of regulations

35. (1) If the Surveyor-General, the Registrar or the registration office has reasonable grounds for believing that any area of land which has been or is being divided or laid out is destined for building purposes or urban settlement or that the steps taken or arrangements made by any person in dividing or disposing of land constitute or will constitute in effect an evasion of the intents or purposes of these regulations, he shall refer the matter to the Secretary for investigation and the Surveyor-General shall not approve any diagram of a subdivision of such land nor shall the Registrar or the registration officer register the transfer or lease of any subdivision or other portion of such land pending such investigation and the decision of the Minister upon a recommendation of the Secretary.
- (2) If the Surveyor-General, the Registrar or the registration officer is notified that, in the opinion of the Minister, such area of land is destined for building purposes or urban settlement, or that the proposed division of land will constitute an evasion of the intents or purposes of these regulations, the Surveyor-General shall not approve any such diagram nor shall the Registrar or the registration officer register the transfer or lease of any such subdivision or portion of land unless and until the owner has complied with the relevant provisions of these regulations.

Building and sale restricted pending approval of township

36. (1) Until an application to establish a township has been approved under regulation 18 but subject to any conditions imposed under that regulation, the corner points of the blocks comprising the lots in the proposed township have been defined by beacons in terms of the Land Survey Act, 1927 (Act 9 of 1927), and the regulations thereunder, and the applicant has complied with all conditions relating to the supply of township engineering services imposed on him in terms of regulation 16(1)(g) or furnished a guarantee by a financial institution or other body acceptable to the Secretary in an amount sufficient to cover the cost of complying with such conditions, it shall not be lawful for any person to erect or cause or permit to be erected any building, tent or structure whatever upon any land forming part of such township: Provided that the foregoing provisions shall not prevent the continued occupation of any building or structure legally in existence upon such land and occupied when application is made for the establishment of such township as aforesaid: Provided further that the erection of any building or structure in terms of the foregoing provisions before the township has been duly established as an approved township and the Secretary has issued the certificate contemplated by regulation 28(1) shall be at the risk of the applicant, including risk in relation to conformity of such building or structure with the town planning scheme referred to in that regulation: Provided further that the foregoing provisions shall not prevent the erection of structures or shelters upon land which the Minister has declared for the purposes of this section is being established for occupation by persons for whom more suitable housing is not available by reason of unaffordability, a shortage of land or any other cause.
- (2) Until a township has been duly established and the Secretary has issued the certificate contemplated by regulation 28(1), no person shall sell, purchase, lease, advertise for sale or lease or dispose of in any way any lot in such township except with the consent of the Minister after reference to and consideration of the recommendation of the Secretary, which consent may be granted if the applicant has complied with all conditions relating to the supply of township engineering services imposed on him in terms of regulation 16(1)(g) or furnished a guarantee by a financial institution or other body acceptable to the Secretary in an amount sufficient to cover the cost of compliance with such conditions: Provided that the foregoing provisions shall not prevent the lease or advertisement for lease or, subject to the provisions of regulation 41, the sale, purchase, advertisement for sale or disposal in any other way of any lot in any such township which the Minister has declared for the purposes of this section is being established for occupation by persons contemplated in the third proviso to subregulation (1).

- (3) If prior to the establishment of a township as an approved township and the issue by the Secretary of the certificate contemplated by regulation 28(1), any land forming part of such township is sold -
 - (a) the contract of sale shall contain a stipulation to the effect that the said township has not been declared an approved township and in the absence of such a stipulation the said contract of sale shall prior to such declaration be voidable at the instance of the purchaser of such land; and
 - (b) the contract of sale shall, whether or not it contains such stipulation, be voidable at the instance of the purchaser if such township has not been declared to be an approved township and more than three years have elapsed from the date of such contract, and in either case any moneys paid to the seller shall become due and payable to the purchaser upon the day on which the purchaser cancels the contract of sale in terms of this subregulation: Provided that in the event of the application to establish the township or the granting thereof lapsing for any reason in terms of these regulations, such moneys shall become due and payable to the purchaser upon the day of such lapsing: Provided further that the Minister may in exceptional circumstances extend the aforesaid period of three years for a further period not exceeding two years.
- (4) If prior to the establishment of a township any land forming part of such township and falling within a zone wherein the sale of such land is prohibited under a condition imposed in terms of regulation 16(1)(c) is sold, whether before or after the imposition of such prohibition, the contract of sale in respect of such land shall be voidable at the instance of the purchaser and any moneys paid to the seller shall become due and payable to the purchaser upon the day on which the purchaser cancels such contract.
- (5) The repayment of any money to a purchaser in terms of this regulation shall include interest at the average building society mortgage rate prevailing during the period extending from the date upon which the money was paid initially to the seller until the date upon which the purchaser cancelled the contract of sale in terms of this regulation.
- (6) For the purpose of this regulation the word 'sell' shall include selling under suspensive condition, or the selling or granting of an option to purchase, or any like agreement involving or relating to the payment of money.
- (7) The provisions of this regulation shall not be construed as prohibiting -
 - (a) any person from purchasing land on which he wishes to develop a township subject to a condition that, upon the land in the township or any part thereof becoming registrable, one or more of the lots in such township or part thereof will be transferred to the seller;
 - (b) any person from concluding a land availability agreement;
 - (c) any applicant from ceding or delegating the right and obligation to develop any land owned by such applicant to a township developer, or in the case of any land being developed by such applicant as the duly authorised agent or with the consent of the owner, to any person or body to whom such cession or delegation may take place in terms of such authority or consent, or, in the case of land made available to such applicant as contemplated in regulation 7, to any person or body to whom such cession or delegation may take place in terms of a land availability agreement.

CHAPTER VIII

AMENDMENT AND CANCELLATION OF GENERAL PLANS

Application for alteration, amendment or cancellation of general plan

37. An application for the consent of the Minister in terms of section 30(2) of the Land Survey Act, 1927 (Act 9 of 1927), shall be made substantially in the form of an application to establish a township under the provisions of these regulations and the Minister may impose conditions not inconsistent with these regulations subject to which his consent is granted: Provided that the Minister may, if he is of the opinion that the granting of the application will not prejudice anyone, including in particular the owners of lots in the vicinity of the land concerned in the application, dispense with the requirement that the application be advertised or he may in addition to the publication of such advertisement require that a copy of the advertisement should be served on every owner of land who in his opinion may be adversely affected in a material respect by granting the application: Provided further that the Minister may dispense with the necessity of notification in the *Official Gazette* that he has given his consent to such application.

Result of cancellation of general plan

38. (1) If the general plan of any approved township be totally cancelled by the Surveyor-General under the powers vested in him by section 30 of the Land Survey Act, 1927 (Act 9 of 1927), such township shall cease to exist as a township and the ownership of all public places therein vested in the authority or in the Minister in trust for a future authority, as the case may be, shall revert in the township owner, and the Registrar shall record such reversion and shall make the necessary endorsements on the relative title deeds in accordance with the law relating to the registration of deeds.
- (2) If the general plan of any approved township be partially cancelled by the Surveyor-General under the powers vested in him by section 30 of the Land Survey Act, 1927, the cancelled portion of such township shall cease to exist as a portion of the approved township and the ownership of all public places within the cancelled portion vested in the authority or in the Minister in trust for future authority, as the case may be, shall re-vest in the township owner, and the Registrar shall record such re-vesting and shall make the necessary endorsements on the relative title deeds in accordance with the law relating to the registration of deeds.
- (3) If the general plan of any approved township be totally or partially cancelled by the Surveyor-General under the powers vested in him by section 30 of the Land Survey Act, 1927, the lots within such cancelled township or cancelled portion of the township, as the case may be, which have been transferred in terms of regulation 26 shall revert to the township owner, who shall be entitled to claim and obtain at his own cost from the authority or the Minister holding in trust, or the statutory body, as the case may be, the re-transfer of such lots: Provided that if the authority or the Minister in trust or the statutory body as aforesaid shall have incurred or be committed to any expenditure in respect of the lots so transferred, re-transfer of such lots shall only be claimable against payment or refund of or a discharge from such expenditure.
- (4) Notwithstanding anything contained in subregulations (1) and (2), if any township referred to therein is situated within an authority area, nothing contained in those subregulations shall apply nor shall the public places in such township be closed until the provisions of any law relating to the permanent closing of streets in authority areas have been complied with, *mutatis mutandis*, and the closing of such public places has been approved in accordance with any such provisions: Provided that the Minister may, if he deems it proper to do so in any case referred to in this regulation, approve the closing of the public places without prior compliance with the provisions aforesaid, subject to such conditions as he may stipulate, whether the land is situated inside or outside an authority area.
- (5) If upon the closing of the public place in a township referred to in subregulations (1) and (2) which is situated within an authority area there is a conflict of laws regarding the vesting of the ownership of such places, the provisions of these regulations regarding such vesting shall apply.

CHAPTER IX

APPLICATION TO AUTHORITY AREAS

These regulations to apply to authority areas

Minister may exclude authority areas from these regulations

40. (1) The Minister may, by notice in the *Official Gazette* and subject to such conditions as he may consider necessary or desirable, exclude from the operation of these regulations an area under the control and jurisdiction of any authority if he is satisfied that -
- (a) such authority has qualified technical officers competent to advise it upon matters connected with the subdivision of land and the layout of new townships; and
 - (b) it is in the public interest so to do.
- (2) Any notice issued in terms of this regulation may at any time be amended, varied or revoked by the Minister by a further notice.

CHAPTER X

DEED OF GRANT RIGHTS DURING TOWNSHIP ESTABLISHMENT

Disposal of deed of grant rights during township establishment

41. The registration officer may register deed of grant rights in respect of lots shown on a general plan or subdivisional diagram that has, subject to the provision of regulation 42, been endorsed by the Secretary for the purpose, notwithstanding the fact that -
- (a) the township register has not been opened under regulation 22;
 - (b) the certificate of compliance with conditions of establishment has not been issued under regulation 28(1).

Secretary to endorse general plan or diagram

42. (1) The Secretary may endorse a general plan or diagram as contemplated in regulation 41 if -
- (a) such general plan or diagram has been approved by the Surveyor-General;
 - (b) the applicant has complied with all conditions relating to the supply of township engineering services imposed on him in terms of 16(1)(g) or furnished a guarantee by a financial institution or other body acceptable to the Secretary to cover the cost of compliance with those conditions;
 - (c) the applicant has delivered to the Secretary -
 - (i) a power of attorney empowering the Secretary to open the township register if the relevant documents are not lodged by the applicant with the Registrar within the six-month period referred to in regulation 22(1) or such extended period as may be allowed under that regulation;
 - (ii) a guarantee by a bank, building society or other financial institution, or any other guarantee acceptable to the Secretary, and expressed to be payable to him if the applicant does not open such register within the period contemplated in subparagraph (i);
 - (iii) an undertaking to the Secretary to furnish to him all plans, diagrams, title deeds and other documents required to open such register if it has not been opened within such period;
 - (iv) a copy of the general plan or diagram;
 - (d) a town planning scheme relating to such lots has been approved and made known as provided in regulation 43; and
 - (e) the provisions of regulation 46(1)(b) have been complied with.
- (2) The Secretary shall furnish a copy of a general plan or diagram endorsed by him under subregulation (1) to the registration officer.
- (3) The provisions of this Chapter shall not apply to lots situated in a provincial survey area.

CHAPTER XI

TOWN PLANNING SCHEMES

Scheme to be in operation before lots may be transferred

43. (1) The Secretary shall not -
- (a) issue a certificate of compliance with conditions of establishment under regulation 28(1); or
 - (b) endorse a general plan or subdivisional diagram under regulation 41, in respect of any lot unless a town planning scheme has been brought into operation in relation to that lot.
- (2) Notwithstanding the provisions of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, the first town planning scheme for a township to be established under these regulations shall be brought into operation without prior consultation, public notice or the receiving of objections or representations in relation to the scheme.

Standard scheme clauses to apply

44. The scheme clauses forming part of the first town planning scheme for any township to be established under these regulations shall be -
- (a) the scheme clauses contained in Schedule B to the KwaZulu Land Affairs (Town Planning) Regulations, 1994; or
 - (b) if the applicant satisfies the Secretary that reasonable grounds exist for the bringing into operation of any other such clauses, such other clauses as the Secretary may determine.

CHAPTER XII

MISCELLANEOUS PROVISIONS

Continuation of application by new applicant

45. (1) If a person other than the original applicant has become the owner or agent of the owner of land in respect of which an application to establish a township has been made, and the new owner or agent notifies the Secretary in writing that he wishes to continue with the application, the Secretary may, if the application has not lapsed, consent to the continuation of the application by such person on any condition he may deem expedient.
- (2) An applicant who continues with an application in terms of subregulation (1) shall, for the purposes of these regulations, be deemed to be the applicant who originally made the application.

Fees to be paid in respect of lots in approved township

46. (1) The applicant shall pay to the Secretary the fee specified in Schedule C in respect of every lot shown on the general plan or subdivisional diagram concerned before -
- (a) any notice under regulation 23(1) or declaration under regulation 33(4) is issued; or
- (b) any general plan or subdivisional diagram is endorsed by the Minister under regulation 41.
- (2) The fee payable before the issue of a notice or declaration mentioned in subregulation (1)(a) shall be paid notwithstanding the fact that a fee was paid in respect of an endorsement mentioned in subregulation (1)(b).

Short title

47. These regulations shall be called the KwaZulu Land Affairs (Township Establishment) Regulations, 1994.

SCHEDULE A

APPLICATION FOR DECISION IN PRINCIPLE

KWAZULU LAND AFFAIRS (TOWNSHIP ESTABLISHMENT) REGULATIONS, 1994

[regulation 9]

PART I: ACKNOWLEDGEMENT OF RECEIPT

TO:

.....

.....

.....

(applicant to insert his name and address)

I hereby acknowledge receipt of the original and a copy of this form, together with the documents referred to below (applicant to insert description of documents), and I hereby allocate the reference number.....to this application.

1.

2.

3.

4.

5.

.....
Secretary

.....
Date of receipt

PART II: APPLICATION

The Secretary of the Interior
Private Bag X02
ULUNDI
3838

Applicant's address:

.....
.....
.....
.....

Tel No:

Applicant's reference:

Sir

PROPOSED TOWNSHIP:

LOCATED ON:

I, the undersigned,
hereby apply for a decision by the Minister that the establishment of a township on the land described herein is acceptable in principle, and submit the particulars that appear hereafter.

Date:

Signature:

* Delete that which is not applicable

1. DOCUMENTS INCLUDED IN APPLICATION

YES

NO

N/A

(Please make a cross in the appropriate column)

- | | | | | |
|-----|---|-------|-------|-------|
| 1.1 | A copy of completed application form, accompanied by the documents as indicated below ..... | ..... | ..... | ..... |
| 1.2 | A memorandum in support of the application ..... | ..... | ..... | ..... |
| 1.3 | A copy of the title deed(s) ..... | ..... | ..... | ..... |
| 1.4 | A locality plan showing the situation of the proposed township on the piece of land, routes giving access to the nearest main road and the road network in the vicinity of the township, and the situation of any sewage disposal works within 10km of the township ..... | ..... | ..... | ..... |
| 1.5 | An engineer's report on any existing and required bulk sewerage, water supply, electricity, road and drainage services ..... | ..... | ..... | ..... |
| 1.6 | A town planner's report on conformity of the proposed township to any applicable or envisaged structure plan ..... | ..... | ..... | ..... |
| 1.7 | A copy of a geotechnical report ..... | ..... | ..... | ..... |
| 1.8 | If the answer is "no" or "not applicable" in respect of any of the foregoing documents, give reasons (lengthy explanations can be attached as annexures) ..... ..... | ..... | ..... | ..... |
.....
..... | | | |
| 1.9 | Other documents attached.......... | ..... | ..... | ..... |
.....
..... | | | |

2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

- 2.1. Proposed name of township
- 2.2. Name of applicant:

2.3 Property

Title deed description of every portion of the farm/smallholding on which the proposed township is to be developed:

.....
.....

(i) Title Deed No.:

.....

(ii) Title Deed No.:

.....

(iii) Title Deed No.:

2.4 Full name of registered owner of the land:

.....

2.5 The proposed township -

2.5.1 is situated within the tribal/local authority area of

.....

2.5.2 adjoins the following tribal/local authority areas:

.....

.....

2.6 The proposed township falls within the area of the town planning
planning scheme/does not fall within the area of any town planning scheme*.

2.7 Proposed land use(s) and total number of lots intended for each use:

	<i>Proposed use</i>	<i>Number of lots</i>
2.7.1	Residential	.....
2.7.2	Business	.....
2.7.3	Industrial	.....
2.7.4	Community facility	.....
2.7.5	Municipal	.....
2.7.6	Agricultural	.....
2.7.7	Public open space	.....
2.7.8	Parking	.....
2.7.9	Government	.....
2.7.10	Special	.....
2.7.11	Undetermined	.....

2.8 The land on which the township will be established -

*will be/has been made available to the applicant by

.....

.....
as contemplated in section 6 of the Act, and the conditions on which the land has been so made available are contained in a land availability
agreement*, a copy of which is attached to this application

or

*will be established by the applicant on behalf of

.....

.....
(insert full name of owner) by virtue of a power of attorney, a copy of which is attached to this application

* Delete that which is not applicable

SCHEDULE B

APPLICATION FOR ESTABLISHMENT OF TOWNSHIP

**KWAZULU LAND AFFAIRS (TOWNSHIP ESTABLISHMENT) REGULATIONS, 1994
[regulation 12(1)]**

PART I: ACKNOWLEDGEMENT OF RECEIPT

TO:
.....
.....
.....

(applicant to insert his name and address)

I hereby acknowledge receipt of the original and two copies of Parts II and III of this form, together with the documents referred to below *(applicant to insert description of documents)*, and I hereby allocate the reference number..... to this application.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

.....
Secretary

.....
Date of receipt

PART II: APPLICATION

The Secretary of the Interior
Private Bag X02
ULUNDI
3838

Applicant's address:

.....
.....
.....
.....

Tel No:

Applicant's reference:

Sir

PROPOSED TOWNSHIP:

SITUATED ON:

I, the undersigned, _____, being -

- the registered owner of the land described herein,
or
- the person to whom the land described herein has been made available as contemplated in section 5 of the KwaZulu Land Affairs Act, 1992,
or
- the duly authorised agent of such person

hereby apply for permission to establish a township on the land described herein and submit the particulars that apply hereafter.

Date:_____

Signature:_____

* Delete that which is not applicable

1. DOCUMENTS INCLUDED IN APPLICATION

(if not included in an application for a decision in principle under regulation 11) (make a cross in the appropriate column)

	YES	NO	N/A
1.1 Two copies of completed application form, each accompanied by the documents as indicated below			
1.2 A print of the proposed township layout, including a 1:50 000 inset locality plan showing the situation of the proposed township in relation to cadastral boundaries and the nearest main road.....			
1.3 A copy of the memorandum in support of the application			
1.4 A copy of the title deed(s)			
1.5 A copy of any deed of servitude that applies to the land			
1.6 A copy of any mortgage bond(s) relating to the land			
1.7 A copy of the mineral rights certificate or mineral rights cession			
1.8 A copy of owner's consent or power(s) of attorney, if applicable			
1.9 A copy of the applicant's company resolution, if applicable			
1.10 A floodline certificate indicating whether the property is or is not subject to a 1 in 50 year flood			
1.11 A copy of the mortgagee's consent, if applicable			
1.12 A copy of the mineral right holder's consent, if applicable			
1.13 Proof of reservation for township purposes in terms of section 184 of the Mining Rights Act, 1967, if applicable			
1.14 A copy of a geotechnical report			
1.15 A certificate from a land surveyor, town planner or attorney stating that the conditions of title or servitude(s) recorded in the title deed(s) do not affect the proposed township, or stating the manner in which each servitude is to be cancelled or amended			
1.16 A copy of the land availability agreement, if already concluded			
1.17 A copy of any engineering services agreement, if already concluded			
1.18 Draft scheme clauses.....			
1.19 If the answer is "no" or "not applicable" in respect of any of the foregoing documents, give reasons (lengthy explanations can be attached as annexures)			
1.20 Other documents attached			

2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

2.1 Name of proposed township (also indicate whether the name has been approved by the relevant authority and, if so, by whom):

.....

2.2 Name of applicant:

2.3 Property

Title deed description of every portion of the farm/smallholding* on which the proposed township is to be developed:

.....

.....

(i) Title Deed No.:

.....

(ii) Title Deed No.:

.....

(iii) Title Deed No.:

.....

2.4 Full name of registered owner of the land:

.....

2.5 The land is/is not* mortgaged and particulars of the relevant mortgage bonds are as follows:

2.5.1 Property:

(i) Bond No..... in favour of

(ii) Bond No..... in favour of

(iii) Bond No..... in favour of

2.5.2 Property:

(i) Bond No..... in favour of

(ii) Bond No..... in favour of

(iii) Bond No..... in favour of

2.6 Mineral rights have/have not* been severed from the ownership of the land and are held by:

.....

.....

.....

2.7 A lease of the rights to minerals has/has not* been granted/A prospecting contract has/has not* been entered into, the particulars of which are as follows*:

.....

.....

2.8 Status of land in terms of the provisions of the Mining Rights Act, 1967:

2.8.1 The land has/has not* been proclaimed in terms of the Act (furnish details):

.....

.....

2.8.2 The land has/has not* been reserved for township purposes in terms of section 184 of the Act (furnish details):

.....

.....

2.8.3 The land has/has not* been mined for precious metals or base metals as defined in section 1 of the Act (furnish details):

.....

.....

2.9 The applicant proposes still to take the following steps in respect of the position set out in paragraphs 2.6, 2.7, and 2.8 above (*indicate full ... particulars of the steps that the applicant proposed to take and when they are likely to be completed*):

.....
.....

2.10 The applicant requests that the Minister approve the application notwithstanding the fact that the steps referred to in paragraph 2.9 above have not yet been taken, and further requests that the Minister imposes the following conditions in this regard, as contemplated in regulation 18:

.....
.....

2.11 The proposed township -

2.11.1 is situated within the tribal/local authority area of

.....

2.11.2 adjoins the following tribal/local authority areas:

.....

2.12 The proposed township falls within the area of the town planning scheme/does not fall within the area of any town planning scheme*.

2.13 Proposed land use(s) and total number of lots intended for each use:

	<i>Proposed use</i>	<i>Number of lots</i>
2.13.1	Residential	.....
2.13.2	Business	.....
2.13.3	Industrial	.....
2.13.4	Special	.....
2.13.5	Community facility	.....
2.13.6	Public open space	.....
2.13.7	Municipal	.....
2.13.8	Parking	.....
2.13.9	Government	.....

2.14 Indicate in detail how each of the conditions and servitudes contained in the title deed(s) of the properties affects the proposed township and how these conditions and servitudes are to be dealt with:

.....
.....

(Where it is indicated that any condition of title or servitude does not affect the proposed township, a certificate to this effect from a registered land surveyor or town planner or attorney shan be submitted).

2.15 The land on which the township will be established -

* has been made available to the applicant by

.....
.....

as contemplated in section 5 of the Act, and the conditions on which the land has been so made available are contained in a land availability agreement*, a copy of which is attached to this application

or

* will be established by the applicant on behalf of

.....
.....

(insert full name of owner) by virtue of a power of attorney, a copy of which is attached to this application

* Delete that which is not applicable

PART III: CONDITIONS OF ESTABLISHMENT

(See regulation 16. The Minister will use this part of the application as the basis for imposing conditions of establishment in terms of regulation 18.)

3. SUMMARY OF TOWNSHIP PARTICULARS

(Paragraph 3 serves as a summary and check sheet. With the exception of paragraph 3. 7 below, the applicant must provide details.)

- 3.1 Proposed name of township
- 3.2 Comprising (number of erven and uses)
- 3.3 As shown in layout plan No.
- 3.4 Situate on
- 3.5 In the area of jurisdiction of (authority)
- 3.6 Title Deed(s) No.
- 3.7 Amendments, if any (to be completed by Secretary)

4. PROPOSED CONDITIONS TO BE COMPLIED WITH PRIOR TO THE TOWNSHIP BEING DECLARED AN APPROVED TOWNSHIP UNDER . REGULATION 23

(The conditions stated in paragraph 4 are guide-lines only and the applicant may suggest amended and/or different conditions in appropriate cases.)

4.1 CANCELLATION OF EXISTING CONDITIONS OF TITLE

The applicant shall at his or its own expense cause the following conditions and servitudes to be cancelled or otherwise dealt with as follows:

4.2 CONSOLIDATION OF COMPONENT PORTIONS

The applicant shall at his or its own expense cause the component portions comprising the township to be consolidated where necessary.

4.3 MINERAL RIGHTS

(Propose the conditions relating to mineral rights as contemplated in regulations 16(1)(m) and 18.)

4.4 GENERAL

**CONDITIONS TO BE COMPLIED WITH BEFORE LAND BECOMES
REGISTRABLE IN TERMS OF REGULATION 28(1)**

5. (The conditions stated in paragraph 5 are guide-lines only and the applicant may suggest amended or different conditions in appropriate cases.)

5.1 NAME

The name of the township shall be

5.2 DESIGN

The township shall consist of lots and streets as indicated on plan

5.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All lots except the following lots shall be made subject to existing conditions and servitudes not cancelled or otherwise dealt with in terms of paragraph 4.1 above, if any, including the reservation on rights to minerals:

.....

.....

5.4 REPOSITIONING OF ELECTRICAL CIRCUITS

If, by reason of the establishment of the township, it should become necessary to reposition any existing electricity installations, the cost thereof shall be borne by the applicant.

5.5 PROVISION AND INSTALLATION OF SERVICES

5.5.1 The applicant shall provide and install all internal services in the township.

5.5.2 The KwaZulu Government shall provide and install all external services in the township.

5.6 OTHER CONDITIONS

(Insert other conditions to be complied with before the land becomes registrable, for example conditions relating to endowments or conditions in respect of mineral rights to be met after approval of the township.)

.....

.....

6. SUGGESTED LAND USES TO BE APPROVED BY THE MINISTER

(The draft scheme clauses submitted with the application must provide for the different proposed land uses. Insert the lot numbers as they appear on the layout plan. If the same lots are given different numbers on the general plan, transfer must be given of such lots with reference to the numbers as they appear on the general plan and scheme map, and the uses in the scheme shall apply).

6.1 Residential: Lots Nos:

6.2 Business: Lots Nos:

6.3 Industrial: Lots Nos:

6.4 Special (specify): Lots Nos:

6.5 Community Facility: Lots Nos:

6.6 Public Open Space: Lots Nos:

6.7 Municipal: Lots Nos:

6.8 Parking: Lots Nos:

6.9 Government: Lots Nos:

7. DRAFT CONDITIONS OF TITLE

- 7.1 The lot is subject to a servitude, 1 metre wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle lot, an additional servitude for municipal purposes 1 metre wide across the access portion of the lot, if and when required by the local authority: Provided that the local authority may waive compliance with the requirements of this servitude.
- 7.2 No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 1 metre thereof.
- 7.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

SCHEDULE C

TARIFF OF FEES AND CHARGES

A. Fees, other than publication fees and travelling allowances

1. Application for decision in principle (regulation 9(b)): R90,00 plus 80c/ha or part thereof of the land concerned.
2. Application to establish township (regulation 12(1)(b)): R10,00 per application plus R5,00 per lot.
3. Application to amend conditions on which township application was granted (regulation 20): R40,00.
4. Fee payable before approval of township (regulation 46(1)(a)): R6,00 per lot.
6. Fee payable before endorsement of general plan or diagram (regulation 46(1)(b)): R6,00 per lot.

B. Publication fees and travelling allowance:

1. Publication fees (regulation 9(b)): R250,00.
2. Travelling allowance, for the distance actually and necessarily travelled, reckoned from the office of the person concerned, both on the forward and the return journey, per kilometer or part thereof (regulation 12(2)): R0,70.

C. Deposit:

1. Deposit payable with application to establish township (regulation 12(2)): R200,00.

ANNEXURE D.

NOTICE OF PROPOSED TOWNSHIP

KWAZULU LAND AFFAIRS (TOWNSHIP ESTABLISHMENT) REGULATIONS, 1994

[regulation 10(a)(ii) or 13(1)]

PLEASE TAKE NOTICE THAT the developer mentioned below proposes to establish a township on the land described below.

PLEASE TAKE NOTICE FURTHER THAT the relevant plans, documents and information are available for inspection at the offices of the Magistrate and the developer (indicated below) for a period of three weeks from (insert date of first publication of this notice).

PLEASE TAKE NOTICE FURTHER THAT any person who desires to make representations regarding the establishment of the proposed township must deliver such representations together with the reasons therefor to the Secretary of the Interior, KwaZulu Government, at his address set out below within the said period of 3 (three) weeks.

Proposed name of township

Name of developer

Address of Magistrate where documents may be inspected

Address of developer where documents can be inspected

Address of Secretary of the Interior

Approximate number and zoning of lots

Locality and description of land

Ek, Emmanuel Stephen Campbell Sithebe, Minister van Binnelandse Sake-

- (a) vaardig hiermee, kragtens die bevoegdheid my verleen by artikel 37(1) van die KwaZulu-Wet op Grondsake, 1992, (Wet 11 van 1992), die regulasies uit soos uiteengesit in die Bylae.
- (b) bepaal dat regulasie 28(1) in soverre as wat dit verband hou met 'n dorpbeplanningskema, regulasie 42(1)(d) en Hoofstuk XI in werking sal tree op die datum van inwerking van die Dorpsbeplanningregulasies beoog in die genoemde Hoofstuk XI.

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

BYLAE

REGULASIES OOR DORPSTIGTING

HOOFSTUK I

INDELING EN WOORDOMSKRYWING

Indeling

1. Hierdie regulasies is ingedeel in hoofstukke en bylaes betreffende die volgende sake:

Hoofstuk I: Indelings en woordoms krywing

1. Indelings;
2. Woordoms krywing;

Hoofstuk II: Toepassing van hierdie Regulasies

3. Regulasies moet as 'n reël toegepas word;
4. Uitsonderings;
5. Oorgang;
6. Gemeenskaplike of agentskapadministrasie;

Hoofstuk III: Goedkeuring van Minister vereis

7. Geen dorp mag gestig word sonder goedkeuring van Minister nie;
8. Geen ontwikkeling mag onderneem word sonder goedkeuring van Minister nie;

Hoofstuk IV: Besluit in beginsel

9. Opsionele aansoek om besluit in beginsel;
10. Onderzoek voor besluit in beginsel;
11. Besluit van Minister;

Hoofstuk V: Aansoek om dorpstigting

12. Aansoek om dorp te stig;
13. Kennisgewing van aansoek om dorp te stig;
14. Inspeksies;
15. Behandeling van aansoek;
16. Voorwaardes vir stigting van dorp;
17. Sekretaris se verslag aan Minister;
18. Magte van Minister;
19. Minister moet kennis gee oor goedkeuring van aansoek;
20. Wysigings van voorwaardes en verdeling van dorp;

Hoofstuk VI: Prosedure om dorp as goedgekeur te verklaar

21. Aansoeker moet planne en diagramme aan Landmeter-generaal voorlê;
22. Indiening van planne en titelakte vir endossering of registrasie;
23. Stigting van dorp;
24. Afskrif van algemene plan moet aan owerheid voorsien word;
25. Eienaarskap van openbare plekke berus by Regering;
26. Oordrag van grond aan Regering, owerheid of Minister in trust;
27. Begiftigingsgelde;

Hoofstuk VII: Beperkings betreffende dorpe

28. Beperkings op die oordrag van erwe in dorpe;
29. Vrystelling ten opsigte van straataanleg;
30. Botsing van wette;
31. Voorwaardes van akte;
32. Waar owerheid of Regering 'n dorp wil stig;
33. Vrystelling van bepalings van regulasies in spesiale gevalle;
34. Samestelling van dorp;
35. Ontduiking van bedoeling van regulasies;
36. Bou en verkoop aan bande gelê in afwagting op goedkeuring van dorp;

Hoofstuk VIII: Wysiging en kansellasië van algemene planne

37. Aansoek om aanpassing, wysiging of kansellasië van algemene plan;
38. Resultaat van kansellasië van algemene plan;

Hoofstuk IX: Aansoek om Owerheidsgebiede

39. Hierdie regulasies te geld vir owerheidsgebiede;
40. Die Minister mag owerheidsgebiede uitsluit van hierdie regulasies;

Hoofstuk X: Grondbriefregte gedurende dorpsstigting

41. Registrasie van grondbriefregte gedurende dorpsstigting;
42. Sekretaris moet algemene plan of diagram endosseer;

Hoofstuk XI: Dorpsbeplanningskemas

43. Skema moet in werking wees voor oordrag van erwe kan geskied;
44. Standaard skemaklousules moet geld;

Hoofstuk XII: Diverse bepalinge

45. Voortsetting van aansoek deur nuwe aansoeker;
46. Gelde betaalbaar ten opsigte van erwe in goedgekeurde dorp;
47. Kort titel;

Bylaes

- A. Aansoek om besluit in beginsel;
- B. Aansoek om stigting van dorp;
- C. Tarief van gelde en heffinge;
- D. Kennisgewing van voorgestelde dorp.

Woordomskrywing

2. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is, daardie betekenis, en tensy die konteks anders dui, beteken -
"aansoeker" met betrekking tot 'n voorgestelde dorp, die dorps-eienaar of sy behoorlik gemagtigde agent;
"dorp" 'n dorp binne die betekenis van regulasie 34;
"eienaar" of "dorpe-eienaar" -
 - (a) 'n dorpsontwikkelaar of owerheid aan wie sodanige grond beskikbaar gestel is ingevolge artikel 5 van die Wet;
 - (b) op grond wat by die Regering berus kragtens 'n proklamasie ingevolge artikel 36 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet 21 van 1971), die Regering;
 - (c) die geregistreerde eienaar van die grond met inbegrip van sodanige dorp op die datum -
 - (i) van die aansoek vir goedkeuring vir die stigting daarvan, in die geval van 'n voorgestelde dorp;
 - (ii) wanneer dit uitgelê is as 'n dorp, in die geval van 'n bestaande dorp;
"erf" enige erf of stuk grond in 'n dorp afgesien van 'n openbare plek en sluit grondbriefregte ten opsigte van 'n erf in;
"komitee" die KwaZulu-beplanningskomitee vir grondsake saamgestel ingevolge regulasie 4 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994;
"oordrag" die registrasie van grondbriefregte;
"openbare plek" -
 - (a) enige straat, pad, laan, gang of ander deurgang, insluitende enige brug, duikweg, drein, riool of dergelike in 'n straat;
 - (b) enige plein, park, ontspanningsterrein, dorpsgrond of afgeslote of oop ruimte -
 - (i) wat geleë is in 'n goedgekeurde dorp vir die gebruik en tot voordeel van die publiek en wat op die algemene plan van die dorp aangetoon is;
 - (ii) waarvan die Regering, of die gesag berus by die eienaarskap, beheer of bestuur of titelakte vir die gebruik en voordeel van die publiek, of wat die publiek die reg het om te gebruik; of
 - (iii) waartoe die publiek, of die inwoners van, of die eienaars van erwe in die dorp 'n gemeenskaplike reg het;
"owerheid", met betrekking tot 'n dorp of voorgestelde dorp, die plaaslike of stamowerheid in die gebied van jurisdiksie waarbinne die grond ingesluit in sodanige dorp of voorgestelde dorp geleë is;
"owerheidsgebied" die jurisdiksiegebied van 'n owerheid;

"private grond" grond besit deur 'n ander persoon as die Regering of 'n owerheid en sluit ook grond uit wat ingevolge artikel 5 van die Wet beskikbaar gemaak is;

"registrasiebeampte", met betrekking tot grond, die registrasiebeampte in beheer van die registrasiekantoor vir die gebied waarin die grond geleë is;

"Registrateur" die Registrateur van Aktes ...

"Sekretaris" die Sekretaris van Binnelandse Sake en sluit enige amptenaar in die Departement van Binnelandse Sake in aan wie die Sekretaris sy magte en funksies ingevolge hierdie regulasies gedelegeer het;

"statutêre liggaam" enige raad of liggaam gestig deur of ingevolge enige wet en wat in sy geheel of gedeeltelik in stand gehou word uit gelde bewillig vir daardie doel deur die Parlement of die Wetgewende Vergadering van KwaZulu, en sluit in die maatskappy Transnet Beperk geïnkorporeer ingevolge artikel 2 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989) en die Suid-Afrikaanse Spoorvervoerkorporasie Beperk gestig ingevolge artikel 22 van die Wet;

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

HOOFSTUK II

TOEPASSING VAN HIERDIE REGULASIES

Regulasies moet as 'n reël toegepas word

3. 'n Dorp mag, behoudens enige uitsondering ingevolge regulasie 4, 33 of 40, slegs gestig word in ooreenkomstig hierdie regulasies.

Uitsondering

4. (1) Die bepalinge van hierdie regulasies is nie van toepassing op -
- (a) die geleidelike uitbreiding volgens die plaaslike gewoonte of gebruik of ingevolge artikel 25(1)(a) van die Wet, van 'n bestaande dorp
 - (b) die stigting of uitbreiding van 'n dorp, wat strukture of woonplekke insluit, bewoon deur persone vir wie meer geskikte behuising nie beskikbaar is nie, as gevolg van die onbekostigbaarheid daarvan, 'n gebrek aan grond of enige ander oorsaak, maar onderhewig aan enige verklaring kragtens subregulasie (3) dat sodanige dorp 'n onwettige dorp is.
- (2) Die Minister mag, ingevolge sodanige bepalinge en voorwaardes wat hy mag stel, enige persoon vrystel van enige of al die bepalinge van hierdie regulasies indien, volgens die mening van die Minister, 'n snelle ontwikkeling van die betrokke dorp in die openbare belang noodsaaklik en wenslik is.
- (3) Indien 'n dorp beoog in subregulasie (1)(b) gestig of uitgebrei word -
- (a) kan die Minister, by wyse van kennisgewing in die *Amptelike Koerant* wat die betrokke grond afbaken, sodanige dorp as 'n onwettige dorp verklaar indien hy van mening is dat die openbare belang dit vereis;
 - (b) moet die Sekretaris die bewoners van so 'n dorp in kennis stel en, in die geval waar sodanige grond besit word deur 'n persoon buiten die Regering, die eienaar van die grond, dat die dorp onwettig verklaar is.
- (4) Nadat 'n dorp as 'n onwettige dorp verklaar is ingevolge subregulasie (3), mag geen persoon enige gebou op die grond waarna in die kennisgewing verwys is, oprig, verander, bewoon of gebruik sonder die vooraf skriftelike toestemming van die Minister nie, wat sodanige voorwaardes mag stel as wat hy wenslik ag.
- (5) Die Sekretaris mag die nakoming van die bepalinge van subregulasie (4) afdwing deur 'n toepaslike hofbevel van enige hof met jurisdiksie te verkry.

Oordrag

5. Die bepalinge van hierdie regulasies sal, in die mate waarin dit gelas word deur die Minister, *mutatis mutandis* geld ten opsigte van die stigting van 'n dorp waarmee daar voor die inwerkingtreding van hierdie regulasies begin is maar wat nog nie afgehandel is nie.

Gemeenskaplike of agentskapadministrasie

6. (1) Indien die administrasie van artikel 12 van die Wet toegewys is aan die Wet op die Gesamentlike Uitvoerende Owerheid vir KwaZulu en Natal, 1986 (Wet 80 van 1986), of indien sodanige owerheid gemagtig is om sy magte, pligte en funksies ingevolge daardie artikel uit te voer, mag dorpe gestig word ooreenkomstig sodanige toewysing of magtiging, na gelang van die geval.
- (2) Indien 'n ooreenkoms bedoel in artikel 38 van die Wet gesluit is vir die uitvoering van 'n owerheid of persoon waarna in daardie artikel van enige wet verwys is waarvoor in hierdie regulasies voorsiening gemaak is, moet dorpe gestig word ooreenkomstig die bepalinge van daardie ooreenkoms.

HOOFSTUK III

GOEDKEURING VAN MINISTER VEREIS

Geen dorp mag sonder goedkeuring van die Minister gestig word nie

7. Onderhewig aan enige uitsondering beoog in hierdie regulasies, mag geen persoon 'n dorp stig sonder die goedkeuring van die Minister nie.

Geen ontwikkeling mag onderneem word sonder die goedkeuring van die Minister nie

8. (1) (a) Onderhewig aan enige uitsondering bedoel in hierdie regulasies, mag geen persoon, sonder die vooraf magtiging van die Minister, binne die betekenis van hierdie regulasie, enige grond ontwikkel nie, hetsy binne of buite 'n owerheidsgebied: Met dien verstande dat die bepalinge van hierdie subregulasie nie sal geld indien -
- (i) 'n dorpsbeplanningskema vir sodanige grond aansoek doen nie, of
 - (ii) sodanige grond geleë is in 'n goedgekeurde dorp ten opsigte waarvan daar geen dorpsbeplanningskema is nie en sodanige ontwikkeling voldoen aan die voorwaardes vir stigting betreffende die gebruik van sodanige dorp van toepassing op die tydstip waarop beplan is om sodanige ontwikkeling te onderneem, tensy die Minister -

- (aa) met betrekking tot 'n owerheidsgebied of enige ander gebied deur hom gespesifiseer, oor die algemeen, of
- (bb) spesifiek, gelas het dat aansoek vir sodanige magtiging gedoen moet word.
- (b) Die magtiging bedoel in paragraaf (a) moet verkry word voor aansoek gedoen word in die vorm van Bylae B.
- (2) Die bepaling van hierdie regulasies sal geld vir enige ontwikkeling soos gedefinieer in hierdie regulasie asof dit 'n dorp sou wees: Met dien verstande dat die Minister, indien hy van mening is dat die toestaan van 'n aansoek ingevolge subregulasie (1) nie enigeen sal benadeel nie, insluitende in die besonder die eienaars van eiendom in die nabyheid van die betrokke grond in die aansoek, die vereiste dat die aansoek geadverteer moet word, kan laat vaar: Met dien verstande verder dat die Minister ook so 'n aansoek mag vrystel van een of meer ander bepalinge van hierdie regulasies onderhewig aan sodanige voorwaardes as wat hy mag stel.
- (3) Die Minister, in die magtiging van enige ontwikkeling ingevolge hierdie regulasies, mag dit doen onderhewig aan enige voorwaardes wat nie strydig is met die bepalinge van hierdie regulasies nie, of hy mag bepaal dat daar aansoek gedoen moet word vir toestemming om 'n dorp te stig ingevolge hierdie regulasies voor sodanige ontwikkeling.
- (4) Die owerheid, indien enige, sal nie 'n bouplan vir die voorgestelde ontwikkeling goedkeur alvorens die Sekretaris aan sodanige owerheid kennis gegee het dat die voorwaardes, indien enige, ingevolge waarvan die Minister sodanige ontwikkeling goedgekeur het, nagekom is tot bevrediging van die Minister nie.
- (5) Vir die doel van hierdie regulasie beteken die woord "ontwikkeling" die ontwikkeling van grond vir boudoeleindes of stedelike vestiging in die aard van 'n dorp maar sonder onderverdeling, of deur die Minister geag om bestem te wees vir sodanige doeleindes of vestiging maar sonder om die oprigting van 'n eerste woonhuis en die gebruikelike buitegeboue op die grond in te sluit.

HOOFSTUK IV

BESLUIT IN BEGINSEL

Aansoek vir besluit in beginsel

9. Enige persoon wat beplan om 'n dorp op privaat grond te stig, mag, na sy keuse, skriftelik by die Minister aansoek doen wesenlik in die vorm van Bylae A vir 'n besluit in beginsel ten opsigte van die voorgestelde dorp, en sodanige aansoek moet vergesel word deur -
 - (a) sodanige planne en ander dokumente as wat deur die Sekretaris vereis mag word in verband met -
 - (i) bestaande en vereiste grootmaat-ingenieursdienste;
 - (ii) konformiteit van die voorgestelde dorp met enige toepaslike of oorweegde struktuurplan;
 - (iii) enige ander kwessie relevant tot die geskiktheid van die grond vir dorpsdoeleindes;
 - (b) die aansoek- en publikasiegelde gespesifiseer in Bylae C.

Ondersoek voor besluit in beginsel

10. (a) Die Sekretaris moet, binne 7 dae na die indiening van die aansoek ooreenkomstig regulasie 9 -
 - (i) 'n afskrif van die aansoek aan die magistraat van die distrik waarbinne die grond geleë is, stuur;
 - (ii) een maal per week vir twee agtereenvolgende weke in die amptelike Koerant en in 'n koerant wat in die distrik versprei word waarin die voorgestelde dorp geleë sal wees, 'n kennisgewing publiseer wesenlik in die vorm van Bylae D waarin die doel van die aansoek uiteengesit is en waarin aangedui word dat besonderhede van die aansoek ter insae sal lê by die kantore van die magistraat en van die ontwikkelaar, welke adresse in sodanige kennisgewing vermeld moet word, en dat enige persoon wat vertoë vir of teen die aansoek wil rig, dit skriftelik aan die Sekretaris kan doen binne 'n tydperk van drie weke vanaf die datum van die eerste publikasie van die kennisgewing in die *Amptelike Koerant*.
- (b) Indien die grond waarop die aansoek betrekking het in sy geheel of gedeeltelik binne die area van 'n stamowerheid geleë is -
 - (i) moet die Sekretaris, of die aansoeker met die voorafverkreë toestemming van die Sekretaris, die Sekretaris-generaal van die Departement van die Hoofminister in kennis stel van die feit van sodanige aansoek en hom voorsien van twee afskrifte van die kennisgewing gemeld in paragraaf (a)(ii);
 - (ii) moet die Sekretaris-generaal van die Departement van die Hoofminister of sy gemagtigde sodanige owerheid inlig oor sodanige aansoek en hulle voorsien van 'n afskrif van sodanige kennisgewing;
 - (iii) moet die owerheid die kennisgewing waarna in subparagraaf (ii) verwys is, op sy amptelike kennisgewingbord vertoon vir twee weke vanaf die datum van die eerste publikasie van die kennisgewing in die *Amptelike Koerant* en die Sekretaris-generaal van die Departement van die Hoofminister adviseer oor sy mening betreffende die aansoek;
 - (iv) moet die Sekretaris-generaal van die Departement van die Hoofminister of sy gemagtigde die Sekretaris in kennis stel van die advies waarna in subparagraaf (iii) verwys is.
- (c) Indien enige vertoë gerig is ingevolge paragraaf (a) of indien die aansoeker dit versoek, moet die aansoek aangehoor word deur die Sekretaris binne een maand na die verstryking van die tydperk waarbinne sodanige vertoë gerig mag word: Met dien verstande dat sodanige verhoor mag geskied by 'n inspeksie uitgevoer deur die Sekretaris.
- (d) Die Sekretaris moet die aansoek oorweeg en moet vir hierdie doel kennis neem van enige aangeleentheid, verslag, inspeksie, of ander materiaal ongeag of dit voortspruit uit sy ondersoek, die verhoor, of enige bron hoegenaamd, wat volgens sy mening van hulp kan wees in die oorweging van die aansoek.
- (e) Na oorweging van die aansoek en binne een maand na die indiening daarvan of, na afhandeling van die verhoor, moet die Sekretaris sy verslag aan die Minister deurstuur met 'n aanbeveling dat die aansoek toegestaan of geweier word, of slegs ten opsigte van 'n gedeelte van die grond waarvoor aansoek gedoen word, toegestaan word.
- (f) In sy aanbeveling aan die Minister dat 'n aansoek toegestaan word, kan die Sekretaris terselfdertyd ook aanbevelings maak betreffende die voorgestelde dorp ingevolge waarvan die aansoek toegestaan mag word: Met dien verstande dat sodanige voorwaardes deur die Minister gewysig mag word uit eie inisiatief of op grond van 'n aansoek deur enige persoon, na oorlegpleging met die Sekretaris.

Besluit van die Minister

11. (a) Na ontvangs van die verslag en die aanbeveling van die Sekretaris, mag die Minister die aansoek toestaan of weier, of hy mag die aansoek toestaan ten opsigte van 'n gedeelte van die grond waarvoor aansoek gedoen is, onderhewig in elke geval aan sodanige voorwaardes betreffende

die voorgestelde dorp as wat deur hom nodig of wenslik geag mag word, of hy mag 'n besluit daaromtrent uitstel: Met dien verstande dat die Minister nie vertoë, indien enige, deur die owerheid sal verwerp nie, sonder verdere verwysing na en oorweging van die owerheid se verdere beskouings.

- (b) Indien die Minister die aansoek toestaan, moet die aansoeker skriftelik daaromtrent geadviseer word, en indien hy nalaat om binne 'n tydperk van 12 maande na die datum van die brief waarin die Minister se besluit vervat is, 'n aansoek in te dien ingevolge regulasie 12, of binne sodanige verdere tydperk as wat die Sekretaris mag toelaat, word sodanige verlof geag te verval het.

HOOFSTUK V

AANSOEK OM DORPSTIGTING

Aansoek om dorp te stig

12. (1) Enige persoon wat 'n dorp wil stig, moet skriftelik aansoek by die Sekretaris doen wesenlik in die vorm van Bylae B, en die aansoek moet vergesel word deur -
- (a) sodanige planne, dokumente en inligting as waarna in die aansoek verwys word, insluitende sodanige planne van aangrensende grond, wat deur sodanige nuwe dorp geraak mag word, om 'n behoorlike oorweging met betrekking tot die kontinuïteit van paaie, dreinerings, en so meer moontlik te maak;
 - (b) die aansoekgelde gespesifiseer in Bylae C;
 - (c) met betrekking tot enige aansoek soos in subregulasie (3) bedoel, 'n sertifikaat onderteken namens die betrokke owerheid te dien effekte dat 'n afskrif van die aansoek behoorlik by die owerheid ingedien is; en
 - (d) met betrekking tot enige aansoek wat betrekking het op grond ten opsigte waarvan daar 'n dorpsbeplanningskema is in die proses van voorbereiding of reeds in werking, en waar sodanige grond geleë is binne 'n owerheidsgebied, 'n aanduiding dat die voorgestelde dorp in alle opsigte voldoen aan die bepalings van enige sodanige skema, of in welke opsigte die voorgestelde dorp nie aan die bepalings van sodanige skema voldoen nie.
- (2) Die aansoeker moet by die Sekretaris 'n bedrag gespesifiseer in Bylae C inbetaal om die moontlike uitgawes te dek wat aangegaan mag word in verband met die aansoek ten opsigte van amptelike inspeksiebesoeke en die reisuittgawes gespesifiseer in daardie Bylae betaalbaar aan die konsultante van die Regering en persone in diens van die Regering in verband met inspeksies, en moet ook 'n onderneming gee om enige sodanige uitgawes wat die inbetaalde bedrag oorskry, in te betaal. Al sodanige uitgawes moet deur die aansoeker betaal word, ongeag of die aansoek toegestaan word of nie.
- (3) Indien die aansoek betrekking het op grond geleë in 'n owerheidsgebied, word daar nie van die aansoeker verwag (behalwe waar andersins bepaal in regulasie 33) om te voldoen aan die bepalings van enige wet van krag in sodanige gebied wat die indiening van die kennisgewing en van planne ten opsigte van die onderverdeling van grond reguleer nie, maar in elke sodanige geval moet die aansoeker 'n afskrif van sy aansoek by die betrokke owerheid indien.
- (4) 'n Aansoek om 'n dorp te stig mag ingedien word, en mag oorweeg en goedgekeur word ingevolge hierdie regulasies, ongeag of die aansoeker aansoek gedoen het ingevolge regulasie 9 vir 'n besluit in beginsel.

Kennisgewing van aansoek om dorp te stig

13. (1) Die Sekretaris moet, tensy die aansoeker ingevolge regulasie 9 vir 'n besluit in beginsel aansoek gedoen het, kennis gee van die aansoek om 'n dorp te stig, en die bepalings van regulasies 10(a) en (b) is *mutatis mutandis* van toepassing ten opsigte van sodanige kennisgewing.

Inspeksies

14. Die Sekretaris mag die terrein van enige voorgestelde dorp inspekteer: Met dien verstande dat ten minste sewe dae kennis gegee word aan die aansoeker en die betrokke owerheid, indien enige, van die datum en tyd van sodanige inspeksie.

Aanhoor van aansoek

15. (1) Indien enige besware teen die aansoek ingebring word of indien die aansoeker dit sou versoek, moet die Sekretaris 'n datum bepaal vir die aanhoor van die aansoek en moet hy ten minste sewe dae kennis gee van die datum, tyd en plek van sodanige aanhoor aan die aansoeker, enige betrokke owerheid en enige persoon wat vertoë gerig het.
- (2) Gedurende die aanhoor van die aansoek kan die Sekretaris van die aansoeker of enige persoon wat vertoë gerig het, vereis om sodanige besonderhede, inligting, planne of diagramme, as wat hy nodig mag ag, voor te lê.
- (3) Die aansoeker mag met die toestemming van die Sekretaris op enige stadium voor die afhandeling van die aanhoor van die aansoek, sy aansoek wysig ten opsigte van enige aangeleentheid of voorstel daarin vervat, tensy sodanige wysiging volgens die mening van die Sekretaris, so grondliggend is dat dit wesenlik 'n nuwe aansoek om dorpstigting regverdig.
- (4) Dit val nie binne die Sekretaris se bevoegdheid om te oorweeg of die voorgestelde dorp in die openbare belang wenslik is en of die grond vir dorpsdoeleindes geskik is nie, behalwe -
- (a) waar die dorp binne die bepalings van regulasie 33 val; of
 - (b) waar die aansoeker nie ingevolge regulasie 9 aansoek gedoen het nie.
- (5) Die aansoeker en enige persoon wat vertoë gerig het mag persoonlik by die aanhoor van die aansoek verskyn of deur sy gemagtigde agent verteenwoordig word.

Voorwaardes vir die stigting van 'n dorp

16. (1) Indien die Sekretaris, na die aanhoor van die aansoek, bereid is om aan te beveel dat die aansoek toegestaan moet word, beveel hy sodanige voorwaardes aan waarop na sy mening toestemming deur die Minister vir die stigting van sodanige dorp verleen behoort te word, met besondere verwysing na die volgende aspekte, in soverre hulle van toepassing mag wees, naamlik -
- (a) die geskiktheid van die terrein ten opsigte van omvang, ligging, watervoorsiening, vloedwaterdreinerings, riolering, grond, aspek, helling, moontlikheid van uitbreiding, klimaatstoestande, toeganklikheid vanaf spoorweg en hoof- of openbare paaie, en enige ander fisiese toestande of omstandighede wat die voorstel om 'n dorp daar te stig mag beïnvloed;
 - (b) die bestaan van serwitute of beswarings wat die welvaart van die dorp mag beïnvloed;

- (c) die toewysing of afbakening van areas of sones binne die dorp vir residensiële, kommersiële, industriële, werks- of ander doeleindes, of 'n kombinasie van sodanige doeleindes, en die regulering, beperking of verbod op verkope van of die oprigting van geboue op persele in elke bepaalde area of sone: Met dien verstande dat ten opsigte van enige sodanige beperking of verbod 'n voorwaarde die Minister kan magtig of, indien die dorp binne 'n owerheidsgebied geleë is, die owerheid, om sodanige beperking of verbod te verslap, te wysig of op te hef, ten opsigte van sodanige bepalings en op voorwaardes soos wat die Minister, of owerheid, na gelang van die geval, mag bepaal;
 - (d) die geskiktheid al dan nie van die voorgestelde ontwerp of uitleg wat betrekking het op die vorm en afmetings van persele in die verskillende sones en hul beperking van gebruik ten opsigte van bestaande persele in enige dorp in die nabyheid van riolering, dreinerings, breedtes en hellings van strate, waarskynlike toekomstige verkeersvereistes en -beheer sowel binne die dorp en met betrekking tot die omringende omgewing, en ook ten opsigte van die natuurlike en kunsmatige eienskappe, en die estetiese en sosiale fasiliteite;
 - (e) die voorstelle, stipulasies en voorwaardes vervat in die aansoek;
 - (f) die voorsiening van en reservering van persele vir die Regering, owerheid of enige statutêre liggaam vir openbare oop ruimte of enige ander doel vir die gebruik en tot voordeel van die inwoners van die dorp;
 - (g) die mate waartoe die aansoeker verantwoordelik sal wees vir padaanleg, watervoorsiening, elektrisiteit, rioleringsnetwerke, rioolsuiwering en ander dienste, en die voorsiening van sekuriteit vir die vervulling van enige verpligtinge wat op hom geplaas is en, in plaas van die aanspreeklikheid vir enige sodanige dienste, die betaling deur die aansoeker van 'n kontantbedrag om die beraamde koste daarvan te dek;
 - (h) die regulering, beperking van of verbod op die toekomstige onderverdeling van persele;
 - (i) die minimum grootte van persele, die regulering van geboue met besondere verwysing na die maksimum aantal wat op elke perseel gebou mag word en die maksimum oppervlak van elke perseel waarop gebou mag word, ongeag of dit vir residensiële, sake- of ander doeleindes is, die minimum uitlegkoste van geboue binne gespesifiseerde areas, oop ruimtes rondom geboue, die posisie van geboue op elke perseel in verhouding tot enige straat of laterale grens of tot enige ander geboue en hul karakter, gebruik, hoogte en harmonie in ontwerp;
 - (j) die noodsaaklikheid vir die insluiting in enige of alle oordragte 'n serwitutklousule vir dreinerings, riolering, watervoorsiening, ligte, krag, elektrisiteitsubstasies, skuiling vir passasiers wat van openbare vervoer gebruik maak of vir enige ander openbare doel;
 - (k) die begiftiging, indien enige, wat gemaak sal word vir die werklike of redelik voorafbepaalde koste van die grootmaat-ingenieursdienste wat deur die Regering voorsien sal word en die vorm wat sodanige begiftiging sal aanneem;
 - (l) die insluiting van 'n boeteklousule ten opsigte van tariewe of ander munisipale heffings of 'n reversionêre klousule, vir die versuim om 'n gebou of geboue van 'n gespesifiseerde waarde op te rig teen 'n gespesifiseerde datum op enige eiendom;
 - (m) die voorbehoud van mineraalregte deur die geregistreerde eienaar van die grond;
 - (n) voorwaardes wat ingesluit moet word in die titelakte van persele in die dorp;
 - (o) die gepastheid van die naam van die dorp; en
 - (p) enige ander aangeleentheid of sake wat relevant is vir die aansoek wat die Sekretaris wenslik ag om onder die aandag van die Minister te bring of wat die Minister na die Sekretaris mag verwys.
- (2) (a) Die betaling van enige geld waarna verwys is in regulasie (1)(g) moet aan die Minister gedoen word: Met dien verstande dat met sy toestemming, die betaling van enige deel daarvan aan enige statutêre liggaam gedoen mag word wat 'n verskaffer van die betrokke dienste is.
- (b) Enige bedrag geld betaal aan die Minister ingevolge paragraaf (a) word deur hom in trust gehou en word so spoedig moontlik aan 'n statutêre liggaam, soos in paragraaf (a) na verwys, wat met die verskaffing van dienste aan die dorp begin het, betaal sonder rente en min enige bedrag deur hom ingevolge paragraaf (c) bestee.
- (c) In afwagting op die verskaffing deur 'n verskaffer van dienste soos vooraf vermeld, mag die Minister van tyd tot tyd, op so 'n wyse as wat deur hom as wenslik geag word, die hele bedrag of enige gedeelte van die bedrag toewys of bestee aan padaanleg, watervoorsiening, elektrisiteit, rioleringsnetwerke en rioolsuiwering, soos wat die geval mag wees, vir die gebruik en tot voordeel van die inwoners van die dorp.
- (d) Enige bedrag geld ontvang deur 'n verskaffer van dienste ingevolge paragraaf (a) of (b) sal deur sodanige verskaffer van dienste gebruik word vir die doel van padaanleg, watervoorsiening, elektrisiteit, rioleringsnetwerke en rioolsuiwering, soos wat die geval mag wees, in die betrokke dorp ten opsigte waarvan die gemelde bedrag betaal is.
- (3) Die begiftiging waarna in subregulasie (1)(k) verwys is, mag die vorm aanneem van -
- (a) die betaling van 'n som geld;
 - (b) die oordrag van enige gespesifiseerde perseel of persele geleë in die voorgestelde dorp;
 - (c) die betaling deur die aansoeker van 'n persentasie van die waarde (soos bepaal in regulasie 27(1)) van elke perseel in die dorp deur hom oor beskik, hetsy by wyse van verkope, ruil, skenking, of op enige ander ander wyse, of verhuur deur hom ingevolge 'n huurooreenkoms vir 'n tydperk van tien jaar of meer, of 'n huurooreenkoms wat die huurder magtig of dit te hernoew vir 'n tydperk of tydperke wat saam met die tydperk van die oorspronklike huurooreenkoms gelyk is aan of langer is as 'n tydperk van tien jaar of enigeen of meer van sodanige vorme: Met dien verstande dat die owerheid, indien enige, sal weier om 'n bouplan goed te keur (benewens 'n plan vir die uitbreiding of wysiging van 'n bestaande gebou of buitegebou of vir die oprigting van 'n gebou aanvullend tot 'n bestaande gebou) ten opsigte van enige perseel tensy die begiftiging ten opsigte daarvan betaal is, ongeag of die perseel oor beskik is of nie.
- (4) Die betaling van enige som geld waarna verwys is in subregulasie (1)(g) mag die vorm aanneem soos beskryf in subregulasie (3)(c).
- (5) (a) Waar die begiftiging die vorm aanneem genoem in subregulasie (3)(c), sal sodanige begiftiging nie betaalbaar wees -
- (i) in die geval van 'n dorp goedgekeur ingevolge regulasie 23, by die oordrag deur die dorpsreienaar van die hele stuk grond wat die dorp uitmaak of die oorblywende deel daarvan of 'n aandeel daarin; of
 - (ii) by die uitneem van enige sertifikaat van transportakte of akte van verdelingsoordrag ten opsigte van enige perseel of persele in die dorp; of
 - (iii) in die geval van 'n dorp goedgekeur ingevolge regulasie 33, by oordrag van die hele stuk grond wat die dorp uitmaak, maar sal betaalbaar wees by die latere beskikking op die wyse bedoel deur die voormelde subregulasie (3)(c), van enige perseel deur die opvolger in transportakte van die aansoeker of deur die houer van sodanige sertifikaat van transportakte of akte van verdelingsoordrag, na gelang van die geval.
- (b) In enige geval verwys na in paragraaf (a) sal die betrokke transportakte, sertifikaat van transportakte of akte van verdelingsoordrag en die duplikaat van die oorspronklike daarvan geëndosseer word deur die Registrateur te dien effekte dat die bepalings van regulasie 28(2) sal geld ten opsigte van elke perseel wat gehou word ingevolge sodanige transportakte, sertifikaat van transportakte of akte van verdelingsoordrag.

Sekretaris se verslag aan die Minister

17. (1) Na sy oorweging van die aansoek, moet die Sekretaris by die Minister aanbeveel -

- (a) dat die aansoek, of enige deel daarvan wat betrekking het op slegs 'n gedeelte van die perseel, toegestaan word onderhewig aan sodanige voorwaardes as wat deur hom bepaal is; of
 - (b) dat die aansoek geweier word; of
 - (c) dat 'n besluit oor die aansoek uitgestel word, hetsy in sy geheel of gedeeltelik: Met dien verstande dat voor sy aanbeveling aan die Minister gestuur kan word, die Sekretaris nie later nie as drie maande na die indiening van sodanige aansoek ingevolge regulasie 12(1), die aansoeker en die owerheid (indien enige) wat geregtig was op 'n afskrif van die aansoek soos bepaal in regulasie 12(3), en enige persoon wat vertoë gerig het (indien van toepassing) moet inlig, oor die voorgestelde aanbeveling, en indien die Sekretaris aanbeveel dat die aansoek toegestaan word, moet hy terselfdertyd 'n afskrif voorlê aan die aansoeker en sodanige owerheid van die voorwaardes deur hom bepaal.
- (2) Indien binne 'n tydperk van een maand van die oorsending van die aanbeveling waarna in subregulasie (1) verwys is, daar enige vertoë gerig is deur die aansoeker of die owerheid (indien enige), moet die Sekretaris oorweging gee aan sodanige vertoë, en slegs na hy dit gedoen het, moet hy opnuut sy aanbevelings by die Minister maak soos bepaal in subregulasie (1).
- (3) Indien binne die tydperk van een maand binne die deurstuur van die aanbeveling in subregulasie (1) na verwys, daar geen vertoë van die aansoeker of die plaaslike owerheid (indien enige) ontvang is nie, moet die Sekretaris sonder versuim sy aanbeveling aan die Minister deurstuur en, indien hy aanbeveel dat die aansoek toegestaan word, sou die voorwaardes ingevolge waarvan volgens sy mening goedkeuring vir die stigting van 'n dorp toegestaan behoort te word: Met dien verstande, egter, dat die Sekretaris nie sal voldoen aan die bepalings van hierdie subregulasie, tensy hy die skriftelike aanvaarding van die voorwaardes bepaal deur die Sekretaris of die vertoë van die aansoeker daaroor, persoonlik ontvang het nie.
- (4) Benewens sodanige aanbeveling en 'n verslag oor die aansoek, moet daar ook 'n afskrif van die Sekretaris se rekord van die verrigtinge, asook 'n afskrif van enige besware wat moontlik ingedien is, en afskrifte van enige vertoë wat moontlik gerig is soos bepaal in subregulasie (2), deur die Sekretaris aan die Minister gestuur word.
- (5) Indien 'n aansoeker, voor die toestaan of weiering van sy aansoek deur die Minister ingevolge regulasie 18 of 33(3), na gelang van die geval, versuim om binne 'n tydperk van ses maande op enige skriftelike navraag van die Sekretaris ten opsigte van enige aangeleentheid wat verband hou met die voorgestelde dorp waarop 'n antwoord vereis word, te antwoord, of in gebreke bly om te voldoen aan enige vereiste gestel deur die Sekretaris binne sodanige tydperk, word die aansoek geag te verval het, tensy die Minister sodanige versuim kondoneer.

Magte van die Minister

18. By ontvangs van die verslag en aanbeveling van die Sekretaris mag die Minister, in sy geheel of gedeeltelik, die aansoek of enige deel daarvan met betrekking tot slegs 'n gedeelte van die terrein, toestaan, of hy mag die aansoek weier of 'n besluit daaroor uitstel: Met dien verstande dat indien die Minister die aansoek toestaan, sal hy die voorwaardes ingevolge waarvan dit toegestaan word, moet bepaal.

Sekretaris moet die belanghebbende instansies in kennis stel oor die goedkeuring van aansoek

19. Die Sekretaris moet, by die -

- (a) goedkeuring van enige aansoek deur die Minister, die aansoeker, die Landmeter-generaal, die Registrateur, die registrasiebeampte en die owerheid (indien enige), wat geregtig was op 'n afskrif van die aansoek soos bepaal in 12(3), daarvan in kennis stel asook van die voorwaardes ingevolge waarvan die aansoek toegestaan is;
- (b) weiering van enige aansoek of uitstel van 'n besluit daaroor deur die Minister, die aansoeker, asook sodanige owerheid en enige persoon wat vertoë gerig het daarvan in kennis stel.

Wysiging van voorwaardes en verdeling van dorp

20. Na die goedkeuring van enige aansoek en voor die publikasie van die kennisgewing in regulasie 23(1) bedoel, kan die Minister met die goedkeuring of by die aansoek van die betrokke owerheid (indien enige), en na verwysing na die Sekretaris, die voorwaardes ingevolge waarvan die aansoek toegestaan is, wysig of goedkeuring verleen aan die verdeling van die dorp in twee of meer afsonderlike dorpe: Met dien verstande dat -

- (a) indien 'n owerheid betrokke is, geen aansoek deur die aansoeker of deur die owerheid oorweeg mag word nie tensy die Minister tevrede is al die belanghebbendes ingelig is oor die aansoek en 'n geleentheid gegee is om teenvertoë te rig;
- (b) geen aansoek van die aansoeker deur die Minister oorweeg mag word tensy dit vergesel is deur die betaling van die gelde gespesifiseer in Bylae C en die aansoeker ook 'n onderneming gegee het om enige sodanige uitgawes te betaal soos wat in regulasie 12(2) na verwys word en sodanige ander uitgawes as wat die Minister mag bepaal;
- (c) waar die dokumente in regulasie 21 bedoel, ingedien is by die Landmeter-generaal, die Landmeter-generaal geraadpleeg moet word;
- (d) indien die Minister goedkeuring verleen aan die verdeling van die dorp -
 - (i) kan hy enige voorwaarde stel wat hy wenslik ag;
 - (ii) moet, ten opsigte van elke afsonderlike dorp, sodanige goedkeuring beskou word as die goedkeuring van 'n aansoek ingevolge regulasie 18.

HOOFSTUK V

PROSEDURE OM 'N DORP AS GOEDGEKEUR TE VERKLAAR

Aansoeker moet planne en diagramme aan die Landmeter-generaal voorlê

21. (a) Die aansoeker moet, binne 'n tydperk van agtien maande vanaf die datum van die kennisgewing waarna in regulasie 19 verwys is, of binne sodanige verdere tydperk as wat die Minister in elke geval mag toelaat, 'n algemene plan of onderverdelingsdiagram van die dorp by die Landmeter-generaal indien. Indien die aansoeker egter in gebreke bly om die nodige algemene plan of diagram by die Landmeter-generaal binne die genoemde tydperk van agtien maande in te dien of binne sodanige verdere tydperk as wat die Minister mag toelaat, sal die toestaan van die aansoek geag teruggetrek te wees tensy die Minister sodanige versuim kondoneer: Met dien verstande dat die Sekretaris, waar toepaslik, die aansoeker mag toelaat om sodanige planne of diagram by die Landmeter-generaal in te dien op 'n stadium voor die goedkeuring van die aansoek ingevolge regulasie 18 op die risiko van die aansoeker indien die uitlegplan betreffende die voorgestelde dorp deur die Minister goedgekeur is afsonderlik van ander aspekte van die aansoek: Met dien verstande voorts dat indien die aansoeker in gebreke bly om binne 'n

redelike tydperk nadat hy die algemene plan of diagram ingedien het, te voldoen aan enige vereistes wat wettiglik deur die Landmeter-generaal gestel is, die Landmeter-generaal die Sekretaris dienooreenkomstig in kennis moet stel, en indien die Sekretaris, na die aanhoring van die aansoeker en na oorlegpleging met die Landmeter-generaal, tevrede is dat die aansoeker in gebreke gebly het om, sonder geldige redes, aan enige sodanige vereiste te voldoen, moet die Sekretaris die aansoeker daarvan in kennis stel, en word die aansoek geag te verval het.

- (b) Wanneer die Sekretaris ingevolge paragraaf (a) uitstel verleen of in gebreke bly om 'n algemene plan of diagram in ooreenstemming met daardie paragraaf in te dien, mag hy dit doen onderhewig aan sodanige voorwaardes as wat hy nodig of wenslik mag ag.

Indiening van planne en titelakte vir endossering en registrasie

22. (1) (a) Die aansoeker moet, binne 'n tydperk van ses maande vanaf die datum van die goedkeuring van die algemene plan of binne sodanige verdere tydperk as wat die Minister mag toelaat, by die Registrateur 'n afdruk indien van die algemene plan, gesertifiseer deur die Landmeter-generaal, saam met 'n afskrif van die voorwaardes ingevolge waarvan die aansoek deur die Minister toegestaan is en die titelakte ingevolge waarvan die grond besit word, en, indien die grond onderhewig is aan 'n verband, die goedkeuring van die verbandhouer tot die stigting van die dorp kragtens die voorwaardes bepaal deur die Minister: Met dien verstande dat indien die aansoeker in gebreke bly om te voldoen aan enige van die vereistes gestel deur hierdie subregulasie binne voormelde tydperk of sodanige verdere tydperk as wat die Minister mag toelaat, word die goedkeuring van die aansoek geag te verval het tensy die Minister sodanige versuim kondoneer, of grondbriefregte op enige erf in die voorgestelde geregistreer is ingevolge regulasie 41, maar die Sekretaris mag in laasgenoemde geval gelas dat die nodige planne, diagramme en titelaktes voorberei en aan hom oorhandig word vir inlewering by die Registrateur op die onkoste van die aansoeker, soos bedoel in regulasie 42(1)(c).
- (b) Wanneer die Minister of Sekretaris, na gelang van die geval, ingevolge paragraaf (a) uitstel verleen of 'n versuim kondoneer om 'n afdruk van die algemene plan in te dien in ooreenstemming met daardie paragraaf, mag hy dit doen onderhewig aan sodanige voorwaardes as wat hy nodig of wenslik ag.
- (2) Nadat die aansoeker voldoen het aan al die relevante vereistes van subregulasie (1), moet die Registrateur 'n dorpsregister vir die dorp oopmaak, waar besonderhede van die openbare plekke en die voorwaardes vir goedkeuring, op inleidende folio ingeskryf sal word.
- (3) Wanneer die grond in sy geheel wat kragtens sodanige titelakte besit word, die voorgestelde dorp uitmaak, moet die Registrateur endossering aanbring op sodanige titelakte en op die duplikaat van die oorspronklike daarvan wat op rekord geliasseer is, wat aandui dat die grond as dorp uitgelê is.
- (4) Waar slegs 'n gedeelte van die grond wat ingevolge sodanige titelakte besit word, ingesluit word in die voorgestelde dorp, moet die aansoeker in die gebruiklike vorm 'n sertifikaat bekom van die geregistreerde titelakte ten opsigte van die gedeelte aldus saamgestel, welke sertifikaat so geëndosseer sal word te dien effekte dat die grond as 'n dorp uitgelê is.
- (5) Waar die grond die geheel of gedeeltes van twee of meer geregistreerde stukke grond uitmaak, kan die Minister gelas dat 'n sertifikaat van gekonsolideerde titelakte uitgeneem sal word ten opsigte van sodanige grond, welke sertifikaat geëndosseer moet word te dien effekte dat die grond as 'n dorp uitgelê is.

Stigting van dorp

23. (1) Wanneer al die relevante bepalings van regulasie 22 ten uitvoer gebring is, moet die Registrateur dienooreenkomstig aan die Minister verslag doen, en nadat hy tevrede is dat dit geoorloof is om dit te doen en onderhewig aan die bepalings van regulasie 48(1)(a), moet die Minister by kennisgewing in die *Amptelike Koerant*, sy goedkeuring verleen aan die stigting van so 'n dorp en die dorp as 'n goedgekeurde dorp verklaar: Met dien verstande dat die Minister nie na die verstryking van 'n tydperk van vyf jaar vanaf die datum van die brief wat die Minister se besluit aan die aansoeker oordra ingevolge regulasie 11(b) of, indien sodanige besluit nie geneem is nie, regulasie 19, tensy die Minister op aanbeveling van die Sekretaris op grond van 'n aansoek aan hom gerig, besluit om sodanige kennisgewing uit te reik niesteenstaande die feit dat sodanige tydperk wel verstryk het. By publikasie van sodanige kennisgewing sal die dorp beskou word as synde behoorlik gestig as 'n dorp.
- (2) Indien dit 'n voorwaarde van die stigting van 'n dorp is dat die dorp ingelyf moet word by 'n owerheidsgebied, kan die Hoofminister in die geval van 'n stamowerheid, of die Minister in die geval van 'n plaaslike owerheid, voorsiening maak vir sodanige inlywing by in die *Amptelike Koerant*, hetsy by die uitreiking van die kennisgewing waarna in subregulasie (1) na verwys, of op enige ander stadium.

Afskrif van algemene plan om aan plaaslike owerheid verskaf te word

- By die publikasie van die kennisgewing in regulasie 23(1) na verwys, moet die aansoeker, indien die goedgekeurde dorp binne 'n owerheidsgebied geleë is, die owerheid voorsien van 'n gesertifiseerde afskrif of afdruk of natreksel van die goedgekeurde algemene plan van die dorp en die voorwaardes ingevolge waarvan die aansoek om die stigting van die dorp toegestaan is.

Eienaarskap van openbare plekke berus by die Regering

25. (1) Vanaf die datum van publikasie van die kennisgewing in regulasie 23(1) na verwys of enige verklaring wat deur die Minister gemaak ingevolge regulasie 33(4), gaan die eienaarskap van alle openbare plekke in die goedgekeurde dorp, onderhewig aan die bepalings van regulasie 38, oor op die Regering vir die gebruik van en tot voordeel van die publiek: Met dien verstande dat enige sodanige eiendomsoorgang nie geag word as sou dit enige aanspreeklikheid skep vir die Regering ten opsigte van die instandhouding van sodanige openbare plekke behoudens dié gestel deur die wet nie.
- (2) Die Registrateur sal sodanige eiendomsoorgang aanteken in die dorpsregister.

Registrasie van grond ten gunste van Regering, owerheid of die Minister in trust

26. (1) Na die publikasie van die kennisgewing in regulasie 23(1) na verwys, moet die aansoeker op eie koste, met inbegrip van Regeringsgelde, sodanige persele oordra as wat gereserveer is ingevolge regulasie 16(1)(f) vir die doeleindes van die Regering, owerheid of statutêre liggaam, kragtens die voorwaardes bepaal ingevolge regulasie 18, te wete -
- (a) sodanige persele as wat gereserveer is vir Regeringsdoeleindes, aan die Regering, tensy die Regering die dorpseienaar is;
- (b) sodanige persele (wat nie openbare plekke is nie), wat vir owerheidsdoeleindes gereserveer is, aan die owerheid, tensy die owerheid die dorpseienaar is, of die Minister in trust vir 'n toekomstige owerheid; en
- (c) sodanige perseel of persele as wat gereserveer is vir die doeleindes van enige statutêre liggaam, aan daardie liggaam.
- (2) Die bepalings van subregulasie (1) geld ook vir enige persele wat die aansoeker mag nodig vind om oor te dra by wyse van skenking kragtens enige voorwaarde gestel ingevolge regulasie 16(1)(k).
- (3) By die samestelling van 'n owerheid of die inlywing van die dorp by 'n owerheidsgebied, word alle persele deur die Minister in trust gehou vir die owerheid, aan die owerheid oorgedra, en moet die Registrateur by wyse van 'n endossement op die betrokke titelakte, sodanige oordrag ingevolge hierdie regulasies aanteken. Daarna dien die titelakte van die genoemde grond as die titelakte van die genoemde owerheid.

- (4) Indien enige perseel geleë in 'n goedgekeurde dorp op enige stadium ten gunste van die Regering vir Regeringsdoeleindes geregistreer is, nie geskik is vir of nie benodig word vir die doel waarvoor dit beoog is nie, of indien enige gelde betaal ten opsigte van sodanige oordrag nie vir sodanige doel benodig word nie, kan die Regering sodanige perseel gebruik vir enige ander doel of dit vervreem vry van enige voorwaarde wat die gebruik daarvan beperk tot enige Regeringsdoel en enige opbrengs uit sodanige vervreemding of die voormelde gelde, na gelang van die geval, gebruik vir kapitaalbesteding van enige aard, ongeag of sodanige doel tot voordeel van die betrokke dorp is al dan nie.
- (5) Indien enige perseel geleë in 'n goedgekeurde dorp, op enige stadium ten gunste van 'n owerheid vir enige gespesifiseerde doel geregistreer is, nie meer geskik is of nie meer benodig word vir die openbare doel wat dit beoog was om te vervul nie, kan die owerheid met die voorafverkreë toestemming van die Minister, die perseel gebruik vir enige ander openbare doel, of dit vervreem vry van enige voorwaarde wat die gebruik daarvan beperk tot enige openbare doel asof sodanige perseel vrylik vervreembaar sou wees.
- (6) In afwagting op die samestelling van 'n owerheid of die inlywing van die dorp by 'n owerheidsgebied, kan die Minister gelas dat die geheel of gedeelte van sodanige persele as wat aan die Minister in trust oorgedra is, of enige grond wat 'n openbare plek uitmaak gestig vir die doel van ontspanning en dergelike doeleindes, op so 'n wyse gebruik word en onderhewig aan sodanige voorwaardes as wat hy wenslik ag. Die Minister mag ook persele wat deur hom in trust gehou word ruil vir ander persele binne die goedgekeurde dorp. Met dien verstande dat niks hierbo vervat die gebruik van enige perseel of openbare plek sal magtig vir enige doel strydig met dié waarvoor dit oorgedra of bedoel is nie.

Begiftigingsgeld

27. (1) Vir die doeleindes van regulasie 16(3)(c) word die waarde van enige perseel in die regulasie na verwys, uitgesonderd die waarde van enige geboue of permanente verbeterings wat daarop voorkom, op die volgende wyse bepaal:
 - (a) Indien daar 'n aankoopprys is, word sodanige aankoopprys, onderhewig aan die bepalings van paragrawe (b), (c) en (d), geag die waarde van sodanige perseel te wees;
 - (b) indien die Minister van mening is dat die aankoopprys nie die werklike markwaarde van die perseel weerspieël nie, moet 'n waardasie van die perseel op die datum van beskikking daarvoor soos bedoel deur regulasie 16(3)(c) verkry word van 'n waardeerder aangestel deur die Minister met die toestemming van die aansoeker, of, by gebreke aan sodanige toestemming, deur die huidige voorsitter van die Natalse tak van die Natalse Instituut van Waardeerders;
 - (c) indien die waarde geplaas op die perseel deur sodanige waardeerder hoër is as die aankoopprys, word sodanige waarde geag die waarde van die perseel te wees, en is die aansoeker aanspreeklik vir die koste van die waardasie;
 - (d) indien die waarde geplaas op die perseel deur sodanige waardeerder gelyk is aan of minder is as die aankoopprys, sal die aankoopprys geag word die waarde van die perseel en die owerheid, of soos die geval mag wees, die Minister sal die koste betaal vir die verkryging van die waardasie;
 - (e) indien daar geen aankoopprys is nie, word die waarde geag te wees die waarde geplaas op die perseel volgens 'n waardasie deur 'n waardeerder aangestel soos bedoel in paragraaf (b), en die aansoeker is aanspreeklik vir die koste van die waardasie;
 - (f) wanneer twee of meer persele gesamentlik aan een persoon beskikbaar gestel word, het die owerheid of die Minister, na gelang van die geval, vir die doel om die waarde van elke perseel te bepaal, die bevoegdheid om 'n waardasie deur 'n waardeerder te verkry ten opsigte van elke perseel afsonderlik, onderhewig aan enigiets hierbo vervat;
 - (g) indien enige perseel verhuur word ingevolge 'n huurooreenkoms vir 'n tydperk van tien jaar of meer, of ingevolge 'n huurooreenkoms wat die huurder volmag gee om dit te hernuwe vir 'n tydperk of tydperke wat saam met die tydperk van die oorspronklike huurooreenkoms gelyk is aan of langer is as 'n tydperk van tien jaar, is die bepalings van paragraaf (e) van toepassing.
- (2) Indien die begiftiging betaalbaar ten opsigte van enige perseel in 'n dorp nie betaal word binne ses maande van die datum waarop oor sodanige perseel beskik is soos bedoel deur regulasie 16(3)(c) nie, moet die Minister rente daarop plaas en verhaal teen 'n koers bepaal deur die Minister maar wat nie die koers oorskry in regulasie 36(5) na verwys nie vir die tydperk vanaf sodanige beskikking tot die datum waarop sodanige begiftiging betaal word.
- (3) Die Minister moet van tyd tot tyd gelde wat in hierdie artikel na verwys, toewys en bestee, op 'n wyse wat deur hom as wenslik geag word, op dienste vir die gebruik en tot voordeel van die inwoners van die dorp.

HOOFSTUK VII

BEPERKINGS WAT OP DORPE BETREKKING HET

Beperkings wat betrekking het op die oordrag van persele in dorpe

28. (1) Geen titelakte van enige perseel geleë in 'n dorp hetsy voorgestel of goedgekeur, mag in die Akteskantoor, of, onderhewig aan die bepalings van regulasie 41, in 'n registrasiekantoor geregistreer word, tensy en totdat die Sekretaris 'n sertifikaat uitgereik het dat die voorwaardes ingevolge waarvan die aansoek vir die stigting van sodanige dorp toegestaan is, insluitende die inwerkingstelling van 'n dorpsbeplanningskema soos bepaal in regulasie 4, aan voldoen is ten opsigte van die voorgestelde perseel waarvoor oordrag moet geskied. Met dien verstande dat die voorafgaande bepalings van hierdie subartikel nie van toepassing is op die oordrag van die persele bedoel deur regulasie 16(1)(f) en (k) nie.
- (2) Die Registrateur en die registrasiebeampte moet weier om die oordrag of die huurooreenkoms van enige perseel geleë binne 'n goedgekeurde dorp ten opsigte waarvan 'n persentasie van die waarde van sodanige perseel betaalbaar is aan die Regering of aan die Minister of aan 'n statutêre liggaam of aan die owerheid of aan die Minister in trust vir 'n toekomstige owerheid, te registreer totdat hy tevrede is dat die gestipuleerde persentasie behoorlik oorbetal is aan sodanige Regering of die Minister of die statutêre liggaam of die owerheid of die Minister in trust, na gelang van die geval.
- (3) Geen voorwaarde word ingevoeg by enige titelakte van enige perseel in 'n goedgekeurde dorp wat strydig of onversoenbaar is met enige voorwaarde gestel deur die Minister ingevolge die bepalings van hierdie regulasies of enigiets vervat in hierdie regulasies nie.
- (4) Die Registrateur of die registrasiebeampte moet weier om die oordrag van enige perseel in 'n goedgekeurde dorp deur die aansoeker te registreer indien hy deur die Minister verwittig is dat enige voorwaarde gestel ingevolge die bepalings van hierdie regulasies nie aan voldoen is in soverre sodanige voorwaarde betrekking het op die betrokke perseel of dit enigsins beïnvloed.

Vrystelling ten opsigte van straataanleg

29. 'n Eienaar van grond in 'n owerheidsgebied waarbinne 'n dorp gestig word in ooreenstemming met hierdie regulasies sal, onderhewig aan enige voorwaarde voorgeskryf by die stigting van die dorp, vrygestel word van die nakoming van die bepalings van enige verordening wat van krag is in sodanige gebied met betrekking tot die vorming, aanleg of verharding of dergelike van strate betreffende die onderverdeling van grond wat die uitleg van nuwe strate behels.

Botsing van wette

30. Enige verordening of regulasie uitgevaardig op enige stadium deur of vir 'n owerheid binne wie se jurisdiksiegebied 'n goedgekeurde dorp geleë is, sal in die mate van sodanige konflik van wette nie geld nie: Met dien verstande dat indien die voorwaarde minder beswarend is as 'n bepaling van enige sodanige verordening of regulasie, sal die bepaling van krag wees.

Voorwaardes van akte

31. (1) Die eienaar van enige perseel in 'n dorp wat enige beperkende voorwaarde of serwituut wat teen die titelakte van die perseel geregistreer is, (of, in die geval van 'n goedgekeurde dorp wat gestel is ten opsigte van die perseel by die stigting van die dorp, soos bedoel deur die Wet op die Verwydering van Beperkings, 1967 (Wet 84 van 1967)), gewysig of opgehef wil he, moet aansoek by die Minister doen ooreenkomstig en onderhewig aan die bepalings van die genoemde Wet.
- (2) 'n Owerheid moet enige voorwaarde ingevolge waarvan enige goedgekeurde dorp binne sy jurisdiksiegebied gestig is, nakom of afdwing, en moet weier om goedkeuring te verleen aan enige bouplan wat strydig met so 'n voorwaarde is; en die Minister mag, indien dit volgens hom vanpas is om dit te doen, enige sodanige voorwaardes afdwing, ongeag of dit afgedwing word deur enige ander persoon of liggaam.

Waar 'n owerheid of regering graag 'n dorp wil stig

32. Desnieteenstaande enigiets in enige wet vervat betreffende die vervreemding deur 'n owerheid van onroerende eiendom wat behoort aan die Regering of owerheid, moet die Regering of owerheid wat graag 'n dorp wil stig op grond wat aan hulle behoort, aansoek doen ingevolge regulasie 12 vir die goedkeuring deur die Minister vir die stigting van sodanige dorp, onderhewig aan die bepalings van hierdie regulasie.

Vrystelling van die bepalings van hierdie regulasies in spesiale gevalle

33. (1) Nieteenstaande enigiets tot die teendeel in hierdie regulasies vervat, kan die eienaar van enige stuk grond, of meerdere stukke grond wat graag 'n dorp op sodanige stuk grond of meerdere stukke grond wil stig -
- (a) bestaande uit nie meer as een honderd persele nie; of
- (b) geleë binne die grense van enige gebied waarvoor enige struktuurplan voorberei is ingevolge die KwaZulu-Regulasies vir Grondsake (Dorpsbeplanning), 1990, of enige ander wet, daarvoor aansoek doen ingevolge regulasie 12, en ook by die Minister aansoek doen om vrygestel te word van die nakoming van een of meer van die bepalings van hierdie regulasies, behoudens die voorbehoudsbepaling op hierdie subregulasie: Met dien verstande dat -
- (i) indien die grond geleë is in 'n owerheidsgebied, die aansoeker bewys moet lewer van die nakoming van enige dorpswet van krag in so 'n owerheidsgebied betreffende die onderverdeling van grond;
- (ii) indien die grond geleë is in 'n owerheidsgebied, die aansoeker tesame met sy aansoek, 'n afskrif van die plan van die voorgestelde dorp moet indien wat 'n endossement van die betrokke owerheid bevat, vergesel van 'n afsonderlike verklaring, indien nodig, waarin die aansoeker se siening oor die voorstel om die dorp te stig uiteengesit word, en enige voorwaardes wat volgens sy mening by die stigting van sodanige dorp gestel moet word;
- (iii) indien die grond geleë is binne 'n gebied ten opsigte waarvan daar 'n dorpsbeplanningskema voorberei word of reeds in werking is, moet die aansoeker saam met sy aansoek 'n verklaring indien dat die voorgestelde dorp voldoen aan die bepalings van sodanige skema of, indien dit nie die geval is nie, in watter opsigte sodanige dorp nie voldoen aan die bepalings van sodanige skema nie.
- (2) By ontvangs van die aansoek kan die Minister die aansoek verwys na die Sekretaris wat die aansoek moet oorweeg en daarna aanbeveel dat dit in sy geheel of gedeeltelik goedgekeur word of dat dit afgekeur word. Indien die Sekretaris aanbeveel dat die aansoek toegestaan word, moet hy die bepalings van hierdie regulasies spesifiseer ten opsigte waarvan volgens sy mening vrystelling verleen kan word, en sodanige voorwaardes stel wat nie strydig is met die bepalings van hierdie regulasies en wat hy as gepas ag vir die Minister om uit te vaardig.
- (3) By ontvangs van die Sekretaris se aanbeveling kan die Minister die aansoek toestaan of weier, en indien hy die aansoek toestaan moet hy die voorwaardes stel ingevolge waarvan vrystelling verleen word en ook die voorwaardes bepaal wat nie onversoenbaar is met die bepalings van hierdie regulasies ingevolge waarvan die aansoek tot dorpsstigting toegestaan word.
- (4) Wanneer vrystelling van enige van die bepalings van hierdie regulasies verleen is ingevolge hierdie regulasie, moet die Minister, nadat hy tevrede is dat dit gepas is om dit te doen, onderhewig aan die bepalings van regulasie 48(1)(a), sy goedkeuring van die stigting van die dorp aandui, en dit as 'n goedgekeurde dorp verklaar, en na sodanige verklaring word sodanige dorp geag behoorlik as 'n dorp gestig te wees: Met dien verstande dat indien hy dit as wenslik beskou hy sodanige verklaring by kennisgewing in die *Amptelike Koerant* kan publiseer.
- (5) Indien dit 'n voorwaarde is vir die stigting van 'n dorp dat die dorp ingelyf moet word by 'n owerheidsgebied, moet die Hoofminister in die geval van 'n stamowerheid, of die Minister in die geval van 'n plaaslike owerheid, sodanige inlywing teweegbring by kennisgewing in die *Amptelike Koerant*, hetsy met die verklaring waarna daar in subregulasie (4) verwys is of op enige ander stadium.

Samestelling van 'n dorp

34. 'n Dorp bestaan uit -
- (a) die onderverdeling of uitleg, vir welke doel ookal, in drie of meer gedeeltes, insluitende 'n oorblywende deel, van enige stuk of groep van stukke grond, geleë in -
- (i) die gebied van 'n owerheid;
- (ii) 'n bestaande dorp;
- (iii) 'n goedgekeurde dorp;
- (b) die onderverdeling of uitleg van enige stuk of groep van stukke grond geleë elders as uiteengesit in paragraaf (a), in twee of meer gedeeltes, insluitende 'n oorblywende deel, vir boudoeleindes of stedelike vestiging, of deur die Minister geag om bestem te wees vir sodanige doeleindes of vestiging;
- (c) 'n ontwikkeling bedoel in regulasie 8.

Ontduiking van bedoeling van regulasies

35. (1) Indien die Landmeter-generaal, die Registrateur of die registrasiebeampte redelike gronde het om te glo dat enige grondgebied wat verdeel is of verdeel word of uitgelê is, bestem is vir boudoeleindes of stedelike vestiging of dat die stappe wat geneem is of reëlins wat getref is deur enige persoon om grond te verdeel of oor grond te beskik, neerkom of sal neerkom op 'n ontduiking van die oogmerk van hierdie regulasies, moet hy die saak na die Sekretaris vir ondersoek verwys en die Landmeter-generaal mag nie enige diagram van 'n onderverdeling van sodanige grond goedkeur, en die Registrateur of die registrasiebeampte mag nie die oordrag of huurooreenkoms van enige onderverdeling of ander gedeelte van sodanige grond registreer nie in afwagting op sodanige ondersoek en die besluit van die Minister op aanbeveling van die Sekretaris.

- (2) Indien die Landmeter-generaal, die Registrateur of die registrasiebeampte in kennis gestel is dat, volgens die mening van die Minister, sodanige grondgebied bestem is vir boudoeleindes of stedelike vestiging, of dat die voorgestelde verdeling van grond sal neerkom op 'n ontduiking van die oogmerk van hierdie regulasies, mag nóg die Landmeter-generaal sodanige diagram goedkeur, nóg die Registrateur of registrasiebeampte die oordrag of huurooreenkoms van enige sodanige onderverdeling of gedeelte van grond registreer, tensy en totdat die eienaar voldoen het aan die relevante bepalings van hierdie regulasies.

Beperking op bou en verkoop in afwagting op goedkeuring van dorp

36. (1) Tot tyd en wyl 'n aansoek om 'n dorp te stig goedgekeur is ingevolge regulasie 18, maar onderhewig aan enige voorwaardes gestel kragtens daardie regulasie, moet die hoekpunte van die blokke wat die persele in die voorgestelde dorp uitmaak, begrens wees deur bakens ingevolge die Opmetingswet, 1927 (Wet 9 van 1927), en die regulasies ingevolge die Wet, en die aansoeker voldoen het aan al die voorwaardes betreffende die verskaffing van dorpsingenieursdienste op hom geplaas ingevolge regulasie 16(1)(g) of 'n waarborg verskaf het van 'n finansiële instelling of ander liggaam aanvaarbaar vir die Sekretaris ten opsigte van 'n bedrag wat voldoende is om die koste van die nakoming van sodanige voorwaardes te dek, is dit nie wettig vir enige persoon om 'n gebou, tent of struktuur van welke aard ookal op te rig, of laat oprig of toelaat dat dit opgerig word, op enige grond wat deel van sodanige dorp uitmaak nie: Met dien verstande dat die voormelde bepalings nie in die weg sal staan van die voortgesette bewoning van enige gebou wat welk op sodanige grond voorgekom het en wat bewoon is toe aansoek gedoen is vir die stigting van sodanige dorp soos hierbo vermeld nie: Met dien verstande voorts dat die oprigting van die gebou of struktuur ingevolge die voorafgaande bepalings voordat die dorp behoorlik gestig is as 'n goedgekeurde dorp en die Minister die sertifikaat uitgereik het beoog deur regulasie 28(1) op die risiko van die aansoeker is, insluitende die risiko met betrekking tot die konformiteit van sodanige gebou of struktuur met die dorpsbeplanningskema waarna in daarna regulasie verwys is: Met dien verstande voorts dat die voorafgaande bepalings nie die oprigting van strukture of skuilplekke op die grond sal verhoed wat die Minister vir die doel van hierdie artikel verklaar het as gestig vir bewoning deur persone vir wie meer gepaste behuising nie beskikbaar is nie as gevolg van nie-bekostigbaarheid, 'n gebrek aan grond of enige ander rede.
- (2) Tot tyd en wyl 'n dorp behoorlik gestig is en die Minister die sertifikaat uitgereik het beoog deur regulasie 28(1), mag geen persoon verkoop, aankoop, huur, adverteer vir verkoop of verhuring of beskikking daarop op enige wyse, enige perseel in sodanige dorp behalwe met die goedkeuring van die Minister na verwysing na en oorweging van die aanbeveling van die Sekretaris, wie se instemming aanvaar kan word indien die aansoeker voldoen het aan al die voorwaardes betreffende die verskaffing van dorpsingenieursdienste wat gestel is ingevolge regulasie 16(1)(g) of 'n waarborg deur 'n finansiële instelling of ander liggaam verskaf het wat vir die Sekretaris aanvaarbaar is in 'n bedrag voldoende om die koste van die nakoming van sodanige voorwaardes te dek: Met dien verstande dat die voorafgaande bepalings nie die verhuring of advertensie vir verhuring sal verhoed of, onderhewig aan die bepalings van regulasie 41, die verkoop, aankoop, advertensie vir verkoop of beskikking op enige ander wyse van enige perseel in sodanige dorp wat die Minister vir die doel van hierdie artikel verklaar het as gestig vir bewoning deur persone beoog in die derde voorbehoudsbepaling tot subregulasie (1).
- (3) Indien enige grond voor die stigting van 'n dorp as 'n goedgekeurde dorp en uitreiking deur die Sekretaris van die sertifikaat beoog deur regulasie 28(1) deel van sodanige dorp uitmaak, verkoop word -
- (a) moet die verkoopkontrak 'n bepaling bevat te dien effekte dat die genoemde dorp nie as 'n goedgekeurde dorp verklaar is nie, en in die afwesigheid van sodanige bepaling sal die genoemde verkoopkontrak voor sodanige verklaring vernietigbaar wees op aandrang van die aankoper van sodanige grond; en
- (b) is die verkoopkontrak, ongeag of dit sodanige bepaling bevat of nie, vernietigbaar wees op aandrang van die aankoper indien sodanige dorp nie as goedgekeurde dorp verklaar is nie en meer as drie jaar verloop het vanaf die datum van kontraksluiting, en in beide gevalle is enige gelde betaal aan die verkoper betaalbaar aan die koper vanaf die dag wat die koper die koopkontrak kanselleer ingevolge hierdie subregulasie: Met dien verstande dat in die geval van die aansoek om die dorp te stig of die toestaan daarvan om enige rede kragtens hierdie regulasies sou verval, is sodanige gelde betaalbaar aan die koper op die dag waarop die kontrak verval: Met dien verstande voorts dat die Minister in uitsonderlike omstandighede die genoemde tydperk van drie jaar vir 'n verdere tydperk van nie langer as twee jaar nie kan verleng.
- (4) Indien voor die stigting van 'n dorp enige grond wat deel uitmaak van sodanige dorp, en wat val binne 'n sone waar die verkoop van sodanige grond verbied is ingevolge 'n voorwaarde gestel kragtens regulasie 16(1)(c), verkoop sou word, hetsy voor of na die stel van sodanige verbod, is die koopkontrak ten opsigte van sodanige grond vernietigbaar op aandrang van die koper en enige gelde betaal aan die verkoper betaalbaar aan die koper op die dag waarop die koper sodanige kontrak kanselleer.
- (5) Die terugbetaling van enige geld aan 'n koper ingevolge hierdie regulasie, sluit rente teen die koers van die gemiddelde bouverenigingverband vir die tydperk vanaf die datum waarop geld aanvanklik aan die verkoper betaal is tot die datum waarop die aankoper die koopkontrak ingevolge hierdie regulasie gekanselleer het, in.
- (6) Vir die doel van hierdie regulasie sluit die woord "verkoop" ook verkoop ingevolge opskortende voorwaarde, of die verkoop of vergunning van 'n opsie om te koop, of enige dergelike ooreenkoms wat die betaling van geld behels of daarop betrekking het, in.
- (7) Die bepalings van hierdie regulasie moet nie uitgelê word as sou dit 'n verbod plaas op -
- (a) enige persoon om grond te koop waarop hy 'n dorp wil ontwikkel ingevolge 'n voorwaarde dat, waar die grond in die dorp of enige deel daarvan registreerbaar word, een of meer van die persele in sodanige dorp of deel daarvan aan die verkoper oorgedra sal word nie;
- (b) enige persoon om 'n grondbeskikbaarheidsooreenkoms te sluit nie;
- (c) enige aansoeker wat die reg en verpligting het om enige grond te ontwikkel wat deur hom besit word, en sodanige grond te sedeer of te delegeer aan 'n dorpsontwikkelaar, of in die geval van enige grond wat deur sodanige aansoeker ontwikkel word as die behoorlik gemagtigde agent of met die goedkeuring van die eienaar, aan enige persoon of liggaam aan wie sodanige sessie of delegasie mag plaasvind ingevolge sodanige magtiging of goedkeuring, of, in die geval van grond wat beskikbaar gemaak word aan sodanige aansoeker soos beoog in regulasie 7, aan enige persoon of liggaam aan wie sodanige sessie of delegasie mag plaasvind ingevolge 'n grondbeskikbaarheidsooreenkoms nie.

HOOFSTUK VIII

WYSIGING EN KANSELLERING VAN ALGEMENE PLANNE

Aansoek om wysiging, aanpassing of kansellering van algemene plan

37. 'n Aansoek vir die toestemming van die Minister ingevolge artikel 30(2) van die Opmetingswet, 1927 (Wet 9 van 1927), moet gedoen word in wese in die vorm van 'n aansoek om 'n dorp te stig ingevolge die bepalings van hierdie regulasies en die Minister kan voorwaardes stel wat nie strydig is met hierdie regulasies ingevolge waarvan sy goedkeuring verleen is: Met dien verstande dat die Minister, indien hy van mening is dat die toestaan van die aansoek nie enigeen sal benadeel, insluitende in die besonder die eienaars van persele in die omgewing van die betrokke grond in die aansoek,

die vereiste kan laat vaar dat die aansoek geadverteer moet word, of hy kan benewens die publikasie van sodanige advertensie vereis dat 'n afskrif van die advertensie bestel word aan elke eienaar van grond wat na sy mening nadelig geraak mag word in 'n wesenlike opsig deur die toestaan van die aansoek: Met dien verstande voorts dat die Minister die vereiste van kennisgewing in die *Amptelike Koerant* kan laat vaar dat hy sy goedkeuring aan sodanige aansoek verleen het.

Resultaat van kansellering van algemene plan

38. (1) Indien die algemene plan van enige goedgekeurde dorp geheel en al gekanselleer word deur die Landmeter-generaal kragtens die bevoegdhede aan hom verleen ingevolge artikel 30 van die Opmetingswet, 1927 (Wet 9 van 1927) hou sodanige dorp op om as 'n dorp te bestaan en gaan die eienaarskap van alle openbare plekke daarin wat setel in die owerheid of by die Minister in trust vir 'n toekomstige owerheid, na gelang van die geval, weer oor op die dorpsseinaar, en die Registrateur moet sodanige eiendomsoorgang aanteken en die nodige endossemente op die betrokke titelaktes aanbring in ooreenstemming met die wet wat betrekking het op die registrasie van aktes.
- (2) Indien die algemene plan van 'n goedgekeurde dorp gedeeltelik gekanselleer word deur die Landmeter-generaal kragtens die bevoegdhede aan hom verleen ingevolge artikel 30 van die Opmetingswet, 1927, hou die gekanselleerde gedeelte van sodanige dorp op om te bestaan as 'n gedeelte van die goedgekeurde dorp en die eienaarskap van alle openbare plekke binne die gekanselleerde gedeelte wat setel in die owerheid of by die Minister in trust vir 'n toekomstige owerheid, na gelang van die geval, gaan weer oor op die dorpsseinaar, en die Registrateur moet sodanige eiendomsoorgang aanteken en die nodige endossemente op die betrokke titelaktes aanbring in ooreenstemming met die wet wat betrekking het op die registrasie van aktes.
- (3) Indien die algemene plan van enige goedgekeurde dorp in die geheel of gedeeltelik gekanselleer word deur die Landmeter-generaal kragtens die bevoegdhede aan hom verleen ingevolge artikel 30 van die Opmetingswet, 1927, moet die eiendomsreg op die persele binne sodanige gekanselleerde dorp of gekanselleerde deel van die dorp, na gelang van die geval, wat oorgedra is ingevolge regulasie 26, weer oorgaan op die dorpsseinaar, wat geregtig is om aanspraak op te maak en te bekom van die owerheid of die Minister wat in trust hou, of die statutêre liggaam, na gelang van die geval, die heroordrag van sodanige persele: Met dien verstande dat indien die owerheid of Minister in trust of die statutêre liggaam soos hierbo vermeld, enige uitgawe aangegaan het of daartoe verbind is om uitgawes aan te gaan ten opsigte van die persele wat aldus oorgedra is, die eiendomsoordrag van sodanige perseel slegs verhaalbaar is teen betaling of terugbetaling of 'n ontheffing van sodanige uitgawes.
- (4) Nieteenstaande enigiets vervat in subregulasies (1) en (2), indien enige dorp wat daarin na verwys word, geleë is in 'n owerheidsgebied, is niks in daardie subregulasies vervat van toepassing nie, en moet die openbare plekke in sodanige dorp gesluit wees totdat daar *mutatis mutandis* voldoen is aan die bepalings van enige wet met betrekking tot die permanente sluiting van strate in owerheidsgebiede, en die sluiting van sodanige plekke goedgekeur is in ooreenstemming met sodanige bepalings: Met dien verstande dat die Minister, indien hy dit wenslik ag in enige geval na verwys in hierdie regulasie, die sluiting van die openbare plekke kan goedkeur sonder die vooraf nakoming van die voormelde bepalings, onderhewig aan sodanige voorwaardes as wat hy mag stel, ongeag of die grond geleë is binne of buite 'n owerheidsgebied.
- (5) Indien by die sluiting van 'n openbare plek in 'n dorp, waarna in subregulasies (1) en (2) verwys is, daar 'n botsing van wette bestaan oor die oorgang van die eienaarskap van sodanige plekke, sal die bepalings van hierdie regulasies ten opsigte van sodanige oorgang van krag wees.

HOOFSTUK IX

AANSOEK BY OWERHEIDSGEBIEDE

Hierdie regulasies is van toepassing op owerheidsgebiede

39. Die bepalings van hierdie regulasies sal, onderhewig aan die bepalings van regulasie 40, in alle owerheidsgebiede van toepassing wees.

Minister mag owerheidsgebiede vrystel van hierdie regulasies

40. (1) Die Minister kan, by kennisgewing in die *Amptelike Koerant* en onderhewig aan sodanige voorwaardes as wat hy nodig of wenslik ag, die gebied binne die beheer en jurisdiksie van enige owerheid vrystel van die werking van hierdie regulasies indien hy tevrede is dat -
- (a) sodanige owerheid oor gekwalifiseerde tegniese beamptes beskik wat bekwaam is om die owerheid te adviseer oor sake wat verband hou met die onderverdeling van grond en die uitleg van nuwe dorpe, en
- (b) dit in die openbare belang is om dit te doen.
- (2) Enige kennisgewing uitgereik ingevolge hierdie regulasie mag op enige stadium gewysig, verander of herroep word deur die Minister by verdere kennisgewing.

HOOFSTUK X

GRONDBRIEFREGTE GEDURENDE STIGTING VAN DORP

Beskikking oor grondbriefregte gedurende stigting van dorp

41. Die registrasiebeampte kan grondbriefregte registreer ten opsigte van persele wat getoon word op 'n algemene plan of onderverdelingsdiagram wat, onderhewig aan die bepaling van regulasie 42, geëndosseer is vir die Sekretaris vir die doel, nieteenstaande die feit dat -
- (a) die dorpsregister nie geopen is ingevolge regulasie 22 nie;
- (b) die sertifikaat van nakoming van die voorwaardes van die stigting nie uitgereik is kragtens regulasie 28(1) nie.

Sekretaris moet algemene plan of diagram endosseer

42. (1) Die Sekretaris kan 'n algemene plan of diagram endosseer soos beoog in regulasie 41 indien -
- (a) sodanige algemene plan of diagram deur die Landmeter-generaal goedgekeur is;
- (b) die aansoeker voldoen het aan al die voorwaardes met betrekking tot die verskaffing van dorpsingenieursdienste wat gestel is ingevolge 16(1)(g) of 'n waarborg deur 'n finansiële instelling of ander liggaam ingedien het wat vir die Sekretaris aanvaarbaar is, om die koste van die nakoming van daardie voorwaardes te dek;

- (c) die aansoeker aan die Sekretaris verskaf het -
 - (i) 'n volmag wat die Sekretaris in staat stel om die dorpsregister te open indien die relevante dokumente nie deur die aansoeker by die Registrateur ingedien is nie binne die tydperk van ses maande in regulasie 22(1) na verwys of sodanige verlengde tydperk as wat ingevolge daardie regulasie toelaatbaar is;
 - (ii) 'n waarborg deur 'n bank, bouvereniging of ander finansiële instelling, of enige ander waarborg aanvaarbaar vir die Sekretaris, en geëndosseer as betaalbaar aan hom indien die aansoeker nie sodanige register open binne die tydperk beoog in subparagraaf (i) nie;
 - (iii) 'n onderneming aan die Sekretaris om hom te voorsien van alle planne, diagramme, titelaktes en ander dokumente wat vereis word om sodanige register te open indien dit nie binne daardie tydperk geopen is nie;
 - (iv) 'n afskrif van die algemene plan of diagram;
 - (d) 'n dorpsbeplanningskema wat betrekking het op sodanige persele goedgekeur is en bekend gemaak is soos bepaal in regulasie 43; en
 - (e) die bepalinge van regulasie 46(1)(b) nagekom is.
- (2) Die Sekretaris moet 'n afskrif van 'n algemene plan of diagram wat deur hom geëndosseer is ingevolge subregulasie (1) aan die registrasiebeampte voorsien.
- (3) Die bepalinge van hierdie hoofstuk is nie van krag op persele geleë in 'n voorlopige opmetingsgebied nie.

HOOFSTUK XI

DORPSBEPLANNINGSKEMAS

Skema moet in werking werking wees voor persele oorgedra word

43. (1) Die Sekretaris mag nie -
- (a) 'n sertifikaat van die nakoming van voorwaardes vir stigting ingevolge regulasie 28(1) uitreik; of
 - (b) 'n algemene plan of onderverdelingsdiagram ingevolge regulasie 41 endosseer, ten opsigte van enige perseel tensy 'n dorpsbeplanningskema in werking gestel is met betrekking tot daardie perseel nie.
- (2) Desnieteenstaande die bepalinge van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994, word die eerste dorpsbeplanningskema om ingevolge hierdie regulasies gestig te word, in werking gestel word sonder vooraf oorlegpleging, openbare kennisgewing, of om besware of vertoe met betrekking tot die skema te ontvang.

Standaard skemaklousules van toepassing

44. Die skemaklousules maak 'n deel uit van die eerste dorpsbeplanningskema vir enige dorp wat ingevolge hierdie regulasies gestig word, en is -
- (a) die skemaklousules vervat in Bylae B tot die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994; of
 - (b) indien die aansoeker die Sekretaris tevrede stel dat daar redelike gronde bestaan om enige ander sodanige klousules te stel, sodanige klousules wat die Sekretaris mag bepaal.

HOOFSTUK XII

DIVERSE BEPALINGS

Voortsetting van aansoek deur nuwe aansoeker

45. (1) Indien 'n ander persoon as die oorspronklike aansoeker die eienaar geword het van die grond ten opsigte waarvan 'n aansoek tot die stigting van 'n dorp gedoen is, en die nuwe eienaar stel die Sekretaris skriftelik in kennis dat hy graag met die aansoek wil voortgaan, kan die Sekretaris indien die aansoek nog nie verval het nie, goedkeuring verleen aan die voortsetting van die aansoek deur sodanige persoon op enige voorwaarde wat hy as wenslik beskou.
- (2) 'n Aansoeker wat voortgaan met 'n aansoek ingevolge subregulasie (1), word vir die doeleindes van hierdie regulasie, geag die aansoeker te wees wat oorspronklik die aansoek ingedien het.

Gelde betaalbaar ten opsigte van persele in 'n goedgekeurde dorp

46. (1) Die aansoeker moet aan die Sekretaris die gelde betaal uiteengesit in Bylae C ten opsigte van elke perseel getoon op die algemene plan of betrokke onderverdelingsdiagram voor -
- (a) enige kennisgewing ingevolge regulasie 23(1) of verklaring ingevolge regulasie 33(4) uitgereik word; of
 - (b) enige algemene plan of onderverdelingsdiagram deur die Minister ingevolge regulasie 41 geëndosseer word.
- (2) Die gelde betaalbaar voor die uitreiking van 'n kennisgewing of verklaring genoem in subregulasie (1)(a) moet betaal word niesteenstaande die feit dat gelde betaal is ten opsigte van 'n endossement gemeld in subregulasie (1)(b).

Kort titel

47. Hierdie regulasie heet die KwaZulu-Regulasies oor Grondsake (Dorpsstigting), 1994.

AANSOEK OM BESLUIT IN BEGINSEL

KWAZULU-REGULASIES OOR GRONDSAKE (DORPSTIGTING), 1994

[regulasie 9]

DEEL I: ERKENNING VAN ONTVANGS

AAN:

.....

.....

(aansoeker moet sy naam en adres invoeg)

Ek erken hiermee ontvangs van die oorspronklike en 'n afskrif van hierdie vorm, assok die dokumente hieronder vermeld (aansoeker moet beskrywing van dokumente invoeg), en ek ken hiermee verwysingsnommertoe aan hierdie aansoek.

1.

2.

3.

5.

6.

7.

8.

9.

10.

Sekretaris

Datum van ontvangs

DEEL II: AANSOEK

Die Sekretaris van Binnelandse Sake

Tyasaatsak X02

UNDI

3838

Aansoeker se adres

.....

.....

.....

Tel. No:

Aansoeker se verwysing:

Meneer

VOORGESTELDE DORP:

GELEëTE:

Ek, die ondergetekende,

doen hiermee aansoek om 'n besluit deur die Minister dat die stigting van 'n dorp op die hierinvermelde grond in beginsel aanvaarbaar is, en verstrek die besonderhede wat hierna verskyn.

Datum:

Handtekening:

* Skrap wat nie van toepassing nie.

1. DOKUMENTE INGESLUIT BY AANSOEK	JA	NEE	NVT
(Maak asseblief 'n kruisie in die toepaslike kolom)			
1.1 'n Afskrif van voltooide aansoekvorm, vergesel van die dokumente soos hieronder aangedui.....			
1.2 'n Memorandum ter ondersteuning van die aansoek			
1.3 'n Afskrif van die titelakte			
1.4 'n Lokaliteitplan wat die ligging aantoon van die voorgestelde dorp op die stuk grond, roetes wat toegang verleen tot die naaste hoofpad, en die padnetwerk in die omgewing van die dorp, die ligging van enige rioolstortplek binne 10 km van die dorp af.....			
1.5 'n Ingenieursverslag oor enige bestaande en vereiste grootmaatriering, watervoorsiening, elektrisiteit, pad- en dreineringsdienste			
1.6 'n Dorpsbeplanner se verslag oor konformiteit van die voorgestelde dorp op enige toepaslike of beoogde struktuurplan.....			
1.7 'n Afskrif van 'n geotegniese verslag..			
1.8 Indien die antwoord "nee" of "nie van toepassing" is ten opsigte van enige van die voormelde dokumente, vertrek redes (lang verduidelikings kan as bylaes aangeheg word)			
1.9 Ander dokumente aangeheg			

2. SPESIFIEKE INLIGTING TEN OPSIGTE VAN VOORGESTELDE DORP

2.1 Voorgestelde naam van dorp.....

2.2 Naam van aansoeker.....

2.3 Eiendom

Titelaktebeskrywing van elke deel van die plaas/kleinhoue* waarop die voorgestelde dorp ontwikkel moet word:

.....

.....

(i) Titelaktenommer:

(ii) Titelaktenommer:

.....

(iii) Titelaktenommer:

.....

2.4 Volle naam van geregistreerde grondeienaar:

.....

2.5 Die voorgestelde dorp -

2.5.1 is geleë binne die stam-/plaaslikeowerheidsgebied van

.....

2.5.2 grens aan die volgende stam-/plaaslikeowerheidsgebiede:

.....

.....

2.6 Die voorgestelde dorp val binne die gebied van die
dorpsbeplanningskema/val nie binne die gebied van enige dorpsbeplanningskema nie*.

2.7 Voorgestelde gebruik(e) van grond en totale aantal persele bedoel vir elke gebruik:

	Voorgestelde gebruik	Getal persele
2.7.1	Residensieel	.....
2.7.2	Sake	.....
2.7.3	Industrieel	.....

2.7.4	Gemeenskapfasiliteit	.....
2.7.5	Munisipaal	.....
2.7.6	Landbou	.....
2.7.7	Openbare oop ruimte	.....
2.7.8	Parkering	.....
2.7.9	Regerings-	.....
2.7.10	Spesiaal	.....
2.7.11	Onbepaald	.....

- 2.8 Die grond waarop die dorp gestig sal word -
 * sal beskikbaar gemaak word/is beskikbaar gemaak aan die aansoeker deur

.....

 soos beoog in artikel 6 van die Wet, en die voorwaardes ingevolge waarvan die grond aldus beskikbaar gemaak is, is vervat in 'n
 grondbeskikbaarheidsooreenkoms*, waarvan 'n afskrif by hierdie aansoek aangeheg is

of

* sal gestig word deur die aansoeker namens

.....

 (voeg naam van eienaar in) kragtens 'n volmag, waarvan 'n afskrif by hierdie aansoek aangeheg is

* Skrap wat nie van toepassing is nie

BYLAE B

AANSOEK OM STIGTING VAN DORP

KWAZULU-REGULASIES OOR GRONDSAKE (DORPSTIGTING), 1994

[regulasie 12(1)]

DEEL I: ERKENNING VAN ONTVANGS

AAN:

.....

.....

.....

(aansoeker moet sy naam en adres invoeg)

Ek erken hiermee ontvangs van die oorspronklike en twee afskrifte van hierdie vorm, asook die dokumente hieronder vermeld (aansoeker moet beskrywing
 van dokumente invoeg), en ek ken hiermee verwysingsnommer toe aan hierdie aansoek.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

.....
 Sekretaris

.....
 Datum van ontvangs

DEEL II: AANSOEK

Die Sekretaris van Binnelandse Sake
Privaatsak X02
ULUNDI
3838

Aansoeker se adres

.....
.....
.....
.....

Tel. No:

Aansoeker se verwysing:

Meneer

VOORGESTELDE DORP:

GELEËTE:

Ek, die ondergetekende,

- * die geregistreerde eienaar van die grond hierin beskryf,
of
 - * die persoon aan wie die grond hierin beskryf beskikbaar gemaak is soos beoog in artikel 5 van die KwaZulu-Wet op Grondsake, 1992,
of
 - * die behoorlik gevolmagtigde verteenwoordiger van sodanige persoon
- doen hiermee aansoek om toestemming om 'n dorp te ontwikkel op die hierinvermelde grond en verstrek die besonderhede wat hierna verskyn.

Datum:

Handtekening:

* Skrap wat nie van toepassing is nie.

1. DOKUMENTE INGESLUIT BY AANSOEK	JA	NEE	NVT
<i>(indien nie ingesluit in 'n aansoek om 'n besluit in beginsel ingevolge regulasie 11 nie) (Maak asseblief 'n kruisie in die toepaslike kolom)</i>			
1.1 Twee afskrifte van ingevulde aansoekvorm, wat elk vergesel gaan van die dokumente hieronder aangedui.....			
1.2 'n Afdruk van die voorgestelde dorpsuitleg, insluitende 'n 1:50 000 inset-lokaliteitsplan wat die ligging van die voorgestelde dorp in verhouding tot kadastrale grense en die naaste hoofpad aandui.....			
1.3 'n Afskrif van die memorandum ter ondersteuning van die aansoek.....			
1.4 'n Afskrif van die titelakte(s).....			
1.5 'n Afskrif van enige serwituutakte wat op die grond van toepassing is.....			
1.6 'n Afskrif van enige verbandakte(s) wat op die grond van toepassing is.....			
1.7 'n Afskrif van die sertifikaat van mineraalregte of sessie van mineraalregte			
1.8 'n Afskrif van die eienaar se toestemming, of sy volmagte, indien van toepassing.....			
1.9 'n Afskrif van die aansoeker se maatskappybesluit, indien van toepassing			
1.10 'n Vloedwaterlynsertifikaat wat aandui of die grond onderhewig is of nie			

- aan 'n 1-in-50 jaar-vloed.....
- 1.11 'n Afskrif van die verbandhouer se toestemming, indien van toepassing
- 1.12 'n Afskrif van die mineraalregtehouer se toestemming, indien van toepassing
- 1.13 Bewys van uithou vir die doel van 'n dorp ingevolge artikel 184 van die Wet op Mynregte, 1967, indien van toepassing
- 1.14 'n Afskrif van 'n geotegniese verslag
- 1.15 'n Sertifikaat van 'n landmeter, dorpsbeplanner of prokureur wat bepaal dat die titelvoorwaardes of serwituut(ute) soos in die titelakte(s) verskyn, nie die voorgestelde dorp affekteer nie, of wat die wyse waarop elke serwituut gekanselleer of gewysig sal word, aandui
- 1.16 'n Afskrif van die grondbeskikbaarheidsooreenkoms, indien reeds aangegaan
- 1.17 'n Afskrif van enige ingenieursdiensteooreenkoms, indien reeds aangegaan
- 1.18 Ontwerpskemaklousules.....
- 1.19 Indien die antwoord "nee" of "nie van toepassing" is ten opsigte van enige van die voorafgaande dokumente, verstrek redes (lang verduidelikings kan aangeheg word as aanhangsels)
- 1.20 Ander-dokumente aangeheg

2. SPESIFIEKE INLIGTING OOR VOORGESTELDE DORP

- 2.1 Naam van voorgestelde dorp (dui ook aan of die naam goedgekeur is deur die betrokke owerheid en, indien wel, deur wie):

- 2.2 Naam van aansoeker:

- 2.3 Eiendom

Titelaktebeskrywing van elke deel van die plaas/kleinhoewe* waarop die voorgestelde dorp ontwikkel gaan word:

- (i) Titellaktenommer:

- (ii) Titellaktenommer:

- (iii) Titellaktenommer:

- 2.4 Volle naam van geregistreerde eienaar van grond:

- 2.5 Die grond is/is nie* onder verband (nie)* en die besonderhede van die betrokke verbandaktes is soos volg:

- 2.5.1 Eiendom

- (i) Verband no.ten gunste van

- (ii) Verband no.ten gunste van

- (iii) Verband no.ten gunste van

- 2.5.2 Eiendom

- (i) Verband no.ten gunste van

- (ii) Verband no.ten gunste van

- (iii) Verband no.ten gunste van

2.6 Mineraalregte is/is nie* geskei van die eiendomsreg van die grond (nie)* en word gehou deur:

..... kragtens Sertifikaat No
..... kragtens Sertifikaat No
..... Kragtens Sertifikaat No

2.7. 'n Huurkontrak ten opsigte van die mineraalregte is/is nie* toegestaan (nie)* / 'n Prospekterkontrak is/is nie* aangegaan (nie)*, waarvan die besonderhede soos volg is*:

.....
.....
.....

2.8 Status van die grond ingevolge die Wet op Mynregte, 1967:

2.8.1 Die grond is/is nie* geproklameer ingevolge daardie Wet (nie)* (*verskaf besonderhede*):

.....
.....

2.8.2 Die grond is/is nie* uitgehou vir dorpsdoeleindes ingevolge artikel 184 van daardie Wet (nie)* (*verskaf besonderhede*):

.....
.....

2.8.3 Die grond is/is nie* gemyn vir waardevolle metale of basismetale soos gedefinieer in artikel 1 van die Wet (*verstrek besonderhede*):

.....
.....

2.9 Die aansoeker is van voorneme om nog die volgende stappe te doen ten opsigte van die posisie soos uiteengesit in paragrawe 2.6, 2.7 en 2.8 hierbo (*verstrek volledige besonderhede van die stappe wat die aansoeker van voorneme is om te doen en wanneer dit waarskynlik afgehandel sal wees*):

.....
.....

2.10 Die aansoeker versoek dat die Minister die aansoek goedkeur nieteenstaande die feit dat die stappe waarna in paragraaf 2.9 hierbo verwys is, nog nie uitgevoer is nie, en versoek verder dat die Minister die volgende voorwaardes in dié verband van toepassing maak, soos bedoel in regulasie 18:

.....
.....

2.11 Die voorgestelde dorp -

2.11.1 is geleë binne die stam-/plaaslikeowerheidsgebied van

.....

2.11.2 grens aan die volgende stam-/plaaslikeowerheidsgebiede:

.....
.....

2.12 Die voorgestelde dorp val binne die gebied van die.....dorpsbeplanningskema/ val nie binne die gebied van enige dorpsbeplanningskema nie*.

2.13 Voorgestelde gebruik(e) van grond en totale aantal persele bedoel vir elke gebruik:

	Voorgestelde gebruik	Getal persele
2.13.1	Residensieel	.....
2.13.2	Sake	.....
2.13.3	Industrieel	.....
2.13.4	Gemeenskapfasiliteit	.....
2.13.5	Munisipaal	.....
2.13.6	Landbou	.....
2.13.7	Openbare oop ruimte	.....

- 2.13.8 Parkering
- 2.13.9 Regerings-

2.14 Dui in besonderhede aan hoe elk van die voorwaardes en serwitute in die titelakte(s) van die eiendomme die voorgestelde dorp raak en hoe met elk van hierdie voorwaardes en serwitute gehandel staan te word:

(Waar aangedui word dat 'n titelvoorwaarde of serwituut nie die voorgestelde dorp raak nie, moet 'n sertifikaat te dien effekte van 'n geregistreerde landmeter of dorpsbeplanner of prokureur ingedien word.)

2.8 Die grond waarop die dorp gestig sal word - * is beskikbaar gemaak aan die aansoeker deur

soos beoog in artikel 5 van die Wet, en die voorwaardes ingevolge waarvan die grond aldus beskikbaar gemaak is, is vervat in 'n grondbeskikbaarheidsooreenkoms*, waarvan 'n afskrif by hierdie aansoek aangeheg is

of

* sal gestig word deur die aansoeker namens

(voeg naam van eienaar in) kragtens 'n volmag, waarvan 'n afskrif by hierdie aansoek aangeheg is

* Skrap wat nie van toepassing is nie

3. DEEL III: VOORWAARDES VAN STIGTING

(Sien regulasie 16. Die Minister sal hierdie deel van die aansoek as basis gebruik vir die ople van stigtingsvoorwaardes kragtens regulasie 18.)

3. OPSOMMING VAN DORPSBESONDERHEDE

(Paragraaf 3 dien as 'n kontroleblad. Met die uitsondering van paragraaf 3. 7 hieronder moet die aansoeker besonderhede verskaf:)

- 3.1 Voorgestelde naam van dorp
- 3.2 Bevattende (getal erwe en gebruike)
- 3.3 Soos getoon op uitlegplan No.
- 3.4 Geleë te
- 3.5 In die jurisdiksiegebied van (owerheid)
- 3.6 Titelakte(s) No.
- 3.7 Wysigings, indien daar is (moet deur Sekretaris ingevul word)... ..

4. VOORGESTELDE VOORWAARDES WAARAAN VOLDOEN MOET WORD VOOR VERKLARING VAN DORP TOT GOEDGEKEURDE DORP Kragtens REGULASIE 23

(Die voorwaardes vermeld in paragraaf 4 is slegs riglyne en die aansoeker kan gewysigde en/of ander voorwaardes in gepaste gevalle voorstel.)

4.1 KANSELLASIE VAN BESTAANDE TITELVOORWAARDES

Die aansoeker moet op eie koste die volgende voorwaardes en serwitute laat kanselleer, of andersins daarmee soos volg handel:

4.2 KONSOLIDASIE VAN SAMESTELLENDEN DELE

Die aansoeker moet op eie onkoste die samestellende dele wat die dorp uitmaak, laat konsolideer, waar nodig.

4.3 MINERAALREGTE

5.2 ONTWERP

Die dorpsgebied sal bestaan uit erwe en strate soos aangedui op plan.....

5.3 BESIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe, uitgesonderd ondergenoemde erwe, moet onderworpe gestel word aan bestaande voorwaardes en serwiture wat nie gekanselleer of ... andersins mee gehandel is ooreenkomstig paragraaf 4.1 hierbo nie, indien daar is, met inbegrip van die reservering van mineraalregte:

5.4 REPOSITIONERING VAN ELEKTRIESE BANE

Indien dit as gevolg van die ontwikkeling van die dorp nodig sou word om enige bestaande elektriese installasies te repositioneer, word die koste daaraan verbonde deur die aansoeker gedra.

5.5 VOORSIENING EN INSTALLASIE VAN DIENSTE

5.5.1 Die aansoeker moet alle interne dienste in die dorp voorsien en installeer.

5.5.2 Die KwaZulu-regering sal alle eksterne dienste in die dorp voorsien en installeer.

5.6 ANDER VOORWAARDES

(Voeg ander voorwaardes in waaraan voldoen moet word voordat die grond registreerbaar word, byvoorbeeld voorwaardes met betrekking tot begiftigings of voorwaardes betreffende mineraalregte wat nagekom moet word na goedkeuring van die dorp.)

6. VOORGESTELDE GEBRUIKE VAN GROND DEUR MINISTER GOEDGEKEUR TE WORD

(Die ontwerp-skemaklousules wat die aansoek vergesel, moet die verskillende voorgestelde grondgebruike bepaal. Voeg die ernommers in soos dit op die uitlegplan verskyn. Indien aan dieselfde erwe ander nommers op die algemene plan toegeken word, moet oordrag van sodanige erwe gegee word met verwysing na die nommers soos dit op die algemene plan en die skemakaart verskyn, en is die gebruike in die skema van toepassing.)

6.1 Residensieel: Erwe Nos.....

6.2 Sake: Erwe Nos.....

6.3 Industrieel: Erwe Nos.....

6.4 Spesiaal (spesifiseer): Erwe Nos.....

6.5 Openbare oop ruimte: Erwe Nos.....

6.7 Munisipaal: Erwe Nos.....

6.8 Parkering: Erwe Nos.....

6.9 Regerings: Erwe Nos.....

7. ONTWERPTITELVOORWAARDES

7.1 Die erf is onderworpe aan 'n serwituut, 1 meter wyd, ten gunste van die plaaslike owerheid, vir riool- en ander munisipale doeleindes, langs enige twee grense uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut van 1 meter wyd, vir munisipale doeleindes, oor die toegangsdeel van die erf indien en wanneer deur die plaaslike owerheid benodig: Met dien verstande dat die plaaslike owerheid kan afsien van die nakoming van hierdie serwituut.

7.2 Geen gebou of ander struktuur mag opgerig word binne bogenoemde serwituutgebied nie en geen grootwortelbome mag in sodanige serwituutgebied of binne 1 meter daarvan geplant word nie.

7.3 Die plaaslike owerheid is daarop geregtig om tydelik op die grond aangrensend aan voornoemde serwituutgebied sodanige materiaal te stort as wat uitgegrawe word in die loop van die konstruksie, instandhouding of verwydering van sodanige hoofrioolleidings en ander werke as wat hy na sy oordeel nodig ag en is voorts geregtig op redelike toegang tot genoemde grond vir bogenoemde doel, onderworpe daaraan dat enige skade aangerig tydens die proses van konstruksie, instandhouding of verwydering van sodanige hoofrioolleidings en ander werke goedgemaak moet word deur die plaaslike owerheid.

BYLAE C
TARIEF VAN GELDE EN HEFFINGS

A. Gelde, met die uitsondering van publikasiegelde en reistoelae

1. Aansoek vir 'n besluit in beginsel (regulasie 9(1)(b)): R90,00 plus 80c/ha of deel daarvan ten opsigte van die betrokke grond.
2. Aansoek om dorp te stig (regulasie 12(1)(b)): R10,00 per aansoek plus R5,00 per erf.
3. Aansoek om voorwaardes te verander ten opsigte waarvan dorpsaansoek toegestaan is (regulasie 20): R40,00.
4. Gelde betaalbaar voor goedkeuring van dorp (regulasie 46(1)(a)): R6,00 per erf.
5. Gelde betaalbaar voor endossement van algemene plan of diagram (regulasie 46(1)(b)): R6,00 per erf.

B. Publikasiegelde en reistoelae:

1. Publikasiegelde (regulasie 9(b)): R250,00.
2. Reistoelae, vir die afstand wat werklik en noodsaaklikerwys gereis is, bereken vanaf die kantoor van die betrokke persoon, beide die heen- en terugreis, per kilometer, of deel daarvan (regulasie 12(2)): R0,70.

C. Deposito:

1. Deposito betaalbaar by aansoek om dorp te stig (regulasie 12(2)): R200,00.

BYLAE D

KENNISGEWING VAN VOORGESTELDE DORP

KWAZULU-REGULASIES OOR GRONDSAKE (DORPSTIGTING), 1994

[regulasie 10(a)(ii) of 13(1)]

NEEM ASSEBLIEF KENNIS DAT die ontwikkelaar hieronder genoem voorstel om 'n dorp te stig op die grond hieronder beskryf.

NEEM ASSEBLIEF VERDER KENNIS DAT die betrokke planne, dokumente en inligting ter insae is by die kantore van die Magistraat en die ontwikkelaar (hieronder aangedui) vir 'n tydperk van drie weke vanaf..... *(voeg datum van eerste publikasie van hierdie kennisgewing in)*

NEEMASSEBLIEF VERDER KENNIS DAT enige persoon wat verhoë wil rig oor die stigting van die voorgestelde dorp moet sodanige verhoë saam met die redes daarvoor rig aan die Sekretaris van Binnelandse Sake, KwaZulu-Regering, by sy adres hieronder uiteengesit binne die genoemde tydperk van 3 (drie) weke.

Voorgestelde naam van dorp.....

Adres van magistraat waar dokumente ter insae is

Adres van ontwikkelaar waar dokumente ter insae is.....

Adres van Sekretaris van Binnelandse Sake

Benaderde hoeveelheid en sonering van erwe.....

Ligging en beskrywing van grond.....

Benaderde hoeveelheid en sonering van erwe.....

Ligging en beskrywing van grond.....

IZIMEMEZELO

ISAZISO KWABAMEMEZELO NABAKHOKHAYO IMALI

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

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

(b) Ezinye izimemezele: ngolwimi:-

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

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

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

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

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

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeke kwamagama athile noma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalayisense amabhizinisi/emisebenzi mabaqaphele uhlelo 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

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

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

(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 eiename 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